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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1663/2002
of 19 September 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 20 September 2002.

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

Done at Brussels, 19 September 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 19 September 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	46,5
	060	64,9
	096	8,7
	999	40,0
0707 00 05	052	102,3
	628	143,3
	999	122,8
0709 90 70	052	79,9
	999	79,9
0805 50 10	388	56,5
	524	55,4
	528	50,3
	999	54,1
0806 10 10	052	67,4
	064	100,6
	400	166,7
	664	99,1
	999	108,4
0808 10 20, 0808 10 50, 0808 10 90	052	50,0
	388	82,4
	400	103,4
	512	99,2
	720	74,3
	804	86,1
	999	82,6
0808 20 50	052	89,9
	388	69,8
	720	50,1
	999	69,9
0809 30 10, 0809 30 90	052	125,0
	999	125,0
0809 40 05	052	74,5
	060	63,5
	064	60,2
	066	97,4
	094	53,9
	624	145,8
	999	82,6

⁽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 1664/2002**of 19 September 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 20 September 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, 19 September 2002.

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

ANNEX

to the Commission Regulation of 19 September 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⁾	11,83	—	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 1665/2002**of 19 September 2002****fixing the export refunds on white sugar and raw sugar exported in its unaltered 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⁾, amended by Commission Regulation (EC) No 680/2002 ⁽²⁾, and in particular the second subparagraph of Article 27(5) thereof,

Whereas:

- (1) Article 27 of Regulation (EC) No 1260/2001 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(a) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EC) No 1260/2001 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 28 of that Regulation. The same Article provides that the economic aspect of the proposed exports should also be taken into account.
- (3) The refund on raw sugar must be fixed in respect of the standard quality. The latter is defined in Annex I, point II, to Regulation (EC) No 1260/2001. Furthermore, this refund should be fixed in accordance with Article 28(4) of Regulation (EC) No 1260/2001. Candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector ⁽³⁾. The refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content.
- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for sugar according to destination.
- (5) In special cases, the amount of the refund may be fixed by other legal instruments.
- (6) The refund must be fixed every two weeks. It may be altered in the intervening period.
- (7) It follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should be as set out in the Annex hereto.
- (8) Regulation (EC) No 1260/2001 does not make provision to continue the compensation system for storage costs from 1 July 2001. This should accordingly be taken into account when fixing the refunds granted when the export occurs after 30 September 2001.
- (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 export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 September 2002.

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

Done at Brussels, 19 September 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 214, 8.9.1995, p. 16.

ANNEX

to the Commission Regulation of 19 September 2002 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	A00	EUR/100 kg	40,92 ⁽¹⁾
1701 11 90 9910	A00	EUR/100 kg	41,84 ⁽¹⁾
1701 11 90 9950	A00	EUR/100 kg	⁽²⁾
1701 12 90 9100	A00	EUR/100 kg	40,92 ⁽¹⁾
1701 12 90 9910	A00	EUR/100 kg	41,84 ⁽¹⁾
1701 12 90 9950	A00	EUR/100 kg	⁽²⁾
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,4448
1701 99 10 9100	A00	EUR/100 kg	44,48
1701 99 10 9910	A00	EUR/100 kg	45,48
1701 99 10 9950	A00	EUR/100 kg	45,48
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,4448

⁽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 1666/2002**of 19 September 2002****fixing the maximum export refund for white sugar for the seventh partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1331/2002**

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 1331/2002 of 23 July 2002 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽³⁾, for the 2002/2003 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 1331/2002 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 seventh 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 seventh partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1331/2002 the maximum amount of the export refund is fixed at 48,770 EUR/100 kg.

Article 2

This Regulation shall enter into force on 20 September 2002.

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

Done at Brussels, 19 September 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 195, 24.7.2002, p. 6.

COMMISSION REGULATION (EC) No 1667/2002

of 19 September 2002

amending Regulation (EC) No 2535/2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas, and derogating from that Regulation

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) 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 29(1) thereof,

Having regard to Council Regulation (EC) No 1151/2002 of 27 June 2002 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Estonia ⁽³⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 1361/2002 of 22 July 2002 establishing concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Lithuania ⁽⁴⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 1362/2002 of 22 July 2002 establishing concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Latvia ⁽⁵⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 1408/2002 of 29 July 2002 establishing concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Hungary ⁽⁶⁾, and in particular Article 1(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2535/2001 ⁽⁷⁾, as last amended by Regulation (EC) No 1165/2002 ⁽⁸⁾, lays down, *inter alia*, detailed rules for the application to milk and milk products of the import arrangements provided

for in the Europe Agreements between the Community and certain central and eastern European countries. It should be amended to implement the concessions provided for by Regulations (EC) No 1151/2002, (EC) No 1361/2002, (EC) No 1362/2002 and (EC) No 1408/2002.

- (2) The new quotas should be opened on 1 October 2002 and the existing quotas reopened if the quantities resulting from the new quotas exceed the quantities opened in July 2002. The import quotas provided for by Regulation (EC) No 2535/2001 normally being opened on 1 July, provision should be made for a derogation from Articles 6, 12 and 14 of that Regulation.
- (3) Certain new quotas involve limited quantities which render Article 13(2) of Regulation (EC) No 2535/2001 inapplicable. This provision should therefore be adjusted.
- (4) Repayment of import duties on products listed in parts 8 and 9 of Annex I to Regulation (EC) 2535/2001 as it existed before the entry into force of this Regulation and imported under licences used from 1 July 2000 falls within the scope of Articles 878 to 898 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 ⁽⁹⁾, as last amended by Regulation (EC) No 444/2002 ⁽¹⁰⁾.
- (5) 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

Regulation (EC) No 2535/2001 is hereby amended as follows:

1. Article 5(b) is replaced by the following:

‘(b) the quotas provided for in Regulations (EC) No 2290/2000, (EC) No 2433/2000, (EC) No 2434/2000, (EC) No 2435/2000, (EC) No 2475/2000, (EC) No 2851/2000, (EC) No 1151/2002, (EC) No 1361/2002, (EC) No 1362/2002 and (EC) No 1408/2002;’

⁽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. 15.

⁽⁴⁾ OJ L 198, 27.7.2002, p. 1.

⁽⁵⁾ OJ L 198, 27.7.2002, p. 13.

⁽⁶⁾ OJ L 205, 2.8.2002, p. 9.

⁽⁷⁾ OJ L 341, 22.12.2001, p. 29.

⁽⁸⁾ OJ L 170, 29.6.2002, p. 49.

⁽⁹⁾ OJ L 253, 11.10.1993, p. 1.

⁽¹⁰⁾ OJ L 68, 12.3.2002, p. 11.

2. The first subparagraph of Article 13(2) is replaced by the following:

'Licence applications shall relate to no more than 10 % of the quantity available under the quota for the six-month period as referred to in Article 6, and shall involve no less than 10 tonnes.'

3. Points 4, 7, 8 and 9 of Part B of Annex I shall be replaced by the text in the Annex to this Regulation.

Article 2

1. Notwithstanding Article 6 and Article 14(1) of Regulation (EC) No 2535/2001, for the period from 1 July to 31 December 2002 applications for import licences may be submitted from 1 to 10 October 2002 for the quotas opened on 1 October 2002 referred to in points 4, 7, 8 and 9 of Part B of Annex I thereto.

Licence applications shall relate to no more than 10 % of the quantity under the quota opened on 1 October 2002, and shall involve no less than 10 tonnes.

2. Notwithstanding Article 12 of Regulation (EC) No 2535/2001, operators who have submitted import licence applications under one of the quotas referred to in points 4, 7, 8 and 9 of Part B of Annex I to that Regulation during the submission period from 1 to 10 July 2002 may submit a further application in respect of that quota under this Regulation.

Article 3

This Regulation shall enter into force on 1 October 2002.

Article 1(3) shall apply from 1 July 2002, with the exception of the opening of quotas 09.4776, 09.4777 and 09.4778 in point 4 of Part B of Annex I to Regulation (EC) No 2535/2001.

