

Official Journal

of the European Communities

ISSN 0378-6978

L 91

Volume 45

6 April 2002

English edition

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 592/2002
of 5 April 2002
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 6 April 2002.

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

Done at Brussels, 5 April 2002.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 5 April 2002 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	201,4
	204	95,9
	212	133,5
	220	149,1
	624	160,0
	999	148,0
0707 00 05	052	124,8
	628	178,7
	999	151,8
0709 90 70	052	119,4
	204	32,0
	999	75,7
0805 10 10, 0805 10 30, 0805 10 50	052	72,6
	204	46,9
	212	47,4
	220	46,2
	624	84,8
	999	59,6
0805 50 10	052	45,3
	999	45,3
0808 10 20, 0808 10 50, 0808 10 90	039	109,2
	060	42,5
	204	97,4
	388	96,6
	400	131,0
	404	107,5
	508	88,4
	512	91,5
	524	95,7
	528	90,6
	720	120,4
	804	118,8
	999	99,1
	388	95,8
0808 20 50	400	78,8
	512	79,8
	528	78,7
	999	83,3

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

COMMISSION REGULATION (EC) No 593/2002
of 5 April 2002
suspending the buying-in of butter in certain Member States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽³⁾, as last amended by Regulation (EC) No 1614/2001 ⁽⁴⁾, and in particular Article 2 thereof,

Whereas:

- (1) Article 2 of Regulation (EC) No 2771/1999 lays down that buying-in by invitation to tender is to be opened or suspended by the Commission in a Member State, as appropriate, once it is observed that, for two weeks in succession, the market price in that Member State is below or equal to or above 92 % of the intervention price.

- (2) Commission Regulation (EC) No 432/2002 suspending the buying-in of butter in certain Member States ⁽⁵⁾ establishes the most recent list of Member States in which intervention is suspended. This list must be adjusted as a result of the market prices communicated by Belgium and Luxembourg under Article 8 of Regulation (EC) No 2771/1999. In the interests of clarity, the list in question should be replaced and Regulation (EC) No 432/2002 should be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Buying-in of butter by invitation to tender as provided for in Article 6(1) of Regulation (EC) No 1255/1999 is hereby suspended in Belgium, Denmark, Greece, Luxembourg, the Netherlands, Austria and Sweden.

Article 2

Regulation (EC) No 432/2002 is hereby repealed.

Article 3

This Regulation shall enter into force on 6 April 2002.

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

Done at Brussels, 5 April 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 333, 24.12.1999, p. 11.

⁽⁴⁾ OJ L 214, 8.8.2001, p. 20.

⁽⁵⁾ OJ L 67, 9.3.2002, p. 3.

COMMISSION REGULATION (EC) No 594/2002
of 5 April 2002
determining the extent to which applications lodged in April 2002 for import rights in respect of
frozen beef intended for processing may be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1065/2001 of 31 May 2001 opening and administering an import tariff quota for frozen beef intended for processing (1 July 2001 to 30 June 2002) ⁽¹⁾, and in particular Article 3(4) thereof,

Whereas:

- (1) Article 6(1) of Regulation (EC) No 1065/2001 provides, where applicable, for a further allocation of quantities not covered by licence applications submitted by 22 February 2002.
- (2) Article 1 of Commission Regulation (EC) No 415/2002 of 5 March 2002 providing for reallocation of import rights under Regulation (EC) No 1065/2001 opening and providing for the administration of an import tariff

quota for frozen beef intended for processing ⁽²⁾, establishes the quantities of frozen beef for processing which may be imported under special conditions until 30 June 2002.

- (3) The quantities applied for are such that applications may be granted in full,

HAS ADOPTED THIS REGULATION:

Article 1

Every application for import rights lodged in accordance with Article 6 of Regulation (EC) No 1065/2001 shall be granted in full.

Article 2

This Regulation shall enter into force on 6 April 2002.

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

Done at Brussels, 5 April 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 1.6.2001, p. 37.

⁽²⁾ OJ L 63, 6.3.2002, p. 18.

COMMISSION REGULATION (EC) No 595/2002

of 5 April 2002

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

organisation of the markets in the sugar sector ⁽⁶⁾. Therefore, Annex B requires rectification.

Having regard to the Treaty establishing the European Community,

(4) Commission Regulation (EC) No 1520/2000 should therefore be amended and rectified.

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 2580/2000 ⁽²⁾, and in particular Article 8(3) thereof,

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee on Horizontal Questions concerning Trade in Processed Agricultural Products not listed in Annex I to the Treaty,

Whereas:

HAS ADOPTED THIS REGULATION:

(1) Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amounts of such refund ⁽³⁾, as last amended by Regulation (EC) No 1563/2001 ⁽⁴⁾, should be amended to provide that the detailed rules as laid down by Commission Regulation (EC) No 2298/2001 of 26 November 2001 laying down detailed rules for the export of products supplied as food aid ⁽⁵⁾, are applicable to applications for refund certificates and refund certificates issued for the export of products supplied as food aid.

Article 1

Regulation (EC) No 1520/2000 is amended as follows:

1. Article 6(1), second subparagraph, is replaced by the following:

'The previous subparagraph shall not apply to the supplies referred to in the third indent of Article 4(1) or Articles 36, 40, 44, 45 and Article 46(1) of Regulation (EC) No 800/1999, or to the exports referred to in Article 14.'

2. Article 7(4), second subparagraph, is replaced by the following:

'The primary requirement shall be considered to have been fulfilled if the exporter has transmitted the specific application(s) relating to goods exported during the period of validity of the refund certificate in accordance with the conditions laid down in section VI of Annex F. Where the specific application is not the export declaration, it must be lodged within three months of the date of expiry of the refund certificate bearing the number that has been entered on the specific application, except in case of force majeure.'

3. Article 10 is replaced by the following:

'Article 10

Regulation (EC) No 2298/2001 shall apply to applications for refund certificates and refund certificates issued for export of goods, which are part of an international food aid operation within the meaning of Article 10(4) of the Agreement.'

(3) Annex B provides for the payment of sugar refunds in respect of CN codes 2101 30 11 and 2101 30 91. These codes are not listed in Annex V to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common

⁽¹⁾ OJ L 318, 20.12.1993, p. 18.

⁽²⁾ OJ L 298, 25.11.2000, p. 5.

⁽³⁾ OJ L 177, 15.7.2000, p. 1.

⁽⁴⁾ OJ L 208, 1.8.2001, p. 8.

⁽⁵⁾ OJ L 308, 27.11.2001, p. 16.

⁽⁶⁾ OJ L 178, 30.6.2001, p. 1.

4. Annex F is amended as follows:

In section I, paragraph 2, the last sentence is deleted.

Article 2

Annex B to Regulation (EC) No 1520/2000 is rectified as follows:

1. The entry in respect of CN code 2101 30 11 is deleted.

2. The entry in respect of CN code 2101 30 91 is deleted.

Article 3

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

The modification provided in Article 1(2) shall apply to files which are still open when this Regulation enters into force.

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

Done at Brussels, 5 April 2002.

For the Commission

Erkki LIIKANEN

Member of the Commission

COMMISSION REGULATION (EC) No 596/2002**of 5 April 2002****derogating from Regulation (EC) No 2316/1999 laying down detailed rules for the application of Council Regulation (EC) No 1251/1999 establishing a support system for producers of certain arable crops, with regard to set-aside**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1251/1999 of 17 May 1999 establishing a support system for producers of certain arable crops ⁽¹⁾, as last amended by Regulation (EC) No 1038/2001 ⁽²⁾, and in particular Article 9 thereof,

Whereas:

- (1) Eligibility for area aid under the general scheme referred to in Article 2(3) of Regulation (EC) No 1251/1999 is subject to an obligation to set land aside.
- (2) Article 19(2) and (3) of Commission Regulation (EC) No 2316/1999 ⁽³⁾, as last amended by Regulation (EC) No 327/2002 ⁽⁴⁾, stipulates that the set-aside period must begin no later than 15 January and that no agricultural production is authorised on the land set aside.
- (3) Some regions in Germany were affected by exceptional floods at the beginning of 2002, which makes it difficult to graze livestock in the usual places. Temporary alternatives should therefore be found for sheltering and feeding livestock. The use of land set aside under the arable crop scheme could relieve the situation. However, measures should be taken to ensure that such land is not put to any lucrative use.

(4) In view of the situation facing farmers, this Regulation should enter into force immediately.

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

HAS ADOPTED THIS REGULATION:

Article 1

Notwithstanding Article 19(2) and (3) of Regulation (EC) No 2316/1999, Germany may, in duly justified cases, authorise producers in the regions referred to in the Annex to this Regulation to use set-aside land for sheltering and feeding livestock until 30 April 2002.

Article 2

Germany shall take all the measures necessary to ensure that the set-aside land is not put to any lucrative use.

Article 3

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

It shall apply with effect from 1 March 2002.

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

Done at Brussels, 5 April 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 1.

⁽²⁾ OJ L 145, 31.5.2001, p. 16.

⁽³⁾ OJ L 280, 30.10.1999, p. 43.

⁽⁴⁾ OJ L 51, 22.2.2002, p. 14.

ANNEX

GERMANY

Mecklenburg-Vorpommern**Brandenburg***Landkreise:*

- Barnim
 - Dahme-Spreewald
 - Elbe-Elster
 - Havelland
 - Märkisch-Oderland
 - Oberhavel
 - Oder-Spree
 - Potsdam-Mittelmark
 - Prignitz
 - Spree-Neiße
 - Uckermark
 - Stadt Frankfurt/Oder
-

COMMISSION REGULATION (EC) No 597/2002**of 5 April 2002****amending Regulation (EC) No 1249/96 on rules of application (cereal sector import duties) for Council Regulation (EEC) No 1766/92 on the common organisation of the market in cereals**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾ as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 10(4) thereof,

Whereas:

- (1) Article 2(4) of Commission Regulation (EC) No 1249/96 ⁽³⁾, as last amended by Regulation (EC) No 2104/2001 ⁽⁴⁾, provides for the issue by the customs authority at the port of unloading of a certificate attesting the quantity of each product unloaded. However, the Regulation does not lay down the format of that certificate and this has caused a lack of harmonisation. In order to overcome that problem therefore, a model certificate should be included.
- (2) In particular, exceptional circumstances, the representative cif prices calculated in accordance with Article 2 of Regulation (EC) No 1249/96 result in a duty being fixed for lower quality common wheat that is less than that for higher quality common wheat. The lower duty should be applied to the qualities concerned.
- (3) Under Article 5 of Regulation (EC) No 1249/96, where the duty on the quality to be imported is not the highest duty for the product concerned, importers of common and durum wheat must lodge a specific security additional to those required under Commission Regulation (EC) No 1162/95 ⁽⁵⁾ as last amended by Regulation (EC) No 2298/2001 ⁽⁶⁾. The purpose of that guarantee is to ensure that the duty applicable to the quality imported is paid. Where the duty applicable to each quality is zero, that guarantee is no longer necessary.
- (4) Article 6(1) of Regulation (EC) No 1249/96 provides for the customs authorities to take representative samples of certain products on import in order to determine the rate of duty applicable on the basis of the quality of the product. Where the import duty is the same for the

different qualities of the same product, the taking of samples to achieve the above objective no longer has any point.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1249/96 is amended as follows:

1. The second subparagraph of Article 2(4) is replaced by the following:

'The customs authority at the port of unloading shall issue a certificate in accordance with the model given in Annex VI attesting the quantity of each product unloaded. For the duty reduction to be granted this must accompany the goods until completion of the customs import formalities.'

