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I

(Acts whose publication is obligatory)

**REGULATION (EC) No 1221/2002 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 10 June 2002
on quarterly non-financial accounts for general government**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE
EUROPEAN UNION,

Having regard to the Treaty establishing the European
Community, and in particular Article 285 thereof,

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

Having regard to the opinion of the European Central Bank ⁽²⁾,

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

Whereas:

(1) Council Regulation (EC) No 2223/96 of 25 June 1996
on the European system of national and regional
accounts in the Community ⁽⁴⁾, (ESA 95), contains the
reference framework of common standards, definitions,
classifications and accounting rules for drawing up the
accounts of the Member States for the statistical require-
ments of the Community, in order to obtain comparable
results between Member States.

(2) The report by the Monetary Committee on information
requirements, endorsed by the Ecofin Council on 18
January 1999, underlined that, for the proper func-
tioning of economic and monetary union and the single
market, effective surveillance and coordination of
economic policies are of major importance and that this
requires a comprehensive statistical information system
providing policy-makers with the necessary data on
which to base their decisions. That report also stated that
a high priority should be given to short-term public
finance statistics for Member States, in particular those
participating in economic and monetary union, and that
the objective was the compilation of simplified quarterly
non-financial accounts for the general government sector
resulting from a step-by-step approach.

(3) It is appropriate to define simplified quarterly non-finan-
cial accounts for general government by reference to the
list of ESA 95 categories of government expenditure and
revenue defined in Commission Regulation (EC) No
1500/2000 of 10 July 2000 implementing Council
Regulation (EC) No 2223/96 with respect to general
government expenditure and revenue ⁽⁵⁾.

(4) Priority in the step-by-step approach was given to taxes,
actual social contributions and social benefits other than
social transfers in kind, as categories representing reliable
indicators of trends in public finances that are already
available on time (first step).

(5) The transmission of this first set of categories on a quar-
terly basis, from June 2000, in all Member States is
covered by Commission Regulation (EC) No 264/2000
of 3 February 2000 on the implementation of Council
Regulation (EC) No 2223/96 with respect to short-term
public finance statistics ⁽⁶⁾.

(6) It is necessary to supplement the first step with another
set of categories in order to obtain the full list of cate-
gories constituting general government expenditure and
revenue.

(7) The reliability of quarterly data provided under this
Regulation with regard to annual data should be
assessed. A report on the quality of the quarterly data
should therefore be made before the end of 2005.

(8) Articles 2 and 3 of Regulation (EC) No 2223/96 lay
down the conditions under which the Commission may
adopt amendments to the ESA 95 methodology in order
to clarify and improve its content. The compilation of
quarterly non-financial accounts for general government
will require additional resources in Member States. Their
transmission to the Commission cannot therefore be
dealt with in a Commission Decision.

⁽¹⁾ OJ C 154 E, 29.5.2001, p. 300.

⁽²⁾ OJ C 131, 3.5.2001, p. 6.

⁽³⁾ Opinion of the European Parliament of 3 July 2001 (OJ C 65 E,
14.3.2002, p. 33) and Council Decision of 7 May 2002.

⁽⁴⁾ OJ L 310, 30.11.1996, p. 1. Regulation as last amended by Regula-
tion (EC) No 359/2002 (OJ L 58, 28.2.2002, p. 1).

⁽⁵⁾ OJ L 172, 12.7.2000, p. 3.

⁽⁶⁾ OJ L 29, 4.2.2000, p. 4.

- (9) The Statistical Programme Committee (SPC), set up by Council Decision 89/382/EEC, Euratom ⁽¹⁾, and the Committee on Monetary, Financial and Balance of Payments Statistics (CMFB), set up by Council Decision 91/115/EEC ⁽²⁾, have each been consulted in accordance with Article 3 of those Decisions,

HAVE ADOPTED THIS REGULATION:

Article 1

Purpose

The purpose of this Regulation is to define the content of quarterly non-financial accounts for general government, to lay down the list of the ESA 95 categories to be transmitted by Member States from 30 June 2002 and to specify the main characteristics of these categories.

Article 2

Content of the quarterly non-financial accounts for general government

The content of the quarterly non-financial accounts for general government is defined in the Annex by reference to a list of ESA 95 categories constituting general government expenditure and revenue.

Article 3

Categories concerned by the transmission of quarterly data

1. Member States shall transmit to the Commission (Eurostat) quarterly data for the categories or groups of categories included in the list provided in the Annex, with the exception of those categories for which data must be transmitted pursuant to Regulation (EC) No 264/2000.

2. Quarterly data shall be transmitted for the following categories (or groups of categories) of general government expenditure and revenue:

- (a) expenditure:
- intermediate consumption (P.2)
 - gross capital formation + Acquisitions less disposals of non-financial non-produced assets (P.5 + K.2)
 - gross fixed capital formation (P.51)
 - compensation of employees (D.1)
 - other taxes on production (D.29)
 - subsidies, payable (D.3)
 - property income (D.4)
 - interest (D.41)
 - current taxes on income, wealth etc. (D.5)
 - social transfers in kind related to expenditure on products supplied to households via market producers (D.6311 + D.63121 + D.63131)
 - other current transfers (D.7)

- adjustment for the change in net equity of households in pension funds reserves (D.8)
- capital taxes + Investment grants + Other capital transfers, payable (D.91 + D.92 + D.99).

(b) revenue:

- market output + Output for own final use + Payments for the other non-market output (P.11 + P.12 + P.131)
- other subsidies on production, receivable (D.39)
- property income (D.4)
- imputed social contributions (D.612)
- other current transfers (D.7)
- investments grants + Other capital transfers, receivable (D.92 + D.99).

3. Transactions D.41, D.7, D.92 and D.99 are consolidated within the general government sector. The other transactions are not consolidated.

Article 4

Compilation of quarterly data: sources and methods

1. Quarterly data relating to the first quarter of 2001 onwards shall be compiled according to the following rules:

- (a) quarterly data shall be based as much as possible on direct information from basic sources, with the objective of minimising, for each quarter, differences between the first estimates and the final figures;
- (b) direct information shall be completed by coverage adjustments, if needed, and by conceptual adjustments in order to bring quarterly data in line with ESA 95 concepts;
- (c) the quarterly data and the corresponding annual data shall be consistent.

2. Quarterly data relating to the first quarter of 1999 until the fourth quarter of 2000 shall be compiled according to sources and methods ensuring consistency between the quarterly data and the corresponding annual data.

Article 5

Timetable for the transmission of quarterly data

1. Quarterly data referred to in Article 3 shall be delivered to the Commission (Eurostat) at the latest by three months after the end of the quarter to which the data relate.

Any revision of quarterly data for previous quarters shall be transmitted at the same time.

2. The first transmission of quarterly data shall relate to data for the first quarter of 2002. Member States shall deliver these data no later than 30 June 2002.

However, the Commission may grant a derogation, not exceeding one year, concerning the date of the first transmission of quarterly data for the first quarter of 2002 onwards, in so far as the national statistical systems require major adaptations.

⁽¹⁾ OJ L 181, 28.6.1989, p. 47.

⁽²⁾ OJ L 59, 6.3.1991, p. 19. Decision as last amended by Decision 96/174/EC (OJ L 51, 1.3.1996, p. 48).

*Article 6***Transmission of backdata**

1. Member States shall deliver to the Commission (Eurostat) quarterly backdata for the categories referred to in Article 3, starting from the first quarter of 1999.

