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Contents

I Acts whose publication is obligatory

- ★ **Decision No 2367/2002/EC of the European Parliament and of the Council of 16 December 2002 on the Community statistical programme 2003 to 2007 ⁽¹⁾ 1**
- ★ **Council Regulation (EC) No 2368/2002 of 20 December 2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds 28**
- ★ **Council Regulation (EC) No 2369/2002 of 20 December 2002 amending Regulation (EC) No 2792/1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector 49**
- ★ **Council Regulation (EC) No 2370/2002 of 20 December 2002 establishing an emergency Community measure for scrapping fishing vessels 57**
- ★ **Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy 59**
- ★ **Council Regulation (EC) No 2372/2002 of 20 December 2002 instituting specific measures to compensate the Spanish fisheries, shellfish industry and aquaculture, affected by the oil spills from the Prestige 81**
- Commission Regulation (EC) No 2373/2002 of 30 December 2002 establishing the standard import values for determining the entry price of certain fruit and vegetables 84
- Commission Regulation (EC) No 2374/2002 of 30 December 2002 amending Regulation (EC) No 668/2001 increasing to 3 499 978 tonnes the quantity of barley held by the German intervention agency for which a standing invitation to tender for export has been opened 86

⁽¹⁾ Text with EEA relevance

(Continued overleaf)

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EN

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

The titles of all other acts are printed in bold type and preceded by an asterisk.

★ Commission Regulation (EC) No 2375/2002 of 27 December 2002 opening and providing for the administration of Community tariff quotas for common wheat of a quality other than high quality from third countries and derogating from Council Regulation (EEC) No 1766/92	88
★ Commission Regulation (EC) No 2376/2002 of 27 December 2002 opening and providing for the administration of a Community tariff quota for barley from third countries and derogating from Council Regulation (EC) No 1766/92	92
★ Commission Regulation (EC) No 2377/2002 of 27 December 2002 opening and providing for the administration of a Community tariff quota for malting barley from third countries and derogating from Council Regulation (EC) No 1766/92	95
★ Commission Regulation (EC) No 2378/2002 of 27 December 2002 derogating from Regulation (EC) No 1249/96 on rules of application (cereal sector import duties) for Council Regulation (EEC) No 1766/92	101
★ Commission Regulation (EC) No 2379/2002 of 30 December 2002 approving operations to check compliance with the marketing standards applicable to fresh fruit and vegetables carried out in Slovakia prior to import into the European Community	108
★ Commission Regulation (EC) No 2380/2002 of 30 December 2002 amending Regulation (EC) No 883/2001 laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 as regards trade with third countries in products in the wine sector	117
★ Commission Regulation (EC) No 2381/2002 of 30 December 2002 amending Regulation (EC) No 2342/1999 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 on the common organisation of the market in beef and veal as regards premium schemes	119
★ Commission Regulation (EC) No 2382/2002 of 30 December 2002 amending Regulation (EEC) No 94/92 laying down detailed rules for implementing the arrangements for imports from third countries provided for in Council Regulation (EEC) No 2092/91 ⁽¹⁾	120
★ Commission Regulation (EC) No 2383/2002 of 30 December 2002 amending Regulation (EC) No 2366/98 laying down detailed rules for the application of the system of production aid for olive oil for the 1998/1999 to 2003/2004 marketing years	122
★ Commission Regulation (EC) No 2384/2002 of 30 December 2002 amending Regulation (EEC) No 2837/93 laying down detailed rules for the application of Council Regulation (EEC) No 2019/93 with regard to the maintenance of olive groves in traditional olive-growing areas	124
★ Commission Regulation (EC) No 2385/2002 of 30 December 2002 continuing and amending prior Community surveillance of imports of certain iron and steel products originating in certain third countries	125
Commission Regulation (EC) No 2386/2002 of 30 December 2002 fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty	128
Commission Regulation (EC) No 2387/2002 of 30 December 2002 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty	130
Commission Regulation (EC) No 2388/2002 of 30 December 2002 amending the corrective amount applicable to the refund on cereals	132

Commission Regulation (EC) No 2389/2002 of 30 December 2002 altering the export refunds on white sugar and raw sugar exported in the natural state	134
Commission Regulation (EC) No 2390/2002 of 30 December 2002 fixing the export refunds on syrups and certain other sugar products exported in the natural state	136
Commission Regulation (EC) No 2391/2002 of 30 December 2002 fixing the production refund on white sugar used in the chemical industry	138
Commission Regulation (EC) No 2392/2002 of 30 December 2002 fixing the import duties in the cereals sector	139

II Acts whose publication is not obligatory

European Parliament and Council

2002/1010/EC:

- ★ **Decision of the European Parliament and of the Council of 21 November 2002 on the mobilisation of the EU Solidarity Fund according to point 3 of the Interinstitutional Agreement of 7 November 2002 between the European Parliament, the Council and the Commission on the financing of the European Union Solidarity Fund, supplementing the Interinstitutional Agreement of 6 May 1999 on budgetary discipline and improvement of the budgetary procedure** 142

European Central Bank

2002/1011/EC:

- ★ **Decision of the European Central Bank of 19 December 2002 on the approval of the volume of coin issuance in 2003 (ECB/2002/12)** 144

I

(Acts whose publication is obligatory)

**DECISION No 2367/2002/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 16 December 2002
on the Community statistical programme 2003 to 2007
(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 285 thereof,

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

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

Following consultation of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾,

Whereas:

- (1) In accordance with Council Regulation (EC) No 322/97 of 17 February 1997 on Community statistics ⁽⁴⁾, a Community statistical programme should be established.
- (2) Council Regulation (EC) No 322/97 establishes the principles for the production of Community statistics and applies to this Decision.
- (3) Economic and monetary union is imposing substantial demands on the supply of monetary, balance of payments and financial statistics for the Community.
- (4) In accordance with Regulation (EC) No 322/97, the Community must have timely access to statistical information comparable between the Member States which is up to date, reliable, pertinent and produced as efficiently as possible for the formulation, application, monitoring and assessment of its policies.
- (5) The availability of up-to-date comparable statistics of good quality is often a necessary condition for implementing Community policies.
- (6) In order to ensure the consistency and comparability of statistical information in the Community, there is a need to establish a five-year Community statistical programme

which identifies the approaches, the main fields and the objectives of the actions envisaged in respect of these priorities.

- (7) To this effect, the Community authorities should ensure comparable and high quality statistics.
- (8) The specific method of drawing up Community statistics requires particularly close cooperation within a developing Community statistical system via the Statistical Programme Committee, set up by Council Decision 89/382/EEC, Euratom ⁽⁵⁾, as regards the adaptation of the system, notably via the introduction of legal instruments necessary to establish the said Community statistics. Account is to be taken of the burden on respondents, be they business, households or individuals.
- (9) The production of Community statistics within the legislative framework of the five-year programme is the responsibility of the national authorities at national level and of the Community authority (Eurostat) at Community level.
- (10) In order to achieve this objective, close, coordinated and coherent cooperation between Eurostat and the national authorities is necessary.
- (11) To this effect, Eurostat should ensure the coordination under various forms of the national authorities in a network representing the European Statistical System (ESS) to assure the timely provision of statistics in support of European Union policy needs.
- (12) Detailed implementing measures for individual statistical actions may be entrusted to the ESS by the Commission, which should decide the objectives and the measures concerned.
- (13) In addition, in the implementation of this Programme, in accordance with Regulation (EC) No 322/97, the Commission is entrusted to execute certain implementing or execution tasks as they are defined in acts concerning individual statistical actions.

⁽¹⁾ OJ C 75 E, 26.3.2002, p. 274.

⁽²⁾ OJ C 125, 27.5.2002, p. 17.

⁽³⁾ Opinion of the European Parliament of 25 April 2002 (not yet published in the Official Journal), Council Common Position of 30 September 2002 (OJ C 275 E, 12.11.2002, p. 1) and Decision of the European Parliament of 20 November 2002 (not yet published in the Official Journal).

⁽⁴⁾ OJ L 52, 22.2.1997, p. 1.

⁽⁵⁾ OJ L 181, 28.6.1989, p. 47.

- (14) Consideration may be given as to whether certain of these tasks currently performed at Commission level could be executed, for example, by a specialised implementing body.
- (15) In certain areas covered by various Community policies a breakdown of data by gender is important.
- (16) This Decision lays down, for the entire duration of the programme, a financial framework constituting the prime reference within the meaning of point 33 of the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on the budgetary discipline and improvement of the budgetary procedure ⁽¹⁾, for the budgetary authority during the annual budgetary procedure.
- (17) The guidelines for establishing this programme have been submitted in accordance with Article 3(1) of Regulation (EC) No 322/97 to the Statistical Programme Committee, the European Advisory Committee on Statistical Information in the Economic and Social Spheres set up by Council Decision 91/116/EEC ⁽²⁾ and the Committee on Monetary, Financial and Balance of Payment Statistics set up by Council Decision 91/115/EEC ⁽³⁾,

HAVE ADOPTED THIS DECISION:

Article 1

Establishment of the statistical programme

The Community statistical programme for the period from 2003 to 2007 (hereinafter referred to as the programme) is hereby established. The programme is included in the Annexes.

Annex I defines the approaches, the main fields and the objectives of the actions envisaged during that period and also provides a summary of statistical requirements viewed from the perspective of the policy needs of the European Union. These needs are broken down by titles of the Treaty.

Annex II provides a summary of the Eurostat work themes.

Article 2

Objectives and policy priorities

Taking account of the available resources of the national authorities and the Commission, this programme shall be guided by the principal Community policy priorities of:

- economic and monetary union,
- European Union enlargement,

- competitiveness, sustainable development and the social agenda.

It shall also ensure the continuation of existing statistical support for decisions in current policy areas and the additional requirements arising from new Community policy initiatives. It shall take account of the need for ongoing review of statistical priorities and of the necessity of the statistics produced, with a view to making best use of available resources and minimising response burdens.

Furthermore, the Commission shall ensure comparable and high quality statistics.

Article 3

Financing

The financial framework for the implementation of this programme for the period 2003 to 2007 is hereby set at EUR 192 500 000.

EUR 150 727 000 shall be for the period 2003 to 2006. EUR 41 773 000 shall be for 2007. The amount of EUR 41 773 000 shall be deemed to be confirmed if it is consistent with the financial perspective in force for the period commencing in 2007.

The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspectives.

Article 4

Reports

During the third year of implementation of the programme, the Commission shall prepare an intermediate report showing its stage of development and present it to the Statistical Programme Committee.

At the end of the period covered by the programme, the Commission, after consulting the Statistical Programme Committee, shall present an appropriate evaluation report on the implementation of the programme, taking into account the views of independent experts. That report is to be completed by the end of 2008 and subsequently submitted to the European Parliament and the Council.

Article 5

Entry into force

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

⁽¹⁾ OJ C 172, 18.6.1999, p. 1.

⁽²⁾ OJ L 59, 6.3.1991, p. 21. Decision as amended by Council Decision 97/255/EC (OJ L 102, 19.4.1997, p. 32).

⁽³⁾ OJ L 59, 6.3.1991, p. 19. Decision as amended by Council Decision 96/174/EC (OJ L 51, 1.3.1996, p. 48).

*Article 6***Addressees**

This Decision is addressed to the Member States.

Done at Brussels, 16 December 2002.

For the European Parliament

The President

P. COX

For the Council

The President

M. FISCHER BOEL

ANNEX I

FIVE-YEAR STATISTICAL PROGRAMME: APPROACHES

INTRODUCTION

1. The need for statistical information for European Union Policy

EU Institutions and citizens need a factual means to assess the need for, and progress of, European policy initiatives. High quality statistical information is of primary importance in meeting this need. Eurostat (the Statistical Office of the European Communities) has as its main task the compilation and dissemination of relevant and timely information across a wide range of social, economic and environmental topics in support of existing and future policies of the EU. In an evolving Europe, statistical information has to be made available in a form and at a time when the user needs it. Thus, during the period of this programme further efforts will need to be made to ensure that citizens have access to an increasing amount of basic information about economic, social and environmental developments in the EU. The ESS (European Statistical System) needs to develop further its structures and strategies to ensure that the system as a whole maintains and develops the necessary quality and effectiveness to meet all user needs.

Structure of the Annex

This Annex concentrates on the policy determinants of the programme of work and provides a summary of European statistical requirements viewed from the perspective of the policy needs of the European Union. These needs are classified by the Titles identified in the Treaty establishing the European Community.

For each of these policy Titles, this Annex provides:

- the principal orientation of the statistical work to be carried out within this five-year period for each policy area and the specific action plans envisaged, including any foreseeable legal acts,
- the areas of statistical work which support the policies of the Title according to the themes of statistical work as defined in the Activity-Based Management framework.

2. Implementation strategies*(a) Objectives*

The objectives laid down in the Eurostat Corporate Plan will underpin the execution of the work programme, which shall be carried out taking into account the principle of cost-effectiveness established in Article 10 of Regulation (EC) No 322/97. These objectives are:

- Eurostat at the service of the Commission,
- Eurostat at the service of other European Institutions and the wider user community,
- Contributing to the maintenance and development of the European Statistical System,
- Boosting staff motivation and satisfaction,
- Improving the quality of its products and services,
- Increasing internal productivity.

(b) Statistical production

In association with its partners in the ESS, Eurostat will put into place production processes that assure that European Statistics achieve the level of quality required for EU policy management purposes. Particular emphasis will be given to statistics for the Euro-zone requirements.

Eurostat and the ESS partners will undertake a permanent review of EU and National Statistical information to ensure that it meets the real requirements for both EU and National Policy purposes and that the two aspects are fully integrated.

(c) Efficiency of implementation

The Commission will continue to assess its ways of working to ensure that the most efficient use is made of resources. Certain tasks in the field of statistics may be identified as being appropriate for implementation and follow-up by an executive agency. Establishment of such an executive agency would be preceded by a full analysis in conformity with Council and Commission provisions on such bodies. Partners in the ESS will be consulted through the Statistical Programme Committee and kept fully informed of this process.

(d) *Budgetary implementation of the programme*

Budgetary resources made available for statistical information under this programme are subject to the annual budgetary procedure without prejudice to budgetary resources made available under other legal acts. The resources will be used:

- for the production of statistics as defined in Regulation (EC) No 322/97, including the development and maintenance of statistical information systems and associated necessary infrastructure,
- for grants made to partners in the ESS (Eurostat envisages concluding framework agreements with such partners),
- for technical and administrative assistance as well as other support measures.

3. Priorities

The priorities for statistical work are managed according to four different categories of activity.

(a) *Community policy requirements*

The statistical implications of the major Community policy areas are those currently identified by the Commission and can be summarised as follows:

- Economic and Monetary Union: all of the statistics required for Phase III EMU and the pact on stability and growth,
- EU enlargement: incorporating those areas of statistical indicators of primary importance for the accession negotiations and for the integration of candidate countries into the ESS,
- competitiveness, sustainable development and the social agenda: in particular, statistics on the labour market, environment, services, living conditions, migration and *e* Europe,
- open coordination: the provision of indicators and related statistics, based on improved methodologies and harmonised outputs, in accordance with the mandates given by the European Council.

(b) *Major projects*

This covers primary areas of work necessary to assure the functioning of the system. These will be subject to a formal project management approach, as follows:

— *Infrastructure work*

Consolidate the functioning of the ESS in a deepened and enlarged Europe. Different instruments of cooperation between national statistical organisations and Eurostat will be put in place. These will be based mainly on the exchange of data between national statistical authorities, the specialisation of Member States in some specific domains and flexibility in the launching of statistical surveys to meet European and national needs.

Develop a system capable of reacting to developing policy needs and, at the same time, promote dialogue between statisticians and policy makers to ensure flexibility of response and relevance of statistical products.

The development of the technological infrastructure at Commission and Member State level will aim to ensure greater productivity, reduction in response burdens and easier user access to statistical information.

Eurostat's involvement in the *e* Commission and *e* Europe initiatives, as well as ESS access to research and development programmes and the interchange of data between administrations (IDA) programme will ensure cooperation and synergy between Community and national efforts.

Quality assurance and the scientific basis of Community statistics will be the result of close cooperation between official and academic statisticians.

— *Specific projects*

Statistics on the new economy, including domains such as the information society and innovation.

Statistics on research and development, including benchmarking of national RTD policies.

Short-term statistics.

Indicators to support policies for sustainable development.

Social exclusion and poverty indicators.

(c) *Statistical support to ongoing policies*

This covers the continuation of statistical activities, which support existing Community policy areas such as agriculture, regional policy and external trade.

(d) *Other areas*

Other areas of statistical data collection not covered above which are nevertheless required for policy purposes.

For activities within this priority framework, the detailed range and extent of data collected have in general been developed by Eurostat with the Member States in the context of the SPC and CMFB. This follows the rules defined in the Council Regulation on Community statistics and is in conformity with agreed principles for such decisions concerning work management.

4. **Subsidiarity**

The legislative context for this is:

1. Decision 89/382/EEC, Euratom establishing a Committee on the statistical programmes of the European Communities (SPC)
2. Council Regulation (EC) No 322/97
3. Commission Decision 97/281/EC of 21 April 1997 on the role of Eurostat as regards the production of Community statistics ⁽¹⁾.

Eurostat is responsible for ensuring the provision of Community statistics for EU policy purposes. Eurostat can only carry out this task in liaison with the statistical authorities in the Member States. Thus, activities are always based on a fundamental principle of subsidiarity. This involves a wide range of partner agencies but principally the national statistical institutes of the EU Member States.

5. **The balance of needs and resources**

The ESS has to maintain a vigilant watch on the balance between the needs for information for Community policy purposes and the resources required at EU, national and regional levels to provide this information. The provision of adequate resources in the national context is of particular importance in pursuing the statistical information requirements of EU policy decisions. It is also, however, important to maintain sufficient flexibility to allow the national authorities to satisfy Community statistical information needs in the most cost-effective manner.

To support a strategy based on balanced prioritisation, the yearly programming process should include ongoing review of the continuing necessity of existing Community statistics, identifying those which could be curtailed or discontinued. This must be conducted in close cooperation with the main users of statistics as an important consideration for the introduction of new statistical initiatives.

This Annex identifies the set of statistical requirements necessary to support Community policies. In the context of overall resource management, the allocation of priorities across the various components of statistical work is defined according to the framework described above.

FIVE-YEAR STATISTICAL PROGRAMME: OBJECTIVES AND ACTIONS

ENLARGEMENT OF THE EUROPEAN UNION

Statistical implications

It is expected that accession negotiations will be completed with an accession treaty for a number of candidate countries during the validity of the 2003 to 2007 programme. For the follow-up and potential completion of these negotiations, the Commission must be able to draw on a complete set of reliable statistics, methodologically comparable with those of the European Union countries. The Union will then face two somewhat different challenges:

- to integrate the potential new members in all Community mechanisms, including e.g. own-resources budgets and structural funds and all other issues and programmes,
- to continue to prepare the remaining candidates and help them to reach full compliance with current Community legislation.

⁽¹⁾ OJ L 112, 29.4.1997, p. 56.

In both cases the high demands placed on the statistical production of the candidates, to be verified and communicated through Eurostat, should not be underestimated. Evidently, basic economic statistics are indispensable, including sectoral and regional distribution of GDP creation, population, and employment. Other key areas are those which measure the implementation of the single market, i.e. activities with a cross-border effect such as trade in goods, trade in services and freedom of establishment, balance of payments, capital flows, mobility of persons (migrant workers, migration, asylum seekers, etc.), industrial production and structure with a view to capacity, etc. In general, statistical production has to support the EU policy concerned, including monetary union-generated demands. In addition there are requirements for statistics in sectors which are sensitive for the accession negotiations, supporting primary EU policies such as agriculture, transport, regional and environment.

Summary

During the five-year period work will concentrate on:

- consolidating the collection of harmonised data for negotiations and internal EU purposes,
- continuing assistance to candidate countries and new members to improve their statistical systems to meet Community requirements, including early information about any new Community legislation.

TITLE I

Free movement of goods

Statistical implications

The entry into force of the Single Market in 1993 led to the introduction of a system for the statistical measurement of trade in goods between Member States (Intrastat), a lessening of the burden on information providers and thus a more appropriate response to the needs of economic and monetary union. However, the lessening of the burden has been limited in view of the wishes of the national authorities and numerous professional federations to maintain a system of detailed statistics of intra-Community trade compatible with extra-Community statistics.

In line with the strategic plan approved in 1999 by Eurostat and the Member States, new adaptations of the system will be examined and tested prior to any reform of the legislation. The new system should therefore be focused on the supply of results meeting Community needs in accordance with strict quality requirements in terms of coverage, reliability and availability. The content of the results should be defined in such a way as to simplify current requirements whilst taking account of how needs develop as European integration progresses. Action will also be taken to improve the reliability of import and export price statistics to allow the internal competitiveness of the Union's products to be measured more effectively.

In parallel, the possible consequences of the switch to a common VAT system will have been analysed by an evaluation of the sources of administrative or statistical information which can be used as a reference, priority being given to maintaining the link with the VAT system and the use of the general business register.

Summary

At the end of the five-year programme the Commission will have adapted and improved the systems of statistical measurement of the trade of goods between Member States and with third countries, taking into account the development of the information requirements and the economic and administrative environment.

Policy needs and Eurostat outputs

<i>Treaty Title</i>	<i>Eurostat work themes</i>
TITLE I	
FREE MOVEMENT OF GOODS	
Principal themes of work necessary for this policy area	53 Trade in goods
Other important contributory themes	44 Statistics on the economic activity of enterprises
	45 Energy
	48 Transport
	64 Crop production
	65 Animal production
	66 Agro-industry statistics

TITLE II

Agriculture*Statistical implications**Agriculture*

The Common Agricultural Policy (CAP) absorbs nearly half the Communities' budget. The Commission thus has a major task with regard to the CAP, with the usual role of policy formulation, monitoring, evaluation and adaptation. The Commission has extensive delegated competence for current management. The main effort in the 2003 to 2007 five-year period will be, as in the programme 1998 to 2002, to operate this large set of statistics and to carry out essential maintenance. Particular attention will continue to be given to the environmental dimension, by developing statistics needed for analysing interlinkage between agriculture and the environment, including the improvement of statistics on the use of fertilisers and pesticides, on organic farming and on action to maintain biodiversity and rural habitats.

The Technical Action Plan for Agricultural Statistics (Tapas) management framework provides a collective and transparent approach to steadily improving use of available national and Community resources for producing agricultural statistics. The statistics produced will be put to greater use (e.g. modelling, direct access by Member States and European institutions).

Two tasks will be undertaken which look towards the future. Agricultural statistics will be formulated to meet the needs of the CAP seven to ten years hence, taking account of the way the CAP may change following the reforms resulting from the 'Agenda 2000'. Work on agri-environmental data will be further developed. In particular, work will continue on indicators of the integration of environmental considerations into the CAP and on operational landscape indicators. Attention will also be paid to the growing need for information in the consumer/welfare aspects of agriculture and to statistical support for the rural development component of the CAP. The conclusions of the comprehensive independent review of the present system will be used to adapt the set of Community agriculture statistics to be in a position to meet identified new or changing needs. The second task is to establish a regular flow of comparable data, from official sources, for all candidate countries for accession to the EU.

Forestry

In this area, particular attention has to be given to the maintenance and improvement of work with international organisations above all for the development of better quality forestry statistics, including specific criteria and indicators required for environmental management and sustainable forest management. Also, information on sustainable management of timber-derived industries needs to be developed in parallel. The consequences of the Bonn arrangements in the context of the Kyoto agreement will need to be taken into account for the developments in this work.

Fisheries

Future developments within the Common Fisheries Policy (CFP) will concentrate on the integration of the various components, from biology to resources, through improved monitoring of the activities of fishing vessels. These measures are unlikely to result in additional demand for data and the main effort in the coming years will be on consolidating and improving data flows (completeness, timeliness, consistency, comparability and accessibility) on the basis of existing legislation.

The social and economic consequences of limiting the activities of fishing vessels and reducing the size of the EU fishing fleet is producing an increased demand for data on parameters to assess the social and economic situation. These developments are likely to be important elements in the re-negotiation of the CFP in 2002. Eurostat will follow these negotiations closely to ensure that its programme of fishery statistics continues to reflect the data needs of the CFP.

Summary

During the programme period the Commission will strive to:

- apply the TAPAS scheme for progressive improvements to the existing set of agricultural statistics, mainly as far as quality, comparability, efficiency savings, simplification and timeliness are concerned,
- plan the development of agricultural statistics with the aim of meeting the future needs of the CAP,
- provide indicators for better integration of environmental considerations into the CAP and information on the consumer/welfare aspects of agriculture,
- assist in the development of comparable data in candidate countries for accession to the EU,
- consolidate, improve and extend (indicators) forestry statistics,
- consolidate and improve the quality of fishery statistics.

Policy needs and Eurostat outputs

<i>Treaty Title</i>	<i>Eurostat work themes</i>
TITLE II AGRICULTURE	
Principal themes of work necessary for this policy area	61 Land use and landscape 62 Agricultural structures 63 Agricultural monetary statistics 64 Crop production 65 Animal production 66 Agro-industry statistics 67 Coordination and reform of agricultural statistics 68 Forestry statistics 69 Fisheries statistics
Other important contributory themes	53 Trade in goods 70 Sustainable development 72 Regional statistics 74 Geographical and local information

TITLE III

Free movement of persons, services and capital*Statistical implications*

EU balance of payment statistics provide fairly detailed information on trade in services and direct investments. Statistics on the trade of foreign branches are currently being developed. Although all these statistics are being developed mainly in response to the General Agreement on Trade in Services (GATS) and therefore to provide information on operations with countries outside the Community, the Member States consider it essential to continue to draw up a national balance of payments (therefore including intra-EU flows) even within economic and monetary union. Currently, the statistics produced cover both extra-EU and intra-EU trade and thus meet the needs of the single market. However, there is a risk of uncertainty regarding this information. Also, the systems for collecting balance of payment data are currently being restructured (see Title VII). The Commission's needs in this area therefore need to be reassessed and redefined.

A system of globalisation indicators will be put in place. New statistical tools based on the exchange of data between the National Statistical Institutes and on the collection of information on European level will be used as pillars for the development of this domain.

The identification and monitoring of foreign affiliates (FATS) will allow the europeanisation and internationalisation of the production systems to be measured.

Statistics will aim more and more to analyse sustainable tourism together with sustainable development by developing satellite accounts.

The Council's decision on audiovisual statistics will have to be implemented. Eurostat will thus continue to consolidate the work already undertaken since 1999 to establish a Community statistical information infrastructure relating to the industry and markets of the audiovisual and related sectors. Additionally, a legal basis for telecommunications statistics will need to be developed.

A flexible and adaptable system for collecting information on information society indicators will gradually be established on the basis of existing or new surveys according to the priorities set by the Council.

Summary

During the five-year period the Commission will strive to:

- develop a stable and flexible set of indicators on globalisation,
- develop a stable and flexible set of indicators on information society, including audiovisual services,
- progress in the development of satellite accounts in the field of tourism.

Policy needs and Eurostat outputs

<i>Treaty Title</i>	<i>Eurostat work themes</i>
TITLE III FREE MOVEMENT OF PERSONS, SERVICES AND CAPITAL	
Principal themes of work necessary for this policy area	44 Statistics on the economic activity of enterprises 48 Transport 49 Information society 50 Tourism 54 Trade in services and balance of payments
Other important contributory themes	57 Statistics for business cycle analysis 70 Sustainable development 71 Environment statistics

TITLE IV

Visas, asylum, immigration and other policies related to free movement of persons*Statistical implications*

Community competence in the field of immigration and asylum was established by the entry into force of the Treaty of Amsterdam on 1 May 1999. At the request of the European Council, the Commission submitted in November 2000 two Communications to launch a debate in the Community on the long-term aspects of a common EU policy. Both Communications address the issue of statistics in this perspective. The Communication on a Community immigration policy ⁽¹⁾ emphasises that more information is needed about migration flows and patterns of migration into and out of the EU. The Communication on asylum ⁽²⁾ states that establishing and implementing the common European asylum system requires an in-depth analysis on the scale of migratory flows, their origins, as well as analysis of the characteristics of applications for protection and the response to them. The Union's enlargement and the development of cooperation with the countries of the Mediterranean Basin will only reinforce the needs for statistical information in these fields.

Summary

During the five-year programme period the Commission will:

- develop a more standardised nomenclature in the areas of migration and asylum in liaison with the national authorities,
- enhance the range and quality of statistics in this field to meet the initial requirements contained in the Commission communications on the subject.

Policy needs and Eurostat outputs

<i>Treaty Title</i>	<i>Eurostat work themes</i>
TITLE IV VISAS, ASYLUM, IMMIGRATION AND OTHER POLICIES RELATED TO FREE MOVEMENT OF PERSONS	
Principal themes of work necessary for this policy area	31 Population

TITLE V

Transport*Statistical implications*

Community transport statistics are required to support the common transport policy (Articles 70 to 80) and the transport component of the Trans-European networks (TENs) (Articles 154 to 156).

⁽¹⁾ Communication from the Commission to the Council and the European Parliament on a community immigration policy, 22 November 2000 (COM (2000) 757 final).

⁽²⁾ Communication from the Commission to the Council and the European Parliament 'Towards a common asylum procedure and a uniform status, valid throughout the Union, for persons granted asylum', 22 November 2000 (COM (2000) 755 final).

Transport is also an important part of Community regional and environmental policies (see Titles XVII and XIX) and particular attention will need to be accorded to sustainable development indicators.

Community statistics should constitute a comprehensive transport information system, including data on flows of goods and passengers, as well as on infrastructure, equipment, traffic flows, personal mobility, safety, energy consumption and environmental impact, as well as data on transport costs and prices, and on transport enterprises. A key objective will be to shift the balance between modes of transport, favouring rail and short-sea shipping over road transport, and thereby removing the existing coupling of economic growth with increased road traffic. It will be necessary to provide better statistics on modal split, covering passengers as well as freight, taking account of all modes of transport and improving timeliness aspects.

The opening up of transport markets to competition will require objective statistical data to monitor developments in these markets and to assess the impact of these developments on employment and working conditions in transport enterprises and on the economic viability of these businesses. It will also reinforce the demands for statistical indicators relating to safety and service quality. Market trends will require the collection of statistical data on freight transport which are less centred on single modes of transport, but which provide information on the complete inter-modal transport chain and on the transport of goods from a market perspective.

Monitoring the relationship between transport and the environment will be a main driving force for improved quality and coverage across all areas of transport data. It will also generate some specific requirements for additional data, for example on personal mobility and on transport equipment. There will be a need to respond to the growing demand for traffic data expressed in vehicle-kilometres for all modes of transport, in view of their importance in monitoring congestion and gas emissions.

The continued high level of investment in European transport infrastructure, and in particular the transport TEN, will generate specific needs for statistics on infrastructure and on market trends. The TEN, together with Community regional policies, will continue to generate demands for more spatially broken-down data on transport networks and flows, which should be considered an integral part of the overall transport information system.

Summary

During the five-year period the Commission will strive to:

- complete the coverage of Community transport statistics across all modes of transport and all types of information,
- continue to adapt and complete, where necessary, the legal basis for transport statistics,
- promote the collection of additional statistics on intermodal transport chains as well as those additional data needed to monitor the integration of environmental considerations into transport policies (the TERM exercise).

Policy needs and Eurostat outputs

<i>Treaty Title</i>	<i>Eurostat work themes</i>
TITLE V TRANSPORT	
Principal themes of work necessary for this policy area	48 Transport 72 Regional statistics
Other important contributory themes	44 Statistics on the economic activity of enterprises 45 Energy 49 Information society 50 Tourism 53 Trade in goods 61 Land use and landscape 70 Sustainable development 71 Environment statistics 74 Geographical and local information

TITLE VI

Common rules on competition, taxation and approximation of laws

No direct statistical programme is required. Statistical information for this title is derived as needed from data and indicators generated for other titles in the programme.

Policy needs and Eurostat outputs

<i>Treaty Title</i>	<i>Eurostat work themes</i>
TITLE VI COMMON RULES ON COMPETITION, TAXATION AND APPROXIMATION OF LAWS	
Principal themes of work necessary for this policy area	32 Labour market 53 Trade in goods
Other important contributory themes	44 Statistics on the economic activity of enterprises 45 Energy 48 Transport 49 Information society 63 Agricultural monetary statistics 64 Crop production 65 Animal production 66 Agro-industry statistics

TITLE VII

Economic and monetary policy*Statistical implications*

The implementation of Economic and Monetary Union requires very close statistical monitoring to support macroeconomic policy coordination and the monetary policy functions of the European System of Central Banks. The Stability and Growth Pact presents new statistical requirements. Meanwhile, measuring the extent of economic convergence achieved by Member States remains important.

In order to provide statistics with the necessary breadth, comparability, timeliness and frequency to coordinate macroeconomic policy and support the monetary policy functions of the European System of Central Banks, work will be pursued on short-term indicators of demand, output, the labour market, prices and costs. New methods (e.g. flash-estimation, nowcasting, etc.) will be applied to improve the service for business cycle analysts. This work will complement further development of monetary and financial indicators.

The permanent improvement of timeliness and coverage of data is needed in the framework of the Action Plan on EMU statistical requirements. The calculation of euro-zone aggregates in the shortest possible time will require the timely production of quarterly national accounts and the implementation of flash estimates. Moreover, major work will be necessary in the field of quarterly institutional sector non-financial and financial accounts fully consistent with annual accounts and short-term public finances. The request for counterpart information in the financial accounts, which shows the relationships from 'whom-to-whom' between sectors, is an important tool for monetary policy analysis. In a step-by-step approach, this information is to be collected during this five-year programme.

During the period of this programme, 2003 to 2007, the most significant single feature is expected to be the enlargement of the EU from 15 members to 20 or more. This will entail substantial work on data supply by the new members and on validation by Eurostat. To support fully the Commission's enlargement policy, assistance to the candidate countries will be pursued and developed, in order to ensure proper availability, quality, timeliness and comparability of the data.

For all Member States increased attention will be paid to the quality of the data, at both constant and current prices. One administrative use, own resources based on gross national income, will represent 60 % of the EU budget. Much of the task will be to continue and supplement the efforts made to harmonise statistics on the convergence criteria. The goal of maintaining price stability (Article 105 of the Treaty) and providing information for the euro-zone monetary policy of the ECB requires that, pursuant to Council Regulation (EC) No 2494/95 of 23 October 1995 concerning harmonized indices of consumer prices (⁽¹⁾), the quality of the Harmonised Indices of Consumer Prices (HICPs) should be maintained and further improved. HICP methodology is to be completed and consolidated within the framework of the abovementioned Council Regulation on HICPs.

(⁽¹⁾) OJ L 257, 27.10.1995, p. 1.

Monitoring of the budgetary situation and of the stock of government debt (Article 104 of the Treaty and the Stability and Growth Pact agreed upon in Dublin) will be based on the accounts of general government drawn up using the ESA 95 methodology approved by Council Regulation (EC) No 2223/96 of 25 June 1996 on the European system of national and regional accounts in the Community⁽¹⁾. Harmonisation and comparability will be kept under review in order to provide the institutional decision-makers with high quality and comparable statistical instruments so as not to create any distortions in the judgements made of the budgetary situation in each Member State.

The monitoring of the economic development in the Member States as provided for in Article 99 of the Treaty strengthens the need to implement fully the existing data transmission programme on national accounts according to the ESA 95 Regulation, especially as far as timeliness and coverage are concerned, and to extend it progressively to new areas through revision and extension of the legislation in force.

Work on drawing up the principal aggregates of the accounts in terms of purchasing power parities will be continued. The revision work on the methodology for purchasing power parities to make the results more reliable for comparative analyses, which started under the previous five-year programme, should be concluded with the adoption of the PPP Council Regulation.

The establishment of Economic and Monetary Union has considerable implications for the balance of payments statistics. Of particular importance here are the reporting thresholds, which if modified as currently foreseen, will require significant development work to ensure that the quality of this data can be maintained. Many Member States (especially those where bank reporting is the main source for balance of payments compilers) are currently revising their balance of payments collection systems in order to cope with the new circumstances. Work will be pursued in the coming years in order to ensure that Member States keep providing good quality and relevant data to the EU institutions and the ECB, especially on trade in services, foreign direct investment, and foreign affiliated trade statistics. Also the collection (and analysis) of data from candidate countries will have priority. These data are requested by several Commission services, especially those dealing with economic monitoring, trade policy, and external relations.

Summary

During the five-year period the Commission will aim to:

- pursue the development and production of statistics in the framework of the EMU Action Plan for the conduct of macroeconomic policy coordination and of monetary policy, for the Stability and Growth Pact and for the continued assessment of economic convergence,
- intensify implementation of the ESA 95 Regulation,
- revise the collection system for balance of payments statistics.

Policy needs and Eurostat outputs

<i>Treaty Title</i>	<i>Eurostat work themes</i>
TITLE VII ECONOMIC AND MONETARY POLICY	
Principal themes of work necessary for this policy area	32 Labour market 40 Annual economic accounts 41 Quarterly accounts 42 Financial accounts 44 Statistics on the economic activity of enterprises 52 Money and finance 54 Trade in services and balance of payments 55 Prices 57 Statistics for business cycle analysis
Other important contributory themes	53 Trade in goods

⁽¹⁾ OJ L 310, 30.11.1996, p. 1. Regulation as last amended by Regulation (EC) No 359/2002 (OJ L 58, 28.2.2002, p. 1).

TITLE VIII

Employment*Statistical implications*

EU labour statistics development will be driven by the following political processes: EU enlargement, European employment strategy, economic and monetary union and the benchmarking exercise (with structural indicators to be presented every year in spring to the European Council).

Labour statistics are largely governed by EU regulations. Thanks to this the candidate countries will have made major steps towards complying with EU requirements before 2003. Full compliance, regular data transmission and keeping pace with new developments will be the challenge during 2003 to 2007.

By fixing new employment rate objectives to be reached in 2005 and 2010, the European Council has reinforced the need to monitor the implementation of the European employment strategy and in particular the yearly implementation of the employment guidelines. This monitoring will need to record the implementation of the continuous labour force survey and the adaptation of its list of variables. The monitoring will require more frequent and complete statistics to measure the gender gap (in particular the wage gap in all economic activities) and the skill gap. This will involve structural statistics on earnings and studies on the implementation of a Community job vacancy survey.

In a zone as large as the EMU, the labour cost trend is the main potential inflationary pressure and has thus to be monitored by quick short term statistics of high quality. The implementation of the Labour Cost Index regulation and the continuous improvement of short term labour cost statistics are of utmost importance, as well as improved labour productivity measurement (implying an improved series on volume of work).

Summary

- implementation of a continuous LFS providing quarterly results in all Member States,
- harmonisation of part of the questionnaires,
- collection/analysis of the results of the 2002 structure of earnings survey,
- implementation of the 2004 labour cost survey covering NACE M-N-O,
- full implementation of the Council Regulation on labour cost index,
- implementation of the 2006 structure of earnings survey,
- designing a target system for European labour cost statistics.