2. Article 4(2) is replaced by the following:

'2. The representative cif import prices for durum wheat, barley, maize and, in the case of common wheat, for each standard quality shall be the sum of the components referred to in paragraph 1(a), (b) and (c).

However, where the representative cif price for a lower quality common wheat is higher than that for higher quality common wheat, the higher representative cif price shall be used for calculating the duty applicable to the qualities immediately above whose representative cif price is lower.

In cases where third countries grant subsidies on exports of medium or low quality common wheat to European or Mediterranean basin countries so that world market prices can be undercut, the Commission may take account of those subsidies in establishing the representative cif price for importation into the Community.'

3. The following paragraph is added at the end of Article 5:

'However, where the import duty applicable to the different qualities is zero, the commitment referred to in the second indent of the first paragraph shall not be required.'

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 283, 27.10.2001, p. 8.

⁽⁵⁾ OJ L 117, 24.5.1995, p. 2.

⁽⁶⁾ OJ L 308, 27.11.2001, p. 16.

4. The first subparagraph of Article 6(1) is replaced by the following:

'1. The customs office of release for free circulation shall take representative samples, in accordance with the Annex to Commission Directive 76/371/EEC, of every consignment of durum wheat, of common wheat of standard high or medium quality and of flint maize. However, sampling shall

not take place where the import duty for the different qualities is the same.'

5. The text of the Annex hereto is added as Annex VI.

Article 2

This Regulation shall enter into force on the third 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, 5 April 2002.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

‘ANNEX VI

Model certificate referred to in Article 2(4)

Import licence number:

Holder (name, full address and Member State):

Body issuing the extract (name and address):

Rights assigned to (name, full address and Member State):

Product unloaded (CN code and, for common wheat, durum wheat and maize, quality declared in accordance with Article 5): .

.....

Quantity unloaded (in kilograms): ’

COMMISSION REGULATION (EC) No 598/2002
of 5 April 2002
amending the export refunds on eggs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EC) No 493/2002 ⁽²⁾, and in particular Article 8(3) thereof,

Whereas:

- (1) The export refunds on eggs were fixed by Commission Regulation (EC) No 318/2002 ⁽³⁾.
- (2) It follows from applying the criteria referred to in Article 8 of Regulation (EEC) No 2771/75 to the information known to the Commission that the export refunds at

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1) of Regulation (EEC) No 2771/75, exported in the natural state, as fixed in the Annex to Regulation (EC) No 318/2002 are hereby altered as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 8 April 2002.

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

Done at Brussels, 5 April 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 49.

⁽²⁾ OJ L 77, 20.3.2002, p. 7.

⁽³⁾ OJ L 50, 21.2.2002, p. 53.

ANNEX

to the Commission Regulation of 5 April 2002 altering the export refunds on eggs

Product code	Destination	Unit of measurement	Amount of refund
0407 00 11 9000	A02	EUR/100 pcs	2,15
0407 00 30 9000	E01	EUR/100 kg	7,00
	E03	EUR/100 kg	15,00
	E05	EUR/100 kg	3,50
0408 11 80 9100	E04	EUR/100 kg	20,00
0408 19 81 9100	E04	EUR/100 kg	10,00
0408 19 89 9100	E04	EUR/100 kg	10,00
0408 91 80 9100	E06	EUR/100 kg	33,00
0408 99 80 9100	E04	EUR/100 kg	8,00

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

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

The other destinations are defined as follows:

E01 Kuwait, Bahrain, Oman, Qatar, the United Arab Emirates, Yemen, Hong Kong SAR and Russia

E03 South Korea, Japan, Malaysia, Thailand, Taiwan, the Philippines and Egypt

E04 all destinations except Switzerland and Estonia

E05 all destinations except Switzerland, Lithuania and those of E01 and E03

E06 all destinations except Switzerland, Estonia and Lithuania.

COMMISSION REGULATION (EC) No 599/2002**of 5 April 2002****fixing the maximum export refund on wholly milled round grain rice in connection with the invitation to tender issued in Regulation (EC) No 2007/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 411/2002 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2007/2001 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2007/2001 is hereby fixed on the basis of the tenders submitted from 29 March to 4 April 2002 at 190,00 EUR/t.

Article 2

This Regulation shall enter into force on 6 April 2002.

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

Done at Brussels, 5 April 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 272, 13.10.2001, p. 13.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 600/2002**of 5 April 2002****fixing the maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain European third countries, in connection with the invitation to tender issued in Regulation (EC) No 2008/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 411/2002 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2008/2001 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

- (3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain European third countries pursuant to the invitation to tender issued in Regulation (EC) No 2008/2001 is hereby fixed on the basis of the tenders submitted from 29 March to 4 April 2002 at 209,00 EUR/t.

Article 2

This Regulation shall enter into force on 6 April 2002.

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

Done at Brussels, 5 April 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 272, 13.10.2001, p. 15.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 601/2002**of 5 April 2002****fixing the maximum export refund on wholly milled round grain, medium grain and long grain A rice to be exported to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 2009/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 411/2002 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2009/2001 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled grain, medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2009/2001 is hereby fixed on the basis of the tenders submitted from 29 March to 4 April 2002 at 203,00 EUR/t.

Article 2

This Regulation shall enter into force on 6 April 2002.

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

Done at Brussels, 5 April 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 272, 13.10.2001, p. 17.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 602/2002**of 5 April 2002****fixing the maximum export refund on wholly milled long grain rice in connection with the invitation to tender issued in Regulation (EC) No 2010/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 411/2002 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2010/2001 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled long grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2010/2001 is hereby fixed on the basis of the tenders submitted from 29 March to 4 April 2002 at 311,00 EUR/t.

Article 2

This Regulation shall enter into force on 6 April 2002.

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

Done at Brussels, 5 April 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 272, 13.10.2001, p. 19.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 603/2002
of 5 April 2002
on the issuing of system B export licences for 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 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 298/2000 ⁽²⁾, and in particular Article 5(6) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2427/2001 ⁽³⁾ fixed the indicative quantities laid down for the issue of export licences other than those requested in the context of food aid.
- (2) In the light of information now available to the Commission, the indicative quantities have been exceeded in the case of tomatoes, oranges, lemons and apples.
- (3) Those overruns are without prejudice to compliance with the limits resulting from the agreements concluded in accordance with Article 300 of the Treaty. The rate of

refund for all products covered by licences applied for under system B from 15 January to 14 March 2002 should be the indicative rate,

HAS ADOPTED THIS REGULATION:

Article 1

The percentages for the issuing of system B export licences, as referred to in Article 5 of Regulation (EC) No 2190/96, and applied for between 15 January and 14 March 2002, by which the quantities applied for and the rates of refund applicable must be multiplied, are as fixed in the Annex hereto.

The above subparagraph does not apply to licences applied for in connection with food-aid operations as provided for in Article 10(4) of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations.

Article 2

This Regulation shall enter into force on 6 April 2002.

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

Done at Brussels, 5 April 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 292, 15.11.1996, p. 12.

⁽²⁾ OJ L 34, 9.2.2000, p. 16.

⁽³⁾ OJ L 328, 13.12.2001, p. 22.

ANNEX

to the Commission Regulation of 5 April 2002 on the issuing of system B export licences for fruit and vegetables

Percentages for the issuing of licences and rates of refund applicable to system B licences applied for between 15 January and 14 March 2002

Product	Percentage for the issuing of licences	Rate of refund (EUR/t net)
Tomatoes	100 %	20,0
Oranges	100 %	37,0
Lemons	100 %	35,0
Apples	100 %	20,0

II

(Acts whose publication is not obligatory)

COUNCIL

DECISION No 1/2002 OF THE EU-ROMANIA ASSOCIATION COUNCIL

of 18 February 2002

adopting the general terms and conditions for the participation of Romania in Community programmes

(2002/257/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Additional Protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part ⁽¹⁾, concerning Romania's participation in Community programmes, and in particular Articles 1 and 2 thereof,

Whereas:

- (1) According to Article 1 of the Additional Protocol, Romania may participate in Community framework programmes, specific programmes, projects or other actions dealing with a wide range of fields. It also provides for the addition of other Community fields.
- (2) According to Article 2 of the said Protocol, the terms and conditions for the participation of Romania in these activities should be decided by the Association Council.
- (3) The specific participating conditions, including financial implications, in each Community programme should be determined between the Commission of the European Communities and the competent authorities of Romania,

HAS DECIDED AS FOLLOWS:

Article 1

Romania may participate in all Community programmes opened to participation of candidate countries of Central and Eastern Europe, in accordance with the provisions adopting these programmes.

⁽¹⁾ OJ L 317, 30.12.1995, p. 40.

Article 2

Romania shall contribute financially to the European Union's general budget corresponding to the specific programmes in which Romania participates.

Article 3

Romania's representatives shall be allowed to take part, as observers and for the points which concern Romania, in the management committees responsible for monitoring the programmes to which Romania contributes financially.

Article 4

Projects and initiatives submitted by participants from Romania shall be subject, as far as possible, to the same conditions, rules and procedures pertaining to the programmes concerned, as are applied to Member States.

Article 5

The specific terms and conditions, including financial contribution, regarding the participation of Romania in each particular programme shall be determined between the Commission and the competent authorities of Romania. Should Romania apply for Community external assistance pursuant to Council Regulation (EEC) No 3906/89 of 18 December 1989 on economic aid to certain countries of Central and Eastern Europe ⁽²⁾, such specific terms and conditions may be determined on the basis of a Financing Memorandum.

Article 6

This Decision shall apply for an indeterminate period.

It may be denounced by either Party by giving six months' notice in writing.

⁽²⁾ OJ L 375, 23.12.1989, p. 11. Regulation as last amended by Regulation (EC) No 2666/2000 (OJ L 306, 7.12.2000, p. 1).

Article 7

No later than three years after the date of the entry into force of this Decision, and every three years thereafter, the Association Council may review the implementation of this Decision on the basis of actual participation of Romania in one or more Community programmes.

Article 8

This Decision shall enter into force on the first day of the month following its adoption by the Association Council.

Done at Brussels, 18 February 2002.

