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I

(Acts whose publication is obligatory)

DECISION No 1247/2002/EC OF THE EUROPEAN PARLIAMENT, OF THE COUNCIL AND OF THE COMMISSION

of 1 July 2002

on the regulations and general conditions governing the performance of the European Data-protection Supervisor's duties

THE EUROPEAN PARLIAMENT, THE COUNCIL OF THE EUROPEAN UNION AND THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Data-protection Supervisor and of the Assistant Supervisor to be laid down.

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽¹⁾, and in particular Article 43 thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Whereas:

- (1) The European Data-protection Supervisor is the independent supervisory body entrusted with monitoring the application to Community institutions and bodies of Community instruments relating to the protection of natural persons as regards the processing of personal data and the free movement of such data.
- (2) The data protection rules are designed to protect the fundamental rights and freedoms of individuals, in particular their private and family life, with regard to processing of personal data, in particular in accordance with Article 6 of the Treaty on European Union and with due regard to Articles 7 and 8 of the European Union Charter of Fundamental Rights. Those fundamental rights are to be interpreted, under the case law of the Court of Justice of the European Communities, in the light of Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the constitutional traditions common to the Member States. The objective of data protection must be met while taking into account the objective of not restricting the information available to citizens about public activities.
- (3) The effective establishment of this independent supervisory body calls for the regulations and general conditions governing the performance of the duties of the European

- (4) Most of the elements to be included in the regulations and general conditions governing the performance of the duties of the European Data-protection Supervisor are already contained in Regulation (EC) No 45/2001. It contains the necessary provisions for the appointment of the European Data-protection Supervisor and of the Assistant Supervisor, for their human and financial resources, their independence, their obligation of professional secrecy, their duties and their powers. The Rules of Procedure of the European Data-protection Supervisor, required by Article 46(k) of Regulation (EC) No 45/2001, should contain, in particular, procedural provisions governing the manner in which he is to exercise his powers.

- (5) The European Data-protection Supervisor is bound by Community law and should comply with Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents ⁽³⁾. He should thus be bound by the provisions of the Treaty concerning the protection of fundamental rights and freedoms, establishing that decision-making in the Union is to be as open as possible and providing for protection of personal data, in particular the right to privacy.
- (6) The financial framework of this Decision should be compatible with the current ceiling of heading 5.
- (7) Only two major aspects of the regulations are not contained in Regulation (EC) No 45/2001 and thus remain to be clarified. They concern the fixing of the salary of the Supervisor and the Assistant Supervisor, their allowances and any benefits in lieu of remuneration, and the seat of the Supervisor. The provisions of Regulation (EC) No 45/2001 on the procedure for appointing the European Data-protection Supervisor and the Assistant Supervisor should also be clarified.

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.

⁽²⁾ OJ C 304 E, 30.10.2001, p. 178.

⁽³⁾ OJ L 145, 31.5.2001, p. 43.

- (8) The European Data-protection Supervisor should have remuneration on the same level as the European Ombudsman, given the need to ensure that the Supervisor has a status commensurate with his duties and powers, and the fact that Regulation (EC) No 45/2001 largely follows the example of the European Ombudsman in defining the institutional profile of the Supervisor. The European Ombudsman is on a par with a judge of the Court of Justice as regards remuneration, allowances and retirement pension.
- (9) The Assistant Supervisor should be placed on the same footing as the Registrar of the Court of Justice as regards remuneration, allowances and retirement pension, so as to establish a hierarchy between him/her and the European Supervisor, while making them both subject to the same type of emoluments, in keeping with their appointment procedure, their term of office and their duties.
- (10) The seat of the European Data-protection Supervisor should be established in Brussels, so as to ensure the proximity which, by the nature of his/her tasks, must exist between the European Supervisor and the Community institutions and bodies subject to his/her supervision, and in order to facilitate the smooth performance of his/her duties.
- (11) Consideration will need to be given to the extent to which cooperation with supervisory data-protection bodies established pursuant to Title VI of the Treaty on European Union, as provided for in Article 46(f) of Regulation (EC) No 45/2001, will serve to attain the aim of ensuring consistency in the application of data protection supervisory rules and procedures.
- (12) The competent committee of the European Parliament may decide to hold a hearing, open to all Members of Parliament, of the candidates placed on the list drawn up by the Commission in accordance with Article 42(1) of Regulation (EC) No 45/2001 following a public call for candidates,

HAVE DECIDED AS FOLLOWS:

Article 1

Remuneration of the European Data-protection Supervisor

The European Data-protection Supervisor shall be on a par with a judge of the Court of Justice of the European Communities as

regards the determination of remuneration, allowances, retirement pension and any other benefit in lieu of remuneration.

Article 2

Remuneration of the Assistant Supervisor

The Assistant Supervisor shall be on a par with the Registrar of the Court of Justice of the European Communities as regards the determination of remuneration, allowances, retirement pension and any other benefit in lieu of remuneration.

Article 3

Appointment procedure

The European Data-protection Supervisor and the Assistant Supervisor shall be appointed following a public call for candidates. The call for candidates shall enable all interested parties throughout the Community to submit their applications. The list of candidates shall be public. On the basis of the list drawn up by the Commission in accordance with Article 42(1) of Regulation (EC) No 45/2001, the competent committee of the European Parliament may decide to arrange a hearing in order to enable it to express a preference.

Article 4

Seat

The European Data-protection Supervisor and the Assistant Supervisor shall have their seat in Brussels.

Article 5

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

Done at Brussels, 1 July 2002.

For the European
Parliament

The President

P. COX

For the Council

The President

M. ARIAS CAÑETE

For the Commission

The President

R. PRODI

COMMISSION REGULATION (EC) No 1248/2002
of 11 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 12 July 2002.

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

Done at Brussels, 11 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 11 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	83,4
	999	83,4
0707 00 05	052	83,4
	999	83,4
0709 90 70	052	70,7
	999	70,7
0805 50 10	388	56,6
	524	77,1
	528	55,5
	804	121,8
0808 10 20, 0808 10 50, 0808 10 90	999	77,8
	388	89,4
	400	104,1
	404	85,4
	508	91,3
	512	86,9
	524	46,9
	528	89,5
	720	147,9
	804	105,6
	999	94,1
	388	95,9
	512	84,3
	528	83,0
0808 20 50	800	65,2
	804	117,1
	999	89,1
	052	175,5
0809 10 00	064	151,6
	999	163,6
	052	337,7
0809 20 95	060	140,2
	061	238,7
	400	259,3
	616	275,4
	999	250,3
	064	118,0
0809 40 05	624	217,9
	999	167,9

⁽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 1249/2002

of 11 July 2002

amending Regulation (EC) No 2366/98 laying down detailed rules for the application of the system of production aid for olive oil for the 1998/1999, 1999/2000, 2000/2001, 2001/2002, 2002/2003 and 2003/2004 marketing years

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EC) No 1513/2001 ⁽²⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EC) No 2261/84 of 17 July 1984 laying down general rules on the granting of aid for the production of olive oil and of aid to olive oil producer organisations ⁽³⁾, as last amended by Regulation (EC) No 1639/98 ⁽⁴⁾, and in particular Article 19 thereof,

Having regard to Council Regulation (EC) No 1638/98 of 20 July 1998 amending Regulation No 136/66/EEC on the establishment of a common organisation of the market in oils and fats ⁽⁵⁾, as amended by Regulation (EC) No 1513/2001 ⁽⁶⁾, and in particular Article 4 thereof,

Whereas:

- (1) Under Article 4 of Regulation (EC) No 1638/98 no olive grower aid may be paid in respect of additional olive trees planted after 1 May 1998 or those for which no crop declaration has been made by a date to be determined. Article 5(1) of Commission Regulation (EC) No 2366/98 ⁽⁷⁾, as last amended by Regulation (EC) No 2070/2001 ⁽⁸⁾, provides that exclusion from the aid relates to the production of additional olive trees planted after 1 May 1998 or those planted after 1 November 1995 for which no crop declaration has been made by 1 April 1999. However, additional olive trees in connection with the conversion of an old olive plantation or covered by a programme approved by the Commission may qualify for aid.
- (2) The production of the additional olive trees referred to in the first subparagraph of Article 4 of Regulation (EC) No 1638/98 is not significant in the first three years after planting. However, from the 2002/03 marketing year, the production from these trees will become significant and must be taken into consideration for the purposes of exclusion from the production aid scheme. It is therefore necessary to provide for a system of calculation based on the quantity of virgin oil produced, the

number of olive trees in production planted before and after 1 May 1998, and coefficients allowing oil production from additional olive trees which is not eligible for aid to be deducted from overall production. These coefficients are established on the basis of the forecast evolution of yields in relation to the age of the plantings.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2366/98 is amended as follows:

1. The following Article 12a is inserted:

‘Article 12a

On the basis of the declarations referred to in Articles 2 and 5 and the aid applications referred to in Article 12, producer Member States shall determine the olive oil production of additional olive trees within the meaning of the first subparagraph of Article 4 of Regulation (EC) No 1638/98 for the 2002/03 marketing year by multiplying the average yield per adult olive tree by the sum of:

- the number of additional olive trees planted between 1 May and 31 October 1998, multiplied by 0,70, and
- the number of additional olive trees planted between 1 November 1998 and 31 October 1999, multiplied by 0,35.

The average yield per adult olive tree shall be calculated by dividing the quantity of virgin olive oil produced from additional olive trees, as referred to in the first subparagraph, by the sum of:

- the number of olive trees in production planted before 1 May 1998, and
- the number of olive trees in production planted between 1 May and 31 October 1998, multiplied by 0,70, and
- the number of olive trees in production planted between 1 November 1998 and 31 October 1999, multiplied by 0,35.’

⁽¹⁾ OJ L 172, 30.9.1966, p. 3025/66.

⁽²⁾ OJ L 201, 26.7.2001, p. 4.

⁽³⁾ OJ L 208, 3.8.1984, p. 3.

⁽⁴⁾ OJ L 210, 28.7.1998, p. 38.

⁽⁵⁾ OJ L 210, 28.7.1998, p. 32.

⁽⁶⁾ OJ L 201, 26.7.2001, p. 4.

⁽⁷⁾ OJ L 293, 31.10.1998, p. 50.

⁽⁸⁾ OJ L 280, 24.10.2001, p. 3.

2. The first subparagraph of Article 14(1) is replaced by the following:

'1. Olive growers shall be eligible for aid in respect of the quantity of virgin olive oil they actually produce, minus the production of additional olive trees referred to in the first subparagraph of Article 12a, plus the flat-rate quantity of olive-residue oil provided for in paragraph 2.'

3. Article 14(2) is replaced by the following:

'2. The quantity of olive-residue oil on which the aid may be paid shall be equal to 8 % of the quantity of virgin olive oil, minus the production of the additional olive trees

referred to in Article 12a, produced from the olives from which the residue has come and in respect of which entitlement to aid has been recognised in accordance with Article 2(4) of Regulation (EEC) No 2261/84.'

Article 2

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

It shall apply from 1 November 2002.