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

Done at Brussels, 19 September 2002.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

ANNEX I B

4. Products originating in Hungary

Quota No	CN-code	Description ⁽¹⁾ ⁽²⁾	Applicable duty (% of MFN)	Annual quantities (tonnes) 1.7.2002—30.6.2003	Quantities opened on 1.7.2002 ⁽³⁾	Quantities opened on 1.10.2002	Quantities 1.1.2003—30.6.2003	Annual increase from 1.7.2003
09.4775	0401 0402		Exemption	1 300	227,5	422,5	650	130
09.4776	0403 10 11—0403 10 39 0403 90 11—0403 90 69		Exemption	50	—	25	25	10
09.4777	0404		Exemption	50	—	25	25	10
09.4778	0405 10 11 0405 10 19 0405 10 30 0405 10 50 0405 10 90 0405 20 90 0405 90 10 0405 90 90		Exemption	300	—	150	150	30
09.4733	0406		Exemption	4 200	2 100	—	2 100	350

7. Products originating in Estonia

Quota No	CN code	Description ⁽¹⁾ ⁽²⁾	Applicable duty (% of MFN)	Annual quantities (tonnes) 1.7.2002—30.6.2003	Quantities opened on 1.7.2002 ⁽³⁾	Quantities opened on 1.10.2002	Quantities 1.1.2003—30.6.2003	Annual increase from 1.7.2003
09.4578	0401		Exemption	800	400	—	400	150
09.4546	0402 10 19 0402 21 19		Exemption	14 000	8 000		6 000	0
09.4579	0403 10 11—0403 10 39		Exemption	800	240	160	400	240
09.4580	0403 90 59 0403 90 61 0403 90 63 0403 90 69		Exemption	1 120	560	—	560	210
09.4547	0405 10 11 0405 10 19		Exemption	4 800	2 400	—	2 400	900
09.4582	0406 10		Exemption	1 120	560	—	560	210
09.4581	0406 20 0406 30 0406 40 0406 90		Exemption	4 000	1 600	400	2 000	1 200

8. Products originating in Latvia

Quota No	CN code	Description ⁽¹⁾ ⁽²⁾	Applicable duty (% of MFN)	Annual quantities (tonnes) 1.7.2002—30.6.2003	Quantities opened on 1.7.2002 ⁽³⁾	Quantities opened on 1.10.2002	Quantities 1.1.2003—30.6.2003	Annual increase from 1.7.2003
09.4872	0401		Exemption	200	—	100	100	20
09.4873	0402		Exemption	3 800	2 525	—	1 275	0
09.4874	0403 10 11—0403 10 39 0403 90 11—0403 90 69		Exemption	100		50	50	10
09.4551	0405 10 11 0405 10 19 0405 10 30 0405 10 50 0405 10 90 0405 20 90 0405 90 10 0405 90 90		Exemption	2 255	1 127,5	—	1 127,5	190
09.4552	0406		Exemption	5 000	1 800	700	2 500	500

9. Products originating in Lithuania

Quota No	CN code	Description ⁽¹⁾ ⁽²⁾	Applicable duty (% of MFN)	Annual quantities (tonnes) 1.7.2002—30.6.2003	Quantities opened on 1.7.2002 ⁽³⁾	Quantities opened on 1.10.2002	Quantities from 1.1.2003—30.6.2003	Annual increase from 1.7.2003
09.4862	0401		Exemption	3 000	—	1 500	1 500	300
09.4863	0402		Exemption	6 350	3 150	25	3 175	635
09.4864	0403 10 11—0403 10 39 0403 90 11—0403 90 69		Exemption	300		150	150	30
09.4865	0404		Exemption	2 000	—	1 000	1 000	200
09.4866	0405 10 11 0405 10 19 0405 10 30 0405 10 50 0405 10 90 0405 20 90 0405 90 10 0405 90 90		Exemption	2 100	1 050	—	1 050	210
09.4557	0406		Exemption	7 200	3 600	—	3 600	600

⁽¹⁾ Notwithstanding the rules for the interpretation of the combined nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the applicability of the preferential scheme being determined, for the purposes of this Annex, by the coverage of the CN codes. Where ex CN codes are indicated, the applicability of the preferential scheme is determined on the basis of the CN code and the corresponding description taken jointly.

⁽²⁾ This concession is applicable only to products not benefiting from any kind of export subsidies.

⁽³⁾ Quantities opened on the basis of the quota numbers in use before the entry into force of this Regulation.

COMMISSION REGULATION (EC) No 1668/2002
of 19 September 2002
on the issuing of export licences for wine-sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 883/2001 of 24 April 2001, laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 as regards trade with third countries in products in the wine sector⁽¹⁾, as last amended by Regulation (EC) No 1574/2002⁽²⁾, and in particular Article 7 and Article 9(3) thereof,

Whereas:

- (1) Article 63(7) of Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine⁽³⁾, as last amended by Regulation (EC) No 2585/2001⁽⁴⁾, limits the grant of export refunds for wine-sector products to the volumes and expenditure contained in the Agreement on Agriculture concluded during the Uruguay Round multilateral trade negotiations.
- (2) Article 9 of Regulation (EC) No 883/2001 lays down the conditions under which the Commission may take specific measures to prevent an overrun of the quantity laid down or the budget available under the said Agreement.
- (3) On the basis of information on export licence applications available to the Commission on 18 September 2002, the quantity still available for the period until 15 November 2002, for destination zones 1: Africa and 3:

eastern Europe, referred to in Article 9(5) of Regulation (EC) No 883/2001, could be exceeded unless the issue of export licences with advance fixing of the refund is restricted. Therefore, a single percentage for the acceptance of applications submitted from 16 September to 17 September 2002 should be applied and the submission of applications and the issue of licences suspended for these zones until 16 November 2002,

HAS ADOPTED THIS REGULATION:

Article 1

1. Export licences with advance fixing of the refund for wine-sector products for which applications are submitted from 16 September to 17 September 2002 under Regulation (EC) No 883/2001 shall be issued for 75,60 % of the quantities requested for zone 1: Africa and issued in concurrence with 12,52 % of the quantities requested for zone 3: eastern Europe.

2. The issue of export licences for wine-sector products referred to in paragraph 1 for which applications are submitted from 18 September 2002 and the submission of export licence applications from 20 September 2002 for destination zones 1: Africa and 3: eastern Europe shall be suspended until 16 November 2002.

Article 2

This Regulation shall enter into force on 20 September 2002.

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

Done at Brussels, 19 September 2002.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 128, 10.5.2001, p. 1.

⁽²⁾ OJ L 235, 3.9.2002, p. 10.

⁽³⁾ OJ L 179, 14.7.1999, p. 1.

⁽⁴⁾ OJ L 345, 29.12.2001, p. 10.

COMMISSION REGULATION (EC) No 1669/2002
of 19 September 2002
on the issue of import licences for rice originating in the least developed countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2501/2001 of 10 December 2001 applying a scheme of generalised tariff preferences for the period from 1 January 2002 to 31 December 2004 ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1401/2002 of 31 July 2002 laying down detailed rules for the opening and administration of the tariff quotas for rice, originating in the least developed countries, for the marketing years 2002/2003 to 2008/2009 ⁽²⁾, and in particular Article 5(2) thereof,

Whereas:

- (1) Regulation (EC) No 1401/2002 opened a tariff quota for a quantity of 2 895 tonnes of husked rice equivalent for the 2002/2003 marketing year.
- (2) Pursuant to Article 5 of that Regulation, the Commission must decide to what extent applications may be accepted within the ten working days following the last day of the period for notifying the Member States.

- (3) The quantities in respect of which applications have been submitted exceed the quantities available. It is therefore necessary to set a reduction percentage applicable to the quantities applied for,

HAS ADOPTED THIS REGULATION:

Article 1

For applications for import licences for rice originating in the least developed countries referred to in Article 9 of Regulation (EC) No 2501/2001, submitted during the first five working days of September 2002 pursuant to Regulation (EC) No 1401/2002 and notified to the Commission, licences shall be issued for the quantities given in the applications submitted multiplied by a reduction percentage of 91,2814 %.

Article 2

This Regulation shall enter into force on 20 September 2002.

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

Done at Brussels, 19 September 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 346, 31.12.2001, p. 1.

⁽²⁾ OJ L 203, 1.8.2002, p. 42.

COMMISSION REGULATION (EC) No 1670/2002**of 19 September 2002****on the issue of import licences for rice with cumulative ACP/OCT origin against applications submitted in the first five working days of September 2002 pursuant to Regulation (EC) No 2603/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1706/98 of 20 July 1998 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EEC) No 715/90 ⁽¹⁾,

Having regard to Council Decision 2001/822/EC of 27 November 2001 on the association of the overseas countries and territories with the European Community (Overseas Association Decision) ⁽²⁾,

Having regard to Commission Regulation (EC) No 2603/97 of 16 December 1997 laying down the detailed rules of application for the import of rice from the ACP States and for the import of rice from the overseas countries and territories (OCT) ⁽³⁾, as last amended by Regulation (EC) No 174/2002 ⁽⁴⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Pursuant to Article 9(2) of Regulation (EC) No 2603/97, the Commission must decide within 10 days of the final date for notification by the Member States the extent to which applications can be granted and must fix the avail-

able quantities for the following tranche and, where appropriate, the additional tranche for October.

- (2) The quantities for which applications have been submitted show that licences for the September 2002 tranche exceed the quantities available for that tranche. This shows that licences should be issued for the quantities applied for reduced, where appropriate, by reduction percentages,

HAS ADOPTED THIS REGULATION:

Article 1

1. Import licences for rice against applications submitted during the first five working days of September 2002 pursuant to Regulation (EC) No 2603/97 and notified to the Commission shall be issued for the quantities applied for reduced, where appropriate, by the percentages set out in the Annex hereto.

2. The available quantities under the additional tranche for October are set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 September 2002.

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

Done at Brussels, 19 September 2002.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 215, 1.8.1998, p. 12.

⁽²⁾ OJ L 314, 30.11.2001, p. 1.

⁽³⁾ OJ L 351, 23.12.1997, p. 22.

⁽⁴⁾ OJ L 30, 31.1.2002, p. 33.

