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## Legislation

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## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 121/2002**  
**of 24 January 2002**  
**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 25 January 2002.

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

Done at Brussels, 24 January 2002.

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

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

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

## ANNEX

**to the Commission Regulation of 24 January 2002 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

| CN code                                        | Third country code <sup>(1)</sup> | Standard import value |
|------------------------------------------------|-----------------------------------|-----------------------|
| 0702 00 00                                     | 052                               | 76,0                  |
|                                                | 204                               | 83,6                  |
|                                                | 212                               | 121,5                 |
|                                                | 999                               | 93,7                  |
| 0707 00 05                                     | 052                               | 199,9                 |
|                                                | 628                               | 206,5                 |
|                                                | 999                               | 203,2                 |
| 0709 90 70                                     | 052                               | 184,5                 |
|                                                | 204                               | 253,0                 |
|                                                | 999                               | 218,8                 |
| 0805 10 10, 0805 10 30, 0805 10 50             | 052                               | 59,6                  |
|                                                | 204                               | 56,9                  |
|                                                | 212                               | 45,8                  |
|                                                | 220                               | 51,5                  |
|                                                | 388                               | 23,9                  |
|                                                | 508                               | 21,1                  |
|                                                | 624                               | 41,6                  |
|                                                | 999                               | 42,9                  |
| 0805 20 10                                     | 204                               | 99,0                  |
|                                                | 999                               | 99,0                  |
| 0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90 | 052                               | 61,5                  |
|                                                | 204                               | 86,2                  |
|                                                | 464                               | 120,2                 |
|                                                | 624                               | 78,0                  |
|                                                | 999                               | 86,5                  |
|                                                | 052                               | 37,7                  |
| 0805 50 10                                     | 600                               | 58,6                  |
|                                                | 999                               | 48,2                  |
| 0808 10 20, 0808 10 50, 0808 10 90             | 052                               | 51,3                  |
|                                                | 060                               | 38,2                  |
|                                                | 400                               | 104,4                 |
|                                                | 404                               | 86,9                  |
|                                                | 720                               | 117,8                 |
|                                                | 999                               | 79,7                  |
|                                                | 388                               | 128,3                 |
| 0808 20 50                                     | 400                               | 108,7                 |
|                                                | 720                               | 100,2                 |
|                                                | 999                               | 112,4                 |

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

**COMMISSION REGULATION (EC) No 122/2002****of 24 January 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 <sup>(1)</sup>, 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 <sup>(2)</sup>. 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 25 January 2002.

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

<sup>(2)</sup> OJ L 214, 8.9.1995, p. 16.

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

Done at Brussels, 24 January 2002.

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

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ANNEX

**to the Commission Regulation of 24 January 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                                 | 34,73 <sup>(1)</sup> |
| 1701 11 90 9910 | A00         | EUR/100 kg                                 | 35,08 <sup>(1)</sup> |
| 1701 11 90 9950 | A00         | EUR/100 kg                                 | <sup>(2)</sup>       |
| 1701 12 90 9100 | A00         | EUR/100 kg                                 | 34,73 <sup>(1)</sup> |
| 1701 12 90 9910 | A00         | EUR/100 kg                                 | 35,08 <sup>(1)</sup> |
| 1701 12 90 9950 | A00         | EUR/100 kg                                 | <sup>(2)</sup>       |
| 1701 91 00 9000 | A00         | EUR/1 % of sucrose × net 100 kg of product | 0,3775               |
| 1701 99 10 9100 | A00         | EUR/100 kg                                 | 37,75                |
| 1701 99 10 9910 | A00         | EUR/100 kg                                 | 38,14                |
| 1701 99 10 9950 | A00         | EUR/100 kg                                 | 38,14                |
| 1701 99 90 9100 | A00         | EUR/1 % of sucrose × net 100 kg of product | 0,3775               |

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

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

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

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

**COMMISSION REGULATION (EC) No 123/2002**  
**of 24 January 2002**  
**fixing the export refunds on milk and milk products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EC) No 1670/2000 <sup>(2)</sup>, and in particular Article 31(3) thereof,

Whereas:

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

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

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

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

when prices in international trade are being determined particular account should be taken of:

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

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

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

(6) In accordance with Article 16 of Commission Regulation (EC) No 174/1999 of 26 January 1999 on specific detailed rules for the application of Council Regulation (EC) No 804/68 as regards export licences and export refunds on milk and milk products <sup>(3)</sup>, as last amended by Regulation (EC) No 2594/2001 <sup>(4)</sup>; the refund granted for milk products containing added sugar is equal to the sum of the two components; one is intended to take account of the quantity of milk products and is calculated by multiplying the basic amount by the milk products content in the product concerned; the other is intended to take account of the quantity of added sucrose and is calculated by multiplying the sucrose content of the entire product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1(1)(d) of Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector <sup>(5)</sup>, however, this second component is applied only if the added sucrose has been produced using sugar beet or cane harvested in the Community.

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 48.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 10.

<sup>(3)</sup> OJ L 20, 27.1.1999, p. 8.

<sup>(4)</sup> OJ L 345, 29.12.2001, p. 32.

<sup>(5)</sup> OJ L 178, 30.6.2001, p. 1.

- (7) Commission Regulation (EEC) No 896/84 <sup>(1)</sup>, as last amended by Regulation (EEC) No 222/88 <sup>(2)</sup>, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; those provisions provide for the possibility of varying refunds according to the date of manufacture of the products.
- (8) For the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account.
- (9) It follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,
- HAS ADOPTED THIS REGULATION:
- Article 1*
- The export refunds referred to in Article 31 of Regulation (EC) No 1255/1999 on products exported in the natural state shall be as set out in the Annex.
- Article 2*
- This Regulation shall enter into force on 25 January 2002.

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

Done at Brussels, 24 January 2002.

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

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<sup>(1)</sup> OJ L 91, 1.4.1984, p. 71.  
<sup>(2)</sup> OJ L 28, 1.2.1988, p. 1.

## ANNEX

## to the Commission Regulation of 24 January 2002 fixing the export refunds on milk and milk products

| Product code    | Destination | Unit of measurement | Amount of refund | Product code    | Destination | Unit of measurement | Amount of refund |
|-----------------|-------------|---------------------|------------------|-----------------|-------------|---------------------|------------------|
| 0401 10 10 9000 | 970         | EUR/100 kg          | 2,048            | 0402 29 91 9000 | A02         | EUR/kg              | 0,7852           |
| 0401 10 90 9000 | 970         | EUR/100 kg          | 2,048            | 0402 29 99 9100 | A02         | EUR/kg              | 0,7852           |
| 0401 20 11 9100 | 970         | EUR/100 kg          | 2,048            | 0402 29 99 9500 | A02         | EUR/kg              | 0,8541           |
| 0401 20 11 9500 | 970         | EUR/100 kg          | 3,165            | 0402 91 11 9370 | A02         | EUR/100 kg          | 5,670            |
| 0401 20 19 9100 | 970         | EUR/100 kg          | 2,048            | 0402 91 19 9370 | A02         | EUR/100 kg          | 5,670            |
| 0401 20 19 9500 | 970         | EUR/100 kg          | 3,165            | 0402 91 31 9300 | A02         | EUR/100 kg          | 6,715            |
| 0401 20 91 9000 | 970         | EUR/100 kg          | 4,005            | 0402 91 39 9300 | A02         | EUR/100 kg          | 6,715            |
| 0401 20 99 9000 | 970         | EUR/100 kg          | 4,005            | 0402 91 99 9000 | A02         | EUR/100 kg          | 36,61            |
| 0401 30 11 9400 | 970         | EUR/100 kg          | 9,240            | 0402 99 11 9350 | A02         | EUR/kg              | 0,1445           |
| 0401 30 11 9700 | 970         | EUR/100 kg          | 13,88            | 0402 99 19 9350 | A02         | EUR/kg              | 0,1445           |
| 0401 30 19 9700 | 970         | EUR/100 kg          | 13,88            | 0402 99 31 9150 | A02         | EUR/kg              | 0,1513           |
| 0401 30 31 9100 | A02         | EUR/100 kg          | 33,72            | 0402 99 31 9300 | A02         | EUR/kg              | 0,2191           |
| 0401 30 31 9400 | A02         | EUR/100 kg          | 52,67            | 0402 99 31 9500 | A02         | EUR/kg              | 0,3775           |
| 0401 30 31 9700 | A02         | EUR/100 kg          | 58,08            | 0402 99 39 9150 | A02         | EUR/kg              | 0,1513           |
| 0401 30 39 9100 | A02         | EUR/100 kg          | 33,72            | 0403 90 11 9000 | A02         | EUR/100 kg          | 29,58            |
| 0401 30 39 9400 | A02         | EUR/100 kg          | 52,67            | 0403 90 13 9200 | A02         | EUR/100 kg          | 29,58            |
| 0401 30 39 9700 | A02         | EUR/100 kg          | 58,08            | 0403 90 13 9300 | A02         | EUR/100 kg          | 68,23            |
| 0401 30 91 9100 | A02         | EUR/100 kg          | 66,19            | 0403 90 13 9500 | A02         | EUR/100 kg          | 71,76            |
| 0401 30 91 9500 | A02         | EUR/100 kg          | 97,28            | 0403 90 13 9900 | A02         | EUR/100 kg          | 77,30            |
| 0401 30 99 9100 | A02         | EUR/100 kg          | 66,19            | 0403 90 19 9000 | A02         | EUR/100 kg          | 77,71            |
| 0401 30 99 9500 | A02         | EUR/100 kg          | 97,28            | 0403 90 33 9400 | A02         | EUR/kg              | 0,6823           |
| 0402 10 11 9000 | A02         | EUR/100 kg          | 30,00            | 0403 90 33 9900 | A02         | EUR/kg              | 0,7730           |
| 0402 10 19 9000 | A02         | EUR/100 kg          | 30,00            | 0403 90 51 9100 | 970         | EUR/100 kg          | 2,048            |
| 0402 10 91 9000 | A02         | EUR/kg              | 0,3000           | 0403 90 59 9170 | 970         | EUR/100 kg          | 13,88            |
| 0402 10 99 9000 | A02         | EUR/kg              | 0,3000           | 0403 90 59 9310 | A02         | EUR/100 kg          | 33,72            |
| 0402 21 11 9200 | A02         | EUR/100 kg          | 30,00            | 0403 90 59 9340 | A02         | EUR/100 kg          | 52,10            |
| 0402 21 11 9300 | A02         | EUR/100 kg          | 68,64            | 0403 90 59 9370 | A02         | EUR/100 kg          | 52,10            |
| 0402 21 11 9500 | A02         | EUR/100 kg          | 72,46            | 0403 90 59 9510 | A02         | EUR/100 kg          | 52,10            |
| 0402 21 11 9900 | A02         | EUR/100 kg          | 78,00            | 0404 90 21 9120 | A02         | EUR/100 kg          | 25,59            |
| 0402 21 17 9000 | A02         | EUR/100 kg          | 30,00            | 0404 90 21 9160 | A02         | EUR/100 kg          | 30,00            |
| 0402 21 19 9300 | A02         | EUR/100 kg          | 68,64            | 0404 90 23 9120 | A02         | EUR/100 kg          | 30,00            |
| 0402 21 19 9500 | A02         | EUR/100 kg          | 72,46            | 0404 90 23 9130 | A02         | EUR/100 kg          | 68,64            |
| 0402 21 19 9900 | A02         | EUR/100 kg          | 78,00            | 0404 90 23 9140 | A02         | EUR/100 kg          | 72,46            |
| 0402 21 91 9100 | A02         | EUR/100 kg          | 78,52            | 0404 90 23 9150 | A02         | EUR/100 kg          | 78,00            |
| 0402 21 91 9200 | A02         | EUR/100 kg          | 79,16            | 0404 90 29 9110 | A02         | EUR/100 kg          | 78,56            |
| 0402 21 91 9350 | A02         | EUR/100 kg          | 79,93            | 0404 90 29 9115 | A02         | EUR/100 kg          | 79,15            |
| 0402 21 91 9500 | A02         | EUR/100 kg          | 87,45            | 0404 90 29 9125 | A02         | EUR/100 kg          | 79,97            |
| 0402 21 99 9100 | A02         | EUR/100 kg          | 78,52            | 0404 90 29 9140 | A02         | EUR/100 kg          | 87,50            |
| 0402 21 99 9200 | A02         | EUR/100 kg          | 79,16            | 0404 90 81 9100 | A02         | EUR/kg              | 0,3000           |
| 0402 21 99 9300 | A02         | EUR/100 kg          | 79,93            | 0404 90 83 9110 | A02         | EUR/kg              | 0,3000           |
| 0402 21 99 9400 | A02         | EUR/100 kg          | 85,41            | 0404 90 83 9130 | A02         | EUR/kg              | 0,6864           |
| 0402 21 99 9500 | A02         | EUR/100 kg          | 87,45            | 0404 90 83 9150 | A02         | EUR/kg              | 0,7246           |
| 0402 21 99 9600 | A02         | EUR/100 kg          | 94,87            | 0404 90 83 9170 | A02         | EUR/kg              | 0,7800           |
| 0402 21 99 9700 | A02         | EUR/100 kg          | 98,98            | 0404 90 83 9936 | A02         | EUR/kg              | 0,1445           |
| 0402 21 99 9900 | A02         | EUR/100 kg          | 103,82           | 0405 10 11 9500 | L05         | EUR/100 kg          | 170,73           |
| 0402 29 15 9200 | A02         | EUR/kg              | 0,3000           | 0405 10 11 9700 | L05         | EUR/100 kg          | 175,00           |
| 0402 29 15 9300 | A02         | EUR/kg              | 0,6866           | 0405 10 19 9500 | L05         | EUR/100 kg          | 170,73           |
| 0402 29 15 9500 | A02         | EUR/kg              | 0,7248           | 0405 10 19 9700 | L05         | EUR/100 kg          | 175,00           |
| 0402 29 15 9900 | A02         | EUR/kg              | 0,7800           | 0405 10 30 9100 | L05         | EUR/100 kg          | 170,73           |
| 0402 29 19 9300 | A02         | EUR/kg              | 0,6866           | 0405 10 30 9300 | L05         | EUR/100 kg          | 175,00           |
| 0402 29 19 9500 | A02         | EUR/kg              | 0,7248           | 0405 10 30 9700 | L05         | EUR/100 kg          | 175,00           |
| 0402 29 19 9900 | A02         | EUR/kg              | 0,7800           | 0405 10 50 9300 | L05         | EUR/100 kg          | 175,00           |

