

Official Journal

of the European Communities

ISSN 0378-6978

L 164

Volume 45

22 June 2002

English edition

Legislation

Contents

Acts adopted pursuant to Title V of the Treaty on European Union

2002/474/CFSP:

- ★ **Council Common Position of 20 June 2002 amending Common Position 2001/443/CFSP on the International Criminal Court** 1

Acts adopted pursuant to Title VI of the Treaty on European Union

2002/475/JHA:

- ★ **Council Framework Decision of 13 June 2002 on combating terrorism** 3

I *Acts whose publication is obligatory*

Commission Regulation (EC) No 1078/2002 of 21 June 2002 establishing the standard import values for determining the entry price of certain fruit and vegetables 8

- ★ **Commission Regulation (EC) No 1079/2002 of 21 June 2002 prohibiting fishing for haddock by vessels flying the flag of Belgium** 10

Commission Regulation (EC) No 1080/2002 of 21 June 2002 opening a standing invitation to tender for the export to certain third countries, of rye held by the German intervention agency 11

Commission Regulation (EC) No 1081/2002 of 21 June 2002 opening a standing invitation to tender for the export of barley held by the French intervention agency 16

Commission Regulation (EC) No 1082/2002 of 21 June 2002 amending Regulation (EC) No 395/2002 and increasing the quantity covered by the standing invitation to tender for the resale on the internal market of rice held by the Italian intervention agency to approximately 40 000 tonnes 21

★ Commission Regulation (EC) No 1083/2002 of 21 June 2002 amending Regulation (EC) No 347/2002 opening crisis distillation as provided for in Article 30 of Council Regulation (EC) No 1493/1999 for table wine in France	22
Commission Regulation (EC) No 1084/2002 of 21 June 2002 on the issuing of system A3 export licences in the fruit and vegetables sector	24
Commission Regulation (EC) No 1085/2002 of 21 June 2002 determining the quantity of certain products in the milk and milk products sector available for the second half of 2002 under quotas opened by the Community on the basis of an import licence alone ...	26
Commission Regulation (EC) No 1086/2002 of 21 June 2002 concerning tenders submitted in response to the invitation to tender for the export to certain third countries of wholly milled round grain A rice issued in Regulation (EC) No 2007/2001	28
Commission Regulation (EC) No 1087/2002 of 21 June 2002 concerning tenders submitted in response to the invitation to tender for the export to certain third European countries of wholly milled round, medium and long grain A rice issued in Regulation (EC) No 2008/2001	29
Commission Regulation (EC) No 1088/2002 of 21 June 2002 concerning tenders submitted in response to the invitation to tender for the export to certain third countries of wholly milled medium and long grain A rice issued in Regulation (EC) No 2009/2001	30
Commission Regulation (EC) No 1089/2002 of 21 June 2002 concerning tenders submitted in response to the invitation to tender for the export to certain third countries of wholly milled long grain rice issued in Regulation (EC) No 2010/2001	31
Commission Regulation (EC) No 1090/2002 of 21 June 2002 fixing the maximum subsidy on exports of husked long grain rice to Réunion pursuant to the invitation to tender referred to in Regulation (EC) No 2011/2001	32
Commission Regulation (EC) No 1091/2002 of 21 June 2002 amending the export refunds on eggs	33
Commission Regulation (EC) No 1092/2002 of 21 June 2002 amending the export refunds on poultrymeat	35

II Acts whose publication is not obligatory

Conference of the Representatives of the Governments of the Member States

2002/476/ECSC:

★ Decision of the representatives of the Governments of the Member States meeting within the Council, of 17 June 2002 amending Decision 2001/933/ECSC on certain measures applicable with regard to Ukraine concerning trade in certain steel products covered by the ECSC Treaty	37
--	----

Commission

2002/477/EC:

★ Commission Decision of 20 June 2002 laying down public health requirements for fresh meat and fresh poultrymeat imported from third countries, and amending Decision 94/984/EC ⁽¹⁾ (notified under document number C(2002) 2196)	39
--	----

- ★ **Commission Decision of 20 June 2002 concerning the non-inclusion of fentin acetate in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing this active substance ⁽¹⁾ (notified under document number C(2002) 2199)** 41

- ★ **Commission Decision of 20 June 2002 concerning the non-inclusion of fentin hydroxide in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing this active substance ⁽¹⁾ (notified under document number C(2002) 2207)** 43

(Acts adopted pursuant to Title V of the Treaty on European Union)

COUNCIL COMMON POSITION
of 20 June 2002
amending Common Position 2001/443/CFSP on the International Criminal Court
(2002/474/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS COMMON POSITION:

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Article 1

Whereas:

Common Position 2001/443/CFSP is hereby amended as follows:

- (1) Article 7 of Council Common Position 2001/443/CFSP of 11 June 2001, on the International Criminal Court ⁽¹⁾ (the Court), states that the Council shall review the Common Position every six months.
- (2) On 16 April 2002 the Council took note of a resolution on the Court approved by the European Parliament on 28 February 2002 which, *inter alia*, called for the adoption of an action plan to follow up Common Position 2001/443/CFSP.
- (3) The said Action Plan was finalised on 15 May 2002 and may be adapted as appropriate.
- (4) The Statute of the International Criminal Court, hereinafter the 'Statute', adopted by the Rome Conference of Plenipotentiaries, has been signed by 139 and ratified or acceded to by 69 States and will enter into force on 1 July 2002.
- (5) All Member States of the European Union have ratified the Statute.
- (6) In view of the forthcoming entry into force of the Statute, a number of steps have to be taken before the Court can function effectively, a period during which the European Union should do its utmost to promote the early establishment of the Court, in accordance with the relevant decisions of the Preparatory Commission and the Assembly of States Parties (the Assembly).
- (7) Common Position 2001/443/CFSP should therefore be amended,

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

'2. The objective of this Common Position is to support the early establishment and effective functioning of the Court and to advance universal support for the Court by promoting the widest possible participation in the Statute.'

2. Article 2 shall be replaced by the following:

'Article 2

1. In order to contribute to the objective of the widest possible participation in the Statute, the European Union and its Member States shall make every effort to further this process by raising the issue of the widest possible ratification, acceptance, approval of or accession to the Rome Statute and the implementation of the Statute in negotiations or political dialogues with third States, groups of States or relevant regional organisations, whenever appropriate.

2. The Union and its Member States shall contribute to the world-wide ratification and implementation of the Statute also by other means, such as by adopting initiatives to promote the dissemination of the values, principles and provisions of the Statute and related instruments. In furtherance of the objectives of this Common Position, the Union shall cooperate as necessary with other interested States, international institutions, non-governmental organisations and other representatives of civil society.

3. The Member States shall share with all interested States their own experiences on the issues related to the implementation of the Statute and, when appropriate, provide other forms of support to that objective. They shall contribute, when requested, with technical and, where appropriate, financial assistance to the legislative work needed for the ratification and implementation of the Statute in third countries. States considering to ratify the Statute or to cooperate with the Court shall be encouraged to inform the Union of difficulties encountered on that path.

⁽¹⁾ OJ L 155, 12.6.2001, p. 19.

4. In implementing this Article, the Union and its Member States shall coordinate political and technical support for the Court with regard to various States or groups of States. To that end, country-specific or region-specific strategies shall be developed and used where appropriate.'

3. Article 3 shall be replaced by the following:

'Article 3

1. The Union and its Member States shall give support, including practical support, to the early establishment and good functioning of the Court. In particular, they shall support the early creation and operation of an appropriate planning mechanism, including an advance team of experts, in order to prepare the effective establishment of the Court.

2. Member States shall cooperate to ensure the smooth functioning of the Assembly in all respects, including the adoption of documents recommended by the Preparatory Commission. In particular, Member States shall make every effort to ensure that highly qualified candidates are nominated, *inter alia* by encouraging transparent nomination procedures for judges and prosecutors in accordance with the Statute. They shall also endeavour to achieve that the composition of the Court as a whole reflects the criteria set forth in the Statute.

3. The Union and its Member States shall consider contributing in an appropriate and equitable manner to the costs for measures needed before the first periods budget of the

Court becomes effective and the Court is fully operational. The Union, after adoption of a budget of the Court by the Assembly of States' Parties, shall encourage States' Parties to promptly transfer their assessed contributions in accordance with the decisions taken by the Assembly.

4. The Union and its Member States shall endeavour to support as appropriate the development of training and assistance for judges, prosecutors, officials and counsel in work related to the Court.'

Article 2

This Common Position shall take effect on the date of its adoption.

Article 3

This Common Position shall be published in the Official Journal.

Done at Madrid, 20 June 2002.

For the Council

The President

R. DE RATO Y FIGAREDO

(Acts adopted pursuant to Title VI of the Treaty on European Union)

COUNCIL FRAMEWORK DECISION

of 13 June 2002

on combating terrorism

(2002/475/JHA)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Union, and in particular Article 29, Article 31(e) and Article 34(2)(b) thereof,

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

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

Whereas:

- (1) The European Union is founded on the universal values of human dignity, liberty, equality and solidarity, respect for human rights and fundamental freedoms. It is based on the principle of democracy and the principle of the rule of law, principles which are common to the Member States.
- (2) Terrorism constitutes one of the most serious violations of those principles. The La Gomera Declaration adopted at the informal Council meeting on 14 October 1995 affirmed that terrorism constitutes a threat to democracy, to the free exercise of human rights and to economic and social development.
- (3) All or some Member States are party to a number of conventions relating to terrorism. The Council of Europe Convention of 27 January 1977 on the Suppression of Terrorism does not regard terrorist offences as political offences or as offences connected with political offences or as offences inspired by political motives. The United Nations has adopted the Convention for the suppression of terrorist bombings of 15 December 1997 and the Convention for the suppression of financing terrorism of 9 December 1999. A draft global Convention against terrorism is currently being negotiated within the United Nations.
- (4) At European Union level, on 3 December 1998 the Council adopted the Action Plan of the Council and the Commission on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice ⁽³⁾. Account should also be taken of the

Council Conclusions of 20 September 2001 and of the Extraordinary European Council plan of action to combat terrorism of 21 September 2001. Terrorism was referred to in the conclusions of the Tampere European Council of 15 and 16 October 1999, and of the Santa Maria da Feira European Council of 19 and 20 June 2000. It was also mentioned in the Commission communication to the Council and the European Parliament on the biannual update of the scoreboard to review progress on the creation of an area of 'freedom, security and justice' in the European Union (second half of 2000). Furthermore, on 5 September 2001 the European Parliament adopted a recommendation on the role of the European Union in combating terrorism. It should, moreover, be recalled that on 30 July 1996 twenty-five measures to fight against terrorism were advocated by the leading industrialised countries (G7) and Russia meeting in Paris.