ANNEX

Reduction percentages to be applied to quantities applied for under the tranche for September 2002 and quantities available for the additional October tranche

Origin/product	Reduction percentage		Quantity available for the additional tranche for October 2002 (tonnes)	
	Netherlands Antilles and Aruba	Least-developed OCTs	Netherlands Antilles and Aruba	Least-developed OCTs
OCT (Article 6) — CN code 1006	17,6849	—	—	6 711

Origin/product	Reduction percentage	Quantity available for the additional tranche for October 2002 (t)
ACP (Article 2(1)) — CN codes 1006 10 21 to 1006 10 98, 1006 20 and 1006 30	53,0971	—

COMMISSION REGULATION (EC) No 1671/2002**of 19 September 2002****fixing the maximum export refund on barley in connection with the invitation to tender 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⁾, as amended by Regulation (EC) No 1324/2002 ⁽⁵⁾, and in particular Article 4 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of barley to all third countries except for the United States of America, Canada, Estonia and Latvia was opened pursuant to Commission Regulation (EC) No 901/2002 ⁽⁶⁾, as amended by Regulation (EC) No 1230/2002 ⁽⁷⁾.
- (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 13 to 19 September 2002, pursuant to the invitation to tender issued in Regulation (EC) No 901/2002, the maximum refund on exportation of barley shall be EUR 0,00/t.

Article 2

This Regulation shall enter into force on 20 September 2002.

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

Done at Brussels, 19 September 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 194, 23.7.2002, p. 26.

⁽⁶⁾ OJ L 142, 31.5.2002, p. 17.

⁽⁷⁾ OJ L 180, 10.7.2002, p. 3.

COMMISSION REGULATION (EC) No 1672/2002
of 19 September 2002
concerning tenders notified in response to the invitation to tender for the export of rye 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⁾, as amended by Regulation (EC) No 1324/2002 ⁽⁵⁾, and in particular Article 7 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of rye to all third countries excluding Hungary, Estonia, Lithuania and Latvia was opened pursuant to Commission Regulation (EC) No 900/2002 ⁽⁶⁾, as amended by Regulation (EC) No 1632/2002 ⁽⁷⁾.

- (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 13 to 19 September 2002 in response to the invitation to tender for the refund for the export of rye issued in Regulation (EC) No 900/2002.

Article 2

This Regulation shall enter into force on 20 September 2002.

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

Done at Brussels, 19 September 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 194, 23.7.2002, p. 26.

⁽⁶⁾ OJ L 142, 31.5.2002, p. 14.

⁽⁷⁾ OJ L 247, 14.9.2002, p. 3.

COMMISSION REGULATION (EC) No 1673/2002**of 19 September 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 1163/2002 ⁽⁴⁾, as amended by Regulation (EC) No 1324/2002 ⁽⁵⁾, 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 ⁽⁶⁾, as amended by Regulation (EC) No 1520/2002 ⁽⁷⁾.
- (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 13 to 19 September 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 0,00/t.

Article 2

This Regulation shall enter into force on 20 September 2002.

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

Done at Brussels, 19 September 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 194, 23.7.2002, p. 26.

⁽⁶⁾ OJ L 142, 31.5.2002, p. 11.

⁽⁷⁾ OJ L 228, 24.8.2002, p. 18.

COMMISSION REGULATION (EC) No 1674/2002**of 19 September 2002****fixing the maximum export refund on oats in connection with the invitation to tender issued in Regulation (EC) No 1582/2002**

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⁾, as amended by Regulation (EC) No 1324/2002 ⁽⁵⁾, and in particular Article 4 thereof,

Having regard to Commission Regulation (EC) No 1582/2002 of 5 September 2002 on a special intervention measure for cereals in Finland and Sweden ⁽⁶⁾, and in particular Article 8 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland or Sweden to all third countries was opened pursuant to Regulation (EC) No 1582/2002, except for Estonia, Lithuania, Latvia und Hungary.

- (2) Article 8 of Regulation (EC) No 1582/2002 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 13 to 19 September 2002, pursuant to the invitation to tender issued in Regulation (EC) No 1582/2002, the maximum refund on exportation of oats shall be EUR 0,00/t.

Article 2

This Regulation shall enter into force on 20 September 2002.

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

Done at Brussels, 19 September 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 194, 23.7.2002, p. 26.

⁽⁶⁾ OJ L 243, 13.9.2001, p. 15.

DIRECTIVE 2002/51/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 19 July 2002****on the reduction of the level of pollutant emissions from two- and three-wheel motor vehicles and amending Directive 97/24/EC****(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⁾, in the light of the joint text approved by the Conciliation Committee on 1 May 2002,

Whereas:

- (1) The fifth programme of action of the European Community on protection of the environment, which in its general approach was approved by the Council in the Resolution of the Council and the Representatives of the Governments of the Member States, meeting within the Council, of 1 February 1993 ⁽⁴⁾, provides for additional efforts to be made for a considerable reduction in the present level of emissions of pollutants from motor vehicles.
- (2) Directive 97/24/EC of the European Parliament and of the Council of 17 June 1997 on certain components and characteristics of two or three-wheel motor vehicles ⁽⁵⁾ is one of the separate Directives under the type-approval procedure laid down by Council Directive 92/61/EEC of 30 June 1992 relating to the type-approval of two- or three-wheel motor vehicles ⁽⁶⁾.
- (3) Under Article 5 of Directive 97/24/EC, the Commission is required to submit, to the European Parliament and the Council, within 24 months from the date of adoption of the Directive, a proposal prepared on the basis of research and an assessment of the costs and benefits deriving from the application of tightened-up limit values and laying down a subsequent stage during which measures will be adopted aimed at further tightening of the limit values for pollutants of the vehicles concerned. Such action is limited to motorcycles, since a subsequent stage entailing tighter limit values for mopeds, to be applied from 17 June 2002, is already provided for in Directive 97/24/EC.

(4) On the basis of the assessment of the technical feasibility and cost-effectiveness, a single set of new Type I test limits, applicable from 2003 for all motorcycles, has been identified, corresponding to a reduction of 60 % for hydrocarbons and carbon monoxide for four-stroke motorcycles, and 70 % for hydrocarbons and 30 % for carbon monoxide for two-stroke motorcycles. For four-stroke motorcycles, further reductions in nitrogen oxides were not considered feasible with the envisaged technologies. For two-stroke motorcycles, the application of advanced direct injection technology, which has the greatest reduction potential in terms of carbon monoxide and hydrocarbons, is inevitably linked to a moderate increase of the nitrogen oxides limit, relative to the present-day limit value, bringing the limit in line with four-stroke motorcycles. On the basis of the emission inventory, which confirms the marginal share of motorcycles in total road-transport emissions of nitrogen oxides, this is regarded as acceptable.

(5) In the light of the special characteristics and the use of certain categories of vehicle known as enduro and trial motorcycles and having regard to their very small contribution to overall emissions, owing to the small number of such vehicles sold each year in Europe, a temporary derogation, in respect of the entry into force of the new limits in 2003, should be granted in order to allow manufacturers to introduce the appropriate technology.

(6) Inspection and maintenance are regarded as essential to ensure that emission levels of new vehicles do not exceed in-use acceptable levels. In this respect, and in line with the provisions for passenger cars, the requirements for type II testing, and in particular the limit for carbon monoxide content of 4,5 % by volume, should be replaced by requirements to measure and record the necessary data for the purpose of roadworthiness testing.

(7) Tricycles and quadricycles are equipped either with spark ignition or compression ignition (diesel) engines; in line with emission limits for passenger cars, each category requires a separate set of limit values. In this respect the question of particulate emissions needs to be addressed in the future.

⁽¹⁾ OJ C 337 E, 28.11.2000, p. 140 and OJ C 240 E, 28.8.2001, p. 146.

⁽²⁾ OJ C 123, 25.4.2001, p. 22.

⁽³⁾ Opinion of the European Parliament of 14 February 2001 (OJ C 276, 1.10.2001, p. 135), Council Common Position of 13 July 2001 (OJ C 301, 26.10.2001, p. 43) and Decision of the European Parliament of 12 December 2001. Decision of the European Parliament of 30 May 2002 and Council Decision of 11 June 2002.

⁽⁴⁾ OJ C 138, 17.5.1993, p. 1.

⁽⁵⁾ OJ L 226, 18.8.1997, p. 1.

⁽⁶⁾ OJ L 225, 10.8.1992, p. 72. Directive as last amended by Directive 2000/7/EC of the European Parliament and of the Council (OJ L 106, 3.5.2000, p. 1).