| Product code    | Destination | Unit of measurement | Amount of refund | Product code    | Destination | Unit of measurement | Amount of refund |
|-----------------|-------------|---------------------|------------------|-----------------|-------------|---------------------|------------------|
| 0405 10 50 9500 | L05         | EUR/100 kg          | 170,73           |                 | L03         | EUR/100 kg          | —                |
| 0405 10 50 9700 | L05         | EUR/100 kg          | 175,00           |                 | A24         | EUR/100 kg          | 27,09            |
| 0405 10 90 9000 | L05         | EUR/100 kg          | 181,41           |                 | L04         | EUR/100 kg          | 27,09            |
| 0405 20 90 9500 | L05         | EUR/100 kg          | 160,07           |                 | 400         | EUR/100 kg          | —                |
| 0405 20 90 9700 | L05         | EUR/100 kg          | 166,47           |                 | A01         | EUR/100 kg          | 27,09            |
| 0405 90 10 9000 | L05         | EUR/100 kg          | 222,36           | 0406 10 20 9870 | A00         | EUR/100 kg          | —                |
| 0405 90 90 9000 | L05         | EUR/100 kg          | 175,00           | 0406 10 20 9900 | A00         | EUR/100 kg          | —                |
| 0406 10 20 9100 | A00         | EUR/100 kg          | —                | 0406 20 90 9100 | A00         | EUR/100 kg          | —                |
| 0406 10 20 9230 | L02         | EUR/100 kg          | —                | 0406 20 90 9913 | L02         | EUR/100 kg          | —                |
|                 | L03         | EUR/100 kg          | —                |                 | L03         | EUR/100 kg          | —                |
|                 | A24         | EUR/100 kg          | 32,03            |                 | A24         | EUR/100 kg          | 49,95            |
|                 | L04         | EUR/100 kg          | 32,03            |                 | L04         | EUR/100 kg          | 49,95            |
|                 | 400         | EUR/100 kg          | —                |                 | 400         | EUR/100 kg          | 20,23            |
|                 | A01         | EUR/100 kg          | 32,03            |                 | A01         | EUR/100 kg          | 49,95            |
| 0406 10 20 9290 | L02         | EUR/100 kg          | —                | 0406 20 90 9915 | L02         | EUR/100 kg          | —                |
|                 | L03         | EUR/100 kg          | —                |                 | L03         | EUR/100 kg          | —                |
|                 | A24         | EUR/100 kg          | 29,79            |                 | A24         | EUR/100 kg          | 65,93            |
|                 | L04         | EUR/100 kg          | 29,79            |                 | L04         | EUR/100 kg          | 65,93            |
|                 | 400         | EUR/100 kg          | —                |                 | 400         | EUR/100 kg          | 26,95            |
|                 | A01         | EUR/100 kg          | 29,79            |                 | A01         | EUR/100 kg          | 65,93            |
| 0406 10 20 9300 | L02         | EUR/100 kg          | —                | 0406 20 90 9917 | L02         | EUR/100 kg          | —                |
|                 | L03         | EUR/100 kg          | —                |                 | L03         | EUR/100 kg          | —                |
|                 | A24         | EUR/100 kg          | 13,08            |                 | A24         | EUR/100 kg          | 70,05            |
|                 | L04         | EUR/100 kg          | 13,08            |                 | L04         | EUR/100 kg          | 70,05            |
|                 | 400         | EUR/100 kg          | —                |                 | 400         | EUR/100 kg          | 28,65            |
|                 | A01         | EUR/100 kg          | 13,08            |                 | A01         | EUR/100 kg          | 70,05            |
| 0406 10 20 9610 | L02         | EUR/100 kg          | —                | 0406 20 90 9919 | L02         | EUR/100 kg          | —                |
|                 | L03         | EUR/100 kg          | —                |                 | L03         | EUR/100 kg          | —                |
|                 | A24         | EUR/100 kg          | 43,44            |                 | A24         | EUR/100 kg          | 78,29            |
|                 | L04         | EUR/100 kg          | 43,44            |                 | L04         | EUR/100 kg          | 78,29            |
|                 | 400         | EUR/100 kg          | —                |                 | 400         | EUR/100 kg          | 31,96            |
|                 | A01         | EUR/100 kg          | 43,44            |                 | A01         | EUR/100 kg          | 78,29            |
| 0406 10 20 9620 | L02         | EUR/100 kg          | —                | 0406 20 90 9990 | A00         | EUR/100 kg          | —                |
|                 | L03         | EUR/100 kg          | —                | 0406 30 31 9710 | L02         | EUR/100 kg          | —                |
|                 | A24         | EUR/100 kg          | 44,06            |                 | L03         | EUR/100 kg          | —                |
|                 | L04         | EUR/100 kg          | 44,06            |                 | A24         | EUR/100 kg          | 12,33            |
|                 | 400         | EUR/100 kg          | —                |                 | L04         | EUR/100 kg          | 6,58             |
|                 | A01         | EUR/100 kg          | 44,06            |                 | 400         | EUR/100 kg          | —                |
| 0406 10 20 9630 | L02         | EUR/100 kg          | —                |                 | A01         | EUR/100 kg          | 12,33            |
|                 | L03         | EUR/100 kg          | —                | 0406 30 31 9730 | L02         | EUR/100 kg          | —                |
|                 | A24         | EUR/100 kg          | 49,18            |                 | L03         | EUR/100 kg          | —                |
|                 | L04         | EUR/100 kg          | 49,18            |                 | A24         | EUR/100 kg          | 18,09            |
|                 | 400         | EUR/100 kg          | —                |                 | L04         | EUR/100 kg          | 9,64             |
|                 | A01         | EUR/100 kg          | 49,18            |                 | 400         | EUR/100 kg          | —                |
| 0406 10 20 9640 | L02         | EUR/100 kg          | —                |                 | A01         | EUR/100 kg          | 18,09            |
|                 | L03         | EUR/100 kg          | —                | 0406 30 31 9910 | L02         | EUR/100 kg          | —                |
|                 | A24         | EUR/100 kg          | 72,28            |                 | L03         | EUR/100 kg          | —                |
|                 | L04         | EUR/100 kg          | 72,28            |                 | A24         | EUR/100 kg          | 12,33            |
|                 | 400         | EUR/100 kg          | —                |                 | L04         | EUR/100 kg          | 6,58             |
|                 | A01         | EUR/100 kg          | 72,28            |                 | 400         | EUR/100 kg          | —                |
| 0406 10 20 9650 | L02         | EUR/100 kg          | —                | 0406 30 31 9930 | A01         | EUR/100 kg          | 12,33            |
|                 | L03         | EUR/100 kg          | —                |                 | L02         | EUR/100 kg          | —                |
|                 | A24         | EUR/100 kg          | 60,23            |                 | L03         | EUR/100 kg          | —                |
|                 | L04         | EUR/100 kg          | 60,23            |                 | A24         | EUR/100 kg          | 18,09            |
|                 | 400         | EUR/100 kg          | —                |                 | L04         | EUR/100 kg          | 9,64             |
|                 | A01         | EUR/100 kg          | 60,23            |                 | 400         | EUR/100 kg          | —                |
| 0406 10 20 9660 | A00         | EUR/100 kg          | —                |                 | A01         | EUR/100 kg          | 18,09            |
| 0406 10 20 9830 | L02         | EUR/100 kg          | —                | 0406 30 31 9950 | L02         | EUR/100 kg          | —                |
|                 | L03         | EUR/100 kg          | —                |                 | L03         | EUR/100 kg          | —                |
|                 | A24         | EUR/100 kg          | 22,34            |                 | A24         | EUR/100 kg          | 26,31            |
|                 | L04         | EUR/100 kg          | 22,34            |                 | L04         | EUR/100 kg          | 14,03            |
|                 | 400         | EUR/100 kg          | —                |                 | 400         | EUR/100 kg          | —                |
|                 | A01         | EUR/100 kg          | 22,34            |                 | A01         | EUR/100 kg          | 26,31            |
| 0406 10 20 9850 | L02         | EUR/100 kg          | —                |                 |             |                     |                  |

| Product code    | Destination | Unit of measurement | Amount of refund | Product code    | Destination | Unit of measurement | Amount of refund |
|-----------------|-------------|---------------------|------------------|-----------------|-------------|---------------------|------------------|
| 0406 30 39 9500 | L02         | EUR/100 kg          | —                | 0406 90 23 9900 | L04         | EUR/100 kg          | 87,47            |
|                 | L03         | EUR/100 kg          | —                |                 | 400         | EUR/100 kg          | 28,48            |
|                 | A24         | EUR/100 kg          | 18,09            |                 | A01         | EUR/100 kg          | 99,91            |
|                 | L04         | EUR/100 kg          | 9,64             |                 | L02         | EUR/100 kg          | —                |
|                 | 400         | EUR/100 kg          | —                |                 | L03         | EUR/100 kg          | —                |
| 0406 30 39 9700 | A01         | EUR/100 kg          | 18,09            | 0406 90 25 9900 | A24         | EUR/100 kg          | 88,33            |
|                 | L02         | EUR/100 kg          | —                |                 | L04         | EUR/100 kg          | 76,81            |
|                 | L03         | EUR/100 kg          | —                |                 | 400         | EUR/100 kg          | —                |
|                 | A24         | EUR/100 kg          | 26,31            |                 | A01         | EUR/100 kg          | 88,33            |
|                 | L04         | EUR/100 kg          | 14,03            |                 | L02         | EUR/100 kg          | —                |
| 0406 30 39 9930 | 400         | EUR/100 kg          | —                | 0406 90 27 9900 | L03         | EUR/100 kg          | —                |
|                 | A01         | EUR/100 kg          | 26,31            |                 | A24         | EUR/100 kg          | 87,38            |
|                 | L02         | EUR/100 kg          | —                |                 | L04         | EUR/100 kg          | 76,30            |
|                 | L03         | EUR/100 kg          | —                |                 | 400         | EUR/100 kg          | —                |
|                 | A24         | EUR/100 kg          | 26,31            |                 | A01         | EUR/100 kg          | 87,38            |
| 0406 30 39 9950 | L04         | EUR/100 kg          | 14,03            | 0406 90 31 9119 | L02         | EUR/100 kg          | —                |
|                 | 400         | EUR/100 kg          | —                |                 | L03         | EUR/100 kg          | —                |
|                 | A01         | EUR/100 kg          | 26,31            |                 | A24         | EUR/100 kg          | 79,14            |
|                 | L02         | EUR/100 kg          | —                |                 | L04         | EUR/100 kg          | 69,11            |
|                 | L03         | EUR/100 kg          | —                |                 | 400         | EUR/100 kg          | —                |
| 0406 30 90 9000 | A24         | EUR/100 kg          | 29,75            | 0406 90 33 9119 | A01         | EUR/100 kg          | 79,14            |
|                 | L04         | EUR/100 kg          | 15,87            |                 | L02         | EUR/100 kg          | —                |
|                 | 400         | EUR/100 kg          | —                |                 | L03         | EUR/100 kg          | —                |
|                 | A01         | EUR/100 kg          | 29,75            |                 | A24         | EUR/100 kg          | 72,85            |
|                 | L02         | EUR/100 kg          | —                |                 | L04         | EUR/100 kg          | 63,51            |
| 0406 40 50 9000 | L03         | EUR/100 kg          | —                | 0406 90 33 9919 | 400         | EUR/100 kg          | 16,32            |
|                 | A24         | EUR/100 kg          | 31,21            |                 | A01         | EUR/100 kg          | 72,85            |
|                 | L04         | EUR/100 kg          | 16,64            |                 | L02         | EUR/100 kg          | —                |
|                 | 400         | EUR/100 kg          | —                |                 | L03         | EUR/100 kg          | —                |
|                 | A01         | EUR/100 kg          | 31,21            |                 | A24         | EUR/100 kg          | 72,85            |
| 0406 40 90 9000 | L04         | EUR/100 kg          | 76,50            | 0406 90 33 9951 | L04         | EUR/100 kg          | 63,51            |
|                 | L03         | EUR/100 kg          | —                |                 | 400         | EUR/100 kg          | 16,32            |
|                 | A24         | EUR/100 kg          | 76,50            |                 | A01         | EUR/100 kg          | 72,85            |
|                 | 400         | EUR/100 kg          | —                |                 | L02         | EUR/100 kg          | —                |
|                 | A01         | EUR/100 kg          | 76,50            |                 | L03         | EUR/100 kg          | —                |
| 0406 90 13 9000 | L02         | EUR/100 kg          | —                | 0406 90 35 9190 | A24         | EUR/100 kg          | 66,81            |
|                 | L03         | EUR/100 kg          | —                |                 | L04         | EUR/100 kg          | 58,05            |
|                 | A24         | EUR/100 kg          | 98,91            |                 | 400         | EUR/100 kg          | —                |
|                 | L04         | EUR/100 kg          | 86,38            |                 | A01         | EUR/100 kg          | 66,81            |
|                 | 400         | EUR/100 kg          | 38,51            |                 | L02         | EUR/100 kg          | —                |
| 0406 90 15 9100 | A01         | EUR/100 kg          | 98,91            | 0406 90 35 9990 | L03         | EUR/100 kg          | —                |
|                 | L02         | EUR/100 kg          | —                |                 | A24         | EUR/100 kg          | 103,33           |
|                 | L03         | EUR/100 kg          | —                |                 | L04         | EUR/100 kg          | 89,85            |
|                 | A24         | EUR/100 kg          | 102,21           |                 | 400         | EUR/100 kg          | 39,27            |
|                 | L04         | EUR/100 kg          | 89,26            |                 | A01         | EUR/100 kg          | 103,33           |
| 0406 90 17 9100 | 400         | EUR/100 kg          | 39,70            | 0406 90 37 9000 | L02         | EUR/100 kg          | —                |
|                 | A01         | EUR/100 kg          | 102,21           |                 | L03         | EUR/100 kg          | —                |
|                 | L02         | EUR/100 kg          | —                |                 | A24         | EUR/100 kg          | 103,33           |
|                 | L03         | EUR/100 kg          | —                |                 | L04         | EUR/100 kg          | 89,85            |
|                 | A24         | EUR/100 kg          | 102,21           |                 | 400         | EUR/100 kg          | 25,67            |
| 0406 90 21 9900 | L04         | EUR/100 kg          | 89,26            |                 | A01         | EUR/100 kg          | 103,33           |
|                 | 400         | EUR/100 kg          | 39,70            |                 | L02         | EUR/100 kg          | —                |
|                 | A01         | EUR/100 kg          | 102,21           |                 | L03         | EUR/100 kg          | —                |
|                 | L02         | EUR/100 kg          | —                |                 | A24         | EUR/100 kg          | 98,91            |
|                 | L03         | EUR/100 kg          | —                |                 | L04         | EUR/100 kg          | 86,38            |
|                 | A24         | EUR/100 kg          | 99,91            |                 | 400         | EUR/100 kg          | 38,51            |
|                 |             |                     |                  |                 | A01         | EUR/100 kg          | 98,91            |

