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### Contents

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

2002/129/CFSP:

- ★ **Council Joint Action of 18 February 2002 extending the mandate of the Special Representative of the European Union in the Former Yugoslav Republic of Macedonia** ..... 1

I *Acts whose publication is obligatory*

- ★ **Council Regulation (EC) No 301/2002 of 21 January 2002 on the conclusion of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde for the period from 1 July 2001 to 30 June 2004** ..... 2
- ★ **Council Regulation (EC, ECSC, Euratom) No 302/2002 of 12 February 2002 laying down the weightings applicable from 1 July 2001 to the remuneration of officials of the European Communities serving in third countries** ..... 4
- ★ **Council Regulation (EC) No 303/2002 of 18 February 2002 concerning the importation into the Community of rough diamonds from Sierra Leone** ..... 8
- Commission Regulation (EC) No 304/2002 of 18 February 2002 establishing the standard import values for determining the entry price of certain fruit and vegetables ..... 10
- ★ **Commission Regulation (EC) No 305/2002 of 18 February 2002 amending Regulation (EC) No 94/2002 laying down detailed rules for applying Council Regulation (EC) No 2826/2000 on information and promotion actions for agricultural products on the internal market** ..... 12
- Commission Regulation (EC) No 306/2002 of 18 February 2002 on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia ..... 17

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| Commission Regulation (EC) No 307/2002 of 18 February 2002 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip .....                                                                                                                                                                                                                  | 19        |
| ★ <b>Communication from the Commission, publication in the <i>Official Journal of the European Communities</i> L 345 of 29 December 2001, page 49, of a text entitled ‘Commission Regulation (EC) No 2602/2001 of 27 December 2001 establishing additional technical measures for the recovery of the stock of hake in ICES subareas III, IV, V, VI and VII and ICES divisions VIIIa,b,d,e’ .....</b>                                                                                                                                             | <b>21</b> |
| <hr/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |           |
| II Acts whose publication is not obligatory                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |           |
| <b>Council</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |           |
| 2002/130/EC:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |           |
| ★ <b>Council Decision of 17 December 2001 on the conclusion of the Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde for the period from 1 July 2001 to 30 June 2004 .....</b>                                                                                                  | <b>22</b> |
| Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde for the period from 1 July 2001 to 30 June 2004 .....                                                                                                                                                                         | 24        |
| Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde for the period from 1 July 2001 to 30 June 2004 .....                                                                                                                                                                                                                                                                       | 25        |
| 2002/131/EC:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |           |
| ★ <b>Council Decision of 21 January 2002 amending Decision 2001/131/EC concluding the consultation procedure with Haiti under Article 96 of the ACP-EC Partnership Agreement .....</b>                                                                                                                                                                                                                                                                                                                                                            | <b>34</b> |
| <b>Commission</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |           |
| 2002/132/EC:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |           |
| ★ <b>Commission Decision of 25 April 2001 on State aid granted by France to the shipyard AHCN <sup>(1)</sup> (notified under document number C(2001) 1143) .....</b>                                                                                                                                                                                                                                                                                                                                                                              | <b>37</b> |
| 2002/133/EC:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |           |
| ★ <b>Commission Decision of 18 February 2002 making it possible for Member States to extend provisional authorisations granted for the new active substances carfentrazone-ethyl, cinidon-ethyl, cyhalofop-butyl, ethoxysulfuron, famoxadone, flaza-sulfuron, flufenacet, flumioxazine, flurtamone, fosthiazate, isoxaflutole, metalaxyl-M, prosulfuron, <i>Pseudomonas chlororaphis</i>, quinoxifen, <i>Spodoptera exigua</i> nuclear polyhedrosis virus and sulfosulfuron <sup>(1)</sup> (notified under document number C(2002) 517) .....</b> | <b>41</b> |

- ★ **Commission Decision of 11 February 2002 exempting imports of certain bicycle parts originating in the People's Republic of China from the extension by Council Regulation (EC) No 71/97 of the anti-dumping duty imposed by Regulation (EEC) No 2474/93, and maintained by Regulation (EC) No 1524/2000, and lifting the suspension of the payment of the anti-dumping duty extended to certain bicycle parts originating in the People's Republic of China granted to certain parties pursuant to Commission Regulation (EC) No 88/97 (notified under document number C(2002) 391) .....** 43
- 

**Corrigenda**

- ★ **Corrigendum to Commission Regulation (EC) No 1763/2001 of 6 September 2001 amending Regulation (EC) No 1750/1999 laying down detailed rules for the application of Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) (OJ L 239 of 7.9.2001) .....** 47
- ★ **Corrigendum to Council Decision 2002/60/EC of 22 January 2002 appointing the members and alternate members of the Committee of the Regions for the period 26 January 2002 to 25 January 2006 (OJ L 24 of 26.1.2002) .....** 50

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

**COUNCIL JOINT ACTION**  
**of 18 February 2002**  
**extending the mandate of the Special Representative of the European Union in the Former**  
**Yugoslav Republic of Macedonia**

(2002/129/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 14 and Article 18(5) thereof,

Whereas:

- (1) On 29 October 2001, the Council adopted Joint Action 2001/760/CFSP<sup>(1)</sup> appointing Alain Le Roy as the Special Representative of the European Union in the Former Yugoslav Republic of Macedonia (FYROM) with a view, in particular, to establishing and maintaining close contact with the government of the FYROM and with the parties involved in the political process and to offer the European Union's advice and facilitation in the political process. The said Joint Action expires on 28 February 2002.
- (2) On 28 January 2002, the Council decided to extend the mandate of the Special Representative.
- (3) In accordance with the guidelines on appointing procedure and administrative arrangements of EU Special Representatives adopted by the Council on 30 March 2000, Member States' and the Commission's missions

can provide on request from their own resources appropriate and reasonable support to the mission of the Special Representative,

HAS ADOPTED THIS JOINT ACTION:

*Article 1*

Joint Action 2001/760/CFSP is hereby extended until 30 June 2002.

*Article 2*

This Joint Action shall be published in the Official Journal.

Done at Brussels, 18 February 2002.

*For the Council*

*The President*

J. PIQUÉ I CAMPS

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<sup>(1)</sup> OJ L 287, 31.10.2001, p. 1.

## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 301/2002  
of 21 January 2002**

**on the conclusion of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde for the period from 1 July 2001 to 30 June 2004**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 in conjunction with Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Whereas:

- (1) Under the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde <sup>(3)</sup>, the two Parties have conducted negotiations to determine the amendments or additions to be made to the Agreement.
- (2) As a result of these negotiations, a new Protocol setting out the fishing opportunities and financial contribution provided for in the said Agreement for the period from 1 July 2001 to 30 June 2004 was initialled on 7 June 2001.
- (3) It is in the Community's interest to approve the said Protocol.
- (4) The method for allocating the fishing opportunities among the Member States should be defined,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde for the period from 1 July 2001 to 30 June 2004 is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation <sup>(4)</sup>.

*Article 2*

The fishing opportunities set out in the Protocol shall be allocated among the Member States as follows:

|                               |           |            |
|-------------------------------|-----------|------------|
| — tuna seiners:               | France:   | 19 vessels |
|                               | Spain:    | 18 vessels |
| — pole-and-line tuna vessels: | France:   | 6 vessels  |
|                               | Spain:    | 10 vessels |
|                               | Portugal: | 2 vessels  |

<sup>(1)</sup> OJ C 332 E, 27.11.2001, p. 260.

<sup>(2)</sup> Opinion delivered on 11 December 2001 (not yet published in the Official Journal).

<sup>(3)</sup> OJ L 212, 9.8.1990, p. 3.

<sup>(4)</sup> See page 25 of this Official Journal.

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|                       |           |                                                                                                  |
|-----------------------|-----------|--------------------------------------------------------------------------------------------------|
| — surface longliners: | Spain:    | 52 vessels                                                                                       |
|                       | Portugal: | 10 vessels                                                                                       |
| — bottom longliners:  | Portugal: | 630 GRT per month, averaged over the year, with no more than four vessels fishing simultaneously |

If licence applications from these Member States do not cover all the fishing opportunities fixed by the Protocol, the Commission may consider licence applications from any other Member State.

*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.

*Article 4*

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

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

Done at Brussels, 21 January 2002.

*For the Council*  
*The President*  
M. ARIAS CAÑETE

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**COUNCIL REGULATION (EC, ECSC, EURATOM) No 302/2002****of 12 February 2002****laying down the weightings applicable from 1 July 2001 to the remuneration of officials of the European Communities serving in third countries**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Staff Regulations of officials of the European Communities and the conditions of employment of other servants of the Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68 <sup>(1)</sup>, as last amended by Regulation (EC, ECSC, Euratom) No 2581/2001 <sup>(2)</sup>, and in particular the first paragraph of Article 13 of Annex X thereto,

Having regard to the proposal from the Commission,

Whereas:

- (1) Account should be taken of changes in the cost of living in countries outside the Community and weightings applicable to remuneration payable in the currency of the country of employment to officials serving in third countries should be determined with effect from 1 July 2001.
- (2) Under Annex X of the Staff Regulations, the Council sets the weightings every six months and it will accordingly have to set new weightings for the coming half-years.
- (3) The weightings to apply with effect from 1 July 2001 in respect of which payment has been made on the basis of a previous regulation could lead to retrospective adjustments to remuneration (upwards or downwards).
- (4) Provision should be made for back-payments in the event of an increase in remuneration as a result of these weightings.
- (5) Provision should be made for the recovery of sums overpaid in the event of a reduction in remuneration as a result of these weightings for the period between 1 July 2001 and the date of the Council Decision setting the weightings to apply with effect from 1 July 2001.

- (6) However, in order to mirror the weightings applicable within the Community to remuneration and pensions of officials and other servants of the European Communities, such recovery should be restricted to a period of no more than six months preceding the Decision, and for its effects to be spread over a period of no more than 12 months following the date of that Decision,

HAS ADOPTED THIS REGULATION:

*Article 1*

With effect from 1 July 2001, the weightings applicable to remuneration payable in the currency of the country of employment shall be as shown in the Annex.

The exchange rates for the calculation of such remuneration shall be those used for implementation of the general budget of the European Union for the month preceding the date referred to in the first paragraph.

*Article 2*

In accordance with the first paragraph of Article 13 of Annex X of the Staff Regulations, the Council shall set weightings every six months. It shall accordingly set new weightings with effect from 1 January 2002.

The institutions shall make back-payments in the event of an increase in remuneration as a result of these weightings.

For the period between 1 July 2001 and the date of the Council Decision setting the weightings applicable with effect from 1 July 2001, the institutions shall make retrospective downward adjustments to remuneration in the event of a reduction as a result of these weightings.

Retrospective adjustments involving the recovery of sums overpaid shall, however, be restricted to a period of no more than six months preceding the decision, and recovery shall be spread over no more than 12 months from the date of that Decision.

<sup>(1)</sup> OJ L 56, 4.3.1968, p. 1.

<sup>(2)</sup> OJ L 345, 29.12.2001, p. 1.

*Article 3*

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

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

Done at Brussels, 12 February 2002.

*For the Council*

*The President*

J. PIQUÉ I CAMPS

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## ANNEX

| Place of employment              | Weightings July 2001 | Place of employment  | Weightings July 2001 |
|----------------------------------|----------------------|----------------------|----------------------|
| Albania                          | 93,1                 | Gabon                | 113,8                |
| Algeria (*)                      | 0,0                  | Georgia              | 115,5                |
| Angola                           | 131,3                | Ghana                | 88,5                 |
| Argentina                        | 128,7                | Guatemala            | 92,5                 |
| Australia                        | 96,7                 | Guinea               | 83,8                 |
| Bangladesh                       | 80,5                 | Guinea-Bissau        | 130,0                |
| Barbados                         | 142,5                | Guyana               | 71,9                 |
| Belize                           | 101,0                | Haiti                | 103,7                |
| Benin                            | 83,8                 | Hong Kong            | 127,2                |
| Bolivia                          | 79,2                 | Hungary              | 65,1                 |
| Bosnia and Herzegovina           | 86,4                 | India                | 61,8                 |
| Botswana                         | 66,3                 | Indonesia            | 56,4                 |
| Brazil                           | 82,2                 | Israel               | 128,5                |
| Bulgaria                         | 71,2                 | Jamaica              | 129,3                |
| Burkina Faso                     | 75,5                 | Japan (Naka)         | 174,0                |
| Burundi (*)                      | 0,0                  | Japan (Tokyo)        | 185,1                |
| Cameroon                         | 92,1                 | Jordan               | 96,9                 |
| Canada                           | 91,1                 | Kazakhstan           | 118,1                |
| Cape Verde                       | 82,6                 | Kenya                | 99,3                 |
| Central African Republic         | 106,7                | Latvia               | 81,7                 |
| Chad                             | 107,2                | Lebanon              | 113,4                |
| Chile                            | 94,7                 | Lesotho              | 62,1                 |
| China                            | 107,7                | Liberia (*)          | 0,0                  |
| Colombia                         | 80,0                 | Lithuania            | 81,6                 |
| Congo (*)                        | 0,0                  | Madagascar           | 91,0                 |
| Costa Rica                       | 104,4                | Malawi               | 86,9                 |
| Côte d'Ivoire                    | 102,6                | Mali                 | 82,9                 |
| Croatia                          | 95,5                 | Malta                | 97,2                 |
| Cyprus                           | 93,3                 | Mauritania           | 71,4                 |
| Czech Republic                   | 84,5                 | Mauritius            | 86,8                 |
| Democratic Republic of Congo (*) | 0,0                  | Mexico               | 97,9                 |
| Djibouti                         | 144,7                | Morocco              | 88,5                 |
| Dominican Republic               | 90,7                 | Mozambique           | 83,2                 |
| Egypt                            | 86,6                 | Namibia              | 69,4                 |
| Equatorial Guinea                | 92,6                 | Netherlands Antilles | 126,4                |
| Eritrea                          | 59,3                 | New Caledonia        | 119,9                |
| Estonia                          | 76,4                 | Nicaragua            | 103,2                |
| Ethiopia                         | 77,3                 | Niger                | 82,7                 |
| Fiji                             | 73,3                 | Nigeria (Abuja) (*)  | 0,0                  |
| FYROM                            | 82,9                 | Nigeria (Lagos)      | 98,0                 |
|                                  |                      | Norway               | 139,5                |
|                                  |                      | Pakistan             | 58,1                 |
|                                  |                      | Papua New Guinea     | 80,8                 |