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

Done at Brussels, 11 July 2002.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1250/2002

of 11 July 2002

derogating, for the 2001/02 marketing year, from the time limits provided for in Article 12(3) and (5) and Article 20(2) of Regulation (EC) No 2366/98 laying down detailed rules for the application of the system of production aid for olive oil for the 1998/99 to 2003/04 marketing years

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EC) No 1513/2001 ⁽²⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EC) No 1638/98 of 20 July 1998 amending Regulation No 136/66/EEC on the establishment of a common organisation of the market in oils and fats ⁽³⁾, as last amended by Regulation (EC) No 1513/2001, and in particular Article 2(4) thereof,

Having regard to Council Regulation (EEC) No 2261/84 of 17 July 1984 laying down general rules on the granting of aid for the production of olive oil and of aid to olive oil producer organisations ⁽⁴⁾, as last amended by Regulation (EC) No 1639/98 ⁽⁵⁾, and in particular Article 19 thereof,

Whereas:

- (1) Article 12 of Commission Regulation (EC) No 2366/98 of 30 October 1998 laying down detailed rules for the application of the system of production aid for olive oil for the 1998/99 to 2003/04 marketing years ⁽⁶⁾, as last amended by Regulation (EC) No 2070/2001 ⁽⁷⁾, stipulates that olive growers must submit applications for olive oil production aid before 1 July of each marketing year. Producer Member States must also notify the Commission before 5 September of each marketing year of the number of aid applications and the quantities of olive concerned.
- (2) Article 20(2) of that Regulation stipulates that producer organisations or, where appropriate, associations thereof must submit aid applications for the marketing year in progress to the competent agency of the Member State concerned before 1 August of each marketing year. Aid applications lodged late by olive growers may also be submitted by the organisation or association by 14 August of each marketing year.
- (3) To allow additional checks on aid applications to be made, in particular by using the Geographical Information System (GIS), the time limit for the lodging of aid applications by olive growers should be extended from 1

July 2002 to 15 July 2002. As a result, it is also necessary to extend the dates for the lodging of aid applications by producer organisations and associations thereof and to extend the date by which the Member States must notify the Commission of the number of aid applications and the quantities of olive concerned.

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

HAS ADOPTED THIS REGULATION:

Article 1

Notwithstanding Article 12(3) of Regulation (EC) No 2366/98, olive growers are authorised to submit aid applications for the 2001/02 marketing year covering their olive trees in production and the olive groves they managed as at 1 November 2001 by 15 July 2002.

Article 2

Notwithstanding Article 12(5) of Regulation (EC) No 2366/98, the Member States concerned shall notify the Commission of the number of aid applications and the quantities of olive oil for the 2001/02 marketing year before 10 September 2002.

Article 3

Notwithstanding Article 20(2) of Regulation (EC) No 2366/98, producer organisations and associations thereof are authorised to submit aid applications for the 2001/02 marketing year to the competent agency of the Member State concerned by 15 August 2002.

However, aid applications lodged late by olive growers may be submitted by the organisation or association by 30 August 2002.

Article 4

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

It shall apply from 30 June 2002.

⁽¹⁾ OJ L 172, 30.9.1966, p. 3025/66.

⁽²⁾ OJ L 201, 26.7.2001, p. 4.

⁽³⁾ OJ L 210, 28.7.1998, p. 32.

⁽⁴⁾ OJ L 208, 3.8.1984, p. 3.

⁽⁵⁾ OJ L 210, 28.7.1998, p. 38.

⁽⁶⁾ OJ L 293, 31.10.1998, p. 50.

⁽⁷⁾ OJ L 280, 24.10.2001, p. 3.

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

Done at Brussels, 11 July 2002.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 1251/2002**of 11 July 2002****derogating from Regulation (EEC) No 1915/83 on certain detailed implementing rules concerning the keeping of accounts for the purpose of determining the incomes of agricultural holdings**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation No 79/65/EEC of the Council of 15 June 1965 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Economic Community ⁽¹⁾, as last amended by Regulation (EC) No 1256/97 ⁽²⁾, and in particular Article 6 thereof,

Whereas:

- (1) Article 3 of Commission Regulation (EEC) No 1915/83 ⁽³⁾ provides that the liaison agency shall forward all the farm returns to the Commission not later than nine months after the end of the accounting year to which they relate, the timely delivery being a condition for receiving the standard fee referred to in Article 5 of that Regulation.
- (2) Recent amendments to Commission Regulation (EEC) No 2237/77 ⁽⁴⁾, as last amended by Regulation (EC) No 1837/2001 ⁽⁵⁾, amending Commission Regulation No 118/66/EEC ⁽⁶⁾ on the form of farm return to be used for the purpose of determining incomes of agricultural holdings, as well as various animal diseases in some Member

States have made it very difficult for liaison agencies to respect this time limit for the accounting years 2000 and 2001; taking into account these circumstances, it is appropriate to provide for a prolongation in the period of delivering the data for these accounting years to the Commission.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Community Committee for the Farm Accountancy Data Network,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from the first and second paragraphs of Article 3 of Regulation (EEC) No 1915/83, for the accounting years 2000 and 2001 the period for the forwarding of the farm returns shall be 22 months.

Article 2

This Regulation shall enter into force on the seventh 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, 11 July 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ 109, 23.6.1965, p. 1859/65.

⁽²⁾ OJ L 174, 2.7.1997, p. 7.

⁽³⁾ OJ L 190, 14.7.1983, p. 25.

⁽⁴⁾ OJ L 263, 17.10.1977, p. 1.

⁽⁵⁾ OJ L 255, 24.9.2001, p. 1.

⁽⁶⁾ OJ 148, 10.8.1966, p. 2701/66.

COMMISSION REGULATION (EC) No 1252/2002
of 11 July 2002
concerning the provisional authorisation of a new additive in feedingstuffs
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs ⁽¹⁾, as last amended by Commission Regulation (EC) No 2205/2001 ⁽²⁾, and in particular Articles 3 and 9e thereof,

Whereas:

- (1) Directive 70/524/EEC provides that new additives and new uses of additives may be authorised following the review of an application made in accordance with Article 4 of the Directive.
- (2) Article 9e(1) of the Directive provides that provisional authorisation of a new additive or new use of an additive may be given if the conditions of Article 3a(b) to (e) are satisfied and if it is reasonable to assume, in view of the available results, that when used in animal nutrition it has one of the effects referred to in Article 2(a). Such provisional authorisation may be given for a period up to four years in the case of additives referred to in Part II of Annex C to the Directive.
- (3) The assessment of the dossier submitted in respect of the preservative preparation described in the Annex to this Regulation shows that it satisfies all the conditions set by Article 3a of Directive 70/524/EEC and may therefore be authorised on a provisional basis for a four-year period.

- (4) The assessment of the dossier shows that certain procedures may be required to protect workers from exposure to the additives. Such protection should however be assured by the application of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work ⁽³⁾.
- (5) The Scientific Committee for Animal Nutrition has delivered a favourable opinion with regard to the safety of the preservative under the conditions described in the said Annex.
- (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

The preparation belonging to the group 'Preservatives' listed in the Annex to the present Regulation is authorised for use as additive in animal nutrition under the conditions laid down in the Annex.

Article 2

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

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

Done at Brussels, 11 July 2002.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 270, 14.12.1970, p. 1.

⁽²⁾ OJ L 297, 15.11.2001, p. 3.

⁽³⁾ OJ L 183, 29.6.1989, p. 1.

ANNEX

No (or EC No)	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					mg/kg of complete feedingstuff			
Preservatives								
1	Sodium benzoate 140 g/kg Propionic acid 370 g/kg Sodium propionate 110 g/kg	Additive composition Sodium benzoate: 140 g/kg Propionic acid: 370 g/kg Sodium propionate: 110 g/kg Water: 380 g/kg Active substance Sodium benzoate, C ₇ H ₅ O ₂ Na Propionic acid, C ₃ H ₆ O ₂ Sodium propionate, C ₃ H ₅ O ₂ Na	Pigs	—	3 000	22 000	For the preservation of grain having a moisture content in excess of 15 %	1.8.2006
			Dairy cows	—	3 000	22 000	For the preservation of grain having a moisture content in excess of 15 %	1.8.2006'

COMMISSION REGULATION (EC) No 1253/2002**of 11 July 2002****amending Regulation (EC) No 800/1999 laying down common detailed rules for the application of the system of export refunds on agricultural products**

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 Articles 13 and 21 thereof, and the corresponding provisions of the other regulations on the common organisation of markets in agricultural products,

Whereas:

(1) At present, the conditions for the approval and control of international control and supervisory agencies (hereinafter referred to as SAs) by Member States are laid down in a working document of the Commission that is not legally binding. In its Special Report No 7/2001 concerning export refunds⁽³⁾, the Court of Auditors has noted certain deficiencies in the proof of arrival system for differentiated export refunds on agricultural products, in which the SAs play a crucial role. In the light of the recommendations of that Special Report, it is appropriate to render the conditions governing the approval and control of SAs legally binding by integrating them into Commission Regulation (EC) No 800/1999 of 15 April 1999 laying down common detailed rules for the application of the system of export refunds on agricultural products⁽⁴⁾, as last amended by Regulation (EC) No 2299/2001⁽⁵⁾. These conditions concern the procedures for granting, suspending and withdrawing approval, the types and models of the certificates to be issued by SAs as well as the requirements for certification.

(2) It is further considered necessary to provide for an effective system of sanctions, to be implemented by Member States, in cases of irregular proofs of arrival delivered by SAs.

(3) At present there are no common rules for the issue of certificates of unloading by official agencies of Member States established in third countries. It is therefore necessary to establish the minimum requirements to be observed by these agencies when issuing secondary proof of arrival.

(4) With a view to simplify the administrative burden involved in the submission of proofs of arrival, the amounts of export refunds for which no proof of importation is required should be increased.

(5) The burden on the competent authorities of managing small amounts of refunds is heavy. It is therefore considered appropriate, in the interest of simplification, to establish a threshold of EUR 100 below which the competent services of the Member States should be given the option of refusing the payment of such refunds.

(6) At the same time Article 9(1)(c) of Regulation (EC) No 800/1999 should be adapted to the amended Article 912c(2) of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code⁽⁶⁾, as last amended by Regulation (EC) No 444/2002⁽⁷⁾.

(7) Regulation (EC) No 800/1999 should therefore be amended accordingly.

(8) The measures provided for in this Regulation are in accordance with the opinions of all Management Committees concerned,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 800/1999 is amended as follows:

1. Article 9(1)(c) is replaced by the following:

‘(c) As an alternative to the conditions set out in point (b), the Member State of destination of the T5 control copy or the Member State where a national document is used as proof may stipulate that the T5 control copy or the national document proving that the products have left the customs territory of the Community is to be endorsed only on presentation of a transport document specifying a final destination outside the customs territory of the Community.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ C 314, 8.11.2001, p. 1.

⁽⁴⁾ OJ L 102, 17.4.1999, p. 11.

⁽⁵⁾ OJ L 308, 27.11.2001, p. 19.

⁽⁶⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁷⁾ OJ L 68, 12.3.2002, p. 11.

In such cases, one of the following entries shall be added by the competent authorities of the Member State of destination of the T5 control copy or the Member State where a national document is used as proof under the heading "Remarks" in the section headed "Control of use and/or destination" on the T5 control copy or under the corresponding heading of the national document:

- Documento de transporte con destino fuera de la CE presentado,
- Transportdokument med destination uden for EF forelagt,
- Beförderungspapier mit Bestimmung außerhalb der EG wurde vorgelegt,
- Υποβαλλόμενο έγγραφο μεταφοράς με προορισμό εκτός ΕΚ,
- Transport document indicating a destination outside the customs territory of the Community has been presented,
- Document de transport avec destination hors CE présenté,
- Documento di trasporto con destinazione fuori CE presentato,
- Vervoerdocument voor bestemming buiten EG voorgelegd,
- Documento de transporte com destino fora da CE apresentado,
- Kuljetusasiakirja, jossa ilmoitetaan yhteisön tullialueen ulkopuolinen määräpaikka, on esitetty,
- Transportdokument med slutlig destination, utanför gemenskapens tullområde har lagts fram.

Compliance with this point shall be verified by suitable spot checks conducted by the paying agency.'