2. Quarterly data relating to the first quarter of 1999 until the fourth quarter of 2001 shall be transmitted to the Commission (Eurostat) no later than 30 June 2002.

However, the Commission may grant a derogation, not exceeding one year, concerning the date of the first transmission of quarterly data from the first quarter of 1999 onwards, in so far as national statistical systems require major adaptations.

*Article 7***Implementation**

1. Member States shall provide the Commission (Eurostat) with a description of the sources and methods used to compile the quarterly data referred to in Article 3 (initial description), at the same time as they start to transmit quarterly data according to the timetable referred to in Article 5(2).

2. Any revision of the initial description of the sources and methods used to compile the quarterly data shall be provided to the Commission (Eurostat) when the revised data are communicated.

3. The Commission (Eurostat) shall keep the SPC and the CMFB informed of the sources and methods used by each Member State.

*Article 8***Report**

On the basis of the data transmitted for the categories specified in Article 3, and after consulting the SPC, the Commission

(Eurostat) shall, by 31 December 2005 at the latest, submit to the European Parliament and the Council a report containing an assessment of the reliability of quarterly data delivered by Member States.

*Article 9***Transitional provisions**

1. Member States which are not in a position to transmit, during the transitional period provided for in paragraph 4, quarterly data from the first quarter of 2001 onwards according to the sources and methods provided for in Article 4(1) and to the timetable referred to in Article 5(1) shall apply paragraph 2.

2. The Member States referred to in paragraph 1 shall transmit to the Commission (Eurostat) their 'best quarterly estimates' (that is, incorporating all new information that becomes available during the process of compiling an improved system of quarterly non-financial accounts for general government) according to the timetable referred to in Article 5(1).

They shall indicate at the same time which steps still need to be accomplished in order to comply with the sources and methods provided for in Article 4(1).

3. During the transitional period provided for in paragraph 4, the Commission (Eurostat) shall examine the progress made by Member States towards full compliance with Article 4(1).

4. The transitional period shall start from the date of the first transmission referred to in Article 5(2) and shall end on 31 March 2005 at the latest.

*Article 10***Entry into force**

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

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

Done at Luxembourg, 10 June 2002.

For the European Parliament

The President

P. COX

For the Council

The President

J. PIQUÉ I CAMPS

ANNEX

Content of the quarterly non-financial accounts for general government

Quarterly non-financial accounts for general government are defined by reference to the list of government expenditure and revenue included in Commission Regulation No 1500/2000.

General government expenditure comprises ESA 95 categories recorded under the use side, or the changes in assets side or the changes in liabilities and net worth side of the sequence of accounts for general government, with the exception of D.3 which is recorded under the resource side of general government accounts.

General government revenue comprises ESA 95 categories recorded under the resource or changes in liabilities in net worth side of the sequence of non-financial accounts for general government, with the exception of D.39 which is recorded under the use side of general government accounts.

By definition, the difference between general government revenue and general government expenditure, as defined above, is net lending (+)/net borrowing (-) of the general government sector.

Transactions D.41, D.7, D.92 and D.99 are consolidated within the general government sector. The other transactions are not consolidated.

The table below shows ESA 95 categories constituting general government expenditure and revenue. Categories shown in italics are already subject to transmission on a quarterly basis in the context of the Commission Regulation (EC) No 264/2000.

ESA 95 codes	General government expenditure
P.2	Intermediate consumption
P.5 + K.2	Gross capital formation + acquisitions less disposals of non-financial non-produced assets
P.51	Gross fixed capital formation
D.1	Compensation of employees
D.29	Other taxes on production
D.3	Subsidies, payable
D.4	Property income
D.41	Interest
D.5	Current taxes on income, wealth etc.
D.62 + D.6311 + D.63121 + D.63131	<i>Social benefits other than social transfers in kind</i> + social transfers in kind related to expenditure on products supplied to households via market producers
D.7	Other current transfers
D.8	Adjustment for the change in net equity of households in pension funds reserves
D.9	Capital transfers, payable
ESA 95 codes	General government revenue
P.11 + P.12 + P.131	Market output + output for own final use + payments for the other non-market output
D.2	<i>Taxes on production and imports</i>
D.39	Other subsidies on production
D.4	Property income
D.5	<i>Current taxes on income, wealth etc.</i>
D.61	Social contributions
D.611	<i>Actual social contributions</i>
D.612	Imputed social contributions
D.7	Other current transfers

ESA 95 codes	General government revenue
D.9 ⁽¹⁾	Capital transfers, receivable
D.91	<i>Capital taxes</i>
B.8g	Saving, gross
B.9	Net lending/net borrowing

⁽¹⁾ Adjustments for taxes and social contributions assessed but never collected, when recorded under D.9, are considered as negative revenue.

COMMISSION REGULATION (EC) No 1222/2002
of 8 July 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 9 July 2002.

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

Done at Brussels, 8 July 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 8 July 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	38,7
	999	38,7
0707 00 05	052	83,4
	999	83,4
0709 90 70	052	68,1
	999	68,1
0805 50 10	388	51,2
	524	77,1
	528	59,4
	804	121,8
	999	77,4
0808 10 20, 0808 10 50, 0808 10 90	388	89,4
	400	106,4
	404	75,2
	508	83,7
	512	87,4
	524	72,9
	528	69,5
	720	91,2
	804	102,3
	999	86,4
	388	94,3
	512	79,4
	528	72,9
0808 20 50	800	92,6
	804	109,7
	999	89,8
	052	188,0
0809 10 00	064	153,4
	999	170,7
	052	354,8
0809 20 95	060	140,2
	061	247,0
	068	140,2
	400	246,1
	616	275,4
	999	233,9

⁽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 1223/2002
of 8 July 2002
concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽¹⁾, as last amended by Commission Regulation (EC) No 969/2002 ⁽²⁾, and in particular Article 9 thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to the said general rules, the goods described in column 1 of the table set out in the Annex to this Regulation should be classified under the CN code indicated in column 2, by virtue of the reasons set out in column 3.
- (4) It is appropriate that binding tariff information issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature

and which is not in accordance with the provisions of this Regulation, can continue to be invoked by the holder, under the provisions of Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽³⁾, as last amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council ⁽⁴⁾, for a period of three months.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the table set out in the Annex are classified within the Combined Nomenclature under the CN code indicated in column 2 of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States which is not in accordance with the provisions of this Regulation can continue to be invoked under the provisions of Article 12(6) of Regulation (EEC) No 2913/92 for a period of three months.

Article 3

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

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

Done at Brussels, 8 July 2002.

For the Commission

Frederik BOLKESTEIN

Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 149, 7.6.2002, p. 20.

⁽³⁾ OJ L 302, 19.10.1992, p. 1.

⁽⁴⁾ OJ L 311, 12.12.2000, p. 17.

ANNEX

Description of the goods	CN code	Reasons
(1)	(2)	(3)
Boneless chicken cuts, frozen and impregnated with salt in all parts. They have a salt content by weight of 1,2 % to 1,9 %. The product is deep-frozen and has to be stored at a temperature of lower than - 18 °C to ensure a shelf-life of at least one year.	0207 14 10	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 0207, 0207 14 and 0207 14 10. The product is chicken meat frozen for long-term conservation. The addition of salt does not alter the character of the product as frozen meat of heading 0207.

