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## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 743/2002****of 25 April 2002****establishing a general Community framework of activities to facilitate the implementation of  
judicial cooperation in civil matters**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 61(c) and Article 67(1) thereof,

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

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

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas:

- (1) The European Union has set itself the objective of maintaining and developing an area of freedom, security and justice, in which the free movement of persons is assured. To that end, the Community must adopt, among others, measures in the field of judicial cooperation in civil matters necessary for the proper functioning of the internal market.
- (2) On 3 December 1998, the Council adopted an action plan of the Council and the Commission on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice (hereinafter the 'Vienna action plan') <sup>(4)</sup>.
- (3) The European Council meeting in Tampere on 15 and 16 October 1999 adopted the conclusions entitled 'Towards a union of freedom, security and justice: the Tampere milestones'.
- (4) On 30 November 2000, the Council adopted a joint programme of the Commission and the Council of measures for implementation of the principle of mutual recognition of decisions in civil and commercial matters <sup>(5)</sup>.

(5) Joint Action 96/636/JHA <sup>(6)</sup> established, for the period 1996 to 2000, a programme of incentives and exchanges for legal practitioners (Grotius).

(6) By Regulation (EC) No 290/2001 <sup>(7)</sup>, the programme of incentives and exchanges for legal practitioners in the area of civil law (Grotius civil) was extended for a one-year transition period only, pending the outcome of a thorough analysis of how Community actions and support should be focused in the future.

(7) Decision No 1496/98/EC of the European Parliament and of the Council <sup>(8)</sup> established an action programme to improve awareness of Community law within the legal professions (Robert Schuman project) for a period of three years.

(8) A flexible and effective general Community framework for activities in the area of civil law is necessary if the ambitious objectives set by the Treaty, the Vienna action plan and the Tampere conclusions are to be realised.

(9) The general Community framework for activities should provide for initiatives taken by the Commission, in compliance with the principle of subsidiarity, for actions in support of organisations promoting and facilitating judicial cooperation in civil matters, and for actions in support of specific projects.

(10) A number of actions will be required for the further development of judicial cooperation in civil matters and should therefore be undertaken in the framework of a Community programme for activities. The planning and implementation of those actions will benefit from being grouped together in a general Community framework for activities.

(11) The Commission's actions could include specific actions, such as studies, research, seminars, conferences, experts' meetings, publications, manuals, databases and/or websites, as well as measures to disseminate the results of projects co-financed under the general Community framework for activities.

<sup>(1)</sup> OJ C 213E, 31.7.2001, p. 271.

<sup>(2)</sup> Opinion delivered on 12 March 2002 (not yet published in the Official Journal).

<sup>(3)</sup> OJ C 36, 8.2.2002, p. 77.

<sup>(4)</sup> OJ C 19, 23.1.1999, p. 1.

<sup>(5)</sup> OJ C 12, 15.1.2001, p. 1.

<sup>(6)</sup> OJ L 287, 8.11.1996, p. 3.

<sup>(7)</sup> OJ L 43, 14.2.2001, p. 1.

<sup>(8)</sup> OJ L 196, 14.7.1998, p. 24.

- (12) A general Community framework for activities to improve mutual understanding of the legal and judicial systems of the Member States will contribute to lowering the barriers to judicial cooperation in civil matters, which will improve the functioning of the internal market.
- (13) Measures to ensure good use is made of Community instruments in the area of judicial cooperation in civil matters are necessary; they will be more effective if they are coordinated within a general Community framework for activities.
- (14) Since the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the European dimension necessary for achieving its objectives, the expected economies of scale and the cumulative effects of the actions envisaged, be better achieved by the Community, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (15) The participation in this general Community framework for activities of the candidate countries for accession to the European Union will provide a useful preparation for accession, in particular as regards these countries' ability to apply the Community *acquis*.
- (16) Certain principles must be laid down concerning the sanctions to be imposed where irregularities are noted or where obligations under grant agreements between the Commission and beneficiaries are not respected.
- (17) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(1)</sup>.
- (18) The annual work programme shall be adopted by the management committee procedure in order to ensure a measure of institutional balance, taking account in particular of the fact that the specific actions provided for in Article 3(1) are to be taken by the Commission.
- (19) The United Kingdom and Ireland, in accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and the Treaty establishing the European Community, have given notice of their wish to participate in the adoption and implementation of this Regulation.
- (20) Denmark, in accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community, is not participating in the

adoption of this Regulation, which is not binding on Denmark nor applicable to it,