2. Article 16 is amended as follows:

- (a) in paragraph 1, point (b) is replaced by the following:

'(b) a certificate of unloading and importation drawn up by an approved international control and supervisory agency (hereinafter referred to as SA) in accordance with the rules set out in Annex VI, Chapter III, using the model set out in Annex VII. The date and number of the customs document of import must appear on the certificate concerned.'

- (b) in paragraph 2 the opening sentence and points (b) and (c) are replaced by the following:

'Where the exporter cannot obtain the document chosen in accordance with points (a) or (b) of paragraph 1 even

after taking the appropriate steps, or where there are doubts as to the authenticity of the document furnished, or its accuracy in all respects, proof of completion of customs formalities for importation may be furnished by one or more of the following documents:'

'(b) a certificate of unloading issued by an official agency of a Member State established in, or competent for, the country of destination, in accordance with the requirements and in conformity with the model set out in Annex VIII, certifying in addition that the product has left the place of unloading or at least that, to its knowledge, the product has not subsequently been loaded for re-exportation;

(c) a certificate of unloading drawn up by an approved SA in accordance with the rules set out in Annex VI, Chapter III, using the model set out in Annex IX, certifying in addition that the product has left the place of unloading or at least that, to its knowledge, the product has not subsequently been loaded for re-exportation;'

- (c) paragraph 5 is deleted.

3. The following Articles 16a to 16f are inserted:

'Article 16a

1. An SA wishing to issue certificates as referred to in Article 16(1)(b) and (2)(c) has to be approved by the competent authority of the Member State where it has its registered office.

2. The SA shall be approved at its request for a renewable period of three years, if it fulfils the conditions set out in Annex VI, Chapter I. The approval shall be valid for all Member States.

3. The approval shall specify whether the authorisation to issue certificates as referred to in Article 16(1)(b) and (2)(c) shall be on a worldwide basis or limited to a certain number of third countries.

Article 16b

1. The SA shall act in accordance with the rules set out in Annex VI, Chapter II, point 1.

If one or more of the conditions set out in those rules are not respected, the Member State which has approved the SA shall suspend the approval for such a period as is required to remedy the situation.

2. The Member State which has approved the SA shall control the performance and behaviour of the SA in accordance with the requirements set out in Annex VI, Chapter II, point 2.

Article 16c

Member States which have approved SAs shall provide for an effective system of sanctions for cases where an approved SA has issued a false certificate.

Article 16d

1. The Member State which has approved the SA shall immediately withdraw the approval:

- if the SA does no longer comply with the conditions for approval set out in Annex VI, Chapter I, or
- if the SA has repeatedly and systematically issued false certificates. In this case the sanction provided for in Article 16(c) shall not apply.

2. The withdrawal shall be total or limited to certain parts or activities of the SA according to the nature of the shortcomings detected.

3. Whenever an approval is withdrawn by a Member State from an SA belonging to a group of companies, Member States which have approved SAs belonging to the same group, shall suspend the approvals of these SAs for a period not exceeding three months in order to carry out the necessary investigations to verify whether the SAs also feature the shortcomings detected in relation to the SA whose approval has been withdrawn.

For the application of the previous subparagraph, a group of companies shall comprise all companies whose capital is owned, directly or indirectly, for more than 50 % by one single parent company, as well as the parent company itself.

Article 16e

1. Member States shall notify the approval of SAs to the Commission.

2. A Member State that withdraws or suspends the approval shall immediately notify the other Member States and the Commission, indicating the shortcomings that led to the withdrawal or suspension.

The notification to Member States shall be sent to the Member States central bodies listed in Annex X.

3. The Commission shall periodically publish for information an updated list of the SAs approved by Member States.

Article 16f

1. Certificates as referred to in Article 16(1)(b) and (2)(c) issued after the date of withdrawal or suspension of the approval shall not be valid.

2. Member States shall refuse to accept certificates as referred to in Article 16(1)(b) and (2)(c) if they detect irregularities or deficiencies in the certificates. When such certificates have been issued by an SA approved by another Member State, the Member State which detects the irregularities shall notify these circumstances to the Member State which gave the approval.'

4. Article 17 is replaced by the following:

'Article 17

Member States may exempt exporters from furnishing proof required under Article 16 other than the transport document, in case of an export declaration giving entitlement to a refund the differentiated part of which is less than or equal to:

- (a) EUR 2 400 where the third country or territory of destination is listed in Annex IV;
- (b) EUR 12 000 where the third country or territory of destination is not listed in Annex IV.

If the exporter artificially divides the export operation with the aim of circumventing the obligation to furnish the proof of arrival at destination, the entitlement to the export refund shall no longer exist and the refund shall be reimbursed, except where the exporter provides the proof required under Article 16 for the products concerned.'

5. In Article 49, paragraph 9 is replaced by the following:

'9. Member States may decide not to grant refunds where the amount is less than or equal to EUR 100 per export declaration.'

6. Annexes VI to X, as set out in the Annex to this Regulation, are added.

Article 2

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

It shall apply from 1 January 2003, subject to the following exceptions:

- (a) Article 1 point (1) shall apply as from the entry into force of this Regulation.
- (b) Article 1 points (4) and (5) shall apply to export declarations accepted after the entry into force of this Regulation.
- (c) As regards SAs which have received an authorisation of no more than three years before 1 January 2003, the provisions of Article 16a and Annex VI, Chapter I, shall apply for the first time when this authorisation is to be renewed.

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

Done at Brussels, 11 July 2002.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

'ANNEX VI

Requirements for approval and control of SAs by Member States

Chapter I*Approval requirements*

- (a) The SA must be an entity having legal capacity and has to be registered in the Register of companies of the responsible Member State.
- (b) The SA's constituting articles must stipulate that one of its declared aims is control and supervision of agricultural products at international level.
- (c) The SA must have international coverage in order to be able to carry out certification on a world-wide basis, either by implantation through subsidiaries in a number of third countries and/or by way of directly attending the discharge operations with their own salaried inspectors from the nearest regional office or from the national office in the Community or with local agents that are subjected to proper supervision by the SA.

The subsidiaries referred to in the previous paragraph must be owned by more than half of the capital by the SA. However, if national legislation in the third country concerned limits foreign ownership of the capital to 50 % or less, effective control of the subsidiary shall be sufficient for the purpose of the preceding subparagraph. This control shall be proved by appropriate means, such as, in particular, the existence of a management agreement, composition of its board of directors and senior management or similar arrangements.

- (d) The SA must have proved experience in control and supervision in agricultural and food products. This experience shall be established by submitting evidence relating to the inspections carried out over the previous three years, or currently in progress. These references must include information on the type of checks carried out (nature, quantity of products, place of inspection, etc.) and names and addresses of bodies or entities which can provide information about the applicant.
- (e) The SA must fulfil the requirements laid down in the standard norm EN 45011, points 4.1.1, 4.1.2, 4.1.4, 4.2a) to p), 4.4, 4.5, 4.7, 4.8.1b) to f), 4.8.2, 4.9.1, 4.10, 5, 7, 9.4.
- (f) The SA's financial situation (capital, turnover, etc.) must be sound. Proofs of the financial soundness, as well as its annual accounts for the past three years, containing the balance sheet, the profit and loss account, and, if required by law the auditors' report and the directors' report, shall be presented.
- (g) The administrative organisation of the SA must have an "internal audit unit", which will be responsible for assisting the national authorities in the activities of control and inspection that they will undertake on the approved SAs.

Chapter II*1. Performance's engagements of SAs*

Approved SAs must engage at all time their responsibility and professional competence when delivering the certificates of arrival.

Approved SAs must conform in the course of their activities to the following criteria:

- (a) they must execute all possible controls to determine the identity and weight of the products covered by the certificates;
- (b) the management of the SA must properly oversee the controls undertaken by the staff of the company in the third countries of destination;
- (c) SAs must keep a file on each certificate delivered, in which evidence of the survey work carried out in order to support the conclusions stated in the certificate is recorded (quantitative controls and documentary checks effected, etc.). Files on the certificates issued must be kept for 5 years.
- (d) The approved SAs shall verify the unloading operations with their own suitably qualified, permanent personnel or with local agents based or active in the country of destination, or by sending their own personnel from regional offices or a national office in the Community. Intervention of local agents must be regularly supervised by suitably qualified, permanent employees of the SAs.

2. Controlling the performance of SAs

- 2.1. Member States will have the responsibility for checking the soundness and appropriateness of the certification functions carried out by the SAs.

Prior to the three-year renewal period, national authorities shall carry out an inspection visit to the registered office of the SA.

Whenever there are reasonable doubts about the quality and accuracy of the certificates drawn up by a particular SA, the competent authority shall make an on the spot inspection to the registered office of the company in order to verify that the rules contained in this Annex are applied correctly.

The Member States shall pay particular attention while inspecting the SA, to the working methods and operational procedures of the SA in carrying out its functions, as well as examining at random, files concerning certificates presented to the paying agency in the procedure for payment of refunds.

Member States may employ external and independent auditors to carry out the task of controlling the SAs in the framework of the procedure set up in this Annex.

Member States may take any other measures they consider necessary for a proper control of the SAs.

- 2.2. Member States authorities must pay particular attention, when checking the claims for export refunds supported by certificates from SAs, to the following aspects of the certification:
- (a) requiring that the work done is described in the certificates and satisfying itself that the work as described was sufficient to support the conclusions drawn in the certificate;
 - (b) inquiring into all discrepancies of the certificates submitted;
 - (c) requiring the certificates to be issued within a reasonable time limit, depending of the case at hand.

Chapter III

1. Certification issued by approved SAs shall include not only the appropriate information necessary to identify the goods and consignment in question as well as details of means of transport, dates of arrival and unloading, but also a description of the controls and methods applied to verify the identity and weight of the certified products.

The controls and verifications undertaken by the SAs must be carried out at the time the unloading, which can take place during completion of customs formalities for importation or after. However, in exceptional and duly justified cases, the controls and verification for issuing the certificates may take place within six months following the date on which the goods were unloaded and the certification must describe the steps taken for the verification of facts.

2. In the case of certificates of unloading and importation (Article 16(1)(b)), the certification shall include also verification that the goods have been cleared through customs for definitive importation. This check has to establish a clear link between the relevant customs import document or customs clearing procedure and the operation concerned.
3. The approved SAs shall be independent of the parties involved in the transaction under scrutiny. In particular, neither the SA carrying out the controls for a particular transaction, nor any subsidiary company belonging to the same group, may take part in the operation as exporter, customs agent, carrier, consignee, warehousekeeper or in any other capacity likely to give rise to a conflict of interest.
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ANNEX VII

Certificate of unloading and importation referred to in Article 16(1)(b)

1. Certificate of unloading and importation
No:
2. Exporter:
3. EC exporting country:
4. Country of destination:
5. Description of goods and refund code:
6. Quantity and packaging identification:
 - 6.1. Gross weight (kg):
net weight (kg):
 - 6.2. Units (in case export refunds are fixed by units):
 - 6.3. Packaging identification:
The quantity of bulk goods or the number and type of packages.
Containers: number and kind.
7. Identity of means of transport(s):
 - 7.1. Transport document(s): kind, number and date:
8. Place of unloading:
 - 8.1. Place of control (port, airport, railway station):
9. Date of arrival at place of unloading:
 - 9.1. Date and time unloading starts:
 - 9.2. Date and time unloading ends:
10. Results and modalities of control:
 - 10.1. Gross weight (kg):
net weight (kg):
 - 10.2. Units (in case export refunds are fixed by units):
 - 10.3. Packaging identification:
The quantity of bulk goods or the number and type of packages.
Containers: number and kind.
 - 10.4. Methods used for checking the weight:
 - 10.5. Remarks:
11. Date and number of the customs import document:
12. Other remarks including, if applicable, explanation as to the reasons why the verification of discharge was not made at the time of unloading:
13. The certificate shall contain:
 - 13.1. Name and function of the person who checked the goods:
 - 13.2. Name, date and place of signature, signature and stamp of supervisory agency:

ANNEX VIII

Requirements to be observed by official agencies of Member States established in third countries for the application of Article 16(2)(b)

1. The official agency decides to issue the certificate of unloading on the basis of one or more of the following documents:
 - customs import documents, including computer print-outs if approved as such,
 - national port documents and other documents issued by an official entity,
 - declaration by the captain or the transport company,
 - other forms of receipt provided by the importer,
 2. The official agencies of Member States issued certificates of unloading in accordance with the following wording:

It is hereby certified that ... (description of goods, quantity and packaging identification) have been unloaded ... (place of unloading/name of the town) on ... (date of unloading).