For the Association Council

The President

M. GEOANA

DECISION No 1/2002 OF THE EU-POLAND ASSOCIATION COUNCIL
of 28 February 2002
adopting the general terms and conditions for the participation of the Republic of Poland in
Community programmes

(2002/258/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Additional Protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part ⁽¹⁾, concerning Poland's participation in Community programmes, and in particular Articles 1 and 2 thereof,

Whereas:

- (1) According to Article 1 of the Additional Protocol, Poland may participate in Community framework programmes, specific programmes, projects or other actions dealing with a wide range of fields. It also provides for the addition of other Community fields.
- (2) According to Article 2 of the said Protocol, the terms and conditions for the participation of Poland in these activities should be decided by the Association Council.
- (3) The specific participating conditions, including financial implications, in each Community programme should be determined between the Commission of the European Communities and the competent authorities of Poland,

HAS DECIDED AS FOLLOWS:

Article 1

Poland may participate in all Community programmes opened to participation of candidate countries of Central and Eastern Europe, in accordance with the provisions adopting these programmes.

Article 2

Poland shall contribute financially to the European Union's general budget corresponding to the specific programmes in which Poland participates.

Article 3

Poland's representatives shall be allowed to take part, as observers and for the points which concern Poland, in the management committees responsible for monitoring the programmes to which Poland contributes financially.

Article 4

Projects and initiatives submitted by participants from Poland shall be subject, as far as possible, to the same conditions, rules and procedures pertaining to the programmes concerned, as are applied to Member States.

Article 5

The specific terms and conditions, including financial contribution, regarding the participation of Poland in each particular programme shall be determined between the Commission and the competent authorities of Poland. Should Poland apply for Community external assistance pursuant to Council Regulation (EEC) No 3906/89 of 18 December 1989 on economic aid to certain countries of Central and Eastern Europe ⁽²⁾, such specific terms and conditions may be determined on the basis of a Financing Memorandum.

Article 6

This Decision shall apply for an indeterminate period.

It may be denounced by either Party by giving six months' notice in writing.

Article 7

No later than three years after the date of the entry into force of this Decision, and every three years thereafter, the Association Council may review the implementation of this Decision on the basis of actual participation of Poland in one or more Community programmes.

Article 8

This Decision shall enter into force on the first day of the month following its adoption by the Association Council.

Done at Brussels, 28 February 2002.

For the Association Council
The President
J. PIQUÉ I CAMPS

⁽¹⁾ OJ L 317, 30.12.1995, p. 35.

⁽²⁾ OJ L 375, 23.12.1989, p. 11. Regulation as last amended by Regulation (EC) No 2666/2000 (OJ L 306, 7.12.2000, p. 1).

Information relating to the entry into force of the Additional Protocol laying down the trade arrangements for certain fish and fishery products to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Lithuania, of the other part

The Additional Protocol to the Europe Agreement with the Republic of Lithuania, on trade in certain fish and fishery products, which the Council decided to conclude on 17 December 2001 ⁽¹⁾, entered into force on 1 February 2002, since notification of the accomplishment of the procedures specified in Article 3 of that Protocol was completed on 31 January 2002.

⁽¹⁾ OJ L 23, 25.1.2002, p. 34.

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

The Additional Protocol to the Europe Agreement with the Republic of Hungary, on trade in certain fish and fishery products, which the Council decided to conclude on 17 December 2001 ⁽¹⁾, entered into force on 1 January 2002, since notification of the accomplishment of the procedures specified in Article 5 of that Protocol was completed on 20 December 2001.

⁽¹⁾ OJ L 23, 25.1.2002, p. 24.

COMMISSION

COMMISSION DECISION

of 28 November 2001

which Germany implemented in favour of the steel company for Georgsmarienhütte Holding GmbH

(notified under document number C(2001) 3734)

(Only the German text is authentic)

(Text with EEA relevance)

(2002/259/EC, ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 88(1) thereof,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 4(c) thereof,

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof read in conjunction with protocol 14,

Having regard to Commission Decision No 2496/96/ECSC of 18 December 1996 establishing Community rules for State aid to the steel industry ⁽¹⁾,

Having called on interested parties to submit their comments pursuant to the provisions cited above ⁽²⁾,

Whereas:

(hereafter: BvS), the company Gröditzer Stahlwerke GmbH and its subsidiaries and Georgsmarienhütte Holding GmbH.

- (2) By letter dated 29 July 2000, the Commission informed Germany that it had decided to initiate the procedure laid down in Article 88(2) of the EC Treaty and Article 6(5) of Commission Decision No 2496/96/ECSC (hereinafter referred to as the Steel Aid Code) in respect of the aforementioned measure. The Commission decision to initiate the procedure was published in the *Official Journal of the European Communities* ⁽³⁾. The Commission invited interested parties to submit their comments on the measure.
- (3) The Commission received no comments from third parties.
- (4) On 11 October 2000, 6 February 2001, 6 June 2001 and 22 August 2001 Germany responded to the opening of procedure and to letters of the Commission of 11 December 2000, 12 April 2001 and 14 July 2001.

2. DETAILED DESCRIPTION OF THE MEASURE

- (5) Gröditzer Stahlwerke GmbH and its subsidiaries ⁽⁴⁾ (hereafter: Gröditzer) are located in Saxony. Since 1990 Gröditzer has been owned by the Treuhandanstalt (THA) and its public successors, respectively EREL Verwaltungs GmbH und Co. Management KG (EREL), Beteiligungs-Management-Gesellschaft mbH (BMGB) and lastly the BvS.

1. PROCEDURE

- (1) By letter dated 23 July 1999, Germany informed the Commission that a management service contract was concluded between the German public authority 'Bundesanstalt für vereinigungsbedingte Sonderaufgaben'

⁽³⁾ See footnote 2.

⁽⁴⁾ On 20 April 1999 Gröditzer Stahlwerke GmbH sold its assets and liabilities — and thus its economic operations — to the newly created Edelstahl Gröditz GmbH and Stahlwerk Gröditz GmbH which are subsidiaries of Stahl Gröditz Holding GmbH. The sole shareholder of Stahl Gröditz Holding GmbH is BvS. In the meantime Stahl Gröditz GmbH sold the shares in these two subsidiaries to Gröditzer Stahlwerke GmbH.

⁽¹⁾ OJ L 338, 28.12.1996, p. 42.

⁽²⁾ OJ C 3, 6.1.2001, p. 31.

- (6) On 25 February 1997 BMGB entered into an agreement 'Kauf- und Abtretungsvertrag über Geschäftsanteile' (hereafter: privatisation agreement) with the Georgsmarienhütte group ⁽⁵⁾ in order to privatise Gröditzer to the latter.
- (7) Over the years before its privatisation Gröditzer received important amounts of State aid, mainly from THA and its successors in the form of guarantees and shareholders' loans. New aid has been paid under the privatisation agreement. The privatisation agreement provided therefore that GMH would obtain legal ownership in Gröditzer only after approval, by the Commission, of State aid paid and to be paid to Gröditzer. Article 17 of the privatisation agreement provided however that GMH was entitled to manage the affairs of Gröditzer, while awaiting the transfer of legal ownership.
- (8) Under Article 17 of the privatisation agreement, GMH received an annual concern fee of DEM 232 000 for its management services. This fee did not include the costs for the secondment of its managers to Gröditzer.
- (9) On 8 July 1999 the Commission adopted Decision 1999/720/EC, ECSC in respect of the State aid to Gröditzer Stahlwerke GmbH and its subsidiary Walzwerk Burg GmbH ⁽⁶⁾. The Commission decided, *inter alia*, that State aid of DEM 239 million was incompatible with the ECSC and the EC Treaty and had to be recovered.
- (10) As a consequence of this decision GMH and the BvS, the legal successor of initial contractor BMGB, terminated the privatisation agreement, which thus ceased to exist.
- (11) At the same time BvS undertook steps to recover the incompatible aid from Gröditzer. As this led to a heavy indebtedness of Gröditzer, insolvency was applied for by BvS, its largest creditor. Gröditzer Stahlwerke GmbH was declared in provisional insolvency by the Dresden bankruptcy Court on 20 September 1999 and in insolvency on 17 January 2000. On the same date its subsidiaries Stahlwerke Gröditz GmbH and Edelstahl Gröditz GmbH were declared in provisional insolvency.
- (12) On 23 July 1999 the German authorities informed the Commission that, in view of the termination of the privatisation agreement, which left Gröditzer without management and group infrastructure, a new management services contract (hereafter: management contract) was concluded between BvS, Gröditzer and GMH. The management contract entered into force (retroactively) as of 1 July 1999.
- (13) Under the management contract GMH provided a number of management services such as incorporation in the GMH sales-, purchasing- and distribution network, insurance and availability of know-how. Therefore:
- (a) GMH seconded three managers to Gröditzer. This involved DEM 80 000 per month of personnel costs and some DEM 20 000 per month for other costs;
 - (b) consisted the total fee for the management services of GMH of two additional elements:
 - (i) under paragraph 12(2) of the management contract GMH received a fee of 1 % of the turnover of Gröditzer;
 - (ii) GMH received a fee calculated on the basis of the improvement of the operating result of Gröditzer (paragraph 12(3) of the management contract): GMH received 15 % of improvements up to DEM 1 million and 30 % of improvements beyond DEM 1 million;
 - (c) the BvS agreed a number of complementary obligations. It agreed to be jointly and individually responsible for payment of all fees that Gröditzer had to pay under the management contract to GMH (paragraph 12(5) of the contract);
 - (d) paragraph 18 of the management contract foresaw further that BvS would pay the fees for another three months in case the receiver would exercise its right to terminate the contract under paragraph 103 of the German Insolvency Act;
 - (e) the BvS undertook also to offer the receiver in the insolvency of Gröditzer an insolvency loan in order to continue the management contract in case the receiver would like to terminate the contract for financial reasons (paragraph 19 of the contract).
- (14) From 1 July until 31 December 1999 the total fees paid by Gröditzer amounted to DEM 1,7 million. These consisted of DEM 520 000 for the secondment of three managers, the fee based on 1 % of the turnover amounting to DEM 738 000 and the result related fee amounting to DEM 445 000.

⁽⁵⁾ Legally the parties to the agreement were Georgsmarienhütte GmbH and Georgsmarienhütte Verwaltungsgesellschaft mbH at Georgsmarienhütte, and Bladenhorster Grundstückverwaltungsgesellschaft mbH, at Castrop-Rauxel. GMH Holding GmbH was created in 1998 as a holding company after an internal restructuring of the Georgsmarienhütte group. It took over the general coordination tasks of the Georgsmarienhütte group. In context of the management service contract the term GMH applies to Georgsmarienhütte Holding GmbH.

⁽⁶⁾ OJ L 292, 13.11.1999, p. 27.