| Place of employment   | Weightings July 2001 | Place of employment           | Weightings July 2001 |
|-----------------------|----------------------|-------------------------------|----------------------|
| Peru                  | 110,4                | Tanzania                      | 82,8                 |
| Philippines           | 62,6                 | Thailand                      | 67,5                 |
| Poland                | 85,0                 | The Comoros                   | 101,1                |
| Romania               | 53,8                 | The Gambia                    | 65,9                 |
| Russia                | 145,9                | Togo                          | 92,6                 |
| Rwanda (*)            | 0,0                  | Tonga                         | 75,7                 |
| São Tomé and Príncipe | 74,5                 | Trinidad and Tobago           | 88,2                 |
| Senegal               | 77,6                 | Tunisia                       | 84,3                 |
| Sierra Leone (*)      | 0,0                  | Turkey                        | 77,3                 |
| Slovakia              | 67,8                 | Uganda                        | 94,7                 |
| Slovenia              | 74,2                 | Ukraine                       | 130,2                |
| Solomon Islands       | 101,5                | United States (New York)      | 141,2                |
| Somalia (*)           | 0,0                  | United States (Washington DC) | 134,4                |
| South Africa          | 63,0                 | Uruguay                       | 107,2                |
| South Korea           | 119,8                | Vanuatu                       | 122,8                |
| Sri Lanka             | 79,0                 | Venezuela                     | 115,6                |
| Sudan                 | 48,2                 | Vietnam                       | 70,8                 |
| Suriname              | 80,9                 | West Bank – Gaza Strip        | 118,2                |
| Swaziland             | 59,8                 | Yugoslavia                    | 58,8                 |
| Switzerland           | 122,2                | Zambia                        | 73,5                 |
| Syria                 | 110,0                | Zimbabwe                      | 63,5                 |

(\*) Not available.

**COUNCIL REGULATION (EC) No 303/2002  
of 18 February 2002  
concerning the importation into the Community of rough diamonds from Sierra Leone**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Common Position 2002/22/CFSP of 11 January 2002 concerning a prohibition on imports of rough diamonds from Sierra Leone <sup>(1)</sup>,

Having regard to the proposal from the Commission,

Whereas:

(1) In its Resolution 1385(2001) of 19 December 2001, the United Nations Security Council, acting under Chapter VII of the Charter of the United Nations, decided to extend the prohibition, laid down in its Resolution 1306(2000) of 5 July 2000 of all imports of rough diamonds originating in, or coming from, Sierra Leone, unless they are covered by the system of certificates of origin approved by the competent authorities of the United Nations.

(2) Council Regulation (EC) No 1745/2000 of 3 August 2000 on the importation into the Community of rough diamonds from Sierra Leone <sup>(2)</sup> expired on 5 January 2002 and therefore the prohibition contained in this Regulation should be extended.

(3) These measures fall under the scope of the Treaty. Therefore, notably with a view to avoiding distortion of competition, Community legislation is necessary to implement the relevant decisions of the Security Council as far as the territory of the Community is concerned, such territory being deemed to encompass, for the purposes of this Regulation, the territories of the Member States to which the Treaty is applicable, under the conditions laid down in that Treaty.

(4) The Security Council has also called upon the United Nations Member States and international and regional organisations to apply these measures notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement signed, any contract entered into or any licence or permit granted before the adoption of the aforementioned Resolution.

(5) Breaches of this Regulation should be penalised and Member States should impose appropriate penalties to that effect.

(6) To facilitate matters, the Commission should be empowered to supplement and/or amend the Annexes to this Regulation on the basis of pertinent notifications from the Committee set up by Security Council Resolution 1132(1997).

(7) There is a need for the Member States and the Commission to inform each other of the measures taken under this Regulation and any other relevant information at their disposal in connection with this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The importation into the Community, be it directly or indirectly, of rough diamonds as defined in Annex I originating in, or coming from, Sierra Leone into the territory of the Community shall be prohibited.

*Article 2*

Rough diamonds controlled by the government of Sierra Leone through the Certificate of Origin regime consistent with paragraph 5 of UNSCR 1306(2000) shall be exempt from the measure referred to in Article 1. The detailed rules for this exemption are set out in Annex II.

*Article 3*

The Commission is hereby empowered to amend Annex I, in order to bring it in line with changes that may be made to the Combined Nomenclature, and to supplement and/or amend Annex II on the basis of the information and notifications supplied by the competent authorities of the United Nations, in particular the Sanctions Committee created by Resolution 1132(1997). Any additions or amendments shall be published in the *Official Journal of the European Communities*.

*Article 4*

This Regulation shall apply notwithstanding any rights conferred, or obligations imposed, by any international agreement or any contract entered into or any licence or permit granted before its entry into force.

*Article 5*

Each Member State shall determine the penalties to be imposed where this Regulation is infringed. Such penalties shall be effective, proportionate and dissuasive.

<sup>(1)</sup> OJ L 10, 12.1.2002, p. 81.

<sup>(2)</sup> OJ L 200, 8.8.2000, p. 21.

*Article 6*

The Commission and the Member States shall inform each other of the measures taken under this Regulation and supply each other with other relevant information at their disposal in connection with this Regulation, such as breach and other enforcement problems or judgments handed down by national courts.

*Article 7*

This Regulation shall apply:

- within the territory of the Community, including its air space,

- on board any aircraft or any vessel under the jurisdiction of a Member State,
- to any national of a Member State, wherever he or she may be,
- to any body which is incorporated or constituted under the law of a Member State.

*Article 8*

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

It shall apply from 5 January 2002.

It shall expire on 5 December 2002.

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

Done at Brussels, 18 February 2002.

*For the Council*

*The President*

J. PIQUÉ I CAMPS

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*ANNEX I***Rough diamonds referred to in Article 1**

| CN code       | Product description                                                 |
|---------------|---------------------------------------------------------------------|
| ex 7102 10 00 | Unsorted diamonds, unworked and not mounted or set                  |
| 7102 21 00    | Industrial diamonds, unworked or simply sawn, cleaved or bruted     |
| 7102 31 00    | Non-industrial diamonds, unworked or simply sawn, cleaved or bruted |
| 7105 10 00    | Dust and powder of diamonds                                         |

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*ANNEX II*

Detailed rules for the importation of rough diamonds that are accompanied by a certificate of origin delivered under the regime that was approved by the competent authorities of the United Nations.

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**COMMISSION REGULATION (EC) No 304/2002**  
**of 18 February 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 19 February 2002.

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

Done at Brussels, 18 February 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 18 February 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                               | 136,6                 |
|                                                | 204                               | 93,3                  |
|                                                | 212                               | 130,7                 |
|                                                | 608                               | 21,1                  |
|                                                | 999                               | 95,4                  |
| 0707 00 05                                     | 052                               | 181,3                 |
|                                                | 068                               | 127,8                 |
|                                                | 999                               | 154,6                 |
| 0709 10 00                                     | 220                               | 242,2                 |
|                                                | 999                               | 242,2                 |
| 0709 90 70                                     | 052                               | 155,3                 |
|                                                | 204                               | 87,9                  |
|                                                | 999                               | 121,6                 |
| 0805 10 10, 0805 10 30, 0805 10 50             | 052                               | 50,7                  |
|                                                | 204                               | 53,1                  |
|                                                | 212                               | 45,7                  |
|                                                | 220                               | 47,7                  |
|                                                | 421                               | 30,4                  |
|                                                | 508                               | 22,3                  |
|                                                | 624                               | 58,4                  |
|                                                | 999                               | 44,0                  |
| 0805 20 10                                     | 052                               | 83,4                  |
|                                                | 204                               | 73,7                  |
|                                                | 999                               | 78,6                  |
| 0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90 | 052                               | 60,7                  |
|                                                | 204                               | 72,7                  |
|                                                | 220                               | 59,3                  |
|                                                | 464                               | 140,4                 |
|                                                | 600                               | 112,8                 |
|                                                | 624                               | 86,8                  |
|                                                | 999                               | 88,8                  |
|                                                | 052                               | 62,0                  |
| 0805 50 10                                     | 600                               | 45,7                  |
|                                                | 999                               | 53,9                  |
| 0808 10 20, 0808 10 50, 0808 10 90             | 060                               | 42,4                  |
|                                                | 400                               | 117,6                 |
|                                                | 404                               | 91,1                  |
|                                                | 720                               | 123,2                 |
|                                                | 728                               | 124,5                 |
|                                                | 999                               | 99,8                  |
|                                                | 388                               | 103,7                 |
|                                                | 400                               | 95,6                  |
| 0808 20 50                                     | 528                               | 85,7                  |
|                                                | 720                               | 144,1                 |
|                                                | 999                               | 107,3                 |
|                                                |                                   |                       |

<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 305/2002****of 18 February 2002****amending Regulation (EC) No 94/2002 laying down detailed rules for applying Council Regulation (EC) No 2826/2000 on information and promotion actions for agricultural products on the internal market**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2826/2000 of 19 December 2000 on information and promotion actions for agricultural products on the internal market <sup>(1)</sup>, and in particular Articles 12 and 16 thereof,

Whereas:

- (1) Annex I(b) to Commission Regulation (EC) No 94/2002 <sup>(2)</sup> includes live plants and floricultural products among the products that can benefit from promotional measures. However, the Regulation did not include the guidelines for this sector in Annex III thereto.
- (2) Guidelines setting out general policy for the campaigns to be conducted should therefore be established for the live plants and floricultural products sector.
- (3) The guidelines offer general pointers on the targets and goals to be achieved, the main messages and the instruments to be used, the duration of the measures and the indicative budget therefor.
- (4) The guidelines take account of both the market situation and the findings of the assessment of the promotional campaigns conducted from 1997 to 2000.

(5) Lastly, at the request of several Member States, the information contained in Annex II to the above Regulation must be updated.

(6) The measures provided for in this Regulation are in accordance with the opinion of the joint meeting of the Management Committees — Promotion of agricultural products,

HAS ADOPTED THIS REGULATION:

*Article 1*

The text of Annex I to this Regulation is added to Annex III to Regulation (EC) No 94/2002.

*Article 2*

Annex II to Regulation (EC) No 94/2002 is replaced by Annex II to this Regulation.

*Article 3*

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

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

Done at Brussels, 18 February 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 328, 21.12.2000, p. 2.

<sup>(2)</sup> OJ L 17, 19.1.2002, p. 20.

## ANNEX I

**LIVE PLANTS AND FLOWER PRODUCTS****1. OVERVIEW OF THE SITUATION**

The supply situation in the sector is increasing competition between products from within the Community and products from third countries.

The evaluation studies of the promotion campaigns carried out from 1997 to 2000 suggest that, in order to facilitate the sale of Community production within the European Union, the whole chain from producer to distributor needs to be better organised and rationalised, and consumers should be better informed about the intrinsic qualities of products.

**2. GOALS**

- To increase the consumption of flowers and plants of Community origin.
- To rationalise the industry of each Member State and keep participants more informed at all stages, in particular encouraging practices which benefit the environment.
- To strengthen the partnership between professionals from several Member States, allowing, amongst other things, the most advanced knowledge in the sector to be shared, and certain specific products to be developed.

**3. MAIN TARGETS**

- Producers
- Nurseries
- Distributors
- Students
- Opinion multipliers: journalists, teachers
- Consumers.

**4. MAIN MESSAGES**

- Quality of European products
- Environmentally-friendly production methods
- Techniques aiming for more durable products
- An optimum mix of varieties of plants and flowers.

**5. MAIN CHANNELS**

- Fairs and exhibitions: stands representing products of several Member States
- Training measures for professionals, consumers and students
- Shared knowledge leading to greater product durability
- Consumer information measures through the press, and also through initiatives such as catalogue publishing, gardeners' calendars, and possibly a 'plant of the month' campaign: measures to promote pot plants
- Increased use of electronic media (Internet, CD-ROM, etc.).

**6. DURATION OF PROGRAMME**

Twelve to 36 months, giving priority to programmes presenting a strategy and properly justified objectives for each stage.

**7. INDICATIVE BUDGET**

EUR 4 million.