It is certified in addition that the product has left the place of unloading or at least that, to its knowledge, the product has not subsequently been loaded for re-exportation.

The certificate is issued on the basis of the following documents:

(list of the documents presented which give the basis for the agency issuing the certificate)

Date and place of signature, signature and stamp of official agency
 3. The official agency issuing certificates of unloading shall keep a register and files on all the certificates issued, in which it shall be recorded on the basis of which documentary evidence the certificates were delivered.
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ANNEX IX

Certificate of unloading referred to in Article 16(2)(c)

1. Certificate of unloading
No:
 2. Exporter:
 3. EC exporting country:
 4. Country of destination:
 5. Description of goods and refund code:
 6. Quantity and packaging identification:
 - 6.1. Gross weight (kg):
net weight (kg):
 - 6.2. Units (in case export refunds are fixed by units):
 - 6.3. Packaging identification:
The quantity of bulk goods or the number and type of packages.
Containers: number and kind.
 7. Identity of means of transport(s):
 - 7.1. Transport document(s): kind, number and date
 8. Place of unloading:
 - 8.1. Place of control (port, airport, railway station):
 9. Date of arrival at place of unloading:
 - 9.1. Date and time unloading starts:
 - 9.2. Date and time unloading ends:
 10. Results and modalities of control:
 - 10.1. Gross weight (kg):
net weight (kg):
 - 10.2. Units (in case export refunds are fixed by units):
 - 10.3. Packaging identification:
The quantity of bulk goods or the number and type of packages.
Containers: number and kind.
 - 10.4. Methods used for checking the weight:
 - 10.5. Remarks:
 11. Date of leaving the port zone:
Or from ... to ...
 - 11.1. Means of transport:
 - 11.2. Certification of no re-exportation according to Article 16(2)(c):
 12. Other remarks including, if applicable, explanation as to the reasons why the verification of discharge was not made at the time of unloading:
 13. The certificate shall contain:
 - 13.1. Name and function of the person who checked the goods:
 - 13.2. Name, date and place of signature, signature and stamp of supervisory agency.
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ANNEX X

List of central bodies in Member States referred to in Article 16d

Member State	Central body
Belgium	Bureau d'Intervention et de Restitution Belge (BIRB) Belgisch Interventie- en Restitutiebureau (BIRB)
France	Commission interministérielle d'agrément (CIA) des sociétés de contrôle et de surveillance — Direction générale des douanes et droits indirects (DGDDI)
Luxembourg	Ministère de l'Agriculture, de la Viticulture et du Développement rural
Greece	Ministère de l'Agriculture — OPEKEPE
Spain	Ministerio de Agricultura, Pesca y Alimentación — Fondo Español de Garantía Agraria (FEGA)
Portugal	Ministério da Agricultura, do Desenvolvimento Rural e das Pescas
Italy	Agenzia delle Dogane — Servizio Autonomo Interventi Settore Agricolo (SAISA)
Denmark	Ministeriet for Fødevarer, Landbrug og Fiskeri — Direktoratet for FødevareErhverv
Ireland	Department of Agriculture and Food
United Kingdom	Rural Payments Agency (RPA)
Germany	Bundesministerium der Finanzen — Hauptzollamt Hamburg-Jonas
Netherlands	Ministerie van Landbouw, Natuurbeheer en Visserij
Austria	Bundesministerium für Finanzen
Finland	Ministry of Agriculture and Forestry
Sweden	Swedish Board of Agriculture'

COMMISSION REGULATION (EC) No 1254/2002**of 11 July 2002****determining the extent to which applications for import rights lodged in respect of subquota I for frozen meat of bovine animals, provided for in Regulation (EC) No 954/2002, can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 954/2002 of 4 June 2002 opening and providing for the administration of a tariff quota for frozen meat of bovine animals covered by CN code 0202 and products covered by CN code 0206 29 91 (1 July 2002 to 30 June 2003) ⁽¹⁾, and in particular Article 5 thereof,

Whereas:

Article 2 of Regulation (EC) No 954/2002 fixes at 26 500 tonnes the quantity of subquota I in respect of which Community importers can lodge an application for import rights based on imports under Commission Regulations (EC) No 1142/98 ⁽²⁾, (EC) No 995/1999 ⁽³⁾ and (EC) No 980/2000 ⁽⁴⁾. As the

import rights applied for exceed the available quantity referred to in Article 2, a reduction coefficient should be fixed in accordance with Article 5 of Regulation (EC) No 954/2002,

HAS ADOPTED THIS REGULATION:

Article 1

Each application for import rights lodged in accordance with Article 4(1) of Regulation (EC) No 954/2002 shall be accepted at a rate of 17,09829 % of the import rights applied for.

Article 2

This Regulation shall enter into force on 12 July 2002.

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

Done at Brussels, 11 July 2002.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 147, 5.6.2002, p. 8.

⁽²⁾ OJ L 159, 3.6.1998, p. 11.

⁽³⁾ OJ L 122, 12.5.1999, p. 3.

⁽⁴⁾ OJ L 113, 12.5.2000, p. 27.

COMMISSION REGULATION (EC) No 1255/2002
of 11 July 2002
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

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

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

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

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

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

(6) In accordance with Article 16 of Commission Regulation (EC) No 174/1999 of 26 January 1999 on specific detailed rules for the application of Council Regulation (EC) No 804/68 as regards export licences and export refunds on milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 1166/2002 ⁽⁴⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components; one is intended to take account of the quantity of milk products and is calculated by multiplying the basic amount by the milk products content in the product concerned; the other is intended to take account of the quantity of added sucrose and is calculated by multiplying the sucrose content of the entire product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1(1)(d) of Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽⁵⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽⁶⁾, however, this second component is applied only if the added sucrose has been produced using sugar beet or cane harvested in the Community.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 20, 27.1.1999, p. 8.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 51.

⁽⁵⁾ OJ L 178, 30.6.2001, p. 1.

⁽⁶⁾ OJ L 104, 20.4.2002, p. 26.

- (7) Commission Regulation (EEC) No 896/84 ⁽¹⁾, as last amended by Regulation (EEC) No 222/88 ⁽²⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; those provisions provide for the possibility of varying refunds according to the date of manufacture of the products.
- (8) For the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account.
- (9) It follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,
- HAS ADOPTED THIS REGULATION:
- Article 1*
- The export refunds referred to in Article 31 of Regulation (EC) No 1255/1999 on products exported in the natural state shall be as set out in the Annex.
- Article 2*
- This Regulation shall enter into force on 12 July 2002.

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

Done at Brussels, 11 July 2002.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 91, 1.4.1984, p. 71.

⁽²⁾ OJ L 28, 1.2.1988, p. 1.

ANNEX

to the Commission Regulation of 11 July 2002 fixing the export refunds on milk and milk products

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0401 10 10 9000	970	EUR/100 kg	2,458	0402 91 39 9300	L06	EUR/100 kg	8,058
0401 10 90 9000	970	EUR/100 kg	2,458	0402 91 99 9000	L06	EUR/100 kg	43,93
0401 20 11 9100	970	EUR/100 kg	2,458	0402 99 11 9350	L06	EUR/kg	0,1734
0401 20 11 9500	970	EUR/100 kg	3,798	0402 99 19 9350	L06	EUR/kg	0,1734
0401 20 19 9100	970	EUR/100 kg	2,458	0402 99 31 9150	L06	EUR/kg	0,1816
0401 20 19 9500	970	EUR/100 kg	3,798	0402 99 31 9300	L06	EUR/kg	0,2629
0401 20 91 9000	970	EUR/100 kg	4,806	0402 99 31 9500	L06	EUR/kg	0,4530
0401 20 99 9000	970	EUR/100 kg	4,806	0402 99 39 9150	L06	EUR/kg	0,1816
0401 30 11 9400	970	EUR/100 kg	11,09	0403 90 11 9000	L06	EUR/100 kg	83,81
0401 30 11 9700	970	EUR/100 kg	16,66	0403 90 13 9200	L06	EUR/100 kg	83,81
0401 30 19 9700	970	EUR/100 kg	16,66	0403 90 13 9300	L06	EUR/100 kg	105,76
0401 30 31 9100	L06	EUR/100 kg	40,46	0403 90 13 9500	L06	EUR/100 kg	111,23
0401 30 31 9400	L06	EUR/100 kg	63,20	0403 90 13 9900	L06	EUR/100 kg	119,82
0401 30 31 9700	L06	EUR/100 kg	69,70	0403 90 19 9000	L06	EUR/100 kg	120,45
0401 30 39 9100	L06	EUR/100 kg	40,46	0403 90 33 9400	L06	EUR/kg	1,0576
0401 30 39 9400	L06	EUR/100 kg	63,20	0403 90 33 9900	L06	EUR/kg	1,1982
0401 30 39 9700	L06	EUR/100 kg	69,70	0403 90 51 9100	970	EUR/100 kg	2,458
0401 30 91 9100	L06	EUR/100 kg	79,43	0403 90 59 9170	970	EUR/100 kg	16,66
0401 30 91 9500	L06	EUR/100 kg	116,74	0403 90 59 9310	L06	EUR/100 kg	40,46
0401 30 99 9100	L06	EUR/100 kg	79,43	0403 90 59 9340	L06	EUR/100 kg	59,20
0401 30 99 9500	L06	EUR/100 kg	116,74	0403 90 59 9370	L06	EUR/100 kg	59,20
0402 10 11 9000	L06	EUR/100 kg	85,00	0403 90 59 9510	L06	EUR/100 kg	59,20
0402 10 19 9000	L06	EUR/100 kg	85,00	0404 90 21 9120	L06	EUR/100 kg	72,52
0402 10 91 9000	L06	EUR/kg	0,8500	0404 90 21 9160	L06	EUR/100 kg	85,00
0402 10 99 9000	L06	EUR/kg	0,8500	0404 90 23 9120	L06	EUR/100 kg	85,00
0402 21 11 9200	L06	EUR/100 kg	85,00	0404 90 23 9130	L06	EUR/100 kg	106,39
0402 21 11 9300	L06	EUR/100 kg	106,39	0404 90 23 9140	L06	EUR/100 kg	112,31
0402 21 11 9500	L06	EUR/100 kg	112,31	0404 90 23 9150	L06	EUR/100 kg	120,90
0402 21 11 9900	L06	EUR/100 kg	120,90	0404 90 29 9110	L06	EUR/100 kg	121,76
0402 21 17 9000	L06	EUR/100 kg	85,00	0404 90 29 9115	L06	EUR/100 kg	122,68
0402 21 19 9300	L06	EUR/100 kg	106,39	0404 90 29 9125	L06	EUR/100 kg	123,95
0402 21 19 9500	L06	EUR/100 kg	112,31	0404 90 29 9140	L06	EUR/100 kg	135,61
0402 21 19 9900	L06	EUR/100 kg	120,90	0404 90 81 9100	L06	EUR/kg	0,8500
0402 21 91 9100	L06	EUR/100 kg	121,71	0404 90 83 9110	L06	EUR/kg	0,8500
0402 21 91 9200	L06	EUR/100 kg	122,69	0404 90 83 9130	L06	EUR/kg	1,0639
0402 21 91 9350	L06	EUR/100 kg	123,88	0404 90 83 9150	L06	EUR/kg	1,1231
0402 21 91 9500	L06	EUR/100 kg	135,55	0404 90 83 9170	L06	EUR/kg	1,2090
0402 21 99 9100	L06	EUR/100 kg	121,71	0404 90 83 9936	L06	EUR/kg	0,1734
0402 21 99 9200	L06	EUR/100 kg	122,69	0405 10 11 9500	L05	EUR/100 kg	180,49
0402 21 99 9300	L06	EUR/100 kg	123,88	0405 10 11 9700	L05	EUR/100 kg	185,00
0402 21 99 9400	L06	EUR/100 kg	132,38	0405 10 19 9500	L05	EUR/100 kg	180,49
0402 21 99 9500	L06	EUR/100 kg	135,55	0405 10 19 9700	L05	EUR/100 kg	185,00
0402 21 99 9600	L06	EUR/100 kg	147,05	0405 10 30 9100	L05	EUR/100 kg	180,49
0402 21 99 9700	L06	EUR/100 kg	153,41	0405 10 30 9300	L05	EUR/100 kg	185,00
0402 21 99 9900	L06	EUR/100 kg	160,93	0405 10 30 9700	L05	EUR/100 kg	185,00
0402 29 15 9200	L06	EUR/kg	0,8500	0405 10 50 9300	L05	EUR/100 kg	185,00
0402 29 15 9300	L06	EUR/kg	1,0641	0405 10 50 9500	L05	EUR/100 kg	180,49
0402 29 15 9500	L06	EUR/kg	1,1234	0405 10 50 9700	L05	EUR/100 kg	185,00
0402 29 15 9900	L06	EUR/kg	1,2090	0405 10 90 9000	L05	EUR/100 kg	191,78
0402 29 19 9300	L06	EUR/kg	1,0641	0405 20 90 9500	L05	EUR/100 kg	169,22
0402 29 19 9500	L06	EUR/kg	1,1234	0405 20 90 9700	L05	EUR/100 kg	175,98
0402 29 19 9900	L06	EUR/kg	1,2090	0405 90 10 9000	L05	EUR/100 kg	235,07
0402 29 91 9000	L06	EUR/kg	1,2171	0405 90 90 9000	L05	EUR/100 kg	185,00
0402 29 99 9100	L06	EUR/kg	1,2171	0406 10 20 9100	A00	EUR/100 kg	—
0402 29 99 9500	L06	EUR/kg	1,3238	0406 10 20 9230	L03	EUR/100 kg	—
0402 91 11 9370	L06	EUR/100 kg	6,804		L04	EUR/100 kg	39,41
0402 91 19 9370	L06	EUR/100 kg	6,804		400	EUR/100 kg	—
0402 91 31 9300	L06	EUR/100 kg	8,058		A01	EUR/100 kg	39,41