- (5) The European Union has adopted numerous specific measures having an impact on terrorism and organised crime, such as the Council Decision of 3 December 1998 instructing Europol to deal with crimes committed or likely to be committed in the course of terrorist activities against life, limb, personal freedom or property ⁽⁴⁾; Council Joint Action 96/610/JHA of 15 October 1996 concerning the creation and maintenance of a Directory of specialised counter-terrorist competences, skills and expertise to facilitate counter-terrorism cooperation between the Member States of the European Union ⁽⁵⁾; Council Joint Action 98/428/JHA of 29 June 1998 on the creation of a European Judicial Network ⁽⁶⁾, with responsibilities in terrorist offences, in particular Article 2; Council Joint Action 98/733/JHA of 21 December 1998 on making it a criminal offence to participate in a criminal organisation in the Member States of the European Union ⁽⁷⁾; and the Council Recommendation of 9 December 1999 on cooperation in combating the financing of terrorist groups ⁽⁸⁾.

⁽¹⁾ OJ C 332 E, 27.11.2001, p. 300.

⁽²⁾ Opinion delivered on 6 February 2002 (not yet published in the Official Journal).

⁽³⁾ OJ C 19, 23.1.1999, p. 1.

⁽⁴⁾ OJ C 26, 30.1.1999, p. 22.

⁽⁵⁾ OJ L 273, 25.10.1996, p. 1.

⁽⁶⁾ OJ L 191, 7.7.1998, p. 4.

⁽⁷⁾ OJ L 351, 29.12.1998, p. 1.

⁽⁸⁾ OJ C 373, 23.12.1999, p. 1.

- (6) The definition of terrorist offences should be approximated in all Member States, including those offences relating to terrorist groups. Furthermore, penalties and sanctions should be provided for natural and legal persons having committed or being liable for such offences, which reflect the seriousness of such offences.
- (7) Jurisdictional rules should be established to ensure that the terrorist offence may be effectively prosecuted.
- (8) Victims of terrorist offences are vulnerable, and therefore specific measures are necessary with regard to them.
- (9) Given that the objectives of the proposed action cannot be sufficiently achieved by the Member States unilaterally, and can therefore, because of the need for reciprocity, be better achieved at the level of the Union, the Union may adopt measures, in accordance with the principle of subsidiarity. In accordance with the principle of proportionality, this Framework Decision does not go beyond what is necessary in order to achieve those objectives.
- (10) This Framework Decision respects fundamental rights as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they emerge from the constitutional traditions common to the Member States as principles of Community law. The Union observes the principles recognised by Article 6(2) of the Treaty on European Union and reflected in the Charter of Fundamental Rights of the European Union, notably Chapter VI thereof. Nothing in this Framework Decision may be interpreted as being intended to reduce or restrict fundamental rights or freedoms such as the right to strike, freedom of assembly, of association or of expression, including the right of everyone to form and to join trade unions with others for the protection of his or her interests and the related right to demonstrate.
- (11) Actions by armed forces during periods of armed conflict, which are governed by international humanitarian law within the meaning of these terms under that law, and, inasmuch as they are governed by other rules of international law, actions by the armed forces of a State in the exercise of their official duties are not governed by this Framework Decision,
- their nature or context, may seriously damage a country or an international organisation where committed with the aim of:
- seriously intimidating a population, or
 - unduly compelling a Government or international organisation to perform or abstain from performing any act, or
 - seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation,
- shall be deemed to be terrorist offences:
- (a) attacks upon a person's life which may cause death;
 - (b) attacks upon the physical integrity of a person;
 - (c) kidnapping or hostage taking;
 - (d) causing extensive destruction to a Government or public facility, a transport system, an infrastructure facility, including an information system, a fixed platform located on the continental shelf, a public place or private property likely to endanger human life or result in major economic loss;
 - (e) seizure of aircraft, ships or other means of public or goods transport;
 - (f) manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of nuclear, biological or chemical weapons, as well as research into, and development of, biological and chemical weapons;
 - (g) release of dangerous substances, or causing fires, floods or explosions the effect of which is to endanger human life;
 - (h) interfering with or disrupting the supply of water, power or any other fundamental natural resource the effect of which is to endanger human life;
 - (i) threatening to commit any of the acts listed in (a) to (h).
2. This Framework Decision shall not have the effect of altering the obligation to respect fundamental rights and fundamental legal principles as enshrined in Article 6 of the Treaty on European Union.

HAS ADOPTED THIS FRAMEWORK DECISION:

Article 2

Offences relating to a terrorist group

Article 1

Terrorist offences and fundamental rights and principles

1. Each Member State shall take the necessary measures to ensure that the intentional acts referred to below in points (a) to (i), as defined as offences under national law, which, given

1. For the purposes of this Framework Decision, 'terrorist group' shall mean: a structured group of more than two persons, established over a period of time and acting in concert to commit terrorist offences. 'Structured group' shall mean a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure.

2. Each Member State shall take the necessary measures to ensure that the following intentional acts are punishable:

- (a) directing a terrorist group;
- (b) participating in the activities of a terrorist group, including by supplying information or material resources, or by funding its activities in any way, with knowledge of the fact that such participation will contribute to the criminal activities of the terrorist group.

Article 3

Offences linked to terrorist activities

Each Member State shall take the necessary measures to ensure that terrorist-linked offences include the following acts:

- (a) aggravated theft with a view to committing one of the acts listed in Article 1(1);
- (b) extortion with a view to the perpetration of one of the acts listed in Article 1(1);
- (c) drawing up false administrative documents with a view to committing one of the acts listed in Article 1(1)(a) to (h) and Article 2(2)(b).

Article 4

Inciting, aiding or abetting, and attempting

1. Each Member State shall take the necessary measures to ensure that inciting or aiding or abetting an offence referred to in Article 1(1), Articles 2 or 3 is made punishable.

2. Each Member State shall take the necessary measures to ensure that attempting to commit an offence referred to in Article 1(1) and Article 3, with the exception of possession as provided for in Article 1(1)(f) and the offence referred to in Article 1(1)(i), is made punishable.

Article 5

Penalties

1. Each Member State shall take the necessary measures to ensure that the offences referred to in Articles 1 to 4 are punishable by effective, proportionate and dissuasive criminal penalties, which may entail extradition.

2. Each Member State shall take the necessary measures to ensure that the terrorist offences referred to in Article 1(1) and offences referred to in Article 4, inasmuch as they relate to terrorist offences, are punishable by custodial sentences heavier than those imposed under national law for such offences in the absence of the special intent required pursuant to Article 1(1), save where the sentences imposed are already the maximum possible sentences under national law.

3. Each Member State shall take the necessary measures to ensure that offences listed in Article 2 are punishable by custodial sentences, with a maximum sentence of not less than fifteen years for the offence referred to in Article 2(2)(a), and for the offences listed in Article 2(2)(b) a maximum sentence of not less than eight years. In so far as the offence referred to in Article 2(2)(a) refers only to the act in Article 1(1)(i), the maximum sentence shall not be less than eight years.

Article 6

Particular circumstances

Each Member State may take the necessary measures to ensure that the penalties referred to in Article 5 may be reduced if the offender:

- (a) renounces terrorist activity, and
- (b) provides the administrative or judicial authorities with information which they would not otherwise have been able to obtain, helping them to:
 - (i) prevent or mitigate the effects of the offence;
 - (ii) identify or bring to justice the other offenders;
 - (iii) find evidence; or
 - (iv) prevent further offences referred to in Articles 1 to 4.

Article 7

Liability of legal persons

1. Each Member State shall take the necessary measures to ensure that legal persons can be held liable for any of the offences referred to in Articles 1 to 4 committed for their benefit by any person, acting either individually or as part of an organ of the legal person, who has a leading position within the legal person, based on one of the following:

- (a) a power of representation of the legal person;
- (b) an authority to take decisions on behalf of the legal person;
- (c) an authority to exercise control within the legal person.

2. Apart from the cases provided for in paragraph 1, each Member State shall take the necessary measures to ensure that legal persons can be held liable where the lack of supervision or control by a person referred to in paragraph 1 has made possible the commission of any of the offences referred to in Articles 1 to 4 for the benefit of that legal person by a person under its authority.

3. Liability of legal persons under paragraphs 1 and 2 shall not exclude criminal proceedings against natural persons who are perpetrators, instigators or accessories in any of the offences referred to in Articles 1 to 4.

*Article 8***Penalties for legal persons**

Each Member State shall take the necessary measures to ensure that a legal person held liable pursuant to Article 7 is punishable by effective, proportionate and dissuasive penalties, which shall include criminal or non-criminal fines and may include other penalties, such as:

- (a) exclusion from entitlement to public benefits or aid;
- (b) temporary or permanent disqualification from the practice of commercial activities;
- (c) placing under judicial supervision;
- (d) a judicial winding-up order;
- (e) temporary or permanent closure of establishments which have been used for committing the offence.

*Article 9***Jurisdiction and prosecution**

1. Each Member State shall take the necessary measures to establish its jurisdiction over the offences referred to in Articles 1 to 4 where:

- (a) the offence is committed in whole or in part in its territory. Each Member State may extend its jurisdiction if the offence is committed in the territory of a Member State;
- (b) the offence is committed on board a vessel flying its flag or an aircraft registered there;
- (c) the offender is one of its nationals or residents;
- (d) the offence is committed for the benefit of a legal person established in its territory;
- (e) the offence is committed against the institutions or people of the Member State in question or against an institution of the European Union or a body set up in accordance with the Treaty establishing the European Community or the Treaty on European Union and based in that Member State.

