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## Legislation

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## I

(Acts whose publication is obligatory)

**REGULATION (EC) No 893/2002 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
of 27 May 2002**

**amending Regulation (EC) No 685/2001 in order to provide for the distribution among Member States of authorisations received pursuant to the Agreement establishing certain conditions for the carriage of goods by road and the promotion of combined transport between the European Community and Romania**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(2)</sup>,

Following consultation of the Committee of the Regions,

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

Whereas:

- (1) By Council Decision 2002/409/EC <sup>(4)</sup>, the European Community concluded an Agreement with Romania establishing certain conditions for the carriage of goods by road and the promotion of combined transport.
- (2) This Agreement provides for the Community to receive road transit authorisations from Romania, as is the case under the almost identical agreements concluded with Bulgaria and Hungary.
- (3) Reasons of consistency call for the rules governing the distribution of these authorisations to be identical to those established for the distribution of the authorisations received pursuant to the agreements with Bulgaria and Hungary.
- (4) Regulation (EC) No 685/2001 <sup>(5)</sup> should be amended accordingly,

HAVE ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 685/2001 is hereby amended as follows:

1. The title shall be replaced by the following:

‘Regulation (EC) No 685/2001 of the European Parliament and of the Council of 4 April 2001 concerning the distribution among Member States of authorisations received pursuant to the Agreements establishing certain conditions for the carriage of goods by road and the promotion of combined transport between the European Community and the Republic of Bulgaria, between the European Community and the Republic of Hungary and between the European Community and Romania.’

<sup>(1)</sup> OJ C 278 E, 25.9.2001, p. 102.

<sup>(2)</sup> OJ C 36, 8.2.2002, p. 27.

<sup>(3)</sup> Opinion of the European Parliament of 5 September 2001 (OJ C 72, 21.3.2002, p. 141) and Council Decision of 22 April 2002.

<sup>(4)</sup> See page 74 of this Official Journal.

<sup>(5)</sup> OJ L 108, 18.4.2001, p. 1.

2. Article 1 shall be replaced by the following:

*'Article 1*

This Regulation lays down the rules for the distribution among Member States of authorisations available to the Community by virtue of Article 6(2) of the Agreements concluded between the European Community and the Republic of Bulgaria, between the European Community and the Republic of Hungary and between the European Community and Romania establishing certain conditions for the carriage of goods by road and the promotion of combined transport (hereinafter referred to as the "Agreements").'

3. The Annex shall be replaced by the following:

'Member State	Authorisations for use in:		
	Bulgaria	Hungary	Romania
Belgium	103	103	104
Denmark	110	110	111
Germany	134	133	137
Greece	11 468	10 974	12 457
Spain	100	100	100
France	102	102	102
Ireland	100	100	100
Italy	102	102	102
Luxembourg	100	100	100
Netherlands	150	147	154
Austria	119	118	120
Portugal	100	100	100
Finland	102	102	102
Sweden	107	106	107
United Kingdom	103	103	104
<b>Total</b>	<b>13 000</b>	<b>12 500</b>	<b>14 000'</b>

*Article 2*

This Regulation shall enter into force on the 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, 27 May 2002.

*For the European Parliament*  
*The President*  
P. COX

*For the Council*  
*The President*  
M. ARIAS CAÑETE

**REGULATION (EC) No 894/2002 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**of 27 May 2002**  
**amending Council Regulation (EEC) No 95/93 on common rules for the allocation of slots at**  
**Community airports**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(2)</sup>,

Following consultation of the Committee of the Regions,

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

Whereas:

- (1) The terrorist attacks of 11 September 2001 in the United States and the political developments that followed those events seriously affected the air transport operations of air carriers and resulted in a significant drop in demand during the remainder of the summer 2001 and winter 2001/2002 scheduling seasons.
- (2) In order to make sure that the non-utilisation of slots allocated for those seasons does not cause operators to lose their entitlement to those slots, it appears necessary to provide clearly and unambiguously that those scheduling seasons were adversely affected by the terrorist attacks of 11 September 2001.

- (3) Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports <sup>(4)</sup> should therefore be accordingly amended,

HAVE ADOPTED THIS REGULATION:

*Article 1*

The following Article shall be inserted in Council Regulation (EEC) No 95/93:

‘Article 10a

**The events of 11 September 2001**

For the purposes of Article 10(3), coordinators shall accept that air carriers are entitled to the same series of slots during summer scheduling season 2002 and winter scheduling season 2002/2003 as had been allocated to them on the date of 11 September 2001 for the summer scheduling season 2001 and the winter scheduling season 2001/2002 respectively.’

*Article 2*

This Regulation shall enter into force on the 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, 27 May 2002.

*For the European Parliament*

*The President*

P. COX

*For the Council*

*The President*

M. ARIAS CAÑETE

<sup>(1)</sup> OJ C 103 E, 30.4.2002, p. 350.

<sup>(2)</sup> Opinion delivered on 20 March 2002 (not yet published in the Official Journal).

<sup>(3)</sup> Opinion of the European Parliament of 6 February 2002 (not yet published in the Official Journal), Council Common Position of 25 March 2002 (not yet published in the Official Journal) and Decision of the European Parliament of 15 May 2002.

<sup>(4)</sup> OJ L 14, 22.1.1993, p. 1.

**COMMISSION REGULATION (EC) No 895/2002****of 30 May 2002****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables <sup>(1)</sup>, as last amended by Regulation (EC) No 1498/98 <sup>(2)</sup>, 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 May 2002.

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

Done at Brussels, 30 May 2002.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Agriculture Director-General*

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<sup>(1)</sup> OJ L 337, 24.12.1994, p. 66.

<sup>(2)</sup> OJ L 198, 15.7.1998, p. 4.

## ANNEX

**to the Commission Regulation of 30 May 2002 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	40,0
	999	40,0
0707 00 05	052	94,1
	220	154,8
	999	124,5
0709 90 70	052	86,8
	999	86,8
0805 10 10, 0805 10 30, 0805 10 50	052	50,0
	204	47,6
	220	86,2
	388	74,8
	600	52,8
	624	88,9
	999	66,7
	388	59,0
0805 50 10	512	50,0
	528	57,8
	999	55,6
	388	87,0
0808 10 20, 0808 10 50, 0808 10 90	400	110,6
	404	105,7
	508	83,8
	512	81,8
	524	78,4
	528	75,3
	720	155,0
	804	109,6
	999	98,6
	052	394,6
0809 20 95	400	295,7
	999	345,1

<sup>(1)</sup> 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 896/2002****of 30 May 2002****fixing the representative prices and the additional import duties for molasses in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 31 May 2002.

<sup>(1)</sup> OJ L 178, 30.6.2001, p. 1.

<sup>(2)</sup> OJ L 104, 20.4.2002, p. 26.

<sup>(3)</sup> OJ L 141, 24.6.1995, p. 12.

<sup>(4)</sup> OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 30 May 2002.

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

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ANNEX

**to the Commission Regulation of 30 May 2002 fixing the representative prices and additional import duties to imports of molasses in the sugar sector**

(in EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 <sup>(2)</sup>
1703 10 00 <sup>(1)</sup>	8,37	—	0
1703 90 00 <sup>(1)</sup>	12,66	—	0

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

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

**COMMISSION REGULATION (EC) No 897/2002****of 30 May 2002****altering the export refunds on white sugar and raw sugar exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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 <sup>(1)</sup>, as amended by Commission Regulation (EC) No 680/2002 <sup>(2)</sup>, 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 857/2002 <sup>(3)</sup>.
- (2) It follows from applying the detailed rules contained in Regulation (EC) No 857/2002 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,

*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 857/2002 are hereby altered to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 31 May 2002.

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

Done at Brussels, 30 May 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 178, 30.6.2001, p. 1.

<sup>(2)</sup> OJ L 104, 20.4.2002, p. 26.

<sup>(3)</sup> OJ L 136, 24.5.2002, p. 9.

## ANNEX

**to the Commission Regulation of 30 May 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	40,56 <sup>(1)</sup>
1701 11 90 9910	A00	EUR/100 kg	40,32 <sup>(1)</sup>
1701 11 90 9950	A00	EUR/100 kg	<sup>(2)</sup>
1701 12 90 9100	A00	EUR/100 kg	40,56 <sup>(1)</sup>
1701 12 90 9910	A00	EUR/100 kg	40,32 <sup>(1)</sup>
1701 12 90 9950	A00	EUR/100 kg	<sup>(2)</sup>
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,4409
1701 99 10 9100	A00	EUR/100 kg	44,09
1701 99 10 9910	A00	EUR/100 kg	43,83
1701 99 10 9950	A00	EUR/100 kg	43,83
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,4409

<sup>(1)</sup> 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.

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

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

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

**COMMISSION REGULATION (EC) No 898/2002  
of 30 May 2002**

**fixing the maximum export refund for white sugar for the 40th partial invitation to tender issued  
within the framework of the standing invitation to tender provided for in Regulation (EC) No  
1430/2001**

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 <sup>(1)</sup>, as amended by Commission Regulation (EC) No 680/2002 <sup>(2)</sup>, and in particular Article 27(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1430/2001 of 13 July 2001 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar <sup>(3)</sup>, as amended by Regulation (EC) No 693/2002 <sup>(4)</sup>, for the 2001/2002 marketing year, requires partial invitations to tender to be issued for the export of this sugar.
- (2) Pursuant to Article 9(1) of Regulation (EC) No 1430/2001 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question.

(3) Following an examination of the tenders submitted in response to the 40th partial invitation to tender, the provisions set out in Article 1 should be adopted.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 40th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1430/2001 the maximum amount of the export refund is fixed at 46,851 EUR/100 kg.

*Article 2*

This Regulation shall enter into force on 31 May 2002.

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

Done at Brussels, 30 May 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 178, 30.6.2001, p. 1.

<sup>(2)</sup> OJ L 104, 20.4.2002, p. 26.

<sup>(3)</sup> OJ L 192, 14.7.2001, p. 3.

<sup>(4)</sup> OJ L 107, 24.4.2002, p. 5.

**COMMISSION REGULATION (EC) No 899/2002****of 30 May 2002****opening an invitation to tender for the refund for the export of common wheat to all third countries except Poland, Estonia, Lithuania and Latvia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>, as last amended by Regulation (EC) No 602/2001 <sup>(4)</sup>, and in particular Article 4 thereof,

Whereas:

- (1) In view of the current situation on the cereals market, an invitation should be opened, in respect of common wheat to tender for the export refund provided for in Article 4 of Regulation (EC) No 1501/95.
- (2) The detailed procedural rules governing invitations to tender as regards the fixing of the export refund, are laid down in Regulation (EC) No 1501/95. The commitments on the part of the tenderer include an obligation to lodge an application for an export licence. Compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of EUR 12/t when they submit their tenders.
- (3) It is necessary to provide for a specific period of validity for licences issued under that invitation to tender. That period of validity must meet the needs of the world market for the 2002/03 marketing year.
- (4) In order to ensure that all those concerned are treated equally, it is necessary to lay down that the period of validity of the licences issued should be identical.
- (5) In order to ensure the smooth operation of the export tendering procedure it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders submitted to the competent authorities.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

*Article 1*

1. Tenders shall be invited for the export refund provided for in Article 4 of Regulation (EC) No 1501/95.

2. The tendering procedure shall concern common wheat for export to all third countries except Poland, Estonia, Lithuania and Latvia.

3. The invitation shall remain open until 22 May 2003. During this period weekly awards shall be made, for which the quantities and the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

Notwithstanding Article 4(4) of Regulation (EC) No 1501/95, the time limit for the submission of tenders for the first partial invitation to tender shall be 6 June 2002.

*Article 2*

A tender shall be valid only if it relates to an amount of not less than 1 000 tonnes.

*Article 3*

The security referred to in Article 5(3a) of Regulation (EC) No 1501/95 shall be EUR 12/t.

*Article 4*

1. Notwithstanding Article 23(1) of Commission Regulation (EC) No 1291/2000, laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products <sup>(5)</sup>, export licences issued under Article 8(1) of Regulation (EC) No 1501/95 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

2. Export licences issued in connection with the invitations to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the fourth month following that of issue.

*Article 5*

1. The Commission shall decide, pursuant to the procedure laid down in Article 23 of Regulation (EEC) No 1766/92:

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 1.

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7.

<sup>(4)</sup> OJ L 89, 29.3.2001, p. 16.

<sup>(5)</sup> OJ L 152, 24.6.2000, p. 1.

- to fix a maximum export refund, taking account in particular of the criteria laid down in Article 1 of Regulation (EC) No 1501/95,
- to make no award.

2. Where a maximum export refund is fixed, the contract shall be awarded to the tenderer or tenderers whose bids are equal to or lower than the maximum refund.

#### *Article 6*

Tenders submitted must reach the Commission through the intermediary Member States, at the latest one and a half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be

communicated in the form indicated in Annex I, to the telex or fax numbers in Annex II.

If no tenders are received, Member States shall inform the Commission of this within the time limit indicated in the preceding paragraph.

#### *Article 7*

The time limits fixed for the submission of tenders shall correspond to Belgian time.

#### *Article 8*

This Regulation shall enter into force on the 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 May 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## ANNEX I

**Weekly tender for the refund for the export of common wheat to all third countries except Poland, Estonia, Lithuania and Latvia**

(Regulation (EC) No 899/2002)

(Closing date for the submission of tenders (date/time))

1	2	3
Number of tenderer	Quantity in tonnes	Amount of export refund in EUR/t
1		
2		
3		
etc.		

## ANNEX II

The only numbers to use to call Brussels (DG AGRI-C-1) are:

— fax (32-2) 296 49 56,  
(32-2) 295 25 15.

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**COMMISSION REGULATION (EC) No 900/2002****of 30 May 2002****opening an invitation to tender for the refund for the export of rye to all third countries except Estonia, Lithuania and Latvia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>, as last amended by Regulation (EC) No 602/2001 <sup>(4)</sup>, and in particular Article 4 thereof,

Whereas:

- (1) In view of the current situation on the cereals market, an invitation should be opened, in respect of rye to tender for the export refund provided for in Article 4 of Regulation (EC) No 1501/95.
- (2) The detailed procedural rules governing invitations to tender as regards the fixing of the export refund, are laid down in Regulation (EC) No 1501/95. The commitments on the part of the tenderer include an obligation to lodge an application for an export licence. Compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of EUR 12 per tonne when they submit their tenders.
- (3) It is necessary to provide for a specific period of validity for licences issued under that invitation to tender. That period of validity must meet the needs of the world market for the 2002/03 marketing year.
- (4) In order to ensure that all those concerned are treated equally, it is necessary to lay down that the period of validity of the licences issued should be identical.
- (5) In order to ensure the smooth operation of the export tendering procedure it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders submitted to the competent authorities.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

*Article 1*

1. Tenders shall be invited for the export refund provided for in Article 4 of Regulation (EC) No 1501/95.

2. The tendering procedure shall concern rye for export to all third countries except Estonia, Lithuania and Latvia.

3. The invitation shall remain open until 22 May 2003. During this period weekly awards shall be made, for which the quantities and the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

Notwithstanding Article 4(4) of Regulation (EC) No 1501/95, the time limit for the submission of tenders for the first partial invitation to tender shall be 6 June 2002.

*Article 2*

A tender shall be valid only if it relates to an amount of not less than 1 000 tonnes.

*Article 3*

The security referred to in Article 5(3a) of Regulation (EC) No 1501/95 shall be EUR 12 per tonne.

*Article 4*

1. Notwithstanding Article 23(1) of Commission Regulation (EC) No 1291/2000 <sup>(5)</sup>, laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products, export licences issued under Article 8(1) of Regulation (EC) No 1501/95 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

2. Export licences issued in connection with the invitations to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the fourth month following that of issue.

*Article 5*

1. The Commission shall decide, pursuant to the procedure laid down in Article 23 of Regulation (EEC) No 1766/92:

- to fix a maximum refund, taking into account in particular the criteria laid down in Article 1 of Regulation (EC) No 1501/95, or
- to make no award.

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 1.

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7.

<sup>(4)</sup> OJ L 89, 29.3.2001, p. 16.

<sup>(5)</sup> OJ L 152, 24.6.2000, p. 1.

2. Where a maximum export refund is fixed, the contract shall be awarded to the tenderer or tenderers whose bids are equal to or lower than the maximum refund.

*Article 6*

Tenders submitted must reach the Commission through the intermediary Member States, at the latest one and a half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in Annex I, to the telex or fax numbers in Annex II.

If no tenders are received, Member States shall inform the Commission of this within the time limit indicated in the preceding paragraph.

*Article 7*

The time limits fixed for the submission of tenders shall correspond to Belgian time.

*Article 8*

This Regulation shall enter into force on the 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 May 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## ANNEX I

**Weekly tender for the refund for the export of rye to all third countries except Estonia, Lithuania and Latvia**

(Regulation (EC) No 900/2002)

(Closing date for the submission of tenders (date/time))

1	2	3
Number of tenderer	Quantity in tonnes	Amount of export refund in EUR/tonne
1		
2		
3		
etc.		

## ANNEX II

The only numbers to use to call Brussels (DG AGRI-C-1) are:

- telex: 22037 AGREC B,  
22070 AGREC B (Greek characters),
- fax: (32-2) 296 49 56,  
(32-2) 295 25 15.
-

**COMMISSION REGULATION (EC) No 901/2002****of 30 May 2002****opening an invitation to tender for the refund for the export of barley to all third countries except the United States of America, Canada, Estonia and Latvia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>, as last amended by Regulation (EC) No 602/2001 <sup>(4)</sup>, and in particular Article 4 thereof,

Whereas:

- (1) In view of the current situation on the cereals market, an invitation should be opened, in respect of barley to tender for the export refund provided for in Article 4 of Regulation (EC) No 1501/95.
- (2) The detailed procedural rules governing invitations to tender are as regards the fixing of the export refund in Regulation (EC) No 1501/95. The commitments on the part of the tenderer include an obligation to lodge an application for an export licence. Compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of EUR 12 per tonne when they submit their tenders.
- (3) It is necessary to provide for a specific period of validity for licences issued under that invitation to tender. That period of validity must meet the needs of the world market for the 2002/03 marketing year.
- (4) In order to ensure that all those concerned are treated equally, it is necessary to lay down that the period of validity of the licences issued should be identical.
- (5) In order to ensure the smooth operation of the export tendering procedure it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders submitted to the competent authorities.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

*Article 1*

1. Tenders shall be invited for the export refund provided for in Article 4 of Regulation (EC) No 1501/95.

2. The tendering procedure shall concern barley for export to all third countries except the United States, Canada, Estonia and Latvia.