| Product code    | Destination | Unit of measurement | Amount of refund | Product code    | Destination     | Unit of measurement | Amount of refund |
|-----------------|-------------|---------------------|------------------|-----------------|-----------------|---------------------|------------------|
| 0406 90 61 9000 | L02         | EUR/100 kg          | 39,96            | 0406 90 78 9500 | L03             | EUR/100 kg          | —                |
|                 | L03         | EUR/100 kg          | —                |                 | A24             | EUR/100 kg          | 90,08            |
|                 | A24         | EUR/100 kg          | 110,19           |                 | L04             | EUR/100 kg          | 78,86            |
|                 | L04         | EUR/100 kg          | 95,20            |                 | 400             | EUR/100 kg          | —                |
|                 | 400         | EUR/100 kg          | 36,55            |                 | A01             | EUR/100 kg          | 90,08            |
|                 | A01         | EUR/100 kg          | 110,19           | 0406 90 79 9900 | L02             | EUR/100 kg          | —                |
| 0406 90 63 9100 | L02         | EUR/100 kg          | 36,41            |                 | L03             | EUR/100 kg          | —                |
|                 | L03         | EUR/100 kg          | —                |                 | A24             | EUR/100 kg          | 88,70            |
|                 | A24         | EUR/100 kg          | 109,27           |                 | L04             | EUR/100 kg          | 78,12            |
|                 | L04         | EUR/100 kg          | 94,70            |                 | 400             | EUR/100 kg          | —                |
|                 | 400         | EUR/100 kg          | 40,89            |                 | A01             | EUR/100 kg          | 88,70            |
| 0406 90 63 9900 | A01         | EUR/100 kg          | 109,27           | 0406 90 81 9900 | L02             | EUR/100 kg          | —                |
|                 | L02         | EUR/100 kg          | 29,09            |                 | L03             | EUR/100 kg          | —                |
|                 | L03         | EUR/100 kg          | —                |                 | A24             | EUR/100 kg          | 92,33            |
|                 | A24         | EUR/100 kg          | 105,55           |                 | L04             | EUR/100 kg          | 80,62            |
|                 | L04         | EUR/100 kg          | 91,04            |                 | 400             | EUR/100 kg          | 30,43            |
|                 | 400         | EUR/100 kg          | 31,28            | 0406 90 85 9930 | A01             | EUR/100 kg          | 92,33            |
| 0406 90 69 9100 | A01         | EUR/100 kg          | 105,55           |                 | L02             | EUR/100 kg          | —                |
|                 | A00         | EUR/100 kg          | —                |                 | L03             | EUR/100 kg          | —                |
| 0406 90 69 9910 | L02         | EUR/100 kg          | —                |                 | A24             | EUR/100 kg          | 100,22           |
|                 | L03         | EUR/100 kg          | —                |                 | L04             | EUR/100 kg          | 87,07            |
|                 | A24         | EUR/100 kg          | 105,55           |                 | 400             | EUR/100 kg          | 37,91            |
|                 | L04         | EUR/100 kg          | 91,04            | 0406 90 85 9970 | A01             | EUR/100 kg          | 100,22           |
|                 | 400         | EUR/100 kg          | 31,28            |                 | L02             | EUR/100 kg          | —                |
|                 | A01         | EUR/100 kg          | 105,55           |                 | L03             | EUR/100 kg          | —                |
| 0406 90 73 9900 | L02         | EUR/100 kg          | —                |                 | A24             | EUR/100 kg          | 91,86            |
|                 | L03         | EUR/100 kg          | —                |                 | L04             | EUR/100 kg          | 79,82            |
|                 | A24         | EUR/100 kg          | 90,87            |                 | 400             | EUR/100 kg          | 33,17            |
|                 | L04         | EUR/100 kg          | 79,29            | 0406 90 85 9999 | A01             | EUR/100 kg          | 91,86            |
|                 | 400         | EUR/100 kg          | 33,66            |                 | A00             | EUR/100 kg          | —                |
|                 | A01         | EUR/100 kg          | 90,87            |                 | 0406 90 86 9100 | A00                 | —                |
| 0406 90 75 9900 | L02         | EUR/100 kg          | —                |                 | 0406 90 86 9200 | L02                 | —                |
|                 | L03         | EUR/100 kg          | —                |                 | L03             | EUR/100 kg          | —                |
|                 | A24         | EUR/100 kg          | 91,86            |                 | A24             | EUR/100 kg          | 86,90            |
|                 | L04         | EUR/100 kg          | 79,82            |                 | L04             | EUR/100 kg          | 73,24            |
|                 | 400         | EUR/100 kg          | 14,20            |                 | 400             | EUR/100 kg          | 17,68            |
|                 | A01         | EUR/100 kg          | 91,86            | 0406 90 86 9300 | A01             | EUR/100 kg          | 86,90            |
| 0406 90 76 9300 | L02         | EUR/100 kg          | —                |                 | L02             | EUR/100 kg          | —                |
|                 | L03         | EUR/100 kg          | —                |                 | L03             | EUR/100 kg          | —                |
|                 | A24         | EUR/100 kg          | 82,43            |                 | A24             | EUR/100 kg          | 87,82            |
|                 | L04         | EUR/100 kg          | 71,98            |                 | L04             | EUR/100 kg          | 74,30            |
|                 | 400         | EUR/100 kg          | —                |                 | 400             | EUR/100 kg          | 19,38            |
|                 | A01         | EUR/100 kg          | 82,43            | 0406 90 86 9400 | A01             | EUR/100 kg          | 87,82            |
| 0406 90 76 9400 | L02         | EUR/100 kg          | —                |                 | L02             | EUR/100 kg          | —                |
|                 | L03         | EUR/100 kg          | —                |                 | L03             | EUR/100 kg          | —                |
|                 | A24         | EUR/100 kg          | 92,33            |                 | A24             | EUR/100 kg          | 92,33            |
|                 | L04         | EUR/100 kg          | 80,62            |                 | L04             | EUR/100 kg          | 78,94            |
|                 | 400         | EUR/100 kg          | 14,79            |                 | 400             | EUR/100 kg          | 21,93            |
|                 | A01         | EUR/100 kg          | 92,33            | 0406 90 86 9900 | A01             | EUR/100 kg          | 92,33            |
| 0406 90 76 9500 | L02         | EUR/100 kg          | —                |                 | L02             | EUR/100 kg          | —                |
|                 | L03         | EUR/100 kg          | —                |                 | L03             | EUR/100 kg          | —                |
|                 | A24         | EUR/100 kg          | 87,08            |                 | A24             | EUR/100 kg          | 100,22           |
|                 | L04         | EUR/100 kg          | 76,70            |                 | L04             | EUR/100 kg          | 87,07            |
|                 | 400         | EUR/100 kg          | 14,79            |                 | 400             | EUR/100 kg          | 25,67            |
|                 | A01         | EUR/100 kg          | 87,08            | 0406 90 78 9300 | A01             | EUR/100 kg          | 100,22           |
| 0406 90 78 9100 | L02         | EUR/100 kg          | —                |                 | L02             | EUR/100 kg          | —                |
|                 | L03         | EUR/100 kg          | —                |                 | L03             | EUR/100 kg          | —                |
|                 | A24         | EUR/100 kg          | 86,92            |                 | A24             | EUR/100 kg          | 100,22           |
|                 | L04         | EUR/100 kg          | 74,38            |                 | L04             | EUR/100 kg          | 87,07            |
|                 | 400         | EUR/100 kg          | —                |                 | 400             | EUR/100 kg          | 25,67            |
|                 | A01         | EUR/100 kg          | 86,92            |                 | A01             | EUR/100 kg          | 100,22           |

| Product code    | Destination | Unit of measurement | Amount of refund | Product code    | Destination | Unit of measurement | Amount of refund |
|-----------------|-------------|---------------------|------------------|-----------------|-------------|---------------------|------------------|
| 0406 90 87 9100 | A00         | EUR/100 kg          | —                |                 | 400         | EUR/100 kg          | —                |
| 0406 90 87 9200 | L02         | EUR/100 kg          | —                |                 | A01         | EUR/100 kg          | 38,79            |
|                 | L03         | EUR/100 kg          | —                | 0406 90 87 9973 | L02         | EUR/100 kg          | —                |
|                 | A24         | EUR/100 kg          | 72,41            |                 | L03         | EUR/100 kg          | —                |
|                 | L04         | EUR/100 kg          | 61,04            |                 | A24         | EUR/100 kg          | 89,03            |
|                 | 400         | EUR/100 kg          | 15,81            |                 | L04         | EUR/100 kg          | 77,74            |
|                 | A01         | EUR/100 kg          | 72,41            |                 | 400         | EUR/100 kg          | 15,39            |
| 0406 90 87 9300 | L02         | EUR/100 kg          | —                |                 | A01         | EUR/100 kg          | 89,03            |
|                 | L03         | EUR/100 kg          | —                | 0406 90 87 9974 | L02         | EUR/100 kg          | —                |
|                 | A24         | EUR/100 kg          | 80,66            |                 | L03         | EUR/100 kg          | —                |
|                 | L04         | EUR/100 kg          | 68,23            |                 | A24         | EUR/100 kg          | 96,21            |
|                 | 400         | EUR/100 kg          | 17,85            |                 | L04         | EUR/100 kg          | 84,37            |
|                 | A01         | EUR/100 kg          | 80,66            |                 | 400         | EUR/100 kg          | 15,39            |
| 0406 90 87 9400 | L02         | EUR/100 kg          | —                |                 | A01         | EUR/100 kg          | 96,21            |
|                 | L03         | EUR/100 kg          | —                | 0406 90 87 9975 | L02         | EUR/100 kg          | —                |
|                 | A24         | EUR/100 kg          | 81,88            |                 | L03         | EUR/100 kg          | —                |
|                 | L04         | EUR/100 kg          | 70,01            |                 | A24         | EUR/100 kg          | 97,28            |
|                 | 400         | EUR/100 kg          | 19,55            |                 | L04         | EUR/100 kg          | 86,06            |
|                 | A01         | EUR/100 kg          | 81,88            |                 | 400         | EUR/100 kg          | 20,40            |
| 0406 90 87 9951 | L02         | EUR/100 kg          | —                |                 | A01         | EUR/100 kg          | 97,28            |
|                 | L03         | EUR/100 kg          | —                | 0406 90 87 9979 | L02         | EUR/100 kg          | —                |
|                 | A24         | EUR/100 kg          | 90,68            |                 | L03         | EUR/100 kg          | —                |
|                 | L04         | EUR/100 kg          | 79,18            |                 | A24         | EUR/100 kg          | 88,33            |
|                 | 400         | EUR/100 kg          | 27,03            |                 | L04         | EUR/100 kg          | 76,81            |
|                 | A01         | EUR/100 kg          | 90,68            |                 | 400         | EUR/100 kg          | 15,39            |
| 0406 90 87 9971 | L02         | EUR/100 kg          | —                |                 | A01         | EUR/100 kg          | 88,33            |
|                 | L03         | EUR/100 kg          | —                | 0406 90 88 9100 | A00         | EUR/100 kg          | —                |
|                 | A24         | EUR/100 kg          | 90,68            | 0406 90 88 9300 | L02         | EUR/100 kg          | —                |
|                 | L04         | EUR/100 kg          | 79,18            |                 | L03         | EUR/100 kg          | —                |
|                 | 400         | EUR/100 kg          | 21,93            |                 | A24         | EUR/100 kg          | 70,98            |
|                 | A01         | EUR/100 kg          | 90,68            |                 | L04         | EUR/100 kg          | 60,27            |
| 0406 90 87 9972 | A24         | EUR/100 kg          | 38,79            |                 | 400         | EUR/100 kg          | 19,38            |
|                 | L03         | EUR/100 kg          | —                |                 | A01         | EUR/100 kg          | 70,98            |
|                 | L04         | EUR/100 kg          | 33,73            |                 |             |                     |                  |

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

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

The other destinations are defined as follows:

L02 Switzerland, Liechtenstein,

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

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

L05 all destinations except Poland and the United States of America.

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

**COMMISSION REGULATION (EC) No 124/2002**  
**of 24 January 2002**  
**on the issuing of export licences for wine-sector products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 883/2001 of 24 April 2001, laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 as regards trade with third countries in products in the wine sector <sup>(1)</sup> as amended by Regulation (EC) No 885/2001 <sup>(2)</sup>, and in particular Article 7 and Article 9(3) thereof,

Whereas:

- (1) Article 63(7) of Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine <sup>(3)</sup> 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 23 January 2002, quantities still available for the period until 15 March 2002, for 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 to 22 January 2002 should be applied and the submission of applications and the issue of licences suspended for these zones until 16 March 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 to 22 January 2002 under Regulation (EC) No 883/2001 shall be issued for 78,74 % of the quantities requested for zone (1) Africa and at 11,09 % 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 23 January 2002 and the submission of export licence applications from 25 January 2002 for zones (1) Africa and zone (3) Eastern Europe shall be suspended until 16 March 2002.

*Article 2*

This Regulation shall enter into force on 25 January 2002.

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

Done at Brussels, 24 January 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

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

**COMMISSION REGULATION (EC) No 125/2002****of 24 January 2002****amending the rates of the refunds applicable to certain products from the milk sector exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the markets in the milk and milk products sector <sup>(1)</sup>, as last amended by Regulation (EC) No 1670/2000 <sup>(2)</sup>, and in particular Article 31(3) thereof,

Whereas:

- (1) The rates of the refunds applicable from 1 January 2002 to the products listed in the Annex, exported in the form of goods not covered by Annex I to the Treaty, were fixed by Commission Regulation (EC) No 2577/2001 <sup>(3)</sup>.

- (2) It follows from applying the rules and criteria contained in Regulation (EC) No 2577/2001 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The rates of refund fixed by Regulation (EC) No 2577/2001 are hereby altered as shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 25 January 2002.

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

Done at Brussels, 24 January 2002.

*For the Commission*

Erkki LIIKANEN

*Member of the Commission*

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<sup>(1)</sup> OJ L 160, 26.6.1999, p. 48.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 10.

<sup>(3)</sup> OJ L 344, 28.12.2001, p. 63.

## ANNEX

**to the Commission Regulation of 24 January 2002 altering the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty**

(EUR/100 kg)

| CN code       | Description                                                                                                                                                                     | Rate of refund |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| ex 0402 10 19 | Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):                |                |
|               | (a) On exportation of goods of CN code 3501                                                                                                                                     | —              |
|               | (b) On exportation of other goods                                                                                                                                               | 30,00          |
| ex 0402 21 19 | Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):                            |                |
|               | (a) Where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 2571/97 are exported          | 50,74          |
|               | (b) On exportation of other goods                                                                                                                                               | 78,00          |
| ex 0405 10    | Butter, with a fat content by weight of 82 % (PG 6):                                                                                                                            |                |
|               | (a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 2571/97 are exported | 90,00          |
|               | (b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat                                                                                 | 182,25         |
|               | (c) On exportation of other goods                                                                                                                                               | 175,00         |

**COMMISSION REGULATION (EC) No 126/2002****of 24 January 2002****fixing the maximum export refund for white sugar for the 24th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1430/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector <sup>(1)</sup>, and in particular Article 27(5) thereof,

Whereas:

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

- (3) Following an examination of the tenders submitted in response to the 24th 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 24th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1430/2001 the maximum amount of the export refund is fixed at 41,165 EUR/100 kg.

*Article 2*

This Regulation shall enter into force on 25 January 2002.

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

Done at Brussels, 24 January 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 192, 14.7.2001, p. 3.

**COMMISSION REGULATION (EC) No 127/2002****of 24 January 2002****fixing the representative prices and the additional import duties for molasses in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the market in sugar <sup>(1)</sup>,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 25 January 2002.