2. When an offence falls within the jurisdiction of more than one Member State and when any of the States concerned can validly prosecute on the basis of the same facts, the Member States concerned shall cooperate in order to decide which of them will prosecute the offenders with the aim, if possible, of centralising proceedings in a single Member State. To this end, the Member States may have recourse to any body or mechanism established within the European Union in order to facilitate cooperation between their judicial authorities and the coordination of their action. Sequential account shall be taken of the following factors:

- the Member State shall be that in the territory of which the acts were committed,
- the Member State shall be that of which the perpetrator is a national or resident,

— the Member State shall be the Member State of origin of the victims,

— the Member State shall be that in the territory of which the perpetrator was found.

3. Each Member State shall take the necessary measures also to establish its jurisdiction over the offences referred to in Articles 1 to 4 in cases where it refuses to hand over or extradite a person suspected or convicted of such an offence to another Member State or to a third country.

4. Each Member State shall ensure that its jurisdiction covers cases in which any of the offences referred to in Articles 2 and 4 has been committed in whole or in part within its territory, wherever the terrorist group is based or pursues its criminal activities.

5. This Article shall not exclude the exercise of jurisdiction in criminal matters as laid down by a Member State in accordance with its national legislation.

*Article 10***Protection of, and assistance to, victims**

1. Member States shall ensure that investigations into, or prosecution of, offences covered by this Framework Decision are not dependent on a report or accusation made by a person subjected to the offence, at least if the acts were committed on the territory of the Member State.

2. In addition to the measures laid down in the Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings⁽¹⁾, each Member State shall, if necessary, take all measures possible to ensure appropriate assistance for victims' families.

*Article 11***Implementation and reports**

1. Member States shall take the necessary measures to comply with this Framework Decision by 31 December 2002.

2. By 31 December 2002, Member States shall forward to the General Secretariat of the Council and to the Commission the text of the provisions transposing into their national law the obligations imposed on them under this Framework Decision. On the basis of a report drawn up from that information and a report from the Commission, the Council shall assess, by 31 December 2003, whether Member States have taken the necessary measures to comply with this Framework Decision.

3. The Commission report shall specify, in particular, transposition into the criminal law of the Member States of the obligation referred to in Article 5(2).

⁽¹⁾ OJ L 82, 22.3.2001, p. 1.

*Article 12***Territorial application**

This Framework Decision shall apply to Gibraltar.

*Article 13***Entry into force**

This Framework Decision shall enter into force on the day of its publication in the Official Journal.

Done at Luxembourg, 13 June 2002.

For the Council

The President

M. RAJOY BREY

I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1078/2002
of 21 June 2002
establishing the standard import values for determining the entry price of certain fruit and
vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1498/98 ⁽²⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 22 June 2002.

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

Done at Brussels, 21 June 2002.

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

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 21 June 2002 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	73,9
	064	68,7
	999	71,3
0707 00 05	052	90,4
	220	143,3
	999	116,9
0709 90 70	052	77,1
	999	77,1
0805 50 10	388	63,8
	528	60,2
	999	62,0
0808 10 20, 0808 10 50, 0808 10 90	388	89,0
	400	63,2
	404	112,9
	508	86,2
	512	83,8
	524	56,8
	528	72,5
	720	91,8
	804	114,0
	999	85,6
0809 10 00	052	221,6
	999	221,6
0809 20 95	052	399,7
	064	221,4
	066	255,2
	068	140,2
	094	300,3
	400	467,4
	999	297,4

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

COMMISSION REGULATION (EC) No 1079/2002
of 21 June 2002
prohibiting fishing for haddock by vessels flying the flag of Belgium

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

for 2002. Belgium has prohibited fishing for this stock from 9 June 2002. This date should be adopted in this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of haddock in the waters of ICES division VIIa (EC waters) by vessels flying the flag of Belgium or registered in Belgium are hereby deemed to have exhausted the quota allocated to Belgium for 2002.

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

Article 2

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

It shall apply from 9 June 2002.

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

Done at Brussels, 21 June 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 358, 31.12.1998, p. 5.

⁽³⁾ OJ L 347, 31.12.2001, p. 1.

COMMISSION REGULATION (EC) No 1080/2002

of 21 June 2002

opening a standing invitation to tender for the export to certain third countries, of rye held by the German intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 5 thereof,

Subject to the provisions of this Regulation the German intervention agency issues a standing invitation to tender for the export of rye held by it in accordance with Regulation (EEC) No 2131/93.

Whereas:

Article 2

- (1) Commission Regulation (EEC) No 2131/93 ⁽³⁾, as last amended by Regulation (EC) No 1630/2000 ⁽⁴⁾, lays down the procedure and conditions for the disposal of cereals held by intervention agencies.
- (2) Given the current market situation, a standing invitation to tender should be opened for the export to third countries, with the exception of the countries in Zone VII as defined in the Annex to Regulation (EEC) No 2145/92 ⁽⁵⁾, as amended by Regulation (EC) No 3304/94 ⁽⁶⁾, and with the exception of Estonia, Lithuania, Latvia, 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 Herzegovina, Albania, Romania, Bulgaria, Armenia, Georgia, Azerbaijan, Moldova, Ukraine, Kazakhstan, Kyrgyzstan, Uzbekistan, Tajikistan and Turkmenistan of 1 000 000 tonnes of rye held by the German intervention agency.
- (3) Special procedures must be laid down to ensure that the operations and their monitoring are properly effected. To that end, provision should be made for a security lodgement scheme which ensures that aims are met while avoiding excessive costs for the operators. Derogations should accordingly be made to certain rules, in particular those laid down in Regulation (EEC) No 2131/93.
- (4) Where removal of the rye is delayed by more than five days or the release of one of the securities required is delayed for reasons imputable to the intervention agency the Member State concerned must pay compensation.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

1. The invitation to tender shall cover a maximum of 1 000 000 tonnes of rye for export to third countries, with the exception of the countries in Zone VII as defined in the Annex to Regulation (EEC) No 2145/92, and with the exception of Estonia, Lithuania, Latvia, 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 Herzegovina, Albania, Romania, Bulgaria, Armenia, Georgia, Azerbaijan, Moldova, Ukraine, Kazakhstan, Kyrgyzstan, Uzbekistan, Tajikistan and Turkmenistan.

2. The regions in which the 1 000 000 tonnes of rye are stored are set out in Annex I.

Article 3

1. Notwithstanding the third paragraph of Article 16 of Regulation (EEC) No 2131/93, the price to be paid for the export shall be that quoted in the tender.

2. No export refund or tax or monthly increase shall be granted on exports carried out pursuant to this Regulation.

3. Article 8(2) of Regulation (EEC) No 2131/93 shall not apply.

Article 4

1. The export licences shall be valid from their date of issue within the meaning of Article 9 of Regulation (EEC) No 2131/93 until the end of the fourth month thereafter.

2. Tenders submitted in response to this invitation to tender may not be accompanied by export licence applications submitted pursuant to Article 49 of Commission Regulation (EC) No 1291/2000 ⁽⁷⁾, as amended by Regulation (EC) No. 2299/2001 ⁽⁸⁾.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 191, 31.7.1993, p. 76.

⁽⁴⁾ OJ L 187, 26.7.2000, p. 24.

⁽⁵⁾ OJ L 214, 30.7.1992, p. 20.

⁽⁶⁾ OJ L 341, 30.12.1994, p. 48.

⁽⁷⁾ OJ L 152, 24.6.2000, p. 1.

⁽⁸⁾ OJ L 308, 27.11.2001, p. 19.

Article 5

1. Notwithstanding Article 7(1) of Regulation (EEC) No 2131/93, the time limit for submission of tenders in respect of the first partial invitation to tender shall be 9.00 (Brussels time) on 4 July 2002.
2. The time limit for submission of tenders in respect of subsequent partial invitations to tender shall be 9.00 (Brussels time) each Thursday thereafter.
3. The last partial invitation to tender shall be 9.00 (Brussels time) on 22 May 2003.
4. Tenders shall be lodged with the German intervention agency.

Article 6

1. The intervention agency, the storer and the successful tenderer shall, at the request of the latter and by common agreement, either before or at the time of removal from storage as the successful tenderer chooses, take reference samples for counter-analysis at the rate of at least one sample for every 500 tonnes and shall analyse the samples. The intervention agency may be represented by a proxy, provided this is not the storer.

The analysis results shall be forwarded to the Commission in the event of a dispute.

Reference samples for counter-analysis shall be taken and analysed within seven working days of the date of the successful tenderer's request or within three working days if the samples are taken on removal from storage. Where the final result of sample analyses indicates a quality:

- (a) higher than that specified in the notice of invitation to tender, the successful tenderer must accept the lot as established;
- (b) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, providing that the differences having regard to those criteria do not exceed the following limits:
 - one kilogram per hectolitre as regards specific weight, which must not, however, be less than 68 kg/hl,
 - one percentage point as regards moisture content,
 - half a percentage point as regards impurities as specified in points B.2 and B.4 of the Annex to Commission Regulation (EC) No 824/2000 ⁽¹⁾, and
 - half a percentage point as regards impurities as specified in point B.5 of the Annex to Regulation (EC) No 824/2000, the percentages admissible for noxious grains and ergot, however, remaining unchanged,

the successful tenderer must accept the lot as established;

- (c) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, and a difference exceeding the limits set out in point (b), the successful tenderer may:
 - accept the lot as established, or
 - refuse to take over the lot in question. The successful tenderer shall be discharged of all his obligations relat-

ing to the lot in question and the securities shall be released only once he has informed the Commission and the intervention agency forthwith in accordance with Annex II; however, if he requests the intervention agency to supply him with another lot of intervention rye of the quality laid down at no additional charge, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall notify the Commission immediately thereof in accordance with Annex II;

- (d) below the minimum characteristics laid down for intervention, the successful tenderer may not remove the lot in question. He shall be discharged of all his obligations relating to the lot in question and the securities shall be released only once he has informed the Commission and the intervention agency forthwith in accordance with Annex II; however, he may request the intervention agency to supply him with another lot of intervention rye of the quality laid down at no additional charge. In that case, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof in accordance with Annex II.