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## ANNEX II

**LIST OF COMPETENT BODIES IN THE MEMBER STATES**  
**(for administering Regulations (EC) No 2702/1999 and (EC) No 2826/2000)**

| Member State | Name and address                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                       |
|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Germany      | Bundesanstalt für Landwirtschaft und Ernährung (BLE)<br>Referat 411<br>D-60631 Frankfurt/Main                                                                                                                                                                                                                                                                                                                                                                                                                            | Tel. (49-69) 15 64-756/757/862<br>Fax (49-69) 15 64-791<br>E-mail poststelle@ble.de<br>Internet www.ble.de                                                                            |
| Austria      | Agrarmarkt Austria<br>GB II/Abt. 4/Ref. 1<br>Dresdner Straße 70<br>A-1201 Wien<br><br>Wein: Bundesministerium für Land- und Forstwirtschaft,<br>Umwelt und Wasserwirtschaft<br>Stubering 12<br>A-1010 Wien                                                                                                                                                                                                                                                                                                               | Tel. (43-1) 33151-241<br>Fax (43-1) 33151-299<br>E-mail Eva.Leutner@ama.bmlf.gv.at<br><br>Tel. (43-1) 71100-0<br>Fax (43-1) 71100-2901<br>E-mail                                      |
| Belgium      | Vlaamse Gemeenschap:<br>Administratie Land- en Tuinbouw (ALT) (de heer J. Van Lieffer-<br>inge)<br>Directeur-generaal<br>Leuvenseplein 4<br>B-1000 Brussel<br><br>Région wallonne:<br>Agence Wallonne à l'Exportation (AWEX) (M. Ph. Suinen)<br>Directeur général<br>Place Saintelette 2<br>B-1080 Bruxelles                                                                                                                                                                                                             | Tel. (32-2) 553 63 40<br>Fax (32-2) 553 63 50<br>E-mail jules.vanliefferinge@ewbl.vlaanderen.be<br><br>Tel. (32-2) 421 82 11<br>Fax (32-2) 421 87 87<br>E-mail mail@awex.wallonie.be  |
| Denmark      | Ministeriet for Fødevarer, Landbrug og Fiskeri<br>Direktoratet for FødevarerErhverv,<br>Kampmannsgade 3<br>DK-1780 København V<br><br>Ministeriet for Fødevarer, Landbrug og Fiskeri<br>Direktoratet for FødevarerErhverv,<br>Interventionskontoret (Carsten Andersen)<br>Kampmannsgade 3<br>DK-1780 København V                                                                                                                                                                                                         | Tel. 45 33 95 80 00<br>Fax 45 33 95 80 80<br>E-mail dffe@dffe.dk<br><br>Tel. 45 33 95 80 02<br>Fax 45 33 95 80 34<br>E-mail caea@dffe.dk                                              |
| Spain        | Ministerio de Agricultura, Pesca y Alimentación (MAPA)<br>Subsecretaría — Dirección General de Alimentación<br>(S.G. Promoción Agroalimentaria)<br>Paseo Infanta Isabel 1<br>E-28014 Madrid                                                                                                                                                                                                                                                                                                                              | Tel. 34 91 347 53 91<br>Fax 34 91 347 51 68<br>E-mail ssgpromo@mapya.es                                                                                                               |
| Finland      | Maa- ja metsätalousministeriö<br>Interventioyksikkö<br>PL 30<br>FIN-00023 Valtioneuvosto                                                                                                                                                                                                                                                                                                                                                                                                                                 | Tel. 35 89 160 97 53<br>Fax 35 89 160 97 90<br>E-mail intervention.unit@mmm.fi                                                                                                        |
| France       | Office national interprofessionnel des viandes de l'élevage et de<br>l'aviculture (ONIVAL) (M. Gueudar Delahaye)<br>80, avenue des terroirs de France,<br>F-75607 Paris Cedex 12<br><br>Office national interprofessionnel du lait et des produits laitiers<br>(ONILAIT) (M <sup>me</sup> Boulengier)<br>2, rue Saint-Charles<br>F-75740 Paris Cedex 15<br><br>Office national interprofessionnel des fruits, des légumes et de<br>l'horticulture (ONIFLHOR) (M. Laneret)<br>164, rue de Javel<br>F-75739 Paris Cedex 15 | Tel. 33 1 44 68 50 00<br>Fax 33 1 44 68 50 06<br>E-mail<br><br>Tel. 33 1 73 00 50 00<br>Fax 33 1 73 00 50 50<br>E-mail<br><br>Tel. 33 1 44 25 36 36<br>Fax 33 1 44 25 31 69<br>E-mail |

| Member State | Name and address                                                                                                                                                                                                  |                                                                                                                                                |
|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
|              | Office national interprofessionnel des vins (ONIVINS) (M. Dairien)<br>232, rue de Rivoli<br>F-75001 Paris                                                                                                         | Tel. 33 1 42 86 32 00<br>Fax 33 1 40 15 06 96<br>E-mail                                                                                        |
|              | Office national interprofessionnel des produits de la mer et de l'aquaculture (OFIMER) (M. Merckelbagh)<br>11, rue de Sébastopol<br>F-75001 Paris                                                                 | Tel. 33 1 53 00 96 96<br>Fax 33 1 53 00 96 99<br>E-mail ofimer@ofimer.fr                                                                       |
|              | Office national interprofessionnel des céréales (ONIC)<br>Office national interprofessionnel des oléagineux, protéagineux et cultures textiles (ONIOL) (M. Drege)<br>21, avenue Bosquet<br>F-75015 Paris          | Tel. 33 1 44 18 20 00<br>Fax 33 1 45 51 90 99<br>E-mail                                                                                        |
|              | Institut national des appellations d'origines (INAO) (M. Benard)<br>138, Champs-Élysées<br>F-75008 Paris                                                                                                          | Tel. 33 1 53 89 80 00<br>Fax 33 1 42 25 57 97<br>E-mail jd.benard@inao.gouv.fr                                                                 |
|              | Fonds d'intervention et de régulation du marché du sucre (FIRS) (M <sup>me</sup> Ulmann)<br>120, bd de Courcelles<br>F-75017 Paris                                                                                | Tel. 33 1 56 79 46 00<br>Fax 33 1 56 79 46 50<br>E-mail                                                                                        |
|              | Office de développement de l'économie agricole des départements d'outre-mer (ODEADOM) (M. Danel)<br>31, quai de Grenelle, Tour Mercure 1<br>F-75738 Paris Cedex 15                                                | Tel. 33 1 53 95 41 70<br>Fax 33 1 53 95 41 95<br>E-mail                                                                                        |
|              | Office national interprofessionnel des plantes à parfum, aromatiques et médicinales (ONIPPAM) (M. De Laurens)<br>25, rue du Maréchal Foch<br>F-04130 Voix                                                         | Tel. 33 4 92 79 34 46<br>Fax 33 4 92 79 33 22<br>E-mail                                                                                        |
| Greece       | Υπουργείο Γεωργίας<br>Διεύθυνση Γεωργικών Εφαρμογών<br>Οδός Πατησίων 207 και Σκαλιστήρη 19<br>GR-11253 Αθήνα                                                                                                      | Tel. 30 10 867 53 59<br>Fax 30 10 867 84 51<br>E-mail                                                                                          |
| Ireland      | Department of Agriculture, Food and Rural Development<br>Food division<br>Kildare Street<br>Dublin 2                                                                                                              | Tel. (353-1) 607 20 00/607 23 90<br>Fax (353-1) 607 20 38<br>E-mail maura.nolan@agriculture.gov.ie<br>mel.mcdonagh@agriculture.gov.ie          |
| Italy        | AGEA<br>Dr. Alberto Migliorini<br>Organismo Pagatore<br>Via Palestro, 81<br>I-00185 Roma                                                                                                                          | Tel. (39-06) 49 49 92 86<br>Fax (39-06) 4 46 34 09<br>E-mail aimauo01@tin.it                                                                   |
| Luxembourg   | Administration des services techniques de l'Agriculture<br>16, route d'Esch, boîte postale 1904<br>L-1019 Luxembourg                                                                                              | Tel. 45 71 72 215<br>Fax 45 71 72 341<br>E-mail www.asta.etat.lu<br>asta.asta@asta.etat.lu                                                     |
| Netherlands  | Ministerie van LNV<br>Directie I.Z.; desk PDA<br>Postbus 20401<br>2500 EK Den Haag<br>Nederland<br><br>Ministerie van LNV<br>Agentschap LASER<br>Regio Zuid-West — Postbus 1191<br>3300 BD Dordrecht<br>Nederland | Tel. (31-70) 378 68 68<br>Fax (31-70) 378 61 05<br>E-mail infotiek@dv.agro.nl<br><br>Tel. (31-78) 639 53 95<br>Fax (31-78) 639 53 94<br>E-mail |

| Member State   | Name and address                                                                                                                                                                             |                                                                                           |
|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| Portugal       | INGA<br>Rua Fernando Curado Ribeiro, n.º 4 G<br>1649-034 Lisboa                                                                                                                              | Tel. 351.21.751 86 81<br>Fax 351.21.751 88 13<br>E-mail fmandr@inga.min-agricultura.pt    |
| United Kingdom | Department of Environment, Food and Rural Affairs (DEFRA)<br>International Relations and Export Promotion Division (Jill Russell)<br>Room 324, Whitehall Place East block<br>London SW1A 2HH | Tel. (44-207) 270 19 04<br>Fax (44-207) 270 84 94<br>E-mail jill.russell@defra.gsi.gov.uk |
|                | Rural Payment Agency (RPA) (Rosemary Welch)<br>PO box 69<br>Reading<br>RG1 3YD                                                                                                               | Tel. (44-1189) 68 76 62<br>Fax (44-1189) 68 77 34<br>E-mail rosemary.welch@rpa.gsi.gov.uk |
| Sweden         | Jordbruksverket<br>S-55182 Jönköping                                                                                                                                                         | Tel. (46-36) 15 50 00<br>Fax (46-36) 71 95 11<br>E-mail jordbruksverket@sjv.se            |

**COMMISSION REGULATION (EC) No 306/2002****of 18 February 2002****on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1706/98 of 20 July 1998 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EEC) No 715/90 <sup>(1)</sup>, and in particular Article 30 thereof,

Having regard to Commission Regulation (EC) No 1918/98 of 9 September 1998 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EC) No 1706/98 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States and repealing Regulation (EC) No 589/96 <sup>(2)</sup>, and in particular Article 4 thereof,

Whereas:

- (1) Article 1 of Regulation (EC) No 1918/98 provides for the possibility of issuing import licences for beef and veal products. However, imports must take place within the limits of the quantities specified for each of these exporting non-member countries.
- (2) The applications for import licences submitted between 1 and 10 February 2002, expressed in terms of boned meat, in accordance with Regulation (EC) No 1918/98, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from those States. It is therefore possible to issue import licences in respect of the quantities applied for.
- (3) The quantities in respect of which licences may be applied for from 1 March 2002 should be fixed within the scope of the total quantity of 52 100 tonnes.
- (4) This Regulation is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine,

ovine and caprine animals and swine, fresh meat or meat products from third countries <sup>(3)</sup>, as last amended by Regulation (EC) No 1452/2001 <sup>(4)</sup>,

HAS ADOPTED THIS REGULATION:

*Article 1*

The following Member States shall issue on 21 February 2002 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

*Germany:*

— 150 tonnes originating in Namibia.

*United Kingdom:*

— 200 tonnes originating in Namibia,  
— 60 tonnes originating in Swaziland.

*Article 2*

Licence applications may be submitted, pursuant to Article 3(2) of Regulation (EC) No 1918/98, during the first 10 days of February 2002 for the following quantities of boned beef and veal:

|             |                |
|-------------|----------------|
| Botswana:   | 17 416 tonnes, |
| Kenya:      | 142 tonnes,    |
| Madagascar: | 7 579 tonnes,  |
| Swaziland:  | 3 273 tonnes,  |
| Zimbabwe:   | 9 100 tonnes,  |
| Namibia:    | 11 850 tonnes. |

*Article 3*

This Regulation shall enter into force on 21 February 2002.

<sup>(1)</sup> OJ L 215, 1.8.1998, p. 12.

<sup>(2)</sup> OJ L 250, 10.9.1998, p. 16.

<sup>(3)</sup> OJ L 302, 31.12.1972, p. 28.

<sup>(4)</sup> OJ L 198, 21.7.2001, p. 11.

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

Done at Brussels, 18 February 2002.

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

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**COMMISSION REGULATION (EC) No 307/2002  
of 18 February 2002**

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 19 February 2002.

It shall apply from 20 February to 5 March 2002.

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

Done at Brussels, 18 February 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 182, 31.12.1987, p. 22.

<sup>(2)</sup> OJ L 177, 5.7.1997, p. 1.

<sup>(3)</sup> OJ L 72, 18.3.1988, p. 16.

<sup>(4)</sup> OJ L 289, 22.10.1997, p. 1.

## ANNEX

**to the Commission Regulation of 18 February 2002 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip**

(EUR/100 pieces)

Period: from 20 February to 5 March 2002

| Community producer price | Uniflorous (bloom) carnations | Multiflorous (spray) carnations | Large-flowered roses | Small-flowered roses |
|--------------------------|-------------------------------|---------------------------------|----------------------|----------------------|
|                          | 15,42                         | 12,97                           | 98,29                | 32,78                |
| Community import prices  | Uniflorous (bloom) carnations | Multiflorous (spray) carnations | Large-flowered roses | Small-flowered roses |
| Israel                   | 14,39                         | —                               | 29,17                | 38,69                |
| Morocco                  | 24,71                         | 18,21                           | —                    | —                    |
| Cyprus                   | —                             | —                               | —                    | —                    |
| Jordan                   | —                             | —                               | —                    | —                    |
| West Bank and Gaza Strip | 13,78                         | —                               | —                    | —                    |

**COMMUNICATION FROM THE COMMISSION,**

**publication in the *Official Journal of the European Communities* L 345 of 29 December 2001, page 49, of a text entitled 'Commission Regulation (EC) No 2602/2001 of 27 December 2001 establishing additional technical measures for the recovery of the stock of hake in ICES subareas III, IV, V, VI and VII and ICES divisions VIIIa,b,d,e'**

Since the abovementioned Regulation was adopted without the required opinion of the Management Committee (contrary to what was stated at recital 7) and is therefore unlawful by reason of infringement of an essential procedural requirement, the text entitled 'Regulation (EC) No 2602/2001 of 27 December 2001 establishing additional technical measures for the recovery of the stock of hake in ICES subareas III, IV, V, VI and VII and ICES divisions VIIIa,b,d,e' cannot produce any effect whatsoever and the said publication should be deemed never to have taken place.

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## II

*(Acts whose publication is not obligatory)*

## COUNCIL

**COUNCIL DECISION  
of 17 December 2001**

**on the conclusion of the Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde for the period from 1 July 2001 to 30 June 2004**

(2002/130/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Community and the Republic of Cape Verde have held negotiations to determine the amendments or additions to be made to the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde <sup>(1)</sup>.
- (2) As a result of those negotiations, a new Protocol setting out the fishing opportunities and the financial contribution provided for in the Agreement was initialled on 7 June 2001.
- (3) Under this Protocol, Community fishermen enjoy fishing opportunities in the waters falling within the sovereignty or jurisdiction of the Republic of Cape Verde for the period from 1 July 2001 to 30 June 2004.
- (4) In order to ensure the continuation of fishing activities by Community vessels, it is essential that the said Protocol be approved as quickly as possible. For this reason, the two parties initialled an Agreement in the form of an exchange of Letters providing for the provisional application of the initialled Protocol from 1 July 2001.
- (5) That Agreement should be approved, pending a final decision to be taken on the basis of Article 37 of the Treaty.
- (6) The method for allocating the fishing opportunities among the Member States should be defined,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde for the period from 1 July 2001 to 30 June 2004 is hereby approved on behalf of the Community.