HAS ADOPTED THIS REGULATION:

## CHAPTER I

### OBJECTIVES AND ACTIVITIES

#### Article 1

##### Subject matter

1. This Regulation establishes, for the period from 1 January 2002 to 31 December 2006, a general Community framework for activities to facilitate the implementation of judicial cooperation in civil matters (hereinafter referred to as the 'general framework').
2. This Regulation shall not apply to Denmark.

#### Article 2

##### Objectives

The general framework for activities shall have the following objectives:

1. to promote judicial cooperation in civil matters, aiming in particular at:
  - (a) ensuring legal certainty and improving access to justice;
  - (b) promoting mutual recognition of judicial decisions and judgments;
  - (c) promoting the necessary approximation of legislation; or
  - (d) eliminating obstacles created by disparities in civil law and civil procedures;
2. to improve mutual knowledge of Member States' legal and judicial systems in civil matters;
3. to ensure the sound implementation and application of Community instruments in the area of judicial cooperation in civil matters; and
4. to improve information to the public on access to justice, judicial cooperation and the legal systems of the Member States in civil matters.

#### Article 3

##### Types of activities

Activities given financial support or carried out under this general framework for activities shall meet at least one of the objectives in Article 2 and shall consist of:

1. specific actions taken by the Commission; or

<sup>(1)</sup> OJ L 184, 17.7.1999, p. 23.

2. actions providing financial support for specific projects of Community interest under the conditions set out in Article 5; or
3. actions providing financial support for the activities of non-governmental organisations under the conditions set out in Article 6.

#### Article 4

##### Participation of third countries

This general framework for activities shall be open to the participation of:

1. the candidate countries of central and eastern Europe (CEECs), in accordance with the conditions established in the Europe Agreements, in the additional protocols thereto and in the decisions of the respective Association Councils;
2. Cyprus, Malta and Turkey, on the basis of bilateral agreements to be concluded with these countries; and
3. other countries, when agreements and procedures so allow.

#### Article 5

##### Specific projects

1. The specific projects referred to in Article 3(2) shall consist of one or more of the following:

- (a) training;
- (b) exchanges and work experience placements;
- (c) studies and research;
- (d) meetings and seminars;
- (e) dissemination of information.

2. Projects may be submitted by institutions and public or private organisations, including professional organisations, research institutes and legal and judicial training/further training institutes for legal practitioners.

'Legal practitioners' means, *inter alia*, judges, prosecutors, advocates, solicitors, academic and scientific personnel, ministry officials, court officers, bailiffs, court interpreters and other professionals associated with the judiciary in the area of civil law.

3. To be eligible for co-financing, the projects must involve at least three countries participating in this general framework for activities.

Projects may also associate practitioners from Denmark, from the candidate countries where this would contribute to their preparation for accession, or from other third countries not participating in this framework for activities where this serves the aims of the projects.

#### Article 6

##### Activities of non-governmental organisations

Financial support for the actions referred to in Article 3(3) may be granted to support activities included in the annual activity programmes of non-governmental organisations which meet the following criteria:

1. they must be non-profit-making organisations;
2. they must be constituted in accordance with the law of one of the Member States;
3. they must pursue activities with a European dimension and involve, as a general rule, at least half of the Member States;
4. the aims of their activities must include one or more of the objectives laid down in Article 2.

#### CHAPTER II

##### FINANCING, IMPLEMENTATION AND PROCEDURES

#### Article 7

##### Financing

1. The co-financing of activities under this general framework shall be exclusive of any other financing by another programme financed by the general budget of the European Union.