COMMISSION REGULATION (EC) No 1224/2002**of 8 July 2002****amending for the first time Council Regulation (EC) No 310/2002 concerning certain restrictive measures in respect of Zimbabwe**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 60 and Article 301 thereof,

Having regard to Council Regulation (EC) No 310/2002 concerning certain restrictive measures in respect of Zimbabwe ⁽¹⁾,

Whereas:

(1) Article 8 of Council Regulation (EC) No 310/2002 empowers the Commission to amend Annex III on the basis of information supplied by Member States.

(2) The Governments of Austria, Belgium and the United Kingdom have informed the Commission of changes in the competent authorities referred to in Annex III and therefore Annex III should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex III to Regulation 310/2002 shall be amended as follows:

The competent authorities of Austria, Belgium and the United Kingdom shall be listed as follows:

‘AUSTRIA:

Österreichische Nationalbank
Otto-Wagner-Platz 3
A-1090 Wien
Tel. (43 1) 404 20-0
Fax (43 1) 404 20 —73 99

Bundesministerium für Inneres
Bundeskriminalamt
Josef-Holaubek-Platz 1
A-1090 Wien
Tel (43 1) 313 45-0
Fax: (43 1) 313 45-852 90

BELGIUM

Ministère des affaires économiques
Administration des relations économiques
Services Licences
Rue Général Leman 60
B-1040 Bruxelles
Tel (32)22 06 58 11
Fax (32)22 30 83 22

Ministère des finances
Trésorerie
Avenue des Arts 30
B-1040 Bruxelles
Fax (32-2) 233 7518
Tel (32-2) 233 81 11

UNITED KINGDOM

HM Treasury
International Financial Services Team
19 Allington Towers
London SW1E 5EB
United Kingdom
Tel: (44-207) 270 55 50
Fax: (44-207) 270 43 65

Bank of England
Financial Sanctions Unit
Threadneedle Street
London EC2R 8AH
United Kingdom
Tel. (44-207) 601 46 07
Fax (44-207) 601 43 09

Gibraltar:

Financial Services Commission
PO Box 940
Suite 943
Europort
Gibraltar
Telephone (+350) 40283
Fax (+350) 40282’

Article 2

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

⁽¹⁾ OJ L 50, 21.2.2002, p. 4.

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

Done at Brussels, 8 July 2002.

For the Commission
Christopher PATTEN
Member of the Commission

COMMISSION REGULATION (EC) No 1225/2002**of 8 July 2002****amending Regulation (EC) No 2540/2001 derogating from Regulation (EC) No 1148/2001 as regards conformity checks at the stage of import applicable to fresh fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Regulation (EC) No 2540/2001 ⁽³⁾ temporarily extends the scope of Article 6(4) of Commission Regulation (EC) No 1148/2001 of 12 June 2001 on checks on conformity to the marketing standards applicable to fresh fruit and vegetables ⁽⁴⁾, as last amended by Regulation (EC) No 2379/2001 ⁽⁵⁾, to cover all lots, irrespective of weight, with a low risk of non-conformity.
- (2) At the time Regulation (EC) No 2540/2001 was adopted, the Commission had approved checking operations at the point of export in accordance with Article 7 of Regulation (EC) No 1148/2001 in only one third country. Since that date, the Commission has approved checking operations in three new third countries. However, a

number of other requests from third countries are still being examined but will not be able to be approved before the second half of 2002. Under these circumstances, application of Regulation (EC) No 2540/2001 should be extended for a period of six months.

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EC) No 2540/2001, '30 June 2002' is replaced by '31 December 2002'.

*Article 2*This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

It shall apply from 1 July 2002.

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

Done at Brussels, 8 July 2002.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ L 297, 21.11.1996, p. 1.⁽²⁾ OJ L 84, 28.3.2002, p. 1.⁽³⁾ OJ L 341, 22.12.2001, p. 79.⁽⁴⁾ OJ L 156, 13.6.2001, p. 9.⁽⁵⁾ OJ L 321, 6.12.2001, p. 15.

COMMISSION REGULATION (EC) No 1226/2002
of 8 July 2002
amending Annex B to Council Directive 64/432/EEC

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 64/432/EEC ⁽¹⁾ of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine, as last amended by Commission Regulation No (EC) 535/2002 ⁽²⁾, and in particular Article 16(1), second paragraph thereof,

Whereas:

- (1) On 11 October 1999 the Scientific Committee on Animal Health and Animal Welfare adopted a report ⁽³⁾ on the modification of technical Annexes of Council Directive 64/432/EEC to take account of scientific developments regarding tuberculosis, brucellosis and enzootic bovine leucosis.
- (2) In accordance with the above report, the tests for tuberculosis should be carried out in line with the Manual of Standards for Diagnostic Tests and Vaccines, Third Edition, 1996, of the Office International des Epizooties (OIE).
- (3) In August 2001 the OIE published the Fourth Edition 2000 of the said Manual, including certain modifications in the description of tests for tuberculosis.

- (4) In January 2002 the European Directorate for the Quality of Medicines published the Fourth Edition 2002 of the European Pharmacopoeia including the monographs 0535 and 0536 for the Tuberculin Purified Protein Derivative Avian and Bovine.
- (5) It is therefore necessary to amend Annex B to Directive 64/432/EEC so as to lay down test procedures applicable for surveillance and trade purposes within the Community taking account of the opinion of the Scientific Veterinary Committee.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Annex B to Directive 64/432/EEC is replaced by the Annex to the present Regulation.

Article 2

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

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

Done at Brussels, 8 July 2002.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L21, 29.7.1964, p. 1977/64.

⁽²⁾ OJ L 80, 23.3.2002, p. 22.

⁽³⁾ SANCO/B3/R10/1999.

ANNEX

‘ANNEX B

TUBERCULOSIS

1. IDENTIFICATION OF THE AGENT

The presence of *Mycobacterium bovis* (*M. bovis*), agent of bovine tuberculosis, in clinical and post-mortem specimens may be demonstrated by examination of stained smears or immunoperoxidase techniques and confirmed by cultivation of the organism on primary isolation medium.

Pathological material for the confirmation of *M. bovis* should be taken from abnormal lymph nodes and parenchymatous organs such as lungs, liver, spleen, etc. In the cases where the animal does not present pathological lesions, samples from the retropharyngeal, bronchial, mediastinal, supramammary, mandibular and some mesenteric lymph nodes and liver should be collected for examination and culture.

Identification of isolates may be usually carried out by determining cultural and biochemical properties. The polymerase chain reaction (PCR) may also be employed for the detection of the *M. tuberculosis* complex. DNA analysis techniques may prove to be faster and more reliable than biochemical methods for the differentiation of *M. bovis* from other members of the *M. tuberculosis* complex. Genetic fingerprinting allows distinguishing between different strains of *M. bovis* and will enable patterns of origin, transmission and spread of *M. bovis* to be described.

The techniques and media used, their standardisation and the interpretation of results must conform to that specified in the OIE Manual of Standards for Diagnostic Tests and Vaccines, Fourth Edition, 2000, Chapter 2.3.3 (bovine tuberculosis).

2. THE TUBERCULIN SKIN TEST

Tuberculin PPD (Purified Protein Derivatives) that fulfil the standards laid down in paragraph 2.1 shall be used for carrying out official tuberculin skin test following the procedures referred to in paragraph 2.2.