The texts of the Agreement in the form of an Exchange of Letters and of the Protocol are attached to this Decision.

<sup>(1)</sup> OJ L 212, 9.8.1990, p. 3.

*Article 2*

The fishing opportunities set out in the Protocol shall be allocated among the Member States as follows:

|                               |           |                                                                                                  |
|-------------------------------|-----------|--------------------------------------------------------------------------------------------------|
| — tuna seiners:               | France:   | 19 vessels                                                                                       |
|                               | Spain:    | 18 vessels                                                                                       |
| — pole-and-line tuna vessels: | France:   | 6 vessels                                                                                        |
|                               | Spain:    | 10 vessels                                                                                       |
|                               | Portugal: | 2 vessels                                                                                        |
| — surface longliners:         | Spain:    | 52 vessels                                                                                       |
|                               | Portugal: | 10 vessels                                                                                       |
| — bottom longliners:          | Portugal: | 630 GRT per month, averaged over the year, with no more than four vessels fishing simultaneously |

If licence applications from these Member States do not cover all the fishing opportunities fixed by the Protocol, the Commission may consider licence applications from any other Member State.

*Article 3*

The President of the Council is hereby authorised to designate the persons empowered to sign the Agreement in the form of an Exchange of Letters in order to bind the Community.

Done at Brussels, 17 December 2001.

*For the Council*

*The President*

A. NEYTS-UYTTEBROECK

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**AGREEMENT**

**in the form of an Exchange of Letters concerning the provisional application of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde for the period from 1 July 2001 to 30 June 2004**

*A. Letter from the Government of Cape Verde*

Sir,

With reference to the Protocol initialled on 7 June 2001 setting out the fishing opportunities and financial contribution for the period from 1 July 2001 to 30 June 2004, I have the honour to inform you that the Government of Cape Verde is prepared to apply the Protocol on a provisional basis with effect from 1 July 2001, pending its entry into force in accordance with Article 7 of the said Protocol, provided the European Community is disposed to do the same.

This is on the understanding that the first instalment of the financial compensation specified in Article 2 of the Protocol is paid by 31 January 2002.

I should be obliged if you would confirm the European Community's agreement to such provisional application.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of the Government of Cape Verde*

*B. Letter from the European Community*

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

'With reference to the Protocol initialled on 7 June 2001 setting out the fishing opportunities and financial contribution for the period from 1 July 2001 to 30 June 2004, I have the honour to inform you that the Government of Cape Verde is prepared to apply the Protocol on a provisional basis with effect from 1 July 2001, pending its entry into force in accordance with Article 7 of the said Protocol, provided the European Community is disposed to do the same.

This is on the understanding that the first instalment of the financial compensation specified in Article 2 of the Protocol is paid by 31 January 2002.

I should be obliged if you would confirm the European Community's agreement to such provisional application.'

I have the honour to confirm the European Community's agreement to such provisional application.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of the Council of the European Union*

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**PROTOCOL****setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde for the period from 1 July 2001 to 30 June 2004***Article 1*

For a period of three years from 1 July 2001, the fishing opportunities granted under Article 2 of the Agreement shall be as follows:

(a) highly migratory species:

- freezer tuna seiners: 37 vessels,
- pole-and-line tuna vessels: 18 vessels,
- surface longliners: 62 vessels;

(b) other species:

- bottom longliners: 630 GRT per month, averaged over the year, with no more than four vessels fishing simultaneously.

2. EUR 20 000 for awards for study and practical training in the various scientific, technical and economic disciplines relating to fisheries;
3. EUR 30 000 towards covering the costs of participation in training courses or international meetings concerning fisheries;
4. EUR 180 000 towards financing programmes to develop quality control for fishery products and fisheries monitoring and surveillance.

The measures and the annual amounts allocated thereto shall be decided on by the Ministry responsible for fisheries in Cape Verde, which shall inform the Commission of the European Communities thereof.

*Article 2*

1. For the period referred to in Article 1, the financial contribution referred to in Article 7 of the Agreement shall be EUR 680 000 per year (including EUR 400 000 in financial compensation and EUR 280 000 for the measures referred to in Article 3 of this Protocol).

For tuna fishing, this financial contribution shall cover a catch of 7 000 tonnes a year in Cape Verdean waters. If the annual amount of tuna caught by Community vessels in Cape Verdean waters exceeds this quantity, the abovementioned compensation shall be increased proportionally.

2. The financial compensation shall be payable no later than 31 January 2002 for the first year and no later than 30 June 2002 and 30 June 2003 for the subsequent years. The use to which this compensation is put shall be the sole responsibility of the Cape Verdean authorities.

3. The financial compensation shall be paid into an account opened in the name of the Public Treasury with a financial institution or any other body designated by the Cape Verdean authorities.

The annual amounts shall be made available to the bodies concerned no later than 31 January 2002 for the first year and no later than 30 June 2002 and 30 June 2003 for the following years and paid into the bank accounts specified by the Ministry responsible for fisheries in Cape Verde according to the schedule for their use.

The Ministry responsible for fisheries shall transmit an annual report on the implementation of these measures and the results achieved to the Delegation of the Commission of the European Communities in Cape Verde, not later than three months after the anniversary date of the Protocol. The Commission of the European Communities may request additional information on these results from the Ministry responsible for fisheries and may, where appropriate, review the payments concerned in the light of the actual implementation of the various measures, after consulting the Cape Verdean authorities in the Joint Committee provided for in Article 9 of the Agreement.

*Article 4*

Should the Community not make the payments referred to in Articles 2 and 3, application of this Protocol may be suspended.

*Article 3*

The measures set out below shall be financed from the financial contribution provided for in Article 2(1), up to an amount of EUR 280 000 per year, broken down as follows:

1. EUR 50 000 for scientific or technical programmes to promote better understanding of fisheries resources in the exclusive economic zone of Cape Verde;

*Article 5*

1. Should a fundamental change in circumstances prevent fishing in Cape Verde's exclusive economic zone, the European Community may suspend payment of the financial contribution following prior consultation, if possible, between the two Parties.

2. Payment of the financial contribution shall recommence once the situation returns to normal and following consultation between the two Parties confirming that the situation is likely to allow a return to normal fishing activities.

*Article 6*

The Annex to the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the

coast of Cape Verde is hereby repealed and replaced by the Annex to this Protocol.

*Article 7*

This Protocol with its Annex shall enter into force on the date on which the Parties notify each other of the completion of the procedures necessary for that purpose.

It shall apply from 1 July 2001.

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## ANNEX

**CONDITIONS FOR FISHING BY COMMUNITY VESSELS IN CAPE VERDE'S FISHING ZONE****1. Application for and issue of licences**

- 1.1. The Community authorities shall present to the Ministry responsible for fisheries in Cape Verde, via the Delegation of the Commission of the European Communities in Cape Verde, an application for each vessel wishing to fish under the Agreement, at least 15 days before the date of commencement of the period of validity requested.

The applications shall be made on the forms provided for that purpose by the Ministry responsible for fisheries in Cape Verde, a specimen of which is attached hereto (Appendix 1).

- 1.2. Licence applications shall be accompanied by proof of payment of the fee for the period of the licence's validity. Payment shall be made into an account opened with a financial institution or any other body designated by the Cape Verdean authorities.

The fees shall include all national and local charges except for port taxes and service charges.

- 1.3. Licences for all vessels shall be issued by the Ministry responsible for fisheries in Cape Verde within 15 days following receipt of proof of payment as laid down in point 2, to the shipowners or their representatives via the Delegation of the Commission of the European Communities in Cape Verde.

- 1.4. Licences shall be issued for specific vessels and shall not be transferable. However, at the request of the Commission of the European Communities, a vessel's licence may, and, in cases of *force majeure*, shall be replaced by a new licence for another vessel of a similar type. The owner of the first vessel shall return the cancelled licence to the Ministry responsible for fisheries in Cape Verde via the Delegation of the Commission of the European Communities in Cape Verde.

The new licence shall indicate:

- the date of issue,
- the fact that it replaces the licence of the previous vessel for the remaining period of validity.

In this case, no fee as laid down in Article 4(2) of the Agreement shall be due for the remaining period of validity.

- 1.5. Licences must be kept on board at all times. However, on receipt of notification of payment of the advance sent to the Cape Verdean authorities by the Commission of the European Communities, the vessel shall be entered on a list of vessels authorised to fish, which shall be sent to the Cape Verdean authorities responsible for fisheries inspection. A copy of the said licence may be obtained by fax pending arrival of the licence itself; that copy shall be kept on board.

- 1.6. Before the Protocol enters into force, the Ministry responsible for fisheries in Cape Verde shall give notice of the arrangements for paying the fee, including information on bank accounts and the currencies to be used.

**2. Provisions applicable to licences for tuna vessels and surface longliners**

- 2.1. Licences shall be valid for a period of one year. They shall be renewable.

- 2.2. The fee shall be EUR 25 per tonne caught within Cape Verde's fishing zone.

- 2.3. Licences shall be issued after payment to the Ministry responsible for fisheries in Cape Verde of a lump sum of EUR 2 850 per year for each tuna seiner (of which EUR 100 will go towards financing the observer programme), EUR 400 per year for each pole-and-line tuna vessel and EUR 2 100 per year for each surface longliner (of which EUR 100 will go towards financing the observer programme), equivalent to the fees payable for a catch of:

- 110 tonnes of tuna per year in the case of tuna seiners,
- 16 tonnes of tuna per year in the case of pole-and-line tuna vessels,
- 80 tonnes of fish per year in the case of surface longliners.

- 2.4. The captain must keep a fishing log as shown in Appendix 2 for each fishing period spent in Cape Verde's fishing zone.

Within a month of the end of each quarter, logs shall be sent via the Delegation of the Commission of the European Communities for processing to the Institut de recherche pour le développement (IRD), the Instituto Español de Oceanografía (IEO), the Instituto Português de Investigação Marítima (IPIMAR) and the Instituto Nacional de Desenvolvimento das Pescas (INDP) of Cape Verde. In the case of the INDP, these data may also be sent by electronic mail or fax (fax No + 238-32 13 70 or + 238-32 16 12).

The Member States shall forward the catch data validated by the scientific institutes to the Commission of the European Communities in accordance with the Community rules. On the basis of this information, the Commission shall draw up a statement of fees due for the fishing year and send it to the Ministry responsible for fisheries in Cape Verde.

Shipowners shall be notified by the Commission of the European Communities of this statement by the end of April at the latest and shall have 30 days in which to meet their financial obligations. If the amount of the final statement is less than the amount of the lump-sum advance payment, the balance shall not be reimbursable to the shipowner.

### 3. Provisions applicable to licences for other vessels

In the case of bottom longliners, licences shall be valid for three, six or twelve months. The annual fee shall be fixed according to GRT, at the rate of EUR 168 per GRT, in proportion to the duration of the licence.

### 4. Statement of catch

- 4.1. For tuna seiners, pole-and-line tuna vessels and surface longliners, a fishing log shall be kept in accordance with point 2.4.
- 4.2. Bottom longliners shall be required to notify the Ministry responsible for fisheries in Cape Verde of their catches using the standard form set out in Appendix 3 via the Delegation of the Commission of the European Communities in Cape Verde. These catch statements shall be monthly and must be communicated at least once every three months.
- 4.3. Forms must be completed legibly and signed by the captains of all vessels with a licence, even where they have made no catches in Cape Verde's waters.
- 4.4. Should these provisions not be adhered to, the Cape Verdean authorities reserve the right to apply, *inter alia*, one or both of the following penalties:
- suspension of the licence of the offending vessel,
  - imposition of a fine.

In such cases, the Delegation of the Commission of the European Communities in Cape Verde shall be informed without delay.

### 5. Landings

Community tuna vessels shall, wherever possible, contribute towards supplying the Cape Verde tuna canning factories in accordance with their fishing effort in the zone on the basis of current prices on the international markets. Payment shall be made in convertible currency.

The Community fleet of surface longliners fishing in Cape Verde's exclusive economic zone shall land for transhipment at least 5 % of their catches taken in that zone in a Cape Verdean port.

### 6. Signing on seamen

- 6.1. Owners of tuna vessels and surface longliners shall employ Cape Verdean nationals, subject to the following conditions and limits:
- for the fleet of tuna seiners, at least six Cape Verdean seamen shall be signed on during the tuna-fishing season in Cape Verde's fishing zone,
  - for the fleet of pole-and-line tuna vessels, at least three Cape Verdean seamen shall be signed on during the tuna-fishing season in Cape Verde's fishing zone. No vessel shall be required to sign on more than one seaman,
  - for the fleet of surface longliners, at least four Cape Verdean seamen shall be signed on during the fishing season in Cape Verde's fishing zone. No vessel shall be required to sign on more than one seaman.

6.2. The wages of these seamen shall be fixed before the licences are issued, by mutual agreement between the shipowners or their representatives and the Cape Verdean authorities; the wages shall be paid by the shipowners and must include the seamen's social security contributions (including life, accident and health insurance). Shipowners or their representatives shall send a copy of the labour contract to the Ministry responsible for fisheries in Cape Verde.

6.3. Shipowners shall be required to pay a lump sum equivalent to the wages of any seamen not signed on.

This sum shall be used for training seamen in Cape Verde and shall be paid into the account specified by the Cape Verdean authorities.

6.4. Shipowners or their representatives shall notify the Ministry responsible for fisheries in Cape Verde of the list of Cape Verdean seamen signed on by Community vessels during the current fishing season, with details of their registration as crew members and the vessels concerned.

## **7. Observers on board**

Before issuing licences, the Ministry responsible for fisheries in Cape Verde shall notify shipowners or their representatives of the vessels on board which they must take an observer.

The time spent on board by observers shall be fixed by the Cape Verdean authorities but, as a rule, it shall not exceed the time required to carry out their duties. While on board, observers shall:

- observe the fishing activities of the vessels,
- perform biological sampling in the context of scientific programmes,
- note the fishing gear used,
- verify the catch data for Cape Verde's zone recorded in the logbook.