Policy needs and Eurostat outputs

<i>Treaty Title</i>	<i>Eurostat work themes</i>
TITLE VIII EMPLOYMENT	
Principal themes of work necessary for this policy area	32 Labour market 33 Education 35 Health and safety 36 Distribution of incomes and living conditions 37 Social protection
Other important contributory themes	44 Statistics on the economic activity of enterprises 49 Information society 50 Tourism 63 Agricultural monetary statistics

TITLE IX

Common commercial policy*Statistical implications*

Article 133 of the Treaty gives responsibility to the European Commission for conducting negotiations on commercial agreements with third countries. This includes the trade agreements on services (GATS). For this purpose good quality data are essential.

Work will be pursued in the coming years in order to ensure that data on cross-border trade in services (both geographical breakdown and detail by components), foreign direct investment, and foreign affiliated trade maintain the quality standards, the level of detail, and the degree of harmonisation required by the Commission services in charge of conducting the commercial policy.

The Doha Round, launched in November 2001, will make sustainable development and the impact of the common commercial policy on developing countries a key issue. Coordination work on collecting global data will need to be undertaken.

The collection and analysis of data from candidate countries will also have first priority in the coming years. Work will also be undertaken to coordinate further the methodological discussion among Member States, notwithstanding the fact that a significant degree of harmonisation has already been achieved in this field. The drawing-up of Community BOP statistics is also indispensable to obtain a comprehensive BOP for the EU.

Work on harmonising the statistical rules will continue within a methodological framework which is more in line with the international recommendations recently adopted by the United Nations. Statistical information will be improved by more efficient use of the customs declaration's content and the needs ensuing from changes in the European Union and international trade (enlargement, globalisation, trade liberalisation) will be taken into account. Action will also be taken to improve the reliability of import and export price statistics to ensure better measurement of the external competitiveness of the Union's products.

Summary

By the end of the five-year programme the Commission will have:

- progressively integrated the candidate countries' data,
- adapted and improved the data collection and production systems,
- improved and further developed the methodological framework taking into account the international recommendations, new information requirements and the development of the economic and customs environment,
- enhanced the use of existing data and analysis on global sustainable development.

Policy needs and Eurostat outputs

<i>Treaty Title</i>	<i>Eurostat work themes</i>
TITLE IX COMMON COMMERCIAL POLICY	
Principal themes of work necessary for this policy area	53 Trade in goods 54 Trade in services and balance of payments
Other important contributory themes	19 Statistical cooperation with the candidate countries 21 Statistical cooperation with other third countries 42 Financial accounts 52 Money and finance

TITLE X

Customs cooperation

No direct statistical programme is required. Statistical information for this title is derived as needed from data and indicators generated for other titles in the programme.

TITLE XI

Social policy, education, vocational training and youth

Statistical implications

During this programme a coherent strategy will be developed to ensure the availability of a complete set of indicators covering all the social fields in close coordination with actions under Title VIII. The quality of existing information will be improved and new indicators are to be introduced to cover areas which have been identified as a priority, such as social exclusion and lifelong learning. In the context of the 'report on the concrete objectives of education and training systems' ratified by the Stockholm European Council, close cooperation between DG EAC and Eurostat will have to be pursued. In addition to the continuation of the statistical work on the three priorities defined for 2002 (basis skills, information and communication technologies, mathematical sciences and technology), the implementation of other objectives will require new work. Indicators for which data do not exist, or which do not meet the necessary quality criteria but which would be essential with regard to achieving the objectives laid down, will need to be developed.

Geographically the scope of social statistics will have to be extended to cover all the candidate countries and also areas lying outside the confines of Europe, such as the MEDSTAT (Euro-Mediterranean Programme of Statistical Cooperation) countries. The benchmark for this development will be demographic data; as the results of the 2001 census round are processed and published, this process will merge into the programme of regular updating and preparation for the next round, promoting a harmonised approach throughout the enlarged geographical area described above. Population projections for the entire area will also be needed at national level.

During this programme, improvements in data-gathering and processing in respect of international mobility in higher education and research, will play a particularly important role. The first task is to harmonise the basic definitions and the most important indicators.

The theme of 'lifelong learning' will be vital throughout this period, reflecting the fact that economic changes will require job and social skills to be constantly updated. A comprehensive system of 'learning' statistics will be required to serve employment, economic and education policies, giving special attention to public and private investment in education. The current range of information on education and training will need to be supplemented with further data on adult education.

The Commission Communication in 2002 on a new Community strategy on health and safety at work requires the full implementation of the last phase of the European statistics on accidents at work (ESAW) and the first phase of the European Occupational Diseases Statistics (EODS). Indicators on the quality of work, work-related health problems and the socioeconomic costs of health and safety at work will also be further developed.

In the context of Article 13 of the Treaty and the action to combat discrimination, a methodology will be set up to provide regular statistics on the integration of disabled people into society.

Significant social changes, most of which are already discernible, are expected to continue throughout the programme period (for example in the population pyramid, household structure, migration trends, working patterns, educational systems, etc.) and a new type of instrument will be required in addition to those described above. The EU statistics on income and living conditions (EU-SILC) will be based on a wide selection of sources and will draw upon the experiences acquired during the 1990s in implementing successive waves of the European Community household panel. It will be set in place to provide a range of information on the living conditions of European citizens during the five-year period and beyond.

Summary

During the five year programme period the Commission will:

- develop a coherent strategy that will ensure the availability of a complete set of indicators covering all the social fields,
- provide regular information on living conditions of citizens through newly developed indicators,
- provide information on care and childcare facilities.

Policy needs and Eurostat outputs

<i>Treaty Title</i>	<i>Eurostat work themes</i>
TITLE XI SOCIAL POLICY, EDUCATION, VOCATIONAL TRAINING AND YOUTH	
Principal themes of work necessary for this policy area	31 Population 32 Labour market 33 Education 35 Health and safety 36 Distribution of incomes and living conditions 37 Social protection 38 Other work in the field of demographic and social statistics (housing statistics) 72 Regional statistics
Other important contributory themes	70 Sustainable development

TITLE XII

Culture*Statistical implications*

Community action in the cultural field is based on Article 151 of the Treaty. Improving the knowledge and dissemination of information on key cultural aspects of Europeans constitutes a main element in the Community competencies in this area. Moreover, it has been clearly stipulated that the Community must take cultural aspects into account in the definition and implementation of its policies as a whole.

In the framework of the 2003 to 2007 Community statistical programme, the priority for cultural statistics will be the consolidation of the pilot work on culture employment, participation in cultural activities and statistics on culture expenditure. At the same time and in close cooperation with Member States and competent international organisations, the statistical programme will support methodological work and development of statistics related to the issue of returns on investing in culture. Particular attention will be given to the development of international methodologies which allow the statistical measurement and analysis of the impact that participation in cultural activities can have in contributing to social goals such as increasing educational levels and employment rates and reducing crime and inequalities in the health sphere.

Summary

During the five-year programme period the Commission will:

- consolidate the existing statistical information on culture,
- develop and implement methodologies to measure culture impacts in society.

Policy needs and Eurostat outputs

<i>Treaty Title</i>	<i>Eurostat work themes</i>
TITLE XII CULTURE	
Principal themes of work necessary for this policy area	34 Culture
Other important contributory themes	49 Information society

TITLE XIII

Public health*Statistical implications*

According to Article 152 of the Treaty, Community action in the area of public health covers health information. A basic framework of statistics on public health, covering health status, health determinants and health resources has been established within the European Statistical System in support of the Community action programmes on public health. The adoption of the new Community action programme on Public Health ⁽¹⁾, the statistical element of health information will be further developed in the context of the Community Statistical Programme, including data collection broken down, as necessary, by gender, age, geographical location and, where available, by level of income. During 2003 to 2007, activities will be continued on further developing the set of health statistics in order to respond to the specific requirements that result from the new action programme on public health. The particular need for sustainable development indicators will have to be addressed.

The general emphasis will be on reinforcement of the infrastructure for the basic system on public health statistics (at Member State and EU level), on harmonisation and improvement of the comparability of existing data in cooperation with international organisations competent in the field of public health (WHO and OECD).

⁽¹⁾ Commission communication on the health strategy of the European Community and proposal for a Decision of the European Parliament and the Council adopting a programme of Community action in the field of public health (2001 to 2006) — COM (2000)285 final of 16 May 2000.

In order to ensure consistency and complementarity, specific action under this programme will also be directed towards ensuring that basic concepts, definitions and classifications on health statistics will be used for the whole area of health information.

In accordance with the relevant agreements with the countries concerned, the scope of statistics on public health will be progressively extended to cover all candidate countries.

Summary

During the five year programme period the Commission will:

- further develop the set of health statistics in order to respond to the specific requirements that may result from the action programme on public health,
- reinforce the infrastructure for the basic system on public health statistics.

Policy needs and Eurostat outputs

<i>Treaty Title</i>	<i>Eurostat work themes</i>
TITLE XIII PUBLIC HEALTH	
Principal themes of work necessary for this policy area	35 Health and safety 37 Social protection
Other important contributory themes	39 Consumer protection 70 Sustainable development

TITLE XIV

Consumer protection

Statistical implications

Consumer policy has achieved a much higher profile within the EC institutions during recent years (Article 153 of the Treaty).

The Commission has set up an Action Plan for Consumer Policy 1999 to 2001 which will be followed by activities in favour of consumers. The current Action Plan, as well as its predecessors, has been handicapped by the limited availability of data necessary to arrive at an informed judgement. The Consumer Policy Action Plan 2002 to 2005 is at present being prepared. It will put emphasis on the need to make a more systematic and comprehensive effort in order to develop a suitable 'knowledge base' as an essential tool to assist policy development.

The purpose of Eurostat's efforts in this area is to provide statistical data generally interesting for the public to shed light on consumption and consumer issues at the European, national and regional levels.

Summary

During the five-year programme period the Commission will:

- make statistics for consumer protection available in a more user-friendly format, in particular publications,
- pursue the methodological support relating to injuries in the home,
- raise the awareness of the subject consumer protection across all relevant statistical themes of work,
- ensure that consumer protection aspects are taken into consideration for new statistical policies,
- promote the development of statistics for consumer protection in the statistical services in the Member States.

Policy needs and Eurostat outputs

<i>Treaty Title</i>	<i>Eurostat work themes</i>
TITLE XIV CONSUMER PROTECTION	
Principal themes of work necessary for this policy area	36 Distribution of incomes and living conditions 39 Consumer protection
Other important contributory themes	61 Land use and landscape 64 Crop production 65 Animal production 66 Agro-industry statistics 69 Fisheries statistics 70 Sustainable development

TITLE XV

Trans-European networks

No direct statistical programme is required. Statistical information for this title is derived as needed from data and indicators generated for other titles in the programme.

Policy needs and Eurostat outputs

<i>Treaty Title</i>	<i>Eurostat work themes</i>
TITLE XV TRANS-EUROPEAN NETWORKS	
Principal themes of work necessary for this policy area	48 Transport 49 Information society
Other important contributory themes	45 Energy 53 Trade in goods 61 Land use and landscape 71 Environment statistics 72 Regional statistics 73 Science and technology 74 Geographical and local information

TITLE XVI

Industry*Statistical implications*

Statistical work in the field of industry in the broad sense of the term (including, in particular, construction, services, energy and agri-foodstuffs) will be centred on support for the policies decided on the basis of the Treaty of Amsterdam, and at various summits held subsequently (in particular, the Lisbon Summit of March 2000). These developments are in particular planned for the areas globalisation, internal and external organisation of businesses (and more generally, the production system) as well as cooperation between businesses, the spirit of enterprise and governance, demand, and finally employment and human resources.

The first priority will be the implementation of the different regulations on business statistics. Particular emphasis will be placed on the quality of results.

In order to follow the structural changes in industry, a programme for developing business statistics will be pursued in close cooperation with the national statistical systems. This development will cover the adaptation of existing regulations, as well as the support for the major European policies, in particular, the single market, enlargement, economic and monetary policy, the information society, employment, as well as support for the structural indicators underlying the Union's annual report.

Eurostat will study with the Member States possibilities for maximum rationalisation of the national collection methods as well as their coordination to reduce the burden on enterprises as far as possible. A special effort will be made to improve the analysis of the single market using existing statistical tools or tools yet to be developed, and in particular Prodcom (and similar developments in the services domain).

Energy

In the field of energy statistics, work will consist in improving the quality of energy balances, especially in the area of the consumption, in order to respond better to requirements arising from the GHG emissions monitoring mechanism. The present system will be extended in order to respond better to sustainable development issues (energy efficiency, cogeneration, renewables), and the effectiveness of competition in liberalised markets and its impact on consumers and the energy industry will be followed up.

Summary

During the five-year programme period work will progress in the following areas:

- improve the system for developing structural business statistics, based on political needs and with a capacity of quick reaction to changing factors such as environment, policies and users,
- strive for maintaining the infrastructure needed such as Business Registers and Classifications,
- focus on the quality assessment and improvement of the data produced.

Policy needs and Eurostat outputs

<i>Treaty Title</i>	<i>Eurostat work themes</i>
TITLE XVI INDUSTRY	
Principal themes of work necessary for this policy area	44 Statistics on the economic activity of enterprises 45 Energy 66 Agro-industry statistics
Other important contributory themes	49 Information society 51 Business registers 53 Trade in goods 70 Sustainable development 71 Environment statistics

TITLE XVII

Economic and social cohesion*Statistical implications*

One of the key elements of the building of the European Union is the correction of social and regional imbalances. This is, indeed, the primary objective of the Structural Funds. Since their reform in 1988, the Commission has put in place an integrated policy for social and economic cohesion within which regional statistics play an essential role in the decision implementation process: eligibility of zones under regional objectives is defined on the basis of socioeconomic criteria with respect to certain thresholds; financial allocations to Member States are decided objectively on the basis of statistical indicators. In addition, evaluation of the impact of Community policies at regional level, and the quantification of regional disparities, are possible only with access to extensive regionally based statistics.

The regular evaluation reports drawn up by the Commission (Report on economic and social cohesion ⁽¹⁾) on socioeconomic trends in the regions require a significant reserve of statistical information. Urban issues deserve particular attention, given that political decision-makers are increasingly clamouring for an evaluation of the quality of life in Europe's cities. As the basis for their action in the future, they require comparable data on all EU towns and cities. The Communications issued by the Commission in 1997 (Towards an urban agenda in the European Union) and 1998 (Sustainable urban development in the European Union: a framework for action) highlighted in particular this need for more comparable information.

The work to be undertaken under the 2003 to 2007 statistical programme will, accordingly, be very largely determined by the shape of Community regional policy within an enlarged European Union, and by the arrival of the new programming period for the Structural Funds. The third Cohesion Report is scheduled for adoption by the Commission in early 2004, while its conclusions are due to be implemented (as draft Regulations) over the rest of that year. The information required will include population projections at regional level and data on regional demography.

⁽¹⁾ See 'Unity, solidarity, diversity for Europe, its people and its territory'; the Second report on economic and social cohesion, European Commission, January 2001.

Geographical Information

A large number of departments within the Commission make use of geographical information systems for the drafting, implementation and evaluation of the policies for which they are responsible. This trend will become increasingly evident in the next few years as technology advances and data become more extensively available. The initiatives on a European spatial data infrastructure will lead to new challenges in this area. Eurostat, as manager of the Commission's reference database, must meet these challenges.

Summary

During the five-years work will progress in the following areas:

- implement the statistical indicators required for the next phase of the structural funds,
- provide the necessary data for the cohesion report and to support Commission proposals for the structural funds after 2006,
- further integrate the use of Geographical Information systems for policy management.

Policy needs and Eurostat outputs

<i>Treaty Title</i>	<i>Eurostat work themes</i>
TITLE XVII ECONOMIC AND SOCIAL COHESION	
Principal themes of work necessary for this policy area	55 Prices 72 Regional statistics 74 Geographical and local information
Other important contributory themes	31 Population 32 Labour market 40 Annual economic accounts 44 Statistics on the economic activity of enterprises 50 Tourism 63 Agricultural monetary statistics 71 Environment statistics

TITLE XVIII

Research and technological development***Science and technology and innovation statistics****Statistical implications*

The overall objective of RTD Community policy is to strengthen the scientific and technological basis of the European economy and to improve its competitiveness at international level. At the 2000 Lisbon Summit, the European Council set a clear strategic objective for Europe for the next decade. The measurement of harmonised inputs, outputs and the socioeconomic impacts of the knowledge-based economy will continue to have a high priority on the European research agenda as is clearly evident in the debate on the European research area.

All recent R&D and Innovation policies have called for timely and harmonised data, the collection of which must be negotiated with the Member States and coordinated by Eurostat. Annual updates of the indicators for both initiatives will require more frequent surveys in Member States, as well as quality improvements. The ability to produce statistics on human resources in science and technology and by gender must be developed in order to provide policy makers with the necessary data to assess the effectiveness of related Community policies.

Summary

During the next five years, main efforts will be undertaken to:

- improve the quality of existing indicators and continue the conceptual work leading to the production and further development of new indicators to benchmark national Research and Innovation policies, and in particular, to measure human resources and their mobility in research and development,
- develop further statistics on RTD and innovation in the context of the European Research Area and, in particular, to develop a theoretical framework for more frequent RTD and innovation statistics,

- develop a general framework for the measurement of the knowledge society,
- measure the technological trends with harmonised statistics on patents,
- associate the candidate countries in the overall framework of the development of harmonised and comparable RTD and innovation statistics.

Research in statistics

Statistical implications

As part of its R&D policy, the Community promotes research activities, which support its own policies. Official statistics have been identified in various framework programmes (including the draft documents for the Sixth Framework Programme) as an area in which R&D activities will be launched at Community level.

The increased use of statistics for political decision-making in the late 1990s has led to the demand for more accurate and comparable statistics, in particular for short-term indicators to monitor the evolution of the Single European Market and the Monetary Union. The foreseeable enlargement of the European Union reinforces this need for prompt access to such information.

In parallel, technology provides new possibilities for collecting data and disseminating statistics. At the same time, respondents (enterprises and individuals) complain about the response burden, and request that it be reduced, through more automation and a better use of existing information. R&D in statistics has an important European dimension, because statistical production is international by nature as only few Member States could afford it on their own. Combined with the increasing emphasis on cost-benefit analysis of the statistics produced, this implies new requirements for the production of European statistics. European official statisticians must therefore reconsider the procedures used today for collecting and compiling statistics on an expanding range of phenomena.

These requirements underline the importance of using existing data sources for the production of statistics for more in-depth statistical analysis. This implies that methods and tools that support the combined use of data (from, for example, administrative data and sample surveys, or infra-annual statistics and structural statistics) should be developed.

Summary

During the next five years, efforts will be concentrated on:

- the development of new tools and methods for official statistics,
- the better conceptualisation and development of statistics to measure new emerging socioeconomic phenomena,
- the transfer of technology and know-how within the European Statistical System,
- the improvement of the quality of the statistical production process and the statistical output.

Policy needs and Eurostat outputs

<i>Treaty Title</i>	<i>Eurostat work themes</i>
TITLE XVIII RESEARCH AND TECHNOLOGICAL DEVELOPMENT	
Principal themes of work necessary for this policy area	22 Statistical research and methodology 73 Science and technology
Other important contributory themes	44 Statistics on the economic activity of enterprises 49 Information society

TITLE XIX

Environment

Statistical implications

The main objective of environment statistics is to serve as an efficient tool for implementation and evaluation of the environmental policy of the European Union. The main environmental priorities are covered under the Sixth Environmental Action Programme, the sustainable development strategy and the Cardiff strategy of integration of environment into other sectoral policies.

The European Commission's proposal for the sixth environment action programme 'Environment 2010: Our future, our choice', indicates the priority areas for environment statistics. The new programme identifies four main policy areas: climate change, nature and biodiversity, environment and health and quality of life, natural resources and waste. It emphasises the need to continue the process to integrate environmental concerns into all relevant policy areas and to ensure better and more accessible information on the environment for citizens. A more environmentally conscious attitude towards land use is also to be developed.

The European Council at Gothenburg in June 2001 adopted an EU strategy for sustainable development. The strategy builds on four themes (climate change, transport, health and natural resources) and it will be monitored on a yearly basis. The strategy will influence the needs for environmentally related statistics to a large extent, but the sustainability aspect will also have impacts on social and economic statistics. In order to measure progress, sustainable development will be included in the list of structural indicators for the synthesis report, and presented each year at the European Spring Council, starting from 2002.

The Gothenburg Council also called for a strategy on the external dimension of sustainable development and an overall agenda is expected to be adopted in view of the UN World Summit on Sustainable Development.

For the environmental part of the statistical programme, the action programme and the strategy for sustainable development imply that the present working areas should continue, but also that these should be extended and adapted. The main orientation of the statistical programme will continue to be focused on statistics with a close link to socioeconomic statistics, such as pressures on the environment from human activities and responses from society's representatives. The capacity of the statistics to describe the interaction between social, economic and environmental development will require further work. The programme has been designed to meet the needs for statistics together with the information from the European Environment Agency and working areas will continue to be complementary.

A crucial factor for sustainable development is the integration of environmental aspects into other policies, but major progress has been achieved in just three of the nine sectors (Transport, Agriculture and Energy). To serve as a tool for such integrated policies, work on fully harmonising the environmental component of Community statistics with the relevant socio-economic statistics will continue. Substantial progress has been made in recent years regarding the compilation of some relevant statistics. Corresponding action will be essential also for other policy areas. Major importance should be given also to the biodiversity indicators, resource use/intensity and toxic chemicals and their effects on human health. Land use statistics are being improved through landscape statistics. Fishery statistics will be important to show the development of this scarce resource (See Title II). Aggregated indicators using production and trade statistics as well as other sources can make a contribution to the description of society's dependence on chemicals. An environmental component needs also to be added to social statistics in order to reflect consumption patterns and possible health effects from pollution and use of chemicals.

The implementation of the Regulation for waste statistics will be an essential task. New policies linking waste to resource management will also require statistical actions to describe material flows, resource use, waste, reuse and eco-efficiency in a consistent way. Implementation of the Water Framework Directive will require statistical support and better harmonisation of water statistics. A better legal foundation for such statistics is essential. Statistical support for the implementation of the IPPC (integrated pollution and prevention control) directive will be important to ensure comparability with business statistics. A review of reporting obligations and coordination between statistical and compliance reporting will be an essential task.

Environmental accounts linked to the national accounts have also been developed. These accounts constitute an essential basis for environmental analysis and the development of more comprehensive models for the interaction between the economy and the environment. They will be further adapted and extended to serve as an essential statistical tool for analyses of sustainable development.

Summary

The main effort in the next five years will be to:

- improve core environmental statistics, mainly waste, water and environmental expenditure statistics, with a focus on statistics needed for environmental indicators and to put in place the necessary legislation for such statistics,
- produce easily understandable environmental and sustainability indicators in cooperation with other Commission services and the European Environment Agency,
- continue work to produce an environmental component to socioeconomic statistics, with the aim of responding to needs relating to indicators for integration of environmental and sustainability concerns into other policies,

- continue work to add an environmental domain to national accounts, through regular production of a set of environmental accounts and to adapt them to the priority sustainability issues,
- participate in reviewing reporting obligations and to continue the close cooperation with the European Environment Agency with coordinated actions and by making data collection by the two institutions complementary,
- enhance data collection and analysis on global sustainable development.

Policy needs and Eurostat outputs

<i>Treaty Title</i>	<i>Eurostat work themes</i>
TITLE XIX ENVIRONMENT	
Principal themes of work necessary for this policy area	45 Energy 65 Animal production 70 Sustainable development 71 Environment statistics 74 Geographical and local information
Other important contributory themes	35 Health and safety 39 Consumer protection 44 Statistics on the economic activity of enterprises 48 Transport 50 Tourism 61 Land use and landscape 62 Agricultural structures 64 Crop production 67 Coordination and reform of agricultural statistics 68 Forestry statistics 69 Fisheries statistics 72 Regional statistics

TITLE XX

Development Cooperation (and other external actions)

Statistical implications

The overall objective is to support the EU external relations policies by providing appropriate and focused statistical technical assistance in order to strengthen statistical capacity in countries benefiting from EU aid. The future strategy, however, recognises the need to adapt in response to the changing EU policy context.

Reflecting EU policy in statistical cooperation activities

The most significant policy change is the increased and explicit focus on poverty reduction in the EC's development policy, in particular with ACP countries. Consequently, statistical cooperation will have an increased focus on strengthening the measurement and monitoring of poverty; this will entail an increase in activities mainly in the social statistics domain. Similarly, technical advice and support will be provided to DG Development, DG External Relations, and Europeaid in the area of measuring the poverty impact of the EC's development programmes.

Regional integration will be a continuing emphasis of the programme, mirroring the increased moves amongst countries themselves to strengthen their regional structures. Areas for support will include multilateral surveillance, improvement of national accounts, price statistics, agricultural statistics, foreign trade, business statistics and statistical training.

With the 12 Mediterranean partner countries, institutional and inter-institutional strengthening of the national statistical systems will constitute the central objective. Statistical harmonisation, production and improved data access for users will be supported in order to provide a solid basis for political decision-making and for good governance. Apart from socioeconomic statistics, priority areas are migration, tourism and environment.

Statistical cooperation between EU and NIS countries is aimed at supporting and monitoring economic cooperation and the reform process as well as promoting the market economy. Key demands concern economic and foreign trade statistics.

Eurostat will continue and strengthen its efforts to improve coordination amongst the donor community (i.e. bilateral and multilateral donors). Accordingly, Eurostat will support work, in particular in the OECD/DAC, UN and World Bank contexts, to assess the impact of development cooperation on reaching the 'millennium development goals' adopted at the UN Millennium Summit in 2000. As such, it will play an active part in the PARIS 21 initiative and in the Balkans. In particular, technical cooperation activities will stress the importance of a user focus, and will promote the value of multi-annual programming.

Innovative work will be undertaken with the aim of developing approaches and methods for the measurement and monitoring of human rights and good governance.

Summary

During the five-year period work will concentrate on:

- providing statistical technical assistance in order to strengthen statistical capacity in countries benefiting from EU aid,
- increasing focus on strengthening the measurement and monitoring of poverty,
- developing approaches and methods for the measurement and monitoring of human rights and good governance.

Policy needs and Eurostat outputs

<i>Treaty Title</i>	<i>Eurostat work themes</i>
TITLE XX DEVELOPMENT COOPERATION	
Principal themes of work necessary for this policy area	21 Statistical cooperation with other third countries

ANNEX II

Five year statistical programme 2003 to 2007: Eurostat work themes

Chapter (Subactivity)	Theme (action)
I. Support for statistical outputs, technical infrastructure	10 Quality management and evaluation 11 Classifications 12 Statistical training 13 IT-infrastructures and services for Eurostat 14 IT-normalisation and collaborative infrastructures for the ESS 15 Reference data and meta-data warehouses 16 Information 17 Dissemination 18 Statistical coordination 19 Statistical cooperation with the candidate countries 21 Statistical cooperation with other third countries 22 Statistical research and methodology 25 Data security and statistical confidentiality
II. Demographic and social statistics	31 Population 32 Labour market 33 Education 34 Culture 35 Health and safety 36 Distribution of incomes and living conditions 37 Social protection 38 Other work in the field of demographic and social statistics 39 Consumer protection
III.	
III.A. Macroeconomic statistics	40 Annual economic accounts 41 Quarterly accounts 42 Financial accounts 43 Monitoring own resources 55 Prices 57 Statistics for business cycle analysis
III.B. Business statistics	44 Statistics on the economic activity of enterprises 45 Energy 48 Transport 49 Information society 50 Tourism 51 Business registers
III.C. Monetary, financial, trade and balance of payments statistics	52 Money and finance 53 Trade in goods 54 Trade in services and balance of payments
IV. Agriculture, forestry and fisheries	61 Land use and landscape 62 Agricultural structures 63 Agricultural monetary statistics 64 Crop production 65 Animal production 66 Agro-industry statistics 67 Coordination and reform of agricultural statistics 68 Forestry statistics 69 Fisheries statistics

Chapter (Subactivity)	Theme (action)
V. Multi-domain statistics	70 Sustainable development
	71 Environment statistics
	72 Regional statistics
	73 Science and technology
	74 Geographical and local information
VII. Resources and management	91 International and interinstitutional relations
	92 Management and statistical programmes
	93 Management of human resources
	94 Management of financial resources
	95 Management of legal bases
	96 Audit
	97 General administration
	99 Decentralised management

**COUNCIL REGULATION (EC) No 2368/2002
of 20 December 2002**

implementing the Kimberley Process certification scheme for the international trade in rough diamonds

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The sanctions adopted by the United Nations Security Council against the rebel movements in Sierra Leone and Angola and against the Liberian government, prohibiting under certain conditions imports of rough diamonds from Liberia, Angola and Sierra Leone have not been able to stop the flow of conflict diamonds into the legitimate trade or to bring the conflicts to a halt.
- (2) The Göteborg European Council of June 2001 endorsed a programme for the prevention of violent conflicts, which states, *inter alia*, that the Member States and the Commission will tackle the illicit trade in high-value commodities, including by identifying ways of breaking the link between rough diamonds and violent conflicts and supporting the Kimberley Process.
- (3) Council Regulation (EC) No 303/2002 of 18 February 2002 concerning the importation into the Community of rough diamonds from Sierra Leone ⁽¹⁾ prohibits, under certain conditions, the importation of rough diamonds into the Community.
- (4) There is a need to complement the existing measures with effective controls over the international trade in rough diamonds in order to prevent the trade in conflict diamonds from financing the efforts of rebel movements and their allies to undermine legitimate governments. Effective control will help maintain international peace and security and will also protect the revenue from exports of rough diamonds, which is essential for the development of producer countries in Africa.
- (5) The Kimberley Process negotiations, bringing together the Community and producer and trading countries representing practically all international trade in rough diamonds, as well as the diamond industry and representatives of civil society, were initiated with a view to developing such an effective control system. They led to the development of a certification scheme.
- (6) All participants accepted the outcome of the negotiations as the basis for implementing measures within their own jurisdiction.
- (7) In its resolution 56/263 the UN General Assembly welcomed the certification scheme developed in the Kimberley Process and called on all interested parties to participate in that scheme.
- (8) Implementation of the certification scheme requires that the imports and exports of rough diamonds into or from the territory of the Community be made subject to the certification scheme, including the issue of the relevant certificates by participants in the scheme.
- (9) Each Member State may designate the authority or authorities responsible for the implementation of the relevant provisions of this Regulation within its territory and may limit the number of authorities.
- (10) The validity of certificates for imported rough diamonds should be properly verified by the competent authorities of the Community.
- (11) Compliance with this Regulation should not be construed as equivalent or as an alternative to compliance with any other requirements under Community legislation.
- (12) In order to increase the effectiveness of the certification scheme, circumvention or attempts to circumvent should be prevented. Likewise, providers of ancillary or directly related services should exercise due diligence in establishing that the provisions of this Regulation are duly applied.
- (13) Export certificates for rough diamonds should only be issued and validated where there is conclusive evidence that those diamonds have been imported under a certificate.
- (14) Circumstances may justify that the competent authority of the importing participant should send the competent authority of the exporting participant confirmation of import of shipments of rough diamonds.

⁽¹⁾ OJ L 47, 19.2.2002, p. 8.

- (15) A system of warranties and industry self-regulation of the kind proposed by the representatives of the rough diamond industry in the Kimberley Process could facilitate the provision of such conclusive evidence.
- (16) Provisions should be made to allow the export of rough diamonds imported before the applicability of specific import controls provided for by this Regulation.
- (17) Each Member State should determine the sanctions applicable in the event of a breach of this Regulation.
- (18) The provisions of this Regulation concerning the import and export of rough diamonds should not apply to rough diamonds transiting the Community in the course of export to another Participant.
- (19) For the purposes of implementing the certification scheme, the Community should be a participant in the Kimberley Process certification scheme. It should be represented by the Commission at meetings of participants in the Kimberley Process certification scheme.
- (20) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾.
- (21) A forum should be created to enable the Commission and the Member States to examine questions concerning the application of this Regulation.
- (22) This Regulation should enter into force on the day of its publication, but the provisions on import and export control should be suspended until a date has been agreed in the Kimberley Process for the simultaneous implementation of the import and export controls by all participants,

HAS ADOPTED THIS REGULATION:

CHAPTER I

SUBJECT MATTER AND DEFINITIONS

Article 1

This Regulation sets up a Community system of certification and import and export controls for rough diamonds for the purposes of implementing the Kimberley Process certification scheme.

For the purposes of the certification scheme, the Community shall be considered as one entity without internal borders.

This Regulation does not prejudice or substitute any provisions in force relating to customs formalities and controls.

Article 2

For the purposes of this Regulation the following definitions shall apply:

- (a) 'Kimberley Process' means the forum in which the participants have designed an international certification scheme for rough diamonds;
- (b) 'Kimberley Process certification scheme' (hereinafter 'KP certification scheme') means the international certification scheme negotiated by the Kimberley Process as set out in Annex I;
- (c) 'Participants' means participants in the KP certification scheme listed in Annex II;
- (d) 'certificate' means a document duly issued and validated by a participant's competent authority identifying a shipment of rough diamonds as being in compliance with the requirements of the KP certification scheme;
- (e) 'competent authority' means the authority designated by a participant to issue, validate or verify certificates;
- (f) 'Community authority' means a competent authority designated by a Member State and listed in Annex III;
- (g) 'Community certificate' means a certificate corresponding to the specimen in Annex IV and issued by a Community authority;
- (h) 'conflict diamonds' means rough diamonds as defined under the KP Certification Scheme;
- (i) 'rough diamond' means a diamond that is unworked or simply sawn, cleaved or bruted and falls under the Harmonised Commodity Description and Coding System 7102 10, 7102 21 and 7102 31 (hereinafter 'HS code');
- (j) 'imports' means the physical entering or bringing into any part of the geographical territory of a participant;
- (k) 'export' means the physical leaving or taking out of any part of the geographical territory of a participant;
- (l) 'shipment' means one or more parcels;
- (m) 'parcel' means one or more diamonds that are packed together;
- (n) 'parcel of mixed origin' means a parcel that contains rough diamonds from two or more countries of origin;

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

- (o) 'Community territory' means the territories of the Member States to which the Treaty is applicable, under the conditions laid down in that Treaty;
- (p) 'Certified stock' means a stock of rough diamonds to which this Regulation applies, and whose location, volume and value, and changes therein, have been submitted to effective supervision of a Member State;
- (q) 'Customs transit' means transit as provided for by Articles 91 to 97 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾.

CHAPTER II

IMPORT REGIME

Article 3

The import of rough diamonds into the Community shall be prohibited unless all of the following conditions are fulfilled:

- (a) the rough diamonds are accompanied by a certificate validated by the competent authority of a participant;
- (b) the rough diamonds are contained in tamper-resistant containers, and the seals applied at export by that participant are not broken;
- (c) the certificate clearly identifies the consignment to which it refers.

Article 4

1. Containers and the corresponding certificates shall be submitted for verification, together and at the earliest opportunity, to a Community authority either in the Member State where they are imported or in the Member State for which they are destined, as indicated in accompanying documents.

2. In cases where rough diamonds are imported into a Member State where there is no Community authority, they shall be submitted to the appropriate Community authority in the Member State for which they are destined. If a Community authority exists neither in the importing Member State nor in the Member State of destination they shall be submitted to an appropriate Community authority in another Member State.

3. The Member State where the rough diamonds are imported shall ensure their submission to the appropriate Community authority provided for in paragraphs 1 and 2. Customs transit may be granted to that effect. If such customs transit is granted, the verification provided for by this Article shall be suspended until arrival at the appropriate Community authority.

⁽¹⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 2700/2000 (OJ L 311, 12.12.2000, p. 17).

4. The importer shall be responsible for the proper movement of the rough diamonds and the costs thereof.

5. A Community authority shall opt for either of the following methods to verify that the content of a container matches the particulars on the corresponding certificate:

- (a) it will open each container with a view to such verification; or
- (b) it will identify the containers to be opened with a view to such verification on the basis of a risk analysis or equivalent system that gives due consideration to rough diamond shipments.

6. A Community authority shall complete the verification without delay.

Article 5

1. If a Community authority establishes that the conditions in Article 3 are:

- (a) fulfilled, it shall confirm this on the original certificate and provide the importer with an authenticated and forgery-resistant copy of that confirmed certificate. This confirmation procedure shall take place within 10 working days of the submission of the certificate;
- (b) not fulfilled, it shall detain the shipment.

2. If a Community authority finds that the failure to fulfil the conditions is not made knowingly or intentionally or is the result of an action by another authority in the exercise of its proper duties, it may proceed with the confirmation and release the shipment, after the necessary remedial measures have been taken to ensure that the conditions are met.

3. A Community authority shall, within one month, inform the Commission and the competent authority of the participant that purportedly issued or validated the certificate for the shipment of any failure to fulfil the conditions.

Article 6

1. Until the date of applicability of the Articles referred to in Article 29(3), a Member State may certify stocks of rough diamonds that have been imported or are present in the Community territory before that date. After that date, rough diamonds from certified stocks shall be considered to have fulfilled the conditions laid down in Article 3.

2. In all other cases, a Community authority may issue a confirmation that it considers rough diamonds to have fulfilled the conditions of Article 3, if it has established that those diamonds were legally present in the Community at that date and have been so since.

Article 7

Notwithstanding the provisions of Articles 3, 4 and 5, a Community authority may allow the import of rough diamonds if the importer provides conclusive evidence that those diamonds were destined for import into the Community and were exported 5 working days or less before the date of applicability of the Articles referred to in Article 29(3).

In such cases, the Community authority concerned shall issue the importer with a confirmation of legal import, to the effect that those diamonds shall be considered to have fulfilled the conditions of Article 3.

Article 8

1. The Commission shall consult participants on the practical arrangements for providing the competent authority of the exporting participant that has validated a certificate with confirmation of imports into the Community territory.

2. On the basis of these consultations the Commission shall, in accordance with the procedure referred to in Article 22(2), lay down guidelines for such confirmation.

Article 9

The Commission shall provide all Community authorities with authenticated specimens of the participants' certificates, the names and other relevant details of the participants issuing and/or validating authorities, authenticated specimens of stamps and signatures attesting that a certificate has been legally issued or validated and any other relevant information received in respect of certificates.

Article 10

1. Community authorities shall provide the Commission with a monthly report on all certificates submitted for verification under Article 4.

For each certificate this report shall list at least:

- (a) the unique certificate number,
- (b) the name of the issuing and validating authorities,
- (c) the date of issue and validation,
- (d) the date of expiry of validity,
- (e) the country of provenance,
- (f) the country of origin, where known,
- (g) the HS code(s),
- (h) the carat weight,
- (i) the value,
- (j) the verifying Community authority,
- (k) the date of verification.