2.1. **Standards for tuberculin (bovine and avian)**2.1.1. *Definition*

Tuberculin purified protein derivative (tuberculin PPD, bovine or avian) is a preparation obtained from the heat-treated products of growth and lysis of *Mycobacterium bovis* or *Mycobacterium avium* (as appropriate) capable of revealing a delayed hypersensitivity in an animal sensitised to microorganisms of the same species.

2.1.2. *Production*

It is obtained from the water-soluble fractions prepared by heating in free-flowing steam and subsequently filtering cultures of *M. bovis* or *M. avium* (as appropriate) grown in a liquid synthetic medium. The active fraction of the filtrate, consisting mainly of protein, is isolated by precipitation, washed and re-dissolved. An antimicrobial preservative that does not give rise to false positive reactions, such as phenol, may be added. The final sterile preparation, free from mycobacteria, is distributed aseptically into sterile tamper-proof glass containers which are then closed so as to prevent contamination. The preparation may be freeze-dried.

2.1.3. *Identification of the product*

Inject a range of graded doses intradermally at different sites into suitably sensitised albino guinea-pigs, each weighing not less than 250 g. After 24 h to 28 h, reactions appear in the form of oedematous swellings with erythema with or without necrosis at the points of injection. The size and severity of the reactions vary according to the dose. Unsensitised guinea-pigs show no reactions to similar injections.

2.1.4. *Tests*

2.1.4.1. pH: The pH is 6.5 to 7.5.

- 2.1.4.2. Phenol: If the preparation to be examined contains phenol, its concentration is not more than 5 g/l.
- 2.1.4.3. Sensitising effect: Use a group of three guinea-pigs that have not been treated with any material which will interfere with the test. On 3 occasions at intervals of five days inject intradermally into each guinea-pig a dose of the preparation to be examined equivalent to 500 IU in 0,1 ml. 15 to 21 days after the third injection inject the same dose (500 IU) intradermally into these animals and into a control group of three guinea-pigs of the same mass and which have not previously received injections of tuberculin. 24 to 28 hours after the last injections, the reactions of the two groups are not significantly different.
- 2.1.4.4. Toxicity: Use two guinea-pigs, each weighing not less than 250 g and which have not previously been treated with any material which will interfere with the test. Inject subcutaneously into each guinea-pig 0,5 ml of the preparation to be examined. Observe the animals for seven days. No abnormal effects occur during the observation period.
- 2.1.4.5. Sterility: It complies with the test for sterility prescribed in the monograph on Vaccines for veterinary use 4th Edition 2002 of the European Pharmacopoeia.
- 2.1.5. *Potency*

The potency of tuberculin purified protein derivative (bovine and avian) is determined by comparing the reactions produced in sensitised guinea-pigs by the intradermal injection of a series of dilutions of the preparation to be examined with those produced by known concentrations of a reference preparation of tuberculin (bovine or avian, as appropriate) purified protein derivative calibrated in International Units.

To test the potency, sensitise not fewer than nine albino guinea-pigs, each weighing 400 g to 600 g, by the deep intramuscular injection of 0,0001 mg of wet mass of living *M. bovis* of strain AN5 suspended in 0.5 ml of a 9 g/l solution of sodium chloride R for bovine tuberculin, or a suitable dose of inactivated or live *M. avium* for avian tuberculin. Not less than four weeks after the sensitisation of the guinea-pigs, shave their flanks to provide space for not more than four injection sites on each side. Prepare dilutions of the preparation to be examined and of the reference preparation using isotonic phosphate-buffered saline (pH 6,5-7,5) containing 0,005 g/l of polysorbate 80 R. Use not fewer than three doses of the reference preparation and not fewer than three doses of the preparation to be examined. Choose the doses such that the lesions produced have a diameter of not less than 8 mm and not more than 25 mm. Allocate the dilutions randomly to the sites using a Latin square design. Inject each dose intradermally in a constant volume of 0,1 ml or 0,2 ml. Measure the diameters of the lesions after 24 to 28 hours and calculate the result of the test using the usual statistical methods and assuming that the diameters of the lesions are directly proportional to the logarithm of the concentration of the tuberculins.

The test is not valid unless the fiducial limits of error ($P = 0,95$) are not less than 50 % and not more than 200 % of the estimated potency. The estimated potency is not less than 66 % and not more than 150 % of the stated potency for bovine tuberculin. The estimated potency is not less than 75 % and not more than 133 % of the stated potency for avian tuberculin. The stated potency is not less than 20 000 IU/ml for both tuberculins (bovine and avian).

2.1.6. *Storage*

Store protected from light, at a temperature of 5 ± 3 °C.

2.1.7. *Labelling*

The label states:

- the potency in International Units per millilitre,
- the name and quantity of any added substance,
- for freeze-dried preparations:
 - -the name and volume of the reconstituting liquid to be added,
 - -that the product should be used immediately after reconstitution.

2.2. **Test procedures**

2.2.1. The following shall be recognised as official intradermal tuberculin tests:

- the single intradermal test: this test requires a single injection of bovine tuberculin,
- the intradermal comparative test: this test requires one injection of bovine tuberculin and one injection of avian tuberculin given simultaneously.

- 2.2.2. The dose of tuberculin injected shall be:
- not less than 2 000 IU of bovine tuberculin,
 - not less than 2 000 IU of avian tuberculin.
- 2.2.3. The volume of each injection dose shall not exceed 0,2 ml.
- 2.2.4. Tuberculin tests shall be carried out by injecting tuberculin(s) into the skin of the neck. The injection sites shall be situated at the border of the anterior and middle thirds of the neck. When both avian and bovine tuberculins are injected in the same animal, the site for injection of avian tuberculins shall be about 10 cm from the crest of the neck and the site for the injection of bovine tuberculin about 12,5 cm lower on a line roughly parallel with the line of the shoulder or on different sides of the neck; in young animals in which there is not room to separate the sites sufficiently on one side of the neck, one injection shall be made on each side of the neck at identical sites in the centre of the middle third of the neck.
- 2.2.5. The technique of tuberculin testing and interpretation of reactions shall be as follows:
- 2.2.5.1. Technique:
- Injection sites shall be clipped and cleansed. A fold of skin within each clipped area shall be taken between the forefinger and thumb and measured with callipers and recorded. The dose of tuberculin shall then be injected by a method that ensures that the tuberculin is delivered intradermically. A short sterile needle, bevel edge outwards, with graduated syringe charged with tuberculin, inserted obliquely into the deeper layers of the skin may be used. A correct injection shall be confirmed by palpating a small pea-like swelling at each site of injection. The skin-fold thickness of each injection site shall be remeasured 72 hours (\pm 4 hours) after injection and recorded.
- 2.2.5.2. Interpretation of reactions
- The interpretation of reactions shall be based on clinical observations and the recorded increase(s) in skin-fold thickness at the sites of injection 72 hours after injection of tuberculin(s).
- (a) Negative reaction: if only limited swelling is observed, with an increase of not more than 2 mm in the thickness of the fold of skin without clinical signs such as diffuse or extensive oedema, exudation, necrosis, pain or inflammation of the lymphatic ducts in that region or of the lymph nodes.
 - (b) Inconclusive reaction: if no clinical signs such as mentioned in a) are observed and if the increase in skin-fold thickness is more than 2 mm and less than 4 mm.
 - (c) Positive reaction: if clinical signs such as mentioned in a) are observed or there is an increase of 4 mm or more in the thickness of the fold of skin at the injection site.
- 2.2.5.3. The interpretation of official intradermal tuberculin tests shall be as follows:
- 2.2.5.3.1. Single intradermal test:
- (a) positive: a positive bovine reaction as defined in paragraph 2.2.5.2(c);
 - (b) inconclusive: an inconclusive reaction as defined in paragraph 2.2.5.2(b);
 - (c) negative: a negative bovine reaction as defined in paragraph 2.2.5.2(a).
- Animals inconclusive to the single intradermal test shall be subjected to another test after a minimum of 42 days.
- Animals which are not negative to this second test shall be deemed to be positive to the test.
- Animals positive to the single intradermal test may be subjected to an intradermal comparative test if false positive reaction or interference reaction is suspected.
- 2.2.5.3.2. Intradermal comparative test for the establishment and maintenance of officially tuberculosis-free herd status:
- (a) positive: a positive bovine reaction which is more than 4 mm greater than the avian reaction, or the presence of clinical signs;
 - (b) inconclusive: a positive or inconclusive bovine reaction which is from 1 to 4 mm greater than the avian reaction, and the absence of clinical signs;
 - (c) negative: a negative bovine reaction, or a positive or inconclusive bovine reaction but which is equal to or less than a positive or inconclusive avian reaction and the absence of clinical signs in both cases.
- Animals inconclusive to the intradermal comparative test shall be subjected to another test after a minimum of 42 days. Animals, which are not negative to this second test, shall be deemed to be positive to the test.