While on board, observers:

- shall take all appropriate steps to ensure that the conditions under which they are taken on board and their presence on board do not interrupt or hamper fishing activities,
- must respect the material and equipment on board and the confidentiality of all documents belonging to the said vessel,
- shall draft an activity report, which shall be transmitted to the competent Cape Verdean authorities.

The terms of observers' embarkation shall be agreed between shipowners or their representatives and the Cape Verdean authorities.

Observers shall be taken on board at a port chosen by the shipowner at the beginning of the first voyage in Cape Verdean waters after notification of the list of designated ships.

Within two weeks and giving ten days' notice, the shipowners concerned shall make known at which Cape Verdean ports and on what dates they intend to take observers on board.

Where observers are taken on board in a foreign port, their travel costs shall be borne by the shipowner. Should a vessel with an observer on board leave the Cape Verde fishing zone, all measures must be taken to ensure the observer's return to Cape Verde as soon as possible at the shipowner's expense.

If the observer is not present at the time and place agreed and during the twelve hours following the time agreed, shipowners shall be automatically absolved of their obligation to take the observer on board.

The salary and social contributions of the observer shall be borne by the competent Cape Verdean authorities.

## **8. Fishing zones**

Community vessels may carry out fishing activities in the following zones:

- beyond 12 nautical miles from the base lines for tuna seiners and surface longliners,
- beyond six nautical miles from the base lines for pole-and-line tuna vessels,
- beyond six nautical miles from the base lines for bottom longliners,
- from the base lines for fishing for live bait.

## **9. Authorised mesh size**

The minimum mesh size authorised for the trawl body (mesh fully extended) shall be:

- 16 mm for live bait fishing.

In the case of tuna, the international standards recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) shall apply.

**10. Entering and leaving the zone, radio communications**

Within three hours of entering or leaving the zone and every week during their fishing activities in Cape Verde's waters, vessels shall be required to communicate their position and the volume of the catch on board direct to the Cape Verdean authorities preferably by fax or, failing that, by radio in the case of vessels not equipped with fax.

The Cape Verdean authorities shall notify the fax number and radio frequency on issue of the licence.

A copy of the fax messages or of the record of radio communications shall be kept by the Cape Verdean authorities and the shipowners until both parties have approved the final statement of fees referred to in point 2.

Any vessel caught fishing without having notified the Cape Verdean authorities of its presence shall be considered an unlicensed vessel.

**11. Port facilities and use of supplies and services**

Where prices and quality are equal, Community vessels shall give preference to the supplies and services they require made available in Cape Verde.

**12. Procedures for boarding and application of penalties**

1. The Delegation of the Commission of the European Communities in Cape Verde shall be notified within 48 hours of any boarding or application of penalties to a fishing vessel flying the flag of a Member State of the Community and operating under this Agreement in Cape Verde's fishing zone. A brief report of the circumstances and reasons leading to the boarding or application of penalties shall be submitted within 72 hours.

2. A meeting shall be held within 24 hours of receipt of the abovementioned information between the Delegation of the Commission of the European Communities in Cape Verde, the Ministry responsible for fisheries in Cape Verde and the inspection authorities, possibly attended by a representative of the Member State concerned, at which the parties shall exchange any relevant documentation and information helping to clarify the circumstances of the established facts. Shipowners or their representatives shall be informed of the outcome of the meeting and of any measures resulting from the boarding.

Any vessel boarded following a fisheries infringement shall be released upon payment of a security, to be fixed in the light of the costs occasioned by the boarding and the amount of fines and compensation to which those responsible for the infringement are liable.

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*Appendix 1***MINISTRY FOR FISHERIES**

Application for a licence for foreign industrial fishing vessels:

1. Name of shipowner:
2. Address of shipowner:
3. Name of shipowner's representative or local agent:
4. Address of shipowner's representative or local agent:
5. Captain:
6. Name of vessel:
7. Registration No:
8. Date and place of construction:
9. Flag country:
10. Port of registration:
11. Port of fitting out:
12. Overall length:
13. Width of vessel:
14. Gross registered tonnage:
15. Net tonnage:
16. Hold capacity:
17. Cold storage and freezing capacity:
18. Engine type and horse power:
19. Fishing gear:
20. Number of crew:
21. Communications equipment:
22. Call sign:
23. Identification markings:
24. Fishing operations to be carried out:
25. Place for landing catch:
26. Fishing zones:
27. Species to be caught:
28. Period of validity:
29. Special conditions:
30. Other activities of the applicant in Cape Verde:

Opinion of the Directorate-General for Fisheries:

Comments of the Ministry for Fisheries, Agriculture and Rural Affairs:

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## Appendix 3

## INFORMATION ON CATCHES RESULTING FROM INDUSTRIAL FISHING

1. Name and registration number of vessel:

2. Nationality:

3. Type of vessel:  
(i.e. for fresh fish, tuna, etc.)

4. Name of the captain or master:

5. Fishing licence issued by:

Period of validity:

6. Type of fishing:

7. Date of leaving port:

Date of entering port:

8. Number of sets:

| Date:           | Fishing zone | Species caught | Tonnes |
|-----------------|--------------|----------------|--------|
| Port of landing |              |                |        |

I, the undersigned . . ., master of the vessel cited above, or his representative, hereby declare that the information given above is correct, as witnessed by the observer of the Government.

Witnessed by the observer of the Government Master (signature).

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**COUNCIL DECISION**  
**of 21 January 2002**  
**amending Decision 2001/131/EC concluding the consultation procedure with Haiti under Article**  
**96 of the ACP-EC Partnership Agreement**

(2002/131/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the ACP-EC Partnership Agreement, implemented in advance by Decision No 1/2000 of the ACP-EC Council of Ministers <sup>(1)</sup>, and in particular Article 96 thereof,

Having regard to the Internal Agreement on measures to be taken and procedures to be followed for the implementation of the ACP-EC Partnership Agreement, as provisionally applied by Decision of the Representatives of the Governments of the Member States on 18 September 2000, and in particular Article 3 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) On the basis of Council Decision 2001/131/EC <sup>(2)</sup>, the provision of financial aid to Haiti is partially suspended following the application of 'appropriate measures' provided for in Article 96(2)(c) of the ACP-EC Partnership Agreement.
- (2) The Decision expired on 31 December 2001 and required a review of the measures before that date.
- (3) Democratic principles are still not upheld in Haiti. However, there are some encouraging developments

which deserve to be reinforced by a conditional and gradual reactivation of the cooperation,

HAS DECIDED AS FOLLOWS:

*Article 1*

Decision 2001/131/EC is hereby amended as follows:

1. In the second and third paragraphs of Article 3, the date '31 December 2001' shall be replaced by '31 December 2002'.
2. The Annex shall be replaced by the text appearing in the Annex to this Decision.

*Article 2*

This Decision shall take effect from the day of its adoption.

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 21 January 2002.

*For the Council*

*The President*

M. ARIAS CAÑETE

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<sup>(1)</sup> OJ L 195, 1.8.2000, p. 46.

<sup>(2)</sup> OJ L 48, 17.2.2001, p. 31.

## ANNEX

**Draft letter**

Dear Prime Minister,

The European Union attaches great importance to Article 9 of the ACP-EC Agreement. Democratic principles and the rule of law, on which the ACP-EC partnership is founded, are essential elements of the Agreement and thus form the cornerstone of our relations.

By letter of 31 January 2001, the Union expressed its regret that no satisfactory solution to remedy the violation of the Haitian electoral law had been found. It informed you of its decision to suspend partially its financial aid through 'appropriate measures' provided for in Article 96(2)(c) of the ACP-EC Partnership Agreement. Today, after more than 12 months of political crisis and various conciliation and mediation attempts, the Union considers that democratic principles are still not upheld in Haiti. The Council of the European Union has reviewed its Decision of 29 January 2001 to allow a gradual reactivation of all cooperation instruments on our side subject to the achievement of democratic objectives as regards the electoral process, on your part. These measures were discussed with you at the time of the demarches undertaken by the European Union on ... (to be specified).

The Council of the European Union has therefore decided to review the measures notified to you as 'appropriate measures' referred to in Article 96(2)(c) by our letter of 31 January 2001 in the following way:

- The appropriate measures taken by the Council of the European Union on 29 January 2001 will be maintained until the said agreement has been signed or, in the absence of such an agreement, until 31 December 2002.
- As soon as an agreement between the two sides is signed, all the cooperation instruments affected by the measures decided on 29 January 2001 will gradually be reactivated on the basis of crisis exit indicators, according to the steps set out in the table in the Annex. These indicators could be adapted, if necessary, on the basis of developments in both the political and human rights context.
- These measures expire on 31 December 2002.

The Union does not wish to penalise the Haitian people and will continue with cooperation programmes which are not affected by these measures. It hopes that you will do everything you can to achieve these crisis exit steps, thereby enabling all cooperation instruments to be progressively resumed.

The Union will therefore follow further developments in the democratisation process closely, particularly the achievement of an agreement between the two parties to the crisis, and its implementation via the holding of general and local elections. It reiterates its readiness to engage in enhanced political dialogue and contribute to the process of democratisation. To this end, it is ready to review its Decision if there are encouraging developments but reserves the right to take further measures if there is no improvement.

Please accept, Prime Minister, the assurance of our highest consideration.

*For the Commission*

*For the Council*

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*Annex to the Letter*

|   | Indicators of Agreement implementation                                                                                                                            | Appropriate measures                                                                                                                                                                     |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Constitution of the provisional electoral Council (CEP) in accordance with the basic Agreement                                                                    | Use of funds available from the first tranche under the 8th EDF for programmes in partnership with the State to combat poverty and support democracy                                     |
| 2 | Setting-up of the electoral guarantee committee provided for in the basic Agreement, both at central and devolved level with the powers laid down                 | Provision of the second tranche under the 8th EDF for programmes to support the electoral process, provide roads, combat poverty and support democracy                                   |
| 3 | Holding of a general election judged to be satisfactory by official international observers and reflected in the setting-up of democratic institutions            | Notification of the allocation of the 9th EDF and signing of the relevant NIP with immediate implementation of projects and programmes education and non-focal sectors (40 % of the NIP) |
| 4 | Holding of local and regional elections judged to be satisfactory by official international observers, reflected at the level of setting-up devolved institutions | Release of the 60 % of the NIP of the 9th EDF assigned to transport infrastructure and envelope B, for possible support for structural adjustment                                        |

# COMMISSION

## COMMISSION DECISION

of 25 April 2001

on State aid granted by France to the shipyard AHCN

(notified under document number C(2001) 1143)

(Only the French text is authentic)

(Text with EEA relevance)

(2002/132/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 88(2) thereof,

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof,

Having regard to Council Regulation (EC) No 1540/98 of 29 June 1998 establishing new rules on aid to shipbuilding <sup>(1)</sup>,

Having regard to Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 88 of the Treaty, and in particular Article 7 thereof <sup>(2)</sup>,

Having called on the interested parties to submit their comments pursuant to that Article <sup>(3)</sup>,

Whereas:

aid in order to ensure that the orders were completed. The total amount of aid that the French Government was preparing to grant AHCN was estimated at FRF 1 868 million.

(3) By letter dated 4 February 1999, the Commission informed France of its decision to initiate proceedings under Article 88(2) of the EC Treaty in respect of the aid.

(4) The Commission decision to initiate proceedings was published in the *Official Journal of the European Communities*. The Commission invited interested parties to submit their comments on the aid in question.

## II. BACKGROUND

### I. PROCEDURE

- (1) At the beginning of 1998, following persistent and alarmist reports on the situation at Ateliers et Chantiers du Havre Constructions Navales (hereinafter AHCN), the Commission sent the French authorities a request for information, initially by letter dated 12 June 1998. This request was answered with a holding letter. Eventually, in October, following another request from the Commission, the French authorities sent a reply by letter dated 30 November 1998.
- (2) The information stated that AHCN had not been in control of the industrial process and had been unable to assess the financial impact of the difficulties, which had prompted the authorities to release additional emergency

- (5) In carrying out an order for three chemical tankers obtained from Stolt Nielsen in 1995 for a total amount of FRF 1 126 million, the shipyard AHCN encountered serious difficulties at the beginning of 1997. The firm had hoped to overcome its organisational difficulties by reducing its workforce by 15 % and cutting capacity by reducing the size of its building berths. At the financial level, cash flow was to have been maintained by the immediate release by the French Government of aid for the order for the three chemical tankers, pursuant to Article 4 of Council Directive 90/684/EEC of 21 December 1990 on aid to shipbuilding <sup>(4)</sup> in force at the time, and the aid provided for in the plan for upgrading the French shipbuilding industry, approved by the Commission in July 1995. In addition, aid to cover the social aspects of the restructuring was to have been granted, following a notification in February 1997 which the Commission approved in December 1997.

<sup>(1)</sup> OJ L 202, 18.7.1998, p. 1.

<sup>(2)</sup> OJ L 83, 27.3.1999, p. 1.

<sup>(3)</sup> OJ C 113, 24.4.1999, p. 7.

<sup>(4)</sup> OJ L 380, 31.12.1990, p. 27.

- (6) The three aid packages for which the shipyard was eligible at the time of the order, i.e. at the end of 1995, amounted to a total of FRF 318 million, broken down as follows:

- (i) contract-related aid: FRF 111,4 million (9 % of contract price before aid);
- (ii) aid to upgrade French shipyards, authorised by the Commission in July 1995: FRF 207,5 million.

There was also restructuring aid of FRF 21,8 million, provided that it was allocated to the social plan.

### III. DESCRIPTION

- (7) In initiating the Article 88(3) procedure in January 1999, on the grounds that the shipyard estimated that its losses on the order would be FRF 1 868 million and that the loss would be covered by public resources well in excess of the amounts already authorised by it, the Commission considered that such aid constituted operating aid not offset by any factor that could have justified it under the provisions in force on aid to shipbuilding.
- (8) The Commission asked the French authorities to provide, in addition to their comments, the following information:
- (i) a complete breakdown of the company accounts, including all aid payments made since the signing of the contract with Stolt Nielsen;
  - (ii) a copy of the contract in question;
  - (iii) details of the construction of the last two tankers in terms of value and progress of work.