- (8) The characteristics of the reference fuels used for emission testing should be aligned with those applicable to passenger cars, thereby reflecting the changes in the specifications of market fuel in accordance with Community legislation on the quality of petrol and diesel fuels.
- (9) Member States should be allowed, by way of tax incentives, to expedite the placing on the market of vehicles which satisfy the requirements adopted at Community level and to promote more environmentally advanced technologies on the basis of mandatory emission values; such incentives should satisfy certain conditions intended to avoid distortions of the internal market; this Directive does not affect the Member States' right to include emissions of pollutants and other substances in the basis for calculating road traffic taxes on two- and three-wheel vehicles.
- (10) In accordance with the Treaty, Member States may *inter alia* offer fiscal or financial incentives for the retrofitting of older two- and three-wheel motor vehicles, if they thereby meet the limit values contained in this Directive or in the earlier version of Directive 97/24/EC.
- (11) A new type-approval test cycle should be introduced which will allow a more representative evaluation of the emissions performance, in test conditions that more closely resemble those encountered by vehicles in use, and which takes into account the difference in driving patterns between small and large motorcycles. Additional development work is in progress in order to support the introduction of a new test cycle in a scientifically sound manner.
- (12) It is necessary to establish a further stage of mandatory emission limits with effect from 2006 comprising further substantial reductions with respect to the limit values for 2003.
- (13) In order to ensure compliance with emission limit values, conformity testing of in-service two- and three-wheel motor vehicles (in-service tests) should be introduced from 1 January 2006. Specific requirements for the correct operation of emission-control devices during the normal life of two or three-wheel motor vehicles should be introduced as from 1 January 2006 for up to 30 000 km.
- (14) It should also be ensured that operating conditions of two- and three-wheel motor vehicles in use correspond to the settings for the test cycle and that no defeat devices or other by-pass arrangements are used.
- (15) As two- and three-wheel motor vehicles produce an increasing proportion of total CO₂ emissions from transport sources, CO₂ emissions and/or the fuel consumption of two- and three-wheel motor vehicles should be established as soon as possible and incorporated in the Community strategy for reducing road-transport CO₂ emissions.
- (16) In view of the global market for motorcycles and of similar problems of air quality worldwide, it is worth striving for a harmonised test cycle. It is noted that the Commission will maintain its efforts to finalise such a harmonised test cycle with all other parties involved in other markets and conclude this as soon as possible. The worldwide motorcycle emission test cycle currently elaborated in Geneva by Working Party 29 of the United Nations Economic Commission for Europe is a good basis. It is appropriate to introduce such a new worldwide test cycle as an alternative type-approval procedure for the second stage in 2006. When it has been widely recognised and for all further reduction stages the new test cycle could become the regular basis for type-approval.
- (17) The objective of the proposed action, namely the reduction of the level of pollutant emissions from two and three-wheel motor vehicles, cannot be sufficiently achieved by the Member States and can therefore by reason of the scale or effects of the action be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.
- (18) Directive 97/24/EC should be amended accordingly,
- HAVE ADOPTED THIS DIRECTIVE:
- Article 1*
- This Directive aims at reducing the level of pollutant emissions from two- and three-wheel motor vehicles by tightening the limit values for such emissions.
- Article 2*
1. With effect from 1 April 2003, no Member State may, on grounds relating to the measures to be taken against air pollution:
- (a) refuse to grant EC type-approval pursuant to Article 4(1) of Directive 92/61/EEC, or
- (b) prohibit the registration, sale or entry into service of vehicles,
- if the measures to be taken against air pollution comply with the requirements of Directive 97/24/EC.
2. With effect from 1 April 2003, Member States shall refuse to grant EC type-approval pursuant to Article 4(1) of Directive 92/61/EEC for any type of vehicle on grounds relating to the measures to be taken against air pollution, if it fails to comply with the provisions of Directive 97/24/EC.

For the type I test, the limit values set out in row A of the Table in Chapter 5, Annex II, Section 2.2.1.1.5 to Directive 97/24/EC shall be used.

3. With effect from 1 July 2004, Member States shall:

- (a) consider certificates of conformity which accompany new vehicles pursuant to Directive 92/61/EEC as no longer valid; and
- (b) refuse the registration, sale or entry into service of new vehicles which are not accompanied by a certificate of conformity in accordance with Directive 92/61/EEC,

on grounds relating to the measures to be taken against air pollution, if the vehicles fail to comply with the provisions of Directive 97/24/EC.

For the type I test for mopeds, the limit values set out in the second row of the Table in Chapter 5, Annex I, Section 2.2.1.1.3 to Directive 97/24/EC shall be used.

For the type I test for motorcycles and tricycles, the limit values set out in rows A of the table in Chapter 5, Annex II, Section 2.2.1.1.5 to Directive 97/24/EC shall be used.

4. For trial and enduro motorcycles with two wheels, in accordance with Directive 92/61/EEC, the date set in paragraph 2 shall be 1 January 2004 and the date set in paragraph 3 shall be 1 July 2005.

Trial motorcycles are defined as vehicles with the following characteristics:

- (a) Maximum seat height: 700 mm;
- (b) Minimum ground clearance: 280 mm;
- (c) Maximum fuel tank capacity: 41 l;
- (d) Minimum overall gear ratio in the highest gear (primary ratio \times gear ratio \times final drive ratio) of 7,5.

Enduro motorcycles are defined as vehicles having the following characteristics:

- (a) Minimum seat height of 900 mm;
- (b) Minimum ground clearance of 310 mm;
- (c) Minimum overall gear ratio in the highest gear (primary ratio \times gear ratio \times final drive ratio) of 6,0.

Article 3

1. With effect from 1 January 2006, Member States shall refuse to grant EC type-approval pursuant to Article 4(1) of Directive 92/61/EEC for a new vehicle type on grounds relating to measures to be taken against air pollution, if it fails to comply with the provisions of Directive 97/24/EC.

For the type I test, the limit values set out in rows B of the Table in Chapter 5, Annex II, Section 2.2.1.1.5 to Directive 97/24/EC shall be used.

2. With effect from 1 January 2007, Member States shall:

- (a) consider certificates of conformity which accompany new vehicles pursuant to Directive 92/61/EEC as no longer valid; and
- (b) refuse the registration, sale or entry into service of new vehicles which are not accompanied by a certificate of conformity in accordance with Directive 92/61/EEC,

on grounds relating to the measures to be taken against air pollution, if the vehicles fail to comply with the provisions of Directive 97/24/EC.

For the type I test, the limit values set out in rows B of the Table in Chapter 5, Annex II, Section 2.2.1.1.5 to Directive 97/24/EC shall be used.

For vehicle types of which no more than 5 000 units are sold annually in the European Union, the date shall be 1 January 2008.

Article 4

1. Member States may make provision for tax incentives only in respect of vehicles which comply with Directive 97/24/EC. Such incentives shall comply with either of the following conditions:

- (a) they shall apply to all new vehicles offered for sale on the market of a Member State which comply in advance with the mandatory limit values set out in row A of the Table in Chapter 5, Annex II, Section 2.2.1.1.5 to Directive 97/24/EC; they shall be terminated with effect from the mandatory application of the emission limit values laid down in Article 2(3) for new vehicles; or
- (b) they shall apply to all new vehicles offered for sale on the market of a Member State which comply in advance with the mandatory limit values set out in rows B of the Table in Chapter 5, Annex II, Section 2.2.1.1.5 of Directive 97/24/EC. They shall end on the date for the mandatory application of the emission limit values for new vehicles laid down in Article 3(2) of this Directive.

2. For each type of vehicle referred to in paragraph 1, the tax incentives shall be for an amount lower than the additional cost of obtaining and fitting on the vehicle the technical solutions introduced to ensure compliance with the values set in either row A or row B of the Table in Chapter 5, Annex II, Section 2.2.1.1.5 to Directive 97/24/EC.

3. The Commission shall be informed in sufficient time of plans to create or change the tax incentives referred to in paragraph 1, so that it can submit its observations.

Article 5

Type-approvals shall also confirm the correct operation of the emission-control devices during the normal life of two and three-wheel motor vehicles as from 1 January 2006 for new vehicle types and as from 1 January 2007 for all vehicle types for up to 30 000 km. To this end, the Commission shall submit to the European Parliament and the Council by 31 December 2002 a proposal defining 'normal life' and establishing supplementary provisions. In its cost-benefit-analysis the Commission shall particularly pay attention to the effects its proposals have on small and medium-sized enterprises.

Article 6

1. With effect from 1 January 2006 for new two and three-wheel motor vehicles and from 1 January 2007 for all vehicle types, type-approvals granted to vehicles shall also require confirmation of the correct operation of emission-control devices during the normal life of the vehicle under normal conditions of use (conformity of in-service vehicles properly maintained and used).

2. To this end, the Commission shall submit a proposal to the European Parliament and the Council defining 'normal life' and establishing supplementary provisions. They shall include, *inter alia*, if appropriate:

- criteria for carrying out checks,
- criteria for selecting the vehicles to be tested,
- criteria for carrying out the tests,
- rules to eliminate possible errors,
- the criterion that there shall be no charge for the owner/holder of the vehicle.

In its cost-benefit analysis the Commission shall particularly pay attention to the effects its proposals have on small and medium-sized enterprises.

Article 7

1. With effect from 1 January 2006 Member States may no longer grant EC type approval and shall refuse national type approval for a two- or three-wheel vehicle if its CO₂-emission and fuel consumption are not established in accordance with the relevant provisions.

2. With effect from 1 January 2007 Member States shall:

- consider certificates of conformity which accompany new two-wheel motor vehicles with an engine capacity of over 150 cm³ pursuant to Directive 92/61/EEC as no longer valid, and
- refuse the registration, sale or entry into service of new vehicles which are not accompanied by a certificate of conformity in accordance with Directive 92/61/EEC,

if their CO₂-emissions and fuel consumptions are not established in accordance with the relevant provisions.