- (15) From 1 January until 31 March 2000 the total fees amounted to DEM 685 000. These consisted of DEM 240 000 for the secondment of three managers and the fee based on 1 % of the turnover amounting to DEM 445 000. The receivers and GMH agreed also that the result related fee was not to be paid in this period, as an insolvency fee according to paragraph 183 SGB III was paid ⁽⁷⁾.
- (16) The management contract for Gröditzer Stahlwerke GmbH was terminated with opening of insolvency procedure in January 2000 and in respect of its subsidiaries on 1 April 2001, when their insolvency proceedings were opened.
- (17) At the same time the receivers concluded a new management service agreement with GMH which involves a total fee of DEM 100 000 for the secondment of three managers. This agreement was valid until 30 June 2000. In the meantime it was extended until 31 December 2001.

3. THE INVESTIGATION PROCEDURE

- (18) The formal investigation procedure was initiated as the Commission had doubts whether BvS and Gröditzer concluded the terms of the management contract at market conditions. The doubts applied in particular to the fees, as it appeared that they were in comparison 10 times as high as the fee paid by Gröditzer to GMH under the privatisation contract. The Commission had therefore doubts whether the terms of the management contract might not contain State aid to GMH and whether such aid would be compatible with the EC Treaty and the ECSC Treaty.

4. COMMENTS FROM GERMANY AND OTHER INTERESTED PARTIES

- (19) In its reply to the opening of procedure, Germany reiterates its position already transmitted in the preliminary investigation, that the BvS agreed the terms of the management contract on market conditions. The conclusion of the management contract, without tender procedure for interim management, was justified by circumstances: urgent action was required as the company found itself, due to the termination of the privatisation agreement, without management. As it was difficult to find an available interim management providing

comparable service, the only alternative to the concluded contract would have been to close the company and liquidate it in the insolvency proceedings. This alternative would have resulted in a reduction of turnover and in consequence to a lower return for the creditors, including BvS ⁽⁸⁾.

- (20) Germany also submitted information indicating that a comparison of the terms of the management contract with the privatisation agreement is not possible. The privatisation agreement was signed under the perspective that GMH would obtain legal ownership in Gröditzer. It did not include the costs for the secondment of managers. The pre-existing fee was therefore not based on actual costs. An additional return was expected to materialise with the improvement of the operating result of Gröditzer. The management contract was concluded after the privatisation agreement ceased to exist. GMH could not foresee whether it could acquire Gröditzer at a later stage. Therefore the fees were negotiated at arms length. In the interest of all parties, the fee also had to include a bonus for improvements in result and turnover.
- (21) Moreover, an expert appraisal, conducted on the request of GMH, was submitted on the question whether a private investor would have agreed to the management agreement under comparable conditions. The experts confirmed in their appraisal that, after the privatisation agreement ceased to exist, an interim management was necessary in order not to reduce the value of the company. They concluded that the management agreement with GMH was the best solution available to BvS. As to the fees and accessory obligations, the experts found that the total remuneration of GMH, including the result-related fee, is comparable to the remuneration of other interim managers in the same sector ⁽⁹⁾.
- (22) As to the accessory BvS obligations the experts confirmed that, in cases where a company is facing insolvency proceedings, an interim manager would always request a guarantee from the shareholder or the creditors of the company. The risk of default of receiving payment for its service would otherwise be, due to the imminent insolvency, too high.
- (23) Germany stated further that the other accessory obligations agreed by BvS in form of the loan to the receiver and payment of the fee for another three months after termination of the contract would not be implemented in favour of GMH. It also informed the Commission that GMH decided on 18 October 2000 that it would not make use of the joint and individual liability as provided under paragraph 12(5) of the management contract or any other accessory BvS obligations as provided with the management contract ⁽¹⁰⁾.
- (24) No comments from other interested parties were received.

⁽⁸⁾ This was supported by an expert appraisal conducted on behalf of the receiver who had to decide whether he would try to sell the company as a going concern or in parts. The value of the assets was estimated with DEM 17 million whereas their value in a going concern sale would be DEM 103 million.

⁽⁹⁾ McKinsey & Company; 1 August 2001.

⁽¹⁰⁾ Although some of the fees were not paid to GMH before the insolvency proceedings of Gröditzer were opened. These fees were registered by GMH as claims in the insolvency proceedings.

⁽⁷⁾ According to Germany, the insolvency fee would otherwise have improved the result, thereby unduly favouring GMH.

5. ASSESSMENT OF THE MEASURE

- (25) The Commission considers that GMH Holding GmbH is not an ECSC steel company. However, it is a mere holding company of a group of which the majority of the turnover is generated by ECSC steel companies. It cannot be excluded that the ultimate beneficiaries of the measures may be ECSC steel companies. The measure is therefore assessed according to Article 88(3) EC Treaty and Article 6 of the Steel Aid Code.
- (26) BvS is a public institution, which is part of the German administration. It signed the management service contract not only in its quality as public shareholder and representative of Gröditzer, but, at the moment of signature, also as largest creditor of Gröditzer and under an obligation to recover debts from Gröditzer pursuant to Decision 1999/720/EC, ECSC.
- (27) The fee for the management service provided by GMH under the management contract was to be paid by Gröditzer. The Commission notes therefore that the fees derive from State resources and represent insofar a transfer of State resources to GMH.
- (28) In view of the above the Commission must assess whether the terms of the management service contract are comparable to the terms of such a contract in a market economy or whether they involve State aid in favour of GMH. This applies to both the fees and the accessory BvS obligations (individual liability of BvS; the BvS commitment on three months payment in case of insolvency and the BvS commitment for an insolvency loan to continue the management contract).
- (29) As far as the reason to enter into the contract is concerned, the German authorities contend that, due to the termination of the privatisation contract after adoption of Decision 1999/720/EC, ECSC, an urgent solution needed to be found in order to continue Gröditzer's business. Interim management was not readily available and the need to decide, at short notice, necessitated entering into the management service contract. The alternative to the concluded contract would have been to close the company and liquidate it in the insolvency proceedings.
- (30) The Commission notes that concluding the management contract was a favourable alternative for BvS and Gröditzer in comparison to the option of closing and liquidating the company. Nevertheless, considering the absence of any call for tenders for the management contract the Commission must scrutinise whether the management contract is in conformity with market

conditions. Both the fees and the accessory BvS obligations must therefore be examined under State aid rules.

5.1. Fees agreed by BvS under the management contract

- (31) As for the remuneration of GMH for its management services, the Commission noted in the opening of procedure that the fees appeared to be 10 times higher as the pre-existing fee under the privatisation agreement. It was therefore doubtful whether the fees complied with market conditions.
- (32) The doubts of the Commission did not apply to the costs for the secondment of the three managers (paragraph 12(1) of the management contract). By also taking into account the size of the company and the services provided by the managers, this part of the fee appeared to be appropriate. The market conformity of this fee was confirmed by the information submitted in the investigation procedure. The receivers of Gröditzer also confirmed it by concluding, in April 2000, a new management contract with GMH, which involves the same fee for the secondment of three managers.
- (33) The Commission notes that the fee for the secondment of three managers appears to be in conformity with the market.
- (34) From the information submitted by Germany in the investigation procedure it appears that a fixed fee of 1 % of turnover is comparable to the fees a company would pay to a sales agent in the same sector. Paragraph 6 of the management contract foresees that GMH had to provide Gröditzer, among other management tasks, with excess to its purchase-, distribution and sales services. Insofar GMH took over the task of a sales agent for Gröditzer.
- (35) As to the result-related fee according to paragraph 12(3) of the management contract it appears from the information submitted that a rate up to 30 % on the annual improvement of the result would be in conformity with the market. The total rate paid by Gröditzer for July 1999 to December 1999 amounted to DEM 445 000 which represents 28 % of the improvements in results for this period.
- (36) The Commission notes that a result-related fee would be normally based on Ebitda (earnings before interest, tax, depreciation and amortisation) or cash flow and not, as in this case, on a pure improvement of results. Otherwise the fee could be payable on the sole basis of increase in turnover.

- (37) The Commission also notes that the result-related fee is, in its amount, not exceeding the fees paid under alternative interim management. The difficulties of the company at the point in time when the contract was concluded and the improvements of cash flow and Ebitda under the management of GMH must also be taken into account.
- (38) The Commission notes further that the pre-existing situation under the privatisation agreement was different to the situation under the management contract. Under the privatisation agreement GMH was to obtain legal ownership in Gröditzer. The fees for the provided management did not include the costs for the secondment of the managers from GMH to Gröditzer. It appears therefore that the concern fee was not based on full costs. On the contrary, when the management contract was concluded, insolvency of Gröditzer was imminent. GMH could not foresee whether it could acquire Gröditzer at a later stage at all. It could not expect an additional return by obtaining legal ownership of Gröditzer under the management contract. The pre-existing fees can therefore not be used as a benchmark for the fees paid by Gröditzer under the management contract.
- (39) For assessing the market conformity of the total remuneration of GMH, the Commission compares the total remuneration of GMH with the remuneration of other interim management for a similar company in a comparable situation.
- (40) The Commission notes that, according to the submitted expert appraisal, interim management are typically reimbursed either by a daily fee for the managers, by a total fixed fee (comparable to the remuneration of a receiver) or, as in this case, by a combination of a turnover- and result related fee.
- (41) The experts established that remuneration of GMH on the basis of a daily fee would have led to an annual fee of some DEM 2,8 million. Remuneration on the basis of a fixed fee would have led to an annual fee of at least DEM 3,6 million. The remuneration of GMH on the basis of the concluded management contract amounted for the period 1 July 1999 to 31 December 1999 to DEM 1,7 million which amount to an annual fee of DEM 3,4 million.
- (42) The Commission notes that a fee solely based on a daily fee would have been in its amount less costly for Gröditzer. However, it also notes that a fixed fee would not have involved a bonus for the improvements of results or turnover.
- (43) The Commission notes further that GMH took over a number of additional responsibilities in order to manage Gröditzer. It was to provide Gröditzer with management tasks such as planning, budgeting and controlling. It also was to provide know-how, access to its purchasing network (with better conditions for Gröditzer) and marketing support. Furthermore, it was to act as a sales agent for Gröditzer.
- (44) By taking into account the management services provided, the imminent insolvency of Gröditzer and the improvements of results the Commission considers the total remuneration of GMH under the management contract as being in conformity with the market.
- 5.2. Accessory obligations agreed by BvS under the management agreement**
- (45) In its opening procedure the Commission also expressed doubts as to the accessory BvS obligations, as the privatisation agreement did not comprise any obligation of BvS to guarantee fees like the concern fee. It was doubtful to the Commission whether such an onerous accessory obligation was granted at market conditions. The same reasoning applied to the BvS obligations under Article 18 of the management contract (to pay the fees three months after termination of the agreement, by the receiver, pursuant to paragraph 103 German insolvency act) and to the third accessory BvS obligation under paragraph 19 of the management contract (offer of an insolvency loan to the receiver in order to finance the continuation of the contract, should the receiver decide to terminate the contract for financial reasons).
- (46) The individual BvS liability: The Commission notes that GMH renounced its entire claim under the individual BvS liability. As stated by GMH, it will not hold BvS liable for any unpaid amounts resulting from the management contract. The Commission notes therefore on the basis of the submitted information that no payments will be made under the individual BvS liability.
- (47) According to Germany the guarantee of BvS was requested by GMH in order to make sure that it would finally be remunerated for its services provided under the management agreement. The guarantee did insofar only effect the decision of GMH whether or not to take up the management contract.
- (48) On the basis of the submitted information the Commission notes that the claims of GMH under the management contract needed to be secured. Otherwise the risk of default, due to the imminent insolvency of Gröditzer at the time when the management contract was concluded, was very high. A company not securing its claims in the same situation would otherwise incur the risk of providing management without payment.
- (49) The Commission notes furthermore that the other accessory BvS obligations were finally not implemented in favour of GMH.