3. The invitation shall remain open until 22 May 2003. During this period weekly awards shall be made, for which the quantities and the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

Notwithstanding Article 4(4) of Regulation (EC) No 1501/95, the time limit for the submission of tenders for the first partial invitation to tender shall be 6 June 2002.

*Article 2*

A tender shall be valid only if it relates to an amount of not less than 1 000 tonnes.

*Article 3*

The security referred to in Article 5(3a) of Regulation (EC) No 1501/95 shall be EUR 12 per tonne.

*Article 4*

1. Notwithstanding Article 23(1) of 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 <sup>(5)</sup>, export licences issued under Article 8(1) of Regulation (EC) No 1501/95 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

2. Export licences issued in connection with the invitations to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the fourth month following that of issue.

*Article 5*

Notwithstanding Article 16 of Commission Regulation (EC) No 800/1999 <sup>(6)</sup>, as last amended by Regulation (EC) No 2299/2001 <sup>(7)</sup>, proof of completion of customs formalities for release for consumption shall not be required for payment of refunds fixed in a contract awarded under this tender, in so far as the operator provides proof that a quantity of at least 1 500 tonnes of cereal products have left the customs territory of the Community on board a vessel suitable for sea transport.

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 1.

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7.

<sup>(4)</sup> OJ L 89, 29.3.2001, p. 16.

<sup>(5)</sup> OJ L 152, 24.6.2000, p. 1.

<sup>(6)</sup> OJ L 102, 17.4.1999, p. 11.

<sup>(7)</sup> OJ L 308, 27.11.2001, p. 19.

*Article 6*

1. The Commission shall decide, pursuant to the procedure laid down in Article 23 of Regulation (EEC) No 1766/92:
  - to fix a maximum export refund, taking account in particular of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, or
  - to make no award.

2. Where a maximum export refund is fixed, the contract shall be awarded to the tenderer or tenderers whose bids are equal to or lower than the maximum refund.

*Article 7*

Tenders submitted must reach the Commission through the intermediary Member States, at the latest one and a half hours after expiry of the period for the weekly submission of tenders

as specified in the notice of invitation to tender. They must be communicated in the form indicated in Annex I, to the telex or fax numbers in Annex II.

If no tenders are received, Member States shall inform the Commission of this within the time limit indicated in the preceding paragraph.

*Article 8*

The time limits fixed for the submission of tenders shall correspond to Belgian time.

*Article 9*

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 May 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## ANNEX I

**Weekly tender for the refund for the export of barley to all third countries except the United States of America, Canada, Estonia and Latvia**

(Regulation (EC) No 901/2002)

(Closing date for the submission of tenders (date/time))

1	2	3
Number of tenderer	Quantity (tonnes)	Amount of export refund (EUR/tonne)
1		
2		
3		
etc.		

## ANNEX II

The only numbers to use to call Brussels (DG AGRI-C-1) are:

— fax: (32-2) 296 49 56,  
(32-2) 295 25 15.

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**COMMISSION REGULATION (EC) No 902/2002****of 30 May 2002****approving operations to check conformity with the marketing standards applicable to fresh fruit and vegetables carried out in the Czech Republic 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 545/2002 <sup>(2)</sup>, and in particular Article 10 thereof,

Whereas:

(1) Commission Regulation (EC) No 1148/2001 of 12 June 2001 on checks on conformity to the marketing standards applicable to fresh fruit and vegetables <sup>(3)</sup>, as last amended by Regulation (EC) No 2379/2001 <sup>(4)</sup>, lays down that the Commission may approve checking operations performed by certain third countries which so request prior to import into the Community, in compliance with the conditions laid down in Article 7 of Regulation (EC) No 1148/2001.

(2) On 11 October 2001 the Czech authorities sent the Commission a request for the approval of checking operations performed by the ČZPI (Czech Agricultural and Food Inspectorate) under the responsibility of the Ministry of Agriculture. This states that the ČZPI 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 checked by the ČZPI and then exported from the Czech Republic to the Community meet the Community marketing standards.

(3) The information sent by the Member States to the Commission shows that, in the period 1997 to 2000, the incidence of non-conformity with marketing standards among imports of fresh fruit and vegetables from the Czech Republic was very low.

(4) For a number of years representatives of the Czech inspection body have been regular participants at various seminars and training activities organised by different Member States. They have also regularly participated in international efforts to agree marketing standards for fruit and vegetables, such as the Working Party

on Standardisation of Perishable Produce and Quality Development of the United Nations Economic Commission for Europe (UNECE), and, until recently, the OECD Scheme for the Application of International Standards for Fruit and Vegetables.

(5) 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*

Checks on conformity with marketing standards carried out by the Czech Republic on fresh fruit and vegetables from the Czech Republic are hereby approved in accordance with Article 7(1) of Regulation (EC) No 1148/2001.

*Article 2*

Details of the official authority in the Czech Republic, under whose responsibility the checking operations are performed, and the inspection body in charge of carrying out those checks, as referred to in Article 7(2) of Regulation (EC) No 1148/2001, are given in Annex I to this Regulation.

*Article 3*

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

*Article 4*

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

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

<sup>(1)</sup> OJ L 297, 21.11.1996, p. 1.

<sup>(2)</sup> OJ L 84, 28.3.2002, p. 1.

<sup>(3)</sup> OJ L 156, 13.6.2001, p. 9.

<sup>(4)</sup> OJ L 321, 6.12.2001, p. 15.

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

Done at Brussels, 30 May 2002.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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ANNEX I

*Official authority referred to in Article 7(2) of Regulation (EC) No 1148/2001:*

Ministry of Agriculture  
Directorate for Food Production  
Těšnov 17  
CZ-117 05 Prague  
Tel.: (420-2) 21 81 22 24  
Fax: (420-2) 22 31 41 17  
Email: fruveg@mze.cz

*Inspection body referred to in Article 7(2) of Regulation (EC) No 1148/2001:*

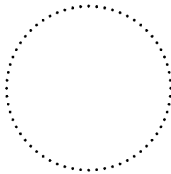
ČZPI (Česká zemědělská a potravinářská inspekce ústřední inspektorát)  
Czech Agricultural and Food Inspectorate  
Květná 15  
CZ-603 00 Brno  
Tel.: (420-5) 43 54 02 03/02 49  
Fax: (420-5) 43 54 02 02

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## ANNEX II

## Model certificate referred to in Article 7(3) of Regulation (EC) No 1148/2001

1. Trader/importer		<b>Inspection Certificate No:</b>  This certificate is exclusively for the use of inspection agencies	
2. Packer identified on packaging (if other than trader/importer)		3. Inspection body	
		4. Country of origin (*)	5. Country of destination
6. Identification of means of transport		7. Quality standard for conformity check/destination check (**)	
8. Packages (number and type)	9. Type of product (variety if the standard specifies)	10. Quality class	11. Total weight in kg (gross/net)
12. The above mentioned inspection body certifies, following inspection by sampling, that the above mentioned goods corresponded at the time of inspection to the quality standards in force.			
<div style="display: flex; justify-content: space-between;"> <div> <p>.....</p> <p>Customs office: (entry/exit) (**)</p> </div> <div> <p>.....</p> <p>(Place and date of issue)</p> </div> </div> <p>Period of validity : ..... days</p> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div> <p>.....</p> <p>Inspector: (name in block letters)</p> </div> <div> <p>.....</p> <p>(Signature)</p> </div> <div style="text-align: center;">  <p>Inspection stamp</p> </div> </div>			
13. Comments			
(*) Where the produce is re-exported, indicate its origin in box 9. (**) Optional.			

**COMMISSION REGULATION (EC) No 903/2002****of 30 May 2002****fixing the weighting coefficients to be used in calculating the Community market price for pig carcasses and repealing Regulation (EC) No 1284/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat <sup>(1)</sup>, as last amended by Regulation (EC) No 1365/2000 <sup>(2)</sup>, and in particular Article 4(6) thereof,

Whereas:

- (1) The Community market price for pig carcasses, as referred to in Article 4(2) of Regulation (EEC) No 2759/75, must be established by weighting the prices recorded in each Member State by coefficients expressing the relative size of the pig population of each Member State. These coefficients should be determined on the basis of the number of pigs counted at the beginning of December each year in accordance with Council Directive 93/23/EEC of 1 June 1993 on the statistical surveys to be carried out on pig production <sup>(3)</sup>, as last amended by Directive 97/77/EC <sup>(4)</sup>.
- (2) In view of the results of the census of December 2001 the weighting coefficients fixed by Commission Regulation (EC) No 1284/2001 <sup>(5)</sup> should be adjusted.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The weighting coefficients referred to in Article 4(2) of Regulation (EEC) No 2759/75 shall be as specified in the Annex hereto.

*Article 2*

Regulation (EC) No 1284/2001 is hereby repealed.

*Article 3*

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

It shall apply from 1 July 2002.

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

Done at Brussels, 30 May 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 282, 1.11.1975, p. 1.

<sup>(2)</sup> OJ L 156, 29.6.2000, p. 5.

<sup>(3)</sup> OJ L 149, 21.6.1993, p. 1.

<sup>(4)</sup> OJ L 10, 16.1.1998, p. 28.

<sup>(5)</sup> OJ L 176, 29.6.2001, p. 25.

## ANNEX

**Weighting coefficients to be used in calculating the Community market price for pig carcasses**

Belgium	5,6
Denmark	10,6
Germany	21,2
Greece	0,8
Spain	19,2
France	12,5
Ireland	1,4
Italy	6,9
Luxembourg	0,1
Netherlands	9,4
Austria	2,8
Portugal	2,0
Finland	1,2
Sweden	1,6
United Kingdom	4,7

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## COMMISSION REGULATION (EC) No 904/2002

of 30 May 2002

**amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice**

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<sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000<sup>(2)</sup>, and in particular Article 13(11) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice<sup>(3)</sup>, as last amended by Commission Regulation (EC) No 411/2002<sup>(4)</sup>, and in particular Article 9(2) and Article 13(15) thereof,

Whereas:

- (1) The period of validity of the export licences without refund referred to in Article 7(2a) and (3a) of Commission Regulation (EC) No 1162/95<sup>(5)</sup>, as last amended by Regulation (EC) No 2298/2001<sup>(6)</sup>, is currently limited to 30 days from the day of issue. Experience has shown that such a period is often too short because of the time taken by goods to reach ports; that period of validity should therefore be extended.
- (2) It has been found that, in periods of an increase in refund rates, the security of EUR 30 per tonne laid down in Article 10(c) of Regulation (EC) No 1162/95 is not sufficient to prevent large numbers of export licences in force for rice being returned to the issuing authorities. As such returns may generate problems in the administration of the exports, they should be discouraged by raising this guarantee.
- (3) Article 10(d) of Regulation (EC) No 1162/95 lays down a security of EUR 20 per tonne for the products referred to in Article 1 of Regulation (EEC) No 1766/92. Given the general reduction in refund levels the securities for export licences should also be reduced.
- (4) Article 10(e) of Regulation (EC) No 1162/95 lays down for malt three different security amounts depending on the period of validity of the export licences. Given the

reduction in refund levels for malt exports the securities for those licences should be reduced and standardised.

- (5) Since the application of Agenda 2000, more and more cereal products have been exported with a refund equal to zero. Article 12 of Regulation (EC) No 1162/95 provides for a monthly adjustment of the amount of the refund. To avoid those cereal exports being regarded as subsidised under the rules of the World Trade Organisation negative corrections should be applied. To simplify administration of the exports it is preferable to regard a refund at an amount equal to zero as being ineligible for such an adjustment.
- (6) Article 12(6) of Regulation (EC) No 1162/95 stipulates that the adjustment provisions are not to apply to food aid operations. Since a similar provision has been introduced into Regulation (EC) No 2298/2001 laying down detailed rules for the export of products supplied as food aid that paragraph should be repealed.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 1162/95 is amended as follows:

1. Article 7(2a) is replaced by the following:

'2a. In cases where no refund or export tax has been fixed, export licences for the products referred to in Article 1 of Regulation (EEC) No 1766/92 and Article 1 of Regulation (EC) No 3072/95 shall be valid for 60 days from the day of issue.'

2. The third subparagraph of Article 7(3a) is replaced by the following:

'Such export licences shall be valid for 60 days from the day of issue.'

3. The first sentence of Article 10(c) is replaced by the following:

'EUR 45 per tonne for the products referred to in Article 1 of Regulation (EEC) No 3072/95 in the case of export licences.'

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 1.

<sup>(3)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(4)</sup> OJ L 62, 5.3.2002, p. 27.

<sup>(5)</sup> OJ L 117, 24.5.1995, p. 2.

<sup>(6)</sup> OJ L 308, 27.11.2001, p. 16.

4. Article 10(d) is replaced by the following:

‘(d) EUR 15 per tonne for the products referred to in Article 1 of Regulation (EEC) No 1766/92 in the case of export licences.

However, in the case of licences issued with a refund in accordance with Article 7(2), the security shall be EUR 24 per tonne.

For exports to ACP countries under licences with special terms of validity, in accordance with Article 9 of this Regulation, the security shall be EUR 12 per tonne.’

5. Article 10(e) is deleted.

6. In Article 12, the following paragraph 1a is added:

‘1a. The adjustment provided for in paragraph 1 shall not apply where the amount of the refund is equal to zero.’

7. In Article 12, the following paragraph 4a is added:

‘4a. The adjustment provided for in paragraph 4 shall not apply where the amount of the refund is equal to zero.’

8. Article 12(6) is deleted.

#### *Article 2*

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

It shall apply from 1 July 2002.

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

Done at Brussels, 30 May 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## COMMISSION REGULATION (EC) No 905/2002

of 30 May 2002

**supplementing the Annex to Regulation (EC) No 2400/96 on the entry of certain names in the 'Register of protected designations of origin and protected geographical indications' provided for in Council Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (Calçot de Valls)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 2796/2000 <sup>(2)</sup>, and in particular Article 6(3) and (4) thereof,

Whereas:

- (1) In accordance with Article 5 of Regulation (EEC) No 2081/92, Spain has sent the Commission an application for the registration of the name 'Calçot de Valls' as a protected geographical indication.
- (2) In accordance with Article 6(1) of that Regulation, the application has been found to meet all the requirements laid down therein and in particular to contain all the information required in accordance with Article 4 thereof.
- (3) No statement of objection under Article 7 of Regulation (EEC) No 2081/92 has been received by the Commission in respect of the name given in the Annex hereto

following its publication in the *Official Journal of the European Communities* <sup>(3)</sup>.

- (4) The name should therefore be entered in the 'Register of protected designations of origin and protected geographical indications' and hence be protected throughout the Community as a protected geographical indication.
- (5) The Annex hereto supplements the Annex to Commission Regulation (EC) No 2400/96 <sup>(4)</sup>, as last amended by Regulation (EC) No 564/2002 <sup>(5)</sup>,

HAS ADOPTED THIS REGULATION:

*Article 1*

The name in the Annex hereto is hereby added to the Annex to Regulation (EC) No 2400/96 and entered as a protected geographical indication (PGI) in the 'Register of protected designations of origin and protected geographical indications' provided for in Article 6(3) of Regulation (EEC) No 2081/92.

*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 May 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 208, 24.7.1992, p. 1.  
<sup>(2)</sup> OJ L 324, 21.12.2000, p. 26.

<sup>(3)</sup> OJ C 198, 13.7.2001, p. 3.  
<sup>(4)</sup> OJ L 327, 17.12.1996, p. 11.  
<sup>(5)</sup> OJ L 86, 3.4.2002, p. 7.

ANNEX

**PRODUCTS LISTED IN ANNEX I TO THE EC TREATY, INTENDED FOR HUMAN CONSUMPTION**

**Fruit, vegetables and cereals**

SPAIN

— Calçot de Valls (PGI)

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**COMMISSION REGULATION (EC) No 906/2002**  
**of 30 May 2002**  
**amending Regulation (EC) No 1555/96 on rules of application for additional import duties on fruit and vegetables**

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 545/2002 <sup>(2)</sup>, and in particular Article 33(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1555/96 <sup>(3)</sup>, as last amended by Regulation (EC) No 736/2002 <sup>(4)</sup>, provides for surveillance of imports of the products listed in the Annex thereto. That surveillance is to be carried out in accordance with the rules on the surveillance of preferential imports laid down in Article 308d of Commission Regulation (EEC) No 2454/93 <sup>(5)</sup>, as last amended by Regulation (EC) No 444/2002 <sup>(6)</sup>.
- (2) For the purposes of Article 5(4) of the Agreement on Agriculture <sup>(7)</sup> concluded during the Uruguay Round of multilateral trade negotiations and in the light of the

latest data available for 1998, 1999 and 2000, the trigger levels for additional duties on lemons, pears and table grapes should be adjusted.

- (3) 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 Annex to Regulation (EC) No 1555/96 is hereby 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*.

It shall apply from 1 June 2002.

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

Done at Brussels, 30 May 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 297, 21.11.1996, p. 1.

<sup>(2)</sup> OJ L 84, 28.3.2002, p. 1.

<sup>(3)</sup> OJ L 193, 3.8.1996, p. 1.

<sup>(4)</sup> OJ L 113, 30.4.2002, p. 9.

<sup>(5)</sup> OJ L 253, 11.10.1993, p. 1.

<sup>(6)</sup> OJ L 68, 12.3.2002, p. 11.

<sup>(7)</sup> OJ L 336, 23.12.1994, p. 22.