2. However, if the rye is removed before the results of the analyses are known, all risks shall be borne by the successful tenderer from the time the lot is removed, without prejudice to any means of redress of which he may avail himself against the storer.

3. If, as a result of successive replacements, the successful tenderer has not received a replacement lot of the quality laid down within one month of the date of his request for a replacement, he shall be discharged of all his obligations and the securities shall be released once he has informed the Commission and the intervention agency forthwith in accordance with Annex II.

4. Except where the final results of analyses indicate a quality below the minimum characteristics laid down for intervention, the costs of taking the samples and conducting the analyses provided for in paragraph 1 but not of inter-bin transfers shall be borne by the European Agricultural Guidance and Guarantee Fund (EAGGF) in respect of up to one analysis per 500 tonnes. The costs of inter-bin transfers and any additional analyses requested by the successful tenderer shall be borne by him.

Article 7

By derogation from Article 12 of Commission Regulation (EEC) No 3002/92 ⁽²⁾, as last amended by Regulation (EC) No 770/96 ⁽³⁾, the documents relating to the sale of rye in accordance with this Regulation, and in particular the export licence, the removal order referred to in Article 3(1)(b) of Regulation (EEC) No 3002/92, the export declaration and, where necessary, the T5 copy shall carry the entry:

- Centeno de intervención sin aplicación de restitución ni gravamen, Reglamento (CE) n° 1080/2002

⁽¹⁾ OJ L 100, 20.4.2000, p. 31.

⁽²⁾ OJ L 301, 17.10.1992, p. 17.

⁽³⁾ OJ L 104, 27.4.1996, p. 13.

- Rug fra intervention uden restitutionsydelse eller -afgift, forordning (EF) nr. 1080/2002
- Interventionsroggen ohne Anwendung von Ausfuhrerstattungen oder Ausfuhrabgaben, Verordnung (EG) Nr. 1080/2002
- Σίκαλη παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 1080/2002
- Intervention rye without application of refund or tax, Regulation (EC) No 1080/2002
- Seigle d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) n° 1080/2002
- Segala d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 1080/2002
- Rogge uit interventie, zonder toepassing van restitutie of belasting, Verordening (EG) nr. 1080/2002
- Centeio de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n.º 1080/2002
- Interventioruista, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 1080/2002
- Interventionsråg, utan tillämpning av bidrag eller avgift, förordning (EG) nr 1080/2002.

Article 8

1. The security lodgement pursuant to Article 13(4) of Regulation (EEC) No 2131/93 must be released once the export licences have been issued to the successful tenderers.
2. Notwithstanding Article 17 of Regulation (EEC) No 2131/93, the obligation to export shall be covered by a security equal to the difference between the intervention price applying on the day of the award and the price awarded but not less than EUR 70 per tonne. Half of the security shall be lodged when the licence is issued and the balance shall be lodged before the cereals are removed.

Notwithstanding Article 15(2) of Regulation (EEC) No 3002/92:

- the part of the security lodged when the licence is issued must be released within 20 working days of the date on which the successful tenderer provides proof that the cereals removed have left the customs territory of the Community.

Notwithstanding Article 17(3) of Regulation (EEC) No 2131/93:

- the remainder must be released within 15 working days of the date on which the successful tenderer provides the proof referred to in Article 16 of Commission Regulation (EC) No 800/1999 ⁽¹⁾, as last amended by Regulation (EC) No 2299/2001.

3. Except in duly substantiated exceptional cases, in particular the opening of an administrative enquiry, any release of the securities provided for in this Article after the time limits specified in this same Article shall confer an entitlement to compensation from the Member State amounting to EUR 0,015 per 10 tonnes for each day's delay.

This compensation shall not be charged to the EAGGF.

Article 9

Within two hours of the expiry of the time limit for the submission of tenders, the German intervention agency shall notify the Commission of tenders received. Such notification shall be made using the model set out in Annex III and the fax numbers set out in Annex IV.

Article 10

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, 21 June 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 102, 17.4.1999, p. 11.

ANNEX I

(tonnes)	
Place of storage	Quantity
Schleswig-Holstein/Hamburg/Niedersachsen/ Bremen/Mecklenburg-Vorpommern	402 107
Nordrhein-Westfalen/Hessen/Rheinland-Pfalz/ Saarland/Baden-Württemberg/Bayern	37 237
Berlin/Brandenburg/Sachsen-Anhalt/Sachsen/ Thüringen	560 718

ANNEX II

COMMUNICATION OF REFUSAL OF LOTS UNDER THE STANDING INVITATION TO TENDER FOR THE EXPORT TO CERTAIN THIRD COUNTRIES, OF RYE HELD BY THE GERMAN INTERVENTION AGENCY

(Article 6(1) of Regulation (EC) No 1080/2002)

- Name of successful tenderer:
- Date of award contract:
- Date of refusal of lot by successful tenderer:

Lot No	Quantity in tonnes	Address of silo	Reason for refusal to take over
			<ul style="list-style-type: none"> — Specific weight (kg/hl) — % sprouted grains — % miscellaneous impurities (Schwarzbesatz) — % of matter which is not basic cereal of unimpaired quality — Other

ANNEX III

**STANDING INVITATION TO TENDER FOR THE EXPORT TO CERTAIN THIRD COUNTRIES, OF RYE HELD
BY THE GERMAN INTERVENTION AGENCY**

(Regulation (EC) No 1080/2002)

1	2	3	4	5	6	7
Tender No	Consignment No	Quantity (tonnes)	Offer price (EUR/tonne) (¹)	Price increases (+) or reductions (-) (EUR/tonne) p.m.	Commercial costs (EUR/tonne)	Destination
1						
2						
3						
etc.						

(¹) This price includes the increases or reductions relating to the lot to which the tender refers.

ANNEX IV

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

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

COMMISSION REGULATION (EC) No 1081/2002**of 21 June 2002****opening a standing invitation to tender for the export of barley held by the French intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 5 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 ⁽³⁾, as last amended by Regulation (EC) No 1630/2000 ⁽⁴⁾, lays down the procedure and conditions for the disposal of cereals held by intervention agencies.
- (2) Given the current market situation, a standing invitation to tender should be opened for the export of 300 000 tonnes of barley held by the French intervention agency.
- (3) Special procedures must be laid down to ensure that the operations and their monitoring are properly effected. To that end, provision should be made for a security lodgement scheme which ensures that aims are met while avoiding excessive costs for the operators. Derogations should accordingly be made to certain rules, in particular those laid down in Regulation (EEC) No 2131/93.
- (4) Where removal of the barley is delayed by more than five days or the release of one of the securities required is delayed for reasons imputable to the intervention agency, the Member State concerned must pay compensation.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

Subject to the provisions of this Regulation the French intervention agency issues a standing invitation to tender for the export of barley held by it in accordance with Regulation (EEC) No 2131/93.

Article 2

1. The invitation to tender shall cover a maximum of 300 000 tonnes of barley for export to third countries, with the exception of the United States, Canada and Mexico.
2. The regions in which the 300 000 tonnes of barley are stored are set out in Annex I.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 191, 31.7.1993, p. 76.

⁽⁴⁾ OJ L 187, 26.7.2000, p. 24.

Article 3

1. Notwithstanding the third paragraph of Article 16 of Regulation (EEC) No 2131/93, the price to be paid for the export shall be that quoted in the tender.
2. No export refund or tax or monthly increase shall be granted on exports carried out pursuant to this Regulation.
3. Article 8(2) of Regulation (EEC) No 2131/93 shall not apply.

Article 4

1. The export licences shall be valid from their date of issue within the meaning of Article 9 of Regulation (EEC) No 2131/93 until the end of the fourth month thereafter.
2. Tenders submitted in response to this invitation to tender may not be accompanied by export licence applications submitted pursuant to Article 49 of Commission Regulation (EC) No 1291/2000 ⁽⁵⁾, as last amended by Regulation (EC) No 2299/2001 ⁽⁶⁾.

Article 5

1. Notwithstanding Article 7(1) of Regulation (EEC) No 2131/93, the time limit for submission of tenders in respect of the first partial invitation to tender shall be 9.00 (Brussels time) on 27 June 2002.
2. The time limit for submission of tenders in respect of subsequent partial invitations to tender shall be 9.00 (Brussels time) each Thursday thereafter.
3. The last partial invitation to tender shall be 9.00 (Brussels time) on 22 May 2003.
4. Tenders shall be lodged with the French intervention agency.

Article 6

1. The intervention agency, the storer and the successful tenderer shall, at the request of the latter and by common agreement, either before or at the time of removal from storage as the successful tenderer chooses, take reference samples for counter-analysis at the rate of at least one sample for every 500 tonnes and shall analyse the samples. The intervention agency may be represented by a proxy, provided this is not the storer.

The analysis results shall be forwarded to the Commission in the event of a dispute.

⁽⁵⁾ OJ L 152, 24.6.2000, p. 1.

⁽⁶⁾ OJ L 308, 27.11.2001, p. 19.

Reference samples for counter-analysis shall be taken and analysed within seven working days of the date of the successful tenderer's request or within three working days if the samples are taken on removal from storage. Where the final result of sample analyses indicates a quality:

- (a) higher than that specified in the notice of invitation to tender, the successful tenderer must accept the lot as established;
- (b) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, providing that the differences having regard to those criteria do not exceed the following limits:
 - two kilograms per hectolitre as regards specific weight, which must not, however, be less than 60 kg/hl,
 - one percentage point as regards moisture content,
 - half a percentage point as regards impurities as specified in points B.2 and B.4 of the Annex to Commission Regulation (EC) No 824/2000 ⁽¹⁾, and
 - half a percentage point as regards impurities as specified in point B.5 of the Annex to Regulation (EC) No 824/2000, the percentages admissible for noxious grains and ergot, however, remaining unchanged,

the successful tenderer must accept the lot as established;

- (c) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, and a difference exceeding the limits set out in point (b), the successful tenderer may:
 - accept the lot as established, or
 - refuse to take over the lot in question. The successful tenderer shall be discharged of all his obligations relating to the lot in question and the securities shall be released only once he has informed the Commission and the intervention agency forthwith in accordance with Annex II; however, if he requests the intervention agency to supply him with another lot of intervention barley of the quality laid down at no additional charge, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall notify the Commission immediately thereof in accordance with Annex II;
- (d) below the minimum characteristics laid down for intervention, the successful tenderer may not remove the lot in question. He shall be discharged of all his obligations relating to the lot in question and the securities shall be released only once he has informed the Commission and the intervention agency forthwith in accordance with Annex II; however, he may request the intervention agency to supply him with another lot of intervention barley of the quality laid down at no additional charge. In that case, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof in accordance with Annex II.