2.2.5.3.3. Officially tuberculosis-free herd status may be suspended and animals from the herd shall not be allowed to enter intra-Community trade until such time as the status of the following animals is resolved:

- (a) animals which have been deemed to be inconclusive to the single intradermal tuberculin test;
- (b) animals which have been deemed to be positive to the single intradermal tuberculin test but are awaiting retest with an intradermal comparative test;
- (c) animals which have been deemed to be inconclusive to the intradermal comparative test.

2.2.5.3.4. Where animals are required by Community legislation to be subjected to an intradermal test prior to movement, the test shall be interpreted so that no animal which shows an increase in skin-fold thickness greater than 2 mm or the presence of clinical signs is entered into intra-Community trade.

2.2.5.3.5. To enable detection of the maximum number of infected and diseased animals in a herd or in a region, Member States may modify the criteria for the interpretation of the test in order to achieve improved test sensitivity considering all inconclusive reactions referred in 2.2.5.3.1(b) and 2.2.5.3.2(b) as positive reactions.

3. SUPPLEMENTARY TESTING

To enable detection of the maximum number of infected and diseased animals in a herd or in a region, Member States may authorise the employ of the gamma-interferon assay referred in the OIE Manual of Standards for Diagnostic Tests and Vaccines, 4th Edition, 2000, Chapter 2.3.3. (bovine tuberculosis), in addition to the tuberculin test.

4. STATE INSTITUTES AND NATIONAL REFERENCE LABORATORIES

4.1. Tasks and responsibilities

The State Institutes and Reference Laboratories included in paragraph 3.2 shall be responsible for the official testing of tuberculins or reagents included in paragraph 2 and 3 in their respective States to ensure each of these tuberculins or reagents are adequate in relation to the standards above referred.

4.2. List of State institutes and national reference laboratories

1. Germany:
Paul-Ehrlich Institut (PEI), Bundesamt für Sera und Impfstoffe, D-23207 Langen; Bundesinstitut für gesundheitlichen Verbraucherschutz und Veterinärmedizin — Bereich Jena — D-07743 Jena;
2. Belgium:
Institut Scientifique de la Santé Publique — Louis Pasteur, 14 Rue Juliette Wytsman — B 1050 Bruxelles — Belgique;
3. France:
Laboratoire national des médicaments vétérinaires, Fougères;
4. Grand Duchy of Luxembourg:
Institute of the supplying country;
5. Italy:
Istituto superiore di sanità, Rome;
6. Netherlands:
Centraal Instituut voor Dierziekte Controle Lelystad (CIDC-Lelystad), Lelystad;
7. Denmark:
Danmarks Veterinærinstitut, Bülowsvej 27, DK-1790 København;
8. Ireland:
Institute of the supplying country;
9. United Kingdom:
Veterinary Laboratory Agency, Addlestone, Weybridge;
10. Greece:
Κέντρο Κτηνιατρικών Ιδρυμάτων, Νεαπόλεως 25, 153 10 Αθήνα;

11. Spain:
Laboratorio de Sanidad y producción animal de Granada;
 12. Portugal:
Laboratorio Nacional de Investigaçao Veterinária, Lisbon;
 13. Austria:
Bundesanstalt für veterinärmedizinische Untersuchungen, Mödling;
 14. Finland:
Eläinlääkintä — ja elintarviketutkimus — laitos — Forskningsanstalten för veterinärmedicin och livsmedel, Helsinki;
 15. Sweden:
Statens veterinärmedicinska anstalt, Uppsala.'
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COMMISSION REGULATION (EC) No 1227/2002

of 8 July 2002

fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5(2)(a) thereof,

Whereas:

Pursuant to Article 2(2) and Article 3 of abovementioned Regulation (EEC) No 4088/87, Community import and producer prices are fixed each fortnight for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses and apply for two-weekly periods. Pursuant to Article 1b of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the

Gaza Strip ⁽³⁾, as last amended by Regulation (EC) No 2062/97 ⁽⁴⁾, those prices are determined for fortnightly periods on the basis of weighted prices provided by the Member States. Those prices should be fixed immediately so the customs duties applicable can be determined. To that end, provision should be made for this Regulation to enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer and import prices for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses as referred to in Article 1b of Regulation (EEC) No 700/88 for a fortnightly period shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 9 July 2002.

It shall apply from 10 to 23 July 2002.

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

Done at Brussels, 8 July 2002.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 382, 31.12.1987, p. 22.

⁽²⁾ OJ L 177, 5.7.1997, p. 1.

⁽³⁾ OJ L 72, 18.3.1988, p. 16.

⁽⁴⁾ OJ L 289, 22.10.1997, p. 1.

ANNEX

to the Commission Regulation of 8 July 2002 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

(EUR/100 pieces)

Period: from 10 to 23 July 2002

Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	17,15	15,12	25,09	13,80
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	—	—	6,84	9,93
Morocco	15,59	15,97	—	14,58
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	—	—	—	—

COMMISSION REGULATION (EC) No 1228/2002
of 8 July 2002
concerning the issue of import licences for certain preserved mushrooms and repealing Regulation
(EC) No 1218/2002

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2125/95 of 6 September 1995 opening and providing for the administration of Community tariff quotas for preserved mushrooms ⁽¹⁾, as last amended by Regulation (EC) No 453/2002 ⁽²⁾, and in particular Article 6(4) thereof,

Whereas:

- (1) Article 6(4) of Regulation (EC) No 2125/95 lays down that where the quantities applied for exceed the quantity available, the Commission must set a flat-rate percentage reduction and suspend the issue of licences in respect of subsequent applications.
- (2) The quantities applied for on 1 and 2 July 2002 under Article 4(1)(a) of Regulation (EC) No 2125/95 for products originating in China exceed the available quantities. The extent to which licences may be issued and how long the issue of licences for all subsequent applications should be suspended should therefore be determined.
- (3) A check has shown that clear errors affecting all the operators concerned have been made in Regulation (EC) No 1218/2002 concerning the issue of import licences for certain preserved mushrooms. This Regulation must

therefore be repealed and replaced with effect from the date of its entry into force,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences applied for on 1 and 2 July 2002 under Article 4(1)(a) of Regulation (EC) No 2125/95 for products originating in China and submitted to the Commission on 3 July 2002 shall be issued, bearing the wording laid down in Article 11(1) of that Regulation, for 19,23 % of the quantity applied for.