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

<sup>(2)</sup> OJ L 141, 24.6.1999, p. 12.

<sup>(3)</sup> OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 24 January 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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ANNEX

**to the Commission Regulation of 24 January 2002 fixing the representative prices and additional import duties to imports of molasses in the sugar sector**

(in EUR)

| CN code                   | Amount of the representative price in 100 kg net of the product in question | Amount of the additional duty in 100 kg net of the product in question | Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 <sup>(2)</sup> |
|---------------------------|-----------------------------------------------------------------------------|------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1703 10 00 <sup>(1)</sup> | 8,40                                                                        | —                                                                      | 0                                                                                                                                                                                   |
| 1703 90 00 <sup>(1)</sup> | 13,21                                                                       | —                                                                      | 0                                                                                                                                                                                   |

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

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

**COMMISSION REGULATION (EC) No 128/2002****of 24 January 2002****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 943/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For tenders notified from 18 to 24 January 2002, pursuant to the invitation to tender issued in Regulation (EC) No 943/2001, the maximum refund on exportation of common wheat shall be EUR 0,00/t.

*Article 2*

This Regulation shall enter into force on 25 January 2002.

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

Done at Brussels, 24 January 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

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

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

<sup>(5)</sup> OJ L 133, 16.5.2001, p. 3.

**COMMISSION REGULATION (EC) No 129/2002**  
**of 24 January 2002**  
**fixing the maximum export refund on barley in connection with the invitation to tender issued in**  
**Regulation (EC) No 1558/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For tenders notified from 18 to 24 January 2002, pursuant to the invitation to tender issued in Regulation (EC) No 1558/2001, the maximum refund on exportation of barley shall be EUR 0,00/t.

*Article 2*

This Regulation shall enter into force on 25 January 2002.

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

Done at Brussels, 24 January 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

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

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

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

**COMMISSION REGULATION (EC) No 130/2002**  
**of 24 January 2002**  
**concerning tenders notified in response to the invitation to tender for the export of rye issued in**  
**Regulation (EC) No 1005/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>, as last amended by Regulation (EC) No 602/2001 <sup>(4)</sup>, and in particular Article 7 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of rye to all third countries was opened pursuant to Commission Regulation (EC) No 1005/2001 <sup>(5)</sup>.
- (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 18 to 24 January 2002 in response to the invitation to tender for the refund for the export of rye issued in Regulation (EC) No 1005/2001.

*Article 2*

This Regulation shall enter into force on 25 January 2002.

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

Done at Brussels, 24 January 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

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

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

<sup>(5)</sup> OJ L 140, 24.5.2001, p. 10.

**COMMISSION REGULATION (EC) No 131/2002****of 24 January 2002****fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 9/2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on maize imported into Spain was opened pursuant to Commission Regulation (EC) No 9/2002<sup>(3)</sup>.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 1839/95<sup>(4)</sup>, as last amended by Regulation (EC) No 2235/2000<sup>(5)</sup>, the Commission, acting under the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, may decide to fix maximum reduction in the import duty. In fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty.

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For tenders notified from 18 to 24 January 2002, pursuant to the invitation to tender issued in Regulation (EC) No 9/2002, the maximum reduction in the duty on maize imported shall be 27,96 EUR/t and be valid for a total maximum quantity of 60 000 tonnes.

*Article 2*

This Regulation shall enter into force on 25 January 2002.

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

Done at Brussels, 24 January 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 3, 5.1.2002, p. 29.

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

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

**COMMISSION REGULATION (EC) No 132/2002****of 24 January 2002****fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 30/2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on maize imported into Portugal was opened pursuant to Commission Regulation (EC) No 30/2002<sup>(3)</sup>.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 1839/95<sup>(4)</sup>, as last amended by Regulation (EC) No 2235/2000<sup>(5)</sup>, the Commission, acting under the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, may decide to fix maximum reduction in the import duty. In fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account. A contract is

awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For tenders notified from 18 to 24 January 2002, pursuant to the invitation to tender issued in Regulation (EC) No 30/2002, the maximum reduction in the duty on maize imported shall be 23,79 EUR/t and be valid for a total maximum quantity of 40 000 t.

*Article 2*

This Regulation shall enter into force on 25 January 2002.

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

Done at Brussels, 24 January 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 6, 10.1.2002, p. 35.

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

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

**COMMISSION REGULATION (EC) No 133/2002**  
**of 24 January 2002**  
**on the issue of system B export licences in the fruit and vegetables sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1961/2001 of 8 October 2001 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables <sup>(1)</sup>, and in particular Article 6(6) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2427/2001 <sup>(2)</sup> fixes the indicative quantities for system B export licences other than those sought in the context of food aid.
- (2) In the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for apples will shortly be exceeded. This overrun will prejudice the

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

- (3) To avoid this situation, applications for system B licences for apples exported after 24 January 2002 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

*Article 1*

Applications for system B export licences for apples submitted pursuant to Article 1 of Regulation (EC) No 2427/2001, export declarations for which are accepted after 24 January 2002 and before 15 March 2002, are hereby rejected.

*Article 2*

This Regulation shall enter into force on 25 January 2002.

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

Done at Brussels, 24 January 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 268, 9.10.2001, p. 8.

<sup>(2)</sup> OJ L 328, 13.12.2001, p. 22.

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DECISION

of 17 December 2001

**on the conclusion of an Additional Protocol laying down the trade arrangements for certain fish and fishery products to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part**

(2002/56/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) It is desirable to complete by means of an Additional Protocol the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part<sup>(1)</sup>, so as to provide for preferential conditions for the importation into the Community of certain fish and fishery products originating in the Republic of Hungary, and into the Republic of Hungary of certain fish and fishery products originating in the Community.
- (2) To that end a new Protocol laying down the trade arrangements for certain fish and fishery products should be added to the said Europe Agreement.

(3) The Protocol should be approved,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Additional Protocol laying down the trade arrangements for certain fish and fishery products to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part, is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Decision.

*Article 2*

The President of the Council is hereby authorised to designate the person empowered to sign the Protocol in order to bind the Community.

Done at Brussels, 17 December 2001.

*For the Council*

*The President*

A. NEYTS-UYTTEBROECK

---

<sup>(1)</sup> OJ L 347, 31.12.1993, p. 2.

**ADDITIONAL PROTOCOL****laying down the trade arrangements for certain fish and fishery products to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part**

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community'  
of the one part, and

THE GOVERNMENT OF THE REPUBLIC OF HUNGARY,  
of the other part,

WHEREAS the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part, hereinafter referred to as 'the Europe Agreement', was signed in Brussels on 16 December 1991 and entered into force on 1 February 1994,

WHEREAS Chapter III of Title III of the Europe Agreement provides for negotiations to conclude reciprocal tariff concessions in the fisheries sector,

WHEREAS technical negotiations based on Article 20(5) and Article 23 of the Europe Agreement have been carried out and successfully concluded between the Community and the Republic of Hungary to agree on reciprocal tariff concessions in the fisheries sector,

WHEREAS the negotiated concessions in the fisheries sector shall affect the bilateral concessions granted under the Europe Agreement, which should, therefore, be amended by means of a Protocol adjusting the trade aspects of that Agreement,

WHEREAS the Community and the Republic of Hungary also agreed on an administratively simple procedure for implementing the negotiated tariff concessions as soon as possible on a gradual basis,

HAVE AGREED AS FOLLOWS:

*Article 1*

From the date of entry into force of this Protocol for fish and fishery products as defined in Article 1 of Council Regulation (EC) No 104/2000, both Parties shall apply a 50 % reduction of the tariff duties applied by the Community and Hungary respectively for all fish and fishery products.

One year after the date of entry into force of this Protocol, both Parties shall apply a further 25 % reduction of the tariff duties as they were at the time of the entry into force of this Protocol.

Two years after the date of entry into force of this Protocol, or if commonly agreed earlier, full free trade of all fish and fishery products shall be applied. Any such agreement on earlier application of full free trade of all fish and fishery products shall be implemented in accordance with Article 6.

*Article 2*

The reductions referred to in Article 1 shall be calculated using common mathematical principles taking into account that:

- (a) all the figures less than 50 (included) after the decimal point shall be rounded down to the nearest whole number;
- (b) all the figures more than 50 after the decimal point shall be rounded up to the nearest whole number;
- (c) all the tariffs below 2 % shall automatically be fixed at 0 %.

The Parties shall exchange information on those cases where the above principles apply.

*Article 3*

Hungary shall open an import ceiling of USD 40 million for fishery products originating in the Community in 2001 and a ceiling of USD 44 million in 2002. The ceiling and the corresponding import licensing procedure shall be eliminated two years after the entry into force of this Protocol. Products falling within this category are specified in the Annex.

Hungary shall eliminate import licensing on imports of all fishery products not listed in the Annex, originating in the Community, at the entry into force of this Protocol.

*Article 4*

Regarding the product under Hungarian CN code ex 1902 20 10 00 (Pasta stuffed only with fish) this Protocol shall replace the concession concerning this product laid down in Annex II to Protocol 3 to the Europe Agreement.

*Article 5*

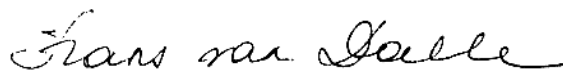
This Protocol shall enter into force on the first day of the month following the date on which the Parties have notified each other of the completion of the internal procedures necessary for that purpose.

*Article 6*

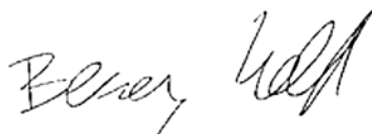
This Protocol may be amended by decision of the Association Council.

Hecho en Bruselas, el veinte de diciembre del dos mil uno.  
Udfærdiget i Bruxelles den tyvende december to tusind og en.  
Geschehen zu Brüssel am zwanzigsten Dezember zweitausendundeins.  
Έγινε στις Βρυξέλλες, στις είκοσι Δεκεμβρίου δύο χιλιάδες ένα.  
Done at Brussels on the twentieth day of December in the year two thousand and one.  
Fait à Bruxelles, le vingt décembre deux mille un.  
Fatto a Bruxelles, addì venti dicembre duemilauno.  
Gedaan te Brussel, de twintigste december tweeduizendeneen.  
Feito em Bruxelas, em vinte de Dezembro de dois mil e um.  
Tehty Brysselissä kahdentenakymmenentenä päivänä joulukuuta vuonna kaksituhattayksi.  
Som skedde i Bryssel den tjugonde december tjugohundraett.  
Készült Brüsszelben 2001 december 20.-án.

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



Por el Gobierno de la República de Hungría  
For Regeringen for Republikken Ungarn  
Für die Regierung der Republik Ungarn  
Για την Κυβέρνηση της Δημοκρατίας της Ουγγαρίας  
For the Government of the Republic of Hungary  
Pour le gouvernement de la République de Hongrie  
Per il governo della Repubblica di Ungheria  
Voor de Regering van de Republiek Hongarije  
Pelo Governo da República da Hungria  
Unkarin tasavallan hallituksen puolesta  
För Republiken Ungerns regering  
A Magyar Köztársaság Kormánya részéről



## ANNEX

|                  |                                                                                                                                                                                                                                                   |
|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 0305             | Fish, fit for human consumption, dried, salted or in brine; smoked fish, fit for human consumption, whether or not cooked before or during the smoking process; flours, meals and pellets of fish, fit for human consumption                      |
| 0305 30          | Fish fillets, dried, salted or in brine, not smoked                                                                                                                                                                                               |
| ex 0305 30 11 00 | Fillets of cod ' <i>Gadus macrocephalus</i> ', dried, salted or in brine, but not smoked                                                                                                                                                          |
| ex 0305 30 19 00 | Fillets of cod ' <i>Gadus morhua</i> , <i>Gadus ogac</i> ' and of fish of the species ' <i>Boreogadus saida</i> ', dried, salted or in brine, but not smoked                                                                                      |
| ex 0305 30 30 00 | Fillets of Pacific salmon ' <i>Oncorhynchus</i> spp.' of Atlantic salmon ' <i>Salmo salar</i> ' and Danube salmon ' <i>Hucho hucho</i> ', salted or in brine, but not smoked                                                                      |
| ex 0305 30 50 00 | Fillets of lesser or Greenland halibut ' <i>Reinhardtius hippoglossoides</i> ', salted or in brine, but not smoked                                                                                                                                |
| 0305 30 90       | Other:                                                                                                                                                                                                                                            |
| ex 0305 30 90 01 | Fillets of fish, dried, salted or in brine, but smoked of salmon and herrings                                                                                                                                                                     |
| ex 0305 30 90 99 | Fillets of fish, dried, salted or in brine, but smoked of other fish                                                                                                                                                                              |
|                  | Fish, dried or smoked inclusive fillets                                                                                                                                                                                                           |
| 0305 41 00 00    | Pacific salmon ' <i>Oncorhynchus</i> spp.', Atlantic salmon ' <i>Salmo salar</i> ' and Danube salmon ' <i>Hucho hucho</i> ', smoked, inclusive fillets                                                                                            |
| 0305 42 00 00    | Herrings ' <i>Clupea harengus</i> , <i>Clupea pallasii</i> ', smoked, inclusive fillets                                                                                                                                                           |
| 0305 49          | Other:                                                                                                                                                                                                                                            |
| 0305 49 10 00    | Lesser or Greenland halibut, smoked, inclusive fillets                                                                                                                                                                                            |
| 0305 49 20 00    | Atlantic halibut ' <i>Hippoglossus hippoglossus</i> ', smoked, inclusive fillets                                                                                                                                                                  |
| 0305 49 30 00    | Mackerel ' <i>Scomber scombrus</i> , <i>Scomber australasicus</i> , <i>Scomber japonicus</i> ', smoked, inclusive fillets                                                                                                                         |
| 0305 49 45 00    | Trout ' <i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> , <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> , <i>Oncorhynchus gilae</i> , <i>Oncorhynchus apache</i> and <i>Oncorhynchus chrysogaster</i> ', smoked, inclusive fillets |
| 0305 49 50 00    | Eels ' <i>Anguilla</i> spp.', smoked, inclusive fillets                                                                                                                                                                                           |
| 0305 49 80       | Other:                                                                                                                                                                                                                                            |
| 0305 49 80 01    | Sardinia                                                                                                                                                                                                                                          |
| 0305 49 80 99    | Other:                                                                                                                                                                                                                                            |
| 0305 61 00 00    | Herrings ' <i>Clupea harengus</i> , <i>Clupea pallasii</i> ', salted or in brine only                                                                                                                                                             |
| 0305 62 00 00    | Cod ' <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> ', salted or in brine only                                                                                                                                             |
| 0305 63 00 00    | Anchovies ' <i>Engraulis</i> spp.', salted or in brine only                                                                                                                                                                                       |