2. However, if the barley is removed before the results of the analyses are known, all risks shall be borne by the successful tenderer from the time the lot is removed, without prejudice to any means of redress of which he may avail himself against the storeroom.

3. If, as a result of successive replacements, the successful tenderer has not received a replacement lot of the quality laid down within one month of the date of his request for a replacement, he shall be discharged of all his obligations and the securities shall be released once he has informed the Commission and the intervention agency forthwith in accordance with Annex II.

4. Except where the final results of analyses indicate a quality below the minimum characteristics laid down for intervention, the costs of taking the samples and conducting the analyses provided for in paragraph 1 but not of inter-bin transfers shall be borne by the European Agricultural Guidance and Guarantee Fund (EAGGF) in respect of up to one analysis per 500 tonnes. The costs of inter-bin transfers and any additional analyses requested by the successful tenderer shall be borne by him.

Article 7

Notwithstanding Article 12 of Commission Regulation (EEC) No 3002/92 ⁽²⁾, as last amended by Regulation (EC) No 770/96 ⁽³⁾, the documents relating to the sale of barley in accordance with this Regulation, and in particular the export licence, the removal order referred to in Article 3(1)(b) of Regulation (EEC) No 3002/92, the export declaration and, where necessary, the T5 copy shall carry the entry:

- Cebada de intervención sin aplicación de restitución ni gravamen, Reglamento (CE) n° 1081/2002
- Byg fra intervention uden restitutionsydelse eller -afgift, forordning (EF) nr. 1081/2002
- Interventionsgerste ohne Anwendung von Ausfuhrerstattungen oder Ausfuhrabgaben, Verordnung (EG) Nr. 1081/2002
- Κριθή παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 1081/2002
- Intervention barley without application of refund or tax, Regulation (EC) No 1081/2002
- Orge d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) n° 1081/2002
- Orzo d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 1081/2002
- Gerst uit interventie, zonder toepassing van restitutie of belasting, Verordening (EG) nr. 1081/2002
- Cevada de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n.º 1081/2002
- Interventio-ohraa, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 1081/2002
- Interventionskorn, utan tillämpning av bidrag eller avgift, förordning (EG) nr 1081/2002.

⁽¹⁾ OJ L 100, 20.4.2000, p. 31.

⁽²⁾ OJ L 301, 17.10.1992, p. 17.

⁽³⁾ OJ L 104, 27.4.1996, p. 13.

Article 8

1. The security lodgement pursuant to Article 13(4) of Regulation (EEC) No 2131/93 must be released once the export licences have been issued to the successful tenderers.

2. Notwithstanding Article 17 of Regulation (EEC) No 2131/93, the obligation to export shall be covered by a security equal to the difference between the intervention price applying on the day of the award and the price awarded but not less than EUR 10 per tonne. Half of the security shall be lodged when the licence is issued and the balance shall be lodged before the cereals are removed.

Notwithstanding Article 15(2) of Regulation (EEC) No 3002/92:

— the part of the security lodged when the licence is issued must be released within 20 working days of the date on which the successful tenderer provides proof that the cereals removed have left the customs territory of the Community.

Notwithstanding Article 17(3) of Regulation (EEC) No 2131/93:

— the remainder must be released within 15 working days of the date on which the successful tenderer provides the proof referred to in Article 16 of Commission Regulation

(EC) No 800/1999 ⁽¹⁾, as last amended by Regulation (EC) No 2299/2001.

3. Except in duly substantiated exceptional cases, in particular the opening of an administrative enquiry, any release of the securities provided for in this Article after the time limits specified in this same Article shall confer an entitlement to compensation from the Member State amounting to EUR 0,015 per 10 tonnes for each day's delay.

This compensation shall not be charged to the EAGGF.

Article 9

Within two hours of the expiry of the time limit for the submission of tenders, the French intervention agency shall notify the Commission of tenders received. Such notification shall be made using the model set out in Annex III and the fax numbers set out in Annex IV.

Article 10

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, 21 June 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 102, 17.4.1999, p. 11.

ANNEX I

(tonnes)	
Place of storage	Quantity
Amiens	34 700
Chalons	33 000
Clermont	4 900
Dijon	1 100
Lille	15 700
Nantes	10 400
Orléans	77 100
Paris	42 000
Poitiers	8 000
Rouen	73 100

ANNEX II

**COMMUNICATION OF REFUSAL OF LOTS UNDER THE STANDING INVITATION TO TENDER FOR THE
EXPORT OF BARLEY HELD BY THE FRENCH INTERVENTION AGENCY**

(Article 6(1) of Regulation (EC) No 1081/2002)

- Name of successful tenderer:
- Date of award contract:
- Date of refusal of lot by successful tenderer:

Lot No	Quantity in tonnes	Address of silo	Reason for refusal to take over
			<ul style="list-style-type: none"> — Specific weight (kg/hl) — % sprouted grains — % miscellaneous impurities (Schwarzbesatz) — % of matter which is not basic cereal of unimpaired quality — Other

ANNEX III

STANDING INVITATION TO TENDER FOR THE EXPORT OF BARLEY HELD BY THE FRENCH INTERVENTION AGENCY

(Regulation (EC) No 1081/2002)

1	2	3	4	5	6	7
Tender No	Consignment No	Quantity (tonnes)	Offer price (EUR/tonne) ⁽¹⁾	Price increases (+) or reductions (-) (EUR/tonne) p.m.	Commercial costs (EUR/tonne)	Destination
1						
2						
3						
etc.						

⁽¹⁾ This price includes the increases or reductions relating to the lot to which the tender refers.

ANNEX IV

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

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

COMMISSION REGULATION (EC) No 1082/2002

of 21 June 2002

amending Regulation (EC) No 395/2002 and increasing the quantity covered by the standing invitation to tender for the resale on the internal market of rice held by the Italian intervention agency to approximately 40 000 tonnes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular the final indent of Article 8(b) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 75/91 ⁽³⁾ lays down the procedures and conditions for the disposal of paddy rice held by intervention agencies.
- (2) Commission Regulation (EC) No 395/2002 of 1 March 2002 on the opening of a standing invitation to tender for the resale on the internal market of some 20 000 tonnes of rice held by the Italian intervention agency ⁽⁴⁾, as last amended by Regulation (EC) No 609/2002 ⁽⁵⁾, opens a standing invitation to tender for the resale on the internal market of approximately 20 000 tonnes of round-grain paddy rice held by the Italian intervention agency.
- (3) In view of the current market situation, the quantity of rice placed on sale on the internal market should be in-

creased to include 15 000 tonnes of round-grain paddy rice held by the Italian intervention agency.

- (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

In Article 1 of Regulation (EC) No 395/2002, the words 'approximately 25 000 tonnes of paddy rice held by that agency, made up of approximately 20 000 tonnes of round-grain paddy rice and approximately 5 000 tonnes of long-grain paddy rice B' are replaced by 'approximately 40 000 tonnes of paddy rice held by that agency, made up of approximately 35 000 tonnes of round-grain paddy rice and approximately 5 000 tonnes of long-grain paddy rice B.'

Article 2

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, 21 June 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 9, 12.1.1991, p. 15.

⁽⁴⁾ OJ L 61, 2.3.2002, p. 3.

⁽⁵⁾ OJ L 93, 10.4.2002, p. 3.

COMMISSION REGULATION (EC) No 1083/2002**of 21 June 2002****amending Regulation (EC) No 347/2002 opening crisis distillation as provided for in Article 30 of Council Regulation (EC) No 1493/1999 for table wine in France**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 2585/2001 ⁽²⁾, and in particular Articles 30 and 33 thereof,

Whereas:

- (1) Commission Regulation (EC) No 347/2002 ⁽³⁾ opens the crisis distillation provided for in Article 30 of Regulation (EC) No 1493/1999 for a maximum quantity of 4 million hectolitres of table wine in France.
- (2) In view of the market situation for table wine in France, that maximum quantity should be adjusted and set at 3,85 million hectolitres.
- (3) According to information received from the French authorities, the distillation contracts concluded between producers and distillers from 1 March to 29 March 2002 cover a total volume of 2,349 million hectolitres. France therefore requests the opening of a new period for concluding contracts for a volume of 1,501 million hectolitres to dispose of the surplus stocks which continue to severely depress the market as the next harvest approaches.
- (4) The level of crisis distillation contracts concluded in France in March has not produced the full desired results because it was also possible to sell wine to merchants, although in some cases at prices lower than those paid for distillation, but on favourable take-over and payment terms. These terms have led producers facing cash-flow difficulties to conclude sales contracts to the detriment of deliveries of wine for crisis distillation. At present merchants have probably largely covered their requirements for the year and thus no further major selling of wine is likely. Also, the outlook for the next harvest does not suggest that production is likely to fall significantly.
- (5) In addition, updated market data confirm the need to withdraw approximately 3,85 million hectolitres in order to reduce stocks of table wine to an acceptable level in anticipation of the next harvest. Wine prices have not in-

creased, except temporarily in March when crisis distillation was opened. Since then they have fallen again. The stocks still held by producers must therefore be disposed of as quickly as possible.