The Commission may, in accordance with the procedure referred to in Article 22(2), determine the format of this report in order to facilitate monitoring of the certification scheme's working.

2. The Community authority shall keep the originals of certificates provided for under Article 3(a) submitted for verification for at least three years. It shall provide the Commission or persons or bodies designated by the Commission with access to these original certificates in particular with a view to answering questions raised within the framework of the KP certification scheme.

CHAPTER III

EXPORT REGIME*Article 11*

The export from the Community of rough diamonds shall be prohibited unless both of the following conditions are fulfilled:

- (a) the rough diamonds are accompanied by a corresponding Community certificate issued and validated by a Community authority;
- (b) the rough diamonds are contained in tamper-resistant containers sealed in accordance with Article 12.

Article 12

1. The Community authority may issue a Community certificate to an exporter when it has established that:

- (a) the exporter has provided conclusive evidence that the rough diamonds for which a certificate is being requested were lawfully imported in accordance with the provisions of Article 3;
- (b) the other information requested on the certificate is correct;
- (c) the rough diamonds are effectively destined for arrival in the territory of a participant, and
- (d) the rough diamonds are to be transported in a tamper-resistant container.

2. A Community authority shall not validate a Community certificate until it has verified that the content of the container matches the particulars on the corresponding certificate and that the tamper-resistant container containing the rough diamonds has subsequently been sealed on the responsibility of that authority.

3. A Community authority shall opt for either of the following methods to verify that the content of a container matches the particulars thereon on the certificate:

- (a) it will verify the content of each container; or
- (b) it will identify the containers, the content of which shall be verified, on the basis of a risk analysis or equivalent system that gives due consideration to rough diamond shipments.

4. The Community authority shall provide the exporter with an authenticated forgery-resistant copy of the Community certificate it has validated. The exporter shall keep any copy accessible for at least three years.

5. The Community certificate shall be valid for export for no more than two months from the date of issue. If the rough diamonds are not exported within this period, the Community certificate shall be returned to the issuing Community authority.

Article 13

If an exporter is a member of a diamond organisation listed in Annex V, the Community authority may accept as conclusive evidence of lawful import into the Community a signed declaration by the exporter to that effect. Such a declaration shall contain at least the information to be given in an invoice under Article 17(2)(a)(ii).

Article 14

1. If a Community authority establishes that a shipment of rough diamonds, for which a Community certificate is requested, does not fulfil the conditions of Articles 11, 12, or 13, that authority shall detain the shipment.

2. If a Community authority finds that the failure to fulfil the conditions is not made knowingly or intentionally or is the result of an action by another authority in the exercise of its proper duties, it may release the shipment and proceed with the issuing and validation of a Community Certificate, after the necessary remedial measures have been taken to ensure that the conditions are met.

3. The Community authority shall, within one month, inform the Commission and the competent authority of the participant that purportedly issued or validated the certificate for the shipment of any failure to fulfil the conditions.

Article 15

1. Community authorities shall provide the Commission with a monthly report on all Community certificates issued and validated by them.

For each certificate this report shall list at least:

- (a) the unique certificate number,
- (b) the name of the issuing and validating authorities,
- (c) the date of issue and validation,
- (d) the date of expiry of validity,
- (e) the country of provenance,
- (f) the country of origin, where known,
- (g) the HS code(s),
- (h) the carat weight and value.

In accordance with the procedure referred to in Article 22(2), the Commission may determine the format of the report in order to facilitate monitoring of the certification scheme's working.

2. Community authorities shall keep for at least three years the authenticated copies provided for under Article 12(4) as well as all information received from an exporter to justify the issue and validation of a Community certificate.

They shall provide the Commission or persons or bodies designated by the Commission with access to those authenticated copies and this information, in particular with a view to answering questions raised within the framework of the KP certification scheme.

Article 16

1. The Commission shall consult participants on the practical arrangements for obtaining confirmation of imports of rough diamonds exported from the Community covered by a certificate validated by the Community authority.

2. On the basis of these consultations the Commission shall, in accordance with the procedure referred to in Article 22(2), lay down guidelines for such confirmation.

CHAPTER IV

INDUSTRY SELF-REGULATION

Article 17

1. Organisations representing traders in rough diamonds which have established a system of warranties and industry self-regulation for the purposes of implementing the KP Certification Scheme may apply to the Commission for listing in Annex V directly or through the appropriate Community authority.

2. When applying for listing, an organisation shall:

- (a) provide conclusive evidence that adopted rules and regulations whereby its members dealing in rough diamonds, whether natural or legal persons, undertake that they will, at the latest from the date of applicability of the Articles referred to in Article 29(3):
 - (i) sell only diamonds purchased from legitimate sources in compliance with the provisions of relevant United Nations Security Council Resolutions and of the Kimberley Process Certification Scheme and guarantee in writing on the invoice accompanying each sale of rough diamonds that, on the basis of their personal knowledge and/or written warranties provided by the supplier of such rough diamonds, the rough diamonds sold are therefore not conflict diamonds;
 - (ii) see that each sale of rough diamonds is accompanied by an invoice containing the said signed guarantee unequivocally identifying the seller and buyer and their registered offices, containing the VAT identification number of the seller, where applicable, the quantity/weight and qualification of the goods sold, the value of the transaction and the date of delivery;

- (iii) not buy rough diamonds from suspect or unknown sources of supply and/or rough diamonds originating in non-participants in the KP certification scheme;
- (iv) not buy rough diamonds from any source found, after legally binding due process, to have violated government laws and regulations concerning the trade in conflict diamonds;
- (v) not buy rough diamonds in, or from, any region that is the subject of an advisory notice from a governmental or KP certification scheme authority to the effect that conflict diamonds are emanating from, or are available for sale in, that region;
- (vi) not knowingly buy, sell or assist others in buying or selling conflict diamonds;
- (vii) ensure that all employees buying or selling rough diamonds within the diamond trade are fully informed of trade resolutions and government regulations restricting the trade in conflict diamonds;
- (viii) create and maintain for at least three years records of invoices received from suppliers and issued to customers;
- (ix) instruct an independent auditor to certify that these records have been created and maintained accurately and either that it has identified no transactions which failed to comply with the undertakings referred to in (i) to (viii) or that any transaction which failed to comply with such undertakings has been duly reported to the appropriate Community authority;

and

- (b) provide conclusive evidence that it has adopted rules and regulations which oblige the organisation:
 - (i) to expel any member found, after a due process inquiry by the organisation itself, to have seriously violated the abovementioned undertakings; and
 - (ii) to publicise that member's expulsion and notify the Commission thereof;
 - (iii) to make known to all its members all governmental and KP certification scheme laws, regulations and guidelines regarding conflict diamonds and the names of any natural or legal person found guilty, after legally binding due process, of violating these laws and regulations;

and

- (c) provide the Commission and the appropriate Community authority with a complete list of all its members dealing in rough diamonds, including full names, addresses, location and other information which will contribute to avoiding mistaken identities.

3. Organisations covered by this Article shall immediately notify the Commission and the Community authority of a Member State in which they are resident or established of all changes in their membership subsequent to the application for listing.

4. In accordance with the procedure referred to in Article 22(2), the Commission shall list in Annex V each organisation that fulfils the requirements of this Article. It shall notify all Community authorities of the names and other relevant particulars of the members of listed organisations and any changes therein.

5. (a) A listed organisation or a member thereof shall provide the relevant Community authority with access to any information that may be needed to assess the proper functioning of the system of warranties and industry self-regulation. Where circumstances justify, that Community authority may require additional guarantees that an organisation is able to maintain a credible system.

(b) The appropriate Community authority shall report its assessment to the Commission on an annual basis.

6. If, in the course of monitoring the proper functioning of the system, a Community authority in a Member State obtains credible information that a listed organisation covered by this Article and established or resident in that Member State, or a member thereof established or resident in that Member State, is infringing the provisions of this Article, it shall inquire into the matter to verify whether the provisions of this Article have effectively been infringed.

7. (a) If the Commission has credible information that a listed organisation or a member thereof is infringing the provisions of this Article, it shall request an assessment of the situation by the Community authority of a Member State in which the organisation or its member is resident or established. Upon such request, the relevant Community authority shall promptly inquire into the matter and duly inform the Commission of its findings.

(b) If the Commission, on the basis of reports, assessments or other pertinent information, comes to the conclusion that a system of warranties and industry self-regulation does not function properly, and the issue has not been addressed adequately, the Commission shall take the necessary measures in accordance with the procedure referred to in Article 22(2).

8. If an inquiry leads to the conclusion that an organisation is infringing the provisions of this Article, the Community authority of a Member State in which that organisation is resident or established will notify the Commission thereof without delay. In turn, the Commission, in accordance with the procedure referred to in Article 22(2), shall take the appropriate measures with a view to removing that organisation from the list in Annex V.

9. If a listed organisation or one or more of its members are established or resident in a Member State that has not designated a Community authority for the purposes of this Article, the Commission shall be the Community authority for that organisation or those members.

10. Organisations or their members covered by this Article acting in the territory of a participant other than the Community shall be considered to have complied with the provisions of this Article if they comply with the rules and regulations that this participant has laid down for the purpose of implementing the Kimberley Process Certification Scheme.

CHAPTER V

TRANSIT

Article 18

Articles 4, 11, 12, and 14 shall not apply to rough diamonds which enter the Community territory solely for the purposes of transit to a participant other than the Community, on condition that neither the original container in which rough diamonds are being transported nor the original accompanying certificate issued by a competent authority of a participant have been tampered with at entry into and exit from the Community territory and the transit purpose is clearly attested by the accompanying certificate.

CHAPTER VI

GENERAL PROVISIONS

Article 19

1. Member States may designate one or more authorities in their territory as Community authority and may attribute different tasks to them.

2. Member States designating a Community authority shall provide the Commission with the information showing that their designated Community authorities can reliably, timely, effectively and adequately fulfil the tasks required by this Regulation.

3. Member States may limit the number of points where the formalities provided for in this Regulation can be completed. They shall notify the Commission thereof. Based on the information provided under paragraphs 1 and 2 and in accordance with the procedure referred to in Article 22(2), the Commission shall maintain in Annex III a list of Community authorities, their location and the tasks entrusted to them.

4. Community authorities may ask an economic operator to pay a fee for the production, issue and/or validation of a certificate and for a physical inspection in accordance with Articles 4 and 14. Under no circumstances shall the amount of that fee exceed the costs incurred by that competent authority for the operation concerned. No levies or similar duties shall be charged in relation to such operations.

5. Member States shall notify the Commission of the option they choose under Articles 4(5) and 12(3) or of subsequent changes.

6. The Commission may amend the specifications of the Community certificate with a view to improving its security, processing and functionality for the purposes of the KP certification scheme.

Article 20

On the basis of the relevant information from the chair of the Kimberley Process and/or participants, the Commission may amend the list of participants and the competent authorities they have designated to issue and validate their certificates in Annex II.

Article 21

1. The Community shall be a participant in the Kimberley Process certification scheme.

2. The Commission, which represents the Community in the Kimberley Process certification scheme, shall aim to ensure optimal implementation of the KP certification scheme, in particular through cooperation with participants. To this end, the Commission shall, in particular, exchange information with participants on international trade in rough diamonds and, where appropriate, cooperate in monitoring activities and in the settlement of any disputes that may arise.

Article 22

1. In the performance of its duties under Articles 8, 10, 15, 16, 17 and 19, the Commission shall be assisted by a Committee (hereinafter referred to as 'the Committee').

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at ten working days.

3. The Committee shall establish its rules of procedure.

Article 23

The Committee referred to in Article 22 may examine any question concerning the application of this Regulation. Such questions may be raised either by the chairman or by a representative of a Member State.

Article 24

1. Any natural or legal person providing services directly or indirectly related to the activities covered by Articles 3, 4, 6, 7, 11, 12, 13, 17 or 18 shall exercise due diligence for establishing that the activities for which it provides services comply with the provisions of this Regulation.

2. The participation, knowingly and intentionally, in activities, the object or effect of which is, directly or indirectly, to circumvent the provisions of this Regulation shall be prohibited.

3. The Commission shall be notified of any information suggesting that the provisions of this Regulation are being, or have been, circumvented.

Article 25

Information supplied in accordance with this Regulation shall be used only for the purposes for which it was provided.

Information which is by nature confidential or which is provided on a confidential basis shall be covered by the obligation of professional secrecy. It shall not be disclosed by the Commission without the express permission of the person providing it.

Communication of such information shall however be permitted where the Commission is obliged or authorised to do so, in particular in connection with legal proceedings. Such communication must take into account the legitimate interests of the person concerned that his or her business secrets should not be divulged.

This Article shall not preclude the disclosure of general information by the Commission. Such disclosure shall not be permitted if this is incompatible with the original purpose of such information.

In the event of a breach of confidentiality, the originator of the information shall be entitled to obtain that it be deleted, disregarded or rectified, as the case may be.

Article 26

Compliance with this Regulation does not discharge any natural or legal person from compliance, fully or partially, with any other obligation under other Community or national legislation.

Article 27

Each Member State shall determine the sanctions to be imposed where the provisions of this Regulation are infringed. Such sanctions shall be effective, proportionate and dissuasive and shall be capable of preventing those responsible for the infringement from obtaining any economic benefit from their action.

Pending the adoption, where necessary, of any legislation to this end, the sanctions to be imposed where the provisions of this Regulation are infringed shall, where relevant, be those determined by the Member States in order to give effect to Article 5 of Regulation (EC) No 303/2002.

Article 28

This Regulation shall apply:

- (a) within the Community territory, including its airspace, or on board any aircraft or any vessel under the jurisdiction of a Member State;
- (b) to any national of a Member State, and to any legal person, entity, or body which is incorporated or constituted under the law of a Member State.

Article 29

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

2. The Commission shall report annually or at any other time as necessary to the Council on the implementation of this Regulation and the need for a review or repeal of the Regulation.

3. The application of Articles 3, 4, 5, 10, 11, 12, 13, 14, 15 and 18 shall be suspended until the Council decides to apply these Articles on the basis of a proposal from the Commission.

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

Done at Brussels, 20 December 2002.

For the Council

The President

L. ESPERSEN

ANNEX I

KIMBERLEY PROCESS CERTIFICATION SCHEME**PREAMBLE**

PARTICIPANTS,

- RECOGNISING that the trade in conflict diamonds is a matter of serious international concern, which can be directly linked to the fuelling of armed conflict, the activities of rebel movements aimed at undermining or overthrowing legitimate governments, and the illicit traffic in, and proliferation of, armaments, especially small arms and light weapons;
- FURTHER RECOGNISING the devastating impact of conflicts fuelled by the trade in conflict diamonds on the peace, safety and security of people in affected countries and the systematic and gross human rights violations that have been perpetrated in such conflicts;
- NOTING the negative impact of such conflicts on regional stability and the obligations placed upon states by the United Nations Charter regarding the maintenance of international peace and security;
- BEARING IN MIND that urgent international action is imperative to prevent the problem of conflict diamonds from negatively affecting the trade in legitimate diamonds, which makes a critical contribution to the economies of many of the producing, processing, exporting and importing states, especially developing states;
- RECALLING all of the relevant resolutions of the United Nations Security Council under Chapter VII of the United Nations Charter, including the relevant provisions of Resolutions 1173 (1998), 1295 (2000), 1306 (2000), and 1343 (2001), and determined to contribute to and support the implementation of the measures provided for in these resolutions;
- HIGHLIGHTING the United Nations General Assembly Resolution 55/56 (2000) on the role of the trade in conflict diamonds in fuelling armed conflict, which called on the international community to give urgent and careful consideration to devising effective and pragmatic measures to address this problem;
- FURTHER HIGHLIGHTING the recommendation in United Nations General Assembly Resolution 55/56 that the international community develop detailed proposals for a simple and workable international certification scheme for rough diamonds based primarily on national certification schemes and on internationally agreed minimum standards;
- RECALLING that the Kimberley Process, which was established to find a solution to the international problem of conflict diamonds, was inclusive of concerned stake holders, namely producing, exporting and importing states, the diamond industry and civil society;
- CONVINCED that the opportunity for conflict diamonds to play a role in fuelling armed conflict can be seriously reduced by introducing a certification scheme for rough diamonds designed to exclude conflict diamonds from the legitimate trade;
- RECALLING that the Kimberley Process considered that an international certification scheme for rough diamonds, based on national laws and practices and meeting internationally agreed minimum standards, will be the most effective system by which the problem of conflict diamonds could be addressed;
- ACKNOWLEDGING the important initiatives already taken to address this problem, in particular by the governments of Angola, the Democratic Republic of Congo, Guinea and Sierra Leone and by other key producing, exporting and importing countries, as well as by the diamond industry, in particular by the World Diamond Council, and by civil society;
- WELCOMING voluntary self-regulation initiatives announced by the diamond industry and recognising that a system of such voluntary self-regulation contributes to ensuring an effective internal control system of rough diamonds based upon the international certification scheme for rough diamonds;
- RECOGNISING that an international certification scheme for rough diamonds will only be credible if all Participants have established internal systems of control designed to eliminate the presence of conflict diamonds in the chain of producing, exporting and importing rough diamonds within their own territories, while taking into account that differences in production methods and trading practices as well as differences in institutional controls thereof may require different approaches to meet minimum standards;
- FURTHER RECOGNISING that the international certification scheme for rough diamonds must be consistent with international law governing international trade;
- ACKNOWLEDGING that state sovereignty should be fully respected and the principles of equality, mutual benefits and consensus should be adhered to,

RECOMMEND THE FOLLOWING PROVISIONS:

SECTION I

Definitions

For the purposes of the international certification scheme for rough diamonds (hereinafter referred to as 'the Certification Scheme') the following definitions apply:

CONFLICT DIAMONDS means rough diamonds used by rebel movements or their allies to finance conflict aimed at undermining legitimate governments, as described in relevant United Nations Security Council (UNSC) resolutions insofar as they remain in effect, or in other similar UNSC resolutions which may be adopted in the future, and as understood and recognised in United Nations General Assembly (UNGA) Resolution 55/56, or in other similar UNGA resolutions which may be adopted in future;

COUNTRY OF ORIGIN means the country where a shipment of rough diamonds has been mined or extracted;

COUNTRY OF PROVENANCE means the last Participant from where a shipment of rough diamonds was exported, as recorded on import documentation;

DIAMOND means a natural mineral consisting essentially of pure crystallised carbon in the isometric system, with a hardness on the Mohs (scratch) scale of 10, a specific gravity of approximately 3.52 and a refractive index of 2.42;

EXPORT means the physical leaving/taking out of any part of the geographical territory of a Participant;

EXPORTING AUTHORITY means the authority(ies) or body(ies) designated by a Participant from whose territory a shipment of rough diamonds is leaving, and which are authorised to validate the Kimberley Process Certificate;

FREE TRADE ZONE means a part of the territory of a Participant where any goods introduced are generally regarded, insofar as import duties and taxes are concerned, as being outside the customs territory;

IMPORT means the physical entering/bringing into any part of the geographical territory of a Participant;

IMPORTING AUTHORITY means the authority(ies) or body(ies) designated by a Participant into whose territory a shipment of rough diamonds is imported to conduct all import formalities and particularly the verification of accompanying Kimberley Process Certificates;

KIMBERLEY PROCESS CERTIFICATE means a forgery resistant document with a particular format which identifies a shipment of rough diamonds as being in compliance with the requirements of the Certification Scheme;

OBSERVER means a representative of civil society, the diamond industry, international organisations and non-participating governments invited to take part in Plenary meetings;

PARCEL means one or more diamonds that are packed together and that are not individualised;

PARCEL OF MIXED ORIGIN means a parcel that contains rough diamonds from two or more countries of origin, mixed together;

PARTICIPANT means a state or a regional economic integration organisation for which the Certification Scheme is effective;

REGIONAL ECONOMIC INTEGRATION ORGANISATION means an organisation comprised of sovereign states that have transferred competence to that organisation in respect of matters governed by the Certification Scheme;

ROUGH DIAMONDS means diamonds that are unworked or simply sawn, cleaved or bruted and fall under the Relevant Harmonised Commodity Description and Coding System 7102 10 00, 7102 21 00 and 7102 31 00;

SHIPMENT means one or more parcels that are physically imported or exported;

TRANSIT means the physical passage across the territory of a Participant or a non-Participant, with or without transshipment, warehousing or change in mode of transport, when such passage is only a portion of a complete journey beginning and terminating beyond the frontier of the Participant or non-Participant across whose territory a shipment passes;

SECTION II

The Kimberley Process Certificate

Each Participant should ensure that:

- (a) a Kimberley Process Certificate (hereafter referred to as the Certificate) accompanies each shipment of rough diamonds on export;
- (b) its processes for issuing Certificates meet the minimum standards of the Kimberley Process as set out in Section IV;

- (c) Certificates meet the minimum requirements set out in Annex I. As long as these requirements are met, Participants may at their discretion establish additional characteristics for their own Certificates, for example their form, additional data or security elements;
- (d) it notifies all other Participants through the Chair of the features of its Certificate as specified in Annex I, for purposes of validation.

SECTION III

Undertakings in respect of the international trade in rough diamonds

Each Participant should:

- (a) with regard to shipments of rough diamonds exported to a Participant, require that each such shipment is accompanied by a duly validated Certificate;
- (b) with regard to shipments of rough diamonds imported from a Participant:
 - require a duly validated Certificate;
 - ensure that confirmation of receipt is sent expeditiously to the relevant Exporting Authority. The confirmation should as a minimum refer to the Certificate number, the number of parcels, the carat weight and the details of the importer and exporter;
 - require that the original of the Certificate be readily accessible for a period of no less than three years;
- (c) ensure that no shipment of rough diamonds is imported from or exported to a non-Participant;
- (d) recognise that Participants through whose territory shipments transit are not required to meet the requirement of paragraphs (a) and (b) above, and of Section II (a) provided that the designated authorities of the Participant through whose territory a shipment passes, ensure that the shipment leaves its territory in an identical state as it entered its territory (i.e. unopened and not tampered with).

SECTION IV

Internal controls

Undertakings by Participants

Each Participant should:

- (a) establish a system of internal controls designed to eliminate the presence of conflict diamonds from shipments of rough diamonds imported into and exported from its territory;
- (b) designate an Importing and an Exporting Authority(ies);
- (c) ensure that rough diamonds are imported and exported in tamper resistant containers;
- (d) as required, amend or enact appropriate laws or regulations to implement and enforce the Certification Scheme and to maintain dissuasive and proportional penalties for transgressions;
- (e) collect and maintain relevant official production, import and export data, and collate and exchange such data in accordance with the provisions of Section V.
- (f) when establishing a system of internal controls, take into account, where appropriate, the further options and recommendations for internal controls as elaborated in Annex II.

Principles of Industry Self-Regulation

Participants understand that a voluntary system of industry self-regulation, as referred to in the Preamble of this Document, will provide for a system of warranties underpinned through verification by independent auditors of individual companies and supported by internal penalties set by industry, which will help to facilitate the full traceability of rough diamond transactions by government authorities.

SECTION V

Cooperation and transparency

Participants should:

- (a) provide to each other through the Chair information identifying their designated authorities or bodies responsible for implementing the provisions of this Certification Scheme. Each Participant should provide to other Participants through the Chair information, preferably in electronic format, on its relevant laws, regulations, rules, procedures and practices, and update that information as required. This should include a synopsis in English of the essential content of this information;
- (b) compile and make available to all other Participants through the Chair statistical data in line with the principles set out in Annex III;

- (c) exchange on a regular basis experiences and other relevant information, including on self-assessment, in order to arrive at the best practice in given circumstances;
- (d) consider favourably requests from other Participants for assistance to improve the functioning of the Certification Scheme within their territories;
- (e) inform another Participant through the Chair if it considers that the laws, regulations, rules, procedures or practices of that other Participant do not ensure the absence of conflict diamonds in the exports of that other Participant;
- (f) cooperate with other Participants to attempt to resolve problems which may arise from unintentional circumstances and which could lead to non-fulfilment of the minimum requirements for the issuance or acceptance of the Certificates, and inform all other Participants of the essence of the problems encountered and of solutions found;
- (g) encourage, through their relevant authorities, closer cooperation between law enforcement agencies and between customs agencies of Participants.

SECTION VI

Administrative matters

MEETINGS

1. Participants and Observers are to meet in Plenary annually, and on other occasions as Participants may deem necessary, in order to discuss the effectiveness of the Certification Scheme.
2. Participants should adopt Rules of Procedure for such meetings at the first Plenary meeting.
3. Meetings are to be held in the country where the Chair is located, unless a Participant or an international organisation offers to host a meeting and this offer has been accepted. The host country should facilitate entry formalities for those attending such meetings.
4. At the end of each Plenary meeting, a Chair would be elected to preside over all Plenary meetings, ad hoc working groups and other subsidiary bodies, which might be formed until the conclusion of the next annual Plenary meeting.
5. Participants are to reach decisions by consensus. In the event that consensus proves to be impossible, the Chair is to conduct consultations.

ADMINISTRATIVE SUPPORT

6. For the effective administration of the Certification Scheme, administrative support will be necessary. The modalities and functions of that support should be discussed at the first Plenary meeting, following endorsement by the UN General Assembly.
7. Administrative support could include the following functions:
 - (a) to serve as a channel of communication, information sharing and consultation between the Participants with regard to matters provided for in this Document;
 - (b) to maintain and make available for the use of all Participants a collection of those laws, regulations, rules, procedures, practices and statistics notified pursuant to Section V;
 - (c) to prepare documents and provide administrative support for Plenary and working group meetings;
 - (d) to undertake such additional responsibilities as the Plenary meetings, or any working group delegated by Plenary meetings, may instruct.

PARTICIPATION

8. Participation in the Certification Scheme is open on a global, non-discriminatory basis to all Applicants willing and able to fulfill the requirements of that Scheme.
9. Any applicant wishing to participate in the Certification Scheme should signify its interest by notifying the Chair through diplomatic channels. This notification should include the information set forth in paragraph (a) of Section V and be circulated to all Participants within one month.
10. Participants intend to invite representatives of civil society, the diamond industry, non-participating governments and international organisations to participate in Plenary meetings as Observers.

PARTICIPANT MEASURES

11. Participants are to prepare, and make available to other Participants, in advance of annual Plenary meetings of the Kimberley Process, information as stipulated in paragraph (a) of Section V outlining how the requirements of the Certification Scheme are being implemented within their respective jurisdictions.
12. The agenda of annual Plenary meetings is to include an item where information as stipulated in paragraph (a) of Section V is reviewed and Participants can provide further details of their respective systems at the request of the Plenary.
13. Where further clarification is needed, Participants at Plenary meetings, upon recommendation by the Chair, can identify and decide on additional verification measures to be undertaken. Such measures are to be implemented in accordance with applicable national and international law. These could include, but need not be limited to measures such as:
 - (a) requesting additional information and clarification from Participants;
 - (b) review missions by other Participants or their representatives where there are credible indications of significant non-compliance with the Certification Scheme.
14. Review missions are to be conducted in an analytical, expert and impartial manner with the consent of the Participant concerned. The size, composition, terms of reference and time-frame of these missions should be based on the circumstances and be established by the Chair with the consent of the Participant concerned and in consultation with all Participants.
15. A report on the results of compliance verification measures is to be forwarded to the Chair and to the Participant concerned within three weeks of completion of the mission. Any comments from that Participant as well as the report, are to be posted on the restricted access section of an official Certification Scheme website no later than three weeks after the submission of the report to the Participant concerned. Participants and Observers should make every effort to observe strict confidentiality regarding the issue and the discussions relating to any compliance matter.

COMPLIANCE AND DISPUTE PREVENTION

16. In the event that an issue regarding compliance by a Participant or any other issue regarding the implementation of the Certification Scheme arises, any concerned Participant may so inform the Chair, who is to inform all Participants without delay about the said concern and enter into dialogue on how to address it. Participants and Observers should make every effort to observe strict confidentiality regarding the issue and the discussions relating to any compliance matter.

MODIFICATIONS

17. This document may be modified by consensus of the Participants.
18. Modifications may be proposed by any Participant. Such proposals should be sent in writing to the Chair, at least ninety days before the next Plenary meeting, unless otherwise agreed.
19. The Chair is to circulate any proposed modification expeditiously to all Participants and Observers and place it on the agenda of the next annual Plenary meeting.

REVIEW MECHANISM

20. Participants intend that the Certification Scheme should be subject to periodic review, to allow Participants to conduct a thorough analysis of all elements contained in the scheme. The review should also include consideration of the continuing requirement for such a scheme, in view of the perception of the Participants, and of international organisations, in particular the United Nations, of the continued threat posed at that time by conflict diamonds. The first such review should take place no later than three years after the effective starting date of the Certification Scheme. The review meeting should normally coincide with the annual Plenary meeting, unless otherwise agreed.

THE START OF THE IMPLEMENTATION OF THE SCHEME

21. The Certification Scheme should be established at the Ministerial Meeting on the Kimberley Process Certification Scheme for Rough Diamonds in Interlaken on 5 November 2002.
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*Annex I to ANNEX I***CERTIFICATES****A. Minimum requirements for Certificates**

A Certificate is to meet the following minimum requirements:

- Each Certificate should bear the title 'Kimberley Process Certificate' and the following statement: 'The rough diamonds in this shipment have been handled in accordance with the provisions of the Kimberley Process Certification Scheme for rough diamonds'
- Country of origin for shipment of parcels of unmixed (i.e. from the same) origin
- Certificates may be issued in any language, provided that an English translation is incorporated
- Unique numbering with the Alpha 2 country code, according to ISO 3166-1
- Tamper and forgery resistant
- Date of issuance
- Date of expiry
- Issuing authority
- Identification of exporter and importer
- Carat weight/mass
- Value in US\$
- Number of parcels in shipment
- Relevant Harmonised Commodity Description and Coding System
- Validation of Certificate by the Exporting Authority

B. Optional Certificate Elements

A Certificate may include the following optional features:

- Characteristics of a Certificate (for example as to form, additional data or security elements)
- Quality characteristics of the rough diamonds in the shipment
- A recommended import confirmation part should have the following elements:
 - Country of destination
 - Identification of importer
 - Carat/weight and value in US\$
 - Relevant Harmonised Commodity Description and Coding System
 - Date of receipt by Importing Authority
 - Authentication by Importing Authority

C. Optional Procedures

Rough diamonds may be shipped in transparent security bags.

The unique Certificate number may be replicated on the container.

*Annex II to ANNEX I***RECOMMENDATIONS AS PROVIDED FOR IN SECTION IV, PARAGRAPH (F)****General Recommendations**

1. Participants may appoint an official coordinator(s) to deal with the implementation of the Certification Scheme.
2. Participants may consider the utility of complementing and/or enhancing the collection and publication of the statistics identified in Annex III based on the contents of Kimberley Process Certificates.
3. Participants are encouraged to maintain the information and data required by Section V on a computerised database.
4. Participants are encouraged to transmit and receive electronic messages in order to support the Certification Scheme.
5. Participants that produce diamonds and that have rebel groups suspected of mining diamonds within their territories are encouraged to identify the areas of rebel diamond mining activity and provide this information to all other Participants. This information should be updated on a regular basis.
6. Participants are encouraged to make known the names of individuals or companies convicted of activities relevant to the purposes of the Certification Scheme to all other Participants through the Chair.
7. Participants are encouraged to ensure that all cash purchases of rough diamonds are routed through official banking channels, supported by verifiable documentation.
8. Participants that produce diamonds should analyse their diamond production under the following headings:
 - Characteristics of diamonds produced
 - Actual production

Recommendations for Control over Diamond Mines

9. Participants are encouraged to ensure that all diamond mines are licensed and to allow only those mines so licensed to mine diamonds.
10. Participants are encouraged to ensure that prospecting and mining companies maintain effective security standards to ensure that conflict diamonds do not contaminate legitimate production.

Recommendations for Participants with Small-scale Diamond Mining

11. All artisanal and informal diamond miners should be licensed and only those persons so licensed should be allowed to mine diamonds.
12. Licensing records should contain the following minimum information: name, address, nationality and/or residence status and the area of authorised diamond mining activity.

Recommendations for Rough Diamond Buyers, Sellers and Exporters

13. All diamond buyers, sellers, exporters, agents and courier companies involved in carrying rough diamonds should be registered and licensed by each Participant's relevant authorities.
14. Licensing records should contain the following minimum information: name, address and nationality and/or residence status.
15. All rough diamond buyers, sellers and exporters should be required by law to keep for a period of five years daily buying, selling or exporting records listing the names of buying or selling clients, their license number and the amount and value of diamonds sold, exported or purchased.
16. The information in paragraph 14 above should be entered into a computerised database, to facilitate the presentation of detailed information relating to the activities of individual rough diamond buyers and sellers.

Recommendations for Export Processes

17. A exporter should submit a rough diamond shipment to the relevant Exporting Authority.
18. The Exporting Authority is encouraged, prior to validating a Certificate, to require an exporter to provide a declaration that the rough diamonds being exported are not conflict diamonds.
19. Rough diamonds should be sealed in a tamper proof container together with the Certificate or a duly authenticated copy. The Exporting Authority should then transmit a detailed e-mail message to the relevant Importing Authority containing information on the carat weight, value, country of origin or provenance, importer and the serial number of the Certificate.
20. The Exporting Authority should record all details of rough diamond shipments on a computerised database.

Recommendations for Import Processes

21. The Importing Authority should receive an e-mail message either before or upon arrival of a rough diamond shipment. The message should contain details such as the carat weight, value, country of origin or provenance, exporter and the serial number of the Certificate.
22. The Importing Authority should inspect the shipment of rough diamonds to verify that the seals and the container have not been tampered with and that the export was performed in accordance with the Certification Scheme.
23. The Importing Authority should open and inspect the contents of the shipment to verify the details declared on the Certificate.
24. Where applicable and when requested, the Importing Authority should send the return slip or import confirmation coupon to the relevant Exporting Authority.
25. The Importing Authority should record all details of rough diamond shipments on a computerised database.

Recommendations on Shipments to and from Free Trade Zones

26. Shipments of rough diamonds to and from free trade zones should be processed by the designated authorities.

*Annex III to ANNEX I***STATISTICS**

Recognising that reliable and comparable data on the production and the international trade in rough diamonds are an essential tool for the effective implementation of the Certification Scheme, and particularly for identifying any irregularities or anomalies which could indicate that conflict diamonds are entering the legitimate trade, Participants strongly support the following principles, taking into account the need to protect commercially sensitive information:

- (a) to keep and publish within two months of the reference period and in a standardised format, quarterly aggregate statistics on rough diamond exports and imports, as well as the numbers of certificates validated for export, and of imported shipments accompanied by Certificates;
 - (b) to keep and publish statistics on exports and imports, by origin and provenance wherever possible; by carat weight and value; and under the relevant Harmonised Commodity Description and Coding System (HS) classifications 7102 10; 7102 21; 7102 31;
 - (c) to keep and publish on a semi-annual basis and within two months of the reference period statistics on rough diamond production by carat weight and by value. In the event that a Participant is unable to publish these statistics it should notify the Chair immediately;
 - (d) to collect and publish these statistics by relying in the first instance on existing national processes and methodologies;
 - (e) to make these statistics available to an intergovernmental body or to another appropriate mechanism identified by the Participants for (1) compilation and publication on a quarterly basis in respect of exports and imports, and (2) on a semi-annual basis in respect of production. These statistics are to be made available for analysis by interested parties and by the Participants, individually or collectively, according to such terms of reference as may be established by the Participants;
 - (f) to consider statistical information pertaining to the international trade in and production of rough diamonds at annual Plenary meetings, with a view to addressing related issues, and to supporting effective implementation of the Certification Scheme.
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ANNEX II

List of participants in the Kimberley Process certification scheme and their duly appointed competent authorities as referred to in Articles 2, 3, 5, 8, 9, 12, 17, 18, 19 and 20

ANNEX III

List of Member States' competent authorities and their tasks as referred to in Articles 2 and 19

ANNEX IV

Community certificate as referred to in Article 2

The Community certificate referred to in Article 2 shall have the following features. Member States shall ensure that the Certificates they issue shall be identical. To this end they shall submit to the Commission specimens of the Certificates to be issued.

Member States shall be responsible for having the EC Certificates printed. The EC Certificates may be printed by printers appointed by the Member State in which they are established. In the latter case, reference to the appointment by the Member State must appear on each EC Certificate. Each EC Certificate shall bear an indication of the printer's name and address or a mark enabling the printer to be identified. The printer should be a High Security Banknote Printer. The printer should provide suitable references from governmental and commercial customers.

The European Commission shall make specimens of original EC Certificates available to EC authorities.

Materials

- Dimensions: A4 (210 mm x 297 mm);
- Watermarked with visible (European blue) and invisible (yellow/green) UV fibres;
- Security Paper: The visible fibres are coloured to match 'European Blue';
- UV dull (features in the document stand out clearly when highlighted under a Ultra-violet lamp);
- 100 g/m² paper.

Printing

- Rainbow background tint (solvent sensitive) (colour definition: pantone blue-rose);
 - The 'rainbow' effect has a security background that will not visualise when photocopied.
 - The inks used must be 'solvent sensitive' to protect the document against attack from chemicals used to alter infilled text, such as bleach.
- 1 Colour background tint (permanent and light fast);
 - Ensure that a secondary 'Rainbow' is printed to prevent the Certificates from exposure to sunlight.
- UV invisible working (stars of the EU Flag);
 - The security printer should apply the correct weight of ink to ensure that the UV feature is invisible in normal light.
- EU Flag: Printed gold and European blue;
- Intaglio Border;
 - Tactile Intaglio ink is one of the most important features in the document.
- Extra Small Print line reading 'Kimberley Process Certificate';
- Latent image: KP;
- MELT feature reading 'KPCS';
- The document design must incorporate anticopy ('Medallion') features into the background fine-line printing.

Numbering

- Each EC Certificate shall have a unique serial number, preceded by the code: EC.
- The Commission shall attribute the serial numbers to the Member States that intend to issue EC Certificates.
- There should be two types of matching numbering — visible and invisible:
 - First = 6 digit sequential, once on all parts of the document, printed black (fluorescing to green under UV light)
 - The printer should hold all responsibility for numbering every Certificate.
 - The printer should also keep a database of all numbering.
 - Right hand and left hand number to be aligned horizontally.
 - Second = 6 digit sequential invisible printed numbering (matching above) to fluorescent red under UV light (aligned vertically with top visible numbers).

Language

English and, where relevant, the language(s) of the Member State concerned.

*Lay out and finishing***Obligatory features**

Slot perforated in 1 position, cut to singles A4 size. 1 at 70 mm from R.-edge

(a) left side:



EUROPEAN COMMUNITY
Unique Number: EC
KIMBERLY PROCESS CERTIFICATE

The rough diamonds in this shipment have been handled in accordance with the provisions of the Kimberly Process Certification Scheme for rough diamonds.

Country of Origin: Number of Parcels:

Country of Provenance

Name and address of exporter:

Name and address of importer:

	Carat	Value (USD)
7102.10		
7102.21		
7102.31		

THIS CERTIFICATE

Issued on Expires on

.....