|               |                                                                                                                                                                          |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 0305 69       | Other:                                                                                                                                                                   |
| 0305 69 10 00 | Fish of the species <i>Boreogadus saida</i> , salted or in brine only                                                                                                    |
| 0305 69 20 00 | Lesser or Greenland halibut ' <i>Reinhardtius hippoglossoides</i> ' and Pacific halibut ' <i>Hippoglossus stenolepis</i> ', salted or in brine only (exclusive fillets)  |
| 0305 69 30 00 | Atlantic halibut ' <i>Hippoglossus hippoglossus</i> ', salted or in brine only (exclusive fillets)                                                                       |
| 0305 69 50 00 | Pacific salmon ' <i>Oncorhynchus</i> spp.', Atlantic salmon ' <i>Salmo salar</i> ' and Danube salmon ' <i>Hucho hucho</i> ', salted or in brine only (exclusive fillets) |
| 0305 69 90    | Other:                                                                                                                                                                   |
| 0305 69 90 01 | Sardinia                                                                                                                                                                 |
| 0305 69 90 99 | Other:                                                                                                                                                                   |
| 1604          | Prepared or preserved fish; caviar och caviar substitutes prepared from fish eggs                                                                                        |
|               | Fish, whole or in pieces (exclusive minced)                                                                                                                              |
| 1604 11 00 00 | Salmon                                                                                                                                                                   |
| 1604 12       | Herrings                                                                                                                                                                 |
| 1604 12 10 00 | Fillets of herring, raw, merely coated with butter or breadcrumbs, whether or not prefried in oil, frozen                                                                |
|               | Other:                                                                                                                                                                   |
| 1604 12 91 00 | In airtight containers                                                                                                                                                   |
| 1604 12 99 00 | Other:                                                                                                                                                                   |
| 1604 13       | Prepared or preserved sardines, sardinella and brisling or sprats                                                                                                        |
|               | Sardinia                                                                                                                                                                 |
| 1604 13 11 00 | In olive oil                                                                                                                                                             |
| 1604 13 19 00 | Other:                                                                                                                                                                   |
| 1604 13 90 00 | Other:                                                                                                                                                                   |
| 1604 14       | Tunas, skipjack and Atlantic bonito                                                                                                                                      |
|               | Tunas, skipjack                                                                                                                                                          |
| 1604 14 11 00 | In vegetable oil                                                                                                                                                         |
|               | Other:                                                                                                                                                                   |
| 1604 14 16 00 | Loins                                                                                                                                                                    |
| 1604 14 18 00 | Other:                                                                                                                                                                   |
| 1604 14 90 00 | Bonito ' <i>Sarda</i> spp.'                                                                                                                                              |

|               |                                                                                                                                              |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| 1604 15       | Mackerel                                                                                                                                     |
|               | Of the species <i>Scomber scombrus</i> and <i>Scomber japonicus</i>                                                                          |
| 1604 15 11 00 | Fillets                                                                                                                                      |
| 1604 15 19 00 | Other:                                                                                                                                       |
| 1604 15 90 00 | Of species <i>Scomber australasicus</i>                                                                                                      |
| 1604 16 00 00 | Anchovies:                                                                                                                                   |
| 1604 19       | Other:                                                                                                                                       |
| 1604 19 10 00 | Salmonidae (excl. salmon)                                                                                                                    |
|               | Fish of the species <i>Euthynnus</i> (exclusive skipjack [ <i>Euthynnus Katsuwonus pelamis</i> ])                                            |
| 1604 19 31 00 | Loins                                                                                                                                        |
| 1604 19 39 00 | Other:                                                                                                                                       |
| 1604 19 50 00 | Fish of species <i>Orcynopsis unicolor</i>                                                                                                   |
|               | Other:                                                                                                                                       |
| 1604 19 91 00 | Deep frozen raw fish fillets, coated with batter or breadcrumbs                                                                              |
|               | Other:                                                                                                                                       |
| 1604 19 92 00 | Cod of the species <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>                                                      |
| 1604 19 93 00 | Coalfish ' <i>Pollachius virens</i> '                                                                                                        |
| 1604 19 94 00 | Hake ' <i>Merluccius</i> spp., <i>Urophycis</i> spp.'                                                                                        |
| 1604 19 95 00 | Alaska pollack ' <i>Theragra chalcogramma</i> ' and pollack ' <i>Pollachius pollachius</i> '                                                 |
| 1604 19 98 00 | Other:                                                                                                                                       |
| 1604 20       | Prepared or preserved fish                                                                                                                   |
| 1604 20 05 00 | Preparations of surimi                                                                                                                       |
|               | Other:                                                                                                                                       |
| 1604 20 10 00 | Of salmon                                                                                                                                    |
| 1604 20 30 00 | Of <i>salmonidae</i> (exclusive salmon)                                                                                                      |
| 1604 20 40 00 | Anchovies:                                                                                                                                   |
| 1604 20 50 00 | Of sardines, bonito, mackerel of species <i>Scomber scombrus</i> and <i>Scomber japonicus</i> and fish of species <i>Orcynopsis unicolor</i> |
| 1604 20 70 00 | Of tunas, skipjack or other fish of the genus ' <i>Euthynnus</i> '                                                                           |
| 1604 20 90 00 | Of other fish                                                                                                                                |

**COUNCIL DECISION****of 17 December 2001**

**on the conclusion of an Additional Protocol laying down the trade arrangements for certain fish and fishery products to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Estonia, of the other part**

(2002/57/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) It is desirable to complete by means of an Additional Protocol the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Estonia, of the other part <sup>(1)</sup>, so as to provide for preferential conditions for the importation into the Community of certain fish and fishery products originating in the Republic of Estonia, and into the Republic of Estonia of certain fish and fishery products originating in the Community.
- (2) To that end a new Protocol laying down the trade arrangements for certain fish and fishery products should be added to the said Europe Agreement.
- (3) The Protocol should be approved,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Additional Protocol laying down the trade arrangements for certain fish and fishery products to the Europe Agreement establishing an association between the European Communities

and their Member States, of the one part, and the Republic of Estonia, of the other part, is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Decision.

*Article 2*

From the date of entry into force of this Protocol, Annexes I and V of Council Regulation (EC) No 2178/95 of 8 August 1995 opening and providing for the administration of Community tariff quotas and ceilings for certain industrial and fishery products originating in Estonia, Latvia and Lithuania, and establishing the detailed provisions for adapting these quotas and ceilings <sup>(2)</sup> shall cease to apply.

*Article 3*

The President of the Council is hereby authorised to designate the person empowered to sign the Protocol in order to bind the Community.

Done at Brussels, 17 December 2001.

*For the Council*

*The President*

A. NEYTS-UYTTEBROECK

<sup>(1)</sup> OJ L 68, 9.3.1998, p. 3.

<sup>(2)</sup> OJ L 223, 20.9.1995, p. 1. Regulation as last amended by Commission Regulation (EC) No 2206/98 (OJ L 278, 15.10.1998, p. 16).

### ADDITIONAL PROTOCOL

#### laying down the trade arrangements for certain fish and fishery products to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Estonia, of the other part

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

of the one part, and

THE GOVERNMENT OF THE REPUBLIC OF ESTONIA,

of the other part,

WHEREAS the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Estonia, of the other part, hereinafter referred to as 'the Europe Agreement', was signed in Brussels on 12 June 1995 and entered into force in February 1998,

WHEREAS technical negotiations based on Article 19(4) and Article 22 of the Europe Agreement have been carried out and successfully concluded between the Community and the Republic of Estonia to agree on reciprocal tariff concessions in the fisheries sector,

WHEREAS the negotiated concessions in the fisheries sector shall affect the bilateral concessions granted under the Europe Agreement, which should, therefore, be amended by means of a Protocol adjusting the trade aspects of that Agreement,

WHEREAS the Community and the Republic of Estonia also agreed on an administratively simple procedure for implementing the negotiated tariff concessions as soon as possible on a gradual basis,

HAVE AGREED AS FOLLOWS:

#### Article 1

Fish and fishery products are defined in Article 1 of Council Regulation (EC) No 104/2000, which repeals and replaces Council Regulation (EC) No 3759/92 that is referred to in Article 21 of the Europe Agreement. Fishery products covers both products caught at sea or in inland waters and the products of aquaculture listed below:

| CN code  | Description of goods                                                                                                                                                                                                                                                                                                 |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) 0301 | Live fish                                                                                                                                                                                                                                                                                                            |
| 0302     | Fish, fresh or chilled, excluding fish fillets and other fish meat of heading No 0304                                                                                                                                                                                                                                |
| 0303     | Fish, frozen, excluding fish fillets and other fish meat of heading No 0304                                                                                                                                                                                                                                          |
| 0304     | Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen                                                                                                                                                                                                                                   |
| (b) 0305 | Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process; flours, meals and pellets of fish, fit for human consumption                                                                                                                                               |
| (c) 0306 | Crustaceans, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; crustaceans, in shell, cooked by steaming or by boiling in water, whether or not chilled, frozen, dried, salted or in brine; flours, meals and pellets of fish, fit for human consumption                             |
| 0307     | Molluscs, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; aquatic invertebrates other than crustaceans and molluscs, live, fresh, chilled, frozen, dried, salted or in brine; flours, meals and pellets of aquatic invertebrates other than crustaceans, fit for human consumption |
| (d)      | Animal products not elsewhere specified or included; dead animals of Chapter 1 or 3, unfit for human consumption:<br>– Other:<br>– – Products of fish or crustaceans, molluscs or other aquatic invertebrates; dead animals of Chapter 3:                                                                            |

| CN code    | Description of goods                                                                                                                                                                                           |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 0511 91 10 | --- Fish waste                                                                                                                                                                                                 |
| 0511 91 90 | --- Other                                                                                                                                                                                                      |
| (e) 1604   | Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs                                                                                                                              |
| (f) 1605   | Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved                                                                                                                                   |
| (g)        | Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared; such as spaghetti, macaroni, noodles, lasagne; gnocchi, ravioli, cannelloni; couscous, whether or not prepared: |
|            | – Uncooked pasta, not stuffed or otherwise prepared:                                                                                                                                                           |
| 1902 20    | – Stuffed pasta, whether or not cooked or otherwise prepared:                                                                                                                                                  |
| 1902 20 10 | – – Containing more than 20 % by weight of fish, crustaceans, molluscs or other aquatic invertebrates                                                                                                          |
| (h)        | Flours, meals and pellets, of meat or of meat offal, of fish or of crustaceans, molluscs or other aquatic invertebrates, unfit for human consumption; greaves:                                                 |
| 2301 20 00 | – Flours, meals and pellets, of fish or of crustaceans, molluscs or other aquatic invertebrates                                                                                                                |

#### Article 2

From the date of entry into force of this Protocol, both Parties shall apply full free trade for all the products covered by Annex VI of the Europe Agreement and other concessions for fish and fishery products if otherwise granted. From the date of entry into force of this Protocol, both Parties shall apply a one third reduction of the tariff duties applied by the Community and the Republic of Estonia respectively for all the remaining fish and fishery products as defined in Article 1 of this Protocol.

One year after the date of entry into force of this Protocol, both Parties shall apply a further one third reduction of the tariff duties as they were at the time of the entry into force of this Protocol.

Two years after the date of entry into force of this Protocol, or if commonly agreed earlier, full free trade in all fish and fishery products shall be applied. Any such agreement on earlier application of full free trade in all fish and fishery products shall be implemented in accordance with Article 5.

#### Article 3

The reductions referred to in Article 2 shall be calculated by using common mathematical principles taking into account that:

- (a) all the figures less than 50 (included) after the decimal point shall be rounded down to the nearest whole number;
- (b) all the figures more than 50 after the decimal point shall be rounded up to the nearest whole number;
- (c) all the tariffs below 2 % shall automatically be fixed at 0 % level by both Parties.

The Parties will exchange information on those cases where the above principles apply.

#### Article 4

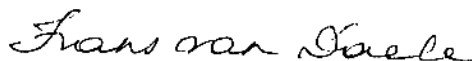
This Protocol will enter into force on the first day of the month following the date on which the Parties have notified each other of the completion of the internal procedures necessary for that purpose.

#### Article 5

This Protocol may be amended by decision of the Association Council.

Hecho en Bruselas, el veinte de diciembre del dos mil uno.  
Udfærdiget i Bruxelles den tyvende december to tusind og en.  
Geschehen zu Brüssel am zwanzigsten Dezember zweitausendundeins.  
Έγινε στις Βρυξέλλες, στις είκοσι Δεκεμβρίου δύο χιλιάδες ένα.  
Done at Brussels on the twentieth day of December in the year two thousand and one.  
Fait à Bruxelles, le vingt décembre deux mille un.  
Fatto a Bruxelles, addì venti dicembre duemilauno.  
Gedaan te Brussel, de twintigste december tweeduizendeneen.  
Feito em Bruxelas, em vinte de Dezembro de dois mil e um.  
Tehty Brysselissä kahdentenakymmenentenä päivänä joulukuuta vuonna kaksituhattayksi.  
Som skedde i Bryssel den tjugonde december tjugohundraett.  
Koostatud Brüsselis kahekümnendal detsembril kahetuhande esimesel aastal.

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



Por el Gobierno de la República de Estonia  
For Regeringen for Republikken Estland  
Für die Regierung der Republik Estland  
Για την Κυβέρνηση της Δημοκρατίας της Εσθονίας  
For the Government of the Republic of Estonia  
Pour le gouvernement de la République d'Estonie  
Per il governo della Repubblica di Estonia  
Voor de Regering van de Republiek Estland  
Pelo Governo da República da Estónia  
Viron tasavallan hallituksen puolesta  
För Republiken Estlands regering  
Eesti Vabariigi valitsuse nimel



**COUNCIL DECISION****of 17 December 2001****on the conclusion of an Additional Protocol laying down the trade arrangements for fish and fishery products to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Lithuania, of the other part**

(2002/58/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 in conjunction with the first sentence of the first subparagraph of Article 300(2), thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) It is desirable to complete by means of an Additional Protocol the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Lithuania, of the other part <sup>(1)</sup>, as amended by the Protocol adjusting trade aspects of that Agreement, so as to provide for preferential conditions for the importation into the Community of fish and fishery products originating in the Republic of Lithuania, and into the Republic of Lithuania of fish and fishery products originating in the Community.
- (2) To that end a new Protocol laying down the trade arrangements for fish and fishery products should be added to the said Europe Agreement.
- (3) The Protocol should be approved,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Additional Protocol laying down the trade arrangements for fish and fishery products to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Lithuania, of the other part, is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Decision.

*Article 2*

The President of the Council is hereby authorised to designate the person empowered to sign the Protocol in order to bind the Community.

Done at Brussels, 17 December 2001.

*For the Council**The President*

A. NEYTS-UYTTEBROECK

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<sup>(1)</sup> OJ L 51, 20.2.1998, p. 3.