- (6) In conclusion, the conditions for selling wine when crisis distillation was opened last March prevented that measure from having its full effect. Producers were able to find buyers for their wine on interesting payment and delivery terms, even at low prices. These effects no longer exist, and the only decisive factor is now quantity. Producers must therefore eliminate their surplus stocks before the next harvest while there are few opportunities for selling them on the market.
- (7) It is therefore proposed that the possibility of concluding crisis distillation contracts be reopened for a period of approximately three months. As a result, it is necessary to alter the various dates in the Regulation for the approval of contracts, notification to the Commission of the quantities of wine covered by contracts and delivery of the wine to the distilleries.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 347/2002 is amended as follows:

1. In Article 1, the maximum quantity of 4 million hectolitres is replaced by 3,85 million hectolitres.
2. Article 3 is replaced by the following:

'Article 3

Producers may conclude contracts as provided for in Article 65 of Regulation (EC) No 1623/2000 from 1 to 29 March 2002 and from 24 June to 30 September 2002. Contracts shall be accompanied by proof that a security equal to EUR 5 per hectolitre has been lodged. Contracts may not be transferred.'

⁽¹⁾ OJ L 179, 14.7.1999, p. 1.

⁽²⁾ OJ L 345, 29.12.2001, p. 10.

⁽³⁾ OJ L 55, 26.2.2002, p. 14.

3. Article 4(2) is replaced by the following:

'2. The Member State shall take the administrative steps necessary to approve the above contracts by 6 May 2002 at the latest in the case of contracts concluded in the period 1 to 29 March 2002 and by 10 October 2002 at the latest in the case of contracts concluded from 24 June to 30 September 2002, shall specify the rate of reduction applied and the quantity of wine accepted per contract and shall stipulate that the producer may cancel the contract where the quantity to be distilled is reduced. The Member State shall notify the Commission before 20 May 2002 or before 20 October 2002 respectively of the quantities of such wine covered by approved contracts.'

4. Article 4(3) is replaced by the following:

'3. In the case of contracts concluded from 1 to 29 March 2002, the wine must be delivered to the distilleries by 31

July 2002 at the latest and the alcohol obtained must be delivered to the intervention agency by 31 December 2002 at the latest.

In the case of contracts concluded from 24 June to 30 September 2002, the wine must be delivered to the distilleries by 30 November 2002 at the latest and the alcohol obtained must be delivered to the intervention agency by 31 January 2003 at the latest.'

Article 2

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

It shall apply from 24 June 2002.

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

Done at Brussels, 21 June 2002.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1084/2002
of 21 June 2002
on the issuing of system A3 export licences in the fruit and vegetables sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Regulation (EC) No 678/2002 ⁽²⁾ opens an invitation to tender setting the indicative refund rates and indicative quantities for system A3 export licences other than those tendered for as part of food aid.
- (2) In the light of the tenders submitted, the maximum refund rates and the percentages for reducing the quantities awarded for tenders quoting those maximum rates should be set.
- (3) In the case of lemons and apples, the maximum rate necessary to award licences for the indicative quantity up

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

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

HAS ADOPTED THIS REGULATION:

Article 1

In the case of lemons and apples, the maximum refund rates and the percentages for reducing the quantities awarded under the invitation to tender opened by Regulation (EC) No 678/2002 shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 22 June 2002.

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

Done at Brussels, 21 June 2002.

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

⁽¹⁾ OJ L 268, 9.10.2001, p. 8.

⁽²⁾ OJ L 104, 20.4.2002, p. 3.

ANNEX

Product	Maximum refund rate (EUR/t net)	Percentage awarded of quantities tendered for quoting the maximum refund rate
Lemons	30	100 %
Apples	24	100 %

COMMISSION REGULATION (EC) No 1085/2002**of 21 June 2002****determining the quantity of certain products in the milk and milk products sector available for the second half of 2002 under quotas opened by the Community on the basis of an import licence alone**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 2535/2001 of 14 December 2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas ⁽³⁾, as last amended by Regulation (EC) No 886/2002 ⁽⁴⁾, and in particular Article 16(2) thereof,

Whereas:

When import licences were allocated for the first half of 2002 for certain quotas referred to in Regulation (EC) No 2535/2001, applications for licences covered quantities less than those available for the products concerned. As a result, the quantity available for each quota for the period 1 July to 31 December 2002 should be fixed, taking account of the unallocated quantities resulting from Commission Regulation (EC) No

171/2002 of 30 January 2002 determining the extent to which the applications for import licences submitted in January 2002 for certain dairy products under certain tariff quotas opened by Regulation (EC) No 2535/2001 can be accepted ⁽⁵⁾ and Commission Regulation (EC) No 550/2002 of 27 March 2002 determining the extent to which the applications for import licences submitted in March 2002 for cheese originating in South Africa under a tariff quota opened by Regulation (EC) No 2535/2001 can be accepted ⁽⁶⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities available for the period 1 July to 31 December 2002 for the second half of the year of importation of certain quotas referred to in Regulation (EC) No 2535/2001 shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 22 June 2002.

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

Done at Brussels, 21 June 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 3.2.2002, p. 15.

⁽³⁾ OJ L 341, 22.12.2001, p. 29.

⁽⁴⁾ OJ L 139, 29.5.2002, p. 30.

⁽⁵⁾ OJ L 30, 31.1.2002, p. 26.

⁽⁶⁾ OJ L 84, 28.3.2002, p. 15.

ANNEX

QUANTITIES AVAILABLE FOR THE PERIOD 1 JULY TO 31 DECEMBER 2002

Quota number	Quantity (tonnes)
--------------	-------------------

Annex I. B — 10. Products originating in Slovenia

09.4086	1 470
09.4087	750
09.4088	225

Annex I. C — Products originating in the ACP States

09.4026	1 000
09.4027	1 000

Annex I. D — Products originating in Turkey

09.4101	1 375
---------	-------

Annex I. E — Products originating in South Africa

09.4151	4 180
---------	-------

COMMISSION REGULATION (EC) No 1086/2002**of 21 June 2002****concerning tenders submitted in response to the invitation to tender for the export to certain third countries of wholly milled round grain A rice issued in Regulation (EC) No 2007/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) An invitation to tender for the export refund on rice was issued under Commission Regulation (EC) No 2007/2001 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award.

- (3) On the basis of the criteria laid down in Article 13 of Regulation (EC) No 3072/95 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 submitted from 14 to 20 June 2002 in response to the invitation to tender for the export refund on wholly milled round grain A rice to certain third countries issued in Regulation (EC) No 2007/2001.

Article 2

This Regulation shall enter into force on 22 June 2002.

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

Done at Brussels, 21 June 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 272, 13.10.2001, p. 13.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 1087/2002**of 21 June 2002****concerning tenders submitted in response to the invitation to tender for the export to certain third European countries of wholly milled round, medium and long grain A rice issued in Regulation (EC) No 2008/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) An invitation to tender for the export refund on rice was issued under Commission Regulation (EC) No 2008/2001 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award.

(3) On the basis of the criteria laid down in Article 13 of Regulation (EC) No 3072/95 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 submitted from 14 to 20 June 2002 in response to the invitation to tender for the export refund on wholly milled round, medium and long grain A rice to certain third European countries issued in Regulation (EC) No 2008/2001.

Article 2

This Regulation shall enter into force on 22 June 2002.

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

Done at Brussels, 21 June 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 272, 13.10.2001, p. 15.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 1088/2002**of 21 June 2002****concerning tenders submitted in response to the invitation to tender for the export to certain third countries of wholly milled medium and long grain A rice issued in Regulation (EC) No 2009/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) An invitation to tender for the export refund on rice was issued under Commission Regulation (EC) No 2009/2001 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award.

(3) On the basis of the criteria laid down in Article 13 of Regulation (EC) No 3072/95 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 submitted from 14 to 20 June 2002 in response to the invitation to tender for the export refund on wholly milled medium and long grain A rice to certain third European countries issued in Regulation (EC) No 2009/2001.

Article 2

This Regulation shall enter into force on 22 June 2002.

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

Done at Brussels, 21 June 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 272, 13.10.2001, p. 17.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 1089/2002**of 21 June 2002****concerning tenders submitted in response to the invitation to tender for the export to certain third countries of wholly milled long grain rice issued in Regulation (EC) No 2010/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) An invitation to tender for the export refund on rice was issued under Commission Regulation (EC) No 2010/2001 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award.

- (3) On the basis of the criteria laid down in Article 13 of Regulation (EC) No 3072/95 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 submitted from 14 to 20 June 2002 in response to the invitation to tender for the export refund on wholly milled long grain rice to certain third countries issued in Regulation (EC) No 2010/2001.

Article 2

This Regulation shall enter into force on 22 June 2002.

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

Done at Brussels, 21 June 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 272, 13.10.2001, p. 19.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 1090/2002**of 21 June 2002****fixing the maximum subsidy on exports of husked long grain rice to Réunion pursuant to the invitation to tender referred to in Regulation (EC) No 2011/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular Article 10(1) thereof,

Having regard to Commission Regulation (EEC) No 2692/89 of 6 September 1989 laying down detailed rules for exports of rice to Réunion ⁽³⁾ as amended by Regulation (EC) No 1453/1999 ⁽⁴⁾, and in particular Article 9(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2011/2001 ⁽⁵⁾ opens an invitation to tender for the subsidy on rice exported to Réunion.
- (2) Article 9 of Regulation (EEC) No 2692/89 allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum subsidy.

(3) The criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89 should be taken into account when fixing this maximum subsidy. Successful tenderers shall be those whose bids are at or below the level of the maximum subsidy.

(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

A maximum subsidy on exports to Réunion of husked long grain rice falling within CN code 1006 20 98 is hereby set on the basis of the tenders lodged from 17 to 20 June 2002 at 319,00 EUR/t pursuant to the invitation to tender referred to in Regulation (EC) No 2011/2001.

Article 2

This Regulation shall enter into force on 22 June 2002.

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

Done at Brussels, 21 June 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 261, 7.9.1989, p. 8.

⁽⁴⁾ OJ L 167, 2.7.1999, p. 19.

⁽⁵⁾ OJ L 272, 13.10.2001, p. 21.

COMMISSION REGULATION (EC) No 1091/2002
of 21 June 2002
amending the export refunds on eggs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) The export refunds on eggs were fixed by Commission Regulation (EC) No 1001/2002 ⁽³⁾.
- (2) It follows from applying the criteria referred to in Article 8 of Regulation (EEC) No 2771/75 to the information known to the Commission that the export refunds at

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1) of Regulation (EEC) No 2771/75, exported in the natural state, as fixed in the Annex to Regulation (EC) No 1001/2002 are hereby altered as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 24 June 2002.