Article 2

The issue of import licences for products originating in China applied for under Regulation (EC) No 2125/95 shall be suspended in respect of applications lodged between 3 July and 31 December 2002 inclusive.

Article 3

Regulation (EC) No 1218/2002 is hereby repealed.

Article 4

This Regulation shall enter into force on 9 July 2002.

It shall apply from 6 July 2002.

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

Done at Brussels, 8 July 2002.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 212, 7.9.1995, p. 16.

⁽²⁾ OJ L 72, 14.3.2002, p. 9.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 20 June 2002

on the AIEM tax applicable in the Canary Islands

(2002/546/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 299(2) thereof,

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

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

Whereas:

(1) Pursuant to Article 299(2) of the Treaty, the provisions of the Treaty apply to the outermost regions and hence the Canary Islands, account being taken of their structural social and economic situation, which is compounded by their remoteness, insularity, small size, difficult topography and climate and economic dependence on a few products, the permanence and combination of which factors severely restrain their development.

(2) Specific measures should therefore be adopted in order to establish the conditions for applying the Treaty to those regions. Specific tax policy measures may be adopted. They must take account of the special characteristics and constraints of these regions, but without undermining the integrity and coherence of the Community legal order, including the internal market and common policies. The Council, the European Parliament, the Committee of the Regions and the Economic and Social Committee have on several occasions stressed the need to adopt these specific measures.

(3) On the question of taxation, specific measures to be implemented must be based on the instruments most appropriate to regional development and support of

these regions including long-term tax derogations, in accordance with the criteria of coherence of Community law and the internal market and provided that these measures are necessary and proportionate to the objectives pursued.

(4) The indirect taxation arrangements applicable to the Canary Islands comprise a number of taxes including the Impuesto General Indirecto Canario (IGIC) and the 'Arbitrio sobre la Producción y sobre las Importaciones' (APIM) (tax on production and imports) authorised until 31 December 2001 by Article 5 of Council Regulation (EEC) No 1911/91 of 26 June 1991 on the application of the provisions of Community law to the Canary Islands ⁽³⁾.

(5) When Regulation (EC) No 2674/1999 ⁽⁴⁾ was adopted, the Council requested the Commission to examine with the Spanish authorities the impact of suspending the dismantling of the APIM tax on the economic sectors concerned and more especially the products forming the subject of the suspension measure. It also asked the Commission to present to it, where appropriate in the light of the results of this examination, a proposal concerning the measures to be taken on the basis of the Treaty, in order to avoid jeopardising certain particularly vulnerable local production activities, while ultimately abolishing the tax. This objective of ultimate abolition of the tax must now be included in the framework of measures adopted on the basis of Article 299(2) of the Treaty, which authorises specific long-term measures to take account of the handicaps listed.

⁽¹⁾ OJ C 75 E, 26.3.2002, p. 328.

⁽²⁾ Opinion delivered on 13 June 2002 (not yet published in the Official Journal).

⁽³⁾ OJ L 171, 29.6.1991. Regulation as last amended by Regulation (EC) No 1105/2001 (OJ L 151, 7.6.2001, p. 1).

⁽⁴⁾ OJ L 326, 18.12.1999, p. 3.

- (6) In their letters of 25 July 2000 and 12 June 2001, the Spanish authorities sent the Commission, on the basis of Article 299(2) of the Treaty, details concerning a new tax known as 'Arbitrio sobre las Importaciones y Entregas de Mercancías en las islas Canarias (AIEM)'. This is a tax on supplies of goods in the Canary Islands effected by the producers of the goods and on imports of comparable or similar goods of the same type defined by reference to the Common Customs Tariff nomenclature. The taxable base for imported goods will be based on the customs value and that of supplies of goods effected by producers in the Canary Islands will be based on the total amount of the consideration. As with the APIM, locally produced goods may be exempted from the AIEM. The Commission evaluated this proposed tax in the light of the undertakings it gave the Council when Regulation (EC) No 2674/1999 was adopted and in the light of the handicaps affecting industrial production in the Canary Islands.
- (7) At the top of the list of handicaps identified is the predominance of the services sector and in particular tourism in the regional product and also the dependence of the Canary Islands' economy on this sector and the small share of industry in the Canary Islands' GDP. The AIEM tax should serve the objective of the autonomous development of the Canary Islands' industrial production sectors and of diversifying the Islands' economy.
- (8) In second place is the isolation inherent in an island which hinders the free movement of persons, goods and services. Dependence on certain modes of transport, air transport and maritime transport, is increased since these are modes of transport which have not yet been fully liberalised. Production costs are greater because these modes of transport are less efficient and more expensive than road, rail or the trans-European networks.
- (9) As a further consequence of this isolation, higher production costs result from dependence in terms of raw materials and energy, the obligation to build up stocks and difficulties affecting the supply of production equipment.
- (10) The small size of the market and the low level of export activity, the geographical fragmentation of the archipelago, and the obligation to maintain diversified but only small production lines in order to meet the requirements of a small market, restrict the opportunities for economies of scale.
- (11) It is in many cases more difficult or more expensive to obtain specialised and maintenance services, and training for managers and technicians, or to subcontract or promote business expansion beyond the Canary Islands' market. The narrow range of distribution methods also results in overstocking.
- (12) As regards the environment, the disposal of industrial waste and the treatment of toxic waste give rise to higher environmental costs. These costs are higher because there are no recycling plants, other than for certain products, and waste has to be transported to the mainland and toxic waste has to be treated outside the Canary Islands.
- (13) Generally speaking, the present trend towards the globalisation of markets, which is characterised by the concentration of production and consequently specialisation of production sectors, does not enable business in the Canary Islands to derive benefits comparable with business situated in less isolated, larger markets. As a result, to varying degrees depending on the sector and product, local production in the Canary Islands is gradually being replaced by imports. On top of this, a common feature of local production is interdependence of local firms, in a form which resembles vertical integration, so that when activities are relocated in one sector this triggers the loss of activities in other related sectors.
- (14) On the basis of all this information and the notification from the Spanish authorities, it is advisable to authorise the application of a tax to a list of industrial products for which exemptions for local products may be allowed.
- (15) It is nevertheless advisable to combine the requirements of Articles 299(2) and 90 of the Treaty and observance of the need for coherence of Community law and the internal market. This means applying only the measures strictly necessary and proportionate to the objectives set, account being taken of the handicaps of a remote location. The proposed Community framework therefore comprises a list of sensitive products for which the Canary Islands' authorities are authorised to provide for exemptions within limits determined by Council decision for products which are produced locally.
- (16) Industrial products for which there is exemption fall into the following categories: agricultural and fisheries products, building materials, chemicals, products of the metalworking industries, foodstuffs and beverages, tobacco products, textiles and leather, paper, graphic arts and publishing. These sectors and products largely correspond to the sensitive sectors identified by Regulation (EC) No 2674/1999. The provisions of this Decision shall apply to the implementation of these exemptions without prejudice to the possible application of Articles 87 and 88 of the Treaty.