**ADDITIONAL PROTOCOL****laying down the trade arrangements for fish and fishery products to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Lithuania, of the other part**

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',  
of the one part, and

THE REPUBLIC OF LITHUANIA,  
of the other part,

WHEREAS the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Lithuania, of the other part, hereinafter referred to as 'the Europe Agreement', was signed in Brussels on 12 June 1995 and entered into force on 1 February 1998,

WHEREAS technical negotiations based on Article 20(4) and Article 23 of the Europe Agreement have been carried out and successfully concluded between the Community and the Republic of Lithuania to agree on reciprocal tariff concessions in the fisheries sector,

WHEREAS the negotiated concessions in the fisheries sector shall affect the bilateral concessions granted under the Europe Agreement, which should, therefore, be amended by means of a Protocol adjusting the trade aspects of that Agreement,

WHEREAS the Community and the Republic of Lithuania also agreed on an administratively simple procedure for implementing the negotiated tariff concessions as soon as possible on a gradual basis,

HAVE AGREED AS FOLLOWS:

*Article 1*

From the date of entry into force of this Protocol both Parties should apply full free trade for all the products covered by Annex XIV and Annex XV of the Europe Agreement and other concessions for fish and fishery products if otherwise granted. From the date of entry into force of this Protocol, both Parties shall apply a one third reduction of the tariff duties applied by the Community and the Republic of Lithuania respectively for all the remaining fish and fishery products.

One year after the date of entry into force of this Protocol, both Parties shall apply a further one third reduction of the tariff duties as they were at the time of the entry into force of this Protocol.

Three years after the date of entry into force of this Protocol, or if commonly agreed earlier, full free trade in all fish and fishery products shall be applied. Any such agreement on earlier application of full free trade in all fish and fishery products shall be implemented in accordance with Article 4.

*Article 2*

The reductions referred to in Article 1 shall be calculated using common mathematical principles taking into account that:

- (a) all the figures less than 50 (included) after the decimal point shall be rounded down to the nearest whole number;
- (b) all the figures more than 50 after the decimal point shall be rounded up to the nearest whole number;
- (c) all the tariffs below 2 % shall automatically be fixed at 0 %.

The parties shall exchange information on those cases where the above principles apply.

*Article 3*

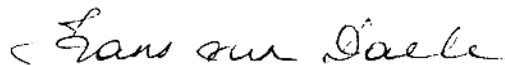
This Protocol shall enter into force on the first day of the month following the date on which the Parties have notified each other of the completion of the internal procedures necessary for that purpose.

*Article 4*

This Protocol may be amended by decision of the Association Council.

Hecho en Bruselas, el veinte de diciembre del dos mil uno.  
Udfærdiget i Bruxelles den tyvende december to tusind og en.  
Geschehen zu Brüssel am zwanzigsten Dezember zweitausendundeins.  
Έγινε στις Βρυξέλλες, στις είκοσι Δεκεμβρίου δύο χιλιάδες ένα.  
Done at Brussels on the twentieth day of December in the year two thousand and one.  
Fait à Bruxelles, le vingt décembre deux mille un.  
Fatto a Bruxelles, addì venti dicembre duemilauno.  
Gedaan te Brussel, de twintigste december tweeduizendeneen.  
Feito em Bruxelas, em vinte de Dezembro de dois mil e um.  
Tehty Brysselissä kahdentenakymmenentenä päivänä joulukuuta vuonna kaksituhattayksi.  
Som skedde i Bryssel den tjugonde december tjugohundraett.  
Sudaryta Briuselyje du tukstanciai pirmu metu gruodzio 20 d.

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



Por la República de Lituania  
For Republikken Litauen  
Für die Republik Litauen  
Για την Δημοκρατία της Λιθουανίας  
For the Republic of Lithuania  
Pour la République de Lituanie  
Per la Repubblica di Lituania  
Voor de Republiek Litouwen  
Pela República da Lituânia  
Lietuan tasavallan puolesta  
För Republiken Litauen  
Lietuvos Respublikos vardu



# COMMISSION

## COMMISSION DECISION

of 23 January 2002

**concerning draft national provisions notified by the Kingdom of the Netherlands under Article 95(5) of the EC Treaty on limitations on the marketing and use of creosote-treated wood**

*(notified under document number C(2002) 97)*

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

**(Text with EEA relevance)**

(2002/59/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 95(6) thereof,

Whereas:

### I. FACTS

#### 1. COMMUNITY LEGISLATION

- (1) Council Directive 76/769/EEC of 27 July 1976 on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations <sup>(1)</sup>, as last amended by Commission Directive 2001/90/EC <sup>(2)</sup>, provides for the prohibition and restriction of the use of certain dangerous substances and preparations. Directive 76/769/EEC is regularly amended to include in its Annex additional substances which are dangerous to man and the environment.
- (2) European Parliament and Council Directive 94/60/EC <sup>(3)</sup> amended Directive 76/769/EEC to harmonise amongst other things the use and marketing of creosote and similar coal tar distillates, as well as preparations containing them, by limiting the content of one specific component, Benzo[a]pyrene (hereinafter B[a]P), and water extractable phenols when used for wood treatment (point 32 in the Annex to Directive 94/60/EC). The limit for B[a]P is fixed at a maximum of 0,005 % by mass (= 50 ppm) and the limit for water extractable phenols is fixed at a maximum of 3 % by mass (= 30 g/kg). Wood treated with creosote or preparations containing creosote not respecting those limits may not be placed on the market.
- (3) However, by derogation, Directive 94/60/EC allows for the use of creosote and preparations containing creosote with up to 0,05 % B[a]P by mass (= 500 ppm) and water extractable phenols up to 3 % by mass (= 30 g/kg) for wood treatment in industrial installations. Such products may not be sold to the general public and containers have to be labelled with the phrase 'For use in industrial installations only'. Wood treated this way and placed on the market for the first time can only be used in industrial and professional applications, e.g. on railways, in electric power transmission and telecommunications, for fencing and in harbours and waterways, except in certain cases

<sup>(1)</sup> OJ L 262, 27.9.1976, p. 201.

<sup>(2)</sup> OJ L 283, 27.10.2001, p. 41.

<sup>(3)</sup> OJ L 365, 31.12.1994, p. 1.

where its use is excluded, e.g. inside buildings, in contact with products intended for human or animal consumption, in playgrounds and in other outdoor places for public pleasure or where there is a risk for contact with skin. Old treated wood commercialised for a second time can be used irrespective of the creosote-type applied except in the cases mentioned before.

- (4) On 26 October 2001, Directive 2001/90/EC adapting to technical progress for the seventh time Annex I to Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations was adopted.
- (5) According to the amended provisions, creosote may not be used in the treatment of wood and wood so treated may not be placed on the market. However by way of derogation, creosote may be used for wood treatment in industrial installations or by professional for *in-situ* retreatment only if they contain B[a]P at a concentration of less than 0,005 by mass and water extractable phenols at a concentration of less than 3 % by mass. Such substances and preparations may not be sold to consumers and may be placed on the market only in packaging of a capacity equal to or greater than 20 litres. The packaging has to be labelled with the phrase 'For use in industrial installations or professional treatment only'.
- (6) Wood treated this way or retreated *in-situ* is permitted for professional and industrial use only e.g. on railways, in electric power transmission and telecommunications, for fencing, for agricultural purposes and in harbours and waterways. Use is prohibited inside buildings, in playgrounds, in parks, in gardens and outdoor recreational and leisure facilities where there is a risk of frequent skin contact and in garden furniture or in contact with products intended for human or animal consumption. Wood that has been treated with creosote before the Directive applies may be placed on the second-hand market for reuse, except in the cases mentioned before.

## 2. EXISTING NATIONAL PROVISIONS APPROVED BY THE COMMISSION UNDER ARTICLE 95(4) OF THE TREATY

- (7) The Netherlands already obtained a derogation from the Commission to maintain national provisions incompatible with Directive 94/60/EC. The relevant request under Article 95(4) [ex-Article 100a(4)] received approval in Commission Decision 1999/832/EC<sup>(4)</sup>.
- (8) The differences between Directive 94/60/EC and the national provisions in the Netherlands that were approved through the Commission Decision is summarised in the following table:

|                | Directive 94/60/EC                                              | Existing Dutch legislation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------------|-----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| B[a]P < 50 ppm | No restrictions on sale or use of creosote or new treated wood. | <p><i>Carbolineum</i>: No restrictions on sale. Private use only for treating wood. Explicit restrictions on use of treated wood. It may not be used:</p> <ul style="list-style-type: none"> <li>— on toys;</li> <li>— inside buildings (used by humans or animals);</li> <li>— in spaces for storage of foodstuff;</li> <li>— in green- or glasshouses.</li> </ul> <p><i>Creosote</i>: Permitted only for industrial use in special installations for treating wood by the vacuum and pressure method for:</p> <ul style="list-style-type: none"> <li>— railway sleepers;</li> <li>— telephone and electricity poles;</li> <li>— excavation, road and water works;</li> <li>— fencing.</li> </ul> |

<sup>(4)</sup> OJ L 329, 22.12.1999, p. 25.

|                    | Directive 94/60/EC                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Existing Dutch legislation                                    |
|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
| B[a]P < 50-500 ppm | <p>Restrictions on sale of creosote:</p> <ul style="list-style-type: none"> <li>— no sale to private consumers;</li> <li>— use only permitted in industrial installations. Minimum drum size 200 l. Special labelling required.</li> </ul> <p>Creosoted wood may only be used for professional and industrial applications:</p> <ul style="list-style-type: none"> <li>— railways;</li> <li>— electricity poles;</li> <li>— fencing;</li> <li>— harbours and waterways.</li> </ul> <p>Explicit restrictions on treated wood. It may not be used:</p> <ul style="list-style-type: none"> <li>— inside buildings;</li> <li>— in contact with foodstuff;</li> <li>— for containers for growing purposes;</li> <li>— at playgrounds or other sites at risk of skin contact.</li> </ul> | Sale and use of creosote and treated products totally banned. |
| B[a]P > 500 ppm    | Sale and use of creosote and treated products totally banned.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Sale and use of creosote and treated products totally banned. |
| Old treated wood   | Use controlled as for wood treated with creosote containing B[a]P between 50 and 500 ppm.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | No other regulations than for newly treated wood.             |

(9) In summary, the existing Dutch provisions are more restrictive than those contained in Directive 94/60/EC in several aspects:

- the B[a]P content of creosote is not permitted in the range of 50 to 500 ppm for the use in industrial installations;
- wood preservation has to be performed according to a specific technique (pressure/vacuum) in special installations;
- in certain cases, the use of creosote is excluded for wood preservation, even if its B[a]P content is below 50 ppm.

### 3. ENVISAGED NATIONAL PROVISIONS

(10) The Netherlands intend to adopt new national provisions going beyond the measures provided for under Directive 94/60/EC by amending the Decision on Coatings Containing Polycyclic Aromatic Hydrocarbons (Besluit PAK-houdende coatings) under the Chemical Substances Act (creosote-treated wood).

(11) Article 8a under a new Section 4a of the draft above legislation, provides that 'as from the date to be determined by Royal Decree, it shall be prohibited to import into the Netherlands, to use, or to supply to others, or to keep available for sale on the Dutch market, creosote-

treated wood for applications involving contact with surface water and groundwater'.

(12) The ban does not apply to creosote-treated wood which was put to use in its application before a point in time to be determined by Royal Decree, so long as the existing place of application is retained. Two other exceptions concern creosote-treated wood which:

- has been placed under a customs procedure and is intended for customs transit, placement in a customs warehouse or for temporary admission, in accordance with the provisions of Article 4(16) of Council Regulation (EEC) No 2913/92;
- originating from a Member State of the European Union, or an EEA State and is not intended for sale on the Dutch market.

(13) Article 8b of the draft Decision requires that anyone who imports, supplies, or keeps available for sale on the market, creosote-treated wood that does not come under the ban, keeps a record of that wood and show on demand that the creosote-treated wood in question is not intended for applications to which the ban relates. The record includes, at least:

- the name and address of the manufacturer or supplier from whom the creosote-treated wood was purchased;

- the date on which the creosote-treated wood was delivered by the manufacturer or supplier;
- the field of application for the creosote-treated wood;
- the name and address of the person to whom the creosote-treated wood was made available or delivered;
- the date of delivery of the creosote-treated wood;
- the quantity of creosote-treated wood received or delivered.

## II. PROCEDURE

- (14) Directive 94/60/EC was adopted on 20 December 1994. Member States had to adopt the measures necessary to comply with it no later than one year after its adoption, i.e. 20 December 1995, and to apply them from 20 June 1996.
- (15) As indicated above, the Netherlands obtained approval through Decision 1999/832/EC to maintain existing national provisions on the use of creosote being more restrictive than Directive 94/60/EC.
- (16) By letter of 23 January 2001, the Dutch Permanent Representation notified the Commission that the Netherlands, in accordance with Article 95(5) of the EC Treaty, intended to introduce provisions regarding creosote-treated wood going beyond those provided for in Directive 94/60/EC. The Netherlands deem it necessary to introduce such national measures in order to protect the environment in connection with a specific problem that arose in the Netherlands after the adoption of Directive 94/60/EC.
- (17) By letter of 22 February 2001, the Commission informed the Dutch authorities that it had received the notification under Article 95(5) and that the six months period for its examination according to Article 95(6) started on 26 January 2001, the day following the one when the notification was received.
- (18) By letter of 17 April 2001, the Commission informed the other Member States about the request received from the Netherlands. The Commission also published a notice regarding the request in the *Official Journal of the European Communities* <sup>(5)</sup> in order to inform other interested parties of the draft national measures that the Netherlands intend to adopt.
- (19) Considering that the justification of the Dutch notification appeared *prima facie* to be a complex matter and not to involve a danger to human health, the Commission asked the Scientific Committee on Toxicity, Ecotoxicity and the Environment (hereinafter referred as CSTEE) to give an opinion on these issues. On 12 June

2001 the CSTEE <sup>(6)</sup> confirmed that the justification of the Dutch request is a complex issue and does not directly involve a danger to human health.

- (20) Based on the CSTEE's opinion, on 13 July 2001 the Commission adopted Decision 2001/599/EC <sup>(7)</sup> pursuant to the third subparagraph of Article 95(6) of the Treaty, whereby it extended the six-month period referred to in the second subparagraph of Article 95(6) within which a decision must be adopted for a further period of six months in order to allow for a thorough evaluation of all evidence submitted. This decision was notified to the Netherlands on 13 July 2001.
- (21) The Commission subsequently asked the CSTEE to give an opinion on the substance of the justification provided by the Netherlands. More specifically, the CSTEE was asked to give an opinion on whether the Netherlands have provided new scientific evidence showing that the use of creosote-treated wood in contact with surface water and groundwater presents environmental risks and, in the affirmative, whether these risks are specific to the Netherlands. The CSTEE delivered its opinion on 30 October 2001 <sup>(8)</sup>.
- (22) As indicated above, the provisions of Directive 76/769/EEC relating to creosote and creosote-treated wood have been amended by Directive 2001/90/EC and shall be applied by the Member States by 30 June 2003.