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

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

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

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

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

The other destinations are defined as follows:

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

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

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

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

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

COMMISSION REGULATION (EC) No 1256/2002**of 11 July 2002****fixing the representative prices and the additional import duties for molasses in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 12 July 2002.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 141, 24.6.1995, p. 12.

⁽⁴⁾ OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 11 July 2002.

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

ANNEX

to the Commission Regulation of 11 July 2002 fixing the representative prices and additional import duties to imports of molasses in the sugar sector

(in EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	8,40	—	0
1703 90 00 ⁽¹⁾	11,92	—	0

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

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

COMMISSION REGULATION (EC) No 1257/2002**of 11 July 2002****fixing the maximum export refund for white sugar for the 46th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1430/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽²⁾, and in particular Article 27(5) thereof,

Whereas:

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

and world markets in sugar, for the partial invitation to tender in question.

- (3) Following an examination of the tenders submitted in response to the 46th partial invitation to tender, the provisions set out in Article 1 should be adopted.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

For the 46th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1430/2001 the maximum amount of the export refund is fixed at 46,931 EUR/100 kg.

Article 2

This Regulation shall enter into force on 12 July 2002.

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

Done at Brussels, 11 July 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 192, 14.7.2001, p. 3.

⁽⁴⁾ OJ L 107, 24.4.2002, p. 5.

COMMISSION REGULATION (EC) No 1258/2002
of 11 July 2002
amending the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ⁽³⁾, as last amended by Regulation (EC) No 597/2002 ⁽⁴⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) The import duties in the cereals sector are fixed by Commission Regulation (EC) No 1157/2002 ⁽⁵⁾, as last amended by Regulation (EC) No 1200/2002 ⁽⁶⁾.

- (2) Article 2(1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by EUR 5 per tonne from the duty fixed, a corresponding adjustment is to be made. Such a difference has arisen. It is therefore necessary to adjust the import duties fixed in Regulation (EC) No 1157/2002,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 1157/2002 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 12 July 2002.

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

Done at Brussels, 11 July 2002.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 91, 6.4.2002, p. 9.

⁽⁵⁾ OJ L 170, 29.6.2002, p. 35.

⁽⁶⁾ OJ L 174, 4.7.2002, p. 27.

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty ⁽²⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality ⁽¹⁾	0,00
1001 90 91	Common wheat seed	0,00
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	0,00
	medium quality	0,00
	low quality	12,16
1002 00 00	Rye	27,95
1003 00 10	Barley, seed	27,95
1003 00 90	Barley, other ⁽⁴⁾	27,95
1005 10 90	Maize seed other than hybrid	49,72
1005 90 00	Maize other than seed ⁽⁵⁾	49,72
1007 00 90	Grain sorghum other than hybrids for sowing	38,04

⁽¹⁾ In the case of durum wheat not meeting the minimum quality requirements for durum wheat of medium quality, referred to in Annex I to Regulation (EC) No 1249/96, the duty applicable is that fixed for low-quality common wheat.

⁽²⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— EUR 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

— EUR 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic coasts of the Iberian peninsula.

⁽³⁾ The importer may benefit from a flat-rate reduction of EUR 14 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

⁽⁴⁾ The importer may benefit from a flat-rate reduction of EUR 8 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

⁽⁵⁾ The importer may benefit from a flat-rate reduction of EUR 24 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

(period from 28 June to 10 July 2002)

1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Kansas City	Chicago	Chicago	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	Medium quality (*)	US barley 2
Quotation (EUR/t)	117,68	125,33	115,01	90,86	182,60 (**)	172,60 (**)	102,89 (**)
Gulf premium (EUR/t)	—	23,07	18,29	14,94	—	—	—
Great Lakes premium (EUR/t)	22,69	—	—	—	—	—	—

(*) A discount of 10 EUR/t (Article 4(1) of Regulation (EC) No 1249/96).

(**) Fob Duluth.

2. Freight/cost: Gulf of Mexico–Rotterdam: 11,66 EUR/t; Great Lakes–Rotterdam: 26,20 EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: 0,00 EUR/t (HRW2)
0,00 EUR/t (SRW2).

COMMISSION REGULATION (EC) No 1259/2002**of 11 July 2002****concerning tenders notified in response to the invitation to tender for the export of barley issued in Regulation (EC) No 901/2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) An invitation to tender for the refund for the export of barley to all third countries except the United States of America, Canada, Estonia and Latvia was opened pursuant to Commission Regulation (EC) No 901/2002 ⁽⁵⁾, as amended by Regulation (EC) No 1230/2002 ⁽⁶⁾.

- (2) Article 7 of Regulation (EC) No 1501/95, allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 and on the basis of the tenders notified, to make no award.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 5 to 11 July 2002 in response to the invitation to tender for the refund for the export of barley issued in Regulation (EC) No 901/2002.

Article 2

This Regulation shall enter into force on 12 July 2002.

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

Done at Brussels, 11 July 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 46.

⁽⁵⁾ OJ L 127, 9.5.2002, p. 11.

⁽⁶⁾ OJ L 180, 10.7.2002, p. 3.

COMMISSION REGULATION (EC) No 1260/2002**of 11 July 2002****fixing the maximum export refund on rye in connection with the invitation to tender issued in Regulation (EC) No 900/2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) An invitation to tender for the refund for the export of rye to all third countries except for Estonia, Lithuania and Latvia was opened pursuant to Commission Regulation (EC) No 900/2002 ⁽⁵⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix

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

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 5 to 11 July 2002, pursuant to the invitation to tender issued in Regulation (EC) No 900/2002, the maximum refund on exportation of rye shall be EUR 44,99/t.

Article 2

This Regulation shall enter into force on 12 July 2002.

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

Done at Brussels, 11 July 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 46.

⁽⁵⁾ OJ L 142, 31.5.2002, p. 14.

COMMISSION REGULATION (EC) No 1261/2002**of 11 July 2002****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 899/2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) An invitation to tender for the refund on exportation of common wheat to all third countries with the exclusion of Poland, Estonia, Lithuania and Latvia was opened pursuant to Commission Regulation (EC) No 899/2002 ⁽⁵⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix

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

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 5 to 11 July 2002, pursuant to the invitation to tender issued in Regulation (EC) No 899/2002, the maximum refund on exportation of common wheat shall be EUR 5,00/t.

Article 2

This Regulation shall enter into force on 12 July 2002.

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

Done at Brussels, 11 July 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 89, 29.3.2001, p. 16.

⁽⁵⁾ OJ L 142, 31.5.2002, p. 11.

COMMISSION REGULATION (EC) No 1262/2002**of 11 July 2002****amending representative prices and additional duties for the import of certain products in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽³⁾, as last amended by Regulation (EC) No 624/98 ⁽⁴⁾, and in particular the second subparagraph of Article 1(2), and Article 3(1) thereof,

Whereas:

- (1) The amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1153/2002 ⁽⁵⁾.

- (2) It follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 12 July 2002.

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

Done at Brussels, 11 July 2002.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 141, 24.6.1995, p. 16.

⁽⁴⁾ OJ L 85, 20.3.1998, p. 5.

⁽⁵⁾ OJ L 170, 29.6.2002, p. 27.

ANNEX

to the Commission Regulation of 11 July 2002 altering representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(EUR)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	16,59	8,03
1701 11 90 ⁽¹⁾	16,59	14,33
1701 12 10 ⁽¹⁾	16,59	7,82
1701 12 90 ⁽¹⁾	16,59	13,82
1701 91 00 ⁽²⁾	22,51	14,65
1701 99 10 ⁽²⁾	22,51	9,46
1701 99 90 ⁽²⁾	22,51	9,46
1702 90 99 ⁽³⁾	0,23	0,41

⁽¹⁾ For the standard quality as defined in Annex I, point II to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).

⁽²⁾ For the standard quality as defined in Annex I, point I to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).

⁽³⁾ By 1 % sucrose content.

COMMISSION REGULATION (EC) No 1263/2002**of 11 July 2002****amending the export refunds on syrups and certain other sugar sector products exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽²⁾, and in particular the third indent of Article 27(5) thereof,

Whereas:

- (1) The refunds on syrups and certain other sugar products were fixed by Commission Regulation (EC) No 1155/2002 ⁽³⁾.
- (2) It follows from applying the rules, criteria and other provisions contained in Regulation (EC) No 1155/2002 to the information at present available to the Commis-

sion that the export refunds at present in force should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The refunds to be granted on the products listed in Article 1(1)(d), (f) and (g) of Regulation (EC) No 1260/2001, exported in the natural state, as fixed in the Annex to Regulation (EC) No 1155/2002 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 12 July 2002.