Signature of Authorised Officer/Official Stamp

(b) right side:



Unique Number: EC
EUROPEAN COMMUNITY
KIMBERLY PROCESS CERTIFICATE
IMPORT CONFIRMATION

It is hereby certified that the rough diamonds in this shipment exported

From

Were accepted for import

Into

By

On

And that the import has been checked and verified in compliance with the provisions of the Kimberley Certification Scheme for rough diamonds.

	Carat	Value (USD)
7102.10		
7102.21		
7102.31		

.....

Signature of Authorised Officer

Stamp of Importing Authority

ANNEX V

**List of diamond organisations implementing the system of warranties and industry self-regulation referred to
in Articles 13 and 17**

**COUNCIL REGULATION (EC) No 2369/2002
of 20 December 2002**

**amending Regulation (EC) No 2792/1999 laying down the detailed rules and arrangements
regarding Community structural assistance in the fisheries sector**

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

Whereas:

- (1) Regulation (EC) No 2792/1999 ⁽³⁾ lays down provisions relating to the restructuring of the Community fisheries sector.
- (2) The period of application of Council Decision 97/413/EC of 26 June 1997 concerning the objectives and detailed rules for restructuring the Community fisheries sector for the period from 1 January 1997 to 31 December 2001 with a view to achieving a balance on a sustainable basis between resources and their exploitation ⁽⁴⁾ has been extended and will expire on 31 December 2002.
- (3) Appropriate provisions should be laid down for the period commencing on 1 January 2003.
- (4) Consistency should be ensured between the policy for restructuring the fisheries sector and other aspects of the Common Fisheries Policy, in particular the objective of achieving a stable and enduring balance between the capacity of fishing fleets and the fishing opportunities available to them in Community waters and outside Community waters.
- (5) Since this balance can be achieved only by capacity withdrawal, Community financial support to the fisheries sector through the Financial Instrument for Fisheries Guidance (FIFG) should be concentrated mainly on the scrapping of fishing vessels and public aid for fleet renewal should be permitted only until 31 December 2004.
- (6) For the same reason, measures for the equipment and modernisation of fishing vessels should be restricted either to measures to improve safety, navigation, hygiene, product quality, product safety and working conditions or to measures to increase the selectivity of fishing gear, including for the purpose of reducing by-catches and habitat impacts. These measures should be eligible for FIFG support on condition that they do not lead to an increase in fishing effort.

- (7) FIFG support for measures to assist small-scale coastal fishing should be granted on condition that such measures do not serve to increase fishing effort in fragile coastal marine ecosystems, or that they help to reduce the impact of towed gear on the flora and fauna of the sea bed.
- (8) Public aid for the transfer of Community fishing vessels to third countries, including transfers made in the context of joint enterprises, should be permitted only until 31 December 2004.
- (9) Socio-economic measures aim to support the retraining of fishermen to help them take up full time professional activities outside marine fisheries. These measures may also aim to support the diversification of fishermen's activities outside marine fisheries and thereby enable them to continue fishing on a part-time basis, provided that this contributes to a reduction of their fishing effort.
- (10) Detailed rules should be introduced for the granting of compensation and its limitation in time where a recovery or management plan is decided on by the Council or emergency measures are decided on by the Commission or by one or more Member States.
- (11) Articles 87, 88 and 89 of the Treaty should apply to aid granted by Member States to the fisheries and aquaculture sector. However, in order to speed up the reimbursement by the Commission of funds advanced by the Member States, an exception to that principle should be introduced for the obligatory financial input by Member States towards measures co-financed by the Community and provided for under the development plans defined in Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds ⁽⁵⁾.
- (12) For procedural reasons, all measures entailing public financing over and above the provisions concerning obligatory financial contributions contained in Regulation (EC) No 2792/1999 or in Council Regulation (EC) No 2370/2002 of 20 December 2002 establishing an emergency Community measure for scrapping fishing vessels ⁽⁶⁾ should be treated as a whole under Articles 87, 88 and 89 of the Treaty.

⁽¹⁾ OJ C 203 E, 27.8.2002, p. 304.

⁽²⁾ Opinion delivered on 5 December 2002 (not yet published in the Official Journal).

⁽³⁾ OJ L 337, 30.12.1999, p. 10. Regulation as last amended by Regulation (EC) No 179/2002 (OJ L 31, 1.2.2002, p. 25).

⁽⁴⁾ OJ L 175, 3.7.1997, p. 27. Decision as amended by Decision 2002/70/EC (OJ L 31, 1.2.2002, p. 79).

⁽⁵⁾ OJ L 161, 26.6.1999, p. 1. Regulation as amended by Regulation (EC) No 1447/2001 (OJ L 198, 27.7.2001, p. 1).

⁽⁶⁾ See page 57 of this Official Journal.

- (13) Regulation (EC) No 2792/1999 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2792/1999 is hereby amended as follows:

1. the following paragraph shall be added to Article 1:

‘3. Measures adopted pursuant to paragraphs 1 and 2 shall not increase fishing effort.’

2. Article 2 shall be replaced by the following:

‘Article 2

Means

The Financial Instrument for Fisheries Guidance, hereafter referred to as the “FIFG” may, under the conditions laid down in Article 16 of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy (*), provide assistance for the measures defined in Titles II, III and IV of this Regulation within the fields covered by the Common Fisheries Policy as defined in Article 1 of Regulation (EC) No 2371/2002.

(*) OJ L 358, 31.12.2002, p. 59.’

3. Article 3 shall be amended as follows:

- (a) paragraph 1 shall be replaced by the following:

‘1. Programming, defined in Article 9(a) of Regulation (EC) No 1260/1999, shall be in accordance with the objectives of the Common Fisheries Policy and in particular with the provisions of Chapter III of Regulation (EC) No 2371/2002. To this end, programming shall be revised as necessary and in particular in application of fishing effort limits decided under Article 5 of Regulation (EC) No 2370/2002.

Programming shall cover all the fields referred to in Titles II, III and IV.’

- (b) paragraph 3 shall be replaced by the following:

‘3. The development plans defined in Article 9(b) of Regulation (EC) No 1260/1999 shall demonstrate that public aid is necessary with regard to the objectives pursued, in particular that, without public aid, the fishing vessels concerned could not be modernised, and that the planned measures will not jeopardise the sustainability of fisheries.

The contents of the plans shall be as set out in Annex I.’

- (c) paragraph 4 shall be deleted;

4. Articles 4 and 5 shall be deleted;

5. the heading of Title II shall be replaced by the following:

‘Title II

FISHING FLEET’

6. Article 6 shall be deleted;

7. Article 7 shall be amended as follows:

- (a) paragraph 1 shall be replaced by the following:

‘1. Member States shall take appropriate measures to comply with the relevant provisions of Regulation (EC) No 2371/2002.

Where necessary, this shall be achieved either by stopping fishing vessels' fishing activities permanently, in accordance with the applicable provisions of Annex III, or by restricting them or by a combination of both.’

- (b) paragraph 3 shall be replaced by the following:

‘3. The permanent cessation of fishing vessels' fishing activities may be achieved by:

- (a) the scrapping of the vessel;

- (b) until 31 December 2004, permanent transfer of the vessel to a third country, including in the framework of a joint enterprise within the meaning of Article 8, after agreement by the competent authorities of the country concerned, provided all the following criteria are met:

- (i) there exists a fisheries agreement between the European Community and the third country of transfer as well as appropriate guarantees that international law is not likely to be infringed, in particular with respect to the conservation and management of marine resources or other objectives of the Common Fisheries Policy and with respect to working conditions of fishermen.

Derogations may be granted by the Commission on a case by case basis for permanent transfers in the framework of joint enterprises to third countries, where Community interests do not justify the conclusion of a fisheries agreement and the other conditions for transfer would be fulfilled;

- (ii) the third country to which the vessel is to be transferred is not a country which is a candidate for accession;

- (iii) the transfer results in a reduction of fishing effort on the resources previously exploited by the vessel transferred; however, this criterion shall not apply when the vessel transferred has lost fishing possibilities under a fisheries agreement with the Community or under another agreement;

- (iv) if the third country to which the vessel is to be transferred is not a contracting or Cooperating Party to relevant regional fisheries organisations, that country has not been identified by such organisations as one which permits fishing in a manner which jeopardises the effectiveness of international conservation measures. The Commission shall publish a list of the countries concerned on a regular basis in the C series of the *Official Journal of the European Communities*;
- (c) permanent reassignment of fishing vessels for non-profitable purposes other than fishing.'
- (c) paragraph 4 shall be deleted;
- (d) in paragraph 5, points (b), (c) and (d) shall be replaced by the following:
- '(b) premiums for permanent transfer within the framework of a joint enterprise: the amounts referred to in Article 8(3); however, no public aid for this purpose can be given for vessels with a tonnage less than 20 GRT or 22 GT, or of 30 years old or more;
- (c) premiums for other permanent transfer to a third country: the maximum amounts for the scrapping premiums referred to in (a), less 70 %. However, no public aid for this purpose may be given for vessels with a tonnage less than 20 GRT or 22 GT, or of 30 years old or more;
- (d) premiums for permanent reassignment of the fishing vessel for non-profitable purposes other than fishing: the amounts for the scrapping premiums referred to in (a).'
- (e) paragraphs 6 and 7 shall be deleted;
8. Article 8(5) shall be replaced by the following:
- '5. Each year for five consecutive years from the date of constitution of the joint enterprise or the date on which the Community partner acquired holdings in the enterprise, applicants shall submit to the management authority a report on the implementation of the activity plan, including data on catches and markets of fisheries products, in particular products landed in or exported to the Community, with supporting documents, together with the enterprise's balance sheet and a statement of its net worth. The management authority shall forward the report to the Commission for information.
- The balance of the premium shall be paid to applicants after five years of activity and after the fifth report has been received.'
9. Article 9 shall be replaced by the following:
- 'Article 9
- Public aid for fleet renewal and for the equipment or modernisation of fishing vessels**
1. Public aid for fleet renewal and for the equipment of fishing vessels, including for the use of more selective fishing techniques and of Vessel Monitoring Systems or for the modernisation of fishing vessels may be granted only on the following conditions and those set out in the second subparagraph of Article 3(3) and in Annex III:
- (a) public aid for the renewal of fishing vessels may be granted until 31 December 2004;
- (b) public aid for the renewal of fishing vessels may be granted only for vessels under 400 GT;
- (c) public aid for the equipment of fishing vessels, including for the use of more selective fishing techniques and of Vessel Monitoring Systems, or for the modernisation of fishing vessels may be granted provided that:
- (i) the aid does not concern capacity in terms of tonnage or of power;
- (ii) the aid does not serve to increase the effectiveness of the fishing gear;
- (d) by derogation from point (c)(i), public aid for the modernisation of fishing vessels may be granted subject to the provisions of Article 11(5) of Regulation (EC) No 2371/2002.
2. The effect of granting public aid shall be accounted for in the annual implementation report referred to in Article 21.
3. The indicators relating to the granting of public aid for fleet renewal and modernisation of fishing vessels in the plans, set out in Annex I(2)(d), shall be drawn up in accordance with this Article.
4. Expenditure eligible for public aid as referred to in paragraph 1 may not exceed the following amounts:
- (a) construction of fishing vessels: twice the scales in Table 1 in Annex IV;
- (b) equipment and modernisation of fishing vessels including, where applicable and until 31 December 2003, the cost of re-measuring tonnage in accordance with Annex I to the 1969 Tonnage Measurement Convention: the scales in Table 1 of Annex IV.'
10. Article 10 shall be amended as follows:
- (a) paragraph 1 shall be replaced by the following:
- '1. Public aid for fleet renewal and for the equipment and the modernisation of fishing vessels may be permitted only where, within the time allowed, the Member State has complied with Council Regulation (EEC) No 2930/86 of 22 September 1986 defining characteristics for fishing vessels (*).
- (*) OJ L 274, 25.9.1986, p. 1. Regulation as last amended by Regulation (EC) No 3259/94 (OJ L 339, 29.12.1994, p. 11).'

- (b) paragraph 2 shall be deleted;
- (c) paragraphs 3 and 4 shall be replaced by the following:

'3. The following provisions shall apply to the accumulation of public aids to the fishing fleet:

- (a) expenditure on equipment and modernisation shall not be eligible for aid for five years following the grant of public aid for the construction of the vessel concerned except for equipment in vessel monitoring systems;
- (b) permanent withdrawal premiums within the meaning of Article 7(5) and premiums for the creation of joint enterprises within the meaning of Article 8 may not be added to other Community aid granted under this Regulation or Regulations (EEC) No 2908/83 (*), (EEC) No 4028/86 (**) and (EC) No 2468/98. These premiums shall be reduced:
- (i) by a part of the amount previously received in the case of equipment and modernisation aid; this part shall be calculated pro rata temporis for the five-year period preceding the permanent withdrawal or the setting up of the joint enterprise;
- (ii) by the total amount previously received in the case of aid for the temporary cessation of activities within the meaning of Article 16(1) of this Regulation and under Article 14 of Regulation (EC) No 2468/98 paid during the year preceding permanent withdrawal or the setting up of the joint enterprise;
- (c) aid for the equipment in vessel monitoring systems may not be added to aid granted under Council Decision 2001/431/EC.

4. Public aid for renewal or for modernisation and equipment, under this Regulation shall be reimbursed pro rata temporis when the fishing vessel concerned is deleted from the fishing vessel register of the Community within ten years from the renewal, or within five years of the modernisation works.

(*) Council Regulation (EEC) No 2908/83 of 4 October 1983 on a common measure for restructuring, modernising and developing the fishing industry and for developing aquaculture (OJ L 290, 22.10.1983, p. 1). Regulation as last amended by Regulation (EEC) No 3733/85 (OJ L 361, 31.12.1985, p. 78).

(**) Council Regulation (EEC) No 4028/86 of 18 December 1986 on Community measures to improve and adapt structures in the fisheries and aquaculture sector (OJ L 376, 31.12.1986, p. 7). Regulation as last amended by Regulation (EEC) No 3946/92 (OJ L 401, 31.12.1992, p. 1).'

11. Article 11 shall be amended as follows:

- (a) paragraph 1 shall be replaced by the following:

'1. For the purposes of this Article, "small-scale coastal fishing" means fishing carried on by fishing vessels of an overall length of less than 12 metres and not using towed gear as listed in table 2, Annex I of Commission Regulation (EC) No 2090/98 of 30

September 1998 regarding the fishing vessels register of the Community (*).

(*) OJ L 266, 1.10.1998, p. 27. Regulation as amended by Regulation (EC) No 839/2002 (OJ L 134, 22.5.2002, p. 5).'

- (b) paragraph 4 shall be replaced by the following:

'4. For the purposes of paragraph 3, the following projects, *inter alia*, may be considered integrated collective projects:

- safety equipment on board and improvement of sanitary and working conditions,
- technological innovations (more selective fishing techniques) that do not increase the fishing effort,
- organisation of the production, processing and marketing chain (promotion and added value of the products),
- professional requalification or training.'

12. Article 12 shall be amended as follows:

- (a) paragraph 2 shall be replaced by the following:

'2. Member States may take, for fishermen, measures of a socioeconomic nature associated with the adjustment of fishing capacity within the meaning of Article 11 of Regulation (EC) No 2371/2002.'

- (b) point (c) of paragraph 3 shall be replaced by the following:

'(c) granting non-renewable individual compensatory payments to fishermen who can show that they have worked for at least five years as fishermen, to help them:

- (i) to retrain outside marine fisheries under an individual or collective social plan, on the basis of an eligible cost limited to EUR 50 000 per individual beneficiary; the managing authority shall determine the individual amount according to the scale of the retraining project and the financial commitment entered into by the beneficiary;
- (ii) to diversify their activities outside marine fisheries under an individual or collective diversification project, on the basis of an eligible cost limited to EUR 20 000 per individual beneficiary; the managing authority shall determine the individual amount according to the scale of the diversification project and the investment made by the beneficiary.'

- (c) point (d) of paragraph 4 shall be replaced by the following:

'(d) (i) that the compensation referred to in paragraph 3(c)(i) for reconversion is refunded on a pro rata temporis basis where the beneficiaries return to their work as fishermen within a period of less than five years after being paid the compensation, and

(ii) that the compensation for diversification referred to in paragraph 3(c)(ii) contributes to a reduction of the fishing effort developed by the fishing vessels on which the beneficiaries are active;'

(d) paragraph 6 shall be replaced by the following:

'6. The Member States may introduce nationally financed accompanying measures for crew members of affected fishing vessels in order to facilitate temporary cessation of fishing activities in the framework of plans for protection of aquatic resources.'

13. Article 16 is hereby amended as follows:

(a) paragraph 1 is amended as follows:

(i) point (a) shall be replaced by the following:

'(a) in the event of unforeseeable circumstances, particularly those caused by biological factors; the granting of compensation may last for no more than three consecutive months or six months over the entire period from 2000 to 2006. The managing authority shall furnish the Commission with scientific proof of these circumstances in advance;'

(ii) point (c) shall be replaced by the following:

'(c) where a recovery or management plan is adopted by the Council or where emergency measures are decided by the Commission or by one or more Member States, the granting of compensation by a Member State may last for one year and may be extended by one further year.'

(b) paragraphs 3 and 4 shall be replaced by the following:

'3. The financial contribution from the FIFG to the measures referred to in paragraphs 1 and 2 per Member State for the entire period from 2000 to 2006 may not exceed the higher of the following two thresholds: EUR 1 million or 4 % of the Community financial assistance allocated to the sector in the Member State concerned.'

However, in the case of a recovery or management plan adopted by the Council or of emergency measures decided by the Commission, these thresholds may be exceeded on condition that the measure includes a decommissioning scheme with the aim of withdrawing, within two years of the adoption of the measure, a number of fishing vessels with a fishing effort at least equal to the effort of the fishing vessels suspended from fishing activity as a consequence of the plan or emergency measure.

To obtain Commission approval for a financial contribution from the FIFG, a Member State shall notify the Commission of the measure and provide it with a detailed calculation of premiums. The measure shall enter into force only after the Commission's approval has been delivered to the Member State.

The managing authority shall determine the amount of compensation as provided for in paragraphs 1 and 2 to be paid in individual cases taking account of relevant

parameters such as the real losses suffered, the scale of the conversion effort, recovery plan or technical adjustment effort.

4. Recurrent seasonal suspension of fishing activity shall not be eligible for compensation under paragraphs 1, 2 and 3.'

14. Article 18 shall be replaced by the following:

'Article 18

Compliance with the conditions governing assistance

The managing authority shall ensure that the special conditions governing assistance listed in Annex III are complied with.

It shall also satisfy itself as to the technical capacity of beneficiaries and the financial viability of firms as well as their respecting all rules of the Common Fisheries Policy before granting aid. If during the grant period it is found that the beneficiary does not comply with rules of the Common Fisheries Policy, the grant shall be reimbursed in proportion to the gravity of the infringement.

Detailed rules for the implementation of this article may be adopted in accordance with Article 23(2).'

15. Article 19 shall be replaced by the following:

'Article 19

Obligatory financial contributions and State aid

1. Without prejudice to paragraph 2, Articles 87, 88 and 89 of the Treaty shall apply to aid granted by Member States to the fisheries and aquaculture sector.

2. Articles 87, 88 and 89 of the Treaty shall not apply to obligatory financial contributions by Member States to measures co-financed by the Community and provided for under the development plans referred to in Article 3(3) of this Regulation and defined in Article 9(b) of Regulation (EC) No 1260/1999 or under Article 5 of Regulation (EC) No 2370/2002 of 20 December 2002 establishing an emergency Community measure for scrapping fishing vessels. (*)

3. Measures which provide for public financing exceeding the provisions of this Regulation or of Regulation (EC) No 2370/2002 concerning obligatory financial contributions, as referred to in paragraph 2, shall be treated as a whole on the basis of paragraph 1.

(*) OJ L 358, 31.12.2002, p. 57.'

16. Article 22 shall be replaced by the following:

'Article 22

Committee procedure

The measures necessary for the implementation of this Regulation relating to matters referred to in Articles 8, 15, 18 and 21 shall be adopted in accordance with the management procedure referred to in Article 23(2).'

17. in Article 23(1), points (a) and (b) shall be replaced by the following:

- '(a) for the purpose of the implementation of Articles 8, 15, 18 and 21 by the Committee on structures for fisheries and aquaculture established by Article 51 of Regulation (EC) No 1260/1999; and
- (b) for the purpose of the implementation of Articles 9 and 10 by the Committee for fisheries and aquaculture established by Article 30(1) of Regulation (EC) No 2371/2002.'

Article 2

Annexes I to IV shall be amended in accordance with the Annex to this Regulation.

Article 3

This Regulation shall enter into force on 1 January 2003.

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

Done at Brussels, 20 December 2002.

For the Council

The President

M. FISCHER BOEL

ANNEX

1. Annex I is amended as follows:

(a) point 1(c) is replaced by the following:

‘(c) requirements of the sector.’;

(b) point 2(d)(i) is replaced by the following:

‘(i) indicators concerning the development of the fleet in relation to the objectives of the recovery or management plans.’;

2. Annex II is deleted.

3. Annex III is amended as follows:

(a) the title of point 1 is replaced by the following:

‘1. Implementation of measures relating to fishing fleet activities (Title II)’;

(b) point 1.0 is replaced by the following:

‘1.0. Age of vessels

For the purpose of this Regulation, the age of a vessel is a whole number defined as the difference between the year of the managing authority's decision to grant a premium or aid and the year of entry into service as defined in Regulation (EEC) No 2930/86.’;

(c) points 1.3 and 1.4 shall be replaced by the following:

‘1.3. Fleet renewal (Article 9)

(a) Vessels must be built to comply with the Regulations and Directives governing hygiene, safety, health, product quality and working conditions and the Community provisions concerning the measurement of vessels and the monitoring of fishing activities.

(b) Vessels shall be entered in the Community fishing fleet register.

(c) Without prejudice to Article 12(3)(d), the transfer of ownership of a fishing vessel shall not give rise to Community aid.

1.4. Fishing Vessels equipment and modernisation (Article 9)

(a) Vessels must have been registered in the fishing vessels register of the Community for at least five years except for equipment in Vessel Monitoring Systems. Changes in vessel characteristics must be communicated to this register and the vessels must be measured in accordance with Community provisions, when they are modernised.

(b) Investments should relate to:

(i) the rationalisation of fishing operations by the use of more selective or low impact fishing technologies and methods on board in order to avoid undesirable by-catches, other than those provided for in Community law,
and/or

(ii) improvement of the quality and safety of products caught and preserved on board, the use of more selective fishing techniques and of better preserving techniques and the implementation of legal and regulatory provisions regarding health,
and/or

(iii) improvement of working and safety conditions.

Without prejudice to Article 16(2), the replacement of fishing gear shall not be considered eligible expenditure.’;

(d) the following point 1.5 is added:

‘1.5. Socio-economic measures (Article 12)

Measures to support the training of fishermen or the diversification of their activities outside marine fisheries must contribute to a reduction of the fishing effort developed by the beneficiaries even if they continue fishing on a part-time basis.’

4. in Annex IV, the text preceding Table 3 in point 2 is replaced by the following:

2. Rates of financial participation

- (a) For all the operations referred to in titles II, III and IV, the limits on Community financial participation (A), total State financial participation (national, regional and other) by the Member State concerned (B) and, where applicable, financial participation by private beneficiaries (C) shall be as follows, expressed as a percentage of eligible costs.

Group 1:

Permanent withdrawal premiums (Article 7), premium for the creation of joint enterprises (Article 8), small-scale coastal fishing (Article 11), socio-economic measures (Article 12), protection and development of aquatic resources (Article 13(1)(a)), fishing port facilities with no financial participation by private beneficiaries (Article 13(1)(c)), measures to find and promote new market outlets with no financial participation by private beneficiaries (Article 14), operations by members of the trade with no financial participation by private beneficiaries (Article 15), temporary cessation premiums and other financial compensation (Article 16), innovative measures and technical assistance including pilot projects carried out by public bodies (Article 17).

Group 2:

Fleet renewal, equipment and modernisation of fishing vessels (Article 9).

Group 3:

Aquaculture (Article 13(1)(b)), fishing port facilities with financial participation by private beneficiaries (Article 13(1)(c)), processing and marketing (Article 13(1)(d)), inland fishing (Article 13(1)(e)), measures to find and promote new market outlets with financial participation by private beneficiaries (Article 14), operations by members of the trade with financial participation by private beneficiaries (Article 15(2)).

Group 4:

Pilot projects other than those carried out by public bodies (Article 17).

- (b) With respect to operations concerning the protection and development of aquatic resources (Article 13(1)(a)), fishing port facilities (Article 13(1)(c)), measures to find and promote new market outlets (Article 14) and operations by members of the trade (Article 15), the managing authority shall determine whether they fall under group 1 or group 3, in particular on the basis of the following considerations:
- collective versus individual interests,
 - collective versus individual beneficiary (producers' organisations, organisations representing the trade),
 - public access to the results of the operation versus private ownership and control,
 - financial participation by collective bodies, research institutions.'
-

**COUNCIL REGULATION (EC) No 2370/2002
of 20 December 2002
establishing an emergency Community measure for scrapping fishing vessels**

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

Whereas:

- (1) Council Regulation (EC) No 2792/1999 of 17 December 1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector ⁽³⁾ has afforded decommissioning incentives as a way of bringing about a balanced ratio of fleet capacity to available resources in the long term.
- (2) Several stocks of major importance to Community fisheries are now seriously depleted. The owners of fishing vessels whose fishing opportunities have been severely reduced as a result of a recovery plan adopted by the Council should therefore be offered additional decommissioning incentives on top of those already provided for in Regulation (EC) No 2792/1999. Sufficient additional funds should be made available to Member States for this purpose.
- (3) Only those vessel owners who are severely affected by a recovery plan should be afforded access to additional decommissioning incentives for the scrapping of fishing vessels defined by this Regulation. A reduction of 25 % or more in the fishing opportunities of the vessel concerned should be regarded as an objective indicator of severe impact.
- (4) The maximum amounts for the scrapping premiums laid down in Article 7 of Regulation (EC) No 2792/1999 are insufficient to enable the higher premiums to be paid.
- (5) For conservation reasons the Community measure should be established as soon as possible and should be limited in time to ensure that suitable restructuring of the fleet can proceed without delay.
- (6) It is necessary to ensure adequate flexibility of the distribution of the additional scrapping funds to allow them to be directed to those Member States most in need.
- (7) The roles of all parties involved in the implementation of the financial measure should be clearly defined and steps taken to guarantee the transparency and equity of the procedures for the management and monitoring of the measure.

- (8) Rules on the financial contributions made under this Regulation should be defined by reference to those laid down in Regulation (EC) No 2792/1999.
- (9) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁴⁾.
- (10) It is necessary and appropriate for the achievement of the basic objective of this Regulation, namely the conservation and sustainable exploitation of fisheries resources, to lay down rules on the scrapping of fishing vessels. In accordance with the principle of proportionality as set out in Article 5 of the Treaty, this Regulation does not go beyond what is necessary in order to achieve that objective,

HAS ADOPTED THIS REGULATION:

TITLE I

SUBJECT MATTER AND ELIGIBILITY

Article 1

Subject matter

An emergency Community measure to assist Member States to achieve additional reductions in fishing effort resulting from recovery plans adopted by the Council is hereby instituted for the period from 2003 to 2006. The measure shall consist of a special incentive to provide Member States with funds to co-finance their additional needs to scrap fishing vessels affected by recovery plans.

Article 2

Eligibility

Any fishing vessel covered by a recovery plan adopted by the Council shall be eligible for an increased scrapping premium in accordance with Article 3 provided that:

- (a) the fishing vessel is also eligible for scrapping premiums under Regulation (EC) No 2792/1999,
and
- (b) its fishing effort has had to be reduced by 25 % or more as a consequence of a recovery plan.

⁽¹⁾ OJ C 227 E, 24.9.2002, p. 333.

⁽²⁾ Opinion delivered on 5 December 2002 (not yet published in the Official Journal).

⁽³⁾ OJ L 337, 30.12.1999, p. 10. Regulation as last amended by Regulation (EC) No 179/2002 (OJ L 31, 1.2.2002, p. 25).

⁽⁴⁾ OJ L 184, 17.7.1999, p. 23.

*Article 3***Maximum amount of increased scrapping premium**

Owners of fishing vessels may be granted public aid in respect of eligible fishing vessels within the meaning of Article 2 on the basis of the scales referred to in point (a) of Article 7(5) of Regulation (EC) No 2792/1999, increased by 20 %.

TITLE II

YEAR 2003*Article 4***Financial contribution from the Community**

The Community may grant Member States, for the year 2003, a financial contribution (hereinafter 'financial contribution') for their expenditure incurred under Article 3. The financial contribution shall be calculated in accordance with the rates set out in Table 3, Group 1 of Annex IV to Regulation (EC) No 2792/1999.

*Article 5***Forecast programmes of annual expenditure**

Member States wishing to receive a financial contribution shall present to the Commission by 30 June 2003 a plan of their proposed decommissioning expenditure for the year 2003, under this emergency Community measure. The Commission shall proceed with the commitment of the global annual amount available in the budget for this emergency Community measure.

*Article 6***Procedure**

1. Member States shall submit their applications for the payment of the expenditure by 30 June 2004. On the basis of the applications, and the situation of each Member State in respect of the impact of recovery plans, the Commission shall decide on the financial contribution to be paid to each Member State. The Commission shall pay up to 50 % of the assistance on receipt of the application and the balance after certification by the authorities referred to in paragraph 2.

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

Done at Brussels, 20 December 2002.

2. The authorities responsible for the implementation of this emergency Community measure shall be the managing and paying authorities involved in structural fund measures concerning fisheries in the relevant Member State. They shall perform the functions assigned to them by Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the structural funds ⁽¹⁾.

3. Except in the case of contrary provisions arising from this Regulation, the relevant provisions of Regulation (EC) No 1260/1999, in particular Articles 33 to 39, as well as derived legislation, shall apply.

TITLE III

PERIOD 2004-2006*Article 7*

For the period 2004-2006 the necessary funds for financing the emergency Community measure for scrapping fishing vessels shall be made available by reprogramming of the Structural Funds provided for in Articles 41 and 44 of Regulation (EC) No 1260/1999 and be programmed within the existing Financial Instrument for Fisheries Guidance programmes.

TITLE IV

IMPLEMENTATION AND ENTRY INTO FORCE*Article 8***Implementation**

The detailed rules for the implementation of this Regulation shall be adopted by the Commission in accordance with the procedure laid down in Article 30(2) of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ⁽²⁾.

*Article 9***Entry into force**

This Regulation shall enter into force on 1 January 2003.

For the Council

The President

M. FISCHER BOEL

⁽¹⁾ OJ L 161, 26.6.1999, p. 1. Regulation as amended by Regulation (EC) No 1447/2001 (OJ L 198, 21.7.2001, p. 1).

⁽²⁾ See page 59 of this Official Journal.

COUNCIL REGULATION (EC) No 2371/2002

of 20 December 2002

on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

Whereas:

- (1) Council Regulation (EEC) No 3760/92 ⁽³⁾ established a Community system for fisheries and aquaculture. According to that Regulation, the Council has to decide on any necessary adjustments by 31 December 2002.
- (2) The scope of the Common Fisheries Policy extends to conservation, management and exploitation of living aquatic resources and aquaculture, as well as to the processing and marketing of fishery and aquaculture products, where such activities are practised on the territory of Member States or in Community waters or by Community fishing vessels or nationals of Member States, bearing in mind the provisions of Article 117 of the United Nations Convention on the Law of the Sea, without prejudice to the primary responsibility of the flag State.
- (3) Given that many fish stocks continue to decline, the Common Fisheries Policy should be improved to ensure the long-term viability of the fisheries sector through sustainable exploitation of living aquatic resources based on sound scientific advice and on the precautionary approach, which is based on the same considerations as the precautionary principle referred to in Article 174 of the Treaty.
- (4) The objective of the Common Fisheries Policy should therefore be to provide for sustainable exploitation of living aquatic resources and of aquaculture in the context of sustainable development, taking account of the environmental, economic and social aspects in a balanced manner.
- (5) It is important that the management of the Common Fisheries Policy is guided by the principle of good governance and that the measures taken are mutually compatible and consistent with other Community policies.
- (6) The objective of sustainable exploitation will be more effectively achieved through a multi-annual approach to fisheries management, involving multi-annual manage-

ment plans for stocks at or within safe biological limits. For stocks outside safe biological limits, the adoption of multi-annual recovery plans is an absolute priority. In line with scientific advice, substantial reductions in fishing effort may be required for these stocks.

- (7) These multi-annual plans should establish targets for sustainable exploitation of the stocks concerned, contain harvesting rules laying down the manner in which annual catch and/or fishing effort limits are to be calculated and provide for other specific management measures, taking account also of the effect on other species.
- (8) The content of multi-annual plans should be commensurate with the conservation status of the stocks, the urgency of their recovery, and the characteristics of these stocks and the fisheries in which they are caught.
- (9) Sustainable exploitation of stocks for which no multi-annual plan has been established should be ensured by setting catch and/or effort limits.
- (10) Provision should be made for Member States or the Commission to adopt emergency measures in the event of a serious threat to the conservation of resources, or to the marine eco-system resulting from fishing activities, and requiring immediate action.
- (11) In their 12 nautical mile zone, Member States should be allowed to adopt conservation and management measures applicable to all fishing vessels, provided that, where such measures apply to fishing vessels from other Member States, the measures adopted are non-discriminatory and prior consultation has taken place, and that the Community has not adopted measures specifically addressing conservation and management within this area.
- (12) The Community fleet should be reduced to bring it into line with available resources and specific measures should be set up in order to attain that objective, including the fixing of reference levels for fishing capacity which may not be exceeded, a special Community facility to promote scrapping of fishing vessels and national entry/exit schemes.
- (13) Each Member State should maintain a national register of fishing vessels which should be made available to the Commission for the purposes of monitoring the size of the Member States' fleets.

⁽¹⁾ OJ C 203 E, 27.8.2002, p. 284.

⁽²⁾ Opinion delivered on 5 December 2002 (not yet published in the Official Journal).

⁽³⁾ OJ L 389, 31.12.1992, p. 1. Regulation as last amended by Regulation (EC) No 1181/98 (OJ L 164, 9.6.1998, p. 1).

- (14) Rules in place restricting access to resources within the 12 nautical mile zones of Member States have operated satisfactorily benefiting conservation by restricting fishing effort in the most sensitive part of Community waters and preserving traditional fishing activities on which the social and economic development of certain coastal communities is highly dependent. They should therefore continue to apply until 31 December 2012.
- (15) Although other access restrictions contained in Community legislation should be maintained for the time being, they should be reviewed in order to evaluate whether they are necessary to ensure sustainable fisheries.
- (16) In view of the precarious economic state of the fishing industry and the dependence of certain coastal communities on fishing, it is necessary to ensure relative stability of fishing activities by the allocation of fishing opportunities among the Member States, based upon a predictable share of the stocks for each Member State.
- (17) In other respects, that stability, given the temporary biological situation of stocks, should safeguard the particular needs of regions where local populations are especially dependent on fisheries and related activities as decided by the Council in its Resolution of 3 November 1976 ⁽¹⁾, on certain external aspects of the creation of a 200-mile fishing zone in the Community with effect from 1 January 1977, and in particular Annex VII thereto.
- (18) Therefore, it is in this sense that the notion of relative stability aimed at should be understood.
- (19) In order to ensure effective implementation of the Common Fisheries Policy, the Community control and enforcement system for fisheries should be reinforced and the division of responsibilities between the Member States' authorities and the Commission should be further clarified. To this end it is appropriate to insert in this Regulation the main provisions governing control, inspection and enforcement of the rules of the Common Fisheries Policy, part of which are already contained in Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the Common Fisheries Policy ⁽²⁾. That Regulation has to remain in force until all the necessary implementing rules have been adopted.
- (20) Provisions on control, inspection and enforcement concern, on the one hand, obligations for the masters of fishing vessels and operators in the marketing chain and, on the other hand, spell out the different responsibilities for the Member States and the Commission.
- (21) The Community should be able to operate deductions of fishing opportunities when a Member State has exceeded the fishing opportunities which have been allocated to it. Where it is established that, as a result of a Member State having exceeded its fishing opportunities, another Member State has suffered damage, part or all of the deduction should be allocated to that Member State.
- (22) Member States should be obliged to adopt immediate measures to prevent the continuation of serious infringements as defined in Council Regulation (EC) No 1447/1999 of 24 June 1999 establishing a list of types of behaviour which seriously infringe the rules of the Common Fisheries Policy ⁽³⁾.
- (23) The Commission should be able to take immediate preventive measures if there is evidence of a risk that fishing activities could lead to a serious threat to conservation of living aquatic resources.
- (24) The Commission should be provided with appropriate powers to carry out its obligation to control and evaluate the implementation of the Common Fisheries Policy by the Member States.
- (25) It is necessary to intensify cooperation and coordination between all relevant authorities in order to achieve compliance with the rules of the Common Fisheries Policy, in particular through the exchange of national inspectors, by requiring Member States to treat inspection reports drawn up by Community inspectors, inspectors of another Member State or Commission inspectors equally to their own inspection reports for the purpose of establishing the facts.
- (26) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁴⁾.
- (27) To contribute to the achievement of the objectives of the Common Fisheries Policy, Regional Advisory Councils should be established to enable the Common Fisheries Policy to benefit from the knowledge and experience of the fishermen concerned and of other stakeholders and to take into account the diverse conditions throughout Community waters.
- (28) To ensure that the Common Fisheries Policy benefits from the best scientific, technical and economic advice, the Commission should be assisted by an appropriate committee.

⁽¹⁾ OJ C 105, 7.5.1981, p. 1.

⁽²⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 1965/2001 (OJ L 268, 9.10.2001, p. 23).

⁽³⁾ OJ L 167, 2.7.1999, p. 5.

⁽⁴⁾ OJ L 184, 17.7.1999, p. 23.

- (29) It is necessary and appropriate for the achievement of the basic objective of the sustainable exploitation of living aquatic resources to lay down rules on the conservation and exploitation of those resources. In accordance with the principle of proportionality as set out in Article 5 of the Treaty, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (30) By reason of the number and importance of the amendments to be made, Regulation (EEC) No 3760/92 should be repealed. Council Regulation (EEC) No 101/76 of 19 January 1976 laying down a common structural policy for the fishing industry⁽¹⁾ being voided of all substantial provisions should also be repealed,

HAS ADOPTED THIS REGULATION:

CHAPTER I

SCOPE AND OBJECTIVES

Article 1

Scope

1. The Common Fisheries Policy shall cover conservation, management and exploitation of living aquatic resources, aquaculture, and the processing and marketing of fishery and aquaculture products where such activities are practised on the territory of Member States or in Community waters or by Community fishing vessels or, without prejudice to the primary responsibility of the flag State, nationals of Member States.