## ANNEX

## ‘ANNEX

Without prejudice to the rules for the interpretation of the Combined Nomenclature, the description of the products is deemed to be indicative only. The scope of the additional duties for the purposes of this Annex is determined by the scope of the CN codes as they exist at the time of the adoption of this Regulation. Where “ex” appears before the CN code, the scope of the additional duties is determined both by the scope of the CN code and by the corresponding trigger period.

Serial No	CN code	Description	Trigger period	Trigger level (tonnes)
78.0015	ex 0702 00 00	Tomatoes	— 1 October to 31 March	189 144
78.0020			— 1 April to 30 September	14 449
78.0065	ex 0707 00 05	Cucumbers	— 1 May to 31 October	6 820
78.0075			— 1 November to 30 April	3 609
78.0085	ex 0709 10 00	Artichokes	— 1 November to 30 June	69 158
78.0100	0709 90 70	Courgettes	— 1 January to 31 December	82 028
78.0110	ex 0805 10 10 ex 0805 10 30 ex 0805 10 50	Oranges	— 1 December to 31 May	758 268
78.0120	ex 0805 20 10	Clementines	— 1 November to end of February	85 146
78.0130	ex 0805 20 30 ex 0805 20 50 ex 0805 20 70 ex 0805 20 90	Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids	— 1 November to end of February	93 931
78.0155	ex 0805 50 10	Lemons	— 1 June to 31 December	251 805
78.0160			— 1 January to 31 May	15 983
78.0170	ex 0806 10 10	Table grapes	— 21 July to 20 November	62 101
78.0175	ex 0808 10 20 ex 0808 10 50 ex 0808 10 90	Apples	— 1 January to 31 August	881 540
78.0180			— 1 September to 31 December	35 471
78.0220	ex 0808 20 50	Pears	— 1 January to 30 April	242 649
78.0235			— 1 July to 31 December	23 432
78.0250	ex 0809 10 00	Apricots	— 1 June to 31 July	4 156
78.0265	ex 0809 20 95	Cherries, other than sour cherries	— 21 May to 10 August	86 224
78.0270	ex 0809 30	Peaches, including nectarines	— 11 June to 30 September	3 378
78.0280	ex 0809 40 05	Plums	— 11 June to 30 September	81 605'

**COMMISSION REGULATION (EC) No 907/2002**  
**of 30 May 2002**  
**amending Regulation (EC) No 416/2002 adopting exceptional support measures for the pigmeat**  
**market in Spain**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat <sup>(1)</sup>, as last amended by Regulation (EC) No 1365/2000 <sup>(2)</sup>, and in particular Article 20 thereof,

Whereas:

- (1) In response to the outbreak of classical swine fever in certain production regions in Spain, Commission Regulation (EC) No 416/2002 <sup>(3)</sup>, as last amended by Regulation (EC) No 737/2002 <sup>(4)</sup>, adopted exceptional support measures for the pigmeat market in Spain.
- (2) Following the appearance of new cases of classical swine fever in Spain, the Spanish authorities established new protection and surveillance zones on 7 May 2002. The list of eligible zones given in Annex II to the Regulation

concerned should therefore be updated in the light of the current veterinary situation from 14 May 2002.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex II to Regulation (EC) No 416/2002 is replaced by the Annex hereto.

*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 14 May 2002.

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

Done at Brussels, 30 May 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 282, 1.11.1975, p. 1.

<sup>(2)</sup> OJ L 156, 29.6.2000, p. 5.

<sup>(3)</sup> OJ L 63, 6.3.2002, p. 19.

<sup>(4)</sup> OJ L 113, 30.4.2002, p. 11.

## ANNEX

## ‘ANNEX II

In the province of Barcelona, the protection and surveillance zones defined in Annexes I and II of the “Ordre” of the Generalitat de Catalunya of 7 May 2002, published in DOGC (*Diari Oficial de la Generalitat de Catalunya*) No 3633 of 10 May 2002, p. 8195.’

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**COMMISSION REGULATION (EC) No 908/2002**  
**of 30 May 2002**  
**correcting Regulation (EC) No 643/2002 concerning the issue of licences for the import of garlic**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 565/2002 of 2 April 2002 establishing the method for managing the tariff quotas and introducing a system of certificates of origin for garlic imported from third countries <sup>(1)</sup>,

Whereas:

- (1) Commission Regulation (EC) No 643/2002 <sup>(2)</sup>, as corrected by Regulation (EC) No 668/2002 <sup>(3)</sup>, sets the percentages for the issue of import licences covered by applications under Article 3(1) of Regulation (EC) No 565/2002 for products originating in China on 8 and 9 April 2002 and forwarded to the Commission on 11 April 2002.

- (2) Examination has revealed mistakes in the calculation of the percentages. These mistakes should be corrected without delay in the Regulation in question,

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 1 of Regulation (EC) No 643/2002:

- the percentage '15,932 %' is replaced by '16,637 %',
- the percentage '1,010 %' is replaced by '1,0397 %'.

*Article 2*

This Regulation shall enter into force on 31 May 2002.

It shall apply from 13 April 2002.

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

Done at Brussels, 30 May 2002.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Agriculture Director-General*

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<sup>(1)</sup> OJ L 86, 3.4.2002, p. 11.

<sup>(2)</sup> OJ L 96, 13.4.2002, p. 21.

<sup>(3)</sup> OJ L 103, 19.4.2002, p. 9.

**COMMISSION REGULATION (EC) No 909/2002**  
**of 30 May 2002**  
**correcting Regulation (EC) No 644/2002 concerning the issue of licences for the import of garlic**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 565/2002 of 2 April 2002 establishing the method for managing the tariff quotas and introducing a system of certificates of origin for garlic imported from third countries <sup>(1)</sup>,

Whereas:

- (1) Commission Regulation (EC) No 644/2002 <sup>(2)</sup> sets the percentages for the issue of import licences covered by applications under Article 3(1) of Regulation (EC) No 565/2002 for products originating in all other third countries except China and Argentina on 8 and 9 April 2002 and forwarded to the Commission on 11 April 2002.

- (2) Examination has revealed a mistake in the calculation of one of the percentages. That mistake should be corrected without delay in the Regulation in question,

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 1 of Regulation (EC) No 644/2002, the percentage '10,356 %' is replaced by '34,994 %'.

*Article 2*

This Regulation shall enter into force on 31 May 2002.

It shall apply from 13 April 2002.

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

Done at Brussels, 30 May 2002.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Agriculture Director-General*

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<sup>(1)</sup> OJ L 86, 3.4.2002, p. 11.

<sup>(2)</sup> OJ L 96, 13.4.2002, p. 22.

**COMMISSION REGULATION (EC) No 910/2002****of 30 May 2002****fixing the export refunds on products processed from cereals and rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice <sup>(3)</sup>, as last amended by Commission Regulation (EC) No 411/2002 <sup>(4)</sup>, and in particular Article 13(3) thereof,

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 31 May 2002.

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 1.

<sup>(3)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(4)</sup> OJ L 62, 5.3.2002, p. 27.

<sup>(5)</sup> OJ L 147, 30.6.1995, p. 55.

<sup>(6)</sup> OJ L 312, 23.12.1995, p. 25.

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

Done at Brussels, 30 May 2002.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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## ANNEX

**to the Commission Regulation of 30 May 2002 fixing the export refunds on products processed from cereals and rice**

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 <sup>(1)</sup>	C01	EUR/t	35,63	1104 23 10 9100	A00	EUR/t	38,18
1102 20 10 9400 <sup>(1)</sup>	C01	EUR/t	30,54	1104 23 10 9300	A00	EUR/t	29,27
1102 20 90 9200 <sup>(1)</sup>	C01	EUR/t	30,54	1104 29 11 9000	A00	EUR/t	0,00
1102 90 10 9100	C01	EUR/t	0,00	1104 29 51 9000	A00	EUR/t	0,00
1102 90 10 9900	C01	EUR/t	0,00	1104 29 55 9000	A00	EUR/t	0,00
1102 90 30 9100	C01	EUR/t	0,00	1104 30 10 9000	A00	EUR/t	0,00
1103 19 40 9100	A00	EUR/t	0,00	1104 30 90 9000	A00	EUR/t	6,36
1103 13 10 9100 <sup>(1)</sup>	A00	EUR/t	45,81	1107 10 11 9000	A00	EUR/t	0,00
1103 13 10 9300 <sup>(1)</sup>	A00	EUR/t	35,63	1107 10 91 9000	A00	EUR/t	0,00
1103 13 10 9500 <sup>(1)</sup>	A00	EUR/t	30,54	1108 11 00 9200	A00	EUR/t	0,00
1103 13 90 9100 <sup>(1)</sup>	A00	EUR/t	30,54	1108 11 00 9300	A00	EUR/t	0,00
1103 19 10 9000	A00	EUR/t	18,31	1108 12 00 9200	A00	EUR/t	40,72
1103 19 30 9100	A00	EUR/t	0,00	1108 12 00 9300	A00	EUR/t	40,72
1103 20 60 9000	A00	EUR/t	0,00	1108 13 00 9200	A00	EUR/t	40,72
1103 20 20 9000	A00	EUR/t	0,00	1108 13 00 9300	A00	EUR/t	40,72
1104 19 69 9100	A00	EUR/t	0,00	1108 19 10 9200	A00	EUR/t	30,40
1104 12 90 9100	A00	EUR/t	0,00	1108 19 10 9300	A00	EUR/t	30,40
1104 12 90 9300	A00	EUR/t	0,00	1109 00 00 9100	A00	EUR/t	0,00
1104 19 10 9000	A00	EUR/t	0,00	1702 30 51 9000 <sup>(2)</sup>	A00	EUR/t	39,89
1104 19 50 9110	A00	EUR/t	40,72	1702 30 59 9000 <sup>(2)</sup>	A00	EUR/t	30,54
1104 19 50 9130	A00	EUR/t	33,09	1702 30 91 9000	A00	EUR/t	39,89
1104 29 01 9100	A00	EUR/t	0,00	1702 30 99 9000	A00	EUR/t	30,54
1104 29 03 9100	A00	EUR/t	0,00	1702 40 90 9000	A00	EUR/t	30,54
1104 29 05 9100	A00	EUR/t	0,00	1702 90 50 9100	A00	EUR/t	39,89
1104 29 05 9300	A00	EUR/t	0,00	1702 90 50 9900	A00	EUR/t	30,54
1104 22 20 9100	A00	EUR/t	0,00	1702 90 75 9000	A00	EUR/t	41,80
1104 22 30 9100	A00	EUR/t	0,00	1702 90 79 9000	A00	EUR/t	29,01
				2106 90 55 9000	A00	EUR/t	30,54

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

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

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

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

C01: All destinations except Poland.



**COMMISSION REGULATION (EC) No 911/2002**  
**of 30 May 2002**  
**fixing the export refunds on cereal-based compound feedingstuffs**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EEC) No 1766/92 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice <sup>(3)</sup> in Article 2 lays down general rules for fixing the amount of such refunds.
- (3) That calculation must also take account of the cereal products content. In the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products. A refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff.

- (4) Furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export.
- (5) However, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported.
- (6) The refund must be fixed once a month; whereas it may be altered in the intervening period.
- (7) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 31 May 2002.

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

Done at Brussels, 30 May 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 1.

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 51.

## ANNEX

**to the Commission Regulation of 30 May 2002 fixing the export refunds on cereal-based compound feeding-stuffs**

Product codes benefiting from export refund:

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

Cereal products	Destination	Unit of measurement	Amount of refunds
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	A00	EUR/t	25,45
Cereal products excluding maize and maize products	A00	EUR/t	0,00

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

**COMMISSION REGULATION (EC) No 912/2002****of 30 May 2002****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>, and in particular Article 13(2) thereof,

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>, as last amended by Regulation (EC) No 602/2001 <sup>(4)</sup>.
- (3) As far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture. These quantities were fixed in Regulation (EC) No 1501/95.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1(a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 31 May 2002.

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

Done at Brussels, 30 May 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 1.

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7.

<sup>(4)</sup> OJ L 89, 29.3.2001, p. 16.

## ANNEX

**to the Commission Regulation of 30 May 2002 fixing the export refunds on cereals and on wheat or rye flour,  
groats and meal**

Product code	Destination	Unit of measurement	Amount of refunds	Product code	Destination	Unit of measurement	Amount of refunds
1001 10 00 9200	—	EUR/t	—	1101 00 11 9000	—	EUR/t	—
1001 10 00 9400	—	EUR/t	—	1101 00 15 9100	C01	EUR/t	6,85
1001 90 91 9000	—	EUR/t	—	1101 00 15 9130	C01	EUR/t	6,40
1001 90 99 9000	C01	EUR/t	—	1101 00 15 9150	C01	EUR/t	5,90
1002 00 00 9000	C06	EUR/t	—	1101 00 15 9170	C01	EUR/t	5,45
1003 00 10 9000	—	EUR/t	—	1101 00 15 9180	C01	EUR/t	5,10
1003 00 90 9000	C07	EUR/t	—	1101 00 15 9190	—	EUR/t	—
1004 00 00 9200	—	EUR/t	—	1101 00 90 9000	—	EUR/t	—
1004 00 00 9400	C06	EUR/t	0	1102 10 00 9500	C01	EUR/t	41,00
1005 10 90 9000	—	EUR/t	—	1102 10 00 9700	C01	EUR/t	32,50
1005 90 00 9000	A00	EUR/t	0	1102 10 00 9900	—	EUR/t	—
1007 00 90 9000	—	EUR/t	—	1103 11 10 9200	C06	EUR/t	0 <sup>(1)</sup>
1008 20 00 9000	—	EUR/t	—	1103 11 10 9400	C06	EUR/t	0 <sup>(1)</sup>
				1103 11 10 9900	—	EUR/t	—
				1103 11 90 9200	C06	EUR/t	0 <sup>(1)</sup>
				1103 11 90 9800	—	EUR/t	—

<sup>(1)</sup> No refund is granted when this product contains compressed meal.

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 2032/2000 (OJ L 243, 28.9.2000, p. 14) as amended.

The other destinations are as follows:

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

C06 All destinations except for Lithuania, Estonia and Latvia.

C07 All destinations except for Estonia and Latvia.

**COMMISSION REGULATION (EC) No 913/2002****of 30 May 2002****fixing the corrective amount applicable to the refund on cereals**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>, and in particular Article 13(8) thereof,

Whereas:

- (1) Article 13(8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>, as last amended by Regulation (EC) No 602/2001 <sup>(4)</sup>, allows for the fixing of a corrective amount for the products listed in Article 1(1)(c) of Regulation (EEC) No 1766/92. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) The world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination.
- (4) The corrective amount must be fixed at the same time as the refund and according to the same procedure; it may be altered in the period between fixings.
- (5) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The corrective amount referred to in Article 1(1)(a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance except for malt shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 June 2002.

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

Done at Brussels, 30 May 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 1.

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7.

<sup>(4)</sup> OJ L 89, 29.3.2001, p. 16.

## ANNEX

## to the Commission Regulation of 30 May 2002 fixing the corrective amount applicable to the refund on cereals

(EUR/t)

Product code	Destination	Current 6	1st period 7	2nd period 8	3rd period 9	4th period 10	5th period 11	6th period 12
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	—	—	—	—	—	—	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	C01	—	0,00	-0,93	-1,86	-2,79	—	—
1002 00 00 9000	C03	-10,00	-10,00	-10,00	-10,00	-10,00	—	—
	C04	0,00	0,00	00,00	00,00	00,00	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	C07	—	0,00	-0,93	-1,86	-2,79	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	C04	0	0,00	-0,93	-1,86	-2,79	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	A00	0	-0,93	-1,86	-1,86	0,00	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	C01	0	0,00	-1,27	-2,55	-3,82	—	—
1101 00 15 9130	C01	0	0,00	-1,19	-2,38	-3,57	—	—
1101 00 15 9150	C01	0	0,00	-1,10	-2,19	-3,29	—	—
1101 00 15 9170	C01	0	0,00	-1,01	-2,03	-3,04	—	—
1101 00 15 9180	C01	0	0,00	-0,95	-1,90	-2,85	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	C01	0	0,00	0,00	0,00	0,00	—	—
1102 10 00 9700	C01	0	0,00	0,00	0,00	0,00	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	C04	0	0,00	-1,40	-2,79	-4,18	—	—
1103 11 10 9400	C04	0	0,00	-1,25	-2,49	-3,74	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	C04	0	0,00	-1,27	-2,55	-3,82	—	—
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:

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

C03 Poland, Czech Republic, Slovak Republic, Hungary, 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,

C04 All destinations except for Lithuania, Estonia and Latvia,

C07 All destinations except for Estonia and Latvia.

**COMMISSION REGULATION (EC) No 914/2002****of 30 May 2002****fixing the maximum export refund on barley in connection with the invitation to tender issued in Regulation (EC) No 1558/2001**

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>, as last amended by Regulation (EC) No 602/2001 <sup>(4)</sup>, and in particular Article 4 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of barley to all third countries except for the United States of America and Canada was opened pursuant to Commission Regulation (EC) No 1558/2001 <sup>(5)</sup>.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix

a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1.
- (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*

For tenders notified from 24 to 30 May 2002, pursuant to the invitation to tender issued in Regulation (EC) No 1558/2001, the maximum refund on exportation of barley shall be EUR 5,00/t.

*Article 2*

This Regulation shall enter into force on 31 May 2002.

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

Done at Brussels, 30 May 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 1.

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7.

<sup>(4)</sup> OJ L 89, 29.3.2001, p. 16.

<sup>(5)</sup> OJ L 205, 31.7.2001, p. 33.

**COMMISSION REGULATION (EC) No 915/2002****of 30 May 2002****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 943/2001**

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>,Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>, as last amended by Regulation (EC) No 602/2001 <sup>(4)</sup>, and in particular Article 4 thereof,

Whereas:

- (1) An invitation to tender for the refund on exportation of common wheat to all third countries with the exclusion of Poland was opened pursuant to Commission Regulation (EC) No 943/2001 <sup>(5)</sup>.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix

a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1.
- (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*

For tenders notified from 24 to 30 May 2002, pursuant to the invitation to tender issued in Regulation (EC) No 943/2001, the maximum refund on exportation of common wheat shall be EUR 5,00/t.