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

Done at Brussels, 11 July 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 170, 29.6.2002, p. 31.

ANNEX

to the Commission Regulation of 11 July 2002 altering the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	A00	EUR/100 kg dry matter	43,15 ⁽²⁾
1702 60 10 9000	A00	EUR/100 kg dry matter	43,15 ⁽²⁾
1702 60 80 9100	A00	EUR/100 kg dry matter	81,99 ⁽⁴⁾
1702 60 95 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4315 ⁽¹⁾
1702 90 30 9000	A00	EUR/100 kg dry matter	43,15 ⁽²⁾
1702 90 60 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4315 ⁽¹⁾
1702 90 71 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4315 ⁽¹⁾
1702 90 99 9900	A00	EUR/1 % sucrose × net 100 kg of product	0,4315 ⁽¹⁾ ⁽³⁾
2106 90 30 9000	A00	EUR/100 kg dry matter	43,15 ⁽²⁾
2106 90 59 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4315 ⁽¹⁾

⁽¹⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EC) No 2135/95). Sucrose content is determined in accordance with Article 3 of Regulation (EC) No 2135/95.

⁽²⁾ Applicable only to products referred to in Article 5 of Regulation (EC) No 2135/95.

⁽³⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Regulation (EEC) No 3513/92 (OJ L 355, 5.12.1992, p. 12).

⁽⁴⁾ Applicable only to products defined under Article 6 of Regulation (EC) No 2135/95.

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

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

COMMISSION REGULATION (EC) No 1264/2002**of 11 July 2002****altering the export refunds on white sugar and raw sugar exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽²⁾, and in particular the third subparagraph of Article 27(5) thereof,

Whereas:

- (1) The refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 1204/2002 ⁽³⁾.
- (2) It follows from applying the detailed rules contained in Regulation (EC) No 1069/2002 to the information known to the Commission that the export refunds at

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 1069/2002 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 12 July 2002.

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

Done at Brussels, 11 July 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 176, 5.7.2002, p. 5.

ANNEX

to the Commission Regulation of 11 July 2002 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	A00	EUR/100 kg	39,69 ⁽¹⁾
1701 11 90 9910	A00	EUR/100 kg	39,69 ⁽¹⁾
1701 11 90 9950	A00	EUR/100 kg	⁽²⁾
1701 12 90 9100	A00	EUR/100 kg	39,69 ⁽¹⁾
1701 12 90 9910	A00	EUR/100 kg	39,69 ⁽¹⁾
1701 12 90 9950	A00	EUR/100 kg	⁽²⁾
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,4315
1701 99 10 9100	A00	EUR/100 kg	43,15
1701 99 10 9910	A00	EUR/100 kg	43,15
1701 99 10 9950	A00	EUR/100 kg	43,15
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,4315

⁽¹⁾ Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 28(4) of Council Regulation (EC) No 1260/2001.

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

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

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

COMMISSION REGULATION (EC) No 1265/2002**of 11 July 2002****amending the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) The rates of the refunds applicable from 1 July 2002 to the products listed in the Annex, exported in the form of goods not covered by Annex I to the Treaty, were fixed by Commission Regulation (EC) No 1171/2002 ⁽³⁾.

- (2) It follows from applying the rules and criteria contained in Regulation (EC) No 1171/2002 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EC) No 1171/2002 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 12 July 2002.

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

Done at Brussels, 11 July 2002.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 170, 29.6.2002, p. 61.

ANNEX

to the Commission Regulation of 11 July 2002 altering the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty

(EUR/100 kg)

CN code	Description	Rate of refund
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):	
	(a) On exportation of goods of CN code 3501	—
	(b) On exportation of other goods	85,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):	
	(a) Where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 2571/97 are exported	94,61
	(b) On exportation of other goods	120,90
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):	
	(a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 2571/97 are exported	100,00
	(b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	192,25
	(c) On exportation of other goods	185,00

COMMISSION REGULATION (EC) No 1266/2002
of 11 July 2002
amending the rates of refunds applicable to certain products from the sugar sector exported in the
form of goods not covered by Annex I to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, as last amended by Commission Regulation (EC) No 680/2002 ⁽²⁾, and in particular Article 27(5)(a) and (15) thereof,

Whereas:

- (1) The rates of the refunds applicable from 1 July 2002 to the products listed in the Annex, exported in the form of goods not covered by Annex I to the Treaty, were fixed by Commission Regulation (EC) No 1170/2002 ⁽³⁾.

- (2) It follows from applying the rules and criteria contained in Regulation (EC) No 1170/2002 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EC) No 1170/2002 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 12 July 2002.

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

Done at Brussels, 11 July 2002.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 170, 29.6.2002, p. 59.

ANNEX

to the Commission Regulation of 11 July 2002 altering the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty

Product	Rate of refund in EUR/100 kg	
	In case of advance fixing of refunds	Other
White sugar:	43,15	43,15

COMMISSION REGULATION (EC) No 1267/2002
of 11 July 2002
on the issue of system B 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 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1176/2002 ⁽²⁾, and in particular Article 6(6) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1110/2002 ⁽³⁾ fixes the indicative quantities for system B export licences other than those sought in the context of food aid.
- (2) In the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for oranges will shortly be exceeded. This overrun will prejudice the

proper working of the export refund scheme in the fruit and vegetables sector.

- (3) To avoid this situation, applications for system B licences for oranges exported after 11 July 2002 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for system B export licences for oranges submitted pursuant to Article 1 of Regulation (EC) No 1110/2002, export declarations for which are accepted after 11 July 2002 and before 17 September 2002, are hereby rejected.

Article 2

This Regulation shall enter into force on 12 July 2002.

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

Done at Brussels, 11 July 2002.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 268, 9.10.2001, p. 8.

⁽²⁾ OJ L 170, 29.6.2002, p. 69.

⁽³⁾ OJ L 168, 27.6.2002, p. 8.

COMMISSION REGULATION (EC) No 1268/2002**of 11 July 2002****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 12 July 2002.

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

Done at Brussels, 11 July 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 89, 29.3.2001, p. 16.

ANNEX

**to the Commission Regulation of 11 July 2002 fixing the export refunds on cereals and on wheat or rye flour,
groats and meal**

Product code	Destination	Unit of measurement	Amount of refunds	Product code	Destination	Unit of measurement	Amount of refunds
1001 10 00 9200	—	EUR/t	—	1101 00 11 9000	—	EUR/t	—
1001 10 00 9400	—	EUR/t	—	1101 00 15 9100	C01	EUR/t	6,85
1001 90 91 9000	—	EUR/t	—	1101 00 15 9130	C01	EUR/t	6,40
1001 90 99 9000	C01	EUR/t	0	1101 00 15 9150	C01	EUR/t	5,90
1002 00 00 9000	C06	EUR/t	0	1101 00 15 9170	C01	EUR/t	5,45
1003 00 10 9000	—	EUR/t	—	1101 00 15 9180	C01	EUR/t	5,10
1003 00 90 9000	C07	EUR/t	0	1101 00 15 9190	—	EUR/t	—
1004 00 00 9200	—	EUR/t	—	1101 00 90 9000	—	EUR/t	—
1004 00 00 9400	C06	EUR/t	0	1102 10 00 9500	C01	EUR/t	61,65
1005 10 90 9000	—	EUR/t	—	1102 10 00 9700	C01	EUR/t	48,60
1005 90 00 9000	C07	EUR/t	0	1102 10 00 9900	—	EUR/t	—
1007 00 90 9000	—	EUR/t	—	1103 11 10 9200	C06	EUR/t	0 ⁽¹⁾
1008 20 00 9000	—	EUR/t	—	1103 11 10 9400	C06	EUR/t	0 ⁽¹⁾
				1103 11 10 9900	—	EUR/t	—
				1103 11 90 9200	C06	EUR/t	0 ⁽¹⁾
				1103 11 90 9800	—	EUR/t	—

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

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

The other destinations are as follows:

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

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

C07 All destinations except for Estonia, Latvia and Hungary.

DIRECTIVE 2002/46/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 10 June 2002
on the approximation of the laws of the Member States relating to food supplements
(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

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

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

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

Whereas:

- (1) There is an increasing number of products marketed in the Community as foods containing concentrated sources of nutrients and presented for supplementing the intake of those nutrients from the normal diet.
- (2) Those products are regulated in Member States by differing national rules that may impede their free movement, create unequal conditions of competition, and thus have a direct impact on the functioning of the internal market. It is therefore necessary to adopt Community rules on those products marketed as foodstuffs.
- (3) An adequate and varied diet could, under normal circumstances, provide all necessary nutrients for normal development and maintenance of a healthy life in quantities which meet those established and recommended by generally acceptable scientific data. However, surveys show that this ideal situation is not being achieved for all nutrients and by all groups of the population across the Community.
- (4) Consumers, because of their particular lifestyles or for other reasons, may choose to supplement their intake of some nutrients through food supplements.
- (5) In order to ensure a high level of protection for consumers and facilitate their choice, the products that will be put on to the market must be safe and bear adequate and appropriate labelling.
- (6) There is a wide range of nutrients and other ingredients that might be present in food supplements including, but not limited to, vitamins, minerals, amino acids, essential fatty acids, fibre and various plants and herbal extracts.
- (7) As a first stage, this Directive should lay down specific rules for vitamins and minerals used as ingredients of food supplements. Food supplements containing vitamins or minerals as well as other ingredients should also be in conformity with the specific rules on vitamins and minerals laid down in this Directive.
- (8) Specific rules concerning nutrients, other than vitamins and minerals, or other substances with a nutritional or physiological effect used as ingredients of food supplements should be laid down at a later stage, provided that adequate and appropriate scientific data about them become available. Until such specific Community rules are adopted and without prejudice to the provisions of the Treaty, national rules concerning nutrients or other substances with nutritional or physiological effect used as ingredients of food supplements, for which no Community specific rules have been adopted, may be applicable.
- (9) Only vitamins and minerals normally found in, and consumed as part of, the diet should be allowed to be present in food supplements although this does not mean that their presence therein is necessary. Controversy as to the identity of those nutrients that could potentially arise should be avoided. Therefore, it is appropriate to establish a positive list of those vitamins and minerals.
- (10) There is a wide range of vitamin preparations and mineral substances used in the manufacture of food supplements currently marketed in some Member States that have not been evaluated by the Scientific Committee on Food and consequently are not included in the positive lists. These should be submitted to the European Food Safety Authority for urgent evaluation, as soon as appropriate files are presented by the interested parties.

⁽¹⁾ OJ C 311 E, 31.10.2000, p. 207 and C 180 E, 26.6.2001, p. 248.

⁽²⁾ OJ C 14, 16.1.2001, p. 42.

⁽³⁾ Opinion of the European Parliament of 14 February 2001 (OJ C 276, 1.10.2001, p. 126), Council Common Position of 3 December 2001 (OJ C 90 E, 16.4.2002, p. 1) and Decision of the European Parliament of 13 March 2002. Council Decision of 30 May 2002.