2. The Common Fisheries Policy shall provide for coherent measures concerning:

- (a) conservation, management and exploitation of living aquatic resources,
- (b) limitation of the environmental impact of fishing,
- (c) conditions of access to waters and resources,
- (d) structural policy and the management of the fleet capacity,
- (e) control and enforcement,
- (f) aquaculture,
- (g) common organisation of the markets, and
- (h) international relations.

Article 2

Objectives

1. The Common Fisheries Policy shall ensure exploitation of living aquatic resources that provides sustainable economic, environmental and social conditions.

For this purpose, the Community shall apply the precautionary approach in taking measures designed to protect and conserve living aquatic resources, to provide for their sustainable exploitation and to minimise the impact of fishing activities on marine eco-systems. It shall aim at a progressive implementa-

tion of an eco-system-based approach to fisheries management. It shall aim to contribute to efficient fishing activities within an economically viable and competitive fisheries and aquaculture industry, providing a fair standard of living for those who depend on fishing activities and taking into account the interests of consumers.

2. The Common Fisheries Policy shall be guided by the following principles of good governance:

- (a) clear definition of responsibilities at the Community, national and local levels;
- (b) a decision-making process based on sound scientific advice which delivers timely results;
- (c) broad involvement of stakeholders at all stages of the policy from conception to implementation;
- (d) consistence with other Community policies, in particular with environmental, social, regional, development, health and consumer protection policies.

Article 3

Definitions

For the purpose of this Regulation the following definitions shall apply:

- (a) 'Community waters' means the waters under the sovereignty or jurisdiction of the Member States with the exception of waters adjacent to the territories mentioned in Annex II to the Treaty;
- (b) 'living aquatic resources' means available and accessible living marine aquatic species, including anadromous and catadromous species during their marine life;
- (c) 'fishing vessel' means any vessel equipped for commercial exploitation of living aquatic resources;
- (d) 'Community fishing vessel' means a fishing vessel flying the flag of a Member State and registered in the Community;
- (e) 'sustainable exploitation' means the exploitation of a stock in such a way that the future exploitation of the stock will not be prejudiced and that it does not have a negative impact on the marine eco-systems;
- (f) 'fishing mortality rate' means the catches of a stock over a given period as a proportion of the average stock available to the fishery in that period;
- (g) 'stock' means a living aquatic resource that occurs in a given management area;
- (h) 'fishing effort' means the product of the capacity and the activity of a fishing vessel; for a group of vessels it is the sum of the fishing effort of all vessels in the group;
- (i) 'precautionary approach to fisheries management' means that the absence of adequate scientific information should not be used as a reason for postponing or failing to take management measures to conserve target species, associated or dependent species and non-target species and their environment;

⁽¹⁾ OJ L 20, 28.1.1976, p. 19.

- (j) 'limit reference points' means values of fish stock population parameters (such as biomass or fishing mortality rate), which should be avoided because they are associated with unknown population dynamics, stock collapse or impaired recruitment;
- (k) 'conservation reference points' means values of fish stock population parameters (such as biomass or fishing mortality rate) used in fisheries management, for example with respect to an acceptable level of biological risk or a desired level of yield;
- (l) 'safe biological limits' means indicators of the state of a stock or of its exploitation inside which there is a low risk of transgressing certain limit reference points;
- (m) 'catch limit' means a quantitative limit on landings of a stock or group of stocks over a given period unless otherwise provided for in Community law;
- (n) 'fishing capacity' means a vessel's tonnage in GT and its power in kW, as defined in Articles 4 and 5 of Council Regulation (EEC) No 2930/86 ⁽¹⁾. For certain types of fishing activity, capacity may be defined by the Council using for example the amount and/or the size of a vessel's fishing gear;
- (o) 'exit from the fleet' means the removal of a fishing vessel from the fishing fleet register of a Member State, provided that Article 15(1) is complied with;
- (p) 'entry into the fleet' means the registration in the fishing fleet register of a Member State of a fishing vessel;
- (q) 'fishing opportunity' means a quantified legal entitlement to fish, expressed in terms of catches and/or fishing effort;
- (r) 'Community fishing opportunity' means the fishing opportunities available to the Community in Community waters, plus the total Community fishing opportunities outside Community waters, less the Community fishing opportunities allocated to third countries.

CHAPTER II

CONSERVATION AND SUSTAINABILITY

Article 4

Types of measures

1. To achieve the objectives mentioned in Article 2(1), the Council shall establish Community measures governing access to waters and resources and the sustainable pursuit of fishing activities.
2. The measures referred to in paragraph 1 shall be established taking into account available scientific, technical and economic advice and in particular of the reports drawn up by the Scientific, Technical and Economic Committee for Fisheries (STECF) established under Article 33(1) as well as in the light of any advice received from Regional Advisory Councils estab-

lished under Article 31. They may, in particular, include measures for each stock or group of stocks to limit fishing mortality and the environmental impact of fishing activities by:

- (a) adopting recovery plans under Article 5;
- (b) adopting management plans under Article 6;
- (c) establishing targets for the sustainable exploitation of stocks;
- (d) limiting catches;
- (e) fixing the number and type of fishing vessels authorised to fish;
- (f) limiting fishing effort;
- (g) adopting technical measures, including:
 - (i) measures regarding the structure of fishing gear, the number and size of fishing gear on board, their methods of use and the composition of catches that may be retained on board when fishing with such gear;
 - (ii) zones and/or periods in which fishing activities are prohibited or restricted including for the protection of spawning and nursery areas;
 - (iii) minimum size of individuals that may be retained on board and/or landed;
 - (iv) specific measures to reduce the impact of fishing activities on marine eco-systems and non target species;
- (h) establishing incentives, including those of an economic nature, to promote more selective or low impact fishing;
- (i) conducting pilot projects on alternative types of fishing management techniques.

Article 5

Recovery plans

1. The Council shall adopt, as a priority, recovery plans for fisheries exploiting stocks which are outside safe biological limits.
2. The objective of recovery plans shall be to ensure the recovery of stocks to within safe biological limits.

They shall include conservation reference points such as targets against which the recovery of the stocks to within safe biological limits shall be assessed.

Targets shall be expressed in terms of:

- (a) population size and/or
- (b) long-term yields and/or
- (c) fishing mortality rate and/or
- (d) stability of catches.

Recovery plans may include targets relating to other living aquatic resources and the maintenance or improvement of the conservation status of marine eco-systems.

⁽¹⁾ OJ L 274, 25.9.1986, p. 1. Regulation as amended by Regulation (EC) No 3259/94 (OJ L 339, 29.12.1994, p. 11).

Where more than one target is set, recovery plans shall specify the order of priority of these targets.

3. Recovery plans shall be drawn up on the basis of the precautionary approach to fisheries management and take account of limit reference points recommended by relevant scientific bodies. They shall ensure the sustainable exploitation of stocks and that the impact of fishing activities on marine eco-systems is kept at sustainable levels.

They may cover either fisheries for single stocks or fisheries exploiting a mixture of stocks, and shall take due account of interactions between stocks and fisheries.

The recovery plans shall be multi-annual and indicate the expected time frame for reaching the targets established.

4. Recovery plans may include any measure referred to in points (c) to (h) of Article 4(2) as well as harvesting rules which consist of a predetermined set of biological parameters to govern catch limits.

Recovery plans shall include limitations on fishing effort unless this is not necessary to achieve the objective of the plan. The measures to be included in the recovery plans shall be proportionate to the objectives, the targets and the expected time frame, and shall be decided by the Council having regard to:

- (a) the conservation status of the stock or stocks;
- (b) the biological characteristics of the stock or stocks;
- (c) the characteristics of the fisheries in which the stocks are caught;
- (d) the economic impact of the measures on the fisheries concerned.

5. The Commission shall report on the effectiveness of the recovery plans in achieving the targets.

Article 6

Management plans

1. The Council shall adopt management plans as far as necessary to maintain stocks within safe biological limits for fisheries exploiting stocks at/or within safe biological limits.

2. Management plans shall include conservation reference points such as targets against which the maintenance of stocks within such limits shall be assessed. Points (a) to (d) of Article 5(2) shall apply.

Management plans may include targets relating to other living aquatic resources and the maintenance or improvement of the conservation status of marine eco-systems.

Where more than one target is set, management plans shall specify the order of priority of these targets.

3. Management plans shall be drawn up on the basis of the precautionary approach to fisheries management and take account of limit reference points recommended by relevant scientific bodies. They shall ensure the sustainable exploitation of stocks and that the impact of fishing activities on marine eco-systems is kept at sustainable levels.

They may cover either fisheries for single stocks or fisheries exploiting a mixture of stocks, and shall take due account of interactions between stocks and fisheries.

The management plans shall be multi-annual and indicate the expected time frame for reaching the targets established.

4. The management plans may include any measure referred to in points (d) to (i) of Article 4(2) as well as harvesting rules which consist of a predetermined set of biological parameters to govern catch limits.

The measures to be included in the management plans shall be proportionate to the objectives, the targets and the expected time frame, and shall be decided by the Council having regard to:

- (a) the conservation status of the stock or stocks;
- (b) the biological characteristics of the stock or stocks;
- (c) the characteristics of the fisheries in which the stocks are caught;
- (d) the economic impact of the measures on the fisheries concerned.

5. The Commission shall report on the effectiveness of the management plans in achieving the targets.

Article 7

Commission emergency measures

1. If there is evidence of a serious threat to the conservation of living aquatic resources, or to the marine eco-system resulting from fishing activities and requiring immediate action, the Commission, at the substantiated request of a Member State or on its own initiative, may decide on emergency measures which shall last not more than six months. The Commission may take a new decision to extend the emergency measures for no more than six months.

2. The Member State shall communicate the request simultaneously to the Commission, to the other Member States and to the Regional Advisory Councils concerned. They may submit their written comments to the Commission within five working days of receipt of the request.

The Commission shall take a decision within 15 working days of receipt of the request referred to in paragraph 1.

3. The emergency measures shall have immediate effect. They shall be notified to the Member States concerned, and published in the Official Journal.

4. The Member States concerned may refer the Commission decision to the Council within 10 working days of receipt of the notification.

5. The Council, acting by qualified majority, may take a different decision within one month of the date of receipt of the referral.

Article 8

Member State emergency measures

1. If there is evidence of a serious and unforeseen threat to the conservation of living aquatic resources, or to the marine ecosystem resulting from fishing activities, in waters falling under the sovereignty or jurisdiction of a Member State where any undue delay would result in damage that would be difficult to repair, that Member State may take emergency measures, the duration of which shall not exceed three months.

2. Member States intending to take emergency measures shall notify their intention to the Commission, the other Member States and the Regional Advisory Councils concerned by sending a draft of those measures, together with an explanatory memorandum, before adopting them.

3. The Member States and Regional Advisory Councils concerned may submit their written comments to the Commission within five working days of the date of notification. The Commission shall confirm, cancel or amend the measure within 15 working days of the date of notification.

4. The Commission decision shall be notified to the Member States concerned. It shall be published in the *Official Journal of the European Communities*.

5. The Member States concerned may refer the Commission decision to the Council within 10 working days of notification of the decision.

6. The Council, acting by qualified majority, may take a different decision within one month of the date of receipt of the referral.

Article 9

Member State measures within the 12 nautical mile zone

1. A Member State may take non-discriminatory measures for the conservation and management of fisheries resources and to minimise the effect of fishing on the conservation of marine eco-systems within 12 nautical miles of its baselines provided that the Community has not adopted measures addressing conservation and management specifically for this area. The Member State measures shall be compatible with the objectives set out in Article 2 and no less stringent than existing Community legislation.

Where measures to be adopted by a Member State are liable to affect the vessels of another Member State, such measures shall be adopted only after the Commission, the Member State and

the Regional Advisory Councils concerned have been consulted on a draft of the measures accompanied by an explanatory memorandum.

2. Measures applying to fishing vessels from other Member States shall be subject to the procedures laid down in Article 8(3) to (6).

Article 10

Member State measures applicable solely to fishing vessels flying their flag

Member States may take measures for the conservation and management of stocks in waters under their sovereignty or jurisdiction provided that:

- (a) they apply solely to fishing vessels flying the flag of the Member State concerned and registered in the Community or, in the case of fishing activities which are not conducted by a fishing vessel, to persons established in the Member State concerned and
- (b) they are compatible with the objectives set out in Article 2(1) and no less stringent than existing Community legislation.

CHAPTER III

ADJUSTMENT OF FISHING CAPACITY

Article 11

Adjustment of fishing capacity

1. Member States shall put in place measures to adjust the fishing capacity of their fleets in order to achieve a stable and enduring balance between such fishing capacity and their fishing opportunities.

2. Member States shall ensure that the reference levels expressed in GT and kW for fishing capacity referred to in Article 12 and paragraph 4 of this Article are not exceeded.

3. No exit from the fleet supported by public aid shall be permitted unless preceded by the withdrawal of the fishing licence as defined in Council Regulation (EC) No 3690/93⁽¹⁾ and, where provided for, the fishing authorisations as defined in the relevant regulations. The capacity corresponding to the licence, and where necessary to the fishing authorisations for the fisheries concerned, cannot be replaced.

4. Where public aid is granted for the withdrawal of fishing capacity that goes beyond the capacity reduction necessary to comply with the reference levels under Article 12(1), the amount of the capacity withdrawn shall be automatically deducted from the reference levels. The reference levels thus obtained shall become the new reference levels.

⁽¹⁾ OJ L 341, 31.12.1993, p. 93.

5. On fishing vessels of 5 years of age or more, modernisation over the main deck to improve safety on board, working conditions, hygiene and product quality may increase the tonnage of the vessel, provided that such modernisation does not increase the ability of the vessel to catch fish. The reference levels under this Article and Article 12 shall be adapted accordingly. The corresponding capacity need not be taken into account for the establishment of the balance of entries and exits by Member States under Article 13.

The detailed rules and conditions for such measures may be adopted in accordance with the procedure laid down in Article 30(2).

Article 12

Reference levels for fishing fleets

1. The Commission shall establish for each Member State reference levels expressed in GT and kW for the total fishing capacity of the Community fishing vessels flying the flag of that Member State in accordance with the procedure laid down in Article 30(2).

The reference levels shall be the sum of the objectives of the Multi-annual Guidance Programme 1997-2002 for each segment as fixed for 31 December 2002 pursuant to Council Decision 97/413/EC⁽¹⁾.

2. Implementing rules for the application of this Article may be adopted in accordance with the procedure laid down in Article 30(2).

Article 13

Entry/Exit scheme and overall capacity reduction

1. Member States shall manage entries into the fleet and exits from the fleet in such a way that, from 1 January 2003:

- (a) the entry of new capacity into the fleet without public aid is compensated by the previous withdrawal without public aid of at least the same amount of capacity,
- (b) the entry of new capacity into the fleet with public aid granted after 1 January 2003 is compensated by the previous withdrawal without public aid of:
 - (i) at least the same amount of capacity, for the entry of new vessels equal or less than 100 GT, or
 - (ii) at least 1,35 times that amount of capacity, for the entry of new vessels of more than 100 GT.

2. From 1 January 2003 until 31 December 2004 each Member State which chooses to enter into new public aid commitments for fleet renewal after 31 December 2002 shall achieve a reduction in the overall capacity of its fleet of 3 % for the whole period in comparison to the reference levels referred to in Article 12.

3. Implementing rules for the application of this Article may be adopted in accordance with the procedure laid down in Article 30(2).

⁽¹⁾ OJ L 175, 3.7.1997, p. 27. Decision as amended by Decision 2002/70/EC (OJ L 31, 1.2.2002, p. 77).

Article 14

Exchange of information

1. Each year the Commission shall present a summary of the results of Member States' efforts to achieve a sustainable balance between fishing capacity and fishing opportunities. This summary shall be based on a yearly report from each Member State to be sent to the Commission not later than 30 April of the following year.

The Commission's summary with the Member States' reports attached, shall be sent before the end of the year to the European Parliament and the Council accompanied by the opinions of the STECF and the Committee for Fisheries and Aquaculture established under Article 30(1).

2. Implementing rules for these exchanges may be adopted in accordance with the procedure laid down in Article 30(2).

Article 15

Fishing fleet registers

1. Each Member State shall keep a register of the Community fishing vessels flying its flag which shall include the minimum information on vessel characteristics and activity that is necessary for the management of measures established at Community level.

2. Each Member State shall make available to the Commission the information referred to in paragraph 1.

3. The Commission shall set up a Community fishing fleet register containing the information that it receives under paragraph 2 and shall make it available to Member States. It shall comply with Community provisions regarding the protection of personal data.

4. The information referred to in paragraph 1 and the procedures for its transmission referred to in paragraphs 2 and 3 may be determined in accordance with the procedure laid down in Article 30(2).

Article 16

Conditionality of Community financial assistance and reduction of fishing effort

1. Financial assistance under Council Regulation (EC) No 2792/1999 of 17 December 1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector⁽²⁾, with the exception of funds for the scrapping of fishing vessels, can be granted only as far as a Member State has complied with Articles 11, 13 and 15 of this Regulation and has provided the information required under Council Regulation (EC) No 2792/99 and Commission Regulation (EC) No 366/2001⁽³⁾.

⁽²⁾ OJ L 337, 30.12.1999, p. 10. Regulation as last amended by Regulation (EC) No 179/2002 (OJ L 31, 1.2.2002, p. 25).

⁽³⁾ OJ L 55, 24.2.2001, p. 3.

In this context, the Commission shall, after having afforded the Member State concerned the possibility of being heard and as far as proportionate to the degree of non compliance, suspend financial assistance under Council Regulation (EC) No 2792/1999 for the Member State concerned.

2. If, on the basis of the information available, the Commission deems that the capacity of the fleet of a Member State exceeds the capacity which it is bound to respect under Articles 11, 13 and 15, it shall inform the Member State concerned thereof. This Member State shall immediately reduce its fishing effort to the level which would have existed had Articles 11, 13 and 15 been complied with, without prejudice to the obligations resulting from these Articles. The Member State concerned shall communicate its reduction plan to the Commission for verification, in conformity with the procedure laid down in Article 30(2), whether or not the reduction is equivalent to the exceeded capacity.

CHAPTER IV

RULES ON ACCESS TO WATERS AND RESOURCES

Article 17

General rules

1. Community fishing vessels shall have equal access to waters and resources in all Community waters other than those referred to in paragraph 2, subject to the measures adopted under Chapter II.

2. In the waters up to 12 nautical miles from baselines under their sovereignty or jurisdiction, Member States shall be authorised from 1 January 2003 to 31 December 2012 to restrict fishing to fishing vessels that traditionally fish in those waters from ports on the adjacent coast, without prejudice to the arrangements for Community fishing vessels flying the flag of other Member States under existing neighbourhood relations between Member States and the arrangements contained in Annex I, fixing for each Member State the geographical zones within the coastal bands of other Member States where fishing activities are pursued and the species concerned.

By 31 December 2011 the Commission shall present to the European Parliament and the Council a report on the arrangements set out in this paragraph. The Council shall decide before 31 December 2012 on the provisions which will follow the abovementioned arrangements.

Article 18

Shetland Box

1. For species of special importance in the region defined in Annex II which are biologically sensitive by reason of their exploitation characteristics, fishing activity by Community

fishing vessels of a length between the perpendiculars of not less than 26 metres, for demersal species other than Norway pout and blue whiting, shall be governed by a system of prior authorisation in accordance with the conditions laid down in this Regulation and, in particular, in Annex II.

2. Detailed rules of application and procedures for implementing paragraph 1 may be adopted in accordance with the procedure laid down in Article 30(2).

Article 19

Review of access rules

1. By 31 December 2003 the Commission shall present to the European Parliament and the Council a report on the rules concerning access to waters and resources laid down in Community legislation other than those referred to in Article 17(2), assessing the justification for these rules in terms of conservation and sustainable exploitation objectives.

2. On the basis of the report referred to in paragraph 1 and having regard to the principle established in Article 17(1), the Council shall decide by 31 December 2004 on any necessary adjustments to be made to these rules.

Article 20

Allocation of fishing opportunities

1. The Council, acting by qualified majority on a proposal from the Commission, shall decide on catch and/or fishing effort limits and on the allocation of fishing opportunities among Member States as well as the conditions associated with those limits. Fishing opportunities shall be distributed among Member States in such a way as to assure each Member State relative stability of fishing activities for each stock or fishery.

2. When the Community establishes new fishing opportunities the Council shall decide on the allocation for those opportunities, taking into account the interests of each Member State.

3. Each Member State shall decide, for vessels flying its flag, on the method of allocating the fishing opportunities assigned to that Member State in accordance with Community law. It shall inform the Commission of the allocation method.

4. The Council shall establish the fishing opportunities available to third countries in Community waters and allocate those opportunities to each third country.

5. Member States may, after notifying the Commission, exchange all or part of the fishing opportunities allocated to them.

CHAPTER V

COMMUNITY CONTROL AND ENFORCEMENT SYSTEM*Article 21***Objectives**

Under the Community control and enforcement system, access to waters and resources and the pursuit of activities as set out in Article 1 shall be controlled and compliance with the rules of the Common Fisheries Policy enforced.

*Article 22***Conditions for access to waters and resources and for marketing of fisheries products**

1. Activities within the scope of the Common Fisheries Policy shall be prohibited, unless the following requirements are met:

- (a) a fishing vessel shall carry on board its licence and, where provided for, its authorisations for fishing;
- (b) a fishing vessel shall have installed on board a functioning system which allows detection and identification of that vessel by remote monitoring systems. This requirement applies to vessels exceeding 18 metres length overall as from 1 January 2004 and to vessels exceeding 15 metres length overall as from 1 January 2005;
- (c) the master shall without undue delay record and report information on fishing activities, including landings and transshipments. Copies of the records shall be made available to the authorities. The Council shall decide in 2004 on the obligation to transmit such records electronically. In order to assess the technology to be used, Member States, in cooperation with the Commission, shall carry out pilot projects before 1 June 2004;
- (d) the master shall accept inspectors on board and cooperate with them; and where an observer scheme applies, the master shall also accept observers on board and cooperate with them;
- (e) the master shall respect conditions and restrictions relating to landings, transshipments, joint fishing operations, fishing gear, nets and the marking and identification of vessels.

2. The marketing of fisheries products shall be subject to the following requirements:

- (a) fisheries products shall only be sold from a fishing vessel to registered buyers or at registered auctions;
- (b) the buyer of fisheries products from a fishing vessel at first sale shall be registered with the authorities;

- (c) the buyer of fisheries products at first sale shall submit invoices or sales notes to the authorities, unless the sale takes place at a registered auction which is itself obliged to submit invoices or sales notes to the authorities;
- (d) all fisheries products landed in or imported into the Community for which neither invoices nor sales notes have been submitted to the authorities and which are transported to a place other than that of landing or import shall be accompanied by a document drawn up by the transporter until the first sale has taken place;
- (e) the persons responsible for premises or transport vehicles shall accept inspectors and cooperate with them;
- (f) where a minimum size has been fixed for a given species, operators responsible for selling, stocking or transporting must be able to prove the geographical origin of the products.

A buyer acquiring products which are not thereafter placed on the market but used only for private consumption shall be exempt from the requirements of this paragraph.

3. For the implementation of paragraphs 1 and 2, detailed rules may be adopted in accordance with the procedure laid down in Article 30(2).

These rules may cover, in particular, documentation, recording, reporting and information obligations of Member States, masters, and any other legal and natural persons engaged in activities falling within the scope of Article 1.

The rules may also provide exemptions from the obligations in paragraphs 1 and 2, where they may be justified by the negligible impact on living aquatic resources or by the disproportionate burden the obligations would create compared to the economic importance of the activity.

*Article 23***Responsibilities of Member States**

1. Unless otherwise provided for in Community law, Member States shall ensure effective control, inspection and enforcement of the rules of the Common Fisheries Policy.

2. Member States shall control the activities carried out within the scope of the Common Fisheries Policy on their territory or in the waters subject to their sovereignty or jurisdiction. They shall also control access to waters and resources and fishing activities outside Community waters by Community fishing vessels flying their flag and, without prejudice to the primary responsibility of the flag State of their nationals. They shall be responsible for placing observers on board fishing vessels and for taking appropriate decisions, including the prohibition of fishing activities.

3. Member States shall adopt the measures, allocate the financial and human resources and set up the administrative and technical structure necessary for ensuring effective control, inspection and enforcement, including satellite based monitoring systems. The Council shall decide in 2004 on the obligation to set up a means of remote sensing. In order to assess the technology to be used, Member States in cooperation with the Commission shall carry out pilot projects before 1 June 2004. In each Member State, a single authority shall be responsible for coordinating the collection and verification of information on fishing activities and for reporting to and cooperating with the Commission.

4. When the Commission has established that a Member State has exceeded the fishing opportunities which have been allocated to it, the Commission shall operate deductions from future fishing opportunities of that Member State.

If, as a direct result of a Member State having exceeded the fishing opportunities which had been allocated to it, another Member State has not been able to exhaust its own fishing opportunities, fishing opportunities equivalent to those deducted under paragraph 1 may, totally or partly, be reallocated to this Member State. Such reallocation shall be decided taking into account the interest to conserve resources, as well as the interest in compensation of both Member States concerned.

Decisions shall be taken by the Commission in accordance with the procedure laid down in Article 30(2).

5. Implementing rules for this article may be adopted in accordance with the procedure laid down in Article 30(2), including for the designation by the Member States of the authority referred to in paragraph 3 of this Article, and the rules for the deployment of observers, their responsibilities, tasks and costs.

Article 24

Inspection and enforcement

Member States shall take the inspection and enforcement measures necessary to ensure compliance with the rules of the Common Fisheries Policy on their territory or in the waters subject to their sovereignty or jurisdiction. They shall also take enforcement measures relating to the fishing activities outside Community waters of Community fishing vessels flying their flag and of their nationals.

Such measures shall include:

- (a) spot checks and inspections on fishing vessels, the premises of businesses and other bodies with activities relating to the Common Fisheries Policy;
- (b) sightings of fishing vessels;
- (c) investigation, legal pursuit of infringements and sanctions in accordance with Article 25;
- (d) preventive measures in accordance with Article 25(5);
- (e) measures to prevent the involvement of their nationals in fisheries activities that do not respect the applicable conservation and management measures, without prejudice to the primary responsibility of the flag State.

The measures taken shall be properly documented. They shall be effective, dissuasive and proportionate.

Implementing rules, including benchmarks, for this Article may be adopted in accordance with the procedure laid down in Article 30(3).

Article 25

Follow-up of infringements

1. Member States shall ensure that appropriate measures are taken, including administrative action or criminal proceedings in conformity with their national law, against the natural or legal persons responsible where the rules of the Common Fisheries Policy have not been respected.

2. The proceedings initiated pursuant to paragraph 1 shall be capable, in accordance with the relevant provisions of national law, of effectively depriving those responsible of the economic benefit of the infringements and of producing results proportionate to the seriousness of such infringements, effectively discouraging further offences of the same kind.

3. The sanctions arising from the proceedings referred to in paragraph 2 may include, in particular, depending on the gravity of the offence:

- (a) fines;
- (b) seizure of prohibited fishing gear and catches;
- (c) sequestration of the vessel;
- (d) temporary immobilisation of the vessel;
- (e) suspension of the licence;
- (f) withdrawal of the licence.

4. Notwithstanding the obligations referred to in paragraphs 1, 2 and 3, the Council shall establish, on the basis of the list set out in paragraph 3, a catalogue of measures to be applied by Member States relating to serious infringements, as defined in Regulation (EC) No 1447/1999. The catalogue shall be without prejudice to the choice of Member States to implement these measures by way of administrative action or criminal proceedings in conformity with their national law, as referred to in paragraph 1.

5. Member States shall take immediate measures to prevent vessels, natural or legal persons found *in flagrante delicto* while committing a serious infringement, as defined in Regulation (EC) No 1447/1999, from continuing to do so.

Article 26

Responsibilities of the Commission

1. Without prejudice to the responsibilities of the Commission under the Treaty, the Commission shall evaluate and control the application of the rules of the Common Fisheries Policy by the Member States, and facilitate coordination and cooperation between them.

2. If there is evidence that rules on conservation, control, inspection or enforcement under the Common Fisheries Policy are not being complied with and that this may lead to a serious threat to the conservation of living aquatic resources or the effective operation of the Community control and enforcement system necessitating urgent action, the Commission shall inform in writing the Member State concerned of its findings and set a deadline of no less than 15 working days to demonstrate compliance and to give its comments. The Commission shall take account of Member States' comments in any action it may take under paragraph 3.

3. If there is evidence of a risk that fishing activities carried out in a given geographical area could lead to a serious threat to the conservation of living aquatic resources, the Commission may take preventive measures.

These measures shall be proportionate to the risk of a serious threat to the conservation of living aquatic resources.

They shall not exceed three weeks in duration. They may be prolonged up to a maximum of six months, as far as necessary for the conservation of living aquatic resources, by a decision taken in accordance with the procedure laid down in Article 30(2).

The measures shall be lifted immediately when the Commission finds that the risk no longer exists.

4. In the event of a Member State's quota, allocation or available share being deemed to be exhausted, the Commission may, on the basis of the information available, immediately stop fishing activities.

5. Notwithstanding Article 23(2) the Commission shall control fishing activities in Community waters by fishing vessels flying the flag of a third country where this is provided for in Community law. To this end, the Commission and the relevant Member States shall cooperate and coordinate their actions.

6. Detailed rules for the application of this Article may be adopted in accordance with the procedure laid down in Article 30(2).

Article 27

Evaluation and control by the Commission

1. For the purpose of evaluating and controlling the application of the rules of the Common Fisheries Policy by Member States, the Commission may, of its own accord and by its own means, initiate and carry out audits, inquiries, verifications and inspections concerning the application of the rules of the Common Fisheries Policy by the Member States. It may in particular verify:

- (a) the implementation and application of those rules by Member States and their competent authorities;

- (b) the conformity of national administrative practices and inspection and surveillance activities with the rules;
- (c) the existence of the required documents and their concordance with the applicable rules;
- (d) the circumstances in which control and enforcement activities are carried out by Member States.

For these purposes, the Commission may carry out inspections on fishing vessels as well as on the premises of businesses and other bodies with activities relating to the Common Fisheries Policy and shall have access to all information and documents needed to exercise its responsibility. Inspections by the Commission carried out of its own accord and without the assistance of inspectors of the Member State concerned shall take place only on fishing vessels and places of first landing or first sales, and shall be limited to areas or stocks subject to a specific monitoring programme decided under Article 34c of Regulation (EEC) No 2847/93.

Commission inspectors shall produce written authority stating their identity and capacity. Commission inspectors shall have no powers going beyond those of national inspectors and they shall have no police and enforcement powers. In particular, a Commission inspection without assistance of inspectors of the Member State concerned may not be carried out if the inspected party objects.

Member States shall afford the Commission such assistance as it needs to fulfil these tasks.

2. Inspection reports shall be made available to the Member State concerned.

The Commission shall provide the Member State concerned with the possibility to comment on the findings in the report. It shall comply with Community provisions regarding the protection of personal data.

When the Commission carries out an inspection on its own accord and not accompanied by national inspectors of the Member State concerned, it shall inform that Member State thereof within one day of the end of the inspection and make available, within one month, a report on the findings.

Member States shall not be obliged to act against individuals on the basis of the findings in the abovementioned report.

3. Detailed rules for the application of this Article may be adopted in accordance with the procedure laid down in Article 30(2).

4. Every three years the Commission shall draw up an evaluation report to be submitted to the European Parliament and the Council on its action under paragraph 1 and on the application of the Common Fisheries Policy rules by the Member States. Each year Member States shall be informed of the number of inspections under paragraph 1 carried out by the Commission in each Member State, broken down by type of inspection.

Article 28

Cooperation and coordination

1. Member States shall cooperate with each other and with third countries to ensure compliance with the rules of the Common Fisheries Policy. To this end, Member States shall afford other Member States and third countries the assistance needed to ensure compliance with those rules.

2. In the case of control and inspection of transboundary fishing activities, Member States shall ensure that their actions under this Chapter are coordinated. To this end, Member States shall exchange inspectors.

3. Without prejudice to the primary responsibility of the coastal Member State, Member States shall be authorised to inspect Community fishing vessels flying their flag in all Community waters outside waters under the sovereignty of another Member State.

Member States shall also be authorised to carry out inspections in accordance with the rules of the Common Fisheries Policy relating to fishing activities in all Community waters outside waters under their sovereignty on fishing vessels, only:

- (a) after authorisation by the coastal Member State concerned, or
- (b) where a specific monitoring programme has been adopted in accordance with Article 34c of Regulation (EEC) No 2847/93.

Member States shall be authorised to inspect Community fishing vessels flying the flag of another Member State in international waters.

In cases other than those provided for in this paragraph, Member States may authorise each other to carry out inspections in accordance with the rules of the Common Fisheries Policy.

4. On the basis of appointments by Member States communicated to the Commission, the Commission shall establish, in accordance with the procedure laid down in Article 30(2), a list of Community inspectors, inspection vessels and inspection aircraft and other means of inspection authorised to carry out inspections under this Chapter in Community waters and on Community fishing vessels.

5. Inspection and surveillance reports drawn up by Community inspectors or inspectors of another Member State or Commission inspectors shall constitute admissible evidence in administrative or judicial proceedings of any Member State. For establishing facts they shall be treated equally to inspection and surveillance reports of the Member States.

6. Detailed rules for the application of this Article may be drawn up in accordance with the procedure laid down in Article 30(2).

Paragraphs 3 and 4 of this Article shall only apply once implementing rules have been laid down.

CHAPTER VI

DECISION-MAKING AND CONSULTATION

Article 29

Decision-making procedure

Except where otherwise provided for in this Regulation, the Council shall act in accordance with the procedure laid down in Article 37 of the Treaty.

Article 30

Committee for fisheries and aquaculture

1. The Commission shall be assisted by a Committee for Fisheries and Aquaculture.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at 20 working days.

3. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at 60 working days.

4. The Committee shall adopt its rules of procedure.

Article 31

Regional Advisory Councils

1. Regional Advisory Councils shall be established to contribute to the achievement of the objectives of Article 2(1) and in particular to advise the Commission on matters of fisheries management in respect of certain sea areas or fishing zones.

2. Regional Advisory Councils shall be composed principally of fishermen and other representatives of interests affected by the Common Fisheries Policy, such as representatives of the fisheries and aquaculture sectors, environment and consumer interests and scientific experts from all Member States having fisheries interests in the sea area or fishing zone concerned.

3. Representatives of national and regional administrations having fisheries interests in the sea area or fishing zone concerned shall have the right to participate in the Regional Advisory Councils as members or observers. The Commission may be present at their meetings.

4. Regional Advisory Councils may be consulted by the Commission in respect of proposals for measures, such as multi-annual recovery or management plans, to be adopted on the basis of Article 37 of the Treaty that it intends to present and that relate specifically to fisheries in the area concerned. They may also be consulted by the Commission and by the Member States in respect of other measures. These consultations shall be without prejudice to the consultation of the STECF and of the Committee for Fisheries and Aquaculture.

5. Regional Advisory Councils may:

- (a) submit recommendations and suggestions, of their own accord or at the request of the Commission or a Member State, on matters relating to fisheries management to the Commission or the Member State concerned;
- (b) inform the Commission or the Member State concerned of problems relating to the implementation of Community rules and submit recommendations and suggestions addressing such problems to the Commission or the Member State concerned;
- (c) conduct any other activities necessary to fulfil their functions.

Regional Advisory Councils shall inform the Committee for Fisheries and Aquaculture of their activities.

Article 32

Procedure for the establishment of Regional Advisory Councils

The Council shall decide on the establishment of a Regional Advisory Council. A Regional Advisory Council shall cover sea areas falling under the jurisdiction of at least two Member States. A Regional Advisory Council shall adopt its rules of procedure.

Article 33

Scientific, Technical and Economic Committee for Fisheries

1. A Scientific, Technical and Economic Committee for Fisheries (STECF) shall be established. The STECF shall be consulted at regular intervals on matters pertaining to the conservation

and management of living aquatic resources, including biological, economic, environmental, social and technical considerations.

2. The Commission shall take into account the advice from the STECF when presenting proposals on fisheries management under this Regulation.

CHAPTER VII

FINAL PROVISIONS

Article 34

Repeal

1. Regulations (EEC) No 3760/92 and (EEC) No 101/76 are hereby repealed.

2. References to the provisions of the Regulations repealed under paragraph 1 shall be construed as references to the corresponding provisions of this Regulation.

Article 35

Review

The Commission shall report to the European Parliament and the Council on the operation of the Common Fisheries Policy with respect to Chapters II and III before the end of 2012.

Article 36

Entry into force

This Regulation shall enter into force on 1 January 2003.

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

Done at Brussels, 20 December 2002.