- (50) By also taking into account the total remuneration and the specific circumstances of the contract the Commission comes to the conclusion that the accessory BvS obligations did not favour GMH.

does not constitute aid within the meaning of Article 87(1) of the EC Treaty or Article 4(c) of the ECSC Treaty.

6. CONCLUSION

Article 2

- (51) The Commission finds that the measure assessed above does not constitute State aid in the meaning of Article 87(1) of the EC Treaty or Article 4(c) of the ECSC Treaty,

This Decision is addressed to the Federal Republic of Germany.

HAS ADOPTED THIS DECISION:

Done at Brussels, 28 November 2001.

Article 1

The measure, which Germany has implemented for Georgsmarienhütte Holding GmbH in relation to the management contract with Gröditzer Stahlwerke GmbH and its subsidiaries,

For the Commission

Mario MONTI

Member of the Commission

COMMISSION DECISION
of 27 March 2002
concerning the creation of a Group of Directors-General for Industrial Relations

(2002/260/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 211 thereof,

Whereas:

- (1) In its communication on the Social Policy Agenda ⁽¹⁾, the Commission emphasised the need for a positive and dynamic interaction of economic, social and employment policies; it affirms, in particular, its commitment to taking on board changes in the working environment and puts forward a number of actions with a view to modernising and improving industrial relations.
- (2) In this context, the existing legislation must be adapted and improved to reflect the new economy, in order to promote a new equilibrium between flexibility and security for workers.
- (3) To this end, a High Level Group must be created in order to give advice, on its own initiative or on request, to the Commission, to help the Commission in its work, i.e. in preparing new Community initiatives, revising the *acquis communautaire*, organising research, analyses and studies, evaluating and implementing Community labour law and providing training and information on Community law. It could also develop the exchanges of innovative experiences and the dissemination of good practices in this field.
- (4) Such a permanent high level group would promote closer cooperation between the Member States and the Commission, whilst respecting the principle of subsidiarity. This cooperation is becoming more important in view of the forthcoming enlargement of the Union, the ever more transnational nature of industrial relations, the process of transnational industrial restructuring and the modernisation of labour law to make the labour market more dynamic and which call for greater transparency,

HAS DECIDED AS FOLLOWS:

Article 1

1. A Group of Directors-General for Industrial Relations (hereinafter known as the Group) is created in order to provide

a body for consultation, reflection, exchanges and cooperation between the Member States and the Commission.

2. Its mission is to:

- (a) establish close cooperation between the institutions of the Member States and the Commission on issues relating to
 - the preparation of new Community initiatives in the area of industrial relations,
 - the application and revision of the *acquis communautaire* in the area of labour law,
 - the drawing up of research programmes, analyses, studies, publications and measures to raise awareness concerning Community labour law.
- (b) monitor the development of policies in the area of labour law and industrial relations;
- (c) facilitate the exchange of experiences and good practices in the area of individual and collective labour law.

Article 2

1. The Group will comprise the Directors-General for Industrial Relations of the Member States.
2. The Group will be chaired by a Commission representative.
3. The Group may set up groups of experts or working groups.

Article 3

1. The Group will meet when convened by the chairperson, either on his or her own initiative, or at the request of at least half the members of the Group.
2. The Group will meet in principle twice yearly.

Done at Brussels, 27 March 2002.

For the Commission

Anna DIAMANTOPOULOU

Member of the Commission

⁽¹⁾ COM (2000) 379 final.

COMMISSION DECISION

of 25 March 2002

amending Decision 93/198/EEC laying down a model for the animal health conditions and veterinary certification for the import of domestic ovine and caprine animals from third countries and amending Annex E of Council Directive 91/68/EEC laying down the animal health conditions governing intra-Community trade in ovine and caprine animals

(notified under document number C(2002) 1178)

(Text with EEA relevance)

(2002/261/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 72/462/EEC ⁽¹⁾ of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals, and swine, fresh meat and meat products from third countries, as last amended by Regulation (EC) No 1452/2001 ⁽²⁾ and in particular Article 8 and 11 thereof,

Having regard to Council Directive 91/68/EEC, laying down the animal health conditions governing intra-Community trade in ovine and caprine animals ⁽³⁾, as last amended by Council Directive 2001/10/EC ⁽⁴⁾ and in particular Article 14 thereof,

Whereas:

- (1) Commission Decision 93/198/EEC ⁽⁵⁾, as last amended by Decision 97/231/EC ⁽⁶⁾, lays down the animal health conditions and veterinary certification for imports of domestic ovine and caprine animals.
- (2) Regulation (EC) No 999/2001 of the European Parliament and the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies ⁽⁷⁾, as last amended by Commission Regulation (EC) No 1326/2001 ⁽⁸⁾ requires that ovine and caprine animals for breeding to be imported from a third country must satisfy similar conditions as required inside the Community.
- (3) Therefore, the conditions laid down in the health certificates for intra-Community trade and imports from third countries of breeding sheep and goats must be amended to reflect these new Community requirements.
- (4) It is opportune to update and harmonise with the requirements laid down for other species the certificates for imports of all categories of sheep and goats.

- (5) The annexes to Council Directive 91/68/EEC and Decision 93/198/EEC must be amended accordingly.

- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Annex I, Parts 1(a) and 1(b), and Annex II, Parts 1(a) and 1(b), to Decision 93/198/EEC are replaced by the corresponding parts in Annex I to this Decision.

Article 2

Model III in Annex E to Directive 91/68/EEC is replaced by Annex II to this Decision.

Article 3

This Decision shall come into effect after 30 days from its publication in the *Official Journal of the European Communities*.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 25 March 2002.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 302, 31.12.1972, p. 28.

⁽²⁾ OJ L 198, 21.7.2001, p. 11.

⁽³⁾ OJ L 46, 19.2.1991, p. 19.

⁽⁴⁾ OJ L 147, 31.5.2001, p. 41.

⁽⁵⁾ OJ L 86, 6.4.1993, p. 34.

⁽⁶⁾ OJ L 93, 8.4.1997, p. 22.

⁽⁷⁾ OJ L 147, 31.5.2001, p. 1.

⁽⁸⁾ OJ L 177, 29.6.2001, p. 60.

ANNEX I

ANNEX I

PART 1(a)

ANIMAL HEALTH CERTIFICATE

for domestic ovine and caprine animals for immediate slaughter intended for consignment to the European Community

Note for the importer: This certificate is only for veterinary purposes and the original must accompany the consignment until it reaches the border inspection post. It covers only animals transported in the same railway wagon, lorry, aircraft or ship, consigned to the same destination and intended to be taken, immediately on arrival in the Member State of destination, direct to a slaughterhouse and to be slaughtered not later than five working days after their entry in accordance with Article 13 of Directive 72/462/EEC. It must be completed on the date of loading and all time limits referred to expire on that date.

Code No (1)

Exporting country:

Ministry:

Competent issuing authority:

Country of destination:

I. **Number of animals:**
(in words)

II. **Identification of animals:**

The animals to be exported must bear an individual number which permits tracing of their premises of origin and an indelible red mark on their heads identifying them as animals for slaughter.

Number of animals	Official identification number	Species (ovine/caprine)	Breed	Age	Sex

III. **Origin of animals**

Name(s) and address(es) of premises of origin:

.....
.....

IV. **Destination of animals**

The animals will be sent from:
(place of loading)

to:
(country and place of destination)

by railway wagon/lorry/aircraft/ship:
.....
(indicate means of transport and registration marks, flight number or registered name, as appropriate)

Name and address of consignor:
.....

Name and address of consignee:
.....

V. Health information

I, the undersigned, being an official veterinarian of:
(exporting country)

do hereby certify that:

1. (2)
(exporting country) (region)

has been free from foot-and-mouth disease for the two years immediately prior to export, has not practised vaccination against foot-and-mouth disease during the 12 months immediately prior to export, does not permit animals into its territory vaccinated less than one year previously and the animals to be exported have not been vaccinated against foot-and-mouth disease.

2. (2)
(exporting country) (region)

has been free from the following diseases:

- for 12 months immediately prior to export from rinderpest, bluetongue, contagious caprine pleuro-pneumonia, peste des petits ruminants, epizootic haemorrhagic disease, sheep pox, goat pox, Rift Valley fever and during this time vaccination against any of these diseases has not been carried out,
- for six months immediately prior to export from vesicular stomatitis.

3. The animals to be exported:

(a) were born on the territory of

..... (2)
(exporting country) (region)

and have remained there since birth if less than three months old

or

have remained continuously on the territory of

..... (2)
(exporting country) (region)

for at least three months prior to the day of loading

or

were imported into

..... (2)
(exporting country) (region)

not less than three months ago from a Member State of the European Community or from a third country included in Part I of the Annex to Council Decision 79/542/EEC, in accordance with veterinary conditions at least as strict as the relevant requirements of Directive 72/462/EEC, including any subsidiary decisions;

(delete unwanted reference)

(b) have remained for the last 30 days or since birth, if less than 30 days old, on a holding in the centre of an area of 20 km in diameter in which, according to official findings, there has been no occurrence of foot-and-mouth disease, rinderpest bluetongue, contagious caprine pleuro-pneumonia, peste des petits ruminants, epizootic haemorrhagic disease, sheep pox, goat pox, Rift Valley fever or vesicular stomatitis during the last 30 days;

(c) come from a holding which has been free from any official prohibition on health grounds:

- for the last 42 days in the case of brucellosis,
- for the last 30 days in the case of rabies,
- for the last 15 days in the case of anthrax,

and have not been in contact with animals from holdings which do not satisfy these conditions;

(d) were examined by an official veterinarian of

 (name of exporting country)

within 24 hours of loading and showed no clinical sign of disease;

(e) are not animals to be destroyed under a national programme for the eradication of disease;

(f) have not received thyrostatic, oestrogenic, androgenic or gestagenic substances for fattening purposes;

(g) were obtained:

— from a holding

or

— from

.....
 (name of market)

a market which if officially authorised, under conditions at least as severe as those of Annex II to Commission Decision 91/189/EEC, for the export of bovine animals for immediate slaughter to the European Community,

and were assembled at

.....
 (name of assembly point)

and until dispatched onto the territory of the European Community they did not come into contact with any cloven-hoofed animals other than those meeting the requirements of this certificate and were not at any place other than a place situated at the centre of an area of 20 km diameter in which, according to official findings by the veterinary authorities of

.....
 (name of exporting country)

there had been no incidence of foot-and-mouth disease, rinderpest blue tongue, contagious caprine pleuro-pneumonia, peste des petits ruminants, epizootic haemorrhagic disease, sheep pox, goat pox, Rift Valley fever or vesicular stomatitis during the previous 30 days.