- (11) The chemical substances used as sources of vitamins and minerals in the manufacture of food supplements should be safe and also be available to be used by the body. For this reason, a positive list of those substances should also be established. Such substances as have been approved by the Scientific Committee on Food, on the basis of the said criteria, for use in the manufacture of foods intended for infants and young children and other foods for particular nutritional uses can also be used in the manufacture of food supplements.
- (12) In order to keep up with scientific and technological developments it is important to revise the lists promptly, when necessary. Such revisions would be implementing measures of a technical nature and their adoption should be entrusted to the Commission in order to simplify and expedite the procedure.
- (13) Excessive intake of vitamins and minerals may result in adverse effects and therefore necessitate the setting of maximum safe levels for them in food supplements, as appropriate. Those levels must ensure that the normal use of the products under the instructions of use provided by the manufacturer will be safe for the consumer.
- (14) When maximum levels are set, therefore, account should be taken of the upper safe levels of the vitamins and minerals, as established by scientific risk assessment based on generally acceptable scientific data, and of intakes of those nutrients from the normal diet. Due account should also be taken of reference intake amounts when setting maximum levels.
- (15) Food supplements are purchased by consumers for supplementing intakes from the diet. In order to ensure that this aim is achieved, if vitamins and minerals are declared on the label of food supplements, they should be present in the product in a significant amount.
- (16) The adoption of the specific values for maximum and minimum levels for vitamins and minerals present in food supplements, based on the criteria set out in this Directive and appropriate scientific advice, would be an implementing measure and should be entrusted to the Commission.
- (17) General labelling provisions and definitions are contained in Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs⁽¹⁾, and do not need to be repeated. This Directive should therefore be confined to the necessary additional provisions.
- (18) Council Directive 90/496/EEC of 24 September 1990 on nutrition labelling for foodstuffs⁽²⁾ does not apply to food supplements. Information relating to nutrient content in food supplements is essential for allowing the consumer who purchases them to make an informed choice and use them properly and safely. That information should, in view of the nature of those products, be confined to the nutrients actually present and be compulsory.
- (19) Given the particular nature of food supplements, additional means to those usually available to monitoring bodies should be available in order to facilitate efficient monitoring of those products.
- (20) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽³⁾,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

1. This Directive concerns food supplements marketed as foodstuffs and presented as such. These products shall be delivered to the ultimate consumer only in a pre-packaged form.
2. This Directive shall not apply to medicinal products as defined by Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use⁽⁴⁾.

Article 2

For the purposes of this Directive:

- (a) 'food supplements' means foodstuffs the purpose of which is to supplement the normal diet and which are concentrated sources of nutrients or other substances with a nutritional or physiological effect, alone or in combination, marketed in dose form, namely forms such as capsules, pastilles, tablets, pills and other similar forms, sachets of powder, ampoules of liquids, drop dispensing bottles, and other similar forms of liquids and powders designed to be taken in measured small unit quantities;
- (b) 'nutrients' means the following substances:
 - (i) vitamins,
 - (ii) minerals.

⁽²⁾ OJ L 276, 6.10.1990, p. 40.

⁽³⁾ OJ L 184, 17.7.1999, p. 23.

⁽⁴⁾ OJ L 311, 28.11.2001, p. 67.

⁽¹⁾ OJ L 109, 6.5.2000, p. 29.

Article 3

Member States shall ensure that food supplements may be marketed within the Community only if they comply with the rules laid down in this Directive.

Article 4

1. Only vitamins and minerals listed in Annex I, in the forms listed in Annex II, may be used for the manufacture of food supplements, subject to paragraph 6.

2. The purity criteria for substances listed in Annex II shall be adopted in accordance with the procedure referred to in Article 13(2), except where they apply pursuant to paragraph 3.

3. Purity criteria for substances listed in Annex II, specified by Community legislation for their use in the manufacture of foodstuffs for purposes other than those covered by this Directive, shall apply.

4. For those substances listed in Annex II for which purity criteria are not specified by Community legislation, and until such specifications are adopted, generally acceptable purity criteria recommended by international bodies shall be applicable and national rules setting stricter purity criteria may be maintained.

5. Modifications to the lists referred to in paragraph 1 shall be adopted in accordance with the procedure referred to in Article 13(2).

6. By way of derogation from paragraph 1 and until 31 December 2009, Member States may allow in their territory the use of vitamins and minerals not listed in Annex I, or in forms not listed in Annex II, provided that:

- (a) the substance in question is used in one or more food supplements marketed in the Community on the date of entry into force of this Directive,
- (b) the European Food Safety Authority has not given an unfavourable opinion in respect of the use of that substance, or its use in that form, in the manufacture of food supplements, on the basis of a dossier supporting use of the substance in question to be submitted to the Commission by the Member State not later than 12 July 2005.

7. Notwithstanding paragraph 6, Member States may, in compliance with the rules of the Treaty, continue to apply existing national restrictions or bans on trade in food supplements containing vitamins and minerals not included in the list in Annex I or in the forms not listed in Annex II.

8. Not later than 12 July 2007, the Commission shall submit to the European Parliament and the Council a report on the advisability of establishing specific rules, including, where appropriate, positive lists, on categories of nutrients or of

substances with a nutritional or physiological effect other than those referred to in paragraph 1, accompanied by any proposals for amendment to this Directive which the Commission deems necessary.

Article 5

1. Maximum amounts of vitamins and minerals present in food supplements per daily portion of consumption as recommended by the manufacturer shall be set, taking the following into account:

- (a) upper safe levels of vitamins and minerals established by scientific risk assessment based on generally accepted scientific data, taking into account, as appropriate, the varying degrees of sensitivity of different consumer groups;

- (b) intake of vitamins and minerals from other dietary sources.

2. When the maximum levels referred to in paragraph 1 are set, due account should also be taken of reference intakes of vitamins and minerals for the population.

3. To ensure that significant amounts of vitamins and minerals are present in food supplements, minimum amounts per daily portion of consumption as recommended by the manufacturer shall be set, as appropriate.

4. The maximum and minimum amounts of vitamins and minerals referred to in paragraphs 1, 2 and 3 shall be adopted in accordance with the procedure referred to in Article 13(2).

Article 6

1. For the purposes of Article 5(1) of Directive 2000/13/EC, the name under which products covered by this Directive are sold shall be 'food supplement'.

2. The labelling, presentation and advertising must not attribute to food supplements the property of preventing, treating or curing a human disease, or refer to such properties.

3. Without prejudice to Directive 2000/13/EC, the labelling shall bear the following particulars:

- (a) the names of the categories of nutrients or substances that characterise the product or an indication of the nature of those nutrients or substances;
- (b) the portion of the product recommended for daily consumption;
- (c) a warning not to exceed the stated recommended daily dose;
- (d) a statement to the effect that food supplements should not be used as a substitute for a varied diet;
- (e) a statement to the effect that the products should be stored out of the reach of young children.

Article 7

The labelling, presentation and advertising of food supplements shall not include any mention stating or implying that a balanced and varied diet cannot provide appropriate quantities of nutrients in general.

Rules for implementing this Article may be specified in accordance with the procedure referred to in Article 13(2).

Article 8

1. The amount of the nutrients or substances with a nutritional or physiological effect present in the product shall be declared on the labelling in numerical form. The units to be used for vitamins and minerals shall be those specified in Annex I.

Rules for implementing this paragraph may be specified in accordance with the procedure referred to in Article 13(2).

2. The amounts of the nutrients or other substances declared shall be those per portion of the product as recommended for daily consumption on the labelling.

3. Information on vitamins and minerals shall also be expressed as a percentage of the reference values mentioned, as the case may be, in the Annex to Directive 90/496/EEC.

Article 9

1. The declared values mentioned in Article 8(1) and (2) shall be average values based on the manufacturer's analysis of the product.

Further rules for implementing this paragraph with regard in particular to the differences between the declared values and those established in the course of official checks shall be decided upon in accordance with the procedure referred to in Article 13(2).

2. The percentage of the reference values for vitamins and minerals mentioned in Article 8(3) may also be given in graphical form.

Rules for implementing this paragraph may be adopted in accordance with the procedure referred to in Article 13(2).

Article 10

To facilitate efficient monitoring of food supplements, Member States may require the manufacturer or the person placing the product on the market in their territory to notify the competent authority of that placing on the market by forwarding it a model of the label used for the product.

Article 11

1. Without prejudice to Article 4(7), Member States shall not, for reasons related to their composition, manufacturing specifications, presentation or labelling, prohibit or restrict trade in products referred to in Article 1 which comply with this Directive and, where appropriate, with Community acts adopted in implementation of this Directive.

2. Without prejudice to the Treaty, in particular Articles 28 and 30 thereof, paragraph 1 shall not affect national provisions which are applicable in the absence of Community acts adopted under this Directive.

Article 12

1. Where a Member State, as a result of new information or of a reassessment of existing information made since this Directive or one of the implementing Community acts was adopted, has detailed grounds for establishing that a product referred to in Article 1 endangers human health though it complies with the said Directive or said acts, that Member State may temporarily suspend or restrict application of the provisions in question within its territory. It shall immediately inform the other Member States and the Commission thereof and give reasons for its decision.

2. The Commission shall examine as soon as possible the grounds adduced by the Member State concerned and shall consult the Member States within the Standing Committee on the Food Chain and Animal Health, and shall then deliver its opinion without delay and take appropriate measures.

3. If the Commission considers that amendments to this Directive or to the implementing Community acts are necessary in order to remedy the difficulties mentioned in paragraph 1 and to ensure the protection of human health, it shall initiate the procedure referred to in Article 13(2) with a view to adopting those amendments. The Member State that has adopted safeguard measures may in that event retain them until the amendments have been adopted.

Article 13

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health instituted by Regulation (EC) No 178/2002 ⁽¹⁾ (hereinafter referred to as 'the Committee').

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

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

3. The Committee shall adopt its rules of procedure.

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.

Article 14

Provisions that may have an effect upon public health shall be adopted after consultation with the European Food Safety Authority.

Article 15

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 July 2003. They shall forthwith inform the Commission thereof.

Those laws, regulations and administrative provisions shall be applied in such a way as to:

- (a) permit trade in products complying with this Directive, from 1 August 2003 at the latest;
- (b) prohibit trade in products which do not comply with the Directive, from 1 August 2005 at the latest.

When Member States adopt these measures, they shall contain a reference to this Directive or be accompanied by such a refer-

ence on the occasion of their official publication. The methods of making such reference shall be adopted by the Member States.