Article 8

1. The Commission shall consider a further tightening of the emission standards of vehicles falling within the scope of this Directive, taking into account:

- (a) technical developments in the field of emission control technology and their technical and economic feasibility with regard to their application to motorcycles, as well as their application in the diverse market that these vehicles satisfy;
- (b) the advances in the development of a more representative test cycle for motorcycles which remedies the current limitations of the current test cycle, such as cold start and high driving dynamics;
- (c) the opportunity to harmonise the test cycle on a worldwide basis;
- (d) the correlation of limit values between the current and the new test cycle;
- (e) further work on particulate emissions, and the issue of particulate emissions from compression ignition and spark ignition engines;
- (f) ongoing work on durability and in-use compliance;
- (g) further work on cold starting, on-board diagnostics (OBD) systems, and evaporation emissions;
- (h) ongoing work on replacement catalytic converters;
- (i) the economic impact on small series production and on small volume manufacturers;

The Commission furthermore will develop a methodology for measuring specific CO₂ emissions from two- or three-wheel motor vehicles.

2. The Commission shall, not later than 31 December 2002, submit to the Committee for Adaptation to Technical Progress a proposal setting out a test method for the measurement of particulate emissions in accordance with the results of the studies as prescribed in paragraph 1(e), to be applied to new type-approvals from 1 January 2004.

3. The Commission shall, not later than 31 December 2002, submit a proposal to the European Parliament and the Council, containing:

- (a) mandatory emission limit values to be used in the Type I test for tricycles and quadricycles for the second mandatory stage from 2006 and mandatory emission limit values for particulate emissions in accordance with the results of the studies as prescribed in paragraph 1(e).

- (b) an obligation to measure specific CO₂ emissions in type approval in accordance with Article 7. The Commission shall also submit appropriate proposals for the inclusion of two- and three-wheel motor vehicles in the Community strategy for reducing transport CO₂ emissions (agreement to reduce average CO₂ emissions, labelling, tax incentives);
 - (c) provisions relating to durability to be applied from 1 January 2006, in accordance with Article 5;
 - (d) requirements to include conformity testing on in-service vehicles (in-service tests) in the type-approval procedure for two- or three-wheel motor vehicles with effect from 1 January 2006 pursuant to Article 6;
 - (e) a new set of limit values (stage III) for mopeds, including particulate emissions in accordance with the results of the studies as prescribed in paragraph 1(e), to be applied from 2006. The provisions on durability requirements and the obligation to measure specific CO₂ emissions in type approval will also be applied to mopeds.
4. The Commission shall submit proposals to the European Parliament and Council concerning inspection and maintenance, OBD and evaporative emission control. The Commission shall also ensure that only replacement and retrofit parts for exhaust systems which comply with Directive 97/24/EC and this Directive are placed on the market. The issuing of type-approval must be sufficiently verifiable and the data on the type-approvals issued must be quickly, efficiently and transparently retrievable and traceable in a European data system.
5. As soon as possible and at the latest after the technical development of the worldwide test cycle, the Commission shall present a proposal for its inclusion and a new set of limit values, including particulate emissions for compression ignition engines and two-stroke spark-ignition engines. These limit values should be set in correlation to the second mandatory stage in 2006 of this Directive (row B, in the table in Chapter 5, Annex II, Section 2.2.1.1.5 to (Directive 97/24/EC)) in order to guarantee the same emission level. The test cycle should be introduced together with these new limit values (row C to be inserted in the table in Chapter 5, Annex II, section 2.2.1.1.5 to Directive 97/24/EC) as an alternative type-approval procedure

at the choice of the manufacturer for the second mandatory stage in 2006. In line with the adoption of the new worldwide test cycle in other regions it will then become the only regular type-approval procedure. For further stages in the reduction of exhaust emissions after 2006 the new test cycle with limit values based on this cycle will be the only valid type-approval procedure.

Article 9

Chapter 5 of Directive 97/24/EC shall be amended in accordance with the text in the Annex hereto.

Article 10

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 April 2003. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

Article 11

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

Article 12

This Directive is addressed to the Member States.

Done at Brussels, 19 July 2002.

For the European Parliament
The President
P. COX

For the Council
The President
T. PEDERSEN

ANNEX

AMENDMENTS TO CHAPTER 5 OF DIRECTIVE 97/24/EC

1. Annex II shall be amended as follows:

(a) Section 1.4 shall be replaced by the following:

‘1.4. “Gaseous pollutants” means the exhaust gas emissions of carbon monoxide, oxides of nitrogen expressed in terms of nitrogen dioxide (NO₂) equivalent, and hydrocarbons, assuming a ratio of:

— C₁H_{1,85} for petrol;

— C₁H_{1,86} for diesel.’

(b) the following sections shall be added:

‘1.5. “Defeat device” means a device which measures, senses or responds to operating variables (e.g. vehicle speed, engine speed, gear used, temperature, intake pressure or any other parameter) for the purpose of activating, modulating, delaying or deactivating the operation of any component or function of the emission control system such that the effectiveness of the emission control system is reduced under conditions encountered during normal vehicle use unless the use of such a device is substantially included in the applied emission certification test procedure.

1.6. “Irrational emission control strategy” means any strategy or measure that, when the vehicle is operated under normal conditions of use, reduces the effectiveness of the emission control system to a level below that expected on the applicable emission test procedure.’

(c) Section 2.2.1.1 shall be replaced by the following:

‘2.2.1.1. **Type I test** (checking the average value of tailpipe emissions in a congested urban area).

2.2.1.1.1. The test is carried out by the procedure described in Appendix 1. The methods used to collect and analyse the gaseous pollutants are those laid down.

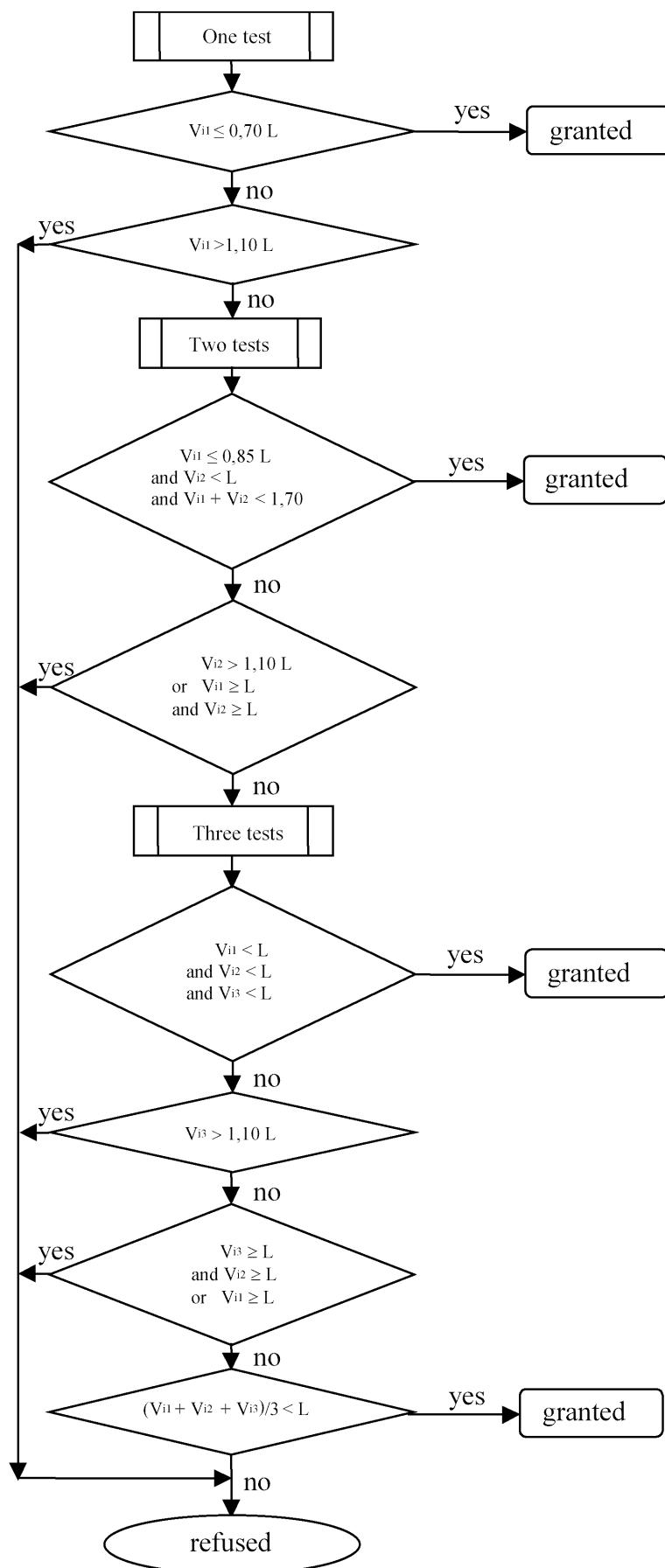
2.2.1.1.2. Figure I.2.2 illustrates the routes for type I test.

2.2.1.1.3. The vehicle is placed on a chassis dynamometer equipped with a means of load and inertia simulation.

2.2.1.1.4. During the test the exhaust gases are diluted and a proportional sample collected in one or more bags. The exhaust gases of the vehicle tested are diluted, sampled and analysed, following the procedure described below, and the total volume of the diluted exhaust is measured.

Figure I.2.2.