*Article 2*

This Regulation shall enter into force on 31 May 2002.

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

Done at Brussels, 30 May 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.<sup>(2)</sup> OJ L 193, 29.7.2000, p. 1.<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7.<sup>(4)</sup> OJ L 89, 29.3.2001, p. 16.<sup>(5)</sup> OJ L 133, 16.5.2001, p. 3.



**COMMISSION REGULATION (EC) No 916/2002****of 30 May 2002****concerning tenders notified in response to the invitation to tender for the import of maize issued in Regulation (EC) No 537/2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>, and in particular Article 12(1) thereof,

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on maize imported into Portugal was opened pursuant to Commission Regulation (EC) No 537/2002 <sup>(3)</sup>, as amended by Regulation (EC) No 775/2002 <sup>(4)</sup>.
- (2) Article 5 of Commission Regulation (EC) No 1839/95 <sup>(5)</sup>, as last amended by Regulation (EC) No 2235/2000 <sup>(6)</sup>, allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 and on the basis of the tenders notified, to make no award.

(3) On the basis of the criteria laid down in Articles 6 and 7 of Regulation (EC) No 1839/95 a maximum reduction in the duty should not be fixed.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

No action shall be taken on the tenders notified from 24 to 30 May 2002 in response to the invitation to tender for the reduction in the duty on imported maize issued in Regulation (EC) No 537/2002.

*Article 2*

This Regulation shall enter into force on 31 May 2002.

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

Done at Brussels, 30 May 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 1.

<sup>(3)</sup> OJ L 82, 26.3.2002, p. 3.

<sup>(4)</sup> OJ L 123, 9.5.2002, p. 21.

<sup>(5)</sup> OJ L 177, 28.7.1995, p. 4.

<sup>(6)</sup> OJ L 256, 10.10.2000, p. 13.

**COMMISSION REGULATION (EC) No 917/2002****of 30 May 2002****concerning tenders notified in response to the invitation to tender for the export of oats issued in Regulation (EC) No 1789/2001**

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>, as last amended by Regulation (EC) No 602/2001 <sup>(4)</sup>,

Having regard to Commission Regulation (EC) No 1789/2001 of 12 September 2001 on a special intervention measure for cereals in Finland and Sweden <sup>(5)</sup>, and in particular Article 8 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland or Sweden to all third countries was opened pursuant to Regulation (EC) No 1789/2001.

- (2) According to Article 8 of Regulation (EC) No 1789/2001 the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to make no award.

- (3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 a maximum refund should not be fixed.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

No action shall be taken on the tenders notified from 24 to 30 May 2002 in response to the invitation to tender for the refund for the export of oats issued in Regulation (EC) No 1789/2001.

*Article 2*

This Regulation shall enter into force on 31 May 2002.

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

Done at Brussels, 30 May 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 1.

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7.

<sup>(4)</sup> OJ L 89, 29.3.2001, p. 16.

<sup>(5)</sup> OJ L 243, 13.9.2001, p. 15.

**COMMISSION REGULATION (EC) No 918/2002**  
**of 30 May 2002**  
**fixing the export refunds on malt**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>, and in particular the third subparagraph of Article 13(2) thereof,

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>, as last amended by Regulation (EC) No 602/2001 <sup>(4)</sup>.
- (3) The refund applicable in the case of malts must be calculated with amount taken of the quantity of cereals required to manufacture the products in question. The said quantities are laid down in Regulation (EC) No 1501/95.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying these rules to the present situation on markets in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on malt listed in Article 1(1)(c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 31 May 2002.

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

Done at Brussels, 30 May 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 1.

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7.

<sup>(4)</sup> OJ L 89, 29.3.2001, p. 16.

## ANNEX

**to the Commission Regulation of 30 May 2002 fixing the export refunds on malt**

Product code	Destination	Unit of measurement	Amount of refunds
1107 10 19 9000	C05	EUR/t	0,00
1107 10 99 9000	C05	EUR/t	0,00
1107 20 00 9000	C05	EUR/t	0,00

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

The 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:

C05 All destinations except for Latvia and Estonia.

**COMMISSION REGULATION (EC) No 919/2002****of 30 May 2002****fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 767/2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>, and in particular Article 12(1) thereof,

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on maize imported into Spain was opened pursuant to Commission Regulation (EC) No 767/2002 <sup>(3)</sup>.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 1839/95 <sup>(4)</sup>, as last amended by Regulation (EC) No 2235/2000 <sup>(5)</sup>, the Commission, acting under the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, may decide to fix maximum reduction in the import duty. In fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty.

(3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty being fixed at the amount specified in Article 1.

(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*

For tenders notified from 24 to 30 May 2002, pursuant to the invitation to tender issued in Regulation (EC) No 767/2002, the maximum reduction in the duty on maize imported shall be 35,43 EUR/t and be valid for a total maximum quantity of 31 000 t.

*Article 2*

This Regulation shall enter into force on 31 May 2002.

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

Done at Brussels, 30 May 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 1.

<sup>(3)</sup> OJ L 119, 7.5.2002, p. 3.

<sup>(4)</sup> OJ L 177, 28.7.1995, p. 4.

<sup>(5)</sup> OJ L 256, 10.10.2000, p. 13.

**COMMISSION REGULATION (EC) No 920/2002**  
**of 30 May 2002**  
**on the issuing of export licences for wine-sector products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 883/2001 of 24 April 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 <sup>(1)</sup>, as amended by Regulation (EC) No 885/2001 <sup>(2)</sup>, and in particular Article 7 and Article 9(3) thereof,

Whereas:

- (1) Article 63(7) of Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine <sup>(3)</sup>, as last amended by Regulation (EC) No 2585/2001 <sup>(4)</sup>, limits the grant of export refunds for wine-sector products to the volumes and expenditure contained in the Agreement on Agriculture concluded during the Uruguay Round multilateral trade negotiations.
- (2) Article 9 of Regulation (EC) No 883/2001 lays down the conditions under which the Commission may take specific measures to prevent an overrun of the quantity laid down or the budget available under the said Agreement.
- (3) On the basis of information on export licence applications available to the Commission on 29 May 2002, the quantity still available for the period until 30 June 2002,

for zone (4) Western Europe, referred to in Article 9(5) of Regulation (EC) No 883/2001, could be exceeded unless the issue of export licences with advance fixing of the refund is restricted. Therefore, a single percentage for the acceptance of applications submitted from 22 to 28 May 2002 should be applied and the submission of applications and the issue of licences suspended for this zone until 1 July 2002,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Export licences with advance fixing of the refund for wine-sector products for which applications are submitted from 22 to 28 May 2002 under Regulation (EC) No 883/2001 shall be issued for 79,52 % of the quantities requested for zone (4) Western Europe.
2. The issue of export licences for wine-sector products referred to in paragraph 1 for which applications are submitted from 29 May 2002 and the submission of export licence applications from 31 May 2002 for zone (4) Western Europe shall be suspended until 1 July 2002.

*Article 2*

This Regulation shall enter into force on 31 May 2002.

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

Done at Brussels, 30 May 2002.

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

<sup>(1)</sup> OJ L 128, 10.5.2001, p. 1.

<sup>(2)</sup> OJ L 128, 10.5.2001, p. 54.

<sup>(3)</sup> OJ L 179, 14.7.1999, p. 1.

<sup>(4)</sup> OJ L 345, 29.12.2001, p. 10.

**COMMISSION REGULATION (EC) No 921/2002****of 30 May 2002****fixing the rates of the refunds applicable to certain cereal and rice-products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>, and in particular Article 13(3) thereof,

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

Whereas:

- (1) Article 13(1) of Regulation (EEC) No 1766/92 and Article 13(1) of Regulation (EC) No 3072/95 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds <sup>(5)</sup>, as last amended by Regulation (EC) No 595/2002 <sup>(6)</sup>, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 as appropriate.
- (3) In accordance with the first subparagraph of Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.
- (4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1(1) of Regulation (EC) No 3072/95, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to amended Regulation (EC) No 3072/95 respectively, are hereby fixed as shown in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 31 May 2002.

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 1.

<sup>(3)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(4)</sup> OJ L 62, 5.3.2002, p. 27.

<sup>(5)</sup> OJ L 177, 15.7.2000, p. 1.

<sup>(6)</sup> OJ L 91, 6.4.2002, p. 5.

<sup>(7)</sup> OJ L 275, 29.9.1987, p. 36.

<sup>(8)</sup> OJ L 159, 1.7.1993, p. 112.

<sup>(9)</sup> OJ L 242, 12.9.2001, p. 3.

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

Done at Brussels, 30 May 2002.

*For the Commission*

Erkki LIIKANEN

*Member of the Commission*

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## ANNEX

**to the Commission Regulation of 30 May 2002 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty**

		(EUR/100 kg)	
CN code	Description of products <sup>(1)</sup>	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in other cases	— —	— —
1001 90 99	Common wheat and meslin: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in other cases: – – where Article 4(5) of Regulation (EC) No 1520/2000 applies <sup>(2)</sup> – – where goods falling within subheading 2208 <sup>(3)</sup> are exported – – in other cases	— — — — —	— — — — —
1002 00 00	Rye	1,831	1,831
1003 00 90	Barley – where goods falling within subheading 2208 <sup>(3)</sup> are exported – in other cases	— —	— —
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of: – starch: – – where Article 4(5) of Regulation (EC) No 1520/2000 applies <sup>(2)</sup> – – where goods falling within subheading 2208 <sup>(3)</sup> are exported – – in other cases – glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 <sup>(4)</sup> : – – where Article 4(5) of Regulation (EC) No 1520/2000 applies <sup>(2)</sup> – – where goods falling within subheading 2208 <sup>(3)</sup> are exported – – in other cases – where goods falling within subheading 2208 <sup>(3)</sup> are exported – other (including unprocessed)  Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize: – where Article 4(5) of Regulation (EC) No 1520/2000 applies <sup>(2)</sup> – – where goods falling within subheading 2208 <sup>(3)</sup> are exported – in other cases	2,278 0,704 2,545  1,641 0,528 1,909 0,704 2,545  2,278 0,704 2,545	2,278 0,704 2,545  1,641 0,528 1,909 0,704 2,545  2,278 0,704 2,545

(EUR/100 kg)			
CN code	Description of products <sup>(1)</sup>	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly-milled rice:		
	– round grain	8,000	8,000
	– medium grain	8,000	8,000
	– long grain	8,000	8,000
1006 40 00	Broken rice	2,000	2,000
1007 00 90	Sorghum	—	—

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

<sup>(2)</sup> The goods concerned fall under CN code 3505 10 50.

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

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

**COMMISSION REGULATION (EC) No 922/2002****of 30 May 2002****fixing the export refunds on rice and broken rice and suspending the issue of export licences**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 13 of Regulation (EC) No 3072/95 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Article 13(4) of Regulation (EC) No 3072/95, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other. The same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market with limits resulting from agreements concluded in accordance with Article 300 of the Treaty.
- (3) Commission Regulation (EEC) No 1361/76 <sup>(3)</sup> lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum.
- (4) Export possibilities exist for a quantity of 2 500 tonnes of rice to certain destinations. The procedure laid down in Article 7(4) of Commission Regulation (EC) No 1162/95 <sup>(4)</sup>, as last amended by Regulation (EC) No 2298/2001 <sup>(5)</sup>, should be used. Account should be taken of this when the refunds are fixed.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

With the exception of the quantity of 2 500 tonnes provided for in the Annex, the issue of export licences with advance fixing of the refund is suspended.

*Article 3*

This Regulation shall enter into force on 31 May 2002.

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 62, 5.3.2002, p. 27.

<sup>(3)</sup> OJ L 154, 15.6.1976, p. 11.

<sup>(4)</sup> OJ L 117, 24.5.1995, p. 2.

<sup>(5)</sup> OJ L 308, 27.11.2001, p. 16.

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

Done at Brussels, 30 May 2002.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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## ANNEX

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

Product code	Destination	Unit of measurement	Amount of refunds <sup>(1)</sup>	Product code	Destination	Unit of measurement	Amount of refunds <sup>(1)</sup>
1006 20 11 9000	R01	EUR/t	69	1006 30 65 9100	R01	EUR/t	86
1006 20 13 9000	R01	EUR/t	69		R02	EUR/t	80
1006 20 15 9000	R01	EUR/t	69		R03	EUR/t	85
1006 20 17 9000	—	EUR/t	—		064	EUR/t	54
1006 20 92 9000	R01	EUR/t	69		A97	EUR/t	80
1006 20 94 9000	R01	EUR/t	69		021 and 023	EUR/t	80
1006 20 96 9000	R01	EUR/t	69	1006 30 65 9900	R01	EUR/t	86
1006 20 98 9000	—	EUR/t	—		064	EUR/t	54
1006 30 21 9000	R01	EUR/t	69		A97	EUR/t	80
1006 30 23 9000	R01	EUR/t	69	1006 30 67 9100	021 and 023	EUR/t	80
1006 30 25 9000	R01	EUR/t	69		064	EUR/t	54
1006 30 27 9000	—	EUR/t	—	1006 30 67 9900	064	EUR/t	54
1006 30 42 9000	R01	EUR/t	69	1006 30 92 9100	R01	EUR/t	86
1006 30 44 9000	R01	EUR/t	69		R02	EUR/t	80
1006 30 46 9000	R01	EUR/t	69		R03	EUR/t	85
1006 30 48 9000	—	EUR/t	—		064	EUR/t	54
1006 30 61 9100	R01	EUR/t	86		A97	EUR/t	80
	R02	EUR/t	80		021 and 023	EUR/t	80
	R03	EUR/t	85	1006 30 92 9900	R01	EUR/t	86
	064	EUR/t	54		A97	EUR/t	80
	A97	EUR/t	80		064	EUR/t	54
	021 and 023	EUR/t	80	1006 30 94 9100	R01	EUR/t	86
1006 30 61 9900	R01	EUR/t	86		R02	EUR/t	80
	A97	EUR/t	80		R03	EUR/t	85
	064	EUR/t	54		064	EUR/t	54
1006 30 63 9100	R01	EUR/t	86		A97	EUR/t	80
	R02	EUR/t	80		021 and 023	EUR/t	80
	R03	EUR/t	85	1006 30 94 9900	R01	EUR/t	86
	064	EUR/t	54		A97	EUR/t	80
	A97	EUR/t	80		064	EUR/t	54
	021 and 023	EUR/t	80	1006 30 96 9100	R01	EUR/t	86
1006 30 63 9900	R01	EUR/t	86		R02	EUR/t	80
	064	EUR/t	54		R03	EUR/t	85
	A97	EUR/t	80		064	EUR/t	54
					A97	EUR/t	80
					021 and 023	EUR/t	80
				1006 30 96 9900	R01	EUR/t	86
					A97	EUR/t	80
					064	EUR/t	54
				1006 30 98 9100	021 and 023	EUR/t	80
				1006 30 98 9900	—	EUR/t	—
				1006 40 00 9000	—	EUR/t	—

<sup>(1)</sup> The procedure laid down in Article 7(4) of Regulation (EC) No 1162/95 applies to licences applied for under that Regulation for 5 000 t.

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

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

The other destinations are defined as follows:

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

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

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

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

**MONETARY AGREEMENT BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC, ON BEHALF OF THE EUROPEAN COMMUNITY, AND THE GOVERNMENT OF HIS SERENE HIGHNESS THE PRINCE OF MONACO <sup>(1)</sup>**

**(Only the French text is authentic)**

**THE FRENCH REPUBLIC**

MINISTER FOR ECONOMIC AFFAIRS, FINANCE AND INDUSTRY

Mr Patrick Leclercq  
Minister of State  
Place de la Visitation - BP No 522  
MC 98015 Monaco Cedex

Paris, 24 December 2001

Sir,

Following the exchanges between the representatives of our States with a view to introducing the euro into the Principality of Monaco, with which the European Commission and the European Central Bank were fully associated, I have the honour, by order of my Government and on behalf of the European Community, to propose the following provisions, which have received the agreement of the Economic and Financial Committee:

Having regard to the Treaty establishing the European Community, and in particular Article 111(3) thereof,

Having regard to Council Regulation (EC) No 974/98 of 3 May 1998,

Having regard to the Council decision of 31 December 1998 on the position to be taken by the Community regarding an agreement concerning monetary relations with the Principality of Monaco,

Having regard to the Franco-Monegasque Agreement of 14 April 1945 concerning foreign exchange control and the Exchanges of Letters between the Government of the French Republic and the Government of His Serene Highness the Prince of Monaco of 18 May 1963, 27 November 1987 and 10 May 2001 concerning banking regulations,

Having regard to Article 18 of the Neighbourhood Agreement between France and the Principality of Monaco of 18 May 1963,

Having regard to the Exchange of Letters of 31 December 1998 between the Government of the French Republic and the Monegasque Government,

Having regard to the agreement of the European Central Bank (hereinafter the ECB) to grant access to payment systems in the euro area,

Having regard to the opinion of the Economic and Financial Committee,

The Commission of the European Communities (hereinafter the Commission) and the ECB having been fully associated,

- (1) Whereas the Council of the European Union meeting at the level of the Heads of State or Government provided in its decision of 3 May 1998 that France is one of the Member States of the European Community that has adopted the euro;
- (2) Whereas since 1 January 1999, for Member States having adopted the euro, monetary issues fall under the competence of the European Community;
- (3) Whereas pursuant to Declaration No 6 annexed to the Final Act of the Treaty on European Union, the Community undertakes to facilitate such renegotiations of existing arrangements between the Government of the French Republic and the Government of His Serene Highness the Prince of Monaco as might become necessary as a result of the introduction of the single currency;

<sup>(1)</sup> This convention entered into force on 26 December 2001.