## III. ASSESSMENT

### 1. CONSIDERATION OF ADMISSIBILITY

- (23) The notification submitted by the Dutch authorities on 25 January 2001 intends to obtain approval to introduce national provisions incompatible with Directive 94/60/EC, which constitutes a harmonisation measure adopted on the basis of Article 95 of the Treaty.
- (24) Article 95(5) of the Treaty provides that if, after the adoption by the Council or by the Commission of a harmonisation measure, a Member State deems it necessary to introduce national provisions based on new scientific evidence relating to the protection of the environment or the working environment on grounds of a problem specific to that Member State arising after the adoption of the harmonisation measure, it shall notify the Commission of the envisaged provisions as well as the grounds for introducing them.
- (25) When comparing the provisions of Directive 94/60/EC and those that the Netherlands intend to adopt, it emerges that the national provisions are more restrictive than those contained in the Directive in the following aspects:
- the placing on the market and use of creosote-treated wood for applications involving contact with (ground)water is prohibited irrespective of the concentration of B[a]P or water-soluble phenols in the creosote-based products used for the treatment;

<sup>(6)</sup> Opinion on creosote — Notification of the Netherlands made under Article 95(5) of the Treaty expressed at the 24th CSTEE plenary meeting, Brussels, 12 June 2001.

<sup>(7)</sup> OJ C 210, 3.8.2001, p. 46.

<sup>(8)</sup> Opinion on: Justification of the Dutch request for derogation under Article 95(5) of the EC Treaty — provisions of the Directive 94/60/EC concerning creosote expressed at the 27th CSTEE plenary meeting, Brussels 30 October 2001.

<sup>(5)</sup> OJ C 120, 24.4.2001, p. 10.

— old creosote-treated wood is subject to the same prohibition if it is removed from the existing place of application.

(26) It has to be noted that Council Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment<sup>(9)</sup> applies to the placing by a person of creosote-treated wood into surface water<sup>(10)</sup>. However, this Directive is concerned with the prior authorisation of all discharges into *inter alia* inland surface water, territorial waters, internal coastal waters and does not cover the placing on the market of creosote-treated wood, nor does it provide for a general ban on the use of creosote-treated wood in contact with surface water. Therefore, a national measure seeking to ban completely the placing on the market and use of creosote-treated wood for applications involving contact with surface water would go beyond the measures provided for in Directive 76/464/EC and would be incompatible with Directive 94/60/EC.

(27) Furthermore, Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances<sup>(11)</sup> covers the placing by a person of creosote-treated wood into direct contact with ground water if polycyclic aromatic hydrocarbons (hereinafter referred to as PAHs) leaching out from treated wood are found in quantities or concentrations of concern. In these circumstances, the use of creosote-treated wood in contact with groundwater is prohibited under this Directive. However, this Directive does not provide for a total ban on the use of creosote-treated wood in contact with groundwater nor does it cover the placing on the market of creosote-treated wood. Therefore, a national measure seeking to prohibit the placing on the market and use of creosote-treated wood for applications involving contact with groundwater would go beyond the measures provided for in Directive 80/68/EEC and would be incompatible with Directive 94/60/EC.

(28) As required by Article 95(5) of the Treaty, the Netherlands notified the Commission of the actual wording of the provisions going beyond those provided in Directive 94/60/EC that they intend to introduce, accompanying the request by an explanation of the reasons which, in their opinion, justify the introduction of those provisions.

(29) The notification submitted by the Netherlands in order to obtain approval for the introduction of national provisions derogating from the provisions of Directive 94/60/EC is therefore to be considered admissible under Article 95(5) of the EC Treaty.

## 2. ASSESSMENT OF MERITS

(30) In accordance with Article 95 of the Treaty, the Commission has to ensure that all the conditions enabling a Member State to avail itself of the possibilities of derogation provided for in this Article are fulfilled.

(31) The Commission must therefore assess whether the conditions provided for by Article 95(5) of the Treaty are met. This Article requires that when a Member state deems it necessary to introduce national provisions derogating from a harmonisation measure, the Member State should base it on:

(a) new scientific evidence relating to the protection of the environment or the working environment;

(b) grounds of a problem specific to that Member State arising after the adoption of the harmonisation measure.

(32) In addition, pursuant to Article 95(6) of the Treaty, where it considers that the introduction of such national provisions is justified, the Commission must check whether or not those national provisions are a means of arbitrary discrimination or a disguised restriction on trade between Member States and whether or not they constitute an obstacle to the functioning of the internal market.

### 2.1. CREOSOTE — GENERAL INFORMATION

(33) Creosote is a complex mixture of over 200 chemical compounds, predominantly aromatic hydrocarbons, as well as phenolic and aromatic nitrogen and sulphur compounds. It is a mid-heavy distillate of coal tar (boiling point approximately 200-400 °C).

(34) Creosote can contain over 30 different polycyclic aromatic hydrocarbons (PAHs) with a possible total PAH content of 85 %. The most important ones are:

- acenaphthene,
- naphthalene,
- phenanthrene,
- anthracene,
- fluorene,
- fluoranthene,
- chrysene,
- triphenylene,
- benzo[a]anthracene,
- benzo[b]fluoranthene,
- benzo[k]fluoranthene,
- benzo[a]pyrene.

<sup>(9)</sup> OJ L 129, 18.5.1976, p. 23.

<sup>(10)</sup> European Court of Justice's judgement of 29 September 1999, delivered in case C-232/97 — ECR 1999 I, p. 6385.

<sup>(11)</sup> OJ L 20, 26.1.1980, p. 43.

- (35) Benzo[a]pyrene (B[a]P) is one of the most thoroughly investigated PAHs and the B[a]P content is used as an indicator or marker substance for classification purposes and does not, in itself, reflect the total PAH content of creosote. Depending on the type of creosote concerned, the B[a]P content may vary between 0,003 and 0,3 % by weight (30 to 3 000 ppm). A refined distillation of coal tar and selection of the fractions can lead to lower B[a]P or phenol contents. Different industry standards have been developed by the Western European Institute for Wood Preservation, characterised mainly by different contents of specified distillation fractions and, most important in this context, different contents of B[a]P. Limiting values for classification standards are 500 ppm and 50 ppm.
- (36) Modifications to both the physical and chemical properties of creosote are possible if they are required for use or environmental purposes. It is possible to create a lower viscosity product, better suited to brush application, by incorporating components with a lower boiling point, which is sometimes called carbolineum. Directive 94/60/EC does not make a distinction: it covers and treats in an identical way a whole range of different coal tar distillates, all of them specified by their names, EINECS- and CAS numbers.
- (37) Creosote is principally and almost exclusively used as a wood preserving agent. Large-scale industrial and professional applications are by far the most important ones: railway sleepers, poles for electricity transport, hydraulic engineering (bank protection), fences, stakes for agriculture and fruit production. Creosote and similar products are also used by individual consumers for wood preserving purposes.
- (38) The most important properties of creosote are:
- high fungicidal efficacy,
  - high insecticidal efficacy,
  - long-term persistence,
  - resistance to leaching and weathering.
- (39) A very small quantity of creosote is used in medicinal products for the treatment of certain skin diseases, e.g. psoriasis.
- sote spills and from contamination left from disused creosote plants. Environmental contamination has been traced by an analysis of selected PAH compounds, notably B[a]P.
- (41) Creosote is toxic to certain organisms in the soil and highly toxic against aquatic organisms (with 96h LC-50 values often below 1 mg/l). Many of its components are bioaccumulating.
- (42) The main characteristics of PAHs in the environment are:
- PAHs bind strongly to soil organic matter;
  - the rate of degradation of PAHs in soil and other environmental compartments is usually slow. Creosote residues can persist for many years in the environment (> 20-30 years);
  - the main breakdown processes are photodegradation (i.e. under irradiation from the sun) and microbial degradation (i.e. by certain bacteria). Microbial degradation can occur under aerobic and anaerobic conditions. PAHs compounds with four rings and more may be poorly degradable;
  - PAHs reaching watercourses are rapidly transferred to sediment;
  - in watercourses, most of the lower molecular weight PAHs are removed primarily by microbial degradation and the higher molecular weight compounds by photooxidation and sedimentation. Microbial degradation of the more water soluble PAHs occurs under aerobic and anaerobic conditions. The PAH constituents have been shown to bioaccumulate in aquatic species.
- (43) Emissions of PAHs to air, water and soil can occur during the impregnation process and storage at the impregnation site, as well as during use of treated wood. However, PAHs found in the various environmental compartments are originating from a variety of sources (e.g. all combustion processes, traffic etc.) and it is often difficult to ascribe their levels to any particular source such as creosote treated wood.
- (44) A study <sup>(12)</sup> in Sweden has shown that after 40 years in soil, creosote impregnated poles had lost a part of the compounds contained in creosote, especially those with the lowest boiling point (< 270 °C). The part of the poles above the ground lost the larger amount. However, mobility of the leached compounds was very low as they could only be detected in the soil in close contact with the poles. This is coherent with the observation that the mobility of PAHs in soil is extremely low due to their strong absorption to organic matter.
- (45) The presence of elevated levels of PAH in aquatic environments has often been attributed to the presence of creosote-treated wood. Migration of creosote components from treated wood into water is higher into fresh water than into seawater and has been proven in many studies. Migration seems to be more limited in seawater; in one study, after ten years in the sea, marine pilings

### Ecotoxicological effects

- (40) Environmental contamination by creosote has been reported in a number of countries, with old wood treatment facilities often being the source of the contamination. In fact, most information on the fate of creosote in the environment has been obtained from industrial creosote

<sup>(12)</sup> S. Holmroos, *Analys av kreosotstolpar i Simlångsdalen efter 40 års exponering i fält*. Rapport nr. M205-252.092. Älvkarleby: Vattenfall Utveckling. 1994.

retained 93 % of the original composition of creosote compounds <sup>(13)</sup>. The pollution of sediments by creosote leaching from waterbank protection has been documented in the Netherlands <sup>(14)</sup> and also in studies on pollution from former impregnation facilities.

- (46) As for human exposure, actually measured data on environmental pollution by PAHs originating in creosote are scarce.

## 2.2. THE POSITION OF THE NETHERLANDS

- (47) A description is given of all the relevant arguments behind the notified draft provisions.
- (48) The Netherlands take the view that new scientific findings concerning the protection of the environment in connection with a problem that arose in the Netherlands after the adoption of Directive 94/60/EC justify the introduction of the notified provisions.
- (49) These new scientific findings are partly referred to in the Commission decisions 1999/832/EC <sup>(15)</sup>, 1999/833/EC <sup>(16)</sup>, 1999/834/EC <sup>(17)</sup>, 1999/835/EC <sup>(18)</sup> on national provisions notified by, respectively, the Kingdom of the Netherlands, the Federal Republic of Germany, the Kingdom of Sweden and the Kingdom of Denmark, concerning limitations to the placing on the market and use of creosote. Furthermore, the Netherlands refer to a newly completed study <sup>(19)</sup> in the Netherlands (hereinafter referred to as RIVM study) on the environmental risks arising from the use of creosote-treated wood in contact with water and soil, which provides further information in this regard.
- (50) In the Decisions above the Commission pointed out certain potential risks to the aquatic environments resulting from leaching out of PAHs from creosote-treated wood in contact with water. Reference was also made to a Dutch study <sup>(20)</sup> made available in 1995 and its subsequent review carried out by a consultant mandated by the Commission <sup>(21)</sup>, showing that creosote compounds leaching out from waterbank protection

have caused the pollution of aquatic sediments in the Netherlands.

- (51) In Decision 1999/832/EC the Commission, based on these findings, concludes its assessment by recognising that 'The Dutch authorities have demonstrated that the specific geographic situation of The Netherlands, which necessitates extensive bank protection of watercourses, has led to the highest consumption of creosote treated wood per surface in the European Union. Leaching of components from creosote into the watercourses has caused the pollution of the major part of sediments with PAH compounds beyond acceptable limits. Measures aiming at an enhanced reduction of the leaching of these compounds into the aquatic environment are therefore justified in the Netherlands' <sup>(22)</sup>.
- (52) The newly completed RIVM study contains an assessment of the risks arising from the creosote-treated wood as wood preservative in the Dutch environment. It sets out data on various constituents of creosote, i.e. six PAHs. In Directive 94/60/EC, B[a]P is taken as representative of the PAHs in creosote. The RIVM study, however, shows that more data are available for other PAHs in the environment.
- (53) The risk assessment was based on the environmental quality standards set out in the Fourth Notice on Water Management [Vierde Nota Waterhuishouding] of 1997 and the publication entitled 'Stoffen en Normen' [Substances and Standards] published by the Ministry of Housing, Planning and the Environment in 1999. The 'Maximum Admissible Risk' [Maximaal Toelaatbaar Risiconiveau — MTR] is the minimum quality standard that surface water, sediment and soil must meet.
- (54) In order to assess whether the levels set out in the environmental quality standards were being exceeded, the concentration of PAHs was determined for each of these on the basis of model calculations and monitoring data.
- (55) The conclusions of the risk assessment for surface water, sediment and soil respectively are set out below.

## Surface water

- (56) The model calculations conducted in the study showed that the concentrations of most of the selected PAHs would exceed the MTR by many times if creosote-treated wood was used for bank protection. The levels calculated ranged from 18 to some 500 times the MTR in the

<sup>(13)</sup> L.L. Ingram et. al, *Migration of Creosote and Its Components from Treated Piling Sections in a Marine Environment*, Proc. Ann. Meet. Am. Wood Preserv. Assoc. 78, 1982, p. 120. See also footnotes 8 and 18.

<sup>(14)</sup> bkh consulting engineers, *Foundation of the appeal against the EC-directive on creosote*, Final report, Delft, 1 July 1995.

<sup>(15)</sup> See footnote 4.

<sup>(16)</sup> OJ L 329, 22.12.1999, p. 43.

<sup>(17)</sup> OJ L 329, 22.12.1999, p. 63.

<sup>(18)</sup> OJ L 329, 22.12.1999, p. 82.

<sup>(19)</sup> Centrum voor Stoffen en Risicobeoordeling, CSR Adviesrapport: 08196A01, Creosoot — Milieurisico's ten gevolge van de toepassing van gecreosoteerd hout in contact met water en bodem — Auteurs: M.H.M.M. Monforts, E.W.M. Roex, and J.P. Rila, 5.12.2000 — RIVM (Research for man and environment) Rijksinstituut voor Volksgezondheid en Milieu (National Institute of public health and the environment).

<sup>(20)</sup> See footnote 14.

<sup>(21)</sup> G. Grimmer, *Study on the Justification in Scientific Terms of Allowing The Netherlands to retain its National Laws on Creosote in Place of Council Directive 94/60/EC*. Final report, Biochemisches Institut für Umweltcarcinogene, Großhansdorf (Germany), December 1995.

<sup>(22)</sup> Recital 102.

first three to five days of use. These model calculations were supported by the measured concentrations in the vicinity of recently placed bank protection, which ranged from around ten to many thousands of times greater than the MTR.

- (57) The results obtained from samples taken at various distances from creosote-treated bank protection strongly indicated that creosote-treated wood is indeed the cause of the increased concentrations of PAHs. The conclusion has therefore been drawn that the use of creosote-treated wood for bank protection involves a threat to the quality of the surface water on a local scale.
- (58) By means of model calculations, based on the length of the banks in kilometres and the percentage of this length that is protected by means of creosote-treated wood in a given water-authority management area, the amount of PAHs that would be released per year was calculated. It was found that, with the current length of creosote-treated bank protection in the management area in question, the MTR for fluoranthene would be substantially exceeded. Taking into account that also other MTRs are being exceeded not only in one water-authority management area, but also in various other parts of the country, such as West-Overijssel and Zuid-Holland, it has been concluded that this is a nation-wide problem.