(delete reference to holding, market or assembly point as appropriate)

4. Any transport vehicles or containers in which they were loaded were previously cleansed and disinfected with an officially authorised disinfectant and so constructed that faeces, urine, litter or fodder could not flow or fall out of the vehicle during transportation.

VI. Protocols for the approval of any markets through which the animals to which this certificate applies may have passed were in accordance with Annex II to Decision 91/189/EEC.

VII. The certificate is valid for 10 days from the date of loading. In the case of transport by ship the time is prolonged by the time of the voyage.

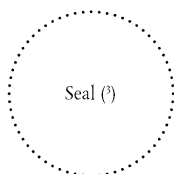
Done at, on
 (Signature of the official veterinarian) ⁽¹⁾

.....
 (Name in capital letters, qualifications and title)

VIII. **Declaration by the captain of the aircraft or master of the ship** (only to be completed when transport includes, even for part of the journey, transport by aircraft or ship)

I, the undersigned, captain of aircraft (flight No)/master of ship (name),
declare that the animals referred to in paragraph IV have remained on board the aircraft/ship during the flight/voyage
from
in (exporting country) to in the European Community and that the
aircraft/ship did not land/call at any place outside (exporting country) en route to the European
Community other than:
(ports or airports of call en route).

Done at , on
(Port or airport of arrival) (Date of arrival)



.....
(Signature of captain or master) ⁽²⁾

.....
(Name in capital letters and title)

⁽¹⁾ Issued by the central competent authority.

⁽²⁾ Only to be completed if the authorisation to export to the Community is restricted to certain regions of the third country concerned.

⁽³⁾ The signature and the stamp must be in a colour different to that of the printing.

Name and address of consignee:

V. **Health information**

I, the undersigned, being an official veterinarian of:
(exporting country)

do hereby certify that

1. (2)
(exporting country) (region)

has been free from foot-and-mouth disease for the two years immediately prior to export, has not practised vaccination against foot-and-mouth disease during the 12 months immediately prior to export, does not permit animals into its territory vaccinated less than one year previously and the animals to be exported have not been vaccinated against foot-and-mouth disease.

2. (2)
(exporting country) (region)

has been free from the following diseases:

— for 12 months immediately prior to export from rinderpest, bluetongue, contagious caprine pleuro-pneumonia, peste des petits ruminants, epizootic haemorrhagic disease, sheep pox, goat pox, Rift Valley fever and during this time vaccination against any of these diseases has not been carried out,

— for six months immediately prior to export from vesicular stomatitis.

3. The animals to be exported:

(a) were born on the territory of

..... (2)
(exporting country) (region)

and have remained there since birth if less than three months old

or

have remained continuously on the territory of

..... (2)
(exporting country) (region)

for at least three months prior to the day of loading

or

were imported into

..... (2)
(exporting country) (region)

not less than three months ago from a Member State of the European Community or from a third country included in Part 1 of the Annex to Council Decision 79/542/EEC, in accordance with veterinary conditions at least as strict as the relevant requirements of Directive 72/462/EEC, including any subsidiary decisions;

(delete unwanted reference)

(b) have remained for the last 30 days or since birth, if less than 30 days old, on a holding in the centre of an area of 20 km in diameter in which, according to official findings, there has been no occurrence of foot-and-mouth disease, rinderpest, bluetongue, contagious caprine pleuro-pneumonia, peste des petits ruminants, epizootic haemorrhagic disease, sheep pox, goat pox, Rift Valley fever or vesicular stomatitis during the last 30 days;

(c) come from a holding which has been free from any official prohibition on health grounds:

— for the last 42 days in the case of brucellosis,

— for the last 30 days in the case of rabies,

— for the last 15 days in the case of anthrax,

and have not been in contact with animals from holdings which do not satisfy these conditions;

(d) were examined by an official veterinarian of

.....
(name of exporting country)

within 24 hours of loading and showed no clinical sign of disease;

- (e) are not animals to be destroyed under a national programme for the eradication of disease;
- (f) have not received thyrostatic, oestrogenic, androgenic or gestagenic substances for fattening purposes;
- (g) were obtained directly from a holding or holdings without passing through a market and were loaded

.....
(name of assembly point)

and until dispatchec onto the territory of the European Community they did not come into contact with any cloven-hoofed animals other than those meeting the requirements of this certificate and were not at any place other than a place situated at the centre of an area of 20 km diameter in which, according to official findings by the veterinary authorities of

.....
(name of exporting country)

there had been no incidence of foot-and-mouth disease, rinderpest, bluetongue, contagious caprine pleuro-pneumonia, peste des petits ruminants, epizootic haemorrhagic disease, sheep pox, goat pox, Rift Valley fever or vesicular stomatitis during the previous 30 days.

- 4. Any transport vehicles or containers in which they were loaded were previously cleansed and disinfected with an officially authorised disinfectant and so constructed that faeces, urine, litter or fodder could not flow or fall out of the vehicle during transportation.

- VI. The certificate is valid for 10 days from the date of loading. In the case of transport by ship the time is prolonged by the time of the voyage.

Done at, on
(Signature of the official veterinarian) ⁽¹⁾

.....
(Name in capital letters, qualifications and title)

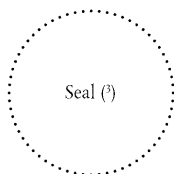
- VII. **Declaration by the captain of the aircraft or or master of the ship** (only to be completed when transport includes, even for part of the journey, transport by aircraft or ship)

I, the undersigned, captain of aircraft (flight No)/master of ship (name),
declare that the animals referred to in paragraph IV have remained on board the aircraft/ship during the flight/voyage
from
in (exporting country) to in the European Community and that the aircraft/ship did not land/call at
at any place outside (exporting country) en route to the European Community other than:
..... (ports or airports of call en route)

Done at, on
(Port or airport of arrival) (Date of arrival)

.....
(Signature of captain or master) ⁽¹⁾

.....
(Name in capital letters and title)



⁽¹⁾ The signature and the stamp must be in a colour different to that of the printing.

⁽²⁾ Only to be completed if the authorisation to export to the Community is restricted to certain regions of the third country concerned.

⁽³⁾ The colour of the seal and the signature must be different from the colour of the printing.

ANNEX II

PART 1(a)

ANIMAL HEALTH CERTIFICATE

for domestic ovine and caprine animals for fattening intended for consignment to the European Community

Note for the importer: this certificate is only for veterinary purposes and the original must accompany the consignment until it reaches the border inspection post. It covers only animals transported in the same railway wagon, lorry, aircraft or ship and consigned to the same destination. It must be completed on the date of loading and all time limits referred to expire on that date.

Code No (1)

Exporting country:

Ministry:

Competent issuing authority:

Country of destination:

I. **Number of animals:**
(in words)

II. **Identification of animals:**

The animals to be exported must bear an individual number which permits tracing of their premises of origin.

Number of animals	Official identification number	Species (ovine/caprine)	Breed	Age	Sex

III. **Origin of animals**

Name(s) and address(es) of premises of origin:
.....
.....

IV. **Destination of animals**

The animals will be sent from:
(place of loading)

to:
(country and place of destination)

by railway wagon/lorry/aircraft/ship:
.....
(indicate means of transport and registration marks, flight number or registered name, as appropriate)

Name and address of consignor:
.....

Name and address of consignee:
.....

V. Health information

I, the undersigned, being an official veterinarian of:
(exporting country)

do hereby certify that:

1.⁽²⁾
(exporting country) (region)

has been free from foot-and-mouth disease for the two years immediately prior to export, has not practised vaccination against foot-and-mouth disease during the 12 months immediately prior to export, does not permit animals into its territory vaccinated less than one year previously and the animals to be exported have not been vaccinated against foot-and-mouth disease.

2.⁽²⁾
(exporting country) (region)

has been free from the following diseases:

- for 12 months immediately prior to export from rinderpest, bluetongue, contagious caprine pleuro-pneumonia, peste des petits ruminants, epizootic haemorrhagic disease, sheep pox, goat pox, Rift Valley fever and during this time vaccination against any of these diseases has not been carried out;
- for six months immediately prior to export from vesicular stomatitis.

3. The animals described in this certificate:

- (a) are marked in such a way that they can readily be traced to their holding(s) of origin;
- (b) have been subjected with negative result to the following test(s) and conform to the following guarantees, as required by a Member State in application of Article 7 or 8 of Directive 91/68/EEC⁽³⁾;

.....
(complete or delete as required by the importing Member State)

- (c) have remained during the past 30 days, or since birth if less than 30 days old, on a holding or holdings situated in the centre of an area of 20 km diameter in which, according to official findings, there has been no occurrence of foot-and-mouth disease, rinderpest, bluetongue, contagious caprine pleuro-pneumonia, peste des petits ruminants, epizootic haemorrhagic disease sheep pox, goat pox, Rift Valley fever or vesicular stomatitis during the last 30 days;

- (d) (i) were born on the territory of⁽²⁾,
and have remained there since birth
(exporting country) (region)

if less than six months old⁽³⁾

or

have remained continuously on the territory of

.....⁽²⁾,
(exporting country) (region)

for at least six months prior to the day of loading⁽³⁾

or

were imported into
(exporting country)

.....⁽²⁾, not less than six months ago from a
(region)

Member State of the European Community, or from a third country included in Part 1 of the Annex to Decision 79/542/EEC, in accordance with veterinary conditions at least as strict as the relevant requirements of Directive 72/462/EEC, including any subsidiary decisions⁽³⁾;

- (ii) have been inspected today (within 24 hours of loading) and show no clinical signs of disease;

- (iii) are not animals to be destroyed under a scheme to eradicate a contagious or infectious disease;
 - (iv) do not come from a holding which is the subject of a prohibition on animal health grounds and have not been in contact with animals from such a holding, it being understood that:
 - 1. such prohibition is connected with the outbreak of one of the following diseases to which the animals are susceptible:
 - brucellosis,
 - rabies,
 - anthrax;
 - 2. after destruction of the last animal suffering from or susceptible to one of the above diseases, the duration of the prohibition must be at least:
 - 42 days in a case of brucellosis,
 - 30 days in a case of rabies,
 - 15 days in a case of anthrax;
- nor have they come from a holding or been in contact with animals from a holding in an area subject to animal health restrictions;