Flow chart for the type I test



2.2.1.1.5. Subject to the requirements for 2.2.1.1.6, the test must be repeated three times. The resulting masses of gaseous emissions obtained in each test must be less than the limits shown in the table below (rows A for 2003 and rows B for 2006):

	Class	Mass of carbon monoxide (CO)	Mass of hydrocarbons (HC)	Mass of oxides of nitrogen (NO _x)
		L ₁ (g/km)	L ₂ (g/km)	L ₃ (g/km)
Limit values for motorcycles (two-wheel) for type approval and conformity of production				
A (2003)	I (< 150 cm ³)	5,5	1,2	0,3
	II (≥ 150 cm ³)	5,5	1,0	0,3
B (2006)	I (< 150 cm ³) (UDC cold) ⁽¹⁾	2,0	0,8	0,15
	II (≥ 150 cm ³) (UDC + EUD cold) ⁽²⁾	2,0	0,3	0,15
Limit values for tricycles and quadricycles for type approval and conformity of production (positive ignition)				
A (2003)	All	7,0	1,5	0,4
Limit values for tricycles and quadricycles for type approval and conformity of production (compression ignition)				
A (2003)	All	2,0	1,0	0,65

⁽¹⁾ Test cycle: ECE R40 (with emissions measured for all six modes — sampling starts at T = 0).

⁽²⁾ Test cycle: ECE R40 + EUDC (emissions measured from all modes — sampling starts at T = 0), with the maximum speed of 120 km/h.

(*) The necessary technical amendments related to Appendix 1 and to sub-appendices 1 and 4 of Annex II of Chapter 5 of this Directive shall be adopted no later than 1 October 2002 in conformity with the procedure of the Committee on the Adaptation to Technical Progress of the Directives on the Removal of Technical Barriers to Trade in the Motor Vehicle Sector, pursuant to Article 13 of Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers (OJ L 42, 23.2.1970, p. 1).

- 2.2.1.1.5.1. Notwithstanding the requirements of 2.2.1.1.5., for each pollutant or combination of pollutants, one of the three resulting masses obtained may exceed, by not more than 10 %, the limit prescribed, provided the arithmetical mean of the three results is below the prescribed limit. Where the prescribed limits are exceeded for more than one pollutant, it is immaterial whether this occurs in the same test or in different tests.
- 2.2.1.1.5.2. When testing for compliance with the limit values in rows B for 2006 for motorcycles with a permitted maximum speed of 110 km/h, the maximum speed for the extra-urban driving cycle will be restricted to 90 km/h.
- 2.2.1.1.6. The number of tests prescribed in 2.2.1.1.5 is reduced in the conditions hereinafter defined, where V_1 is the result of the first test and V_2 the result of the second test for each pollutant.
- 2.2.1.1.6.1. Only one test is performed if the result obtained for each pollutant is less than or equal to 0,70 L (i.e. $V_1 \leq 0,70$ L).
- 2.2.1.1.6.2. If the requirement of 2.2.1.1.6.1 is not satisfied, only two tests are performed if, for each pollutant the following requirements are met:
- $$V_1 \leq 0,85 \text{ L and } V_1 + V_2 \leq 1,70 \text{ L and } V_2 \leq L;$$
- (d) Table I and Table II in Section 2.2 shall be deleted;
- (e) Section 2.2.1.2 shall be replaced by the following:
- ‘2.2.1.2. **Type II test** (test of carbon monoxide at idling speed) and emissions data required for roadworthiness testing.
- 2.2.1.2.1. This requirement applies to all vehicles powered by a positive-ignition engine for which EC type-approval is sought in accordance with this Directive.
- 2.2.1.2.2. When tested in accordance with Appendix 2 (type II test) at normal idling speed:
- the carbon monoxide content by volume of the exhaust gases emitted is recorded.
 - the engine speed during the test must be recorded, including any tolerances.
- 2.2.1.2.3. When tested at “high idle” speed (i.e. $>2\,000 \text{ min}^{-1}$):
- the carbon monoxide content by volume of the exhaust gases emitted is recorded.
 - the engine speed during the test must be recorded, including any tolerances.
- 2.2.1.2.4. The engine oil temperature at the time of the test must be measured and recorded.
- 2.2.1.2.5. The recorded data are completed in the relevant Sections of the document, referred to in Annex VII of Directive 92/61/EEC’;
- (f) the following section shall be added:
- ‘2.3. The use of a defeat device and/or irrational emissions control strategy is forbidden.
- 2.3.1. An engine control device, function, system or measure may be installed to a vehicle provided that:
- it is activated only for such purposes as engine protection, cold starting or warming up, or
 - it is activated only for such purposes as operational security or safety and limp-home strategies.
- 2.3.2. The use of an engine control device, function, system or measure which results in the use of a different or modified engine control strategy to that normally employed during the applicable emission test cycles will be permitted if, in complying with the requirements of section 2.3.3, it is fully demonstrated that the measure does not reduce the effectiveness of the emission control system. In all other cases, such devices shall be considered to be a defeat device.
- 2.3.3. The manufacturer shall provide a documentation package that gives access to the basic design of the system and the means by which it controls its output variables, whether that control is direct or indirect.
- (a) The formal documentation package, which shall be supplied to the technical service at the time of submission of the type approval application, shall include a full description of the system. This documentation may be brief provided that it exhibits evidence that all outputs permitted by a matrix obtained from a range of control of the individual unit inputs have been identified.

The documentation shall also contain a justification for the use of any engine control device, function, system or measure and include additional material and test data to demonstrate the effect on exhaust emissions of any such device installed in the vehicle. This information shall be attached to the documentation required in Annex V.

- (b) Additional material that shows the parameters that are modified by any engine control device, function, system or measure and the boundary conditions under which such measures operate. The additional material shall include a description of the fuel system control logic, timing strategies and switch points during all modes of operation. This information shall remain strictly confidential and be retained by the manufacturer, but be made open for inspection at the time of type approval.;
- (g) Section 3.1.1. shall be replaced by the following:
 - '3.1.1. A vehicle is taken from the series and subjected to the test described in 2.2.1.1. The limit values for checking conformity of production are those indicated in the table in Section 2.2.1.1.5.;
- (h) the former Section 3.1.1 shall be renumbered 3.1.2 and amended as follows:
 - the words 'Tables I and II' shall be replaced by 'the Table in Section 2.2.1.1.5';
 - the words 'the tables referred to in 2.2.1.1.2' shall be replaced by 'the Table in Section 2.2.1.1.5';
- (i) Section 3.1.3 of Appendix 1 shall be replaced by the following:
 - '3.1.3. The tightness of the intake system may be checked to ensure the carburation is not affected by an accidental intake of air.;
- (j) in Section 5.3.1 of Appendix 1, the last sentence shall read as follows:
 - 'Two complete pre-conditioning cycles are performed before the exhaust gases are collected.;
- (k) Section 6.1.3 of Appendix 1 shall be replaced by the following:
 - '6.1.3. Before initiation of the first pre-conditioning cycle, a flow of air of variable speed is directed at the motorcycle or motor tricycle. Two complete cycles are then performed during which no exhaust gases are collected. The ventilation system must include a mechanism controlled by the speed of the bench roller so that, in the range from 10 km/h to 50 km/h, the linear air speed at the blower outlet is equal to the relative speed of the roller with an approximation of 10 %. For roller speeds below 10 km/h, the air speed may be zero. The end section of the blower device must have the following characteristics:
 - (i) surface area of at least 0,4 m²;
 - (ii) lower edge between 0,15 and 0,20 m above ground level;
 - (iii) distance from the leading edge of the motorcycle or motor tricycle between 0,3 and 0,45 m.;
- (l) Section 6.2.2 of Appendix 1 shall be replaced by the following:
 - '6.2.2. The first cycle begins when the taking of samples and the measuring of the pump rotations commence.;
- (m) Section 7.2.1 of Appendix 1 shall be replaced by the following:
 - '7.2.1. After two pre-conditioning cycles (first moment of the first cycle), the operations specified in 7.2.2 to 7.2.5 are performed simultaneously.;
- (n) Section 7.4 of Appendix 1 shall be replaced by the following:
 - '7.4. **Analysis**
 - 7.4.1. The exhaust gases contained in the bag must be analysed as soon as possible and in any event not later than 20 minutes after the end of the test cycle.
 - 7.4.2. Prior to each sample analysis the analyser range to be used for each pollutant must be set to zero with the appropriate zero gas.
 - 7.4.3. The analysers are then set to the calibration curves by means of span gases of nominal concentrations of 70 to 100 % of the range.
 - 7.4.4. The analysers' zeros are then rechecked. If the reading differs by more than 2 % of range from that set in 7.4.2, the procedure is repeated.
 - 7.4.5. The samples are then analysed.

- 7.4.6. After the analysis, zero and span points are rechecked using the same gases. If these rechecks are within 2 % of those in 7.4.3, the analysis is considered acceptable.
- 7.4.7. At all points in this Section the flow-rates and pressures of the various gases must be the same as those used during calibration of the analysers.
- 7.4.8. The figure adopted for the concentration of each pollutant measured in the gases is that read off after stabilisation on the measuring device.;

(o) Section 2.2 of Appendix 2 shall be replaced by the following:

- '2.2. The Type II test specified in section 2.2.1.2 of Annex II must be measured immediately after the Type I test with the engine at normal idling speed and at high idle.';

2. Annex IV shall be replaced by the following:

'ANNEX IV

SPECIFICATIONS FOR THE REFERENCE FUEL (PETROL)

The reference fuel used is the one described in ANNEX IX, Section 1, of Directive 70/220/EEC.