For the Council

The President

M. FISCHER BOEL

ANNEX I

ACCESS TO COASTAL WATERS WITHIN THE MEANING OF ARTICLE 17(2)

1. COASTAL WATERS OF THE UNITED KINGDOM

A. ACCESS FOR FRANCE

Geographical area	Species	Importance or particular characteristics
United Kingdom coast (6 to 12 nautical miles)		
1. Berwick-upon-Tweed east Coquet Island east	Herring	Unlimited
2. Flamborough Head east Spurn Head east	Herring	Unlimited
3. Lowestoft east Lyme Regis south	All species	Unlimited
4. Lyme Regis south Eddystone south	Demersal	Unlimited
5. Eddystone south Longships south-west	Demersal	Unlimited
	Scallops	Unlimited
	Lobster	Unlimited
	Crawfish	Unlimited
6. Longships south-west Hartland Point north-west	Demersal	Unlimited
	Crawfish	Unlimited
	Lobster	Unlimited
7. Hartland Point to a line from the north of Lundy Island	Demersal	Unlimited
8. From a line due west Lundy Island to Cardigan Harbour	All species	Unlimited
9. Point Lynas North Morecambe Light Vessel east	All species	Unlimited
10. County Down	Demersal	Unlimited
11. New Island north-east Sanda Island south-west	All species	Unlimited
12. Port Stewart north Barra Head west	All species	Unlimited
13. Latitude 57°40'N Butt of Lewis west	All species Except shellfish	Unlimited
14. St Kilda, Flannan Islands	All species	Unlimited
15. West of the line joining Butt of Lewis lighthouse to the point 59°30'N-5°45'W	All species	Unlimited

B. ACCESS FOR IRELAND

Geographical area	Species	Importance or particular characteristics
United Kingdom coast (6 to 12 nautical miles)		
1. Point Lynas north Mull of Galloway south	Demersal	Unlimited
	Nephrops	Unlimited
2. Mull of Oa west Barra Head west	Demersal	Unlimited
	Nephrops	Unlimited

C. ACCESS FOR GERMANY

Geographical area	Species	Importance or particular characteristics
United Kingdom coast (6 to 12 nautical miles)		
1. East of Shetlands and Fair Isle between lines drawn due south-east from Sumburgh Head lighthouse due north-east from Skroo lighthouse and due south-west from Skadan lighthouse	Herring	Unlimited
2. Berwick-upon-Tweed east, Whitby High lighthouse east	Herring	Unlimited
3. North Foreland lighthouse east, Dungeness new lighthouse south	Herring	Unlimited
4. Zone around St Kilda	Herring	Unlimited
	Mackerel	Unlimited
5. Butt of Lewis lighthouse west to the line joining Butt of Lewis lighthouse and the point 59°30'N-5°45'W	Herring	Unlimited
6. Zone around North Rona and Sulisker (Sulasgeir)	Herring	Unlimited

D. ACCESS FOR THE NETHERLANDS

Geographical area	Species	Importance or particular characteristics
United Kingdom coast (6 to nautical 12 miles)		
1. East of Shetlands and Fair Isle between lines drawn due south-east from Sumburgh Head lighthouse due north-east from Skroo lighthouse and due south-west from Skadan lighthouse	Herring	Unlimited
2. Berwick upon Tweed east, Flamborough Head east	Herring	Unlimited
3. North Foreland east, Dungeness new lighthouse south	Herring	Unlimited

E. ACCESS FOR BELGIUM

Geographical area	Species	Importance or particular characteristics
United Kingdom coast (6 to nautical 12 miles)		
1. Berwick upon Tweed east Coquer Island east	Herring	Unlimited
2. Cromer north North Foreland east	Demersal	Unlimited
3. North Foreland east Dungeness new lighthouse south	Demersal	Unlimited
	Herring	Unlimited
4. Dungeness new lighthouse south, Selsey Bill south	Demersal	Unlimited
5. Straight Point south-east, South Bishop north-west	Demersal	Unlimited

2. COASTAL WATERS OF IRELAND

A. ACCESS FOR FRANCE

Geographical area	Species	Importance or particular characteristics
Irish coast (6 to 12 nautical miles)		
1. Erris Head north-west Sybil Point west	Demersal	Unlimited
	Nephrops	Unlimited
2. Mizen Head south Stags south	Demersal	Unlimited
	Nephrops	Unlimited
	Mackerel	Unlimited
3. Stags south Cork south	Demersal	Unlimited
	Nephrops	Unlimited
	Mackerel	Unlimited
	Herring	Unlimited
4. Cork south, Carnsore Point south	All species	Unlimited
5. Carnsore Point south, Haulbowline south-east	All species, except shellfish	Unlimited

B. ACCESS FOR THE UNITED KINGDOM

Geographical area	Species	Importance or particular characteristics
Irish coast (6 to 12 miles)		
1. Mine Head south Hook Point	Demersal	Unlimited
	Herring	Unlimited
	Mackerel	Unlimited
2. Hook Point Carlingford Lough	Demersal	Unlimited
	Herring	Unlimited
	Mackerel	Unlimited
	Nephrops	Unlimited
	Scallops	Unlimited

C. ACCESS FOR THE NETHERLANDS

Geographical area	Species	Importance or particular characteristics
Irish coast (6 to 12 miles)		
1. Stags south Carnsore Point south	Herring	Unlimited
	Mackerel	Unlimited

D. ACCESS FOR GERMANY

Geographical area	Species	Importance or particular characteristics
Irish coast (6 to 12 nautical miles)		
1. Old Head of Kinsale south Carnsore Point south	Herring	Unlimited
2. Cork south Carnsore Point south	Mackerel	Unlimited

E. ACCESS FOR BELGIUM

Geographical area	Species	Importance or particular characteristics
Irish coast (6 to 12 nautical miles)		
1. Cork south Carnsore Point south	Demersal	Unlimited
2. Wicklow Head east Carlingford Lough south-east	Demersal	Unlimited

3. COASTAL WATERS OF BELGIUM

Geographical area	Member State	Species	Importance or particular characteristics
3 to 12 nautical miles	Netherlands	All species	Unlimited
	France	Herring	Unlimited

4. COASTAL WATERS OF DENMARK

Geographical areas	Member State	Species	Importance or particular characteristics
North Sea coast (Danish/German frontier to Hanstholm) (6 to 12 nautical miles)	Germany	Flatfish	Unlimited
		Shrimps and prawns	Unlimited
Danish/German frontier to Blåvands Huk	Netherlands	Flatfish	Unlimited
		Roundfish	Unlimited
Blåvands Huk to Bovbjerg	Belgium	Cod	Unlimited only during June and July
		Haddock	Unlimited only during June and July
	Germany	Flatfish	Unlimited
	Netherlands	Plaice	Unlimited
		Sole	Unlimited

Geographical areas	Member State	Species	Importance or particular characteristics
Thyborøn to Hanstholm	Belgium	Whiting	Unlimited only during June and July
		Plaice	Unlimited only during June and July
	Germany	Flatfish	Unlimited
		Sprat	Unlimited
		Cod	Unlimited
		Saithe	Unlimited
		Haddock	Unlimited
		Mackerel	Unlimited
		Herring	Unlimited
		Whiting	Unlimited
	Netherlands	Cod	Unlimited
		Plaice	Unlimited
		Sole	Unlimited
Skagerrak (Hanstholm to Skagen) (4 to 12 nautical miles)	Belgium	Plaice	Unlimited only during June and July
	Germany	Flatfish	Unlimited
		Sprat	Unlimited
		Cod	Unlimited
		Saithe	Unlimited
		Haddock	Unlimited
		Mackerel	Unlimited
		Herring	Unlimited
		Whiting	Unlimited
	Netherlands	Cod	Unlimited
		Plaice	Unlimited
		Sole	Unlimited
Kattegat	Germany	Cod	Unlimited
		Flatfish	Unlimited
		Nephrops	Unlimited
		Herring	Unlimited
North of Zealand to the parallel of the latitude passing through Forsnæs lighthouse	Germany	Sprat	Unlimited
Baltic Sea (including Belts, Sound, Bornholm) 3 to 12 nautical miles	Germany	Flatfish	Unlimited
		Cod	Unlimited
		Herring	Unlimited
		Sprat	Unlimited
		Eel	Unlimited
		Salmon	Unlimited
		Whiting	Unlimited
		Mackerel	Unlimited

Geographical areas	Member State	Species	Importance or particular characteristics
Skagerrak (4 to 12 miles)	Sweden	All species	Unlimited
Kattegat (3 ⁽¹⁾ to 12 miles)	Sweden	All species	Unlimited
Baltic Sea (3 to 12 miles)	Sweden	All species	Unlimited

(¹) Measured from the coast line.

5. COASTAL WATERS OF GERMANY

Geographical area	Member State	Species	Importance or particular characteristics
North Sea coast (3 to 12 nautical miles) all coasts	Denmark	Demersal	Unlimited
		Sprat	Unlimited
		Sand-eel	Unlimited
Danish/German frontier to the northern tip of Amrum at 54°43'N	Netherlands	Demersal	Unlimited
		Shrimps and prawns	Unlimited
		Shrimps and prawns	Unlimited
Zone around Helgoland	United Kingdom	Cod	Unlimited
		Plaice	Unlimited
		Cod	Unlimited
Baltic coast (3 to 12 miles)	Denmark	Plaice	Unlimited
		Herring	Unlimited
		Sprat	Unlimited
		Eel	Unlimited
		Whiting	Unlimited
		Mackerel	Unlimited
			Unlimited

6. COASTAL WATERS OF FRANCE AND THE OVERSEAS DEPARTMENTS

Geographical area	Member State	Species	Importance or particular characteristics
North-east Atlantic coast (6 to 12 nautical miles)			
Belgian/French frontier to east of Departement Manche (Vire-Grandcamp les Bains estuary 49° 23' 30" N-1° 2' WNNE)	Belgium	Demersal	Unlimited
		Scallops	Unlimited
	Netherlands	All species	Unlimited
Dunkerque (2° 20' E) to Cap d'Antifer (0° 10' E)	Germany	Herring	Unlimited only during October to December
Belgian/French frontier to Cap d'Alprech west (50° 42' 30" N — 1° 33' 30" E)	United Kingdom	Herring	Unlimited

Geographical area	Member State	Species	Importance or particular characteristics
Atlantic Coast (6 to 12 nautical miles) Spanish/French frontier to 46° 08' N	Spain	Anchovies	Directed fishing, unlimited only from 1 March to 30 June
		Sardines	Fishing for live bait from 1 July to 31 October only. Unlimited only from 1 January to 28 February and from 1 July to 31 December, In addition, activities relating to the abovementioned species must be pursued in accordance with and within the limits of the activities pursued during 1984
Mediterranean coast (6 to 12 nautical miles) Spanish frontier Cap Leucate	Spain	All species	Unlimited

7. COASTAL WATERS OF SPAIN

Geographical area	Member State	Species	Importance or particular characteristics
Atlantic coast (6 to 12 nautical miles) French/Spanish frontier to Cap Mayor light-house (3° 47' W)	France	Pelagic	Unlimited in accordance with and within the limits of the activities pursued during 1984
Mediterranean coast (6 to 12 nautical miles) French frontier/Cap Creus	France	All species	Unlimited

8. COASTAL WATERS OF THE NETHERLANDS

Geographical area	Member State	Species	Importance or particular characteristics
(3 to 12 nautical miles) whole coast	Belgium	All species	Unlimited
	Denmark	Demersal	Unlimited
		Sprat	Unlimited
		Sand-eel	Unlimited
		Horse-mackerel	Unlimited
	Germany	Cod	Unlimited
		Shrimps and Prawns	Unlimited
(6 to 12 nautical miles) whole coast	France	All species	Unlimited
Texel south point, west to the Netherlands/ German frontier	United Kingdom	Demersal	Unlimited

9. COASTAL WATERS OF FINLAND

Geographical area	Member State	Species	Importance or particular characteristics
Baltic Sea (4 to 12 miles) (*)	Sweden	All species	Unlimited

(*) 3 to 12 miles around Bogskär Isles.

10. COASTAL WATERS OF SWEDEN

Geographical area	Member State	Species	Importance or particular characteristics
Skagerrak (4 to 12 nautical miles)	Denmark	All species	Unlimited
Kattegat (3 (*) to 12 miles)	Denmark	All species	Unlimited
Baltic Sea (4 to 12 miles)	Denmark	All species	Unlimited
	Finland	All species	Unlimited

(*) Measured from the coastline.

ANNEX II

SHETLAND BOX

A. **Geographical limits**

From the point on the west coast of Scotland in latitude 58°30' N to 59°30' N — 6°15' W

From 58°30' N — 6°15' W to 59°30' N — 5°45' W

From 59°30' N — 5°45' W to 59°30' N — 3°45' W

along the 12 nautical miles line north of the Orkneys

From 59°30' N — 3°00' W to 61°00' N — 3°00' W

From 61°00' N — 3°00' W to 61°00' N — 0°00' W

along the 12 nautical miles line north of the Shetlands

From 61°00' N — 0°00' W to 59°30' N — 0°00' W

From 59°30' N — 0°00' W to 59°30' N — 1°00' W

From 59°30' N — 1°00' W to 59°00' N — 1°00' W

From 59°00' N — 1°00' W to 59°00' N — 2°00' W

From 59°00' N — 2°00' W to 58°30' N — 2°00' W

From 58°30' N — 2°00' W to 58°30' N — 3°00' W

From 58°30' N — 3°00' W to the east coast of Scotland in latitude 58°30' N.

B. **Fishing effort authorised**

Maximum number of vessels with a length between perpendiculars of not less than 26 metres authorised to fish for demersal species, other than Norway pout and blue whiting:

Member State	Number of fishing vessels authorised
France	52
United Kingdom	62
Germany	12
Belgium	2

**COUNCIL REGULATION (EC) No 2372/2002
of 20 December 2002**

instituting specific measures to compensate the Spanish fisheries, shellfish industry and aquaculture, affected by the oil spills from the Prestige

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

After consulting the Economic and Social Committee,

Whereas:

- (1) In November 2002, the tanker Prestige, carrying 77 000 tonnes of heavy fuel oil, was shipwrecked off the coast of Galicia, causing oil spills to start arriving to the Spanish coast as from 16 November 2002.
- (2) Owing to the environmental effects of the aforementioned oil pollution, in addition to fisheries, all shell-fishing and certain aquaculture activities have been forbidden along large parts of the Spanish Atlantic coastline. Moreover, the oil spills have also damaged certain aquaculture sites located in the affected coastal regions of Spain.
- (3) Council Regulation (EC) No 2792/1999 ⁽³⁾ lays down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector. In particular, Article 13(1) and the more specific rules enclosed in Annex III of the said Regulation, determine the eligible costs within the fields of aquaculture as well as the protection and development of aquatic resources, to be co-financed from the Financial Instrument for Fisheries Guidance (FIFG). In addition, Article 16 of that Regulation lays down the terms on which the Member States may receive a financial contribution from the FIFG towards compensation they grant to fishermen and vessel owners for the temporary cessation of activities in the event of unforeseeable circumstances.
- (4) However, the criteria for the eligibility of expenses within the fields in question, to be co-financed from the FIFG, have not been designed for the type of measures necessary to cope with the consequences of oil pollution.
- (5) Besides, the granting of compensation for the temporary cessation of activities is currently allowed to fishermen and vessels owners, but not to other persons or enterprises engaged in shellfish industry or aquaculture. Also

the aggregated amounts of financial contributions from the FIFG to these purposes have been restricted by the said Article 16.

- (6) In these circumstances, it is necessary to facilitate the compensation to be granted for temporary cessation of fishing, shellfish and aquaculture activities affected by the oil pollution described above. In addition, it is appropriate to facilitate the cleaning, the repairing and the reconstruction of shellfish and aquaculture sites and the replacement of shellfish stocks in order to restore their production capacity, as well as the replacement of fishing gear, damaged by the oil spills in question.
- (7) Consequently, there is a need for derogations from the aforementioned provisions of Regulation (EC) No 2792/1999.
- (8) On the understanding that the other parts will have to be carried out with the assistance of FIFG appropriations, the complementary appropriations necessary for these purposes should be made available from the assistance defined within the framework of Council Regulation (EC) No 2561/2001 of 17 December 2001, aiming to promote the conversion of fishing vessels and of fishermen that were, up to 1999, dependent on the fishing agreement with Morocco ⁽⁴⁾, and especially Article 5(1) thereof.
- (9) These complementary appropriations available should be devoted to the specific measures taken, on one hand compensating the persons and enterprises engaged in Spanish fisheries industry, shellfish and aquaculture for the temporary cessation of their activities, and on the other hand providing for assistance for reinstating the previous activities affected by the oil pollution.
- (10) The specific measures must be consistent with the general principles of the structural policy in the fisheries sector.
- (11) The measures necessary for the implementation of this (instrument in question) should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁵⁾.
- (12) The necessity to adopt immediate measures to remedy the situation following the 'Prestige' shipwreck requires a derogation from the period laid down in paragraph 1(3) of the Protocol on the role of national parliaments,

⁽¹⁾ Not yet published in the Official Journal.

⁽²⁾ Opinion of 19.12.2002 (not yet published in the Official Journal).

⁽³⁾ OJ L 337, 30.12.1999, p. 10.

⁽⁴⁾ OJ L 344, 28.12.2001, p. 17.

⁽⁵⁾ OJ L 184, 17.7.1999, p. 23.

HAS ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation lays down exceptional supporting measures for the persons and enterprises, engaged in the Spanish fisheries, shellfish industry and aquaculture in the Spanish coastal areas affected by the oil pollution from the Prestige shipwreck, as well as the conditions for and the limits of such support.

Article 2

Specific measures

1. The following specific measures may be taken by Spain for the persons and enterprises referred to in Article 1:

- (a) compensation to persons and owners of enterprises for the temporary cessation of their activities;
- (b) measures to encourage the replacement of fishing gear, of other auxiliary equipments and the reparation of the affected boats and the substitution of their damaged elements;
- (c) measures to encourage the cleaning, the repairing and the reconstruction of shellfish and aquaculture sites;
- (d) measures to compensate for the replacement of shellfish stocks.

2. The expenses incurred within the framework of the specific measures shall be eligible under the condition that the temporary cessation of the activities referred to in point (a) as well as the damages caused to the gear or the sites referred to in points (b), (c) and (d) have been due to the oil spills from the Prestige shipwreck.

3. The rates of assistance for the specific measures are specified in the Annex.

Article 3

Derogations from Regulation (EC) No 2792/1999

1. By derogation from the provisions of Regulation (EC) No 2792/1999, the specific measures referred to in Article 2 shall be granted in accordance with paragraphs 2 to 6 of this Article.

2. The compensations for the temporary cessation of activities, referred to in Article 16(1)(a) of Regulation (EC) No 2792/1999, may be granted also for persons and owners of enterprises engaged in the Spanish shellfish industry and aquaculture.

3. The limits of two and six months prescribed in Article 16(1)(a) of Regulation (EC) No 2792/1999 shall not apply.

4. The financial contribution from the FIFG to the compensations referred to in paragraphs 1 and 2 shall not be taken into consideration when determining compliance with the thresholds referred to in the first subparagraph of Article 16(3) of Regulation (EC) No 2792/1999.

5. The restrictions set out in Annex III, point 1.4, last paragraph, of Regulation (EC) No 2792/1999 shall not be applicable with regard to the replacement of fishing gear damaged by the oil pollution from the Prestige shipwreck.

6. The following costs shall be eligible under Article 13(1) of Regulation (EC) No 2792/1999:

- (a) costs incurred by the cleaning, the repairing and the reconstruction activities aimed at restoring the production capacity of shellfish and aquaculture sites affected by the oil pollution in question;
- (b) costs of the restocking necessary to reinstate the shellfish stocks aquaculture sites affected by the oil pollution in question.

Article 4

Applicability of general provisions

The provisions of Regulation (EC) No 1260/1999 ⁽¹⁾ and No 2792/1999 ⁽²⁾ shall apply for the implementation of the specific measures defined in Article 2 under the provisions and the derogation conditions laid down in this Regulation.

Article 5

Additional Community participation

1. In addition to the assistance of FIFG appropriations, the complementary amount of the Community participation allocated to the purposes of this Regulation shall be EUR 30 million.

2. This additional amount shall be made available from the funds previously allocated for the purposes of Regulation (EC) No 2561/2001.

Article 6

Amendment to Regulation (EC) No 2561/2001

In Article 5(1) of Regulation (EC) No 2561/2001 the following subparagraph is added:

'Within the allocation for Spain, an amount not exceeding EUR 30 million shall be reserved for the measures defined in Council Regulation (EC) No 2372/2002.'

Article 7

Implementation reports

Spain shall present to the Commission a consolidated report of the implementation of the specific measures, referred to in Article 2, for every year of their implementation by 31 March of the following year. The first of such reports will be due on 31 March 2004.

⁽¹⁾ Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds (OJ L 161, 26.6.1999, p. 1).

⁽²⁾ Council Regulation (EC) No 2792/1999 of 17 December 1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector (OJ L 337, 30.12.1999, p. 10).

*Article 8***Detailed rules**

The measures necessary for the implementation of this Regulation shall be adopted in accordance with management procedure referred to in Article 9(2).

Article 9

1. The Commission shall be assisted by the committee on structures for fisheries and aquaculture established by Article 51 of Regulation (EC) No 1260/1999.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

*Article 10***Final provisions**

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

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

Done at Brussels, 20 December 2002.

For the Council

The President

M. FISCHER BOEL

ANNEX

RATES OF ASSISTANCE

The rates of assistance for the specific measures, referred to in Article 2, are defined according to the groups listed in Annex IV, point 2 of Regulation (EC) No 2792/1999 and to the rates determined in Table 3 of the said Annex, as amended by Council Regulation (EC) No 1451/2001, as follows:

- | | |
|--|---------|
| 1. Temporary cessation of shellfish or aquaculture activities | Group 1 |
| 2. Replacement of fishing gear | Group 2 |
| 3. Cleaning, repairing and reconstruction of shellfish and aquaculture sites | |
| — carried out by public authorities | Group 1 |
| — carried out by private enterprises | Group 3 |
| 4. Replacement of shellfish stocks | Group 1 |
-

COMMISSION REGULATION (EC) No 2373/2002
of 30 December 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 31 December 2002.

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

Done at Brussels, 30 December 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 30 December 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	60,2
	204	40,0
	608	29,7
	999	43,3
0707 00 05	052	121,7
	999	121,7
0709 90 70	052	119,7
	204	64,0
	999	91,8
0805 10 10, 0805 10 30, 0805 10 50	052	61,9
	204	59,1
	999	60,5
0805 20 10	204	72,4
	999	72,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	50,4
	999	50,4
0805 50 10	052	52,7
	600	72,2
	999	62,5
0808 10 20, 0808 10 50, 0808 10 90	060	36,1
	400	92,0
	404	101,2
	720	68,3
	999	74,4
0808 20 50	400	114,5
	999	114,5

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

**COMMISSION REGULATION (EC) No 2374/2002
of 30 December 2002**

**amending Regulation (EC) No 668/2001 increasing to 3 499 978 tonnes the quantity of barley held
by the German intervention agency for which a standing invitation to tender for export has been
opened**

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 5 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 ⁽³⁾, as last amended by Regulation (EC) No 1630/2000 ⁽⁴⁾, lays down the procedures and conditions for the disposal of cereals held by the intervention agencies.
- (2) Commission Regulation (EC) No 668/2001 ⁽⁵⁾, as last amended by Regulation (EC) No 1095/2001 ⁽⁶⁾, opened a standing invitation to tender for the export of 3 000 055 tonnes of barley held by the German intervention agency. Germany informed the Commission of the intention of its intervention agency to increase by 499 923 tonnes the quantity for which a standing invitation to tender for export has been opened. The total quantity of barley held by the German intervention agency for which a standing invitation to tender for export has been opened should be increased to 3 499 978 tonnes.

(3) This increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store. Annex I to Regulation (EC) No 668/2001 must therefore be amended.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 668/2001 is hereby amended as follows:

1. Article 2 is replaced by the following:

'Article 2

1. The invitation to tender shall cover a maximum of 3 499 978 tonnes of barley to be exported to all third countries with the exception of the United States, Canada and Mexico.

2. The regions in which the 3 499 978 tonnes of barley are stored are stated in Annex I to this Regulation.'

2. Annex I is replaced by the Annex hereto.

Article 2

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

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

Done at Brussels, 30 December 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 191, 31.7.1993, p. 76.

⁽⁴⁾ OJ L 187, 26.7.2000, p. 24.

⁽⁵⁾ OJ L 93, 3.4.2001, p. 20.

⁽⁶⁾ OJ L 166, 25.6.2002, p. 4.

ANNEX

ANNEX I

(tonnes)	
Place of storage	Quantity
Schleswig-Holstein/Hamburg/Niedersachsen/ Bremen/Mecklenburg-Vorpommern	1 222 009
Nordrhein-Westfalen/Hessen/Rheinland-Pfalz/ Saarland/Baden-Württemberg/Bayern	321 864
Berlin/Brandenburg/Sachsen-Anhalt/Sachsen/ Thüringen	1 956 105'

**COMMISSION REGULATION (EC) No 2375/2002
of 27 December 2002**

opening and providing for the administration of Community tariff quotas for common wheat of a quality other than high quality from third countries and derogating from Council Regulation (EEC) No 1766/92

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 12(1) thereof,

Having regard to the Council Decision of 19 December 2002 concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the United States of America, with a view to the modification of concessions with respect to cereals provided for in schedule CXL annexed to the General Agreement on Tariffs and Trade (GATT) ⁽³⁾, and in particular Article 2 thereof,

Having regard to the Council Decision of 19 December 2002 concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and Canada pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT), with a view to the modification of concessions with respect to cereals provided for in EC schedule CXL annexed to the GATT ⁽⁴⁾, and in particular Article 2 thereof,

Whereas:

- (1) Following trade negotiations, the Community has changed the conditions for the import of common wheat of low and medium quality, that is common wheat of a quality other than high quality, as defined in Annex I to Commission Regulation (EC) No 1249/96 of 28 June 1996 ⁽⁵⁾ on rules of application (cereal sector import duties) for Council Regulation (EEC) No 1766/92, as last amended by Regulation (EC) No 1900/2002 ⁽⁶⁾, by creating an import quota from 1 January 2003.
- (2) This import quota relates to a maximum annual quantity of 2 981 600 tonnes, including 572 000 tonnes for imports originating in the United States and 38 000 tonnes for imports originating in Canada.
- (3) The opening of this quota means that Regulation (EEC) No 1766/92 has to be adapted. In order to enable the quota to be opened on 1 January 2003, provision should

be made to derogate from Regulation (EEC) No 1766/92 during a transitional period expiring on the date of entry into force of the amendment to that Regulation, but until 30 June 2003 at the latest.

- (4) To ensure that imports of the common wheat covered by these tariff quotas are orderly and not speculative, they should be made subject to the issue of import licences. The licences are to be issued, within the quantities set, at the request of the interested parties, subject where appropriate to the fixing of a reduction coefficient in respect of the quantities applied for.
- (5) To ensure the proper management of these quotas, deadlines for the lodging of licence applications should be laid down and the information to be included in applications and licences should be specified.
- (6) To take account of supply conditions, a derogation should be made concerning the period of validity of the licences.
- (7) With a view to the sound management of the quotas, provision should be made to derogate from Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽⁷⁾, as last amended by Regulation (EC) No 2299/2001 ⁽⁸⁾, as regards the transferable nature of the licences and the tolerance relating to the quantities released into free circulation.
- (8) To ensure sound management of the quotas, the security on the import licences should be set at a relatively high level, notwithstanding Article 10 of Commission Regulation (EC) No 1162/95 of 23 May 1995 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽⁹⁾, as last amended by Regulation (EC) No 1322/2002 ⁽¹⁰⁾.
- (9) Rapid two-way communication should be established between the Commission and the Member States regarding the quantities applied for and imported.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ Not yet published in the Official Journal.

⁽⁴⁾ Not yet published in the Official Journal.

⁽⁵⁾ OJ L 161, 29.6.1996, p. 125.

⁽⁶⁾ OJ L 287, 25.10.2002, p. 15.

⁽⁷⁾ OJ L 152, 24.6.2000, p. 1.

⁽⁸⁾ OJ L 308, 27.11.2001, p. 19.

⁽⁹⁾ OJ L 117, 24.5.1995, p. 2.

⁽¹⁰⁾ OJ L 194, 23.7.2002, p. 22.

HAS ADOPTED THIS REGULATION:

Article 5

Article 1

Notwithstanding Article 10(1) and (2) of Regulation (EEC) No 1766/92, the import duty for common wheat falling in CN code 1001 90 99, of a quality other than high quality as defined in Annex I to Regulation (EC) No 1249/96, shall be fixed in the framework of the quota opened by this Regulation.

Article 10(1) of Regulation (EEC) No 1766/92 shall apply to imports of the products referred to in this Regulation in excess of the quantities provided for in Article 3.

Article 2

1. A tariff quota of 2 981 600 tonnes of common wheat falling in CN code 1001 90 99 of a quality other than high quality is hereby opened from 1 January 2003.

2. The tariff quota shall be opened on 1 January each year. Duties on imports within the tariff quota shall be levied at a rate of EUR 12 per tonne.

Article 3

1. The annual tariff quota shall be divided into three subquotas:

- (a) Subquota I: 572 000 tonnes for the United States of America;
- (b) Subquota II: 38 000 tonnes for Canada;
- (c) Subquota III: 2 371 600 tonnes for other third countries.

2. Where, in the course of a year, it emerges that there is a serious shortfall in the take-up of subquota I or II, the Commission may, with the agreement of the third country concerned, adopt arrangements to transfer the unused quantities to the other subquotas, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92.

3. Subquota III shall be divided into four quarterly tranches of 592 900 tonnes each for the following periods:

- (a) Tranche No 1 — 1 January to 31 March;
- (b) Tranche No 2 — 1 April to 30 June;
- (c) Tranche No 3 — 1 July to 30 September;
- (d) Tranche No 4 — 1 October to 31 December.

4. Unused quantities in any tranche except tranche No 4, referred to in subparagraph 3(d), shall be automatically allocated to the following tranche. Where a tranche is exhausted, the Commission may anticipate the opening of the following tranche in accordance with the procedure laid down in Article 23 of Regulation (EC) No 1766/92.

Article 4

All imports under the quota referred to in Article 2(1) shall be conditional upon the production of an import licence issued in accordance with Regulation (EC) No 1291/2000, subject to the provisions of this Regulation.

1. Applications for import licences shall be lodged with the competent authorities of the Member States no later than 13.00 (Brussels time) every Monday.

Each licence application must be for a quantity that may not exceed the quantity available under the subquota for the import of the product concerned in the period concerned.

2. No later than 18.00 Brussels time on the day of lodging of licence applications, the competent authorities shall forward to the Commission by fax a notification in accordance with the model annexed hereto, and the total quantity resulting from the sum of all quantities indicated on the import licence applications. If the day for lodging the licence applications is a national holiday, the Member State concerned shall send the said notification no later than 18.00 Brussels time on the working day preceding the national holiday.

That information must be communicated separately from the information on other import licence applications for cereals.

3. If the total of the quantities since the start of the period and the quantity referred to in paragraph 2 exceeds the relevant subquota for the period concerned, the Commission shall set, no later than the third working day after the applications are lodged, single reduction coefficients to be applied to the quantities requested.

4. Without prejudice to paragraph 3, licences shall be issued on the fourth working day following the day on which the application was lodged. No later than 18.00 Brussels time on the day the licences are issued, the competent authorities shall fax the Commission, at the number mentioned in the Annex hereto, the total quantity resulting from the sum of the quantities for which import licences have been issued that same day.

Article 6

Import licences shall be valid for 60 days from the day of issue. In accordance with Article 23(2) of Regulation (EC) No 1291/2000, the period of validity of the licence shall be calculated from the actual date of issue.

Article 7

Notwithstanding Article 9 of Regulation (EC) No 1291/2000, the rights resulting from the import licences shall not be transferable.

Article 8

Notwithstanding Article 8(4) of Regulation (EC) No 1291/2000, the quantity released into free circulation may not exceed that indicated in sections 17 and 18 of the import licence. The figure '0' shall be entered to that effect in section 19 of the licence.

Article 9

The import licence application and the import licence shall contain the following information:

- (a) in section 8, the name of the country of origin;
- (b) in section 20, one of the following entries:
 - Regulamento (CE) n.º 2375/2002
 - Forordning (EF) nr. 2375/2002
 - Verordnung (EG) Nr. 2375/2002
 - Κανονισμός (ΕΚ) αριθ. 2375/2002
 - Regulation (EC) No 2375/2002
 - Règlement (CE) n.º 2375/2002
 - Regolamento (CE) n. 2375/2002
 - Verordening (EG) nr. 2375/2002
 - Regulamento (CE) n.º 2375/2002
 - Asetus (EY) N:o 2375/2002
 - Förordning (EG) nr 2375/2002
- (c) in section 24, the words 'EUR 12/tonne'.

Article 10

Notwithstanding Article 10(a) and (b) of Regulation (EC) No 1162/95, the security for the import licences provided for in this Regulation shall be EUR 30 per tonne.

Article 11

In the framework of the tariff quota, the release into free circulation in the Community of common wheat of a quality other than high quality originating in a third country shall be conditional upon production of a certificate of origin issued by the competent national authorities of that country, in accordance with Articles 55 to 65 of Regulation (EEC) No 2454/93 ⁽¹⁾.

Article 12

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

It shall apply from 1 January 2003.

It shall apply until the date of entry into force of the Regulation amending Article 10 of Regulation (EEC) No 1766/92, but until 30 June 2003 at the latest.

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

Done at Brussels, 27 December 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 253, 11.10.1993, p. 1.

ANNEX

MODEL FOR NOTIFICATION REFERRED TO IN ARTICLE 4(2) (*)**Import quotas for common wheat opened by Regulation (EC) No 2375/2002**

Week from [...] to [...]

Subquota	Operator No	Quantity requested (tonnes)	Origin

(*) Notification to be sent by fax to number (0032)-2-295 25 15.

COMMISSION REGULATION (EC) No 2376/2002

of 27 December 2002

opening and providing for the administration of a Community tariff quota for barley from third countries and derogating from Council Regulation (EC) No 1766/92

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 12(1) thereof,

Having regard to the Council Decision of 19 December 2002 concerning the conclusion of an agreement in the form of an exchange of Letters between the European Community and the United States of America, with a view to the modification of concessions with respect to cereals provided for in schedule CXL annexed to the General Agreement on Tariffs and Trade (GATT) ⁽³⁾, and in particular Article 2 thereof,

Having regard to the Council Decision of 19 December 2002 concerning the conclusion of an agreement in the form of an exchange of Letters between the European Community and Canada pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT), with a view to the modification of concessions with respect to cereals provided for in EC schedule CXL annexed to the GATT ⁽⁴⁾, and in particular Article 2 thereof,

Whereas:

- (1) Following trade negotiations, the Community has changed the conditions for the import of common wheat of low and medium quality and of barley by creating import quotas from 1 January 2003. For barley, the Community has decided to replace the system of preference margins by two tariff quotas: a tariff quota of 50 000 tonnes for malting barley and a tariff quota of 300 000 tonnes of barley, for which this Regulation makes provision.
- (2) The opening of this quota means that Regulation (EEC) No 1766/92 has to be adapted. In order to enable the quota to be opened on 1 January 2003, provision should be made to derogate from Regulation (EEC) No 1766/92, during a transitional period expiring on the date of entry into force of the amendment to that Regulation, but until 30 June 2003 at the latest.
- (3) To ensure that imports of the barley covered by this tariff quota are orderly and not speculative, they should be made subject to the issue of import licences. The

licences are to be issued, within the quantities set, at the request of the interested parties, subject where appropriate to the fixing of a reduction coefficient in respect of the quantities applied for.

- (4) To ensure the proper management of this quota, deadlines for the lodging of licence applications should be laid down and the information to be included in applications and licences should be specified.
- (5) To take account of supply conditions, a derogation should be made concerning the period of validity of the licences.
- (6) With a view to the sound management of the quota, provision should be made to derogate from Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽⁵⁾, as last amended by Regulation (EC) No 2299/2001 ⁽⁶⁾, as regards the transferable nature of the licences and the tolerance relating to the quantities released into free circulation.
- (7) To ensure sound management of the quotas, the security on the import licences should be set at a relatively high level, notwithstanding Article 10 of Commission Regulation (EC) No 1162/95 of 23 May 1995 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽⁷⁾, as last amended by Regulation (EC) No 1322/2002 ⁽⁸⁾.
- (8) Rapid two-way communication should be established between the Commission and the Member States regarding the quantities applied for and imported.
- (9) 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

Notwithstanding Article 10(1) and (2) of Regulation (EEC) No 1766/92, the import duty for barley falling in CN code 1003 00 shall be fixed in the framework of the quota opened by this Regulation.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ Not yet published in the Official Journal.

⁽⁴⁾ Not yet published in the Official Journal.

⁽⁵⁾ OJ L 152, 24.6.2000, p. 1.

⁽⁶⁾ OJ L 308, 27.11.2001, p. 19.

⁽⁷⁾ OJ L 117, 24.5.1995, p. 2.

⁽⁸⁾ OJ L 194, 23.7.2002, p. 22.

Article 10(1) of Regulation (EEC) No 1766/92 shall apply to imports of the products referred to in this Regulation in excess of the quantity provided for in Article 2.

Article 2

1. A tariff import quota of 300 000 tonnes for barley falling in CN code 1003 00 is hereby opened.

2. The tariff quota shall be opened on 1 January each year. Duties on imports within the tariff quota shall be levied at a rate of EUR 16 per tonne.

Article 3

All imports under the quota referred to in Article 2(1) shall be conditional upon the production of an import licence issued in accordance with Regulation (EC) No 1291/2000, subject to the provisions of this Regulation.

Article 4

1. Applications for import licences shall be lodged with the competent authorities of the Member States no later than 13.00 (Brussels time) every Monday.

Each licence application must be for a quantity that may not exceed the quantity available for the import of the product concerned in the year concerned.

2. No later than 18.00 Brussels time on the day of lodging of licence applications, the competent authorities shall forward to the Commission by fax a notification in accordance with the model annexed hereto, and the total quantity resulting from the sum of all quantities indicated on the import licence applications. If the day for lodging the licence applications is a national holiday, the Member State concerned shall send the said notification on the working day preceding the national holiday no later than 18.00 Brussels time.

That information must be communicated separately from the information on other import licence applications for cereals.

3. If the total of the quantities since the start of the year and the quantity referred to in paragraph 2 exceeds the quota for the year concerned, the Commission shall set, no later than the third working day after the applications are lodged, a single reduction coefficient to be applied to the quantities requested.

4. Without prejudice to paragraph 3, licences shall be issued on the fourth working day following the day on which the application was lodged. No later than 18.00 Brussels time on the day the licences are issued, the competent authorities shall fax the Commission, at the number mentioned in the Annex hereto, the total quantity resulting from the sum of the quantities for which import licences have been issued that same day.

Article 5

Import licences shall be valid for 60 days from the day of issue. In accordance with Article 23(2) of Regulation (EC) No 1291/2000, the period of validity of the licence shall be calculated from the actual date of issue.

Article 6

Notwithstanding Article 9 of Regulation (EC) No 1291/2000, the rights resulting from the import licences shall not be transferable.

Article 7

Notwithstanding Article 8(4) of Regulation (EC) No 1291/2000, the quantity released into free circulation may not exceed that indicated in sections 17 and 18 of the import licence. The figure '0' shall be entered to that effect in section 19 of the licence.

Article 8

The import licence application and the import licence shall contain the following information:

(a) in section 20, one of the following entries:

- Reglamento (CE) n° 2376/2002
- Forordning (EF) nr. 2376/2002
- Verordnung (EG) Nr. 2376/2002
- Κανονισμός (ΕΚ) αριθ. 2376/2002
- Regulation (EC) No 2376/2002
- Règlement (CE) n° 2376/2002
- Regolamento (CE) n. 2376/2002
- Verordening (EG) nr. 2376/2002
- Regulamento (CE) n.º 2376/2002
- Asetus (EY) N:o 2376/2002
- Förordning (EG) nr 2376/2002

(b) in section 24, the words 'EUR 16/tonne'.

Article 9

Notwithstanding Article 10(a) and (b) of Regulation (EC) No 1162/95, the security for the import licences provided for in this Regulation shall be EUR 30 per tonne.

Article 10

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

It shall apply from 1 January 2003.

It shall apply until the date of entry into force of the Regulation amending Article 10 of Regulation (EEC) No 1766/92, but until 30 June 2003 at the latest.

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

Done at Brussels, 27 December 2002.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

MODEL FOR NOTIFICATION REFERRED TO IN ARTICLE 4(2) (*)

Import quotas for barley opened by Regulation (EC) No 2376/2002

Week from ... to...

Quota/product	Operator No	Quantity requested (tonnes)	Origin

(*) notification to be sent by fax to number (32-2) 295 25 15.