- (4) Whereas the decision of 31 December 1998 provides that the Government of the French Republic is to conduct negotiations with the Monegasque Government on behalf of the European Community, that the Commission is to be fully associated with the negotiations and that the ECB is also to be fully associated with the negotiations in its fields of competence and that it is to agree to the conditions under which financial institutions located in the territory of the Principality of Monaco may have access to payment systems in the euro area;
- (5) Whereas the Council decision of 31 December 1998 provides that the Principality of Monaco may use the euro as its official currency and may grant legal tender status to banknotes and coins in euro issued by the European System of Central Banks and the Member States which have adopted the euro;
- (6) Whereas the abovementioned decision provides, as one of the principles on which the Community bases its position in the negotiations, that the Principality of Monaco is to undertake not to issue any banknotes, coins or monetary surrogates of any kind unless the conditions for such issuance have been agreed with the Community;
- (7) Whereas under the terms of the abovementioned decision, the Principality of Monaco must ensure that Community rules on banknotes and coins denominated in euro are applicable in its territory; whereas euro banknotes and coins must be given appropriate protection against counterfeiting; whereas it is important for the Principality of Monaco to take all the necessary measures to combat counterfeiting and to cooperate with the Commission, the ECB and the European Police Office (Europol) in this area;
- (8) Whereas the Council has provided that financial institutions established in the Principality of Monaco may have access to payment systems within the euro area under the conditions agreed with the ECB and that they may be subject to the minimum reserve and statistical reporting obligations of the ECB; whereas until 31 December 1998, credit institutions established in the Principality of Monaco were subject to the same minimum reserve and statistical reporting requirements as credit institutions established in France and had access to French payment systems and to refinancing by the Banque de France; whereas in order to maintain conditions allowing for competition, it is necessary to maintain these obligations and these possibilities, it being understood that the rules laid down by the ECB regarding minimum reserve and statistical reporting obligations should now be applied, and that access to payment systems now concerns the euro area under the conditions agreed with the ECB and laid down in this Agreement;
- (9) Whereas access to payment systems implies the possibility of access to securities settlement systems, since they apply the principle of settling in gross amounts and real time;
- (10) Whereas it is appropriate therefore for credit institutions, and where relevant, other financial institutions established in the territory of the Principality of Monaco to be subject, firstly, to the same rules as those established in the euro area for the purposes of monetary policy instruments and procedure and; secondly, to the same rules as those established in the euro area for the purposes of prudential supervision and prevention of systemic risks in payment and securities settlement systems; and thirdly, to equivalent provisions concerning other areas governed by this Agreement under the conditions mentioned therein;
- (11) Whereas registered companies, established in the Principality of Monaco, exclusively involved with portfolio management for third parties or the transmission of instructions, may not have access to the abovementioned systems or be subject to the abovementioned obligations;
- (12) Whereas this Agreement may not confer any right on credit institutions, or where relevant, on other financial institutions established in the territory of the Principality of Monaco concerning freedom of establishment and to provide services in the European Community; similarly, this Agreement may not confer any right on credit institutions, or where relevant, on other financial institutions established in the territory of the European Community concerning freedom of establishment and to provide services in the Principality of Monaco;
- (13) Whereas this Agreement does not impose any obligation on the ECB and national central banks to include Monaco's financial instruments in the list(s) of securities eligible for monetary policy operations of the European System of Central Banks;
- (14) Whereas as a consequence of subjecting credit institutions, and where appropriate, other financial institutions established in the territory of the Principality of Monaco to the same rules as those established in France for the purposes of banking regulations and the prevention of systemic risks to payment and securities settlement systems and to equivalent provisions concerning other areas governed by this Agreement, the parties undertake to cooperate in good faith in order to ensure that the law applicable in Monaco in the areas covered by this Agreement will at all times be identical, or where appropriate, equivalent to the law applicable in France;

- (15) Whereas, in view of the objective of this Agreement, it is useful to establish a joint committee composed of representatives of the Principality of Monaco, the Commission, the ECB and France, in order to examine the equivalence of measures taken by the Principality of Monaco and by the Member States in implementing Community Acts mentioned in Annex B in addition to the technical steps according to which new Community legal acts will be added to the list in Annex B to this Agreement;
- (16) Whereas, in view of the need to ensure a uniform interpretation of Community law, the parties have expressed their common wish for the jurisdiction of the Court of Justice, as laid down in Article 234 of the Treaty establishing the European Community, to be extended to the Principality of Monaco, and to all questions concerning the interpretation of this Agreement; whereas the Court of Justice is considering in a more general context the possibility of extending its jurisdiction to these questions; whereas the parties will adapt this Agreement if it is confirmed that the jurisdiction of the Court of Justice has indeed been extended in this way,

#### Article 1

The Principality of Monaco shall be entitled from 1 January 1999 to use the euro as its official currency, taking the necessary internal legal steps pursuant to Regulation (EC) No 1103/97, Regulation (EC) No 974/98, as amended, and Regulation (EC) No 2866/98, as amended.

#### Article 2

1. From 1 January 2002, the Principality of Monaco shall grant legal tender status to banknotes and coins in euro. The Principality of Monaco shall undertake, on the one hand, to take internal legal measures in order to apply to its territory the Community provisions concerning euro banknotes and coins, and, on the other hand, to adopt a timetable identical to that laid down by France for the introduction of euro banknotes and coins.

2. Currency circulating within the Principality of Monaco shall be withdrawn according to the procedure agreed between the Government of the French Republic and the Government of His Serene Highness the Prince of Monaco and according to a timetable identical to that laid down by France for the withdrawal of currency circulating within its own territory. France shall proceed to withdraw the currency of the Principality of Monaco in circulation within its territory following procedures agreed with the Government of His Serene Highness the Prince of Monaco.

#### Article 3

The Principality of Monaco shall not issue banknotes. It shall only issue coins after agreement with the Community concerning the conditions of issuance. The conditions relating

to issuance of a limited quantity of euro coins from 1 January 2002 and Monegasque coins in francs until 31 December 2001 are laid down by this Agreement in the following Articles.

#### Article 4

1. From 1 January 2002, the Principality of Monaco may issue euro coins with an annual volume of 1/500th of the quantity of coins minted in France.
2. Euro coins issued by the Principality of Monaco shall be identical to euro coins issued by the Member States of the European Community having adopted the euro with respect to the face value, legal tender status and technical and design characteristics on the common side and the common design characteristics on the national side.
3. The competent Community authorities shall be notified in advance of the design characteristics of the national side.

#### Article 5

1. The annual volume of euro coins issued by the Principality of Monaco shall be added to the volume of coins issued by France for the purposes of ECB approval of the total volume of coins minted by France, as required by Article 106(2) of the Treaty establishing the European Community.
2. Not later than 1 September each year, the Principality of Monaco shall notify France of the volume and the face value of the euro coins that it intends to issue during the following year.

#### Article 6

1. The Principality of Monaco may issue euro collector coins. Their value shall be taken into account with regard to the annual volume laid down by Article 4. The issuance of collector coins by the Principality of Monaco shall conform with the guidelines concerning collector coins issued by the Member States of the European Community which require, *inter alia*, the adoption of technical and design characteristics and unitary values allowing these coins to be distinguished from those intended for circulation.
2. Collector coins issued by the Principality of Monaco shall not be legal tender in the European Community.

#### Article 7

1. France shall place the Hôtel de la Monnaie de Paris at the disposal of the Principality of Monaco to mint its coins.
2. The Principality of Monaco shall undertake to use the Hôtel de la Monnaie de Paris and no other establishment to mint its coins.



*Article 8*

1. The Principality of Monaco shall not issue euro coins before 1 January 2002.
2. The Principality of Monaco may issue Monegasque coins in francs until 31 December 2001. These coins shall be identical to coins in francs as regards their alloy, fineness, coinage and value.
3. Until the time of their withdrawal as legal tender, coins and banknotes in francs shall be legal tender in the Principality of Monaco.

*Article 9*

The Principality of Monaco shall cooperate closely with the European Community to combat counterfeiting of euro banknotes and coins and to suppress and punish any counterfeiting of euro banknotes and coins which may occur in its territory. The Principality of Monaco shall undertake to adopt, within a reasonable time, the appropriate steps to prevent counterfeiting laid down in the framework decision of 29 May 2000 on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro and Council Regulation (EC) No 1338/2001 of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting. The measures laying down detailed rules for cooperation in this area shall be set out in specific Exchanges of Letters between France, acting on behalf of the European Community, and in agreement with the Commission and the ECB, and the Principality of Monaco.

*Article 10*

1. Credit institutions, and where appropriate, other financial institutions authorised to carry out their activities in the territory of the Principality of Monaco may, under the conditions laid down in Article 11, participate in interbank settlement and payment and securities settlement systems in the European Union under the same conditions as credit institutions and, where relevant, other financial institutions established in the territory of France, subject to the proviso that they fulfil the conditions laid down for access to those systems.
2. An interbank settlement and payment and securities settlement system shall be defined as a national or international procedure organising relations between its participants, allowing the execution on a habitual basis, with or without compensation, of payments or transfers of securities. This procedure must either have been established by a public authority of a Member State of the European Union, or must be governed by a framework contract or standard contract applicable in the European Union.
3. Credit institutions and, where appropriate, other financial institutions located in the territory of the Principality of Monaco shall be subject, under the conditions laid down in

Article 11, to the same measures adopted by the Banque de France in implementation of ECB provisions laying down monetary policy instruments and procedures as credit institutions and, where appropriate, other financial institutions located in the territory of France.

*Article 11*

1. Legal acts adopted by the Council pursuant to Article 107(6) of the Treaty establishing the European Community, in conjunction with Articles 5.4 or 19.1, or 34.3 of the Statute of the European System of Central Banks and of the European Central Bank (hereinafter Statute), by the ECB pursuant to the abovementioned legal acts adopted by the Council or pursuant to Articles 5, 16, 18, 19, 20, 22 or Article 34.3 of the Statute, or by the Banque de France when implementing legal acts adopted by the ECB, shall apply to the territory of the Principality of Monaco. This applies also to any possible amendments to these acts.

2. The Principality of Monaco shall apply the measures adopted by France to implement Community acts concerning the prudential supervision of credit institutions and the prevention of systemic risks to payment and securities settlement systems contained in Annex A. To this end, the Principality of Monaco shall apply, firstly, the provisions of the French Monetary and Financial Code concerning the activities and monitoring of credit institutions, in addition to implementing regulations in accordance with the Franco-Monegasque Agreement of 14 April 1945 concerning foreign exchange control and to the Exchanges of Letters between the Government of the French Republic and the Government of His Serene Highness the Prince of Monaco of 18 May 1963, 27 November 1987 and 10 May 2001 concerning banking regulations; and, secondly, the provisions of the French Monetary and Financial Code concerning the prevention of systemic risks to payment and securities settlement systems.

3. The list contained in Annex A shall be amended by the Commission after every amendment to Community texts and also after adoption of every new text, taking into account the date of entry into force and of transposition of the texts. After each amendment, the updated list shall be published in the *Official Journal of the European Communities* (OJEC).

4. The Principality of Monaco shall adopt measures equivalent to those taken by the Member States to apply Community acts contained in Annex B necessary for the implementation of this Agreement. The parties meeting within the Joint Committee referred to in Article 14 shall examine the equivalence between the measures taken by Monaco and by the Member States in application of the abovementioned Community acts according to a procedure to be defined by this Committee.

5. Notwithstanding the procedure laid down in paragraph 9 of this Article, the list contained in Annex B may be amended either by decision of the Joint Committee, convened at the request of the Monegasque authorities in the two weeks following adoption of new Community legislation falling under this Agreement, or by the Commission if the Committee is not so convened. For this purpose, the Commission, when drafting new legislation falling under this Agreement that it wishes to include in the list in Annex B, shall inform the Principality of Monaco thereof. The Principality of Monaco shall receive copies of the documents produced by Community institutions and bodies at the different stages of the legislative procedure. The Commission shall amend List B taking into account the date of entry into force and transposition of the legislation. After each amendment, the updated list shall be published in the *Official Journal of the European Communities* (OJEC).

6. The Principality of Monaco shall take measures equivalent in effect to the Community directive on prevention of the use of the financial system for the purpose of money-laundering, pursuant to the Financial Action Task Force (FATF) recommendations.

7. Credit institutions and, where appropriate, other financial institutions, and other reporting agents located within the territory of the Principality of Monaco shall be subject to the sanctions and disciplinary procedures implemented in the case of infringement of the legal acts referred to in the preceding paragraphs. The Principality of Monaco shall ensure enforcement of the sanctions applied by virtue of these provisions.

8. The legal acts referred to in the first paragraph of this Article shall enter into force in the Principality of Monaco on the same day as in the European Community where they are published in the OJEC, and on the same day as in France where they are published in the Official Journal of the French Republic (OJFR). Legal acts of general application not published in the OJEC or in the OJRF shall enter into force upon communication to the Monegasque authorities. Acts of an individual nature shall apply upon notification to the party concerned.

9. Before granting authorisation to investment firms seeking to establish themselves in the territory of the Principality of Monaco for the purposes of offering investment services, the Principality of Monaco shall undertake to take measures equivalent in effect to existing Community legal acts governing these services. By way of derogation from the procedure laid down in paragraph 5 of this Article, Community acts shall be subsequently integrated into Annex B to this Agreement by the Commission.

#### Article 12

The Principality of Monaco and France shall amend Article 18 of the Neighbourhood Agreement of 18 May 1963 in order to make it compatible with this Agreement.

#### Article 13

1. All questions concerning the validity of decisions of Community institutions or bodies — in particular of the ECB — implemented by virtue of this Agreement, shall fall within the exclusive jurisdiction of the Court of Justice of the European Communities. In particular, any natural or legal person domiciled in the territory of the Principality of Monaco may exercise any right of appeal available to natural and legal persons located in the territory of France against legal acts addressed to them, whatever their form or nature.

2. For matters falling under this Agreement, the applicable rules shall be interpreted for the purposes of their implementation in accordance with the relevant case-law of the Court of Justice of the European Communities.

#### Article 14

1. A Joint Committee shall be set up to facilitate the implementation and operation of this Agreement. It shall exchange views and information and adopt decisions under Article 11 of this Agreement. It shall similarly examine the measures taken by the Principality of Monaco, in accordance with Articles 9, 10 and 11 of this Agreement.

2. The Joint Committee shall be composed of representatives of the Principality of Monaco, France and the bodies which are party to this Agreement (the Commission and the ECB, hereinafter the bodies). It shall adopt decisions unanimously. It shall adopt its own Rules of Procedure.

3. The parties and the bodies shall cooperate in good faith in order to ensure the full effectiveness of this Agreement in its entirety and without prejudice to Article 15(4).

#### Article 15

1. This Agreement shall be re-examined by the Joint Committee one year after its entry into force and then, subsequently, every two years.

2. In the event that after examination by the Joint Committee it is decided that this Agreement should be amended, the procedures laid down by Council Decision 1999/96/EC of 31 December 1998 shall be applied.

3. Furthermore, the parties and bodies may request amendments to its provisions whenever necessary.

4. Each party may terminate this Agreement with notice of one year.

5. This Agreement is established in the French language.'

I should be obliged if you would let me know whether the above provisions have the approval of your government. If so, this letter and the Annexes thereto will, together with your reply, constitute the Monetary Agreement between the Government of the French Republic, on behalf of the European Community, and the Government of His Serene Highness the Prince of Monaco and will come into force on the date of your reply.

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

Laurent FABIUS

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## ANNEX A

**2001/24/EC**

Directive of the European Parliament and of the Council of 4 April 2001 on the reorganisation and winding-up of credit institutions

*OJ L 125, 5.5.2001, pp. 15-23*

**2000/12/EC**

Directive of the European Parliament and of the Council of 20 March 2000 relating to the taking-up and pursuit of the business of credit institutions (as amended by Directive 2000/28/EC of the European Parliament and of the Council of 18 September 2000, and by Directive 2000/46/EC of the European Parliament and of the Council of 18 September 2000 on the taking-up, pursuit of and prudential supervision of the business of electronic money institutions) with the exception of Titles III and IV

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*OJ L 275, 27.10.2000, pp. 37-38*

*OJ L 275, 27.10.2000, pp. 39-43*

**97/5/EC**

Directive of the European Parliament and of the Council of 27 January 1997 on cross-border credit transfers

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Council Directive of 10 May 1993 on investment services in the securities field (for provisions applying to credit institutions) with the exception of Titles III and V

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*OJ L 141, 11.6.1993, pp. 1-26*

*OJ L 204, 21.7.1998, pp. 13-25*

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Council Directive of 13 February 1989 on the obligations of branches established in a Member State of credit institutions and financial institutions having their head offices outside that Member State regarding the publication of annual accounting documents

*OJ L 44, 16.2.1989, pp. 40-42*

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Council Directive of 8 December 1986 on the annual accounts and consolidated accounts of banks and other financial institutions (for provisions applying to credit institutions)

*OJ L 372, 31.12.1986, pp. 1-17*

**98/26/EC**

Directive of the European Parliament and of the Council of 19 May 1998 on settlement finality in payment and securities systems

*OJ L 166, 11.6.1998, pp. 45-50*

## ANNEX B

**97/9/EC**

Directive of the Parliament and of the Council of 3 March 1997 on investment compensation schemes

*OJ L 84, 26.3.1997, pp. 22-31*

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## PRINCIPALITY OF MONACO

MINISTER OF STATE

M Laurent Fabius  
Minister for Economic Affairs, Finance and Industry  
Télédoc 151  
139, rue de Bercy  
F-75572 Paris Cedex 12

Monaco, 26 December 2001

Sir,

By letter dated 24 December 2001, you made the following proposal:

Following the exchanges between the representatives of our States with a view to introducing the euro into the Principality of Monaco, with which the European Commission and the European Central Bank were fully associated, I have the honour, by order of my Government and on behalf of the European Community, to propose the following provisions, which have received the agreement of the Economic and Financial Committee:

“Having regard to the Treaty establishing the European Community, and in particular Article 111(3) thereof,

Having regard to Council Regulation (EC) No 974/98 of 3 May 1998,

Having regard to the Council decision of 31 December 1998 on the position to be taken by the Community regarding an agreement concerning monetary relations with the Principality of Monaco,