SPECIFICATIONS FOR THE REFERENCE FUEL (DIESEL)

The reference fuel used is the one described in ANNEX IX, Section 2, of Directive 70/220/EEC.'

STATEMENT BY THE COMMISSION**Re Article 8(5)**

The Commission reaffirms its commitment to ensuring optimal environmental protection, pursuant to Article 95(3) of the Treaty.

Consequently, in its proposal aimed at including a new type-approval test cycle for motorcycles during the second stage in 2006, in accordance with Article 8(5), the Commission will also examine the date on which this test will become the only test procedure for the EC type-approval system.

COMMISSION DECLARATION AS COMPLEMENT

Moreover, the Commission takes notes of the decision of the co-legislators in Article 5 according to which it is requested to submit a proposal defining 'normal life' and establishing supplementary provisions. On this occasion, the Commission recalls that according to its right of initiative, in conformity with the Treaty, it is for the Commission to appreciate the timing and the content of any such proposal to be submitted.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 16 September 2002

setting out the arrangements for Community comparative trials and tests on seeds and propagating material of certain plants under Council Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 92/33/EEC, 2002/54/EC, 2002/55/EC, 2002/56/EC and 2002/57/EC

(notified under document number C(2002) 3350)

(Text with EEA relevance)

(2002/756/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed ⁽¹⁾, as last amended by Directive 2001/64/EC ⁽²⁾, and in particular Article 20(3) thereof,

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed ⁽³⁾, as last amended by Directive 2001/64/EC, and in particular Article 20(3) thereof,

Having regard to Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine ⁽⁴⁾, as last amended by Directive 2002/11/EC ⁽⁵⁾, and in particular Article 16(3) thereof,

Having regard to Council Directive 92/33/EEC of 28 April 1992 on the marketing of vegetable propagating and planting material, other than seed ⁽⁶⁾, as last amended by Commission Decision 2002/111/EC ⁽⁷⁾, and in particular Article 20(4) thereof,

Having regard to Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed ⁽⁸⁾, and in particular Article 26(3) thereof,

Having regard to Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed ⁽⁹⁾, and in particular Article 43(3) thereof,

Having regard to Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes ⁽¹⁰⁾, and in particular Article 20(3) thereof,

Having regard to Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants ⁽¹¹⁾, as last amended by Directive 2002/68/EC ⁽¹²⁾, and in particular Article 23(3) thereof,

Whereas:

- (1) Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 92/33/EEC, 2002/54/EC, 2002/55/EC, 2002/56/EC and 2002/57/EC provide for the necessary arrangements to be made by the Commission for Community comparative trials and tests of seed and propagating material.
- (2) Adequate representativity of the samples included in the trials and tests should be ensured, at least for certain selected plants.
- (3) Member States should participate in the Community comparative trials and tests, in so far as seeds of the plants concerned are usually reproduced or marketed in their territories, in order to ensure that proper conclusions may be drawn therefrom.

⁽¹⁾ OJ L 125, 11.7.1966, p. 2298/66.

⁽²⁾ OJ L 234, 1.9.2001, p. 60.

⁽³⁾ OJ L 125, 11.7.1966, p. 2309/66.

⁽⁴⁾ OJ L 93, 17.4.1968, p. 15.

⁽⁵⁾ OJ L 53, 23.2.2002, p. 20.

⁽⁶⁾ OJ L 157, 10.6.1992, p. 1.

⁽⁷⁾ OJ L 41, 13.2.2002, p. 43.

⁽⁸⁾ OJ L 193, 20.7.2002, p. 12.

⁽⁹⁾ OJ L 193, 20.7.2002, p. 33.

⁽¹⁰⁾ OJ L 193, 20.7.2002, p. 60.

⁽¹¹⁾ OJ L 193, 20.7.2002, p. 74.

⁽¹²⁾ OJ L 195, 24.7.2002, p. 32.

- (4) The arrangements for the trials and tests in relation to seed potatoes also cover, *inter alia*, certain harmful organisms which come within the scope of Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ⁽¹⁾, as last amended by Commission Directive 2002/28/EC ⁽²⁾.
- (5) Community comparative trials and tests should be carried out from the year 2003 to 2004 on seeds and propagating material harvested in 2002, and the details of such trials and tests should also be set out.
- (6) For Community comparative trials and tests lasting more than one year, the parts of the trials and tests following the first year should be authorised by the Commission without further reference to the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry, on condition that the necessary appropriations are available.
- (7) The measures provided for in this decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

Community comparative trials and tests shall be carried out from the year 2003 to 2004 on seeds and propagating material of the plants listed in the Annex.

The maximum cost for the trials and tests for 2003 shall be as set out in the Annex.

The details of the trials and tests are set out in the Annex.

Article 2

All Member States shall participate in the Community comparative trials and tests in so far as seeds and propagating material

of the plants listed in the Annex are usually reproduced or marketed in their territories.

Article 3

In the case of the assessment of seed potatoes under Directive 2000/29/EC, each sample to be submitted to the laboratory tests shall have been previously coded by the body responsible for carrying out the trials and tests under the responsibility of the Commission services.

If samples are confirmed to be contaminated by any of the relevant harmful organisms, the measures required under the Community plant health regime shall be taken.

Such measures shall be without prejudice to the general conditions applicable to the examination of the annual reports on the confirmed results and conclusions of Community comparative trials and tests.

Article 4

Subject to budgetary availability, the Commission may decide to continue the trials and tests set out in the Annex in 2004.

The maximum cost of a trial or test continued on this basis shall not exceed the amount specified in the Annex.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 16 September 2002.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

⁽²⁾ OJ L 77, 20.3.2002, p. 23.

ANNEX

Trials and tests to be carried out in 2003

Species	Responsible body	Conditions to be assessed	Number of samples	Cost (euro)
<i>Gramineae</i> (*)	NAK Emmeloord (NL)	Varietal identity and purity (field) external seed quality (laboratory)	230	11 600
<i>Zea mays</i>	ENSE Milano (I)	Varietal identity and purity (field) external seed quality (laboratory)	80	14 400
<i>Triticum aestivum</i> (*)	DFE Merelbeke (B)	Varietal identity and purity (field) external seed quality (laboratory)	120	7 100
<i>Solanum tuberosum</i>	DGPC Oeiras (P)	Varietal identity and purity, Plant Health (field) Plant health (ringrot/brown rot/pstv) (laboratory)	250	51 900
<i>Glycine max</i>	ENSE Milano (I)	Varietal identity and purity (field)	50	8 000
<i>Brassica napus</i> (*)	NIAB Cambridge (UK)	Varietal identity and purity (field) external seed quality (laboratory)	120	25 600
<i>Helianthus annuus</i>	ETSI Madrid (E)	Varietal identity and purity (field) external seed quality (laboratory)	80	64 600
<i>Hordeum vulgare</i> <i>Triticum aestivum</i> <i>Lolium Perenne</i> <i>Brassica napus</i> <i>Beta vulgaris</i>	BFL Vienna (A)	External seed quality (laboratory) under Commission Decision 98/320/EC	300	22 300
<i>Lycopersicon lycopersicum</i>	ENSE Milán (I)	Varietal identity and purity (field), external seed quality (laboratory)	70	13 300
<i>Allium ascalonicum</i> (*)	NAKT Roelofarendsveen (NL)	Varietal identity and purity (field), Plant Health (laboratory)	70	20 400
<i>Vitis vinifera</i>	ISV Conegliano Veneto (I)	Varietal identity and purity (field), Plant Health (laboratory)	102	34 600
			Total cost	273 800

(*) Trial and tests lasting more than one year.

Trials and tests to be carried out in 2004

Species	Responsible body	Conditions to be assessed	Number of samples	Cost (euro) (**)
<i>Gramineae</i> (*)	NAK Emmeloord (NL)	Varietal identity and purity (field) external seed quality (laboratory)	230	27 000
<i>Triticum aestivum</i> (*)	DFE Merelbeke (B)	Varietal identity and purity (field) external seed quality (laboratory)	120	16 700
<i>Brassica napus</i> (*)	NIAB Cambridge (UK)	Varietal identity and purity (field) external seed quality (laboratory)	120	11 000
<i>Allium ascalonicum</i> (*)	NAKT Roelofarendsveen (NL)	Varietal identity and purity (field), Plant Health (laboratory)	70	25 000
			Total cost	79 700 (**)

(*) Trial and test lasting more than one year.

(**) Estimated cost.

COMMISSION DECISION

of 19 September 2002

on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of *Phytophthora ramorum* Werres, De Cock & Man in 't Veld sp. nov.

(notified under document number C(2002) 3380)

(2002/757/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, as last amended by Commission Directive 2002/36/EC⁽²⁾, and in particular Article 16(3), third sentence thereof,

Whereas:

- (1) Where a Member State considers that there is a danger of introduction into or spread within its territory of a harmful organism not listed in Annex I or Annex II to Directive 2000/29/EC, it may temporarily take any additional measures necessary to protect itself from that danger.
- (2) The United Kingdom informed the other Member States and the Commission on 29 April 2002 of outbreaks of *Phytophthora ramorum* Werres, De Cock & Man in 't Veld sp. nov. (hereinafter referred to as: 'the harmful organism') on its territory and adopted on 13 May 2002 additional measures to prevent the introduction into and the spread within the Community of the harmful organism. The Netherlands and Germany also reported on 29 April 2002 outbreaks of the organism in their respective territories.
- (3) The harmful organism is currently not listed in Annex I or II to Directive 2000/29/EC. However, a preliminary pest-risk analysis based on available scientific information has demonstrated that the harmful organism and its damaging effects could be of significant plant-health concern to the Community, in particular the non-European isolates only present in the United States of America for the oak trees in the Community and the European isolates for ornamental plants such as *Rhododendron* spp. and *Viburnum* spp. The relevant services in the Member States have been asked to continue scientific work on the risk of the non-European isolates for the oak trees in the Community, the epidemiology of the harmful organism and the potential host plants.
- (4) It is therefore necessary to take provisional emergency phytosanitary measures against the introduction into and spread within the Community of the harmful organism.