COMMISSION REGULATION (EC) No 2377/2002

of 27 December 2002

opening and providing for the administration of a Community tariff quota for malting barley from third countries and derogating from Council Regulation (EC) No 1766/92

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 12(1) thereof,

Having regard to the Council Decision of 19 December 2002 concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the United States of America, with a view to the modification of concessions with respect to cereals provided for in schedule CXL annexed to the General Agreement on Tariffs and Trade (GATT)⁽³⁾ and in particular Article 2 thereof,

Having regard to the Council Decision of 19 December 2002 concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and Canada pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT), with a view to the modification of concessions with respect to cereals provided for in EC schedule CXL annexed to the GATT⁽⁴⁾ and in particular Article 2 thereof,

Whereas:

- (1) Following trade negotiations, the Community has changed the conditions for the import of common wheat of low and medium quality and of barley by creating import quotas from 1 January 2003. For barley, the Community has decided to replace the 'margin of preference' system by two tariff quotas: one tariff quota of 50 000 tonnes for malting barley and one tariff quota of 300 000 for barley. This Regulation concerns the tariff quota of 50 000 tonnes of malting barley.
- (2) Under the Community's international commitments, malting barley for import must be intended for use in the manufacture of beer aged in vats containing beechwood. In this respect, provisions should be adopted relating to the quality criteria for barley and to processing requirements similar to those of Commission Regulation (EC) No 1234/2001 of 22 June 2001 laying down detailed rules for applying Council Regulation (EC) No 822/1999 and providing for the partial reimbursement of import duties levied on a quota of barley for malting⁽⁵⁾.
- (3) The opening of this quota means that Regulation (EEC) No 1766/92 has to be adapted. In order to enable the quota to be opened on 1 January 2003, provision should be made to derogate from Regulation (EEC) No 1766/92, during a transitional period expiring on the date of entry into force of the amendment to that Regulation, but until 30 June 2003 at the latest.
- (4) To ensure that imports of the barley covered by this tariff quota are orderly and not speculative, they should be made subject to the issue of import licences. The licences will be issued, within the quantities set, at the request of the interested parties, subject where appropriate to the fixing of a reduction coefficient in respect of the quantities applied for.
- (5) To ensure the proper management of this quota, deadlines for the lodging of licence applications should be laid down and the information to be included in applications and licences should be specified.
- (6) To take account of supply conditions, a derogation should be made concerning the period of validity of the licences.
- (7) Taking account of the obligation to apply a high level of guarantee to insure adequate execution of the quota and that this guarantee would have to be in place during all the processing period, it is adequate to exempt importers whose consignments of malting barley are accompanied by a certificate of conformity agreed with the government of the United States of America according to the administrative cooperation procedure provided for in Articles 63 to 65 of Commission Regulation (EEC) No 2454/93⁽⁶⁾, as amended by Commission Regulation (EC) No 444/2002⁽⁷⁾.
- (8) With a view to the sound management of the quota, provision should be made to derogate from Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽⁸⁾, as last amended by Regulation (EC) No 2299/2001⁽⁹⁾, as regards the transferable nature of the licences and the tolerance relating to the quantities released into free circulation.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ Not yet published in the Official Journal.

⁽⁴⁾ Not yet published in the Official Journal.

⁽⁵⁾ OJ L 168, 23.6.2001, p. 12.

⁽⁶⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁷⁾ OJ L 68, 12.3.2002, p. 11.

⁽⁸⁾ OJ L 152, 24.6.2000, p. 1.

⁽⁹⁾ OJ L 308, 27.11.2001, p. 19.

- (9) To ensure sound management of this quota, the security on the import licences should be set at a relatively high level, notwithstanding Article 10 of Commission Regulation (EC) No 1162/95 of 23 May 1995 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽¹⁾, as last amended by Regulation (EC) No 1322/2002 ⁽²⁾.
- (10) Rapid two-way communication should be established between the Commission and the Member States regarding the quantities applied for and imported.
- (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

Notwithstanding Article 10(1) and (2) of Regulation (EEC) No 1766/92, the import duty for malting barley falling in CN code 1003 00 shall be fixed in the framework of the quota opened by this Regulation.

Article 10(1) of Regulation (EEC) No 1766/92 shall apply to imports of the products referred to in this Regulation in excess of the quantity provided for in Article 2.

Article 2

1. A tariff import quota of 50 000 tonnes of malting barley falling in CN code 1003 00 50 to be used in the manufacture of beer aged in vats containing beechwood is hereby opened.

2. The tariff quota shall be opened on 1 January each year. Duties on imports within the tariff quota shall be levied at a rate of EUR 8 per tonne.

Article 3

All imports under the quota referred to in Article 2(1) shall be conditional upon the production of an import licence issued in accordance with Regulation (EC) No 1291/2000, subject to the provisions of this Regulation.

⁽¹⁾ OJ L 117, 24.5.1995, p. 2.

⁽²⁾ OJ L 194, 23.7.2002, p. 22.

Article 4

For the purposes of applying this Regulation:

- (a) 'damaged grains' means grains of barley, other cereals or wild oats that display damage, including deterioration caused by disease, frost, heat, insects or fungus, bad weather and all other forms of physical damage;
- (b) 'sound and fair merchantable barley' means barley grains or pieces of grains that are not damaged as defined in (a), except grains damaged by frost or fungus.

Article 5

1. The benefit of this tariff quota shall be granted provided the imported barley meets the following criteria:

- (a) specific weight: minimum 60,5 kg/hl;
- (b) damaged grains: maximum 1 %;
- (c) moisture: maximum 13,5 %;
- (d) sound and fair merchantable barley: minimum 96 %.

2. Compliance with the quality criteria set out in paragraph 1 shall be certified by one of the following documents:

- (a) a certificate of analysis carried out at the importer's request by the customs office of release for free circulation, or
- (b) a certificate of conformity for the imported barley issued by a government authority of the country of origin and recognised by the Commission.

Article 6

1. The benefit of access to this quota shall be granted provided the following conditions are fulfilled:

- (a) the imported barley must be malted within six months from the date of release for free circulation;
- (b) the resulting malt must be used in the manufacture of beer aged in vats containing beechwood within no more than 150 days following the date on which the barley is processed into malt.

2. Applications for import licences under this tariff quota shall be accepted only if they are accompanied by:

- (a) proof that the applicant is a natural or legal person who has carried out a commercial activity in the cereals sector for at least 12 months and is registered in the Member State in which the application is submitted,
- (b) proof that the applicant has lodged a security of EUR 85 per tonne with the competent authority of the Member State of release for free circulation. In case the malting barley consignments are accompanied by a certificate of conformity issued by the Federal Grain Inspection Service (FGIS) as referred to in Article 8, the security is reduced to EUR 10 per tonne

(c) a written undertaking by the applicant that all the imported goods will be processed, within six months from the date of acceptance of entry for free circulation, into malt for use in the manufacture of beer aged in vats containing beechwood within 150 days following the date on which the barley was processed into malt. He shall specify the processing location by stating either a processing firm and Member State or a maximum of five processing plants. Before the goods are consigned for processing a control copy T5 shall be made out of the office of customs clearance in accordance with Commission Regulation (EEC) No 2454/93. The information required in the first paragraph and the name and location of the processing plant shall be given in box 104 of the T5.

3. Processing of the imported barley into malt shall be deemed to have taken place when the malting barley has undergone steeping. The use of the malt to manufacture beer aged in vats containing beechwood within no more than 150 days following the date on which the barley is processed into malt shall be subject to verification by the competent authority.

Article 7

1. The security provided for in Article 6(2)(b) shall be released provided the following conditions are fulfilled:

- (a) the quality of the barley, established on the basis of the certificate of conformity or analysis certificate, meets the criteria laid down in Article 5(1),
- (b) the certificate applicant provides proof of the specific final use referred to in Article 5(1), certifying that this use has taken place within the time limit provided for in the written undertaking referred to in Article 6(2)(c). That proof, possibly in the form of the T5 control copy, must demonstrate to the satisfaction of the competent authorities of the Member State of importation that all the quantities imported have been processed into the product referred in Article 6(2)(c).

2. Where the quality criteria and/or the conditions relating to processing set out in Articles 5 and 6 of this Regulation are not fulfilled, the security for import licences referred to in Article 10(a) of Regulation (EC) No 1162/95 and the additional security referred to in Article 6(2)(b) of this Regulation shall be forfeit unless the importer is able to produce a new import licence drawn on the quota administered by Commission Regulation (EC) No 2376/2002⁽¹⁾. In that case the security of EUR 30 for that licence shall be released only in an amount equal to EUR 22.

Article 8

A blank specimen of the certificates to be issued by the Federal Grain Inspection Service (FGIS) is given in Annex I. Certificates issued by the Federal Grain Inspection Service (FGIS) for for malting barley destined to be used in the manufacture of beer

aged in vats containing beechwood shall be officially recognised by the Commission under the administrative cooperation procedure as specified in Articles 63 to 65 of Regulation (EEC) No 2454/93. When the analytical parameters entered in the certificate of conformity issued by Federal Grain Inspection Service (FGIS) show conformity with the malting barley quality standards established in Article 5 samples shall be taken of at least 3 % of the cargoes arriving at each entry port during the marketing year. Reproduction of the stamp and signatures authorised by the Government of the United States of America shall be published in the C series of the *Official Journal of the European Communities*.

Article 9

1. Applications for import licences shall be lodged with the competent authorities of the Member States no later than 13.00 (Brussels time) on the second Monday of each month.

Each licence application must be for a quantity that may not exceed the quantity available for the import of the product concerned in the year concerned.

2. No later than 18.00 Brussels time on the day of lodging of licence applications, the competent authorities shall forward to the Commission by fax a notification in accordance with the model established in Annex II, and the total quantity resulting from the sum of all quantities indicated on the import licence applications. If the day for lodging the licence applications is a national holiday, the Member State concerned shall send the said notification on the working day preceding the national holiday no later than 18.00 Brussels time.

That information must be communicated separately from the information on other import licence applications for cereals.

3. If the total of the quantities since the start of the year and the quantity referred to in paragraph 2 exceeds the quota for the year concerned, the Commission shall set, no later than the third working day after the applications are lodged, a single reduction coefficient to be applied to the quantities requested.

4. Without prejudice to paragraph 3, licences shall be issued on the fourth working day following the day on which the application was lodged. No later than 18.00 Brussels time on the day the licences are issued, the competent authorities shall fax the Commission, at the number mentioned in Annex II, the total quantity resulting from the sum of the quantities for which import licences has been issued that same day.

Article 10

Import licences shall be valid for 60 days from the day of issue. In accordance with Article 23(2) of Regulation (EC) No 1291/2000, the period of validity of the licence shall be calculated from the actual date of issue.

⁽¹⁾ See page 92 of this Official Journal.

Article 11

Notwithstanding Article 9 of Regulation (EC) No 1291/2000, the rights resulting from the import licences shall not be transferable.

Article 12

Notwithstanding Article 8(4) of Regulation (EC) No 1291/2000, the quantity released into free circulation may not exceed that indicated in sections 17 and 18 of the import licence. The figure '0' shall be entered to that effect in section 19 of the licence.

Article 13

The import licence application and the import licence shall contain the following information:

- (a) in section 20, the processed product to be made from the cereals and one of the following entries:
- Regulamento (CE) n.º 2377/2002
 - Forordning (EF) nr. 2377/2002
 - Verordnung (EG) Nr. 2377/2002

- Κανονισμός (ΕΚ) αριθ. 2377/2002
- Regulation (EC) No 2377/2002
- Règlement (CE) n.º 2377/2002
- Regolamento (CE) n. 2377/2002
- Verordening (EG) nr. 2377/2002
- Regulamento (CE) n.º 2377/2002
- Asetus (EY) N:o 2377/2002
- Förordning (EG) nr 2377/2002

(b) in section 24, the words 'EUR 8/tonne'.

Article 14

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

It shall apply from 1 January 2003.

It shall apply until the date of entry into force of the Regulation amending Article 10 of Regulation (EEC) No 1766/92, but until 30 June 2003 at the latest.

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

Done at Brussels, 27 December 2002.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Blank certificate of conformity authorised by the Government of the United States of America for malting barley destined to be used in the manufacture of beer aged in vats containing beechwood

FGIS FORM 909-L FEB 90		UNITED STATES DEPARTMENT OF AGRICULTURE FEDERAL GRAIN INSPECTION SERVICE U.S. GRAIN STANDARDS ACT OFFICIAL EXPORT GRAIN INSPECTION CERTIFICATE		APPROVED OMB NO. 0580-0013 ORIGINAL NOT NEGOTIABLE	
		ISSUED AT _____		DATE OF SERVICE _____	
I certify that I am licensed or authorized under the United States Grain Standards Act (7 U.S.C. 71 et seq.) to inspect the kind of grain covered by this certificate and that on the above date the following identified grain was inspected under the Act, with the following results:					
☐ Original Inspection		☐ Reinspection		☐ Appeal Inspection	
☐ Board Appeal Inspection					
QUANTITY (This is NOT a Weight Certificate) _____					
LOCATION _____			IDENTIFICATION OF CARRIER _____		
GRADE AND KIND (in accordance with the Official Grain Standards of the United States) _____					
STOWAGE _____					
REMARKS Damaged Grains: Sound and fair merchantable barley: Test weight (kg/hl): Moisture:					
APPEAL NO. (if applicable) _____		APPLICANT _____		NAME AND SIGNATURE _____	
This certificate is issued under the authority of the United States Grain Standards Act, as amended (7 U.S.C. 71 et seq.), and the regulations thereunder (7 CFR 800.0 et seq.). It is issued to show the kind, class, grade, quality, condition, or quantity of grain, or the condition of a carrier or container for the storage or transportation of grain, or other facts relating to grain as determined by official personnel. The statements on the certificate are considered true at the time and place the inspection or weighing service was performed. The certificate is not considered representative of the lot if the grain is transhipped or is otherwise transferred from the identified carrier or container or if grain or other material is added to or removed from the total lot. If this certificate is not canceled by a superseding certificate, it is receivable by all officers and all courts of the United States as prima facie evidence of the truth of the facts stated therein. This certificate does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal law. WARNING: Any person who shall knowingly falsify, make, issue, alter, forge, or counterfeit this certificate, or participate in any such actions, or otherwise violate provisions in the U.S. Grain Standards Act, the U.S. Warehouse Act, or related Federal laws is subject to criminal, civil, and administrative penalties. The conduct of all services and the licensing of personnel under the regulations governing such services shall be accomplished without discrimination on the basis of race, color, religion, sex, national origin, age, or handicap.					
EXPORT					

ANNEX II

MODEL FOR NOTIFICATION REFERRED TO IN ARTICLE 9(2) (*)
Import quotas for malting barley opened by Regulation (EC) No 2377/2002

Month: ...

Quota/Product	Operator No	Quantity requested (tonnes)

(*) Notification to be sent by fax to number (32-2) 295 25 15.

**COMMISSION REGULATION (EC) No 2378/2002
of 27 December 2002**

**derogating from Regulation (EC) No 1249/96 on rules of application (cereal sector import duties)
for Council Regulation (EEC) No 1766/92**

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 10(4) thereof,

Whereas:

- (1) By its decision of 19 December 2002 ⁽³⁾ and its decision of 19 December 2002 ⁽⁴⁾, the Council approved the conclusion of Agreements in the form of an Exchange of Letters between the European Community and the United States of America, and the European Community and Canada, respectively relating to the modification of concessions with respect to cereals provided for in schedule CXL annexed to the General Agreement on Tariffs and Trade (GATT). The Agreements amend the conditions for importing barley and medium and low quality common wheat by fixing import quotas for these products from 1 January 2003.
- (2) By the above decisions the Council authorised the Commission to derogate temporarily for these products from the system of import duties provided for in Article 10(2) of Regulation (EEC) No 1766/92 pending approval of a formal amendment of that Regulation. To allow the Agreements approved by the Council to be implemented in full, the rules of application should also be adapted temporarily as regards the import duties in the cereals sector laid down by Commission Regulation (EC) No 1249/96 ⁽⁵⁾, as last amended by Regulation (EC) No 1900/2002 ⁽⁶⁾.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

(b) barley falling within CN codes 1003 00 10 and 1003 00 90.

2. Article 4(2) and (3) and Article 6(1) of Regulation (EC) No 1249/96 and Annexes I and II thereto shall not apply to the product referred to in paragraph 1(a) of this Article.

Article 2

Qualifying for the flat-rate reduction on import duties of EUR 14 per tonne for standard high-quality common wheat referred to in the first indent of the first subparagraph of Article 2(5) of Regulation (EC) No 1249/96 shall no longer depend on fulfilling the conditions set out in the second subparagraph of Article 2(5) of that Regulation.

Article 3

In addition to what is set out in Article 4(1), second subparagraph, second indent, of Regulation (EC) No 1249/96, a negative premium ('discount') of an amount of EUR 30 per tonne is retained with regard to the durum wheat of low quality under the commercial premiums referred to in Article 4(1)(b) of the aforementioned Regulation.

Article 4

The imposition of the import duty of the common wheat of low quality for the durum wheat of low quality provided for in Article 6(1), fifth subparagraph, second sentence, of Regulation (EC) No 1249/96 is no longer applicable.

HAS ADOPTED THIS REGULATION:

Article 5

Article 1

1. Article 2, Article 4(1) and Article 5 of Regulation (EC) No 1249/96 shall not apply to the following products:

- (a) common wheat falling within CN code ex 1001 90 99 of a quality other than the standard high quality as defined in Annex I to that Regulation;

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ Not yet published in the Official Journal.

⁽⁴⁾ Not yet published in the Official Journal.

⁽⁵⁾ OJ L 161, 29.6.1996, p. 125.

⁽⁶⁾ OJ L 287, 25.10.2002, p. 15.

1. Notwithstanding the second indent of Article 5 of Regulation (EC) No 1249/96, import licence applications for high-quality common wheat shall be valid only if the applicant gives a written commitment to lodge with the relevant competent body on the date of acceptance of the declaration of release for free circulation a specific security additional to those required under Commission Regulation (EC) No 1162/95 ⁽⁷⁾. This additional security shall be EUR 95 per tonne. However, in case import licence applications are accompanied by certificates of conformity issued by Federal Grain Inspection Service (FGIS) and by the Canadian Grain Commission (CGC) as referred to in Article 6, the additional security required is EUR 5 per tonne.

⁽⁷⁾ OJ L 117, 24.5.1995, p. 2.

2. The second indent of Article 5 of Regulation (EC) No 1249/96 does not apply to import licence applications for durum wheat, if these applications are accompanied by certificates of conformity issued by Federal Grain Inspection Service (FGIS) and the Canadian Grain Commission (CGC) as referred to in Article 6. In this case, the additional security required is EUR 5 per tonne.

Article 6

In addition to what is set out in Article 6(1) of Regulation (EC) No 1249/96, certificates of conformity issued by the Federal Grain Inspection Service (FGIS) and by the Canadian Grain Commission (CGC) for common wheat and durum wheat shall be officially recognised by the Commission under the administrative cooperation procedure as specified in Articles 63 to 65 of Regulation (EEC) No 2454/93 ⁽¹⁾. When the analytical parameters entered in the certificates of conformity issued by Federal Grain Inspection Service (FGIS) and the Canadian Grain Commission (CGC) show conformity with the common wheat and durum wheat quality standards given in Annex I to Regulation (EC) No 1249/96, samples shall be taken of at least 3 % of the cargoes arriving at each entry port during the marketing year.

Blank specimens of the recognised certificates of conformity for common wheat and durum wheat are given in Annexes I, II and III. Reproduction of the stamp and signatures authorised by the Governments of United States of America and Canada shall be published in the C series of 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, 27 December 2002.

Article 7

Notwithstanding Article 6(3) of Regulation (EC) No 1249/96, if the analysis results for high-quality common wheat show that the criteria referred to in Annex I are not met, the security for the import licence referred to in Article 10(a) of Regulation (EC) No 1162/95 and the additional security referred to in Article 3 to this Regulation shall be forfeited unless the importer is able to submit a new import licence under the quota managed by Commission Regulation (EC) No 2375/2002 ⁽²⁾. In this case, only EUR 22 of the EUR 30 security for this licence shall be released.

Article 8

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

It shall apply from 1 January 2003 until 30 June 2003 at the latest.

The provisions of this Regulation shall apply to import licences issued before 1 January 2003 that are used after that date. However, where operators do not intend to use these licences after 1 January 2003, these licences may be cancelled at the request of the interested party submitted before 15 January 2003. In such cases, the securities shall be released in proportion to the quantities not used.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 253, 11.10.1993, p. 1.

⁽²⁾ See page 88 of this Official Journal.

ANNEX I

Blank certificate of conformity authorised by the Government of the United States of America for common wheat

FGIS FORM 909-L FEB 00	UNITED STATES DEPARTMENT OF AGRICULTURE FEDERAL GRAIN INSPECTION SERVICE U.S. GRAIN STANDARDS ACT OFFICIAL EXPORT GRAIN INSPECTION CERTIFICATE	APPROVED OMB NO. 0580-0013 ORIGINAL NOT NEGOTIABLE US-
	ISSUED AT _____	DATE OF SERVICE _____
I certify that I am licensed or authorized under the United States Grain Standards Act (7 U.S.C. 71 et seq.) to inspect the kind of grain covered by this certificate and that on the above date the following identified grain was inspected under the Act, with the following results:		
☐ Original Inspection	☐ Reinspection	☐ Appeal Inspection
☐ Board Appeal Inspection		
QUANTITY (This is NOT a Weight Certificate)		
LOCATION	IDENTIFICATION OF CARRIER	
GRADE AND KIND (in accordance with the Official Grain Standards of the United States)		
STOWAGE		
REMARKS		
Protein: Test weight (kg/hl): Impurities:		
APPEAL NO (if applicable)	APPLICANT	NAME AND SIGNATURE
This certificate is issued under the authority of the United States Grain Standards Act, as amended (7 U.S.C. 71 et seq.), and the regulations thereunder (7 CFR 800.0 et seq.). It is issued to show the kind, class, grade, quality, condition, or quantity of grain, or the condition of a carrier or container for the storage or transportation of grain, or other facts relating to grain as determined by official personnel. The statements on the certificate are considered true at the time and place the inspection or weighing service was performed. The certificate is not considered representative of the lot if the grain is transhipped or is otherwise transferred from the identified carrier or container or if grain or other material is added to or removed from the total lot. If this certificate is not canceled by a superseding certificate, it is receivable by all officers and all courts of the United States as prima facie evidence of the truth of the facts stated therein. This certificate does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal law. WARNING: Any person who shall knowingly falsely make, issue, alter, forge, or counterfeit this certificate, or participate in any such actions, or otherwise violate provisions in the U.S. Grain Standards Act, the U.S. Warehouse Act, or related Federal laws is subject to criminal, civil, and administrative penalties. The conduct of all services and the licensing of personnel under the regulations governing such services shall be accomplished without discrimination as to race, color, religion, sex, national origin, age, or handicap. EXPORT		

ANNEX II

Blank certificate of conformity authorised by the the Government of the United States of America for durum wheat

FGIS FORM 909-L FEB 00	UNITED STATES DEPARTMENT OF AGRICULTURE FEDERAL GRAIN INSPECTION SERVICE U.S. GRAIN STANDARDS ACT OFFICIAL EXPORT GRAIN INSPECTION CERTIFICATE	APPROVED OMB NO. 0580-0013 ORIGINAL NOT NEGOTIABLE US-				
	ISSUED AT _____	DATE OF SERVICE _____				
I certify that I am licensed or authorized under the United States Grain Standards Act (7 U.S.C. 71 <i>et seq.</i>) to inspect the kind of grain covered by this certificate and that on the above date the following identified grain was inspected under the Act, with the following results:						
<table style="width: 100%; border: none;"> <tr> <td style="text-align: center; width: 25%;"> ☐ Original Inspection </td> <td style="text-align: center; width: 25%;"> ☐ Reinspection </td> <td style="text-align: center; width: 25%;"> ☐ Appeal Inspection </td> <td style="text-align: center; width: 25%;"> ☐ Board Appeal Inspection </td> </tr> </table>			☐ Original Inspection	☐ Reinspection	☐ Appeal Inspection	☐ Board Appeal Inspection
☐ Original Inspection	☐ Reinspection	☐ Appeal Inspection	☐ Board Appeal Inspection			
QUANTITY (This is NOT a Weight Certificate)						
LOCATION		IDENTIFICATION OF CARRIER				
GRADE AND KIND (In accordance with the Official Grain Standards of the United States)						
STOWAGE						
REMARKS Protein: Test weight (kg/hl): Impurities: Hard Vitreous Amber Color:						
APPEAL NO (If applicable)	APPLICANT	NAME AND SIGNATURE				
This certificate is issued under the authority of the United States Grain Standards Act, as amended (7 U.S.C. 71 <i>et seq.</i>), and the regulations thereunder (7 CFR 800.0 <i>et seq.</i>). It is issued to show the kind, class, grade, quality, condition, or quantity of grain, or the condition of a carrier or container for the storage or transportation of grain, or other facts relating to grain as determined by official personnel. The statements on the certificate are considered true at the time and place the inspection or weighing service was performed. The certificate is not considered representative of the lot if the grain is transhipped or is otherwise transferred from the identified carrier or container or if grain or other material is added to or removed from the total lot. If this certificate is not canceled by a superseding certificate, it is receivable by all officers and all courts of the United States as prima facie evidence of the truth of the facts stated therein. This certificate does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal law. WARNING: Any person who shall knowingly falsely make, issue, alter, forge, or counterfeit this certificate, or participate in any such actions, or otherwise violate provisions in the U.S. Grain Standards Act, the U.S. Warehouse Act, or related Federal laws is subject to criminal, civil, and administrative penalties. The conduct of all services and the licensing of personnel under the regulations governing such services shall be accomplished without discrimination as to race, color, religion, sex, national origin, age, or handicap.						
EXPORT						

ANNEX III

Blank certificate of conformity authorised by the Government of Canada for common and durum wheat and export grade specifications

 Canadian Grain Commission CERTIFICATE FINAL FROM CANADIAN GRAIN EXPORT CARGO INSPECTION		Commission canadienne des grains CERTIFICAT FINAL DE GRAIN CANADIEN INSPECTION D'UNE CARGAISON DESTINÉE À L'EXPORTATION	
CERTIFICATE NO. A 44084		NO DE CERTIFICAT	
DESTINATION	PORT	DOCKAGE % IMPURITÉS	DATE
GRADE		WEIGHT IN TONNES/POIDS EN TONNES MÉTRIQUES	
STORAGE/ENTRÉE		VOID	
FOR ACCOUNT OF YOUR CLIENT COVERED BY Canada CERTIFICATION AS TO GRADE AND WEIGHT ONLY CERTIFICATION DU GRADE ET DU POIDS SEULEMENT IMPORTED FROM INSPECTION WEIGHMENT/POIDS VERIFIED BY OVERSEAS PAA 1-201			

Export grade specifications for Canadian common and durum wheat

COMMON WHEAT

Canada western red spring (CWRS)	Test weight	Total foreign material including other cereal grains
No 1 CWRS	(Minimum) 79,0 kg/hL	(Maximum) 0,4 % including 0,2 % other seeds
No 2 CWRS	(Minimum) 77,5 kg/hL	(Maximum) 0,75 % including 0,2 % other seeds
No 3 CWRS	(Minimum) 76,5 kg/hL	(Maximum) 1,25 % including 0,2 % other seeds
Canada western extra strong red spring (CWES)	Test weight	Total foreign material including other cereal grains
No 1 CWES	(Minimum) 78,0 kg/hL	(Maximum) 0,75 % including 0,2 % other seeds
No 2 CWES	(Minimum) 76,0 kg/hL	(Maximum) 1,5 % including 0,2 % other seeds
Canada prairie spring red (CPSR)	Test weight	Total foreign material including other cereal grains
No 1 CPSR	(Minimum) 77,0 kg/hL	(Maximum) 0,75 % including 0,2 % other seeds
No 2 CPSR	(Minimum) 75,0 kg/hL	(Maximum) 1,5 % including 0,2 % other seeds
Canada prairie spring white (CPSW)	Test weight	Total foreign material including other cereal grains
No 1 CPSW	(Minimum) 77,0 kg/hL	(Maximum) 0,75 % including 0,2 % other seeds
No 2 CPSW	(Minimum) 75,0 kg/hL	(Maximum) 1,5 % including 0,2 % other seeds
Canada western red winter (CWRW)	Test weight	Total foreign material including other cereal grains
No 1 CWRW	(Minimum) 78,0 kg/hL	(Maximum) 1,0 % including 0,2 % other seeds
No 2 CWRW	(Minimum) 74,0 kg/hL	(Maximum) 2,0 % including 0,2 % other seeds
Canada western soft white spring (CWSWS)	Test weight	Total foreign material including other cereal grains
No 1 CWSWS	(Minimum) 78,0 kg/hL	(Maximum) 0,75 % including 0,2 % other seeds
No 2 CWSWS	(Minimum) 75,5 kg/hL	(Maximum) 1,0 % including 0,2 % other seeds
No 3 CWSWS	(Minimum) 75,0 kg/hL	(Maximum) 1,5 % including 0,2 % other seeds

DURUM

Canada western amber durum (CWAD)	Test weight	Total foreign material including other cereal grains
No 1 CWAD	(Minimum) 80,0 kg/hL	(Maximum) 0,5 % including 0,2% other seeds
No 2 CWAD	(Minimum) 79,5 kg/hL	(Maximum) 0,8 % including 0,2 % other seeds
No 3 CWAD	(Minimum) 78,0 kg/hL	(Maximum) 1,0 % including 0,2% other seeds
No 4 CWAD	(Minimum) 75,0 kg/hL	(Maximum) 3,0 % including 0,2 % other seeds

NOTES: *Other cereal grains:* in these grades, include only oats, barley, rye and triticale.

Common wheat: for common wheat exports, the Canadian Grain Commission will supply documentation with the certificate specifying the protein percentage for the cargo in question.

Durum wheat: for durum wheat exports, the Canadian Grain Commission will supply documentation with the certificate attesting to the vitreous kernel percentage and specific weight (kilograms/hectolitre) of the cargo in question.

**COMMISSION REGULATION (EC) No 2379/2002
of 30 December 2002**

**approving operations to check compliance with the marketing standards applicable to fresh fruit
and vegetables carried out in Slovakia 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 Commission 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 amended by Regulation (EC) No 2379/2001 ⁽⁴⁾, lays down the conditions under which approval will be given — to those third countries that request it — for the compliance checks they perform prior to import into the Community.
- (2) On 10 October 2002, the Slovak authorities sent the Commission a request for the approval of checking operations performed by Slovakia's national, regional and local veterinary and food administrations (SVPS, KVPS and RVPS) under the responsibility of the National Administration (SVPS). The request states that that establishment 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 Slovakia to the Community must meet the Community marketing standards.
- (3) The information supplied to the Commission by the Member States shows that imports of fresh fruit and vegetables from Slovakia between 1997 and 2002 had levels of non-compliance with the marketing standards that were above the average level for other third countries. However, in a more recent period (1999 to 2002), non-compliance has dropped to levels comparable with those in third countries that have already received approval and, moreover, the legislation in force since 1 October 2002 has made checks on exports obligatory. During an on-the-spot visit in June 2002, information was obtained guaranteeing that this rate of non-compliance would improve with the change in legislation.
- (4) Representatives of the Slovak inspection services are regular participants in international efforts to agree trading standards for fruit and vegetables in the United

Nations Economic Commission for Europe's (UNECE) Working Party on Standardisation of Perishable Produce and Quality Development. Slovakia is also taking part in the Organisation for Economic Cooperation and Development's (OECD) Scheme for the Application of International Standards for Fruit and Vegetables. Lastly, the Slovak inspection services have for many years taken part in various conferences and training activities organised by several Member States.

- (5) The compliance checks performed by Slovakia should therefore be approved with effect from the date on which the procedure for administrative cooperation provided for 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 compliance with the marketing standards for fresh fruit and vegetables performed by Slovakia prior to import into the Community are hereby 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 Slovakia 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

1. 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 issued on forms drawn up in accordance with the model given in Annex II to this Regulation.

2. Notwithstanding the sixth subparagraph of Article 7(3) of Regulation (EC) No 1148/2001, box 3 of the form referred to in subparagraph 1 of this Article may be printed partially in Slovak.

⁽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 321, 6.12.2001, p. 15.

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 the notice referred to in Article 7(8) of Regulation (EC) No 1148/2001 relating to the establishment of administrative cooperation between the Community and Slovakia is published in the C series of 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, 30 December 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 Veterinary and Food Administration of the Slovak Republic (Štátna Veterinárna a Potravinová Správa SR)
Directorate of Food Safety and Hygiene
Specialised Crops Unit
Botanická 17
842 13 Bratislava
Slovakia
Tel. (421-2) 60 25 74 12 or 419
Fax: (421-2) 60 25 74 50
E-mail: fvcontrol@svssr.sk

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

National Veterinary and Food Administration of the Slovak Republic (Štátna Veterinárna a Potravinová Správa SR)
Directorate of Food Safety and Hygiene
Specialised Crops Unit
Botanická 17
842 13 Bratislava
Slovakia
Tel. (421-2) 60 25 74 12 or 419
Fax: (421-2) 60 25 74 50
E-mail: fvcontrol@svssr.sk

Bratislava Regional Veterinary and Food Administration (Krajská Veterinárna a Potravinová Správa Bratislava)
Botanická 17
842 13 Bratislava
Slovakia
Tel. (421-2) 65 42 34 87
Fax (421-2) 65 42 34 87
E-mail: kvsba@svssr.sk

Trnava Regional Veterinary and Food Administration (Krajská Veterinárna a Potravinová Správa Trnava)
Zavorska 11
918 21 Trnava
Slovakia
Tel. (421-33) 550 16 18
Fax (421-33) 550 35 41
E-mail: kvstt@svssr.sk

Nitra Regional Veterinary and Food Administration (Krajská Veterinárna a Potravinová Správa Nitra)
Akademická 1
949 80 Nitra
Slovakia
Tel. (421-37) 652 54 73
Fax (421-37) 653 16 57
E-mail: kvsnr@svssr.sk

Trenčín Regional Veterinary and Food Administration (Krajská Veterinárna a Potravinová Správa Trenčín)
Sudna 22
Trenčín
Slovakia
Tel. (421-32) 652 21 22
Fax (421-32) 652 12 66
E-mail: kvstn@svssr.sk

Banská Bystrica Regional Veterinary and Food Administration (Krajská Veterinárna a Potravinová Správa Banská Bystrica)
Rudlovska 6
975 90 Banská Bystrica
Slovakia
Tel. (421-48) 415 41 27
Fax (421-48) 412 56 01
E-mail: kvbbb@svssr.sk

Žilina Regional Veterinary and Food Administration (Krajská Veterinárna a Potravinová Správa Žilina)
Jedlova 44
010 04 Žilina
Slovakia
Tel. (421-41) 763 12 28
Fax: (421-41) 763 12 27
E-mail: kvsza@svssr.sk

Košice Regional Veterinary and Food Administration (Krajská Veterinárna a Potravinová Správa Košice)
Masarykova 18
040 02 Košice
Slovakia
Tel. (421-55) 625 20 47
Fax (421-55) 625 20 46
E-mail: kvske@svssr.sk

Prešov Regional Veterinary and Food Administration (Krajská Veterinárna a Potravinová Správa Prešov)
Levocka 112
080 01 Prešov
Slovakia
Tel. (421-51) 749 13 21
Fax (421-51) 771 98 87
E-mail: kvspv@svssr.sk

Bratislava-Mesto Local Veterinary and Food Administration (RVPS Bratislava-Mesto)
Polianky 8
841 01 Bratislava
Slovakia
Tel. (421-2) 64 46 12 09
E-mail: rvsbao@svssr.sk

Senec Local Veterinary and Food Administration (RVPS Senec)
Svätoplukova 50
903 01 Senec
Slovakia
Tel. (421-2) 45 92 62 13
E-mail: rvssco@svssr.sk

Dunajská Streda Local Veterinary and Food Administration (RVPS Dunajská Streda)
Obchodná 789/3
909 01 Dunajská Streda
Slovakia
Tel. (421-31) 552 48 70
E-mail: rvsdso@svssr.sk

Galanta Local Veterinary and Food Administration (RVPS Galanta)
Hodská 353/19
924 25 Galanta
Slovakia
Tel. (421-31) 780 71 09
E-mail: rvsgao@svssr.sk

Trnava Local Veterinary and Food Administration (RVPS Trnava)
Zavorská 11
918 21 Trnava 1
Slovakia
Tel. (421-33) 500 14 47
E-mail: rvstto@svssr.sk

Senica Local Veterinary and Food Administration (RVPS Senica)
Čáčovská 305
905 01 Senica nad Myjavou
Slovakia
Tel. (421-34) 651 28 81
E-mail: rvsseo@svssr.sk

Komárno Local Veterinary and Food Administration (RVPS Komárno)
Štúrova 5
945 01 Komárno
Slovakia
Tel. (421-35) 773 12 35
E-mail: rvskno@svssr.sk

Nové Zámky Local Veterinary and Food Administration (RVPS Nové Zámky)
Komjatická 65
940 89 Nové Zámky
Slovakia
Tel. (421-35) 42 83 11
E-mail: rvsnz@svssr.sk

Levice Local Veterinary and Food Administration (RVPS Levice)
M.R. Štefánika 24
924 03 Levice
Slovakia
Tel. (421-36) 631 23 52
E-mail: rvslo@svssr.sk

Nitra Local Veterinary and Food Administration (RVPS Nitra)
Akademická 1
949 80 Nitra 1
Slovakia
Tel. (421-37) 653 62 02
E-mail: rvsno@svssr.sk

Topolčany Local Veterinary and Food Administration (RVPS Topolčany)
ul. Dr. P. Adámiho 17
955 01 Topolčany
Slovakia
Tel. (421-38) 532 60 68
E-mail: rvstoo@svssr.sk

Šal'a Local Veterinary and Food Administration (RVPS Šal'a)
Školská 5
927 00 Šal'a
Slovakia
Tel. (421-35) 42 83 11
E-mail: rvssao@svssr.sk

Nové Mesto/Váhom Local Veterinary and Food Administration (RVPS Nové Mesto/Váhom)
Tajovského 235/7
915 01 Nové Mesto/Váhom
Slovakia
Tel. (421-32) 71 25 46
E-mail: rvsno@svssr.sk

Trenčín Local Veterinary and Food Administration (RVPS Trenčín)
Súdna 22
911 01 Trenčín
Slovakia
Tel. (421-32) 652 20 45
E-mail: rvstno@svssr.sk

Prievidza Local Veterinary and Food Administration (RVPS Prievidza)
Mariánska 6
971 01 Prievidza
Slovakia
Tel. (421-46) 542 30 09
E-mail: rvspdo@svssr.sk