### IV. COMMENTS FROM THE FRENCH AUTHORITIES

- (9) The French authorities supplied detailed company accounts for the years up to and including 1997, accounts payable at 30 June 1999 and a copy of the contracts and their amendments. As regards the progress of work on the tankers, the first was being completed, the hull of the second was 80 % completed and only a few components of the third had been assembled.
- (10) In their comments, the French authorities detailed the events that had resulted in ACHCN not being in control of the industrial process or the financial position. In essence, the shipyard, despite having considerable know-how in the field of shipbuilding, had been unable to meet an overly ambitious challenge, having launched itself into building a type of vessel of which it had no experience. In addition to the lack of experience there had been external problems such as delays in supplies of

steel sheet and quality specifications imposed by the shipowner with which the yard had never previously had to deal.

- (11) The authorities considered, however, that there was no early warning of a subsequent deterioration, a view supported by the accounts payable which show that at the end of 1996 the yard was still in control of the situation and, even in 1997, when the restructuring plan referred to in recital 5 was notified, productivity gains at the yard should have helped to restore the situation since the building delays could be attributed to temporary hitches. They also stated that their intervention had been intended to prevent the sudden bankruptcy of ACHCN which could have caused serious social unrest, given the yard's importance to the industrial fabric of Le Havre.

- (12) As the situation had altered since the French authorities' first reply to the Commission in November 1998, they also supplied the following information:

- (i) the first vessel, which should have been delivered originally in July 1997, a deadline which was then postponed by agreement to 31 October 1998, was eventually delivered only in June 1999. Because of the delay, the owner was able to apply the rejection clause. In the absence of another buyer, the price paid was the current market price at the time of delivery, i.e. USD 53 million instead of the contract price of USD 73 million;

- (ii) as regards the other two vessels, the yard decided in January 1999 to halt the construction of the third tanker of which only a few hull sections had been manufactured. The cost of completing the tanker, given productivity in the yard, would have exceeded the possible price paid by the owner; ACHCN accordingly concluded that it was industrially impossible to build the vessel. As regards the second tanker, it was decided to carry on building it to the launch stage and to find a yard outside France which could complete it. At 1 June 1999, the hull was 90 % completed and its launch was planned for October 1999. The decision was based on the need to remove an incomplete hull from a patent slip located right in the centre of the port of Le Havre since it would otherwise have had to be demolished, at a price.

- (13) As the total loss on the order suspended in June 1999 would thus have totalled FRF 2 033 million, ACHCN decided to halt shipbuilding activities and ask the authorities to finance a total and irreversible closure plan, consisting of three parts.

(14) For the first part, the French authorities suggested covering the losses as follows:

- (i) FRF 111,4 million accounting for 9 % of contract-related aid (already authorised under the aid scheme in force) and FRF 207,5 million accounting for other aid approved by the Commission (1995 upgrading plan and 1998 restructuring plan);
- (ii) FRF 1 714,1 million of closure aid. The aid was intended to finance the completion of the first tanker and work on the second tanker up to the launch stage.

(15) The second part concerns social aid and consists in the implementing of a social plan for the entire ACHCN workforce, i.e. 692 employees on open-ended contracts. The statutory redundancy procedure under the Labour Code was initiated in August 1999. The State provided the firm with the necessary funds to cover the expenditure which the latter would normally have borne, ACHCN being in a state of virtual bankruptcy and hence incapable of financing the plan. The measures included redundancy benefit, compensation in lieu of notice, mobility aid, recruitment aid, retraining leave, implementation of retraining and early retirement agreements, financing of a retraining cell and other possible benefits. The initial budget was FRF 270 million, adjusted according to the number of workers benefiting from each measure. Out of a total workforce of 692 persons, the departures were staggered as follows:

| Date          | Redundancies |
|---------------|--------------|
| August 1999   | 400          |
| October 1999  | 100          |
| November 1999 | 100          |
| December 1999 | 50           |
| June 2000     | 42           |

(16) The third part provides for reindustrialisation measures designed to offset the direct and indirect job losses caused in Le Havre by the closure of the shipyard. As major industrial development programmes were due to start very shortly in the Le Havre area, especially in the port of Le Havre (Port 2000 project), the main task was to ensure the urgent allocation to the Le Havre area of the appropriations earmarked for small firms and industries in SME and SMI development funds (FDPMI) and the PAT grant scheme for assisting employment in small

firms. All the proposed measures are covered by schemes already authorised by the Commission.

(17) Lastly, the French authorities reported that ACHCN had undertaken to sell all its assets in step with the reduction in the workforce and to transfer the proceeds to the French Treasury in repayment, albeit inevitably only partial, of the restructuring aid granted by the State. Thus the entire production facilities of the shipyard will be disposed of.

#### V. ASSESSMENT OF THE AID

(18) The measures in question constitute aid within the meaning of Article 87(1) of the EC Treaty inasmuch as they distort competition by favouring ACHCN and ship production.

(19) As they concern a shipyard, they must be assessed under Regulation (EC) No 1540/98, Article 4 of which provides that aid to defray the normal costs resulting from the total or partial closure of shipbuilding, ship repair or ship conversion yards may be considered compatible with the common market provided that the resulting capacity reduction is of a genuine and irreversible nature.

(20) In view of the commitments given by the French Government regarding the definitive closure of the yard, which has in the meantime become a reality with the complete cessation of business, the departure of workers according to schedule and the auctioning of the firm's entire installations, it must be concluded that there has been a complete and irreversible closure and the aid should be considered in that light.

(21) From a social standpoint, the costs possibly eligible for aid include the following:

- (i) benefits paid to workers made redundant or retired before legal retirement age;
- (ii) the costs of counselling services for workers made redundant or taking early retirement, including payments made by the yard to facilitate the setting-up of small businesses which are independent of the shipyards in question and whose activities are not principally shipbuilding, ship repair or ship conversion;
- (iii) payments to workers for retraining.

- (22) The budget of FRF 270 million provided for in the social aid section communicated by the French authorities covers the type of expenditure referred to in recital 21, whilst the amount allocated, on average FRF 390 000 per worker, is in line with amounts already granted in France in similar circumstances. When the three Normed shipyards were closed in 1987, the level of aid to cover the social plan, entirely financed by the French Government and approved by the Commission, was practically identical. Accordingly, the measures contained in the social plan can be regarded as compatible with the common market.
- (23) Article 4(2) of Regulation No 1540/98 states that expenditure incurred for the redevelopment of the yard, its buildings, installations and infrastructure for use other than shipbuilding, ship repair and ship conversion are among the costs eligible for closure aid.
- (24) Accordingly, provided that, as the French authorities stated, the industrial development programme for the Le Havre region receives support under schemes already authorised by the Commission, the proposed reindustrialisation measures are also compatible with the common market.
- (25) Article 4(3) of Regulation No 1540/98 specifies that, in the case of firms which totally cease shipbuilding, ship repair or ship conversion, loans or loan guarantees for working capital needed to enable the firm to complete unfinished work may also be deemed compatible with the common market, provided that this is kept to the minimum necessary and a significant proportion of the work has already been done.
- (26) Article 4(4) states that the amount and intensity of aid must be justified by the extent of the closures involved, account being taken of the structural problems of the region concerned.
- (27) The final balance of non-notified aid intended to offset the loss incurred by the shipyard amounts to FRF 1 714,1 million.
- (28) The Commission notes that the State aid complies with Article 4(3) and (4) of the Regulation, primarily because the aid was used only as working capital to allow the yard to complete unfinished work. Only one of the tankers had been completely finished and the construction of the second was strictly limited to what was necessary to allow the vessel to leave the yard. Thus the shipyard was able to remove a partially built vessel which would otherwise have had to be broken up; at the

same time it allowed the workforce of the firm, which held a key position in the industrial fabric of Le Havre, to be cut back gradually.

- (29) The aid granted cannot be regarded as non-repayable aid as the French Government granted it only on condition that the entire proceeds from the liquidation of the yard at public auction should be paid into the public purse.
- (30) It must therefore be concluded that the aid constituted an advance subordinated to the payment of the entire proceeds from the liquidation of the firm and, to the extent that the proceeds from the sale of the installations failed to match the full amount of the advance, the aid may be justified by the fact that the yard will be irreversibly closed without any possibility of reactivation as all the equipment will have been sold.

#### VI. CONCLUSION

- (31) The Commission concludes that the assistance granted by the French Government for the closure of Ateliers et Chantiers du Havre Constructions Navales, comprising aid for a social plan amounting to FRF 270 million and aid to complete ongoing work amounting to FRF 1 714 million, is compatible with the common market. The Commission has already noted that the French Government will be refunded part of the aid granted by transferring to the public purse the proceeds from the sale of the yard's installations,

HAS ADOPTED THIS DECISION:

#### *Article 1*

The State aid of FRF 270 million granted by France to ACHCN to enable it to carry out the social plan and the closure aid of FRF 1 714 million are compatible with the common market.

#### *Article 2*

This Decision is addressed to the French Republic.

Done at Brussels, 25 April 2001.

*For the Commission*

Mario MONTI

*Member of the Commission*

## COMMISSION DECISION

of 18 February 2002

**making it possible for Member States to extend provisional authorisations granted for the new active substances carfentrazone-ethyl, cinidon-ethyl, cyhalofop-butyl, ethoxysulfuron, famoxadone, flazasulfuron, flufenacet, flumioxazine, flurtamone, fosthiazate, isoxaflutole, metalaxyl-M, prosulfuron, *Pseudomonas chlororaphis*, quinoxifen, *Spodoptera exigua* nuclear polyhedrosis virus and sulfosulfuron**

(notified under document number C(2002) 517)

(Text with EEA relevance)

(2002/133/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market <sup>(1)</sup>, as last amended by Commission Directive 2001/87/EC <sup>(2)</sup>, and in particular Article 8(1) fourth subparagraph thereof,

Whereas:

- (1) In accordance with Article 6(2) of Council Directive 91/414/EEC France received on 14 February 1996 an application from FMC Europe NV for the inclusion of the active substance carfentrazone-ethyl in Annex I to Directive 91/414/EEC. By Commission Decision 97/362/EC <sup>(3)</sup> it was confirmed that the dossier was 'complete' i.e. it could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to the Directive.
- (2) The United Kingdom received a similar application on 28 April 1997 from BASF AG concerning cinidon-ethyl. This application was declared complete by Commission Decision 98/398/EC <sup>(4)</sup>.
- (3) Italy received a similar application on 30 April 1997 from Dow AgroSciences concerning cyhalofop-butyl. This application was declared complete by Commission Decision 98/242/EC <sup>(5)</sup>.
- (4) Italy received a similar application on 3 July 1996 from AgrEvo (now Aventis Crop Sciences) concerning ethoxysulfuron. This application was declared complete by Commission Decision 97/591/EC <sup>(6)</sup>.
- (5) France received a similar application on 2 October 1996 from Du Pont de Nemours concerning famoxadone. This application was declared complete by Decision 97/591/EC.
- (6) Spain received a similar application on 16 December 1996 from ISK Biosciences concerning flazasulfuron.

This application was declared complete by Commission Decision 97/865/EC <sup>(7)</sup>.

- (7) France received a similar application on 1 February 1996 from Bayer SA concerning flufenacet. This application was declared complete by Decision 97/362/EC.
- (8) France received a similar application on 12 July 1996 from Sumitomo Chemicals Agro Europe SA concerning flumioxazine. This application was declared complete by Commission Decision 97/631/EC <sup>(8)</sup>.
- (9) France received a similar application on 15 February 1994 from Rhone-Poulenc Agro France (now Aventis Crop Sciences) concerning flurtamone. This application was declared complete by Commission Decision 96/341/EC <sup>(9)</sup>.
- (10) The United Kingdom received a similar application on 5 March 1996 from ISK Biosciences concerning fosthiazate. This application was declared complete by Decision 97/362/EC.
- (11) The Netherlands received a similar application on 6 March 1996 from Rhone-Poulenc Agro France (now Aventis Crop Sciences) concerning isoxaflutole. This application was declared complete by Commission Decision 96/524/EC <sup>(10)</sup>.
- (12) Belgium received a similar application on 9 February 1996 from Novartis Crop Protection (now Syngenta) concerning metalaxyl-M. This application was declared complete by Decision 97/591/EC.
- (13) France received a similar application on 14 May 1995 from Novartis Crop Protection (now Syngenta) concerning prosulfuron. This application was declared complete by Commission Decision 97/137/EC <sup>(11)</sup>.
- (14) Sweden received a similar application on 15 December 1994 from Svenska Lantmännen (now BioAgri) concerning *Pseudomonas chlororaphis*. This application was declared complete by Commission Decision 97/248/EC <sup>(12)</sup> of 15 April 1997.

<sup>(1)</sup> OJ L 230, 19.8.1991, p. 1.

<sup>(2)</sup> OJ L 276, 10.10.2001, p. 17.

<sup>(3)</sup> OJ L 152, 11.6.1997, p. 31.

<sup>(4)</sup> OJ L 176, 20.6.1998, p. 34.

<sup>(5)</sup> OJ L 96, 28.3.1998, p. 45.

<sup>(6)</sup> OJ L 239, 30.8.1997, p. 48.

<sup>(7)</sup> OJ L 351, 23.12.1997, p. 67.

<sup>(8)</sup> OJ L 262, 24.9.1997, p. 7.

<sup>(9)</sup> OJ L 130, 31.5.1996, p. 20.

<sup>(10)</sup> OJ L 220, 30.8.1996, p. 27.

<sup>(11)</sup> OJ L 52, 22.2.1997, p. 20.

<sup>(12)</sup> OJ L 98, 15.4.1997, p. 15.