(e) either

- (i) originate from a holding meeting the requirements for officially brucellosis-free holdings laid down in Annex II, Part 1c, Chapter 1 to Decision 93/198/EEC on which the most recent test of all eligible animals was carried out on⁽⁴⁾
(date)

with negative results⁽³⁾;

or

satisfy the provisions of Annex II, Part 1c, Chapter 1, paragraph D to Decision 93/198/EEC, laying down the standards to be met by animals being added to a holding with officially brucellosis-free status including two serological tests performed on

..... and⁽⁴⁾
(date of first test) (date of second test)

with negative results⁽³⁾

or

- (ii) originate from a holding meeting the requirements for brucellosis-free holdings laid down in Annex II, Part 1c, Chapter 2 to Decision 93/198/EEC on which the most recent test of all eligible animals was carried out on⁽⁴⁾
(date)

with negative results⁽³⁾;

or

satisfy the provisions of Annex II, Part 1c, Chapter 2, paragraph D to Decision 93/198/EEC, laying down the standards to be met by animals being added to a holding with brucellosis-free status including where appropriate two serological tests performed on

..... and⁽⁴⁾
(date of first test) (date of second test)

with negative results⁽³⁾

or

- (iii) originate from⁽³⁾
(country) (region)

which has been recognised as satisfying the requirements for officially brucellosis-free status and is included in the list in the Annex, Part 5 to Decision 97/232/EC⁽³⁾;

- (f) were obtained directly from a holding or holdings without passing through a market and were loaded at⁽²⁾
(name of loading place)

and until dispatched onto the territory of the European Community they did not come into contact with any cloven-hoofed animals other than those meeting the requirements of this certificate and were not at any place other than a place situated at the centre of an area of 20 km diameter in which, according to official findings by the veterinary authorities of

.....
(name of loading place)

there had been no incidence of foot-and-mouth-disease, rinderpest, bluetongue, contagious caprine pleuro-pneumonia, peste des petits ruminants, epizootic haemorrhagic disease, sheep pox, goat pox, Rift Valley fever or vesicular stomatitis during the previous 30 days.

4. Any transport vehicles or containers in which they were loaded were previously cleansed and disinfected with an officially authorised disinfectant and so constructed that faeces, urine, litter or fodder could not flow or fall out of the vehicle during transportation.

- VI. The certificate is valid for 10 days from the date of loading. In the case of transport by ship the time is prolonged by the time of the voyage.

Done at on
(signature of the official veterinarian)⁽⁴⁾

.....
(name in capital letters, qualifications and title)

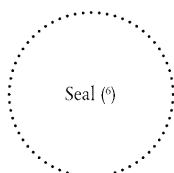
- VII. **Declaration by the captain of the aircraft or master of the ship** (only to be completed when transport includes, even for part of the journey, transport by aircraft or ship).

I, the undersigned, captain of aircraft (flight No)/master of ship (name),
declare that the animals referred to in paragraph IV have remained on board the aircraft/ship during the flight/voyage
from
in (exporting country) to in the European Community and that the aircraft/ship did not
not land/call at any place outside (exporting country) en route to the European Commu-
nity other than: (ports or airports of call en route).

Done at , on
(Port or airport of arrival) (Date of arrival)

.....
(Signature of captain or master)⁽⁴⁾

.....
(Name in capital letters and title)



⁽¹⁾ Issued by the central competent authority.

⁽²⁾ Only to be completed if the authorisation to export to the Community is restricted to certain regions of the third country concerned.

⁽³⁾ Delete as appropriate.

⁽⁴⁾ Where more than one holding of origin is involved the date of the most recent test on each holding must be clearly indicated.

⁽⁵⁾ Where more than one holding of origin is involved the date of the most recent test on each holding must be clearly indicated.

⁽⁶⁾ The colour of the seal and the signature must be different from the colour of the printing.

PART 1(b)

ANIMAL HEALTH CERTIFICATE**for domestic ovine and caprine animals for breeding intended for consignment to the European Community**

Note for the importer: this certificate is only for veterinary purposes and the original must accompany the consignment until it reaches the border inspection post. It covers only animals transported in the same railway wagon, lorry, aircraft or ship and consigned to the same destination. It must be completed on the date of loading and all time limits referred to expire on that date.

Code No 1 ⁽¹⁾

Exporting country:

Ministry:

Competent issuing authority:

Country of destination:

I. **Number of animals:**
(in words)

II. **Identification of animals:**

The animals to be exported must bear an individual number which permits tracing of their premises of origin.

Number of animals	Official identification number	Species (ovine/caprine)	Breed	Age	Sex

III. **Origin of animals**

Name(s) and address(es) of premises of origin:
.....
.....

IV. **Destination of animals**

The animals will be sent from:
(place of loading)

to:
(country and place of destination)

by railway wagon/lorry/aircraft/ship:
.....
(indicate means of transport and registration marks, flight number of registered name, as appropriate)

Name and address of consignor:
.....

Name and address of consignee:
.....

V. **Health information**

I, the undersigned, being an official veterinarian of:
(exporting country)

do hereby certify that:

1. (2)
(exporting country) (region)

has been free from foot-and-mouth disease for the two years immediately prior to export, has not practised vaccination against foot-and-mouth disease during the 12 months immediately prior to export does not permit animals into its territory vaccinated less than one year previously and the animals to be exported have not been vaccinated against foot-and-mouth disease.

2. (2)
(exporting country) (region)

has been free from the following diseases:

— for 12 months immediately prior to export from rinderpest, bluetongue, contagious caprine pleuro-pneumonia, peste des petits ruminants, epizootic haemorrhagic disease, sheep pox, goat pox, Rift Valley fever and during this time vaccination against any of these diseases has not been carried out,

— The animals described in this certificate:

3. The animals described in this certificate:

(a) are marked in such a way that they can readily be traced to their holdings(s) of origin;

(b) have been subjected with negative result to the following test(s) and conform to the following guarantees, as required by a Member State in application of Article 7 or 8 of Council Directive 91/68/EEC (3);

.....
(complete or delete as required by the importing Member State)

(c) have remained during the past 30 days, or since birth if less than 30 days old, on a holding or holdings situated in the centre of an area of 20 km diameter in which, according to official findings, there has been no occurrence of foot and mouth disease, rinderpest, bluetongue, contagious caprine pleuro-pneumonia, peste des petits ruminants, epizootic haemorrhagic disease, sheep pox, goat pox, Rift Valley fever or vesicular stomatitis during the last 30 days;

(d) (i) in respect of scrapie come from a holding(s) meeting the following requirements:

— is subject to regular official veterinary checks,

— animals on the holding(s) are marked,

— no case of scrapie has been confirmed on the holding(s) in the last three years,

— checking by sampling at post mortem examination has been made on old ewes culled from the holding(s) with negative results,

— females have only been introduced onto the holding in the last three years from holdings which comply with the same requirements as above;

(ii) have been on the holding(s), or holdings meeting the same requirements, for at least three years or since birth;

(e) to the knowledge of the undersigned and according to the written declaration made by the owner, they were not obtained from a holding or have been in contact with animals from a holding in which the following diseases have been clinically detected:

(i) within the last six months, contagious agalactia of sheep (*mycoplasma agalactiae*) or contagious agalactia of goats (*mycoplasma agalactiae*, *mycoplasma capricolum*, *mycoplasma mycoides* var. *mycoides* 'large colony');

(ii) within the last 12 months, paratuberculosis and caseous lymphadenitis;

(iii) within the last three years, pulmonary adenomatosis;

(iv) within the last three years, maedi/visna or caprine viral arthritis/encephalitis (3),

or

within the last 12 months, maedi/visna or caprine viral arthritis/encephalitis if all the infected animals were slaughtered and the remaining animals subsequently reacted negatively to two tests at least six months apart (3);

- (f) were born on the territory of
(exporting country)
.....⁽²⁾, and have remained there since birth if less than
(region)
six months old ⁽³⁾,
or
have remained continuously on the territory of
(exporting country)
.....⁽²⁾, for at least six months prior to the day of loading ⁽³⁾
(region)
or
were imported into
(exporting country)
.....⁽²⁾
(region)
not less than six months ago from a Member State of the European Community, or from a third country included in Part I of the Annex to Decision 79/542/EEC, in accordance with veterinary conditions at least as strict as the relevant requirements of Directive 72/462/EEC, including any subsidiary decisions ⁽³⁾;
- (g) have been inspected today (within 24 hours of loading) and show no clinical signs of disease;
- (h) are not animals to be destroyed under a scheme to eradicate a contagious or infectious disease;
- (i) do not come from a holding which is the subject of a prohibition on animal health grounds and have not been in contact with animals from such a holding, it being understood that:
- (i) such prohibition is connected with the outbreak of one of the following diseases to which the animals are susceptible:
- brucellosis,
 - rabies,
 - anthrax;
- (ii) after destruction of the last animal suffering from or susceptible to one of the above diseases, the duration of the prohibition must be at least:
- 42 days in a case of brucellosis,
 - 30 days in a case of rabies,
 - 15 days in a case of anthrax,
- nor have they come from a holding or been in contact with animals from a holding in an area subject to animal health restrictions;
- (j) in respect of rams intended for breeding ⁽³⁾:
- come from a holding where no case of contagious epididymitis (*B. ovis*) has been diagnosed in the last 12 months,
 - have been kept continuously on that holding for 60 days prior to loading for export, during the 30 days prior to export have undergone, with a negative result (<50 IU/ml), a complement fixation test to detect contagious epididymitis of rams as laid down in Annex D to Directive 91/68/EEC;
- (k) (i) originate from a holding meeting the requirements for officially brucellosis-free holdings laid down in Annex II, Part 1c, Chapter to Decision 93/198/EEC on which the most recent test of all eligible animals was carried out on⁽⁴⁾ with negative results ⁽³⁾;
(date)
or
satisfy the provisions of Annex II, Part 1c, Chapter 1, paragraph D to Decision 93/198/EEC, laying down the standards to be met by animals being added to a holding with officially brucellosis-free status including two serological tests performed
on⁽⁴⁾
(date of first test)
and⁽⁴⁾ with negative results ⁽³⁾
(date of second test)

or

- (ii) originate from a holding meeting the requirements for brucellosis-free holdings laid down in Annex II, Part 1c, Chapter 2 to Decision 93/198/EEC on which the most recent test of all eligible animals was carried out on⁽⁴⁾ with negative results⁽³⁾;
(date)

or

satisfy the provisions of Annex II, Part 1c, Chapter 2, paragraph D to Decision 93/198/EEC, laying down the standards to be met by animals being added to a holding with brucellosis-free status including where appropriate two serological tests performed

on⁽⁴⁾
(date of first test)

and⁽⁴⁾ with negative results⁽³⁾;
(Datum der zweiten Untersuchung)

or

- (iii) originate from

.....⁽³⁾,⁽²⁾,
(country) (region)

which has been recognised as satisfying the requirements for officially brucellosis-free status and is included in the list in the Annex, Part 5 to Decision 97/232/EC⁽³⁾;

- (l) were obtained directly from a holding or holdings without passing through a market and were loaded at:⁽³⁾
(name of loading place)

and until dispatched onto the territory of the European Community they did not come into contact with any cloven-hoofed animals other than those meeting the requirements of this certificate and were not at any place other than a place situated at the centre of an area of 20 km diameter in which, according to official findings by the veterinary authority
(name of exporting country)

there had been no incidence of foot-and-mouth-disease, rinderpest, bluetongue, contagious caprine pleuro-pneumonia, peste des petits ruminants, epizootic haemorrhagic disease, sheep pox, goat pox, Rift Valley fever or vesicular stomatitis during the previous 30 days.