- (17) The maximum exemptions which may be applied to the industrial products in question vary depending on sector and product, by 5 % to 15 %. The rates applicable to these products correspond, according to the Spanish authorities, to the level of the APIM tax as it resulted in 1996 from the application of Regulation (EEC) No 1911/91 and the acts adopted pursuant to that Regulation and the Regulation on the 'tarifa especial' tax.
- (18) The maximum exemption applicable to finished tobacco products is nevertheless higher, because the tobacco sector is an exceptional case. The tobacco industry, which had greatly expanded in the Canary Islands, has been declining very markedly for a number of years. The traditional handicaps of insularity described above are of course at the root of the decline in local tobacco production in the Canary Islands. The phenomenon of numerous relocations of firms established in the Canary Islands is also the result of the globalisation of the economy and concentration of production and the emergence and development of new markets outside Europe. The decline in local production led to 67 % job losses between 1985 and 2000. The series of relocations and closures has involved the production plants of multinationals which are among the world's leading manufacturers.
- (19) This phenomenon of declining local production is in contrast, furthermore, with a local market on which sales increased steadily over the same period. The increased sales of tobacco are attributed by producers partly to the buoyant market created by tourists. The retail price of tobacco products in the Canary Islands is still very attractive. A comparison shows price differences of about half compared with the selling prices of tobacco in the rest of Spain. Increased taxes on tobacco since 1995, in particular the IGIC, have not slowed down sales of tobacco products, which rose steadily over the corresponding period. A large volume of supply has been maintained on this growing market, despite the drop in local production, solely as a result of the increase in imports from 5 % to 32 % between 1992 and 2000.
- (20) Account being taken of all these factors, there are grounds for a substantial exemption for tobacco. Exemption from taxation is in direct relation with the objective of maintaining production in the Canary Islands.
- (21) It is nevertheless necessary to bear in mind the coherence of the internal market, as required by Article 299(2) of the Treaty. Trade is important in this sector. Imports of tobacco products into the Canary Islands have increased in recent years but the proportion of exports of tobacco from the Canary Islands is also large. At present some 76 % of the Canary Islands' cigarette production is exported and only 24 % goes to the Canary Islands' market. Comparison of the figures reveals that the volume of exports from the Canary Islands has been increasing since 1995, but the volume of imports has increased even more. This means that, in a growing market, local production does not cover all requirements. These findings underpin the argument that substantial exemption from the AIEM is needed as a sufficient incentive to maintain or restore local production given the importance of trade in this sector.
- (22) Account being taken of these factors, and the fact that local producers enjoy a benefit in relation to other producers, comprising the opportunity to import up to 20 000 tonnes a year of raw and semi-manufactured tobacco, the initial proposal drawn up by the Spanish authorities, who suggested a rate of 45 %, seems excessive. For that reason a much higher exemption option than for all the other products but not exceeding 25 % is proposed. In addition, given the importance of an adequate exemption incentive for local production, it is suggested that the Spanish authorities be authorised to fix a specific minimum tax of EUR 6 per 1 000 cigarettes, corresponding to an AIEM level of 25 % for the cheapest cigarette category in 2001. This measure is not an additional safeguard. It is rather an alternative to a maximum exemption of 25 % that will ensure that the latter continues to have a satisfactory impact.
- (23) The objectives of promoting the socio-economic development of the Canary Islands are reflected at national level in the purpose of the tax and the allocation of the revenue it generates. The incorporation of the revenue from this tax in the resources of the Canary Islands' economic and tax system and its use for an economic and social development strategy involving the promotion of local activities is a legal obligation.
- (24) The arrangements are to apply for 10 years. It will nevertheless be necessary to evaluate the proposed system after five years. The Spanish authorities must therefore present to the Commission by 31 December 2005 at the latest a report on the application of the arrangements referred to in Article 1, in order to check the impact of the measures taken and their contribution to promoting or maintaining local economic activities, account being taken of the handicaps affecting the outermost regions. On this basis, the scope and the exemptions authorised under Community rules will be revised if necessary.
- (25) To ensure continuity with the system of indirect taxation applicable in the Canary Islands pursuant to Regulation (EEC) No 1911/91, this Decision should apply as from 1 January 2002,

HAS ADOPTED THIS DECISION:

Article 1

1. By way of derogation from Articles 23, 25 and 90 of the Treaty, the Spanish authorities shall be authorised until 31 December 2011 to lay down, in respect of products listed in the Annex that are produced locally in the Canary Islands, total exemptions from or partial reductions of the tax known as 'Arbitrio sobre las Importaciones y Entregas de Mercancías en las islas Canarias (AIEM)'. These exemptions must form part of the strategy for economic and social development of the Canary Islands and contribute to the promotion of local activities.

2. Application of the total exemptions or reductions referred to in paragraph 1 may not lead to differences in excess of:

- (a) 5 % for the products listed in the Annex, Section A;
- (b) 15 % for the products listed in the Annex, Section B;
- (c) 25 % for the products listed in the Annex, section C. Nevertheless, the Spanish authorities may establish a minimum tax on cigarettes of not more than EUR 6 per 1 000 cigarettes, applicable only if the AIEM tax resulting from the application of general types of taxation is below this figure.

Article 2

The Spanish authorities shall present to the Commission at the latest by 31 December 2005 a report on the application of the

arrangements referred to in Article 1, in order to check the impact of the measures taken and their contribution to the promotion or maintenance of local economic activities, account being taken of handicaps affecting the outermost regions.

On this basis, the Commission shall present a report to the Council comprising a full analysis of the economic and social aspects and where appropriate a proposal for adapting the provisions of this Decision.

Article 3

This Decision shall be applicable from 1 January 2002.

Article 4

This Decision is addressed to the Kingdom of Spain.

Done at Madrid, 20 June 2002.

For the Council

The President

R. DE RATO Y FIGAREDO

ANNEX

A. List of products referred to in Article 1(2)(a) according to the classification of the Common Customs Tariff nomenclature:*Agricultural and fishery products*

0203 11/0203 12/0203 19/0207 11/0207 13/0302 69 94 00/0302 69 95 00/0701 90/0702/0703/0803

Building materials:

3816/3824 40 00 00/3824 90 45 00/3824 90 70 00/6809

*Chemicals:*2804 30 00/2804 40 00/2851 00 30/3208/3209/3210/3212 90 90 00/3213/3214/3401/3402/3406/
3814 00 90 90/3920 30 00 90/3921 90 60/3923 90 90/4012 11 00/4012 12 00/4012 13/4012 19 00*Metal-working industries:*

7604/7608/8428 39 98 00/8479 50 00 00

*Food industry:*0210 11 11 00/0210 11 31 00/0210 12 19 00/0210 19 40 00/0210 19 81 00/0305 41 00/0901 22 00 00/1101/
1901 20 00 90/1901 90 91 96/2006 00 31 00/1601/1602/1704 90 30 00/1704 90 51 90/1704 90 55 00/
1704 90 71/1704 90 75 00/1806/1901 90 99/1904 10 10/1905/2007 91 10/2008 99 61/2008 99 68/2009 11/
2009 19/2009 41/2009 49/2009 50/2009 71/2009 79/2009 80/2009 90/2105/2309*Beverages:*