Having regard to the Franco-Monegasque Agreement of 14 April 1945 concerning foreign exchange control and the Exchanges of Letters between the Government of the French Republic and the Government of His Serene Highness the Prince of Monaco of 18 May 1963, 27 November 1987 and 10 May 2001 concerning banking regulations,

Having regard to Article 18 of the Neighbourhood Agreement between France and the Principality of Monaco of 18 May 1963,

Having regard to the Exchange of Letters of 31 December 1998 between the Government of the French Republic and the Monegasque Government,

Having regard to the agreement of the European Central Bank (hereinafter the ECB) to grant access to payment systems in the euro area,

Having regard to the opinion of the Economic and Financial Committee,

The Commission of the European Communities (hereinafter the Commission) and the ECB having been fully associated,

- (1) Whereas the Council of the European Union meeting at the level of the Heads of State or Government provided in its decision of 3 May 1998 that France is one of the Member States of the European Community that has adopted the euro;
- (2) Whereas since 1 January 1999, for Member States having adopted the euro, monetary issues fall under the competence of the European Community;
- (3) Whereas pursuant to Declaration No 6 annexed to the Final Act of the Treaty on European Union, the Community undertakes to facilitate such renegotiations

of existing arrangements between the Government of the French Republic and the Government of His Serene Highness the Prince of Monaco as might become necessary as a result of the introduction of the single currency;

- (4) Whereas the decision of 31 December 1998 provides that the Government of the French Republic is to conduct negotiations with the Monegasque Government on behalf of the European Community, that the Commission is to be fully associated with the negotiations and that the ECB is also to be fully associated with the negotiations in its fields of competence and that it is to agree to the conditions under which financial institutions located in the territory of the Principality of Monaco may have access to payment systems in the euro area;
- (5) Whereas the Council decision of 31 December 1998 provides that the Principality of Monaco may use the euro as its official currency and may grant legal tender status to banknotes and coins in euro issued by the European System of Central Banks and the Member States which have adopted the euro;
- (6) Whereas the abovementioned decision provides, as one of the principles on which the Community bases its position in the negotiations, that the Principality of Monaco is to undertake not to issue any banknotes, coins or monetary surrogates of any kind unless the conditions for such issuance have been agreed with the Community;
- (7) Whereas under the terms of the abovementioned decision, the Principality of Monaco must ensure that Community rules on banknotes and coins denominated in euro are applicable in its territory; whereas euro banknotes and coins must be given appropriate protection against counterfeiting; whereas it is important for the Principality of Monaco to take all the necessary measures to combat counterfeiting and to cooperate with the Commission, the ECB and the European Police Office (Europol) in this area;

- (8) Whereas the Council has provided that financial institutions established in the Principality of Monaco may have access to payment systems within the euro area under the conditions agreed with the ECB and that they may be subject to the minimum reserve and statistical reporting obligations of the ECB; whereas until 31 December 1998, credit institutions established in the Principality of Monaco were subject to the same minimum reserve and statistical reporting requirements as credit institutions established in France and had access to French payment systems and to refinancing by the Banque de France; whereas in order to maintain conditions allowing for competition, it is necessary to maintain these obligations and these possibilities, it being understood that the rules laid down by the ECB regarding minimum reserve and statistical reporting obligations should now be applied, and that access to payment systems now concerns the euro area under the conditions agreed with the ECB and laid down in this Agreement;
- (9) Whereas access to payment systems implies the possibility of access to securities settlement systems, since they apply the principle of settling in gross amounts and real time;
- (10) Whereas it is appropriate therefore for credit institutions, and where relevant, other financial institutions established in the territory of the Principality of Monaco to be subject, firstly, to the same rules as those established in the euro area for the purposes of monetary policy instruments and procedure and; secondly, to the same rules as those established in the euro area for the purposes of prudential supervision and prevention of systemic risks in payment and securities settlement systems; and thirdly, to equivalent provisions concerning other areas governed by this Agreement under the conditions mentioned therein;
- (11) Whereas registered companies, established in the Principality of Monaco, exclusively involved with portfolio management for third parties or the transmission of instructions, may not have access to the abovementioned systems or be subject to the abovementioned obligations;
- (12) Whereas this Agreement may not confer any right on credit institutions, or where relevant, on other financial institutions established in the territory of the Principality of Monaco concerning freedom of establishment and to provide services in the European Community; similarly, this Agreement may not confer any right on credit institutions, or where relevant, on other financial institutions established in the territory of the European Community concerning freedom of establishment and to provide services in the Principality of Monaco;
- (13) Whereas this Agreement does not impose any obligation on the ECB and national central banks to include Monaco's financial instruments in the list(s) of securities eligible for monetary policy operations of the European System of Central Banks;
- (14) Whereas as a consequence of subjecting credit institutions, and where appropriate, other financial institutions established in the territory of the Principality of Monaco to the same rules as those established in France for the purposes of banking regulations and the prevention of systemic risks to payment and securities settlement systems and to equivalent provisions concerning other areas governed by this Agreement, the parties undertake to cooperate in good faith in order to ensure that the law applicable in Monaco in the areas covered by this Agreement will at all times be identical, or where appropriate, equivalent to the law applicable in France;
- (15) Whereas, in view of the objective of this Agreement, it is useful to establish a joint committee composed of representatives of the Principality of Monaco, the Commission, the ECB and France, in order to examine the equivalence of measures taken by the Principality of Monaco and by the Member States in implementing Community Acts mentioned in Annex B in addition to the technical steps according to which new Community legal acts will be added to the list in Annex B to this Agreement;
- (16) Whereas, in view of the need to ensure a uniform interpretation of Community law, the parties have expressed their common wish for the jurisdiction of the Court of Justice, as laid down in Article 234 of the Treaty establishing the European Community, to be extended to the Principality of Monaco, and to all questions concerning the interpretation of this Agreement; whereas the Court of Justice is considering in a more general context the possibility of extending its jurisdiction to these questions; whereas the parties will adapt this Agreement if it is confirmed that the jurisdiction of the Court of Justice has indeed been extended in this way,

#### Article 1

The Principality of Monaco shall be entitled from 1 January 1999 to use the euro as its official currency, taking the necessary internal legal steps pursuant to Regulation (EC) No 1103/97, Regulation (EC) No 974/98, as amended, and Regulation (EC) No 2866/98, as amended.

#### Article 2

1. From 1 January 2002, the Principality of Monaco shall grant legal tender status to banknotes and coins in euro. The Principality of Monaco shall undertake, on the one hand, to take internal legal measures in order to apply to its territory the Community provisions concerning euro banknotes and coins, and, on the other hand, to adopt a timetable identical to that laid down by France for the introduction of euro banknotes and coins.

2. Currency circulating within the Principality of Monaco shall be withdrawn according to the procedure agreed between the Government of the French Republic and the Government of His Serene Highness the Prince of Monaco and according to a timetable identical to that laid down by France for the withdrawal of currency circulating within its own territory. France shall proceed to withdraw the currency of the Principality of Monaco in circulation within its territory following procedures agreed with the Government of His Serene Highness the Prince of Monaco.

#### Article 3

The Principality of Monaco shall not issue banknotes. It shall only issue coins after agreement with the Community concerning the conditions of issuance. The conditions relating to issuance of a limited quantity of euro coins from 1 January 2002 and Monegasque coins in francs until 31 December 2001 are laid down by this Agreement in the following Articles.

#### Article 4

1. From 1 January 2002, the Principality of Monaco may issue euro coins with an annual volume of 1/500th of the quantity of coins minted in France.

2. Euro coins issued by the Principality of Monaco shall be identical to euro coins issued by the Member States of the European Community having adopted the euro with respect to the face value, legal tender status and technical and design characteristics on the common side and the common design characteristics on the national side.

3. The competent Community authorities shall be notified in advance of the design characteristics of the national side.

#### Article 5

1. The annual volume of euro coins issued by the Principality of Monaco shall be added to the volume of coins issued by France for the purposes of ECB approval of the total volume of coins minted by France, as required by Article 106(2) of the Treaty establishing the European Community.

2. Not later than 1 September each year, the Principality of Monaco shall notify France of the volume and the face value of the euro coins that it intends to issue during the following year.

#### Article 6

1. The Principality of Monaco may issue euro collector coins. Their value shall be taken into account with regard to the annual volume laid down by Article 4. The issuance of collector coins by the Principality of Monaco shall conform with the guidelines concerning collector coins issued by the Member States of the European Community which require, *inter alia*, the adoption of technical and design characteristics

and unitary values allowing these coins to be distinguished from those intended for circulation.

2. Collector coins issued by the Principality of Monaco shall not be legal tender in the European Community.

#### Article 7

1. France shall place the Hôtel de la Monnaie de Paris at the disposal of the Principality of Monaco to mint its coins.

2. The Principality of Monaco shall undertake to use the Hôtel de la Monnaie de Paris and no other establishment to mint its coins.

#### Article 8

1. The Principality of Monaco shall not issue euro coins before 1 January 2002.

2. The Principality of Monaco may issue Monegasque coins in francs until 31 December 2001. These coins shall be identical to coins in francs as regards their alloy, fineness, coinage and value.

3. Until the time of their withdrawal as legal tender, coins and banknotes in francs shall be legal tender in the Principality of Monaco.

#### Article 9

The Principality of Monaco shall cooperate closely with the European Community to combat counterfeiting of euro banknotes and coins and to suppress and punish any counterfeiting of euro banknotes and coins which may occur in its territory. The Principality of Monaco shall undertake to adopt, within a reasonable time, the appropriate steps to prevent counterfeiting laid down in the framework decision of 29 May 2000 on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro and Council Regulation (EC) No 1338/2001 of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting. The measures laying down detailed rules for cooperation in this area shall be set out in specific Exchanges of Letters between France, acting on behalf of the European Community, and in agreement with the Commission and the ECB, and the Principality of Monaco.

#### Article 10

1. Credit institutions, and where appropriate, other financial institutions authorised to carry out their activities in the territory of the Principality of Monaco may, under the conditions laid down in Article 11, participate in interbank settlement and payment and securities settlement systems in the European Union under the same conditions as credit institutions and, where relevant, other financial institutions established in the territory of France, subject to the proviso that they fulfil the conditions laid down for access to those systems.



2. An interbank settlement and payment and securities settlement system shall be defined as a national or international procedure organising relations between its participants, allowing the execution on a habitual basis, with or without compensation, of payments or transfers of securities. This procedure must either have been established by a public authority of a Member State of the European Union, or must be governed by a framework contract or standard contract applicable in the European Union.

3. Credit institutions and, where appropriate, other financial institutions located in the territory of the Principality of Monaco shall be subject, under the conditions laid down in Article 11, to the same measures adopted by the Banque de France in implementation of ECB provisions laying down monetary policy instruments and procedures as credit institutions and, where appropriate, other financial institutions located in the territory of France.

#### Article 11

1. Legal acts adopted by the Council pursuant to Article 107(6) of the Treaty establishing the European Community, in conjunction with Articles 5.4 or 19.1, or 34.3 of the Statute of the European System of Central Banks and of the European Central Bank (hereinafter Statute), by the ECB pursuant to the abovementioned legal acts adopted by the Council or pursuant to Articles 5, 16, 18, 19, 20, 22 or Article 34.3 of the Statute, or by the Banque de France when implementing legal acts adopted by the ECB, shall apply to the territory of the Principality of Monaco. This applies also to any possible amendments to these acts.

2. The Principality of Monaco shall apply the measures adopted by France to implement Community acts concerning the prudential supervision of credit institutions and the prevention of systemic risks to payment and securities settlement systems contained in Annex A. To this end, the Principality of Monaco shall apply, firstly, the provisions of the French Monetary and Financial Code concerning the activities and monitoring of credit institutions, in addition to implementing regulations in accordance with the Franco-Monegasque Agreement of 14 April 1945 concerning foreign exchange control and to the Exchanges of Letters between the Government of the French Republic and the Government of His Serene Highness the Prince of Monaco of 18 May 1963, 27 November 1987 and 10 May 2001 concerning banking regulations; and, secondly, the provisions of the French Monetary and Financial Code concerning the prevention of systemic risks to payment and securities settlement systems.

3. The list contained in Annex A shall be amended by the Commission after every amendment to Community texts and also after adoption of every new text, taking into account the date of entry into force and of transposition of the texts. After each amendment, the updated list shall be published in the *Official Journal of the European Communities* (OJEC).

4. The Principality of Monaco shall adopt measures equivalent to those taken by the Member States to apply Community acts contained in Annex B necessary for the implementation of

this Agreement. The parties meeting within the Joint Committee referred to in Article 14 shall examine the equivalence between the measures taken by Monaco and by the Member States in application of the abovementioned Community acts according to a procedure to be defined by this Committee.

5. Notwithstanding the procedure laid down in paragraph 9 of this Article, the list contained in Annex B may be amended either by decision of the Joint Committee, convened at the request of the Monegasque authorities in the two weeks following adoption of new Community legislation falling under this Agreement, or by the Commission if the Committee is not so convened. For this purpose, the Commission, when drafting new legislation falling under this Agreement that it wishes to include in the list in Annex B, shall inform the Principality of Monaco thereof. The Principality of Monaco shall receive copies of the documents produced by Community institutions and bodies at the different stages of the legislative procedure. The Commission shall amend List B taking into account the date of entry into force and transposition of the legislation. After each amendment, the updated list shall be published in the *Official Journal of the European Communities* (OJEC).

6. The Principality of Monaco shall take measures equivalent in effect to the Community directive on prevention of the use of the financial system for the purpose of money-laundering, pursuant to the Financial Action Task Force (FATF) recommendations.

7. Credit institutions and, where appropriate, other financial institutions, and other reporting agents located within the territory of the Principality of Monaco shall be subject to the sanctions and disciplinary procedures implemented in the case of infringement of the legal acts referred to in the preceding paragraphs. The Principality of Monaco shall ensure enforcement of the sanctions applied by virtue of these provisions.

8. The legal acts referred to in the first paragraph of this Article shall enter into force in the Principality of Monaco on the same day as in the European Community where they are published in the OJEC, and on the same day as in France where they are published in the *Official Journal of the French Republic* (OJFR). Legal acts of general application not published in the OJEC or in the OJRF shall enter into force upon communication to the Monegasque authorities. Acts of an individual nature shall apply upon notification to the party concerned.

9. Before granting authorisation to investment firms seeking to establish themselves in the territory of the Principality of Monaco for the purposes of offering investment services, the Principality of Monaco shall undertake to take measures equivalent in effect to existing Community legal acts governing these services. By way of derogation from the procedure laid down in paragraph 5 of this Article, Community acts shall be subsequently integrated into Annex B to this Agreement by the Commission.

*Article 12*

The Principality of Monaco and France shall amend Article 18 of the Neighbourhood Agreement of 18 May 1963 in order to make it compatible with this Agreement.

*Article 13*

1. All questions concerning the validity of decisions of Community institutions or bodies — in particular of the ECB — implemented by virtue of this Agreement, shall fall within the exclusive jurisdiction of the Court of Justice of the European Communities. In particular, any natural or legal person domiciled in the territory of the Principality of Monaco may exercise any right of appeal available to natural and legal persons located in the territory of France against legal acts addressed to them, whatever their form or nature.

2. For matters falling under this Agreement, the applicable rules shall be interpreted for the purposes of their implementation in accordance with the relevant case-law of the Court of Justice of the European Communities.

*Article 14*

1. A Joint Committee shall be set up to facilitate the implementation and operation of this Agreement. It shall exchange views and information and adopt decisions under Article 11 of this Agreement. It shall similarly examine the measures taken

by the Principality of Monaco, in accordance with Articles 9, 10 and 11 of this Agreement.

2. The Joint Committee shall be composed of representatives of the Principality of Monaco, France and the bodies which are party to this Agreement (the Commission and the ECB, hereinafter the bodies). It shall adopt decisions unanimously. It shall adopt its own Rules of Procedure.

3. The parties and the bodies shall cooperate in good faith in order to ensure the full effectiveness of this Agreement in its entirety and without prejudice to Article 15(4).

*Article 15*

1. This Agreement shall be re-examined by the Joint Committee one year after its entry into force and then, subsequently, every two years.

2. In the event that after examination by the Joint Committee it is decided that this Agreement should be amended, the procedures laid down by Council Decision 1999/96/EC of 31 December 1998 shall be applied.

3. Furthermore, the parties and bodies may request amendments to its provisions whenever necessary.

4. Each party may terminate this Agreement with notice of one year.

5. This Agreement is established in the French language."

I should be obliged if you would let me know whether the above provisions have the approval of your government. If so, this letter and the Annexes thereto will, together with your reply, constitute the Monetary Agreement between the Government of the French Republic, on behalf of the European Community, and the Government of His Serene Highness the Prince of Monaco and will come into force on the date of your reply.'

I have the honour to inform you that the Prince's Government agrees to the above.

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

Minister of State  
Patrick LECLERCQ

## ANNEX A

**2001/24/EC**

Directive of the European Parliament and of the Council of 4 April 2001 on the reorganisation and winding-up of credit institutions

*OJ L 125, 5.5.2001, pp. 15-23*

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Directive of the European Parliament and of the Council of 19 May 1998 on settlement finality in payment and securities systems

*OJ L 166, 11.6.1998, pp. 45-50*

## ANNEX B

**97/9/EC**

Directive of the Parliament and of the Council of 3 March 1997 on investment compensation schemes

*OJ L 84, 26.3.1997, pp. 22-31*

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## COUNCIL DECISION

of 6 December 2001

**concerning the conclusion of the Agreement between the European Community and Romania establishing certain conditions for the carriage of goods by road and the promotion of combined transport**

(2002/409/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 71 and 93, in conjunction with the second subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the assent of the European Parliament <sup>(2)</sup>,

Whereas:

- (1) The conclusion of the Agreement between the European Community and Romania establishing certain conditions for the carriage of goods by road and the promotion of combined transport (hereinafter 'Agreement') provides an appropriate means for the further development of transport relations between the contracting parties.
- (2) The conclusion of the Agreement contributes to the smooth functioning of the internal market because it will promote transit traffic through Romania for internal transport between Greece and the other Member States and thus enable intra-Community trade to be conducted at the least possible cost to the public at large and to reduce to a minimum the administrative and technical obstacles which affect it.
- (3) The conclusion of the Agreement promotes combined transport, with a view to protecting the environment.
- (4) The Agreement should be approved on behalf of the Community,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement between the European Community and Romania establishing certain conditions for the carriage of

goods by road and the promotion of combined transport is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

*Article 2*

The President of the Council shall give the notification provided for in Article 19 of the Agreement.