4. Any transport vehicles or containers in which they were loaded were previously cleansed and disinfected with an officially authorised disinfectant and so constructed that faeces, urine, litter or fodder could not flow or fall out of the vehicle during transportation.

VI. Additional health guarantees

The animals described in this certificate conform to the guarantees, as required by a Member State in application of Article 15, Annex VIII 3 (iii) and Annex IX Chapter E of Regulation (EC) No 999/2001 in relation to a program of control of scrapie⁽³⁾.

- VII. The certificate is valid for 10 days from the date of loading. In the case of transport by ship the time is prolonged by the time of the voyage.

Done at on

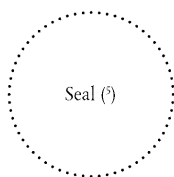
.....
(signature of the official veterinarian)⁽³⁾

.....
(Name in capital letters, qualifications and title)

VIII. **Declaration by the captain of the aircraft or master of the ship** (only to be completed when transport includes, even for part of the journey, transport by aircraft or ship).

I, the undersigned, captain of aircraft (flight No)/master of ship (name.....),
 declare that the animals referred to in paragraph IV above have remained on board the aircraft/ship during the
 flight/voyage from in (exporting country) to in the
 European Community and that the aircraft/ship did not land/call at any place outside (exporting
 country) en route to the European Community other than: (ports or airports of call en route).

Done at on
 (Port or airport of arrival) (Date of arrival)



.....
 (Signature of captain or master) (5)

.....
 (Name in capital letters and title)

(1) Issued by the central competent authority.

(2) Only to be completed if the authorisation to export to the Community is restricted to certain regions of the third country concerned.

(3) Delete as appropriate.

(4) Where more than one holding of origin is involved the date of the most recent test on each holding must be clearly indicated.

(5) The colour of the seal and the signature must be different from the colour of the printing.

ANNEX II

ANNEX E

MODEL III

Health certificate ⁽¹⁾ for trade between Member States of the European Communities in ovine and caprine animals for breedingNo:

Member State of consignor:

Competent Ministry:

Competent department:

I. **Number of animals:**II. **Identification of animals:**

Number of animals	Male/female ovine/caprine	Breed	Age	Official identification number (State number and location)

III. **Origin of animals**

The animals were either:

(a) born and have been reared since birth on community territory ⁽¹⁾,

or

(b) imported from a third country appearing on the list drawn up in accordance with Article 3 of Directive 72/462/EEC and meet either ⁽²⁾:— the animal health conditions laid down in accordance with Article 8 of Directive 72/462/EEC ⁽²⁾,

or

— the conditions laid down in Article 8(A)(2) of Directive 91/496/EEC and have spent at least 30 days in the Member State of consignment ⁽²⁾.IV. **Destination of animals**

The animals will be sent from:

.....
(place)to:
(Member State and place of destination)by railway wagon/lorry/aircraft/ship ⁽²⁾ ⁽³⁾
(indicate means of transport and registration marks, flight number of registered name, as appropriate)

Name and address of consignor:

.....

.....

Name and address of consignee:

.....

.....

V. Health information

I, the undersigned, certify that the animals described above meet the following requirements:

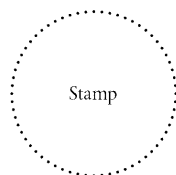
- A. they have been inspected today (within 48 hours prior to loading) and show no clinical sign of disease;
- B. they are not animals which are to be destroyed under a scheme to eradicate a contagious or infectious disease;
- C. neither were they obtained from a holding which is the subject of a prohibition on animal health grounds nor have they been in contact with animals from such a holding, it being understood that:
 - 1. such prohibition is connected with the outbreak of one of the following diseases to which the animals are susceptible:
 - brucellosis,
 - rabies,
 - anthrax;
 - 2. after destruction of the last animal suffering from or susceptible, the duration of the prohibition must be at least:
 - 42 days in the case of brucellosis,
 - 30 days in the case of rabies,
 - 15 days in the case of anthrax;

nor have they come from a holding or been in contact with animals from a holding in a protection zone which has been set up under community legislation and which animals are prohibited to leave;
- D. they are not the subject of animal health measures pursuant to the community legislation on foot-and-mouth disease nor have they been vaccinated against foot-and-mouth disease;
- E. as regards scrapie
 - (i) they come from a holding satisfying the following requirements:
 - it is subject to regular official veterinary checks,
 - the animals are marked,
 - no case of scrapie has been confirmed for at least three years,
 - checking by sampling is carried out on the holding on old female animals intended for culling,
 - females are introduced into that holding only if they come from a holding which complies with the same requirements;
 - (ii) they have been continuously kept on a holding or holdings complying with the requirements laid down in point E (i) since birth or for the last three years;
 - (iii) if they are destined for a Member State which benefits, for all or part of its territory, from the provisions laid down in point 3(b) of Chapter A Part I in Annex III to Regulation (EC) No 999/2001, comply with the guarantees provided for in the programmes referred to in that point;
- F. 1. either they qualify for admission to an officially brucellosis-free (*B. melitensis*) ovine or caprine holding ⁽²⁾, i.e.:
 - (a) they come from an officially brucellosis-free (*B. melitensis*) holding ⁽²⁾; or
 - (b) they come from a brucellosis-free (*B. melitensis*) holding and:
 - they are identified individually,
 - they have never been vaccinated against brucellosis or if they have been vaccinated were so vaccinated more than two years previously. However, females over two years old which were vaccinated before the age of seven months may also be brought onto the holding, and
 - they were isolated under official supervision on the holding of origin and, during such isolation, underwent, with negative results, two tests for brucellosis in accordance with Annex C to Directive 91/68/EEC, separated by an interval of at least six weeks ⁽²⁾;

2. or they qualify for admission to a brucellosis-free ovine or caprine holding ⁽²⁾, i.e.:
- (a) they come from an officially brucellosis-free (*B. melitensis*) holding ⁽²⁾; or
 - (b) they come from a brucellosis-free (*B. melitensis*) holding ⁽²⁾; or
 - (c) until the qualifying date under eradication plans approved pursuant to Decision 90/242/EEC, they originate from a holding other than referred to in (a) and (b) and satisfy the following conditions:
 - (i) they are identified individually; and
 - (ii) they originate from a holding in which all the animals of species susceptible to brucellosis (*B. melitensis*) have been free of clinical symptoms or any other symptom of brucellosis for at least 12 months; and
 - (iii) either:
 - they have not been vaccinated against brucellosis (*B. melitensis*) in the last two years, and
 - they were isolated under veterinary supervision on the holding of origin and, during such isolation, underwent, with negative results, two tests for brucellosis in accordance with Annex C to Directive 91/68/EEC separated by an interval of at least six weeks, or
 - they were vaccinated with rev 1 vaccine before the age of seven months but not later than 15 days before their introduction into the holding of destination ⁽²⁾;
- G. as regards contagious epididymitis of rams (*B. ovis*), where uncastrated breeding rams are concerned, they must:
- come from a holding on which no case of contagious epididymitis of rams (*B. ovis*) has been recorded in the past 12 months,
 - have been kept permanently on that holding for the 60 days preceding consignment,
 - have undergone, within 30 days prior to consignment, with a negative result, a complement fixing test to detect contagious epididymitis of rams (*B. ovis*);
- H. to the knowledge of the undersigned and according to the written declaration made by the owner, they were not obtained from a holding or have not been in contact with animals from a holding in which the following diseases have been clinically detected:
- within the last six months, contagious agalactia of sheep (*mycoplasma agalactiae*) and contagious agalactia of goats (*mycoplasma agalactia*, *M. capricolum*, *M. mycoides* subsp. *mycoides* large colony),
 - within the last 12 months, paratuberculosis or caseous lymphadenitis,
 - within the last three years, pulmonary adenomatosis, maedi/visna or caprine viral arthritis/encephalitis. However, this time limit is reduced to 12 months if animals affected by maedi/visna or caprine viral arthritis/encephalitis have been slaughtered and the remaining animals have reacted negatively to two tests;
- I. they were obtained from:
- a holding ⁽²⁾ ⁽⁴⁾,
 - an approved market ⁽²⁾ ⁽⁴⁾,
 - a third country ⁽²⁾ ⁽⁴⁾;
- J. they were transported directly, without passing/passing through ⁽²⁾ an assembly centre ⁽²⁾/a place of loading ⁽²⁾ dealer's premises ⁽²⁾/an approved frontier inspection post ⁽²⁾:
- from a holding ⁽²⁾/from a holding to market and thence ⁽²⁾,
 - to the actual place of loading, using means of transport and containment which had, beforehand, been cleaned and disinfected using an officially-approved disinfectant, and in such a way as to provide effective protection of the animals' health status;
- K. at the time of inspection they were fit to be transported on the intended journey in accordance with the provisions of Directive 91/628/EEC ⁽⁵⁾.

VI. This certificate is valid for 10 days from the date of inspection.

Done at on
(Date of inspection)



.....
(Signature of the official veterinarian)

.....
(Name in and title, in block capitals)

(¹) Health certificates may be drawn up only for animals which are to be transported in the same railway wagon, truck/lorry, aircraft or boat/ship, which originate from the same holding and which are being sent to the same consignee.

(²) Delete where not applicable.

(³) Give the registration number in the case of railway wagons and lorries/trucks, the flight number in the case of aircraft and the name in case of boats and ships.

(⁴) Where appropriate, indicate the name.

(⁵) This statement does not exempt transporters from their obligations in accordance with Community provisions in force in particular regarding the fitness of animals to be transported.'

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 575/2002 of 3 March 2002 imposing a provisional anti-dumping duty on imports of sulphanilic acid originating in the People's Republic of China and in India

(Official Journal of the European Communities L 87 of 4 April 2002)

On page 44, in Article 1(2), in the Table against India:

for: 'India 20,1',

read: 'India 18,0'.