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

Done at Brussels, 21 June 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 49.

⁽²⁾ OJ L 77, 20.3.2002, p. 7.

⁽³⁾ OJ L 152, 12.6.2002, p. 23.

ANNEX

to the Commission Regulation of 21 June 2002 amending the export refunds on eggs

Product code	Destination	Unit of measurement	Amount of refund
0407 00 11 9000	E07	EUR/100 pcs	1,70
0407 00 19 9000	E07	EUR/100 pcs	0,80
0407 00 30 9000	E01	EUR/100 kg	7,00
	E03	EUR/100 kg	20,00
	E08	EUR/100 kg	3,50
0408 11 80 9100	E04	EUR/100 kg	10,00
0408 19 81 9100	E04	EUR/100 kg	5,00
0408 19 89 9100	E04	EUR/100 kg	5,00
0408 91 80 9100	E06	EUR/100 kg	33,00
0408 99 80 9100	E04	EUR/100 kg	8,00

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

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

The other destinations are defined as follows:

E01 Kuwait, Bahrain, Oman, Qatar, the United Arab Emirates, Yemen, Hong Kong SAR and Russia

E03 South Korea, Japan, Malaysia, Thailand, Taiwan, the Philippines and Egypt

E04 all destinations except Switzerland and Estonia

E06 all destinations except Switzerland, Estonia and Lithuania

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

E08 all destinations except Switzerland, Estonia, Lithuania and those of E01 and E03.

COMMISSION REGULATION (EC) No 1092/2002
of 21 June 2002
amending the export refunds on poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) The export refunds on poultrymeat were fixed by Commission Regulation (EC) No 1002/2002 ⁽³⁾.
- (2) It follows from applying the criteria referred to in Article 8 of Regulation (EEC) No 2777/75 to the information known to the Commission that the export refunds at

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1) of Regulation (EEC) No 2777/75, exported in the natural state, as fixed in the Annex to Regulation (EC) No 1002/2002 are hereby altered as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 24 June 2002.

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

Done at Brussels, 21 June 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 77.

⁽²⁾ OJ L 77, 20.3.2002, p. 7.

⁽³⁾ OJ L 152, 12.6.2002, p. 25.

ANNEX

to the Commission Regulation of 21 June 2002 altering the export refunds on poultrymeat

Product code	Destination	Unit of measurement	Amount of refund
0105 11 11 9000	V04	EUR/100 pcs	0,80
0105 11 19 9000	V04	EUR/100 pcs	0,80
0105 11 91 9000	V04	EUR/100 pcs	0,80
0105 11 99 9000	V04	EUR/100 pcs	0,80
0105 12 00 9000	V04	EUR/100 pcs	1,70
0105 19 20 9000	V04	EUR/100 pcs	1,70
0207 12 10 9900	V01	EUR/100 kg	40,00
0207 12 10 9900	A24	EUR/100 kg	40,00
0207 12 90 9190	V01	EUR/100 kg	40,00
0207 12 90 9190	A24	EUR/100 kg	40,00
0207 12 90 9990	V01	EUR/100 kg	40,00
0207 12 90 9990	A24	EUR/100 kg	40,00

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

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

The other destinations are defined as follows:

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

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

II

(Acts whose publication is not obligatory)

CONFERENCE OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES

DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES MEETING WITHIN THE COUNCIL

of 17 June 2002

**amending Decision 2001/933/ECSC on certain measures applicable with regard to Ukraine
concerning trade in certain steel products covered by the ECSC Treaty**

(2002/476/ECSC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN COAL AND STEEL
COMMUNITY, MEETING WITHIN THE COUNCIL,

In agreement with the Commission,

HAVE DECIDED AS FOLLOWS:

Article 1

Decision 2001/933/ECSC of the representatives of the Governments of the Member States meeting within
the Council of 19 December 2001 ⁽¹⁾, is hereby amended as follows:

- in Article 1, the words: 'During the period 1 January 2002 to 30 June 2002,' shall be replaced by: 'Dur-
ing the period 1 January 2002 to 31 December 2002,'
- Annex II shall be replaced by the text in the Annex hereto.

Article 2

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

Done at Luxembourg, 17 June 2002.

The President
J. PIQUÉ I CAMPS

⁽¹⁾ OJ L 345, 29.12.2001, p. 75.

ANNEX

ANNEX II

QUANTITATIVE LIMITS

1 January 2002 to 31 December 2002

<i>Products</i>	<i>(Tonnes)</i>
SA — Flat products	
SA1 Coils	27 414
SA2 Heavy plate	104 920
SA3 Other flat products	8 465
SB — Long products	
SB1 Beams	3 690
SB2 Wire rod	52 720
SB3 Other long products	66 427

COMMISSION

COMMISSION DECISION

of 20 June 2002

laying down public health requirements for fresh meat and fresh poultrymeat imported from third countries, and amending Decision 94/984/EC

(notified under document number C(2002) 2196)

(Text with EEA relevance)

(2002/477/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 71/118/EEC of 15 February 1971 on health problems affecting the production and placing on the market of fresh poultrymeat ⁽¹⁾, as last amended by Directive 97/79/EC ⁽²⁾, and in particular Article 14(B)(2)(b) thereof,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries ⁽³⁾, as last amended by Regulation (EC) No 1452/2001 ⁽⁴⁾, and in particular Article 16(1) thereof,

Whereas:

(1) The public health requirements contained in Commission Decision 2001/471/EC of 8 June 2001 laying down rules for the regular checks on the general hygiene carried out by the operators in establishments according to Directive 64/433/EEC on health conditions for the production and marketing of fresh meat and Directive 71/118/EEC on health problems affecting the production and placing on the market of fresh poultrymeat ⁽⁵⁾ should also apply to imports from third countries.

(2) For that purpose, firstly, the third country rules with regard to the implementation of regular checks on the general hygiene carried out by operators exporting fresh

poultrymeat or fresh meat to the Community should be taken into account when considering the fulfilment of the criteria set forth under Article 15 of Directive 71/118/EEC and under Article 3(2) of Directive 72/462/EEC, for the listing of the third country concerned.

(3) Secondly, the implementation of such checks by the operators concerned should be taken into account when considering their inclusion in the lists of establishments provided for under Article 14(B)(2) of Directive 71/118/EEC and under Article 4(1) of Directive 72/462/EEC.

(4) Thirdly, the guarantees to be provided under Article 14(B)(1)(b) of Directive 71/118/EEC, and under Article 4(2)(a) of Directive 72/462/EEC, should be included in the attestations of health included into the model certificates provided for by Articles 14(B) of Directive 71/118/EEC and Article 22 of Directive 72/462/EEC respectively, at the earliest opportunity.

(5) Directive 71/118/EEC provides for the establishment of a list of establishments, satisfying specific requirements of Community legislation.

(6) A provisional list of establishments is contained in Commission Decision 97/4/EC of 12 December 1996 drawing up provisional lists of third country establishments from which the Member States authorise imports of fresh poultrymeat ⁽⁶⁾, as last amended by Decision 2001/400/EC ⁽⁷⁾.

⁽¹⁾ OJ L 55, 8.3.1971, p. 23.

⁽²⁾ OJ L 24, 30.1.1998, p. 31.

⁽³⁾ OJ L 302, 31.12.1972, p. 28.

⁽⁴⁾ OJ L 198, 21.7.2001, p. 11.

⁽⁵⁾ OJ L 165, 21.6.2001, p. 48.

⁽⁶⁾ OJ L 2, 4.1.1997, p. 6.

⁽⁷⁾ OJ L 140, 24.5.2001, p. 70.

- (7) Commission Decision 94/984/EC of 20 December 1994 laying down animal health conditions and veterinary certificates for the importation of fresh poultrymeat from certain third countries ⁽¹⁾, as last amended by Decision 2001/659/EC ⁽²⁾, was amended by Decision 2001/598/EC ⁽³⁾, *inter alia* to introduce into the animal and public health certificates the model of the public health declaration for the importation of fresh poultrymeat from third countries, required by Article 14(B)(1)(c) of Directive 71/118/EEC. Decision 94/984/EC should now be further amended to supplement the said model declaration in accordance with the objectives of the present Decision. It is also appropriate to rectify simultaneously a material error in Annex III to that Decision.
- (8) Directive 72/462/EEC provides that, without prejudice to the animal health requirements set out in Articles 14 and 15 of that Directive, Member States must not authorise importation of fresh meat from a third country unless the meat complies with public health requirements to be adopted. Article 17(2)(c) of that Directive provides that the fresh meat must have been treated according to the hygiene conditions in accordance with Council Directive 64/433/EEC ⁽⁴⁾. Article 4 provides for the drawing up of lists of establishments, the compliance of which with the provisions of the Directive and with the hygiene conditions required under Directive 64/433/EEC is to be assessed according to criteria provided for under paragraph 2 of the same Article, and which may be amended or supplemented by the Commission in line with the result of the inspections provided for in Article 5.
- (9) The animal health conditions and veterinary certification requirements for the importation of fresh meat from a number of countries, have been established on the basis of Article 16 of Directive 72/462/EEC in a number of Commission Decisions which should be recast in a near future; by that time, it shall be appropriate to introduce into the attestation of health included in the model certificates, the same public health attestation as introduced by the present Decision for fresh poultrymeat.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

When considering whether a given third country fulfils the criteria set out in Article 15 of Directive 71/118/EEC and Article 3(2) of Directive 72/462/EEC in order to be included on the list drawn up in accordance with those Directives, the Commission shall take into account the rules of that third country with regard to the implementation of regular checks on the general hygiene, based on hazard analysis and critical

control points principles and on microbiological controls as necessary, carried out by operators exporting fresh poultrymeat or fresh meat to the Community.

Article 2

When inspections are carried out pursuant to Directive 71/118/EEC and Directive 72/462/EEC in order to determine whether an establishment complies with the provisions of those Directives and of Annex I to Directive 64/433/EEC and may therefore be included in the list provided for in Article 14(B)(2) of Directive 71/118/EEC and Article 4(1) of Directive 72/462/EEC, implementation by the operators concerned of the requirements of Decision 2001/471/EC shall be taken into account.