*Article 3*

The Commission, assisted by representatives of the members of the Council, shall represent the Community in the Community/Romania Transport Committee (hereinafter referred to as 'the Committee') set up by Article 13 of the Agreement.

The position to be taken by the Community within the Committee shall be adopted by the Council acting by a qualified majority on a proposal from the Commission. The Council shall act by simple majority when the decision which the Committee proposes to take relates to the Committee's rules of procedures.

Decisions taken by the Committee shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 6 December 2001.

*For the Council*

*The President*

R. DAEMS

<sup>(1)</sup> OJ C 154 E, 29.3.2001, p. 227.

<sup>(2)</sup> OJ C 72 E, 21.3.2002, p. 141.

**AGREEMENT****between the European Community and Romania establishing certain conditions for the carriage of goods by road and the promotion of combined transport**

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

ROMANIA, hereinafter referred to as 'Romania',

hereinafter called 'the Contracting Parties',

CONSIDERING the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, of 1 February 1993, and in particular Article 57.3 thereof;

CONSIDERING that it is essential for the Community, in the context of the completion of the internal market and the implementation of the common transport policy, to ensure that Community goods in transit through Romania, can flow as quickly and efficiently as possible without hindrance or discrimination;

CONSIDERING that Romania has an interest in developing further with the Community existing mutual rights and obligations regarding access to the transport market and transit as a first step in achieving an inland transport agreement as foreseen in the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, of 1 February 1993;

CONSIDERING, furthermore, that it is necessary to ensure the coordinated development of transport flows between and through the territories of the Contracting Parties, particularly by introducing and developing a package of coordinated measures on road and combined transport on a competitive basis through the promotion of environmentally friendly vehicles and respecting the principle of sustainable mobility,

HAVE AGREED AS FOLLOWS:

**TITLE I****Article 3****AIM, SCOPE AND DEFINITIONS****Definitions****Article 1****Aim**

The aim of this Agreement is to promote cooperation between the Contracting Parties on the transport of goods and, in particular, transit traffic by road, and to ensure for this purpose that transport between and through the territories of the Contracting Parties is developed in a coordinated manner.

For the purpose of this Agreement, the following definitions shall apply:

(a) *transit traffic*: a journey carried out by road through the territory of (a) Member State(s) of the Community or through the territory of Romania, regardless of whether it is made by a laden or unladen road vehicle without performing any loading or unloading operations in these territories;

**Article 2****Scope**

1. Cooperation shall cover transport of goods by road and combined transport.

2. In this connection, the scope of this Agreement shall cover in particular:

- market access for transit traffic in the field of transport of goods by road,
- legal and administrative supporting measures including commercial, taxation, social and technical measures,
- cooperation in developing a transport system which, *inter alia*, meets environmental needs,
- a regular exchange of information on the development of the transport policies of the Contracting Parties.

(b) *combined transport*: means the transport of goods between or through the territories of the Contracting Parties where the lorry, trailer, semi-trailer, with or without tractor unit, swap body or container of 20 feet or more uses the road on the initial or final leg of the journey and on the other leg, rail or inland waterway or maritime services where this section exceeds 100 km as the crow flies, and make the initial or final road transport leg of the journey:

- between the point where the goods are loaded and the nearest suitable rail loading station for the initial leg, and between the nearest suitable rail unloading station and the point where the goods are unloaded for the final leg, or
- within a radius not exceeding 150 km as the crow flies from the inland waterway port or seaport of loading or unloading;

- (c) *road vehicle*: shall mean a motor vehicle registered in a Contracting Party or a coupled combination of vehicles the motor vehicle of which at least is registered in a Contracting Party and which are used exclusively for the carriage of goods;
- (d) *user charges*: means non-discriminatory payment of a special amount conferring the right for a road vehicle to use a given infrastructure for a given period;
- (e) *tolls*: means payment of a specified amount for a vehicle travelling the distance between two points on a infrastructure; the amount shall be based on the distance travelled and on the category of the vehicle;
- (f) *territory of the Contracting Party*:
  - means for the European Community, the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty, and
  - means for Romania, the territory of Romania.

## TITLE II

### COMBINED TRANSPORT

#### Article 4

##### General provisions

The Contracting Parties shall adopt the mutually coordinated measures necessary for the development and promotion of combined transport as a means of ensuring that a large proportion of their international transport is performed under more environment-friendly conditions.

#### Article 5

##### Supporting measures

The Contracting Parties shall take all the steps necessary to improve the competitiveness of combined transport especially by:

- (a) taking measures to encourage users and consignors to use combined transport by:
    - improving the competitiveness of all types of combined transport vis-à-vis road through financial assistance to new combined transport projects by the Community or Romania,
    - encouraging the use of unaccompanied combined transport especially over long distances and to promote, in particular, the use of swap bodies, containers and semi-trailers,
    - freeing, in the appropriate framework, the initial and/or final road haulage legs, which form an integral part of the combined transport operation, from quota systems and systems of authorisation,
    - considering to grant rebates from vehicle taxes for road vehicles when used in combined transport chains,
  - improving the speed and reliability of combined transport and in particular:
    - (i) by encouraging the increase of the frequency of combined transport services in accordance with the needs of consignors and users;
    - (ii) by encouraging the reduction of the waiting time at terminals and increasing of their productivity;
    - (iii) by streamlining of border controls affecting combined transport, transferring those controls for all goods except goods subject to veterinary and phytosanitary control to combined transport terminals as soon as possible;
    - (iv) by improving the security conditions of the goods, the transport unit and the loading unit during the combined transport chain,
  - ensuring non-discriminatory access to terminals when they are financed or co-financed by public funds,
  - giving, where feasible, priority allocation of the road transit authorisations, agreed in Article 6(2) by the competent authorities of the Contracting Parties, to road hauliers according to their use of combined transport as measured by the statistical data available to each Contracting Party,
  - considering, where necessary for the compatibility with rail gauges, the weights, dimensions and technical characteristics of specialised combined transport equipment and considering coordinated action to order and to put into service such equipment as is required by the level of traffic;
- (b) making accessible, on request, information available concerning new combined transport actions including technology research projects (co-)financed by that Contracting Party, by means of an executive summary, setting out the contents, results and the impact of the action or technology project;
- (c) creating suitable infrastructure by:
- as laid down in the relevant provisions of the AGTC, the European Agreement on important international combined transport links and related installations of 1 February 1991,
  - removing any bottlenecks on the road access routes to the combined transport terminals so as to enhance the use of combined transport;
- (d) considering the following actions:
- examining the possibilities to allow 44-tonne vehicles on six axles for initial and final road legs of combined transport,
  - making exceptions to weekend and holiday driving restrictions for initial and final road legs of combined transport,
  - allowing mutual access for combined transport operators on the railways in the context of a new agreement.

## TITLE III

## ROAD TRANSPORT

## Article 6

## General provisions

1. With regard to mutual access to transport markets, the Contracting Parties agree, initially and without prejudice to paragraph 2 of this Article, to maintain the existing rights resulting from bilateral agreements or other bilateral arrangements concluded between each Member State of the Community and Romania.

However, whilst awaiting the conclusion of an agreement between the Contracting Parties on access to the road transport market, as foreseen in Article 7, Romania shall cooperate with the Member States of the Community to amend these bilateral agreements and/or arrangements as may possibly be necessary to adapt them to this Agreement.

2. In addition to the authorisations provided in the regimes described in paragraph 1, the Contracting Parties hereby agree to grant, for each calendar year, access to transit traffic by goods vehicles through the territories of the Member States of the Community and Romania with effect from the date on which this Agreement enters into force, by means of authorisations as follows:

- (a) the Community will receive:  
14 000 authorisations valid in Romania;
- (b) Romania will receive:  
7 000 authorisations valid in the Member States of the Community for which adhesive stamps have been attached;
- (c) Romania will receive:  
3 000 adhesive stamps for each Member State of the Community;
- (d) the authorisations referred to under (a) and (b) shall correspond to the models in Annex 1a and Annex 1b respectively;
- (e) the adhesive stamps referred to under (c) shall correspond to the model in Annex 1c;
- (f) the authorisations referred to under (a) and (b) shall be supplied by the services of the Commission to the competent authorities of Romania or, in the case of the Community, to the competent authorities of its Member States. The competent authorities shall fill out the authorisation except for the headings 'Registration number of the motor vehicle', 'Outward journey' and 'Return journey' and they will deliver them to their transport operators at a charge so as only to cover reasonable administrative expenses;
- (g) the adhesive stamps referred to under (c) shall be supplied by the services of the Commission to the competent authorities of Romania. These adhesive stamps shall be attached to the authorisation prior to its use so as to indicate for which Member State or Member States of the Community the authorisation is valid;
- (h) the Contracting Parties agree that no taxes or similar charges will be levied on the use of the authorisations referred to under (a) and (b);

- (i) the authorisations and the adhesive stamps shall be valid for one calendar year until 31 January of the year thereafter and can be used for one outward and one return journey only.

3. The authorisations referred to in paragraph 2 can be used only by vehicles complying at least with EURO 1 standards or with provisions of the 'green lorry certificate' as reproduced in Annex 4. The evidence for compliance with this provision shall be kept on board of the vehicle throughout the journey.

4. If the date at which the Agreement enters into force in accordance with Article 19 is not 1 January, the number of authorisations and adhesive stamps specified in paragraph 2 will be reduced pro rata for the calendar year in which the Agreement enters into force.

5. The competent authorities of the Contracting Parties shall issue authorisations for the transport of goods pursuant to this agreement only to carriers who are authorised according to the legislation of that Contracting Party to engage in international road transport operations. The authorisation must be kept in the vehicle. In the case of a coupled combination of vehicles it must accompany the motor vehicle. It covers the coupled combination of vehicles even if the trailer or semi-trailer is not registered in the name of the authorisation holder or if it is registered in another country.

6. The Contracting Parties shall refrain from taking any unilateral action that might lead to discrimination between Community and Romanian hauliers or vehicles. Each Contracting Party shall take all steps necessary to facilitate road transport referred to in this agreement to or through its own territory.

## Article 7

## Access to the market

The Contracting Parties shall, as a matter of priority and taking account of the adoption by Romania of the fiscal, social and technical rules of the Community, undertake to work together to seek a common system for regulating future road transport market access between them.

## Article 8

## Fiscal provisions

In the case of transport operations in accordance with this Agreement:

- 1. the Contracting Parties shall ensure that the principle of non-discrimination in terms of nationality or place of establishment is applied to road vehicle taxation, fiscal burdens, tolls and any other form of user charges made for the use of road transport infrastructure;
- 2. road vehicles registered in one Contracting Party shall be exempted from all vehicle taxes and charges levied on the circulation or possession of vehicles as well as from all special taxes or charges levied on transport operations in the territory of the other Contracting Party.

Road vehicles shall not be exempted from payment of taxes and charges on motor fuel, road tolls and user charges levied for the use of infrastructure;



3. the Contracting Parties shall ensure that tolls and any other form of user charges may not be imposed at the same time for the use of a single road section. However, Contracting Parties may also impose tolls on networks where user charges are levied, for the use of bridges, tunnels and mountain passes;
4. the following items shall be exempt from customs duty and from all taxes and charges:
  - (a) fuel contained in the tanks of road vehicles at the time of importation into the territory of the other Contracting Party, where the tanks are those designed by the manufacturer for the type of road vehicle in question;
  - (b) fuel held in the tanks of trailers and semi-trailers used for the cooling systems of refrigerators;
  - (c) lubricants in quantities required for use during the journey;
  - (d) spare parts and tools required for the repair of a vehicle which has broken down while performing an international road transport operation. The spare parts that are replaced should be re-exported or destroyed under the control of the competent customs authority of the other Contracting Party;
5. without prejudice to the second subparagraph of paragraph 2, if the weights, dimensions or axle load of a vehicle exceed the maximum limits in force in the territory of Romania while the vehicle conforms to the provisions as laid down in Council Directive 96/53/EC <sup>(1)</sup> on weights and dimensions, the vehicle shall not be subjected to any special charges provided it complies with the provisions laid down in Annex 5.

#### Article 9

#### Social provisions

The Contracting Parties to this Agreement shall implement the European Agreement concerning the work of crews of vehicles engaged in international road transport (ERTA) of 1 July 1970, as in force at the entry into force of this Agreement or shall apply rules identical to Council Regulations (EEC) No 3820/85 <sup>(2)</sup> and (EEC) No 3821/85 <sup>(3)</sup> as subsequently amended.

#### Article 10

#### Technical provisions

1. Romania shall adopt measures equivalent to those given in Annex 2 by the time of the entry into force of this Agreement and to those given in Annex 3 within two years after the entry into force of this Agreement.

<sup>(1)</sup> OJ L 235, 17.9.1996, p. 59.

<sup>(2)</sup> OJ L 370, 31.12.1985, p. 1.

<sup>(3)</sup> OJ L 370, 31.12.1985, p. 8.

2. The Contracting Parties to this Agreement shall implement the European Agreement concerning the international carriage of dangerous goods by road (ADR) of 30 September 1957, as in force at the entry into force of this Agreement.

3. Romania shall endeavour to harmonise on the basis of Community rules its legislation on the carriage of perishable goods, live animals and dangerous goods.

4. The Contracting Parties shall pool their experience and exchange information on their legislation so as to improve the flow and safety of traffic during peak periods (weekends, public holidays, the tourist season).

5. The Contracting Parties shall cooperate in encouraging the introduction, development and coordination of interoperable road traffic information systems.

6. The Contracting Parties shall also endeavour to harmonise the technical assistance to be provided to drivers, the dissemination of essential information on traffic and emergency services including ambulance services and other matters of concern to drivers.

#### TITLE IV

#### SIMPLIFICATION OF FORMALITIES

#### Article 11

#### Simplification of formalities

1. The Contracting Parties agree to simplify the formalities concerning the flow of goods transported in accordance with the present Agreement.
2. The Contracting Parties agree to begin negotiations with a view to concluding an agreement on the facilitation of controls and formalities relating to the carriage of goods.
3. The Contracting Parties agree, to the extent necessary, to take joint action on, and to encourage, the adoption of further simplification measures.

#### TITLE V

#### FINAL PROVISIONS

#### Article 12

#### Widening of the scope

If one of the Contracting Parties concludes, on the basis of experience in the application of this Agreement, that other measures which do not fall within the scope of this Agreement are in the interest of a coordinated European transport policy and, in particular, may help to solve the problems of transit traffic, it shall make suggestions in this respect to the other Contracting Party.

*Article 13***Joint Committee**

The body responsible for cooperation shall be a Joint Committee to be known as the 'Community/Romania Transport Committee'. The Committee shall:

- be made up of representatives appointed by the Community and Romania,
- meet at the request of either Contracting Party, alternately in the territory of each Contracting Party,
- establish its own rules of procedure,
- act by mutual agreement,
- ensure the proper implementation of this Agreement and, in particular, shall:
  - (a) examine ways of cooperating and promoting combined transport, and will review at least every two years the progress made in this respect;
  - (b) review the Annexes of this agreement at least every two years;
  - (c) resolve any disputes which may arise over the application and interpretation of this Agreement. In the case of disagreement, the decision shall be referred to a subsequent meeting of the Joint Committee to be held within two months from the date of referral in accordance with the conditions to be laid down in its rules of procedure;
  - (d) coordinate the monitoring, forecasting and other statistical work relating to international road and combined transport and, in particular, road transit traffic;
  - (e) adopt, as necessary, measures concerning the technical adaptation of the provisions of the present Agreement;
  - (f) if needed prepare recommendations for increases in the number of authorisations/adhesive stamps;
  - (g) discuss, as necessary, all other topics relevant to the implementation of this Agreement.

*Article 14***Infringements**

1. In the event of an infringement of the provisions of this Agreement by a road vehicle, or by a driver of such a vehicle, the competent authority of the Contracting Party in whose territory the infringement occurred may notify the infringement to the competent authority of the other Contracting Party which may take steps as provided by its national laws.

2. The competent authority receiving any such notification shall as soon as possible inform the competent authority of the other Contracting Party of the action taken.

3. The provisions of this Article shall be without prejudice to lawful sanctions that may be applied by the courts or enforcement authorities, of either the Member State of the European Community or Romania, in whose territory the infringement occurred.

*Article 15***Duration of the Agreement**

This Agreement is concluded for a period of five years. If neither of the Contracting Parties denounces it, with 12 months notice before the expiry of this period, the Agreement is automatically renewed for a period of three years.

*Article 16***Denunciation of the Agreement**

Each Party may denounce the Agreement with a 12 months notice to be notified to the other Party.

*Article 17***Annexes**

The Annexes shall form an integral part of this Agreement.

*Article 18***Languages**

This Agreement is drawn up in two copies in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Romanian languages, each text being equally authentic.

*Article 19***Entry into force**

This Agreement shall be concluded in accordance with the Contracting Parties' own procedures. It shall enter into force on the first day of the second month after the Contracting Parties have notified one another of the completion of the procedures necessary for that purpose.

Hecho en Luxemburgo, el veintiocho de junio del dos mil uno.  
Udfærdiget i Luxembourg den otteogtyvende juni to tusind og en.  
Geschehen zu Luxemburg am achtundzwanzigsten Juni zweitausendundeins.  
Έγινε στο Λουξεμβούργο, στις είκοσι οκτώ Ιουνίου δύο χιλιάδες ένα.  
Done at Luxembourg on the twenty-eighth day of June in the year two thousand and one.  
Fait à Luxembourg, le vingt-huit juin deux mille un.  
Fatto a Lussemburgo, addì ventotto giugno duemilauno.  
Gedaan te Luxemburg, de achtentwintigste juni tweeduizendeneen.  
Feito em Luxemburgo, em vinte e oito de Junho de dois mil e um.  
Tehty Luxemburgissa kahdentenkymmenentenäkahdeksantena päivänä kesäkuuta vuonna kaksituhattayksi.  
Som skedde i Luxemburg den tjugoåttonde juni tjugohundraett.  
Intocmit la Luxemburg, la douazeci si opt iunie doua mii unu.