- (15) The United Kingdom received a similar application on 1 August 1995 from Dow Elanco Europe (now Dow Agro Sciences) concerning quinoxifen. This application was declared complete by Commission Decision 96/457/EC<sup>(1)</sup>.
- (16) The Netherlands received a similar application on 24 April 1997 from Biosys concerning *Spodoptera exigua* nuclear polyhedrosis virus. This application was declared complete by Commission Decision 97/865/EC<sup>(2)</sup>.
- (17) Ireland received a similar application on 24 April 1997 from Monsanto concerning sulfosulfuron. This application was declared complete also by Decision 97/865/EC.
- (18) Such confirmation of the completeness of the data and information was necessary to permit a detailed examination of the dossier and to allow Member States the possibility to grant provisional authorisations, for a period up to three years, for plant protection products containing the active substance concerned, while complying with the conditions laid down in Article 8(1) of Directive 91/414/EEC and, in particular, the condition relating to the detailed assessment of the active substance and the plant protection product in the light of the requirements laid down by the Directive.
- (19) For these seventeen active substances, the effects on human health and the environment have been assessed, in accordance with the provisions of Article 6(2) and (4) of Directive 91/414/EEC, for the uses proposed by the respective applicant. The nominated rapporteur Member States, submitted draft assessment reports concerning the substances to the Commission on 14 May 1998 (carfentrazone-ethyl), 1 November 1998 (cinidon-ethyl), 30 November 1998 (cyhalofop-butyl), 20 May 1997 (ethoxysulfuron), 5 August 1998 (Famoxadone), 3 August 1999 (flazasulfuron), 6 January 1998 (flufenacet), 20 January 1998 (flumioxazine); 21 May 1997 (flurtamone), 18 March 1998 (fosthiazate), 26 February 1997 (isoxaflutole), 27 July 1999 (metalaxyl-M), 18 January 1999 (prosulfuron), 7 April 1998 (*Pseudomonas chlororaphis*), 11 October 1996 (quinoxifen), 19 November 1999 (*Spodoptera exigua* nuclear polyhedrosis virus) and 2 April 1998 (sulfosulfuron), respectively.
- (20) It will not be possible to complete the evaluation of the dossiers within the timeframe provided by the decisions on completeness referred to above because the examination of the dossiers is still ongoing after submission

of the draft assessment reports by the respective rapporteur Member States.

- (21) As the evaluation so far has not identified any reason for immediate concern, Member States should be given the possibility to prolong provisional authorisations granted for plant protection products containing the concerned active substances for a period of 24 months in accordance with the provisions of Article 8 of Directive 91/414/EEC so as to enable the examination of the dossiers to continue. It is expected that within 24 months the completion of the evaluation and decision making process with respect to a decision on possible Annex I inclusion for each of the active substances concerned will have been completed.
- (22) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

#### Article 1

Member States may extend provisional authorisations for plant protection products containing carfentrazone-ethyl, cinidon-ethyl, cyhalofop-butyl, ethoxysulfuron, famoxadone, flazasulfuron, flufenacet, flumioxazine, flurtamone, fosthiazate, isoxaflutole, metalaxyl-M, prosulfuron, *Pseudomonas chlororaphis*, quinoxifen, *Spodoptera exigua* nuclear polyhedrosis virus and sulfosulfuron for a period not exceeding 24 months from the date of adoption of this Decision.

#### Article 2

The present Decision is addressed to the Member States.

Done at Brussels, 18 February 2002.

For the Commission

David BYRNE

Member of the Commission

<sup>(1)</sup> OJ L 189, 30.7.1996, p. 112.

<sup>(2)</sup> OJ L 351, 23.12.1997, p. 67.

## COMMISSION DECISION

of 11 February 2002

**exempting imports of certain bicycle parts originating in the People's Republic of China from the extension by Council Regulation (EC) No 71/97 of the anti-dumping duty imposed by Regulation (EEC) No 2474/93, and maintained by Regulation (EC) No 1524/2000, and lifting the suspension of the payment of the anti-dumping duty extended to certain bicycle parts originating in the People's Republic of China granted to certain parties pursuant to Commission Regulation (EC) No 88/97**

(notified under document number C(2002) 391)

(2002/134/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

suspended pursuant to Article 5(1) of Regulation (EC) No 88/97.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community <sup>(1)</sup>, as last amended by Regulation (EC) No 2238/2000 <sup>(2)</sup>,

Having regard to Council Regulation (EC) No 71/97 of 10 January 1997 extending the definitive anti-dumping duty imposed by Regulation (EEC) No 2474/93, and maintained by Regulation (EC) No 1524/2000, on bicycles originating in the People's Republic of China to imports of certain bicycle parts from the People's Republic of China <sup>(3)</sup>,

Having regard to Commission Regulation (EC) No 88/97 of 20 January 1997 on the authorisation of the exemption of imports of certain bicycle parts originating in the People's Republic of China from the extension by Council Regulation (EC) No 71/97 of the anti-dumping duty imposed by Council Regulation (EEC) No 2474/93 and maintained by Regulation (EC) No 1524/2000 <sup>(4)</sup>, and in particular Article 7 thereof,

After consulting the Advisory Committee,

Whereas:

- (1) After the entry into force of Regulation (EC) No 88/97 a number of bicycle assemblers submitted requests pursuant to Article 3 of that Regulation for exemption of the anti-dumping duty as extended to imports of certain bicycle parts from the People's Republic of China by Regulation (EC) No 71/97 (the extended anti-dumping duty). The Commission has published in the *Official Journal of the European Communities* successive lists of applicants <sup>(5)</sup> for which payment of the extended anti-dumping duty in respect of their imports of essential bicycle parts declared for free circulation was

- (2) The Commission requested and received the necessary information from the parties listed in Article 1 of this Decision and found each of their requests to be admissible pursuant to Article 4(1) of Regulation (EC) No 88/97. The information provided was examined and verified where necessary at the premises of the parties concerned.

- (3) The facts as finally ascertained by the Commission show that the assembly operations of the applicants concerned do not fall within the scope of Article 13(2) of Regulation (EC) No 384/96. In particular, it was found that for all the applicants' bicycle assembly operations, the value of the parts originating in the People's Republic of China which were used in their assembly operations was lower than 60 % of the total value of the parts used in these assembly operations.

- (4) For the above reasons, and in accordance with Article 7(1) of Regulation (EC) No 88/97, the parties listed in Article 1 should be exempted from the extended anti-dumping duty. The parties concerned were informed accordingly and given an opportunity to comment.

- (5) In accordance with Article 7(2) of Regulation (EC) No 88/97, the exemption of the parties listed in Article 1 from the extended anti-dumping duty should take effect as from the date of receipt of their request and their customs debt in respect of the extended anti-dumping duty is to be considered void as from that date.

- (6) A number of other parties, listed in Article 2 of this Decision, also requested an exemption from the extended anti-dumping duty but failed however to submit the necessary information requested by the Commission. Consequently, those parties should not be exempted under Article 7 of Regulation (EC) No 88/97. The Commission informed the parties concerned that it intended to reject their requests for exemption from the extended duty, on the grounds that they had failed to provide the information or supporting evidence requested.

<sup>(1)</sup> OJ L 56, 6.3.1996, p. 1.

<sup>(2)</sup> OJ L 257, 11.10.2000, p. 2.

<sup>(3)</sup> OJ L 16, 18.1.1997, p. 55.

<sup>(4)</sup> OJ L 17, 21.1.1997, p. 17.

<sup>(5)</sup> OJ C 45, 13. 2. 1997, p. 3, OJ C 112, 10. 4. 1997, p. 9, OJ C 378, 13. 12. 1997, p. 2, OJ C 217, 11.7.1998, p. 9, OJ C 37, 11.2.1999, p. 3, OJ C 186, 2.7.1999, p. 6, OJ C 216, 28.7.2000, p. 8 and OJ C 170, 14.6.2001, p. 5.

- (7) Since the parties listed in Article 2 failed to meet the criteria for exemption, the suspension of payment of the extended anti-dumping duty should be lifted and the extended anti-dumping duty should be collected as from the date of receipt of their requests.
- (8) Following the adoption of this Decision, an updated list of parties exempted pursuant to Article 7 of Regulation (EC) No 88/97 and of parties whose requests pursuant to Article 3 of that Regulation are under examination should be published in the C series of the *Official Journal of the European Communities* in accordance with Article 16(2) of that Regulation,

HAS ADOPTED THIS DECISION:

#### Article 1

The parties listed below are hereby exempted from the extension by Regulation (EC) No 71/97 of the definitive anti-dumping duty imposed by Regulation (EEC) No 2474/93, and maintained by Regulation (EC) No 1524/2000, on bicycles originating in the People's Republic of China to imports of certain bicycle parts from the People's Republic of China.

The exemptions shall take effect in relation to each party as from the relevant date shown in the column headed 'Date of effect'.

#### Exempted parties

| Name                                                 | City                                                                            | Country        | Exemption pursuant to Regulation (EC) No 88/97 | Date of effect | TARIC additional code |
|------------------------------------------------------|---------------------------------------------------------------------------------|----------------|------------------------------------------------|----------------|-----------------------|
| Tecno Bike sas di Tontini Donatella                  | Via del Lavoro s.n.<br>I-61030 Canavaccio di Urbino (PU)                        | Italy          | Article 7                                      | 13.1.1999      | 8612                  |
| SIMPLON Fahrrad GmbH                                 | Oberer Achdamm 22<br>A-6971 Hard                                                | Austria        | Article 7                                      | 29.9.1999      | A045                  |
| Intersens Bikes & Parts BV                           | Bedrijvenpark Twente 170<br>7602 KE Almelo<br>Nederland                         | Netherlands    | Article 7                                      | 10.12.1999     | A090                  |
| VICINI di Vicini Ottavio e Figli snc                 | Via dell'Artigianato, 284<br>I-47023 Cesena (FO)                                | Italy          | Article 7                                      | 1.1.2000       | A233                  |
| A & J Europe Bicycle Manufacturing Ltd               | Unit G, Mochdre, Enterprise Park<br>Newtown<br>Powys SY16 4LE<br>United Kingdom | United Kingdom | Article 7                                      | 7.3.2000       | A126                  |
| Speedcross di Torretta P. e C. snc                   | Corso Italia 20<br>I-20020 Vanzaghello (MI)                                     | Italy          | Article 7                                      | 30.3.2000      | A163                  |
| Lenardon Lida/Cicli Bandiziol                        | Via Provinciale, 5<br>I-33096 San Martino al Tagliamento (PN)                   | Italy          | Article 7                                      | 3.5.2000       | A172                  |
| CARRARO SpA Industria Cicli                          | Via Alcide de Gasperi, 15<br>I-35030 Saccolongo (PD)                            | Italy          | Article 7                                      | 8.5.2000       | A173                  |
| Børge Kildemoes Cykelfabrik A/S                      | Nr. Lyndelse<br>DK-5792 Årslev                                                  | Denmark        | Article 7                                      | 12.5.2000      | A166                  |
| CHERRI di Cherri Mario & C. snc                      | Via Cagliari, 39<br>I-09016 Iglesias (CA)                                       | Italy          | Article 7                                      | 19.5.2000      | A168                  |
| Snc Cicli Olympia di Pasquale e Antonio Fontana & C. | Via Carrarese, 62<br>I-35028 Piove di Sacco (PD)                                | Italy          | Article 7                                      | 30.5.2000      | A167                  |
| J. Recker & Co. GmbH                                 | Am Wiesenpfad 21<br>D-53340 Meckenheim                                          | Germany        | Article 7                                      | 19.6.2000      | A200                  |
| Kokotis A. Bros SA                                   | 5 <sup>th</sup> klm of Larissa-Falani<br>GR-41001 Larissa                       | Greece         | Article 7                                      | 3.7.2000       | A201                  |

| Name                                    | City                                                                              | Country        | Exemption pursuant to Regulation (EC) No 88/97 | Date of effect | TARIC additional code |
|-----------------------------------------|-----------------------------------------------------------------------------------|----------------|------------------------------------------------|----------------|-----------------------|
| Aurelia Dino SpA                        | Via Cuneo 11<br>I-12011 Borgo San Dalmazzo (CN)                                   | Italy          | Article 7                                      | 18.7.2000      | A202                  |
| IKO Sportartikel Handels GmbH           | Kufsteinerstraße 72<br>D-83064 Raubling                                           | Germany        | Article 7                                      | 7.9.2000       | A227                  |
| Cicli Olimpica srl                      | Via Pietro Maroncelli 4<br>I-35010 Vigonza (PD)                                   | Italy          | Article 7                                      | 9.10.2000      | A229                  |
| Cycle Citi Corporation Ltd              | Unit 13, Llandegai Ind. Estate<br>Bangor<br>UK-Gwynedd LL57 4YH<br>United Kingdom | United Kingdom | Article 7                                      | 20.10.2000     | A230                  |
| VELOMARCHE di Giunta Giancarlo & C. snc | Via dell'Industria, 3<br>I-61020 Montecchio (PS)                                  | Italy          | Article 7                                      | 13.12.2000     | A231                  |

### Article 2

The requests for exemption from the extended anti-dumping duty made in accordance with Article 3 of Regulation (EC) No 88/97 by the parties listed below are hereby rejected.

The suspension of payment of the extended anti-dumping duty pursuant to Article 5 of Regulation (EC) No 88/97 is hereby lifted for the parties concerned as from the relevant date shown in the column headed 'Date of effect'.