### Sediment

- (59) The model calculations showed that the concentrations of most of the selected PAHs would exceed the MTR by five to ninety-five times. These model calculations were broadly speaking confirmed by the concentrations measured in the vicinity of recently placed bank protection, according to which the standards are exceeded by a maximum of three times.
- (60) The results obtained from samples taken at various distances from the creosote-treated bank protection strongly indicate that creosote-treated wood is indeed the cause of the increased concentrations of PAHs. It can be concluded that the use of creosote-treated wood for bank protection involves a threat to the quality of sediment on a local scale.
- (61) By means of model calculations, based on the length of the banks in kilometres and the percentage of this length that is protected by means of creosote-treated wood in a given water-authority management area, the amount of PAHs that would be released per year was calculated. It was found that, with the current length of bank that is protected by creosote-treated wood in the management area in question, the MTR for phenanthrene would be substantially exceeded.
- (62) Given that this and other MTRs are being exceeded not only in one water-authority management area, but also in various parts of the country, such as West-Overijssel and Zuid-Holland, it has been concluded that this is a nation-wide problem.

### Soil and groundwater

- (63) The model calculations for soil and groundwater show that the MTRs for three of the six PAHs would be exceeded, by a maximum of forty-seven times. From the few measurements available it would appear that in practice, creosote does indeed leach out of treated wood and that the MTRs for soil are exceeded, particularly in the case of soil in the immediate vicinity of the treated wood.
- (64) The model predicted that the groundwater standard of 0,1 µg/l would be exceeded in the immediate vicinity of the wood in the saturated phase, but there are no measurement data to support or contradict this prediction. Infiltration of ground water (at no great depth) by contaminated surface water is possible. In such a case, the soil (sediment) can even act as a filter. No measurement data are available to support these assumptions either.
- (65) The Netherlands point out that the results of the RIVM study are to be read in the light of the special situation prevailing in the Netherlands, as recognised by the Commission in its Decision 1999/832/EC. Therefore, the environmental concerns identified above indicate that there is a specific problem in the Netherlands due to their specific geographical situation and the extensive use of creosote-treated wood in the aquatic environment compared to other Member States.
- (66) The Netherlands finally observe that this specific problem has arisen after the adoption of the Directive. In fact, the exposure situation as well as the risks stemming thereof were not known at the time of adoption of Directive 94/60/EC.

## 2.3. EVALUATION OF THE POSITION OF THE NETHERLANDS

### 2.3.1. The burden of proof

- (67) It has to be noted that, in the light of the time frame established by Article 95(6) of the Treaty, the Commission, when examining whether the draft national measures notified under Article 95(5) are justified, has to take as a basis 'the grounds' put forward by the Member State. This means that, under the Treaty, the responsibility of proving that these measures are justified, lies with the requesting Member State. Given the procedural framework established by Article 95, including in particular a strict deadline for a Decision to be adopted, the Commission normally has to limit itself to examining the relevance of the elements which are submitted by the requesting Member State, without having to seek itself possible justifications.

### 2.3.2. *New scientific evidence concerning the protection of the environment or the working environment*

(68) The Netherlands have provided a considerable amount of documents in support of their request. Reference has also been made to certain studies made available in the framework of the previous request submitted to the Commission in accordance with Article 95(4) of the Treaty [leading to Commission Decision 1999/832/EC <sup>(23)</sup>].

(69) The Dutch study submitted in the framework of the earlier request for derogation <sup>(24)</sup> and its subsequent review <sup>(25)</sup> already showed that the leaching of PAHs from creosote-treated wood used for extensive bank protection of watercourses in the Netherlands have resulted in unacceptable risks to a specific aquatic compartment, i.e. heavy contamination of sediments.

(70) As indicated above, all new documentation provided by the Netherlands was submitted to the CSTEE for evaluation. The CSTEEs review mainly focuses on the environmental risk assessment carried out by the Dutch authorities as documented in the RIVM study.

(71) In considering the submitted scientific documentation, the CSTEE notes that the Dutch methodology differs from the methodology normally used in the development of risk assessments through the use of Predicted Effect Concentrations/Lowest Effect Concentration [PEC/L(E)C<sub>50</sub>] rather than the normal Predicted Effect Concentration/Predicted No Effect Concentration (PEC/PNEC). However, it is observed that the methodology has been translated into the standard approach and that the calculated risk quotients are consistent with standard EU methodology. The CSTEE is therefore of the opinion that the environmental standards methodology followed and the assumptions made in the environmental risk assessment are adequate and are consistent with the standard EU approach.

(72) The CSTEE observes that the Dutch risk assessment for standard creosote (B[a]P concentration between 50 ppm and less than 500 ppm) for surface water and sediments resulted in the PNEC for specific PAHs being substantially exceeded. Interaction between PAHs has also been assessed to be likely. As this has not been considered by the Dutch authorities, the CSTEE observes that the risks estimated could be even greater than indicated. The CSTEE is thus of the opinion that for 'standard creosote', there are grounds for concern with regard to environmental effects.

(73) Turning to 'modified creosote' (in which B[a]P is reduced to less than 50 ppm), the CSTEE notes that the levels of anthracene and fluoroanthene (other substances found in creosote but not used as a marker) are not substantially reduced with respect to untreated creosote. As the Risk Quotients (PEC/PNEC) for these two PAHs in 'standard creosote' are well above 1, the CSTEE does not believe that controls based on the B[a]P limit alone are adequate.

(74) On this basis, the CSTEE considers that the Netherlands have demonstrated a substantial cause for concern with regard to environmental impacts to aquatic, sediment and groundwater compartments.

(75) In the light of the foregoing and of the fact that the environmental risks indicated above were not known at the time of adoption of Directive 94/60/EC, the conclusion can be drawn that the Netherlands have provided new scientific evidence relating to the protection of the environment as required by Article 95(5) of the Treaty.

### 2.3.3. *Problem specific to the Netherlands arising after the adoption of Directive 94/60/EC*

(76) It should first be noted that the environmental concerns indicated above are not necessarily specific to the Netherlands as they relate to a general situation in which creosote-treated wood is placed into contact with surface water and/or groundwater and therefore apply wherever this situation occurs. In its opinion of 30 October 2001, the CSTEE emphasises that the specificity of the above concerns to the Netherlands depends upon the extent to which exposure scenarios in the Netherlands differ from those in other Member States.

(77) A careful evaluation of all the relevant information made available to the Commission is therefore necessary in order to determine whether the Netherlands have demonstrated that the abovementioned environmental concerns are of particular significance in the Netherlands as a result of particularly heavy exposure scenarios. The relevant information on the exposure situation for surface water and groundwater are examined separately.

### Surface water

(78) In its Opinion of 30 October 2001, the CSTEE recognises that the use of creosote-treated wood in contact with waterways is deployed extensively in the Netherlands as bank protection and that the subsequent risks for the aquatic environment within the Netherlands are likely to be extensive. Further comparative information made available in 1995 <sup>(26)</sup> indicate that the extensive

<sup>(23)</sup> See footnote 4.

<sup>(24)</sup> See footnote 14.

<sup>(25)</sup> See footnote 21.

<sup>(26)</sup> See footnotes 14 and 21.

use of creosote-treated wood for bank protection in the Netherlands represents a major problem compared to other Member States. The RIVM study also gives an estimate of the general level of exposure to PAHs of the surface waters in the Netherlands as a result of the high use of creosote-treated wood for bank protection, which confirms that the risks to these waters are extensive.

- (79) In the light of the foregoing and also taking into account that the above environmental concerns and their particular significance in the Netherlands came into light after adoption of Directive 94/60/EC, it can be concluded that a specific environmental problem arising after the adoption of that Directive exists in the Netherlands due to the extensive use of creosote-treated wood for bank protection of watercourses.

### Groundwater

- (80) The Netherlands have pointed out that their specific geographical situation combined with the extensive use of creosote-treated wood shows that a specific exposure scenario also exists with regard to groundwater.
- (81) Current applications of creosote-treated wood may indeed involve contact with groundwater. Fences, fruit, electric power transmission and telecommunication poles and other creosote-treated wood products placed in the soil can reach groundwater and lead to its contamination by PAHs. This occurs predominantly, if not exclusively, where the groundwater underlying the surface soil is found at very low depth, i.e. close to the surface.
- (82) Specific problems arising from the use of creosote-treated wood for the abovementioned applications therefore appear dependant on the extension of low-depth groundwater areas and the quantity of creosote-treated wood susceptible to contact with groundwater.
- (83) Areas with groundwater levels very close to the surface cover a large part of the country in the Netherlands, especially in the polder areas. Also, during periods of heavy rains, groundwater can be found at very low depth underneath the surface soil. The Dutch groundwater compartment therefore appears to be particularly vulnerable to the above applications of creosote-treated wood.
- (84) Taking into account the specific hydro-geographical situation of the Netherlands and the extensive use of creosote-treated wood for applications susceptible to contact with groundwater, the conclusion can therefore be drawn that a particularly heavy exposure scenario exists in the Netherlands also with regard to groundwater.

### 2.3.4. Overall evaluation

- (85) The Netherlands have demonstrated on the basis of new scientific evidence relating to the protection of the environment that a specific problem arising after the adoption of Directive 94/60/EC exists in the Netherlands with regard to the pollution of surface water and groundwater by PAHs leaching out from creosote-treated wood used for bank protection of water courses and other applications susceptible to contact with groundwater.
- (86) The Commission therefore considers that the request from the Netherlands for introducing national measures aimed at reducing exposure of the aquatic environment in the Netherlands to PAHs fulfils all the conditions specified in Article 95(5).

### 2.4. ABSENCE OF ARBITRARY DISCRIMINATION OR A DISGUISED RESTRICTION ON TRADE BETWEEN MEMBER STATES AND OBSTACLE TO THE FUNCTIONING OF THE INTERNAL MARKET

#### 2.4.1. Absence of arbitrary discrimination

- (87) Article 95(6) obliges the Commission to verify that the envisaged measures are not a means of arbitrary discrimination. According to the ruling of the Court of Justice, the absence of discrimination means that no different treatment should be given to similar situations, no similar treatment of different situations.
- (88) The envisaged national provisions are general and are intended to apply to both national and imported creosote-treated wood for the applications concerned. As a result, there is no evidence that they can be used as a means of arbitrary discrimination between economic operators in the Community.

#### 2.4.2. Absence of a disguised restriction on trade

- (89) Envisaged more restrictive national measures in the area of limitations on the marketing and use of products derogating from the provisions of a Community Directive would normally constitute a barrier to trade. Products that can be legally placed on the market in the rest of the Community cannot be placed on the market in the Member State concerned. The concept enshrined in paragraph 6 of Article 95 is intended to prevent the envisaged restrictions based on the criteria set out in paragraph 5 being applied for inappropriate reasons, and in reality constituting economic measures to be introduced to impede the import of products from other Member States in order to protect indirectly national production.
- (90) It was established before that there is a real concern with regard to the aquatic environment due to the specific overall exposure situation in the Netherlands. Therefore, the protection of the environment seems to be the goal of introducing the national provisions, and not the creation of disguised barriers to trade.

(91) In addition, in the intended legislation there is an exemption for creosote-treated wood intended for export. However, this exception is in line with the provisions of Directive 94/60/EC, which allows the placing on the market of creosote-treated wood in the aquatic environment.

(92) Overall, the Commission considers that there is no evidence indicating that the envisaged national provisions, once adopted, will be a disguised restriction on trade between Member States.

#### 2.4.3. *Absence of obstacles to the functioning of the internal market*

(93) This condition cannot be interpreted in such a way that it prohibits the approval of any national measure likely to affect the establishment of the Internal Market. In fact, any national measure derogating from a harmonisation measure aiming at the establishment and operation of the Internal Market, constitutes in substance a measure that is likely to affect the Internal Market. Consequently, to preserve the useful character of the procedure for derogation provided for by Article 95 of the EC Treaty, the Commission considers that, in the context of the Article 95(6), the concept of obstacle to the functioning of the Internal Market has to be understood as a disproportionate effect in relation to the pursued objective.

(94) In the light of the environmental concerns identified above and also taking into account the specific exposure situation in the Netherlands, the Commission considers that there is no evidence indicating that the envisaged national provisions, once adopted, will constitute a disproportionate obstacle to the functioning of the Internal Market.

#### IV. CONCLUSION

(95) In the light of the foregoing, it can be concluded that the request by the Netherlands for introducing national provisions derogating from Directive 94/60/EC with regards to creosote-treated wood as submitted on 25 January 2001:

— is admissible;

— fulfils the conditions established by Article 95(5) of the Treaty;

and that the envisaged national provisions do not constitute either a means of arbitrary discrimination, a disguised restriction on trade between Member States, or a disproportionate obstacle to the functioning of the Internal Market.

(96) The Commission therefore considers that the envisaged national provisions can be approved in accordance with Article 95(6) of the Treaty.

(97) However, the national provisions to be approved, once adopted, would be incompatible with the provisions of Directive 2001/90/EC.

(98) In accordance with Article 95(7) of the Treaty, the Commission is already examining the appropriateness to adapt to technical progress for a second time the provisions of Directive 94/60/EC regarding creosote and creosote-treated wood on the basis of the scientific evidence provided by the Netherlands and the Opinion of the CSTEE given thereof,

HAS DECIDED AS FOLLOWS:

#### *Article 1*

Without prejudice to the obligations arising from Directive 2001/90/EC, the envisaged national provisions relating to the placing on the market and use of creosote-treated wood, which the Kingdom of the Netherlands notified to the Commission by letter dated 23 January 2001, are approved.

#### *Article 2*

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 23 January 2002.

*For the Commission*

Erkki LIIKANEN

*Member of the Commission*

**CORRIGENDA****Corrigendum to Directive 1999/42/EC of the European Parliament and of the Council of 7 June 1999 establishing a mechanism for the recognition of qualifications in respect of the professional activities covered by the Directives on liberalisation and transitional measures and supplementing the general systems for the recognition of qualifications**

*(Official Journal of the European Communities L 201 of 31 July 1999)*

On page 86, List V (a):

*for:* '(liberalisation Directive 64/224/EEC)',

*read:* '(liberalisation Directives 64/223/EEC and 64/224/EEC)';

and

the following point shall be inserted before point 1:

'0. activities of self-employed persons in wholesale trade, with the exception of wholesale trade in medicinal and pharmaceutical products, in toxic products and pathogens and in coal (ex Group 611);'.

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**Corrigendum to Commission Decision 2001/488/EC of 28 June 2001 amending for the fifth time Decision 2001/327/EC concerning restrictions to the movement of animals of susceptible species with regard to foot-and-mouth disease**

*(Official Journal of the European Communities L 176 of 29 June 2001)*

On page 76, paragraph 1(f):

*for:* '... Directive 91/628/EEC ...',

*read:* '... Directive 91/68/EEC ...'.

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