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



Pentru România



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## ANNEX 1a

(First page of authorisation, in Romanian)

Ministry of Transport of Romania

EC No . . . . .

Road haulage transit authorisation

Valid during one outward and one return journey for transit of Romania

Carrier and address .....	
.....	
.....	
Registration number of motor vehicle ..... (1)	Valid until 31.1.2000

<u>Outward journey:</u> Loaded in ..... Place/Country ..... on ..... (1)  Unloaded in ..... Country ..... (1)	<table border="1"> <tr> <td>Entered Romania</td> <td>(3)</td> </tr> <tr> <td>Left Romania</td> <td>(3)</td> </tr> </table>	Entered Romania	(3)	Left Romania	(3)
Entered Romania	(3)				
Left Romania	(3)				
<u>Return journey:</u> Loaded in ..... Place/Country ..... on ..... (2)  Unloaded in ..... Country ..... (2)	<table border="1"> <tr> <td>Entered Romania</td> <td>(3)</td> </tr> <tr> <td>Left Romania</td> <td>(3)</td> </tr> </table>	Entered Romania	(3)	Left Romania	(3)
Entered Romania	(3)				
Left Romania	(3)				

Ministry of Transport of Romania       Signature Name of official	Issued at       (4)  Date
---	--

(1) Valid only if completed by the carrier prior to outward journey.

(2) Valid only if completed by the carrier prior to return journey.

(3) To be stamped at the external frontier of Romania.

(4) Signature and stamp of the issuing authority in the Member State.

*(Second page of the authorisation)*

### **General provisions**

*(Text in Romanian)*

This authorisation permits the carriage of goods by road in transit through Romania.

It is personal to the holder and non-transferable.

It may be withdrawn by the competent authority of the State which issued it, or, where it is a forgery, by the State in which transit operations are carried out.

It may be used for only one vehicle at a time. Vehicle means a motor vehicle registered in the State of establishment or a coupled combination of vehicles of which at least the motor vehicle is registered in the State of establishment and which are used exclusively for the carriage of goods.

It must be carried in the vehicle. In the case of a coupled combination of vehicles, it shall accompany the motor vehicle.

The carrier must respect all national laws and regulations with regard to transport and traffic of Romania.

The technical standards of construction and equipment which vehicles use to carry out transit operations must meet those laid down for vehicles put into circulation in international transport and, in addition, correspond at least to EURO 1 standards. Evidence of compliance with this provision shall be kept on board the vehicle throughout the journey.

This authorisation must be returned to the competent issuing authority within 15 days of its use.

### **General provisions (summary)**

*(Text in the official languages of the Community)*

This authorisation permits the carriage of goods by road in transit through Romania.

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## ANNEX 1b

(First page of authorisation, in German and Italian)

European Commission

Romania No . . . . .

Road haulage transit authorisation

Valid during one outward and one return journey for transit in those Member States of the European Community for which adhesive stamps have been attached and cancelled

( <sup>3</sup> )	( <sup>3</sup> )	( <sup>3</sup> )	( <sup>3</sup> )	( <sup>3</sup> )	( <sup>3</sup> )
------------------	------------------	------------------	------------------	------------------	------------------

Carrier and address .....
.....
.....
Registration number of motor vehicle ..... ( <sup>1</sup> )      Valid until 31.1.2000

<u>Outward journey:</u> Loaded in ..... Place/Country ..... on ..... ( <sup>1</sup> )  Unloaded in ..... Country ..... ( <sup>1</sup> )	Entered EC ( <sup>3</sup> )   
<u>Return journey:</u> Loaded in ..... Place/Country ..... on ..... ( <sup>2</sup> )  Unloaded in ..... Country ..... ( <sup>2</sup> )	Left EC ( <sup>3</sup> )   

European Commission	Issued at
Signature	( <sup>4</sup> )
Name of official	Date

(<sup>1</sup>) Valid only if completed by the carrier prior to outward journey.

(<sup>2</sup>) Valid only if completed by the carrier prior to return journey.

(<sup>3</sup>) To be stamped at the external frontier of the EC.

(<sup>4</sup>) Signature and stamp of the issuing authority.

*(Second page of the authorisation)*

### **General provisions**

*(Text in German and Italian)*

This authorisation permits the carriage of goods by road in transit through those Member States of the European Community for which adhesive stamps have been attached and cancelled.

It is personal to the holder and non-transferable.

It may be withdrawn by the competent authority of the State that issued it, or, where it is a forgery, by the State in which transit operations are carried out.

It may be used for only one vehicle at a time. Vehicle means a motor vehicle registered in the State of establishment or a coupled combination of vehicles of which at least the motor vehicle is registered in the State of establishment and which are used exclusively for the carriage of goods.

It must be carried in the vehicle. In the case of a coupled combination of vehicles, it shall accompany the motor vehicle.

The carrier must respect all national laws and regulations with regard to transport and traffic of the Member State of the European Community transited.

The technical standards of construction and equipment which vehicles use to carry out transit operations must meet those laid down for vehicles put into circulation in international transport and, in addition, correspond at least to EURO 1 standards. Evidence of compliance with this provision shall be kept on board vehicle throughout the journey.

This authorisation must be returned to the competent issuing authority within fifteen days of its use.

### **General provisions (summary)**

*(Text in Romanian and the official languages of the Community except German and Italian)*

This authorisation permits the carriage of goods by road in transit through those Member States of the European Community for which adhesive stamps have been attached and cancelled.

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## ANNEX 1c

('Adhesive stamp')

RO Transit A	RO Transit B	RO Transit D	RO Transit DK
RO Transit E	RO Transit F	RO Transit FIN	RO Transit GR
RO Transit I	RO Transit IRL	RO Transit L	RO Transit NL
RO Transit P	RO Transit S	RO Transit UK	



## ANNEX 2

***Pertinent dispositions of the acquis communautaire***

1. Council Directive 88/77/EEC of 3 December 1987 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous pollutants from diesel engines for use in vehicles (OJ L 36, 9.2.1988, p. 33), as last modified by Directive 96/1/EC of the European Parliament and of the Council (OJ L 40, 17.2.1996, p. 1).
2. Council Directive 70/157/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles (OJ L 42, 23.2.1970, p. 16), as last modified by Commission Directive 96/20/EC (OJ L 92, 13.4.1996, p. 23).

## ANNEX 3

1. Council Directive 92/6/EEC of 10 February 1992 on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community (OJ L 57, 2.3.1992, p. 27).
2. Council Directive 96/96/EC of 20 December 1996 on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers (OJ L 46, 17.2.1997, p. 1).
3. Council Directive 71/320/EEC of 26 July 1971 on the approximation of laws of the Member States relating to the braking devices of certain categories of motor vehicles and their trailers (OJ L 202, 6.9.1971, p. 37), as last amended by Commission Directive 91/422/EEC (OJ L 233, 22.8.1991, p. 21).

N° . . .

EXIGENCES DE BRUIT ET D'ÉMISSIONS POLLUANTES  
POUR LE CAMION « VERT »

Certificat de conformité aux normes techniques  
spécifiées dans la résolution CEMT/CM(91)26/Final

Le soussigné:	
Constructeur ou représentant agréé du constructeur dans le pays d'immatriculation <sup>(1)</sup> :	
du véhicule décrit ci-après, atteste, par la présente, que ledit véhicule est, à la date du ..... , identique au véhicule qui a été le ..... déclaré conforme aux spécifications de la résolution CEMT/CM(91)26/Final, et que les caractéristiques mentionnées sur ce certificat sont exactes.	

Cachet du constructeur ou du représentant agréé du constructeur  
dans le pays d'immatriculation

.....  
Lieu

.....  
Signature

.....  
Date

Type de véhicule:		
Numéro d'identification du véhicule:		
Type de moteur:		
Numéro du moteur:		
<b>Mesures selon <sup>(1)</sup>: ISO, CEE/ONU R. 85, directive 80/1269/CEE, telle que modifiée par la directive 89/491/CEE</b>		
Puissance maximum du moteur [kW]: à un régime moteur [tr/mn]:		
<b>Mesures selon <sup>(1)</sup>: CEE/ONU R. 51/02, directive 70/157/CEE, telle que modifiée par la directive 92/97/CEE</b>		
Maximum admis [dB(A)] <sup>(2)</sup>	Puissance moteur	Valeurs mesurées [dB(A)]
78	< = 150 kW	
80	> 150 kW	
Le: Â:		
Par:		
Vitesse d'approche [km/h]:		Sur le rapport:
Bruit de l'air comprimé [dB(A)]:		
Niveau de bruit à proximité [dB(A)]:		à un régime moteur [tr/mn]:
<b>Mesures selon: annexe 1 g KDV 1967 <sup>(3)</sup></b>		
Bruit de frein moteur [dB(A)]:		
Bruit ambiant [dB(A)]:	au point de mesure 2:	
	au point de mesure 6:	
<b>Mesures selon <sup>(1)</sup>: CEE/ONU R. 49/02 formulaire A, directive 88/77/CEE, telle que modifiée par la directive 91/542/CEE, formulaire A</b>		
Valeurs maximum [g/kWh] <sup>(2)</sup>	Polluants	Valeurs mesurées [g/kWh]
4,9	CO	
1,23	HC	
9,0	No <sub>x</sub>	
Puissance < = 85 kW: 0,68	Particules	
Puissance > 85 kW: 0,4		

<sup>(2)</sup> Résolution CEMT/CM(91)26/Final.  
<sup>(3)</sup> KDV «Kraftfahrzeugszulassungsdurchführungs-Verordnung» = Décret d'application de la loi relative aux véhicules à moteur (Autriche).

<sup>(1)</sup> Rayer les mentions inutiles.

Vehicle type:		
Vehicle identification number:		
Engine type:		
Engine number:		
<b>Measured according to (1): ISO, ECE R.85, Directive 80/1269/EEC, as amended by Directive 89/491/EEC</b>		
Maximum engine power [kW]:		
at engine speed [rpm]:		
<b>Measured according to (1): ECE R.51/02, Directive 70/157/EEC, as amended by Directive 92/97/EEC</b>		
Maximum values [dB(A)] (2)	Engine power	Measured values [dB(A)]
78	< = 150 kW	
80	> 150 kW	
On:		
In:		
By:		
Approach speed [km/h]:		
in gear:		
Compressed air noise [dB(A)]:		
Proximity noise level [dB(A)]:		
at engine speed [rpm]:		
<b>Measured according to: Annex 1 g KDV 1967 (3)</b>		
Engine braking noise [dB(A)]:		
Ambient noise [dB(A)]:		
at measure point 2:		
at measure point 6:		
<b>Measured according to (1): EEC R.49/02 Approval A, Directive 88/77/EEC as amended by Directive 91/542/EEC, Approval A</b>		
Maximum values [g/kWh] (2)	Pollutant	Measured value [g/kWh]
4,9	CO	
1,23	HC	
9,0	No <sub>x</sub>	
Power < = 85 kW: 0,68	Particle	
Power > 85 kW: 0,4		

No . . .

# **REQUIREMENTS FOR NOISE AND EXHAUST EMISSIONS FOR THE 'GREEN' LORRY**

Certificate of compliance with the technical provisions  
of Resolution CEMT/CM(91)26/Final

The:	
as manufacturer or authorised representative of the manufacturer in the State of Registration (1):	
of the vehicle described hereafter, hereby confirms that the said vehicle is, on ..... identical to a vehicle, which was on ..... in compliance with the provisions of Resolution CEMT/CM(91)26/Final, and confirms that the particulars entered overleaf are correct.	

Company signature of the manufacturer or of the authorised representative  
of the manufacturer in the State of registration

..... Place ..... Signature ..... Date .....

(1) Delete inappropriate mention.

(2) ECMT Resolution CEMT/CM(91)26/Final.

(3) KDV 'Kraftfahrzeugführungs-Verordnung' = HGV Act implementing regulations (Austria).

Nr. . . .

ANFORDERUNGEN AN DAS LÄRM- UND ABGASVERHALTEN DES  
"GRÜNEN" KRAFTFAHRZEUGES

Nachweis der Erfüllung der technischen Voraussetzung gemäß der  
Resolution CEMT/CM(91)26/Final

Die/Der:	
als Hersteller oder als im Zulassungsstaat Bevollmächtigter des Herstellers (1):	
des nachstehend beschriebenen Fahrzeugs bestätigt hiermit, dass dieses Fahrzeug am ..... mit dem Fahrzeug übereinstimmt, das am ..... den Bestimmungen der CEMT-Resolution CEMT/CM(91)26/Final entsprochen hat, sowie die Richtigkeit der umseitig eingetragenen Daten.	

Stempel des Herstellers oder des Bevollmächtigten im Zulassungsstaat

..... Ort ..... Unterschrift

..... Datum

Fahrzeugtyp:		
Fahrzeugidentifizierungsnummer:		
Motortyp:		
Motornummer:		
<b>Messung nach (1): ISO, ECE R.85, Richtlinie 80/1269/EWG, in der Fassung der Richtlinie 89/491/EWG</b>		
Größte Motorleistung [kW]: bei Motordrehzahl [1/min]:		
<b>Messung nach (1): ECE R.51/02, Richtlinie 70/157/EWG, in der Fassung der Richtlinie 92/97/EWG</b>		
Höchstwerte [dB(A)] (2)	Motorleistung	Gemessene Werte [dB(A)]
78	< = 150 kW	
80	> 150 kW	
am:	in:	
von:		
Annäherungsgeschwindigkeit [km/h]:	im Getriebeingang:	
Druckluftgeräusch [dB(A)]:		
Nahfeldpegel [dB(A)]:	bei Motordrehzahl [1/min]:	
<b>Messung nach: Anlage 1 g KDV 1967 (3)</b>		
Motorbremsgeräusch [dB(A)]:		
Rundumgeräusch [dB(A)]:	im Messpunkt 2:	
	im Messpunkt 6:	
<b>Messung nach (1): ECE R.49/02 Stufe A, Richtlinie 88/77/EWG, in der Fassung der Richtlinie 91/542/EWG, Stufe A</b>		
Grenzwerte [g/kWh] (2)	Schadstoffe	Gemessene Werte [g/kWh]
4,9	CO	
1,23	HC	
9,0	No <sub>x</sub>	
Leistung < = 85 kW: 0,68 Leistung > 85 kW: 0,4	Partikel	

(2) Resolution CEMT/CM(91)26/Final.  
(3) KDV = Kraftfahrzeugdurchführungs-Verordnung in Österreich.

(1) Nichtzutreffendes strichen.

## ANNEX 5

**Transit routes in Romania permitting Community vehicles conforming to Community rules on weights and dimensions to transit Romania without paying any special charges**

1. Community vehicles conforming to Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic (OJ L 235, 17.9.1996, p. 59) shall be exempt from any special permit and from any special charges relating to them being in excess of the Romanian rules on weights and dimensions providing the vehicles keep to the following transit routes within Romania:
    - transit route Nadlac/Calafat (Pan-European Corridor IV): namely the E68 from the Hungarian border to Nadlac and Arad, E671 from Arad to Timisoara, E70 from Timisoara to Craiova, E79 from Craiova to Calafat and to the Bulgarian border,
    - transit route Nadlac/Giurgiu (Pan-European Corridor IV and IX): namely the E68 from the Hungarian border to Nadlac, Deva and Sebes, E68/E81 from Sebes to Miercurea Sibiului and Vestem, E81 from Vestem to Pitesti, E70 from Pitesti to Bucarest; Bucarest south-western bypass, and E85 from Bucarest to Giurgiu and to the Bulgarian border.
  2. The following sections of the transit routes mentioned in paragraph 1 shall be temporarily excluded from the application of paragraph 1 of this Annex until 31 December 2000 at the latest unless the Joint Committee determines that the sections concerned have been upgraded (or realigned) to the required standards permitting use by vehicles conforming to the Community rules on weights and dimensions:
    - E 70 Bucharest to Pitesti.
  3. The following section of the transit routes mentioned in paragraph 1 shall be temporarily excluded from the application of paragraph 1 of this Annex until 31 December 2003 at the latest unless the Joint Committee determines that the section concerned has been upgraded (or realigned) to the required standards permitting use by vehicles conforming to the Community rules on weights and dimensions:
    - E 68/E81 Miercurea Sibiului to Vestem,
    - E 70 Timisoara to Lugoj,
    - E 85 Bucharest to Giurgiu.
  4. The following section of the transit routes mentioned in paragraph 1 shall be temporarily excluded from the application of paragraph 1 of this Annex until 31 December 2006 at the latest unless the Joint Committee determines that the section concerned has been upgraded (or realigned) to the required standards permitting use by vehicles conforming to the Community rules on weights and dimensions:
    - E 79 Craiova to Calafat and Bulgarian border,
    - E 70 Lugoj to Craiova.
  5. Without prejudice to paragraph 1, the Romanian authorities will, according to national rules in force, on the sections mentioned in paragraphs 2, 3 and 4 above and until the dates mentioned therein, levy only the distance and weight related charge relating to the vehicle being in excess of the Romanian rules on weights and dimensions.
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**Information on the entry into force of the Road Transit Agreement between the European Community and Romania for the carriage of goods**

The Road Transit Agreement between the European Community and Romania, which was signed on 28 June 2001, and which the Council decided to conclude on 7 December 2001, will come into force on 1 June 2002, the procedures provided for in Article 19 of the Agreement having been completed on 3 April 2002.

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**CORRIGENDA****Corrigendum to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products**

*(Official Journal of the European Communities L 114 of 30 April 2002)*

On page 144, Annex 2:

The horizontal line separating CN codes ex 0401 30 and 0403 10 shall be deleted.

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