Article 16

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

Article 17

This Directive is addressed to the 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 I

Vitamins and minerals which may be used in the manufacture of food supplements

1. Vitamins

Vitamin A (µg RE)
 Vitamin D (µg)
 Vitamin E (mg α-TE)
 Vitamin K (µg)
 Vitamin B1 (mg)
 Vitamin B2 (mg)
 Niacin (mg NE)
 Pantothenic acid (mg)
 Vitamin B6 (mg)
 Folic acid (µg)
 Vitamin B12 (µg)
 Biotin (µg)
 Vitamin C (mg)

2. Minerals

Calcium (mg)
 Magnesium (mg)
 Iron (mg)
 Copper (µg)
 Iodine (µg)
 Zinc (mg)
 Manganese (mg)
 Sodium (mg)
 Potassium (mg)
 Selenium (µg)
 Chromium (µg)
 Molybdenum (µg)
 Fluoride (mg)
 Chloride (mg)
 Phosphorus (mg)

ANNEX II

Vitamin and mineral substances which may be used in the manufacture of food supplements**A. Vitamins****1. VITAMIN A**

- (a) retinol
- (b) retinyl acetate
- (c) retinyl palmitate
- (d) beta-carotene

2. VITAMIN D

- (a) cholecalciferol
- (b) ergocalciferol

3. VITAMIN E

- (a) D-alpha-tocopherol
- (b) DL-alpha-tocopherol
- (c) D-alpha-tocopheryl acetate
- (d) DL-alpha-tocopheryl acetate
- (e) D-alpha-tocopheryl acid succinate

4. VITAMIN K

- (a) phyloquinone (phytomenadione)

5. VITAMIN B1

- (a) thiamin hydrochloride
- (b) thiamin mononitrate

6. VITAMIN B2

- (a) riboflavin
- (b) riboflavin 5'-phosphate, sodium

7. NIACIN

- (a) nicotinic acid
- (b) nicotinamide

8. PANTOTHENIC ACID

- (a) D-pantothenate, calcium
- (b) D-pantothenate, sodium
- (c) dexpantenol

9. VITAMIN B6

- (a) pyridoxine hydrochloride
- (b) pyridoxine 5'-phosphate

10. FOLIC ACID

- (a) pteroylmonoglutamic acid

11. VITAMIN B12

- (a) cyanocobalamin
- (b) hydroxocobalamin

12. BIOTIN

- (a) D-biotin

13. VITAMIN C

- (a) L-ascorbic acid
- (b) sodium-L-ascorbate
- (c) calcium-L-ascorbate
- (d) potassium-L-ascorbate
- (e) L-ascorbyl 6-palmitate

B. Minerals

calcium carbonate
 calcium chloride
 calcium salts of citric acid
 calcium gluconate
 calcium glycerophosphate
 calcium lactate
 calcium salts of orthophosphoric acid
 calcium hydroxide
 calcium oxide
 magnesium acetate
 magnesium carbonate
 magnesium chloride
 magnesium salts of citric acid
 magnesium gluconate
 magnesium glycerophosphate
 magnesium salts of orthophosphoric acid
 magnesium lactate
 magnesium hydroxide
 magnesium oxide
 magnesium sulphate
 ferrous carbonate
 ferrous citrate
 ferric ammonium citrate
 ferrous gluconate
 ferrous fumarate
 ferric sodium diphosphate
 ferrous lactate
 ferrous sulphate
 ferric diphosphate (ferric pyrophosphate)
 ferric saccharate
 elemental iron (carbonyl+electrolytic+hydrogen reduced)
 cupric carbonate
 cupric citrate
 cupric gluconate
 cupric sulphate
 copper lysine complex

sodium iodide	sodium gluconate
sodium iodate	sodium lactate
potassium iodide	sodium hydroxide
potassium iodate	sodium salts of orthophosphoric acid
zinc acetate	potassium bicarbonate
zinc chloride	potassium carbonate
zinc citrate	potassium chloride
zinc gluconate	potassium citrate
zinc lactate	potassium gluconate
zinc oxide	potassium glycerophosphate
zinc carbonate	potassium lactate
zinc sulphate	potassium hydroxide
manganese carbonate	potassium salts of orthophosphoric acid
manganese chloride	sodium selenate
manganese citrate	sodium hydrogen selenite
manganese gluconate	sodium selenite
manganese glycerophosphate	chromium (III) chloride
manganese sulphate	chromium (III) sulphate
sodium bicarbonate	ammonium molybdate (molybdenum (VI))
sodium carbonate	sodium molybdate (molybdenum (VI))
sodium chloride	potassium fluoride
sodium citrate	sodium fluoride

COMMISSION DIRECTIVE 2002/62/EC

of 9 July 2002

adapting to technical progress for the ninth time Annex I to Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (organostannic compounds)

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 76/769/EEC of 27 July 1976 on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations ⁽¹⁾, as last amended by Commission Directive 2001/91/EC ⁽²⁾, and in particular Article 2a thereof, introduced by Council Directive 89/678/EEC ⁽³⁾,

Whereas:

(1) Commission Directive 1999/51/EC ⁽⁴⁾ adapting to technical progress for the fifth time Annex I to Directive 76/769/EEC, prohibits the use of organostannic compounds in antifouling applications on the hulls of boats of less than twenty-five metres and vessels of any length used predominantly on inland waters. This Directive calls for a review of the provisions in relation to organostannic compounds used in antifouling products taking full account of developments within the International Maritime Organisation (IMO) and in particular, the call of their Marine Environment Protection Committee for a global prohibition of the application of organostannic compounds which act as biocides in antifouling systems on ships by 1 January 2003.

(2) Scientific studies have shown that certain antifouling systems used on ships pose a substantial risk to the aquatic environment. An IMO International Convention on the Control of Harmful Antifouling Systems, agreed at an IMO Diplomatic Conference in October 2001, includes a prohibition from 1 January 2003, on the application or re-application to ships of organotin compounds which act as biocides in antifouling systems.

(3) The prohibition of application or re-application of organostannic compounds directly affects the functioning of the internal market in organostannic compounds and it is therefore necessary to approximate the laws of the Member States in this field and consequently to amend Annex I to Directive 76/769/EEC and in particular, Directive 1999/51/EC.

(4) A Regulation of the European Parliament and the Council will address measures in relation to vessels treated with organostannic compounds.

(5) Directive 94/25/EC of the European Parliament and of the Council ⁽⁵⁾ regulates pleasure craft and these craft shall also be subject to the same restrictions as other boats.

(6) This Directive does not affect Community legislation laying down minimum requirements for the protection of workers contained in Council Directive 89/391/EEC ⁽⁶⁾ and in individual directives based thereon, in particular Council Directive 90/394/EEC ⁽⁷⁾, as last amended by Directive 1999/38/EC ⁽⁸⁾, and Council Directive 98/24/EC ⁽⁹⁾ on protection of health and safety of workers from chemical agents at work.

(7) This Directive does not affect Community legislation covering the use of organostannic compounds in food-contact plastics contained in Commission Directive 90/128/EEC of 23 February 1990 relating to plastics materials and articles intended to come into contact with foodstuffs ⁽¹⁰⁾, as last amended by Directive 2002/17/EC ⁽¹¹⁾.

(8) The measures provided for in this Directive are in accordance with the opinion of the Committee for the adaptation to technical progress of directives on the removal of technical barriers to trade in dangerous substances and preparations,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 76/769/EEC is hereby adapted to technical progress as set out in the Annex hereto.

⁽¹⁾ OJ L 262, 27.9.1976, p. 201.

⁽²⁾ OJ L 286, 30.10.2001, p. 27.

⁽³⁾ OJ L 398, 30.12.1989, p. 24.

⁽⁴⁾ OJ L 142, 5.6.1999, p. 22.

⁽⁵⁾ OJ L 164, 30.6.1994, p. 15.

⁽⁶⁾ OJ L 183, 29.6.1989, p. 1.

⁽⁷⁾ OJ L 196, 26.7.1990, p. 1.

⁽⁸⁾ OJ L 138, 1.6.1999, p. 66.

⁽⁹⁾ OJ L 131, 5.5.1998, p. 11.

⁽¹⁰⁾ OJ L 349, 13.12.1990, p. 26.

⁽¹¹⁾ OJ L 58, 28.2.2002, p. 19.

Article 2

Member States shall adopt and publish the provisions necessary to comply with this Directive by 31 October 2002 at the latest. They shall forthwith inform the Commission thereof. They shall apply these provisions on 1 January 2003.

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 9 July 2002.

For the Commission

Erkki LIIKANEN

Member of the Commission

ANNEX

In Annex I to Directive 76/769/EEC, point 21 shall be replaced by the following point:

'Organostannic compounds	<ol style="list-style-type: none">1. May not be placed on the market for use as substances and constituents of preparations when acting as biocides in free association paint.2. May not be placed on the market or used as substances and constituents of preparations which act as biocides to prevent the fouling by microorganisms, plants or animals of:<ol style="list-style-type: none">(a) tall craft irrespective of their length intended for use in marine, coastal, estuarine and inland waterways and lakes;(b) cages, floats, nets and any other appliances or equipment used for fish or shellfish farming;(c) any totally or partly submerged appliance or equipment.3. May not be used as substances and constituents of preparations intended for use in the treatment of industrial waters.'
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II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 10 July 2002

on financial aid from the Community towards the eradication of classical swine fever in Germany in 1999

(notified under document number C(2002) 2552)

(Only the German text is authentic)

(2002/577/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 Council Decision 572/2001/EC ⁽²⁾, and in particular Article 3(3) and (5) thereof,

Whereas:

(1) Outbreaks of classical swine fever occurred in Germany in 1999; the outbreak of this disease represents a serious danger to the Community pig population and, with a view to helping to eradicate the disease as soon as possible, the Community has the possibility to contribute financially to eligible expenditure borne by the Member State.

(2) Once the presence of classical swine fever was officially confirmed, the German authorities affirmed that they had taken the necessary measures, including those listed in Article 3(2) of Decision 90/424/EEC.

(3) On 26 July 2000, Germany submitted a request for reimbursement, registered on 2 August 2000, accompanied by supporting documents for all expenditure incurred on its territory in 1999.

(4) Pursuant to Article 3(2) of Council Regulation (EC) No 1258/1999 ⁽³⁾, veterinary and plant health measures taken in accordance with Community rules shall be financed under the Guarantee section of the European Agricultural Guidance and Guarantee Fund. The auditing of these measures comes under Articles 8 and 9 of the said Regulation.

(5) The amount of the Community's financial aid must now be set.

(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

Germany is to be granted financial aid not exceeding EUR 834 000 under the Community's financial aid package for eligible expenditure on measures towards the eradication of classical swine fever outbreaks during 1999.

Article 2

This Community financial aid shall be paid to Germany upon the adoption of this Decision.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 203, 28.7.2001, p. 16.

⁽³⁾ OJ L 160, 26.6.1999, p. 103.

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 10 July 2002.

For the Commission

David BYRNE

Member of the Commission

COMMISSION DECISION
of 10 July 2002
amending Decision 2002/199/EC concerning animal health conditions and veterinary certification
for imports of live bovine and porcine animals from certain third countries

(notified under document number C(2002) 2553)

(Text with EEA relevance)

(2002/578/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries ⁽¹⁾, as last amended by Regulation (EC) No 1452/2001 ⁽²⁾, and in particular Article 8(3) thereof,

Whereas:

- (1) Under Article 8(3) of Directive 72/462/EEC the requirements for testing for brucellosis, enzootic bovine leukosis and tuberculosis laid down in certain third countries may be regarded as equivalent to those laid down for intra-Community trade.
- (2) Canada has submitted information relating to its scheme for recognising herds as officially free of enzootic bovine leukosis.
- (3) The Czech Republic has submitted information relating to its scheme for recognition as officially free of enzootic bovine leukosis.
- (4) These guarantees provided by Canada and the Czech Republic as regards Enzootic bovine leukosis may be considered as equivalent to those required for intra-Community trade.
- (5) The competent veterinary authorities of Canada and the Czech Republic have undertaken to notify the Commission without delay of any proposed changes in their rules concerning these schemes.

(6) Commission Decision 2002/199/EC ⁽³⁾ should be amended accordingly.

(7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Annex VI to Decision 2002/199/EC is replaced by the text in the Annex to this Decision.

Article 2

This Decision shall apply from the 60th day following that of its publication in the *Official Journal of the European Communities*.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 10 July 2002.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 302, 31.12.1972, p. 28.

⁽²⁾ OJ L 198, 21.7.2001, p. 11.

⁽³⁾ OJ L 71, 13.3.2002, p. 1.

ANNEX

'ANNEX VI

**Requirements for the recognition of bovine herds, countries and regions as officially free
(Section A or B applies)**

Section A

1. Tuberculosis and brucellosis: Annex A of Council Directive 64/432/EEC
2. Enzootic bovine leukosis (EBL): Annex D of Council Directive 64/432/EEC

Section B Equivalency

1. The official control programme of the exporting third country is deemed equivalent to Annexes A and or D of Council Directive 64/432/EEC.
2. The following official control programmes have been recognised as equivalents:

ISO code	Country	Tuberculosis		Brucellosis		EBL	
		Herd	Region or country	Herd	Region or country	Herd	Region or country
CA	Canada	—	—	—	—	X	—
CZ	Czech Republic	—	—	—	—	—	X'