Article 3

Decision 94/984/EC is amended as follow:

1. In Annex II, point 15 (models A and B), section II (public health certification) the following new point 5 is added:

‘5. That the meat comes from an establishment implementing checks on the general hygiene in accordance with the provisions of Commission Decision 2001/471/EC ⁽¹⁾

⁽¹⁾ OJ L 165, 21.6.2001, p. 48.’

2. In Annex III, the words ‘The health mark referred to in Article 2’ are replaced by ‘The health mark referred to in Article 1(2)’.

Article 4

This Decision shall apply with effect from 8 June 2003.

When considering whether a given third country fulfils the criteria set out in Article 15 of Directive 71/118/EEC and Article 3(2) of Directive 72/462/EEC in order to be included on the list drawn up in accordance with those Directives, or when an inspection is carried out in a given third country pursuant to Article 14 of Directive 71/118/EEC or Article 5 of Directive 72/462/EEC, the Commission shall, from the date of adoption of this Decision, take into account the preparatory steps taken by that country with a view to fulfilling the requirements of this Decision from 8 June 2003.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 20 June 2002.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 378, 31.12.1994, p. 11.

⁽²⁾ OJ L 232, 30.8.2001, p. 19.

⁽³⁾ OJ L 210, 3.8.2001, p. 37.

⁽⁴⁾ OJ 121, 29.7.1964, p. 2012/64.

COMMISSION DECISION

of 20 June 2002

concerning the non-inclusion of fentin acetate in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing this active substance

(notified under document number C(2002) 2199)

(Text with EEA relevance)

(2002/478/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, as last amended by Commission Directive 2002/18/EC ⁽²⁾, and in particular the fourth subparagraph of Article 8(2) thereof,

Having regard to Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the program of work referred to in Article 8(2) of Council Directive 91/414/EEC concerning the placing of plant protection products on the market ⁽³⁾, as last amended by Regulation (EC) No 2266/2000 ⁽⁴⁾, and in particular Article 7(3A)(b) thereof,

Whereas:

- (1) Article 8(2) of Directive 91/414/EEC provided for the Commission to carry out a programme of work for the examination of the active substances used in plant protection products which were already on the market on 15 July 1993. Detailed rules for the carrying out of this programme were established in Commission Regulation (EEC) No 3600/92.
- (2) Commission Regulation (EC) No 933/94 of 27 April 1994 laying down the active substances of plant protection products and designating the rapporteur Member States for the implementation of Commission Regulation (EEC) No 3600/92 ⁽⁵⁾, as last amended by Regulation (EC) No 2230/95 ⁽⁶⁾, has designated the active substances which should be assessed in the framework of Regulation (EEC) No 3600/92, designated a Member State to act as rapporteur in respect of the assessment of each substance and identified the producers of each active substance who submitted a notification in due time.
- (3) Fentin acetate is one of the 90 active substances designated in Regulation (EC) No 933/94.
- (4) In accordance with Article 7(1)(c) of Regulation (EEC) No 3600/92, the United Kingdom, being the designated

rapporteur Member State, submitted on 11 November 1996 to the Commission the report of its assessment of the information submitted by the notifiers in accordance with Article 6(1) of that Regulation.

- (5) On receipt of the report of the rapporteur Member State, the Commission undertook consultations with experts of the Member States as well as with the main notifier (Agrevo, now Aventis) as provided for in Article 7(3) of Regulation (EEC) No 3600/92.
- (6) The assessment report prepared by the United Kingdom has been reviewed by the Member States and the Commission within the Standing Committee on Plant Health. This review was finalised on 7 December 2001 in the format of the Commission review report for fentin acetate, in accordance with Article 7(6) of Regulation (EEC) No 3600/92.
- (7) Assessments made on the basis of the information submitted have not demonstrated that it may be expected that, under the proposed conditions of use, plant protection products containing fentin acetate satisfy in general the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC, in particular with regard to the safety of operators potentially exposed to fentin acetate and with regard to its possible impact on non-target organisms.
- (8) Fentin acetate should therefore not be included in Annex I to Directive 91/414/EEC.
- (9) Measures should be taken to ensure that existing authorisations for plant protection products containing fentin acetate will be withdrawn within a certain period and will not be renewed and that no new authorisations will be granted.
- (10) Any period of grace for disposal, storage, placing on the market and use of existing stocks of plant protection products containing fentin acetate allowed by Member State, in accordance with Article 4(6) of Directive 91/414/EEC should be limited to a period no longer than 12 months to allow existing stocks to be used in no more than one further growing season.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 55, 26.2.2002, p. 29.

⁽³⁾ OJ L 366, 15.12.1992, p. 10.

⁽⁴⁾ OJ L 259, 13.10.2000, p. 27.

⁽⁵⁾ OJ L 107, 28.4.1994, p. 8.

⁽⁶⁾ OJ L 225, 22.9.1995, p. 1.

- (11) This decision does not prejudice any action the Commission may undertake at a later stage for this active substance within the framework of Council Directive 79/117/EEC of 21 December 1978 prohibiting the placing on the market and use of plant protection products containing certain active substances ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

Fentin acetate is not included as active substance in Annex I to Directive 91/414/EEC.

Article 2

Member States shall ensure that:

1. authorisations for plant protection products containing fentin acetate are withdrawn within a period of six months from the date of adoption of this Decision;

2. from the date of adoption of this Decision no authorisations for plant protection products containing fentin acetate will be granted or renewed under the derogation provided for in Article 8(2) of Directive 91/414/EEC.

Article 3

Any period of grace granted by Member State in accordance with the provisions of Article 4(6) of Directive 91/414/EEC, shall be as short as possible and not longer than 18 months from the date of adoption of this Decision.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 20 June 2002.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 33, 8.2.1979, p. 36.

COMMISSION DECISION

of 20 June 2002

concerning the non-inclusion of fentin hydroxide in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing this active substance

(notified under document number C(2002) 2207)

(Text with EEA relevance)

(2002/479/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, as last amended by Commission Directive 2002/18/EC ⁽²⁾, and in particular the fourth subparagraph of Article 8(2) thereof,

Having regard to Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the program of work referred to in Article 8(2) of Council Directive 91/414/EEC concerning the placing of plant protection products on the market ⁽³⁾, as last amended by Regulation (EC) No 2266/2000 ⁽⁴⁾, and in particular Article 7(3A)(b) thereof,

Whereas:

- (1) Article 8(2) of Directive 91/414/EEC provided for the Commission to carry out a programme of work for the examination of the active substances used in plant protection products which were already on the market on 15 July 1993. Detailed rules for the carrying out of this programme were established in Commission Regulation (EEC) No 3600/92.
- (2) Commission Regulation (EC) No 933/94 of 27 April 1994 laying down the active substances of plant protection products and designating the rapporteur Member States for the implementation of Commission Regulation (EEC) No 3600/92 ⁽⁵⁾, as last amended by Regulation (EC) No 2230/95 ⁽⁶⁾, has designated the active substances which should be assessed in the framework of Regulation (EEC) No 3600/92, designated a Member State to act as rapporteur in respect of the assessment of each substance and identified the producers of each active substance who submitted a notification in due time.
- (3) Fentin hydroxide is one of the 90 active substances designated in Regulation (EC) No 933/94.
- (4) In accordance with Article 7(1)(c) of Regulation (EEC) No 3600/92, the United Kingdom, being the designated

rapporteur Member State, submitted on 11 November 1996 to the Commission the report of its assessment of the information submitted by the notifiers in accordance with Article 6(1) of that Regulation.

- (5) On receipt of the report of the rapporteur Member State, the Commission undertook consultations with experts of the Member States as well as with the main notifier (Agrevo, now Aventis) as provided for in Article 7(3) of Regulation (EEC) No 3600/92.
- (6) The assessment report prepared by the United Kingdom has been reviewed by the Member States and the Commission within the Standing Committee on Plant Health. This review was finalised on 7 December 2001 in the format of the Commission review report for fentin hydroxide, in accordance with Article 7(6) of Regulation (EEC) No 3600/92.
- (7) Assessments made on the basis of the information submitted have not demonstrated that it may be expected that, under the proposed conditions of use, plant protection products containing fentin hydroxide satisfy in general the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC, in particular with regard to the safety of operators potentially exposed to fentin hydroxide and with regard to its possible impact on non-target organisms.
- (8) Fentin hydroxide should therefore not be included in Annex I to Directive 91/414/EEC.
- (9) Measures should be taken to ensure that existing authorisations for plant protection products containing fentin hydroxide will be withdrawn within a certain period and will not be renewed and that no new authorisations for such products will be granted.
- (10) Any period of grace for disposal, storage, placing on the market and use of existing stocks of plant protection products containing fentin hydroxide allowed by Member State, in accordance with Article 4(6) of Directive 91/414/EEC should be limited to a period no longer than 12 months to allow existing stocks to be used in no more than one further growing season.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 55, 26.2.2002, p. 29.

⁽³⁾ OJ L 366, 15.12.1992, p. 10.

⁽⁴⁾ OJ L 259, 13.10.2000, p. 27.

⁽⁵⁾ OJ L 107, 28.4.1994, p. 8.

⁽⁶⁾ OJ L 225, 22.9.1995, p. 1.

- (11) This decision does not prejudice any action the Commission may undertake at a later stage for this active substance within the framework of Council Directive 79/117/EEC of 21 December 1978 prohibiting the placing on the market and use of plant protection products containing certain active substances ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

Fentin hydroxide is not included as active substance in Annex I to Directive 91/414/EEC.

Article 2

Member States shall ensure that:

1. authorisations for plant protection products containing fentin hydroxide are withdrawn within a period of six months from the date of adoption of this Decision;

2. from the date of adoption of this Decision no authorisations for plant protection products containing fentin hydroxide will be granted or renewed under the derogation provided for in Article 8(2) of Directive 91/414/EEC.

Article 3

Any period of grace granted by Member State in accordance with the provisions of Article 4(6) of Directive 91/414/EEC, shall be as short as possible and not longer than 18 months from the date of adoption of this Decision.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 20 June 2002.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 33, 8.2.1979, p. 36.