2201/2202/2204

Textiles and leather:

6112 31/6112 41

Paper:

4822 90/4823 90 90 90

Graphic arts and publishing:

4910

B. List of products referred to in Article 1(2)(b) according to the classification of the Common Customs Tariff nomenclature*Agricultural and fishery products:*

0407 00 30

Building materials:

2523 29 00 00/2523 90/7010

Chemicals:

3809 91 00/3917/3923 10 00/3923 21 00/3923 30 10/3924 10 00

Metal-working industries:

7309 00/7325/7610/9403 20 99 00/9404

Food industry:

0403/0901 21/1902/2103/2106 90 98

Beverages:

2203/2208 40

Textiles and leather:

6302

Paper:

4808/4818 10/4818 20/4818 30/4818 90 90 10/4819/4821/4823 90 14

Graphic arts and publishing:

4909/4911

C. **List of products referred to in Article 1(2)(c) according to the classification of the Common Customs Tariff nomenclature**

Tobacco:

2402

COMMISSION

COMMISSION DECISION

of 5 July 2002

on financial aid from the Community for the operation of certain Community Reference Laboratories in the veterinary public health field (residues)

(notified under document number C(2002) 2524)

(Only the German, French, Italian and Dutch texts are authentic)

(2002/547/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Decision 2001/572/EC ⁽²⁾, and in particular Article 28(2) thereof,

Whereas:

- (1) Community financial aid should be granted to the Community reference laboratories designated by the Community to assist them in carrying out the functions and duties laid down in Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products ⁽³⁾.
- (2) The financial contribution from the Community shall be granted provided that the actions planned are efficiently carried out and that the authorities supply all the necessary information within the time limits laid down.
- (3) For budgetary reasons, Community assistance should be granted for a period of one year; however, in order to adapt the financial period to the calendar year, the Community assistance granted for next period will exceptionally cover six months.
- (4) Pursuant to Article 3(2) of Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy ⁽⁴⁾ veterinary and plant health measures undertaken in accordance with Community rules shall be financed under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund. For financial control purposes, Articles 8 and 9 of Council Regulation (EC) No 1258/1999 apply.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

Article 1

1. The Community grants financial assistance to the Netherlands for the functions and duties referred to in Annex V, Chapter 2, to Directive 96/23/EC to be carried out by the Rijksinstituut voor de Volksgezondheid en Milieuhygiëne, Bilthoven, the Netherlands, for the detection of residues of certain substances.

2. The Community's financial assistance shall amount to a maximum of EUR 200 000 for the period from 1 July 2002 to 31 December 2002.

Article 2

1. The Community grants financial assistance to France for the functions and duties referred to in Annex V, Chapter 2, to Directive 96/23/EC to be carried out by the Laboratoire de L'Agence Française de Sécurité Sanitaire des aliments, (formerly the Laboratoire des médicaments vétérinaires), Fougères, France, for the detection of residues of certain substances.

2. The Community's financial assistance shall amount to a maximum of EUR 200 000 for the period from 1 July 2002 to 31 December 2002.

Article 3

1. The Community grants financial assistance to Germany for the functions and duties referred to in Annex V, Chapter 2, to Directive 96/23/EC to be carried out by the Bundesinstitut für gesundheitlichen Verbraucherschutz und Veterinärmedizin, Berlin, Germany, for the detection of residues of certain substances.

2. The Community's financial assistance shall amount to a maximum of EUR 200 000 for the period from 1 July 2002 to 31 December 2002.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 203, 28.7.2001, p. 16.

⁽³⁾ OJ L 125, 23.5.1996, p. 10.

⁽⁴⁾ OJ L 160, 26.6.1999, p. 103.

Article 4

1. The Community grants financial assistance to Italy for the functions and duties referred to in Annex V, Chapter 2, to Directive 96/23/EC to be carried out by the Istituto Superiore di Sanità, Rome, Italy, for the detection of residues of certain substances.

2. The Community's financial assistance shall amount to a maximum of EUR 200 000 for the period from 1 July 2002 to 31 December 2002.

Article 5

The Community's financial assistance shall be paid as follows:

- (a) advance payment of 70 % of the above amounts may be paid at the request of the recipient Member State;
- (b) the remainder is paid following presentation of supporting documents and technical report by the recipient Member State. Those documents shall be presented at the latest three months after the end of the period for which financial assistance has been granted;

(c) the financial contribution shall be granted provided that the actions planned are efficiently carried out and that the authorities supply all the necessary information within the time limits laid down;

(d) when the time limit is not observed, the contribution shall be reduced by 25 % on 1 May, 50 % on 1 June, 75 % on 1 July and 100 % on 1 September.

Article 6

This Decision is addressed to the Federal Republic of Germany, the French Republic, the Italian Republic and the Kingdom of the Netherlands.

Done at Brussels, 5 July 2002.

For the Commission

David BYRNE

Member of the Commission

COMMISSION DECISION

of 8 July 2002

amending Decision 2002/230/EC on financial aid from the Community for the operation of certain Community reference laboratories in the field of animal health and live animals 2002 with regard to avian influenza

(notified under document number C(2002) 2531)

(Only the English text is authentic)

(2002/548/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Decision 2001/572/EC ⁽²⁾, and in particular Article 28(2) thereof,

Whereas:

- (1) Commission Decision 2002/230/EC ⁽³⁾ of 15 March 2002 has laid down the amount of financial assistance to be granted to Community reference laboratories in the field of animal health and live animals except for the laboratory for avian influenza.
- (2) Council Directive 92/40/EEC of 19 May 1992 introducing Community measures for the control of avian influenza ⁽⁴⁾, as last amended by the Act of Accession of Austria, Sweden and Finland, lists the functions and duties of the Community reference laboratory for avian influenza.
- (3) The Community reference laboratory for avian influenza has submitted its work plan which includes a special monitoring for avian influenza in poultry and wild birds to be carried out in 2002 with the collaboration of the Member States.
- (4) To take into account its expanded activities the financial assistance for the Community reference laboratory should be increased in comparison to previous years.
- (5) Decision 2002/230/EC should therefore be amended to grant financial assistance to the Community reference laboratory for avian influenza.

- (6) 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

After Article 2 of Decision 2002/230/EC the following text shall be added as Article 2a:

'Article 2a

1. For avian influenza, the Community grants financial assistance to the United Kingdom for the functions and duties referred to in Annex V to Directive 92/40/EEC, to be carried out by the Central Veterinary Laboratory, Addlestone, United Kingdom.
2. The Community's financial assistance shall amount to a maximum of EUR 150 000 for the period from 1 January to 31 December 2002.'

Article 2

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 8 July 2002.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 203, 28.7.2001, p. 16.

⁽³⁾ OJ L 77, 20.3.2002, p. 47.

⁽⁴⁾ OJ L 167, 22.6.1992, p. 1.

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 1052/2002 of 17 June 2002 amending Regulation (EC) No 1520/2000 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amounts of such refunds

(Official Journal of the European Communities L 160 of 18 June 2002)

On page 16, in Article 1(1), first line:

for: '1. The following paragraph 1a is added to Article 6(1):',

read: '1. In Article 6a(1), the following paragraph 1a is added:';

on page 17, in Article 1(2), first line:

for: '2. Paragraph 1 of Article 8 is replaced by the following:',

read: '2. In Article 8(1), the first subparagraph is replaced by the following:'.