### Parties for which the suspension is lifted

| Name                                                             | City                                                                                               | Country        | Suspension pursuant to Regulation (EC) No 88/97 | Date of effect | TARIC additional code |
|------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|----------------|-------------------------------------------------|----------------|-----------------------|
| Veronese Luigi snc di Veronese Paolo e Elisabetta (Cicli Roveco) | Via Umberto I, 508<br>I-45023 Costa di Rovigo                                                      | Italy          | Article 5                                       | 13.12.1999     | A068                  |
| Ciclo Meccanica srl                                              | Via delle Industrie, 14<br>I-20050 Sulbiate (MI)                                                   | Italy          | Article 5                                       | 4.5.2000       | A170                  |
| Euro Cycles Ltd                                                  | Unit 1B, Pear Mill Industrial Estate<br>Stockport Road West<br>Stockport SK6 2BP<br>United Kingdom | United Kingdom | Article 5                                       | 15.5.2000      | A171                  |
| Artar snc di Ferrari Veber & C.                                  | Via 4 Novembre, 42<br>I-46024 Moglia (MN)                                                          | Italy          | Article 5                                       | 21.6.2000      | A203                  |
| Sprint Bike srl                                                  | Via Padana Superiore 91/93<br>I-25045 Castegnato (BS)                                              | Italy          | Article 5                                       | 26.6.2000      | A199                  |

### Article 3

This Decision is addressed to the Member States and to the parties listed hereunder:

Tecno Bike s.a.s. di Tontini Donatella, Via del Lavoro s.n., I-61030 Canavaccio di Urbino (PU);

SIMPLON Fahrrad GmbH, Oberer Achdamm 22, A-6971 Hard;

Intersens Bikes & Parts B.V., Bedrijvenpark Twente 170, 7602 KE Almelo, Netherlands;

VICINI di Vicini Ottavio e Figli s.n.c., Via dell'Artigianato, 284, I-47023 Cesena (FO);

A & J Europe Bicycle Manufacturing Ltd, Unit G, Mochdre Enterprise Park, Newtown, Powys SY16 4LE, United Kingdom;

Speedcross di Torretta P. e C. s.n.c., Corso Italia 20, I-20020 Vanzaghella (MI);

Lenardon Lida/Cicli Bandiziol, Via Provinciale, 5, I-33096 San Martino al Tagliamento (PN);

CARRARO SpA Industria Cicli, Via Alcide de Gasperi, 15, I-35030 Saccolongo (PD);

Børge Kildemoes Cykelfabrik A/S, Nr. Lyndelse, DK-5792 Årslev;  
CHERRI di Cherri Mario & C. s.n.c. Via Cagliari, 39, I-09016 Iglesias (CA);  
S.n.c. Cicli Olympia di Pasquale e Antonio Fontana & C., Via Carrarese, 62, I-35028 Piove di Sacco (PD);  
J. Recker & Co. GmbH, Am Wiesenpfad 21, D-53340 Meckenheim;  
Kokotis A. Bros S.A., 5<sup>th</sup> klm of Larissa-Falari, GR-41001 Larissa;  
Aurelia Dino SpA, Via Cuneo 11, I-12011 Borgo San Dalmazzo (CN);  
IKO Sportartikel Handels GmbH, Kufsteinerstraße 72, D-83064 Raubling;  
Cicli Olimpica s.r.l., Via Pietro Maroncelli 4, I-35010 Vigonza (PD);  
Cycle Citi Corporation Ltd, Unit 13, Llandegai Ind. Estate, Bangor, Gwynedd LL57 4YH, United Kingdom;  
VELOMARCHE di Giunta Giancarlo & C. s.n.c., Via dell'Industria, 3, I-61020 Montecchio (PS);  
Veronese Luigi s.n.c. di Veronese Paolo e Elisabetta (Cicli Roveco), Via Umberto I, 508, I-45023 Costa di Rovigo;  
Ciclo Meccanica s.r.l., Via delle Industrie, 14, I-20050 Sulbiate (MI);  
Euro Cycles Ltd, Unit 1B, Pear Mill Industrial Estate, Stockport Road West, Stockport SK6 2BP, United Kingdom;  
Artar s.n.c. di Ferrari Veber & C., Via 4 Novembre, 42, I-46024 Moglia (MN);  
Sprint Bike s.r.l., Via Padana Superiore 91/93, I-25045 Castegnato (BS).

Done at Brussels, 11 February 2002.

*For the Commission*

Pascal LAMY

*Member of the Commission*

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## CORRIGENDA

**Corrigendum to Commission Regulation (EC) No 1763/2001 of 6 September 2001 amending Regulation (EC) No 1750/1999 laying down detailed rules for the application of Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF)**

(Official Journal of the European Communities L 239 of 7 September 2001)

The following text annuls and replaces Regulation (EC) No 1763/2001 published on pages 10 to 12 of *Official Journal of the European Communities* L 239 of 7 September 2001.

**'COMMISSION REGULATION (EC) No 1763/2001  
of 6 September 2001****amending Regulation (EC) No 1750/1999 laying down detailed rules for the application of Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations <sup>(1)</sup>, and in particular Articles 34 and 50 thereof,

Whereas:

- (1) In the first year in which the provisions on rural development applied, it was found that some provisions of Commission Regulation (EC) No 1750/1999 <sup>(2)</sup>, as last amended by Regulation (EC) No 672/2001 <sup>(3)</sup>, did not make it possible to respond to all the situations which may arise.
- (2) Article 8 of Regulation (EC) No 1257/1999 provides for aid to help young farmers to set up in farming. If such aid is to constitute a real incentive to young people to set up on an agricultural holding, the decision to grant the aid must be taken close to when the farmer actually sets up. To enable the Member States to implement that new obligation, it should not apply until 1 January 2002.
- (3) Some Member States' programming documents approved by the Commission provide for setting-up aid to be granted to young farmers who have set up in farming several years before the grant decision. In view of the new deadline for individual decisions from 1 January 2002, those Member States which wish to provide support in such cases before the new obligation is implemented must take the necessary steps before the end of 2002.
- (4) Furthermore, for budgetary or administrative reasons due to the end of the old programming period and the start of the new one, some young farmers who set up in 1999, 2000 or 2001 have not yet received setting-up aid. Member States should be authorised to take the necessary steps to grant such support before the end of 2001 or, as appropriate, not more than 12 months after the young farmers have set up, and to provide for some flexibility where compliance with the condition on the age of the young farmer is concerned.
- (5) Article 16 of Regulation (EC) No 1257/1999 provides for farmers to receive support to offset the costs and loss of income resulting, in areas where there are environmental constraints, from the imposition of restrictions based on Community provisions to protect the environment. Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources <sup>(4)</sup> is intended to reduce the pollution of waters by nitrates from agriculture and to prevent it spreading. In line with the "polluter pays" principle in Article 174(2) of the Treaty, there should be no compensation for the costs and income losses resulting from the application of the restrictions imposed by Directive 91/676/EEC, which should therefore be excluded from the scope of Article 16 of Regulation (EC) No 1257/1999.

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 80.

<sup>(2)</sup> OJ L 214, 13.8.1999, p. 31.

<sup>(3)</sup> OJ L 93, 3.4.2001, p. 28.

<sup>(4)</sup> OJ L 375, 31.12.1991, p. 1.

- (6) Under Article 39(1) of Regulation (EC) No 1750/1999, for each Member State, expenditure declared for any given financial year is financed up to the limit of the amounts notified to the Commission under Article 37(1)(b) which are covered by the appropriations entered in the budget for the financial year in question. Where the total of the expenditure forecasts notified under Article 37 exceeds the appropriations entered in the budget for the financial year in question it is necessary to lay down a method for determining the maximum amounts which can be financed by the appropriations available for each Member State, based on the amount of the annual allocation as defined in Commission Decision 1999/659/EC of 8 September 1999 fixing an indicative allocation by Member State of the allocations under the European Agricultural Guidance and Guarantee Fund Guarantee Section for rural development measures for the period 2000 to 2006 <sup>(1)</sup>, as amended by Decision 2000/426/EC <sup>(2)</sup>.
- (7) Some rural development measures, in particular agri-environmental measures, are multiannual. In the interest of sound management and for control purposes, it is necessary to specify that the beneficiary must apply for support each year, unless the Member State provides for another procedure for verifying the conditions for the grant of aid.
- (8) Article 48 of Regulation (EC) No 1750/1999 refers, as regards support granted on the basis of areas and on the basis of livestock, to Article 14 of Commission Regulation (EEC) No 3887/92 of 23 December 1992 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes <sup>(3)</sup>, as last amended by Regulation (EC) No 2721/2000 <sup>(4)</sup>, which, in the event of undue payments, makes it compulsory to reimburse the amounts involved, plus interest. For the sake of consistency, this procedure should be made compulsory in the case of all rural development support measures financed by the EAGGF Guarantee Section.
- (9) Article 55(4) of Regulation (EC) No 1257/1999 lays down that the Directives adopting or amending lists of less-favoured areas are to remain in force unless further amended in the framework of programmes. Point 9 of the Annex to Regulation (EC) No 1750/1999 specifies the descriptive information, broken down into main features and other elements, which must be given for each measure in the programming document. The amendments made to the lists of less-favoured areas adopted by the Council and the Commission and the list of areas with environmental constraints must appear under "other elements".
- (10) Regulation (EC) No 1750/1999 should therefore be amended accordingly.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Agricultural Structures and Rural Development,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Regulation (EC) No 1750/1999 is amended as follows:

1. Article 5 is replaced by the following:

##### *"Article 5*

The conditions laid down in Article 8(1) of Regulation (EC) No 1257/1999 must be fulfilled at the time when the individual decision to grant support is taken. In the case of applications lodged no later than 31 December 2001 for farmers who have set up as described in the fifth paragraph, the condition laid down in the first indent of Article 8(1) of Regulation (EC) No 1257/1999 must be met when the farmer sets up.

However, as far as occupational skill and competence, economic viability and minimum standards regarding the environment, hygiene and animal welfare are concerned, a time period not exceeding three years after setting-up may be foreseen for the fulfilment of these conditions, in so far as an adaptation period is necessary to facilitate the establishment of the young farmer or the structural adjustment of his holding.

The individual decision to grant aid for the setting-up of young farmers under Article 8 of Regulation (EC) No 1257/1999 must be taken no later than 12 months after they have set up as defined by the provisions in force in the Member States.

Where young farmers have set up before 1 January 2002 and could receive support more than 12 months after setting up under the arrangements in the programming document approved by the Commission, Member States may take the individual decision to grant support no later than 31 December 2002.

<sup>(1)</sup> OJ L 259, 6.10.1999, p. 27.

<sup>(2)</sup> OJ L 165, 6.7.2000, p. 33.

<sup>(3)</sup> OJ L 391, 31.12.1992, p. 36.

<sup>(4)</sup> OJ L 314, 14.12.2000, p. 8.

Where young farmers have set up in 1999, 2000 or 2001 and have not yet been granted support for budgetary or administrative reasons, Member States may take the individual decision to grant support no later than 31 December 2001 or within not more than 12 months after the farmers have set up.”;

2. in Section 5 of Chapter II, the following Article 11a is inserted:

*“Article 11a*

The support provided for in Article 16 of Regulation (EC) No 1257/1999 cannot offset the costs and loss of income resulting from the implementation of restrictions based on Council Directive 91/676/EEC (\*).

(\*) OJ L 375, 31.12.1991, p. 1.”;

3. Article 39 is replaced by the following:

*“Article 39*

1. For each Member State, expenditure declared for any given financial year shall be financed up to the limit of the amounts notified to the Commission under point (b) of Article 37(1) which are covered by the appropriations entered in the budget for the financial year in question.

1a. Where the total amount of the forecasts notified under Article 37(1)(b) exceeds the total of the appropriations entered in the budget for the financial year in question, the maximum amount of expenditure to be financed by each Member State shall be limited on the basis of the allocation formula used to establish the amount of the corresponding annual allocation as defined in Commission Decision 1999/659/EC (\*).

If, after this reduction, appropriations remain available because some Member States have made forecasts which are below their annual allocation, the surplus amount shall be distributed in proportion to the annual allocations while ensuring that the amount forecast for each Member State in the first subparagraph is not exceeded. The Commission shall notify the forecasts thus adjusted to the Member States in the month following the adoption of the budget for the financial year in question.

2. Where expenditure actually incurred by a Member State in any given financial year exceeds the amounts notified in accordance with Article 37(1)(b) or the amounts resulting from the application of paragraph 1a of this Article, the overruns on expenditure in that financial year shall be entered in the accounts on a pro rata basis, up to the limit of the appropriations remaining available after reimbursing the expenditure incurred by the other Member States.

3. Where expenditure actually incurred by a Member State in a given financial year is less than 75 % of the amounts referred to in paragraph 1, the expenditure to be recognised for the following financial year shall be reduced by one third of the difference between that threshold, or the amounts resulting from the application of paragraph 1a if they are below it, and the actual expenditure incurred during the financial year in question.

This reduction shall not be taken into account when establishing actual expenditure in the financial year following that in which the reduction was made.

4. Paragraph 3 shall not apply to the first statement of expenditure under the Rural Development Programming Document or the Single Programming Document under Objective 2 in the case of rural development measures financed by the EAGGF Guarantee Section.

(\*) OJ L 259, 6.10.1999, p. 27.”;

4. in Article 46, the following paragraph 5 is added:

“5. Where the support is multiannual, payments subsequent to that made in the first year an application was submitted shall be made on the basis of an annual application for payment, except where a procedure for effective annual verification as referred to in Article 47(1) of this Regulation has been introduced by the Member State.”;

5. in Article 48, paragraph 1 is replaced by the following:

“1. Article 9(1), (2) and (3) of Regulation (EEC) No 3887/92 shall apply to support granted on the basis of areas and Article 10(2) to (5), Article 10b and Article 10f of that Regulation shall apply to support granted on the basis of animals.

In addition, Article 11(1a) of Regulation (EEC) No 3887/92 shall apply to such support.

In the event of undue payment, the individual beneficiary of a rural development measure shall be obliged to repay the amount in accordance with Article 14 of Regulation (EEC) No 3887/92.”;

6. in Article 50, the following paragraph is added:

“The third paragraph of Article 5 shall apply as from 1 January 2002.”;

7. in the Annex, the following indent is added to point 9.3.V.B:

“— amendments to the lists of less favoured areas adopted or amended by Council and Commission Directives, and the list of areas with environmental constraints.”

*Article 2*

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

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

Done at Brussels, 6 September 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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**Corrigendum to Council Decision 2002/60/EC of 22 January 2002 appointing the members and alternate members of the Committee of the Regions for the period 26 January 2002 to 25 January 2006**

*(Official Journal of the European Communities L 24 of 26 January 2002)*

On page 57, in Annex II under ‘SVERIGE’:

*for:* ‘Endrick SCHUBERG  
Västra Götalands läns landsting’,

*read:* ‘Endrick SCHUBERT  
Västra Götalands läns landsting’.

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