Puchov Local Veterinary and Food Administration (RVPS Puchov)
Moravská 1343/29
020 01 Puchov
Slovakia
Tel. (421-42) 464 13 15
E-mail: rvspuo@svssr.sk

Žiar nad Hronom Local Veterinary and Food Administration (RVPS Žiar nad Hronom)
ul. SNP 612/120
965 01 Žiar Nad Hronom
Slovakia
Tel. (421-45) 673 27 37
E-mail: rvszho@svssr.sk

Zvolen Local Veterinary and Food Administration (RVPS Zvolen)
Nám. SNP 50
960 01 Zvolen
Slovakia
Tel. (421-45) 53 30 39
E-mail: rvszvo@svssr.sk

Veľký Krtíš Local Veterinary and Food Administration (RVPS Veľký Krtíš)
Osloboditeľ'ov 33
990 01 Veľký Krtíš
Slovakia
Tel. (421-47) 483 07 41
E-mail: rsvsko@svssr.sk

Lučenec Local Veterinary and Food Administration (RVPS Lučenec)
Mierova 2
984 01 Lučenec
Slovakia
Tel. (421-47) 432 24 31
E-mail: rvsloco@svssr.sk

Rimavská Sobota Local Veterinary and Food Administration (RVPS Rimavská Sobota)
Kirijská 22
979 01 Rimavská Sobota
Slovakia
Tel. (421-47) 563 14 10
E-mail: rvsrso@svssr.sk

Banská Bystrica Local Veterinary and Food Administration (RVPS Banská Bystrica)
Rudlovska cesta 6
975 90 Banská Bystrica
Slovakia
Tel. (421-48) 412 56 02
E-mail: rvsbbo@svssr.sk

Martin Local Veterinary and Food Administration (RVPS Martin)
Záturčianska 1
036 80 Martin
Slovakia
Tel. (421-43) 422 14 81
E-mail: rvsmtto@svssr.sk

Liptovský Mikuláš Local Veterinary and Food Administration (RVPS Liptovský Mikuláš)
Kollárova 2
031 01 Liptovský Mikuláš
Slovakia
Tel. (421-47) 432 24 31
E-mail: rvsimo@svssr.sk

Žilina Local Veterinary and Food Administration (RVPS Žilina)
Jedľová 44
010 04 Žilina 4
Slovakia
Tel. (421-41) 763 12 35
E-mail: rvszao@svssr.sk

Čadca Local Veterinary and Food Administration (RVPS Čadca)
Horná 2483, pošt. pr 45
022 01 Čadca
Slovakia
Tel. (421-41) 432 22 77
E-mail: rvscao@svssr.sk

Dolný Kubín Local Veterinary and Food Administration (RVPS Dolný Kubín)
Jánoškova 1611/58
026 01 Dolný Kubín
Slovakia
Tel. (421-43) 586 49 35
E-mail: rvsdko@svssr.sk

Rožňava Local Veterinary and Food Administration (RVPS Rožňava)
Juzná 43
048 01 Rožňava
Slovakia
Tel. (421-58) 732 31 82
E-mail: rvsrvo@svssr.sk

Spišská Nová Ves Local Veterinary and Food Administration (RVPS Spišská Nová Ves)
Duklianska 46
048 01 Spišská Nová Ves
Slovakia
Tel. (421-52) 417 51 24
E-mail: rvssno@svssr.sk

Košice-Mesto Local Veterinary and Food Administration (RVPS Košice-Mesto)
Hlinkova 1/c
040 01 Košice-Mesto
Slovakia
Tel. (421-55) 632 56 23
E-mail: rvskeo@svssr.sk

Košice-Okolie Local Veterinary and Food Administration (RVPS Košice-Okolie)
Kukučínova 24
040 01 Košice-Okolie
Slovakia
Tel. (421-55) 622 35 07
E-mail: rvskso@svssr.sk

Trebišov Local Veterinary and Food Administration (RVPS Trebišov)
Bottova 2
075 01 Trebišov
Slovakia
Tel. (421-56) 672 27 48
E-mail: rvstvo@svssr.sk

Michalovce Local Veterinary and Food Administration (RVPS Michalovce)
Sama Chalúpku 2
207 01 Michalovce
Slovakia
Tel. (421-56) 642 50 34
E-mail: rvsmio@svssr.sk

Poprad Local Veterinary and Food Administration (RVPS Poprad)
Partizánska 83
058 01 Poprad
Slovakia
Tel. (421-52) 72 30 85
E-mail: rvspgo@svssr.sk

Stará Ľubovňa Local Veterinary and Food Administration (RVPS Stará Ľubovňa)
Levočská 4/338
064 01 Stará Ľubovňa
Slovakia
Tel. (421-52) 432 11 82
E-mail: rvsslo@svssr.sk

Prešov Local Veterinary and Food Administration (RVPS Prešov)
Levočská 112
080 01 Prešov 1
Slovakia
Tel. (421-51) 771 11 26
E-mail: rvspvo@svssr.sk

Vranov nad Topľou Local Veterinary and Food Administration (RVPS Vranov nad Topľou)
Kalinčiakova 879
093 01 Vranov Nad Topľou
Slovakia
Tel. (421-57) 230 64
E-mail: rvskso@svssr.sk

Bardejov Local Veterinary and Food Administration (RVPS Bardejov)
Stöcklova 34
085 01 Bardejov
Slovakia
Tel. (421-54) 472 21 15
E-mail: rvsbjo@svssr.sk

Svidník Local Veterinary and Food Administration (RVPS Svidník)
ul. MUDr. Pribulu 2
089 01 Svidník
Slovakia
Tel. (421-54) 752 29 87
E-mail: rvssko@svssr.sk

Humenné Local Veterinary and Food Administration (RVPS Humenné)
Gaštanová 3
080 01 Humenné
Slovakia
Tel. (421-57) 775 29 63
E-mail: rvsheo@svssr.sk

ANNEX II

Model certificate pursuant to Article 7(3) of Regulation (EC) No 1148/2001

1. Trader/importer ⁽¹⁾ :		Inspection certificate * [No] This certificate is exclusively for the use of inspection bodies.	
2. Packer identified on packaging (if other than trader/importer):		3. Inspection body: ŠTÁTNA VETERINÁRNA A POTRAVINOVÁ SPRÁVA SR 	
		4. Place of inspection/country of origin:	5. Region or country of destination:
6. Identification of means of transport:		7. Check at destination (where applicable):	7. a v: ☐ internal ☐ import ☐ export
8. Packages (number and type):	9. Type of product (variety if the standard specifies):	10. Quality class:	11. Total weight in kg gross/net ⁽¹⁾ :
12. Having carried out inspections by sampling, the abovementioned inspection body certifies that, at the time of inspection, the above goods were in compliance with the quality standards in force. <i>Customs office: entry/exit ⁽¹⁾</i> <i>Place and date of issue</i> Validity period: days <i>Inspector: (name in block letters)</i> <i>(Signature)</i> Inspection stamp			
13. Comments			
⁽¹⁾ Delete as appropriate.			

**COMMISSION REGULATION (EC) No 2380/2002
of 30 December 2002**

**amending Regulation (EC) No 883/2001 laying down detailed rules for implementing Council
Regulation (EC) No 1493/1999 as regards trade with third countries in products in the wine sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 2585/2001 ⁽²⁾, and in particular Article 68(3) thereof,

Whereas:

- (1) Article 22(2)(c) of Commission Regulation (EC) No 883/2001 ⁽³⁾, as last amended by Regulation (EC) No 1574/2002 ⁽⁴⁾, lays down that the certificate and analysis report provided for in Article 20 of that Regulation need not be presented for wine and grape juice in containers of not more than five litres, originating in and coming from third countries whose annual imports into the Community are less than 1 000 hectolitres. The import of small quantities is planned from Indonesia and Thai-

land. Those two countries should therefore be added to the list given in Annex VI to Regulation (EC) No 883/2001.

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex VI to Regulation (EC) No 883/2001 is replaced by the Annex hereto.

Article 2

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

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

Done at Brussels, 30 December 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 179, 14.7.1999, p. 1.

⁽²⁾ OJ L 345, 29.12.2001, p. 10.

⁽³⁾ OJ L 128, 10.5.2001, p. 1.

⁽⁴⁾ OJ L 235, 3.9.2002, p. 10.

ANNEX

'ANNEX VI

List of countries referred to in Article 22

- Iran
 - Lebanon
 - People's Republic of China
 - Taiwan
 - India
 - Bolivia
 - Republic of San Marino
 - Thailand
 - Indonesia.'
-

**COMMISSION REGULATION (EC) No 2381/2002
of 30 December 2002**

amending Regulation (EC) No 2342/1999 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 on the common organisation of the market in beef and veal as regards premium schemes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Commission Regulation (EC) No 2345/2001 ⁽²⁾, and in particular Article 6(7) and Article 10(3) thereof,

Whereas:

- (1) For the suckler cow premium, Article 29a of Commission Regulation (EC) No 2342/1999 ⁽³⁾, as last amended by Regulation (EC) No 1830/2002 ⁽⁴⁾, lays down a rule for the rounding off of the number of animals for the purposes of calculating the minimum and maximum number of heifers expressed as a percentage. Application of this rule penalises producers subject to the arrangements laid down in Article 10 of Regulation (EC) No 1254/1999 as applied in 2003. To ensure equal treatment of all producers, therefore, the application of this rule during this period should be clarified in order to fix the number of heifers where the premium application involves a number equal to two animals.
- (2) Regulation (EC) No 2342/1999 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

The following paragraph is added to Article 29a of Regulation (EC) No 2342/1999.

‘Notwithstanding the first paragraph, for the purposes of applying the arrangements provided for in Article 10 of Regulation (EC) No 1254/1999 in 2003, where a premium application involves a number equal to two animals the number of heifers that may benefit from the premium shall be fixed at one heifer.’

Article 2

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

It shall apply from 1 January 2003.

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

Done at Brussels, 30 December 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 315, 1.12.2001, p. 29.

⁽³⁾ OJ L 281, 4.11.1999, p. 30.

⁽⁴⁾ OJ L 277, 15.10.2002, p. 15.

COMMISSION REGULATION (EC) No 2382/2002
of 30 December 2002
amending Regulation (EEC) No 94/92 laying down detailed rules for implementing the arrange-
ments for imports from third countries provided for in Council Regulation (EEC) No 2092/91
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and food-stuffs ⁽¹⁾, as last amended by Commission Regulation (EC) No 473/2002 ⁽²⁾, and in particular Article 11(1) thereof,

Whereas:

- (1) The list of third countries from which certain agricultural products obtained by the organic production method must originate in order to be marketed within the Community, provided for in Article 11(1) of Regulation (EEC) No 2092/91, is set out in the Annex to Commission Regulation (EEC) No 94/92 ⁽³⁾, as last amended by Regulation (EC) No 1162/2002 ⁽⁴⁾. That list was drawn up in accordance with Article 11(2) of Regulation (EEC) No 2092/91.
- (2) The duration of inclusion of Switzerland in the list provided for in Article 11(1) of Regulation (EEC) No 2092/91 expires on 31 December 2002. The duration of inclusion of Argentina, Australia, Czech Republic, Hungary and Israel expires on 30 June 2003. In order to avoid trade disruption, there is a need to prolong the inclusion of these countries for a further period.
- (3) The third countries concerned have provided the Commission with appropriate information regarding the implementation of rules equivalent to those laid down in

Council Regulation (EEC) No 2092/91. In addition, the effective implementation has been verified during on-the-spot examinations in those third countries carried out by the Commission.

- (4) The Hungarian authorities have informed the Commission that one inspection and certificate issuing body has ceased its activity in Hungary. Therefore, the name of the said body should be deleted from the Annex to Regulation (EEC) No 94/92.
- (5) Regulation (EEC) No 94/92 should therefore be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee mentioned in Article 14 of Regulation (EEC) No 2092/91,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 94/92 is amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 2003.

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

Done at Brussels, 30 December 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 198, 22.7.1991, p. 1.

⁽²⁾ OJ L 75, 16.3.2002, p. 21.

⁽³⁾ OJ L 11, 17.1.1992, p. 14.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 44.

ANNEX

The Annex to Regulation (EEC) No 94/92 is amended as follows:

1. In the texts referring to Argentina, Australia, Czech Republic, Hungary, Israel and Switzerland, point 5 is replaced by the following:
‘5. **Duration of the inclusion:** 30.6.2008’
 2. In the text referring to Hungary:
 - in point 3, the words ‘and SKAL’ are deleted,
 - in point 4, the words ‘and SKAL (office in Hungary)’ are deleted.
-

**COMMISSION REGULATION (EC) No 2383/2002
of 30 December 2002**

**amending Regulation (EC) No 2366/98 laying down detailed rules for the application of the system
of production aid for olive oil for the 1998/1999 to 2003/2004 marketing years**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EC) No 1513/2001 ⁽²⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 2261/84 of 17 July 1984 laying down general rules on the granting of aid for the production of olive oil and of aid to olive oil producer organisations ⁽³⁾, as last amended by Regulation (EC) No 1639/98 ⁽⁴⁾, and in particular Article 19 thereof,

Having regard to Council Regulation (EC) No 1638/98 of 20 July 1998 amending Regulation No 136/66/EEC on the establishment of a common organisation of the market in oils and fats ⁽⁵⁾, as amended by Regulation (EC) No 1513/2001, and in particular Article 4 thereof,

Whereas:

- (1) Article 1 of Commission Regulation (EC) No 2366/98 ⁽⁶⁾, as last amended by Regulation (EC) No 1249/2002 ⁽⁷⁾, lays down that olive growers must lodge crop declarations before 1 December of each marketing year. Article 20(1) of that Regulation lays down that producer organisations or, where appropriate, associations thereof must submit their members' crop declarations and any amendments thereto to the competent agency of the Member State concerned before 1 January of each marketing year.
- (2) However, in certain olive-growing regions, due in particular to the high number of crop declarations, ongoing restructuring of olive groves or other specific circumstances, the above dates are no longer appropriate for the purpose of controls. Provision should therefore be made for the Member States to be able to extend, within certain limits, the deadlines for the lodging and submission of crop declarations to the competent agency so as to improve the effectiveness of controls in certain regions.

- (3) The management and monitoring of the system of production aid for olive oil requires that the information on new planting provided for in Article 5 of Regulation (EC) No 2366/98 be provided on a regular basis. Consequently, the numbers of olive trees for the marketing years after 1998/1999 and 1999/2000 should also be notified to the Commission.
- (4) Regulation (EC) No 2366/98 should therefore be amended accordingly.
- (5) To allow an extension of the deadline referred to in Article 1(1) of Regulation (EC) No 2366/98 from the current marketing year, this Regulation should apply from 30 November 2002. Provision should therefore be made for its immediate entry into force.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Oils and Fats,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2366/98 is hereby amended as follows:

1. Article 1(1) is replaced by the following:

'1. For the purposes of granting aid for the production of olive oil as provided for in Article 5 of Regulation 136/66/EEC, before 1 December of each marketing year olive growers shall lodge crop declarations covering their olive trees in production and details of the olive groves they manage as at 1 November of the marketing year to which the declarations correspond. However, in order to improve the effectiveness of controls in certain regions, the Member States may extend the deadline for the lodging of declarations by a maximum of three months.

Before 1 January of the marketing year concerned, the Member States shall communicate to the Commission the regions and the reasons for which the deadline for the lodging of crop declarations has been extended, and the new date laid down.'

2. Article 5(4) is replaced by the following paragraphs 4 and 5:

'4. Before 31 October 2001, the Member States shall communicate to the Commission the measures taken to monitor the application of paragraphs 2 and 3 and to penalise offenders.

⁽¹⁾ OJ L 72, 30.9.1966, p. 3025/66.

⁽²⁾ OJ L 201, 26.7.2001, p. 4.

⁽³⁾ OJ L 208, 3.8.1984, p. 3.

⁽⁴⁾ OJ L 210, 28.7.1998, p. 38.

⁽⁵⁾ OJ L 210, 28.7.1998, p. 32.

⁽⁶⁾ OJ L 293, 31.10.1998, p. 50.

⁽⁷⁾ OJ L 183, 12.7.2002, p. 5.

5. Before 31 October of the marketing year concerned, the Member States shall communicate to the Commission the number of olive trees regarding which, in accordance with paragraph 2:

- a declaration of intention to plant was lodged,
- the Member State considers that they are replacement plantings of grubbed trees,
- the Member State considers that they are plantings under an approved programme, in accordance with Article 4,
- the Member State considers that they are additional plantings not eligible for aid after 31 October 2001.

However, for the 2000/2001 and 2001/2002 marketing years, the information referred to in the first subparagraph shall be notified to the Commission before 28 February 2003.

3. Article 20(1) is replaced by the following:

'1. Before 1 January of each marketing year, producer organisations or, where appropriate, associations thereof shall submit their members' crop declarations and any amendments thereto to the competent agency of the Member State concerned. However, in order to improve the effectiveness of controls in certain regions, the Member States may extend the deadline for the submission of declarations by a maximum of three months.

The Member States shall communicate to the Commission, before 1 January of the marketing year concerned, the regions and the reasons for which the deadline for the submission of crop declarations has been extended, and the new date laid down.'

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 30 November 2002.

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

Done at Brussels, 30 December 2002.

For the Commission

Franz FISCHLER

Member of the Commission

**COMMISSION REGULATION (EC) No 2384/2002
of 30 December 2002**

**amending Regulation (EEC) No 2837/93 laying down detailed rules for the application of Council
Regulation (EEC) No 2019/93 with regard to the maintenance of olive groves in traditional olive-
growing areas**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2019/93 of 19 July 1993 introducing specific measures for the smaller Aegean islands concerning certain agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 442/2002 ⁽²⁾, and in particular Article 11(2) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2837/93 ⁽³⁾, as last amended by Regulation (EC) No 2813/94 ⁽⁴⁾, lays down the conditions for the grant of the flat-rate aid per hectare for the maintenance of olive groves in traditional olive growing-areas of the smaller Aegean islands.
- (2) There are grounds for adding to the eligibility criteria laid down in Article 1 of Regulation (EEC) No 2837/93 a condition corresponding to Article 24(1) of Commission Regulation (EC) No 2366/98 of 30 October 1998 laying down detailed rules for the application of the system of production aid for olive oil for the 1998/99, 1999/2000, 2000/01, 2001/02, 2002/03 and 2003/04 marketing years ⁽⁵⁾, as last amended by Regulation (EC) No 1249/2002 ⁽⁶⁾, which establishes the minimum size of the olive-growing parcel that can qualify for the aid for the production of olive oil.

(3) Regulation (EEC) No 2837/93 must therefore be amended.

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

HAS ADOPTED THIS REGULATION:

Article 1

The following point is added to Article 1 of Regulation (EEC) No 2837/93:

‘(e) that are of a minimum size as established by the second subparagraph of Article 24(1) of Commission Regulation (EC) No 2366/98 ^(*).

^(*) OJ L 293, 31.10.1998, p. 50.’

Article 2

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

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

Done at Brussels, 30 December 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 184, 27.7.1993, p. 1.

⁽²⁾ OJ L 68, 12.3.2002, p. 4.

⁽³⁾ OJ L 260, 19.10.1993, p. 5.

⁽⁴⁾ OJ L 298, 19.11.1994, p. 24.

⁽⁵⁾ OJ L 293, 31.10.1998, p. 50.

⁽⁶⁾ OJ L 183, 12.7.2002, p. 5.

**COMMISSION REGULATION (EC) No 2385/2002
of 30 December 2002**

**continuing and amending prior Community surveillance of imports of certain iron and steel
products originating in certain third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

quotas and additional duties ranging from 8 % to 30 %
ad valorem.

Having regard to the Treaty establishing the European
Community,

Having regard to Council Regulation (EC) No 3285/94 ⁽¹⁾ of 22
December 1994 on common rules for imports and repealing
Regulation (EC) No 518/94, as last amended by Regulation (EC)
No 2474/2000 ⁽²⁾, and in particular Article 11 thereof,

Having regard to Council Regulation (EC) No 519/94 ⁽³⁾ of 7
March 1994 on common rules for imports from certain third
countries and repealing Regulations (EEC) No 1765/82, (EEC)
No 1766/82 and (EEC) No 3420/83, as last amended by Regu-
lation (EC) No 1138/98 ⁽⁴⁾, and in particular Article 9 thereof,

After consultations with the Advisory Committees,

Whereas:

- (1) By Regulation (EC) No 76/2002 ⁽⁵⁾ of 17 January 2002,
the Commission introduced prior Community surveil-
lance of imports of certain iron and steel products
originating in third countries. That Regulation was
amended by Commission Regulation (EC) No 1337/
2002 ⁽⁶⁾ of 24 July 2002 so as to extend the scope of
the surveillance.
- (2) On 6 March 2002, certain Member States informed the
Commission that trends in imports of certain steel prod-
ucts appeared to call for safeguard measures; submitted
information containing the evidence available as deter-
mined on the basis of Article 10 of Regulation (EC) No
3285/94 and Article 8 of Regulation (EC) No 519/94;
and requested the Commission to impose provisional
safeguard measures and to open a safeguard
investigation.
- (3) On 20 March 2002, the United States of America
imposed definitive safeguard measures against a broad
range of imported steel products in the form of tariff

- (4) On 28 March 2002, the Commission initiated an
investigation relating to serious injury or threat thereof
to the Community producers of products like or directly
competing with 21 imported steel products.
- (5) On the same day, on the basis of information gathered
and verified prior to the initiation, provisional measures
were imposed on 15 of the steel products covered by
the investigation.
- (6) By Regulation (EC) No 1694/2002 of 27 September
2002 ⁽⁷⁾, the Commission, having established that
increased imports of the seven products specified in
Annex 1(a) were causing serious injury to the
Community producers, imposed definitive safeguard
measures against those products in the form of addi-
tional duties payable on imports in excess of the relevant
tariff quotas. Utilisation of these tariff quotas can be
monitored on a daily basis.
- (7) By Regulation (EC) No 1695/2002 of 27 September
2002 ⁽⁸⁾, the Commission, having established that
increased imports of the 14 products specified in Annex
1(b) were threatening to cause injury to the Community
producers, and that it was in the interests of the
Community to do so, imposed a system of retrospective
surveillance in relation to those 14 products.
- (8) The aforementioned systems of monitoring of the safe-
guard tariff quotas and retrospective surveillance provide
information as to the origin of only some of the imports
entering the Community market, and do not provide
information as to the prices of those imports. Nor do
they provide information as to the structure of future
trade flows.
- (9) The Community's external trade statistics are not avail-
able within the periods established by Commission
Regulation (EC) No 1917/2000 ⁽⁹⁾, as amended by Regu-
lation (EC) No 1669/2001 ⁽¹⁰⁾.

⁽¹⁾ OJ L 319, 31.12.1994, p. 53.

⁽²⁾ OJ L 286, 11.11.2000, p. 1.

⁽³⁾ OJ L 67, 10.3.1994, p. 89.

⁽⁴⁾ OJ L 159, 3.6.1998, p. 1.

⁽⁵⁾ OJ L 16, 18.1.2002, p. 3.

⁽⁶⁾ OJ L 195, 24.7.2002, p. 25.

⁽⁷⁾ OJ L 261, 28.9.2002, p. 1.

⁽⁸⁾ OJ L 261, 28.9.2002, p. 124.

⁽⁹⁾ OJ L 229, 9.9.2000, p. 14.

⁽¹⁰⁾ OJ L 224, 21.8.2001, p. 3.

- (10) However, available import statistics for the steel products specified in Annex 1 show the following trends, which threaten to cause injury to the Community producers:

(tonnes)

Product type	1999	2000	2001	2002 ⁽¹⁾ (6 months)
Flat products	10 818 943	13 641 836	13 916 538	6 058 977
Long products	5 053 766	5 184 421	5 482 925	2 772 014
Tubes and pipes	2 541 117	2 930 406	2 903 729	1 384 322

⁽¹⁾ Only data for the first six months of 2002 is presently available, and it is subject to revision.

- (11) Although certain categories of product show some decline in imports, it must be recalled that a number of steel products were subject to the EC provisional steel safeguard measures during part of this period. Further, it is clear that the international context could lead to further diversion of trade to the Community by reason of the fact that the world steel market remains unsettled and many countries have taken, or are considering, safeguard measures.
- (12) Indeed, since the imposition of safeguard measures across a broad range of steel products by the US in March 2002, the European Community and many countries (including Bulgaria, Canada, China, the Czech Republic, Hungary, India, Indonesia, Malaysia, Mexico and Poland) concerned by the possible impact of those and earlier measures on the world steel market, have initiated safeguard investigations relating to a range of steel products. Definitive safeguard measures have in some cases already been taken. It is therefore clear that there may be further major fluctuations in the structure of international steel trade, and in particular deflection towards the Community market which would cause injury to the Community producers.
- (13) At the same time, production statistics indicate that production of crude steel in the Community has fallen from 163,2 million tonnes in 2000, to 158,5 million tonnes in 2001 and 118,9 million tonnes in the first nine months of 2002. Employment in the Community producers has also declined, from 276 700 in 2000 to 270 000 ⁽¹⁾ in 2001, and it is predicted to decline further in 2002. There is a genuine and substantial link between the development of these economic indicators and trends in imports, and it is therefore considered that trends in imports threaten injury to the Community producers.
- (14) Therefore, the interests of the Community require that imports of certain steel products should continue to be subject to prior Community surveillance in order to
- provide advanced statistical information permitting rapid analysis of import trends.
- (15) Therefore, the Commission concludes that, in accordance with Article 11 of Regulation (EC) No 3285/94 and Article 9 of Regulation (EC) No 519/94, a system of a priori surveillance should continue in relation to imports of certain steel products which are destined for export to the Community. Taking into account the duration of the steel safeguard measures imposed by the United States of America in March 2002, it is appropriate that that system should continue until the end of March 2005.
- (16) Moreover, so as not to introduce unnecessary constraints and not to disturb excessively the activities of companies close to the borders, it is desirable to exclude imports of small quantities from the scope of the prior community surveillance. Therefore, imports whose net weight does not exceed 500 kilogrammes should be excluded from the application of this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 76/2002 is amended as follows:

1. at the end of Article 1, add:

‘3. Imports whose net weight does not exceed 500 kilogrammes are excluded from the application of this Regulation.’

2. in Article 6 replace ‘31 December 2002’ with ‘31 March 2005’.

Article 2

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

⁽¹⁾ Data not yet finalised and subject to revision.

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

Done at Brussels, 30 December 2002.

For the Commission

Pascal LAMY

Member of the Commission

**COMMISSION REGULATION (EC) No 2386/2002
of 30 December 2002**

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) Article 27(1) and (2) of Regulation (EEC) No 1260/2001 provides that the differences between the prices in international trade for the products listed in Article 1(1)(a), (c), (d), (f), (g) and (h) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in the Annex to that Regulation. Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty and the criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EC) No 1052/2002 ⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex I to Regulation (EC) No 1260/2001.

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 January 2003.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 177, 15.7.2000, p. 1.

⁽⁴⁾ OJ L 160, 18.6.2002, p. 16.

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

Done at Brussels, 30 December 2002.

For the Commission

Erkki LIIKANEN

Member of the Commission

ANNEX

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

Product	Rate of refund in EUR/100 kg	
	In case of advance fixing of refunds	Other
White sugar:	44,17	44,17

**COMMISSION REGULATION (EC) No 2387/2002
of 30 December 2002**

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) Article 31(1) of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1(a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund. Whereas Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EC) No 1052/2002 ⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EC) No 1255/1999.

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

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

Article 2

This Regulation shall enter into force on 1 January 2003.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 177, 15.7.2000, p. 1.

⁽⁴⁾ OJ L 160, 18.6.2002, p. 16.

⁽⁵⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁶⁾ OJ L 76, 25.3.2002, p. 9.

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

Done at Brussels, 30 December 2002.

For the Commission

Erkki LIIKANEN

Member of the Commission

ANNEX

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

(EUR/100 kg)

CN code	Description	Rate of refund
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2): (a) On exportation of goods of CN code 3501 (b) On exportation of other goods	— 44,00
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 (b) On exportation of other goods	64,27 93,00
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 (b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat (c) On exportation of other goods	100,00 192,25 185,00

COMMISSION REGULATION (EC) No 2388/2002
of 30 December 2002
amending 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 organisation 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) The corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EC) No 2118/2002 ⁽³⁾.
- (2) On the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered.

- (3) The corrective amount must be fixed according to the same procedure as the refund. It may be altered in the period between fixings,

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 the export refunds fixed in advance in respect of the products referred to, except for malt, is hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 2003.

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

Done at Brussels, 30 December 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 324, 29.11.2002, p. 48.

ANNEX

to the Commission Regulation of 30 December 2002 altering the corrective amount applicable to the refund on cereals

(EUR/t)

Product code	Destination	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6	6th period 7
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	-1,27	-2,55	-3,82	-5,10	—	—
1101 00 15 9130	A00	0	-1,19	-2,38	-3,57	-4,76	—	—
1101 00 15 9150	A00	0	-1,10	-2,19	-3,29	-4,39	—	—
1101 00 15 9170	A00	0	-1,01	-2,03	-3,04	-4,05	—	—
1101 00 15 9180	A00	0	-0,95	-1,90	-2,85	-3,79	—	—
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 2389/2002
of 30 December 2002
altering the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) The refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 2268/2002 ⁽³⁾, as amended by Regulation (EC) No 2121/2002 ⁽⁴⁾.

- (2) It follows from applying the detailed rules contained in Regulation (EC) No 2268/2002 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 2268/2002 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 2003.

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

Done at Brussels, 30 December 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 347, 20.12.2002, p. 9.

⁽⁴⁾ OJ L 325, 30.11.2002, p. 3.

ANNEX

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

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	A00	EUR/100 kg	40,80 ⁽¹⁾
1701 11 90 9910	A00	EUR/100 kg	40,80 ⁽¹⁾
1701 12 90 9100	A00	EUR/100 kg	40,80 ⁽¹⁾
1701 12 90 9910	A00	EUR/100 kg	40,80 ⁽¹⁾
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,4435
1701 99 10 9100	A00	EUR/100 kg	44,35
1701 99 10 9910	A00	EUR/100 kg	44,35
1701 99 10 9950	A00	EUR/100 kg	44,35
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,4435

⁽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.

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 2390/2002
of 30 December 2002**

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 27 of Regulation (EC) No 1260/2001 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(d) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Article 3 of Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector ⁽³⁾, provides that the export refund on 100 kilograms of the products listed in Article 1(1)(d) of Regulation (EC) No 1260/2001 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; the sucrose content of the product in question is determined in accordance with Article 3 of Commission Regulation (EC) No 2135/95.
- (3) Article 30(3) of Regulation (EC) No 1260/2001 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one hundredth of the production refund applicable, pursuant to Commission Regulation (EC) No 1265/2001 of 27 June 2001 laying down detailed rules for the application of Council Regulation (EC) No 1260/2001 as regards granting the production refund on certain sugar products used in the chemical industry ⁽⁴⁾ to the products listed in the Annex to the last mentioned Regulation;
- (4) According to the terms of Article 30(1) of Regulation (EC) No 1260/2001, the basic amount of the refund on the other products listed in Article 1(1)(d) of the said

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

- (5) According to the terms of Article 30(4) of Regulation (EC) No 1260/2001, the application of the basic amount may be limited to some of the products listed in Article 1(1)(d) of the said Regulation.
- (6) Article 27 of Regulation (EC) No 1260/2001 makes provision for setting refunds for export in the natural state of products referred to in Article 1(1)(f) and (g) and (h) of that Regulation; the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1(1)(d) of Regulation (EC) No 1260/2001 and of the economic aspects of the intended exports; in the case of the products referred to in the said Article 1(1)(f) and (g), the refund is to be granted only for products complying with the conditions in Article 5 of Regulation (EC) No 2135/95; for the products referred to in Article 1(1)(h), the refund shall be granted only for products complying with the conditions in Article 6 of Regulation (EC) No 2135/95.
- (7) The refunds referred to above must be fixed every month; they may be altered in the intervening period.
- (8) Application of these quotas results in fixing refunds for the products in question at the levels given in the Annex to this Regulation.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 214, 8.9.1995, p. 16.

⁽⁴⁾ OJ L 178, 30.6.2001, p. 63.

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 January 2003.

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

Done at Brussels, 30 December 2002.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

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

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	A00	EUR/100 kg dry matter	44,35 ⁽²⁾
1702 60 10 9000	A00	EUR/100 kg dry matter	44,35 ⁽²⁾
1702 60 80 9100	A00	EUR/100 kg dry matter	84,27 ⁽⁴⁾
1702 60 95 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4435 ⁽¹⁾
1702 90 30 9000	A00	EUR/100 kg dry matter	44,35 ⁽²⁾
1702 90 60 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4435 ⁽¹⁾
1702 90 71 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4435 ⁽¹⁾
1702 90 99 9900	A00	EUR/1 % sucrose × net 100 kg of product	0,4435 ⁽¹⁾ ⁽³⁾
2106 90 30 9000	A00	EUR/100 kg dry matter	44,35 ⁽²⁾
2106 90 59 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4435 ⁽¹⁾

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

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

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

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

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

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

COMMISSION REGULATION (EC) No 2391/2002
of 30 December 2002
fixing the production refund on white sugar used in the chemical industry

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽²⁾, and in particular Article 7(5) thereof,

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The production refund on white sugar referred to in Article 4 of Regulation (EC) No 1265/2001 shall be equal to 40,610 EUR/100 kg net.

Article 2

This Regulation shall enter into force on 1 January 2003.

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

Done at Brussels, 30 December 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 178, 30.6.2001, p. 63.

**COMMISSION REGULATION (EC) No 2392/2002
of 30 December 2002
fixing the import duties in the cereals sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ⁽³⁾, as last amended by Regulation (EC) No 1900/2002 ⁽⁴⁾, and in particular Article 2(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 January 2003.

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

Done at Brussels, 30 December 2002.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 287, 25.10.2002, p. 15.

ANNEX I

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

CN code	Description	Import duty ⁽²⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality ⁽¹⁾	0,00
1001 90 91	Common wheat seed	0,00
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	0,00
	medium quality	0,00
	low quality	0,00
1002 00 00	Rye	22,77
1003 00 10	Barley, seed	22,77
1003 00 90	Barley, other ⁽⁴⁾	22,77
1005 10 90	Maize seed other than hybrid	40,60
1005 90 00	Maize other than seed ⁽⁵⁾	40,60
1007 00 90	Grain sorghum other than hybrids for sowing	22,77

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

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

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

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

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

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

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

ANNEX II

Factors for calculating duties

(period from 13 December to 27 December 2002)

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

Exchange quotations	Minneapolis	Kansas City	Chicago	Chicago	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	Medium quality (*)	US barley 2
Quotation (EUR/t)	142,90	137,38	124,61	92,03	216,02 (**)	206,02 (**)	119,79 (**)
Gulf premium (EUR/t)	38,14	24,08	22,59	13,95	—	—	—
Great Lakes premium (EUR/t)	—	—	—	—	—	—	—

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

(**) Fob Duluth.

2. Freight/cost: Gulf of Mexico–Rotterdam: 14,78 EUR/t; Great Lakes–Rotterdam: 23,61 EUR/t.

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

II

(Acts whose publication is not obligatory)

EUROPEAN PARLIAMENT AND COUNCIL

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 21 November 2002

on the mobilisation of the EU Solidarity Fund according to point 3 of the Interinstitutional Agreement of 7 November 2002 between the European Parliament, the Council and the Commission on the financing of the European Union Solidarity Fund, supplementing the Interinstitutional Agreement of 6 May 1999 on budgetary discipline and improvement of the budgetary procedure

(2002/1010/EC)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Interinstitutional Agreement of 7 November 2002 between the European Parliament, the Council and the Commission on the financing of the European Union Solidarity Fund, supplementing the Interinstitutional Agreement of 6 May 1999 on budgetary discipline and improvement of the budgetary procedure ⁽¹⁾, and in particular point 3 thereof,

Having regard to Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund ⁽²⁾,

Having regard to the proposal from the Commission,

Whereas:

- (1) Following the disastrous floods which occurred in August and September 2002 in some Member States and candidate countries whose accession to the European Union is currently under negotiation, the European Union has decided to create a European Union Solidarity Fund (EUSF) to face disasters.
- (2) The Interinstitutional Agreement of 7 November 2002 allows the mobilisation of the Fund within the annual ceiling of EUR 1 billion.
- (3) Regulation (EC) No 2012/2002 contains a specific provision whereby the Fund may retroactively be mobilised for disasters since August this year.
- (4) The countries concerned have transmitted to the Commission their estimate of the damages caused by the August and September 2002 floods,

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the European Union for the financial year 2002, the EU Solidarity Fund shall be mobilised to provide the sum of EUR 728 million in commitment appropriations.

⁽¹⁾ OJ C 283, 20.11.2002, p. 1.

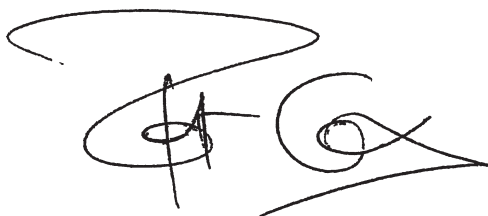
⁽²⁾ OJ L 311, 14.11.2002, p. 3.

Article 2

This Decision shall be published in the *Official Journal of the European Communities*.

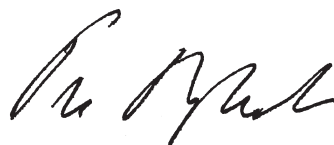
For the European Parliament

The President

A stylized, handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

For the Council

The President

A handwritten signature in black ink, appearing to be 'P. Giscard d'Estaing'.

EUROPEAN CENTRAL BANK

DECISION OF THE EUROPEAN CENTRAL BANK of 19 December 2002 on the approval of the volume of coin issuance in 2003

(ECB/2002/12)

(2002/1011/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty establishing the European Community, and in particular to Article 106(2) thereof,

Whereas:

- (1) The European Central Bank (ECB) has the exclusive right from 1 January 1999 to approve the volume of coins issued by the Member States that have adopted the euro (the participating Member States).
- (2) The participating Member States have submitted to the ECB for approval their estimates of the volume of euro coins to be issued in 2003, supplemented by explanatory notes on the forecasting methodology,

HAS DECIDED AS FOLLOWS:

Article 1

Approval of the volume of euro coins to be issued in 2003

The ECB hereby approves the volume of coins to be issued by the participating Member States in 2003 as described in the following table:

(million EUR)

	Issuance of coins intended for circulation and issuance of collector coins (not intended for circulation) in 2003
Belgium	246,9
Germany	1 475,0
Greece	116,4
Spain	939,0
France	67,5
Ireland	100,6
Italy	115,6
Luxembourg	150,0
Netherlands	85,0
Austria	116,0
Portugal	278,0
Finland	300,0

*Article 2***Final provision**

This Decision is addressed to the participating Member States.

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Frankfurt am Main, 19 December 2002.

The President of the ECB

Willem F. DUISENBERG