- (5) Those measures should apply to the introduction or the spread of the harmful organism, the production and movement of known host plants of the harmful organism within the Community, the control of the harmful organism and to a more general surveillance for the presence or continued absence of the harmful organism in the Member States. However, it is not necessary to apply such measures to plants of *Rhododendron simsii* Planch, other than fruit and seeds, because the available information indicates that these plants are not affected by the harmful organism.
- (6) The results of the above measures will be regularly assessed in 2002 and 2003, in particular on the basis of information to be provided by the Member States. Possible subsequent measures will be considered in the light of the results of that assessment, and the scientific opinion delivered by the Member States.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

For the purpose of this Decision:

1. 'the harmful organism' means *Phytophthora ramorum* Werres, De Cock & Man in 't Veld sp. nov.
2. 'susceptible plants' means plants, other than fruit and seeds, of *Acer macrophyllum* Pursh., *Aesculus californica* Nutt., *Arbutus menziesii* Pursh., *Arctostaphylos* spp. Adans, *Heteromeles arbutifolia* (Lindley) M. Roemer, *Lithocarpus densiflorus* (H & A), *Lonicera hispidula* (Dougl.), *Quercus* spp. L., *Rhamnus californica* (Esch), *Rhododendron* spp. L., other than *Rhododendron simsii* Planch., *Umbellularia californica* (Pursch.), *Vaccinium ovatum* (Hook & Arn) Nutt. and *Viburnum* spp. L.
3. 'susceptible wood' means wood of *Acer macrophyllum* Pursh., *Aesculus californica* Nutt., *Lithocarpus densiflorus* (H & A) and *Quercus* L.
4. 'susceptible bark' means isolated bark of *Acer macrophyllum* Pursh., *Aesculus californica* Nutt., *Lithocarpus densiflorus* (H & A) and *Quercus* L.

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.⁽²⁾ OJ L 116, 3.5.2002, p. 16.

Article 2

The introduction into the Community and spread within the Community of non-European or European isolates of the harmful organism shall be banned.

Article 3

1. Susceptible plants and susceptible wood may only be introduced into the territory of the Community if they comply with the emergency phytosanitary measures laid down in points 1a and 2 of the Annex to this Decision and if they are inspected on entry into the Community for the presence of non-European isolates of the harmful organism, in accordance with Article 13(1)(a) of Directive 2000/29/EC, and found free from the harmful organism in this inspection.

2. The provisions specified in points 1a and 2 of the Annex to this Decision shall apply only to susceptible plants and susceptible wood originating in the United States of America destined for the Community and leaving on or after 1 November 2002.

3. The measures laid down in Part A, Section I(3) of Annex IV as regards wood of *Quercus* L., including wood which has not kept its natural round surface, originating in the United States of America, shall not apply to susceptible wood of *Quercus* L. which satisfies the requirements of point 2(b) of the Annex to this Decision.

4. As of 1 November 2002 plants of *Rhododendron* spp., other than *Rhododendron simsii* Planch, and *Viburnum* spp., other than fruit and seeds, originating in third countries, other than the United States of America, introduced into the Community may only be moved in the Community if they are accompanied by a plant passport prepared and issued in accordance with Commission Directive 92/105/EEC ⁽¹⁾.

Article 4

Susceptible bark originating in the United States of America shall not be permitted entry in the Community.

Article 5

As of 1 November 2002, plants of *Rhododendron* spp., other than *Rhododendron simsii* Planch., and *Viburnum* spp., other than fruits and seeds, originating in the Community may not be moved from their place of production unless they meet the conditions laid down in point 3 of the Annex to this Decision. The producers of these plants shall be registered in accordance with the provisions of Council Directive 92/90/EEC ⁽²⁾.

Article 6

1. Member States shall conduct official surveys for the harmful organism in their territory, to determine whether there is an evidence of infestation by the harmful organism.

2. Without prejudice to the provisions of Article 16(1) of Directive 2000/29/EC, the results of these surveys provided for in the first paragraph shall be notified to the Commission and to the other Member States by 1 November 2003.

Article 7

Member States shall adjust at the latest, by 31 October 2002, the measures which they have adopted with a view to protecting themselves against the introduction and spread of the harmful organism in such a manner that the measures comply with this Decision and shall forthwith inform the Commission of the adjusted measures.

Article 8

This Decision shall be reviewed by 31 December 2003 at the latest.

Article 9

This Decision is addressed to the Member States.

Done at Brussels, 19 September 2002.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 4, 8.1.1993, p. 22.

⁽²⁾ OJ L 344, 26.11.1992, p. 38.

ANNEX

- 1a. Without prejudice to the provisions of Annex III, Part A(2), and Annex IV, Part A(1),(11.1), (39) and (40) of Directive 2000/29/EC, susceptible plants originating in the United States of America shall be accompanied by a certificate referred to in Article 7 or 8 of Directive 2000/29/EC:

- (a) stating that they originate in areas in which non-European isolates of the harmful organism are known not to occur. The name of the area shall be mentioned on the certificate under the rubric 'place of origin'; or
- (b) issued after official verification that no signs of non-European isolates of the harmful organism have been observed on any susceptible plants at the place of production during official inspections, including laboratory testing of any suspicious symptoms carried out since the beginning of the last complete cycle of vegetation.

Further, the certificate shall only be issued after representative samples of the plants have been taken before shipment and have been inspected and found free from non-European isolates of the harmful organism in these inspections. The latter shall be mentioned on the certificate under the rubric 'additional declaration' as 'found free from non-European isolates of *Phytophthora ramorum* Werres, De Cock & Man in 't Veld sp. nov.'.

- 1b. The introduced susceptible plants referred to in point 1a may only be moved within the Community if they are accompanied by a plant passport prepared and issued in accordance with the provisions of Directive 92/105/EEC attesting to the inspections referred to in Article 3(1).

2. Susceptible wood originating in the United States of America may only be imported into the Community if, it is accompanied by a certificate referred to in Article 7 or 8 of Directive 2000/29/EC:

- (a) stating that it originates in areas in which non-European isolates of the harmful organism is known not to occur. The name of the area shall be mentioned on the certificate under the rubric 'place of origin'; or
- (b) issued after official verification that the wood has been stripped of its bark and:
 - (i) that it has been squared so as to remove entirely the rounded surface; or
 - (ii) that the water content of the wood does not exceed 20 % expressed as a percentage of the dry matter, or
 - (iii) that the wood has been disinfected by an appropriate hot-air or hot-water treatment;

or

- (c) in the case of sawn wood with or without residual bark attached, if there is evidence by a mark 'Kiln-dried', 'KD' or another internationally recognised mark put on the wood or on its packaging in accordance with current commercial usage, that it has undergone kiln-drying to below 20 % moisture content, expressed as a percentage of dry matter, at time of manufacture, achieved through an appropriate time/temperature schedule.

3. Plants of *Rhododendron* spp., other than *Rhododendron simsii* Planch., and *Viburnum* spp., other than fruits and seeds, originating in the Community may be moved from the place of production only if they are accompanied by a plant passport as referred to in point 1 of this Annex and:

- (a) they originate in areas in which European isolates of the harmful organism are known not to occur; or
- (b) no signs of European isolates of the harmful organism have been observed on the above plants on the place of production since the beginning of the last complete cycle of vegetation on official inspections, including laboratory testing of any suspicious symptoms, carried out at least once at appropriate times when the plants are in active growth; or
- (c) in cases where signs of European isolates of the harmful organism have been found on the above plants at the place of production, appropriate procedures have been implemented aiming at eradicating the harmful organism, consisting at least of destruction of the infected plants and all susceptible plants within 2 m of the infected plants, and
 - for all susceptible plants within 10 m radius of the infected plants, and any remaining plants from the affected lot, the plants have been retained at the place of production and additional inspections have been carried out at least twice in the three months following the finding when the plants are in active growth and they have been found free from the harmful organism in these inspections,
 - for all other susceptible plants at the place of production, the plants have been subject to intensive re-inspection following the finding and have been found free from the harmful organism in these inspections.

CORRIGENDA**Corrigendum to Commission Directive 2002/69/EC of 26 July 2002 laying down the sampling methods and the methods of analysis for the official control of dioxins and the determination of dioxin-like PCBs in foodstuffs**

(Official Journal of the European Communities L 209 of 6 August 2002)

In the title in the contents and on page 5, and in the closing formula on page 6:

for: '26 July 2002',

read: '30 July 2002';

and on page 5, second citation:

for: '... in particular Article 1 thereof,'

read: '... in particular Article 1 and 4 thereof,'.