2. The actions referred to in Article 3(1), on the one hand, and Article 3(2) and (3), on the other hand, shall receive an equitable share of the annual amount.

3. The proportion of financial support from the general budget of the European Union may not, in principle, exceed 60 % of the costs for actions referred to in Article 3(2) or (3). However, under exceptional circumstances, financial support may amount to 80 %.

#### Article 8

##### Implementation

1. The Commission shall publish each year, if possible before 30 June, an annual work programme:

- (a) setting out the priorities in terms of objectives and types of activities for the following year;
- (b) giving a description of the actions referred to in Article 3(1), which the Commission intends to take; and
- (c) including a description of the selection and award criteria and the procedures for submission and approval of proposals for actions referred to in Article 3(2) and (3).

2. The Commission shall adopt the annual work programme in accordance with the procedure referred to in Article 13(2).

3. The Commission shall pay particular attention to the following criteria when evaluating and selecting proposals:

- (a) ability to contribute to the objectives in Article 2;
- (b) problem-solving orientation;
- (c) European dimension;
- (d) measures planned to ensure dissemination of results;
- (e) complementarity with other past, present or future activities; and
- (f) size of the action, in particular in terms of economies of scale and cost-effectiveness.

4. The Commission shall examine each of the draft actions submitted to it, as referred to in Article 3(2) and (3). Decisions relating to these actions shall be adopted in accordance with the procedure referred to in Article 12(2).

#### *Article 9*

#### **Financing decisions**

1. The Commission's financing decisions under Article 3(2) and (3) shall be followed by grant agreements between the Commission and the beneficiaries.

2. The financing decisions and grant agreements arising therefrom shall be subject to financial control by the Commission and to audits by the Court of Auditors.

#### *Article 10*

#### **Monitoring**

1. The Commission shall ensure the regular monitoring and supervision of the implementation of the actions financed by the Community. Monitoring and supervision shall be done on the basis of reports using procedures agreed between the Commission and the beneficiary. These may include checks *in situ* by means of sampling.

2. Beneficiaries shall submit a report to the Commission for each action within three months of its completion. The Commission shall determine the form of this report, including the type of information that must be included in it.

3. Beneficiaries of financial support shall keep at the Commission's disposal all the documentary evidence of expenditure for a period of five years from the last payment concerning an action.

#### *Article 11*

#### **Dissemination of information**

1. The Commission shall ensure the yearly publication of a list of the beneficiaries and of the activities financed under this general framework, including an indication of the amount of the support.

2. Where projects financed under Article 3(2) do not provide for dissemination of results and where this would contribute to one of the objectives in Article 2, measures may be taken by the Commission.

3. At the beginning of each year, the Commission shall provide the Article 12 Committee with information on the activities undertaken under Article 3(1) in the previous year.

#### *Article 12*

#### **Committee**

1. The Commission shall be assisted by a Committee (the 'Article 12 Committee').

2. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply.

3. The Committee shall adopt its rules of procedure.

#### *Article 13*

#### **Management Committee**

1. The Commission shall be assisted by a Committee (the 'Article 13 Committee').

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period provided for in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

#### *Article 14*

#### **Sanctions**

1. Sanctions shall be regulated in grant agreements in accordance with this Regulation.

2. The Commission may terminate a grant agreement concluded under the general framework if it detects irregularities, or if obligations under the grant agreement are not met.

If irregularities are detected or if obligations under a grant agreement are not met, the Commission may suspend payment of the balance of the financial support. The Commission shall ask the beneficiary to explain or rectify the situation within a reasonable period set by the Commission.

If the reply is not satisfactory or if the situation is not rectified, the Commission may terminate the grant agreement and ask for the sums already disbursed to be refunded, with payment of default interest.

3. If some of the obligations under the agreement are not met, the Commission may reduce the balance of financial support and ask for part of any sum already disbursed to be refunded, with payment of default interest.

*Article 15***Reporting and evaluation**

1. The Commission shall report to the European Parliament and to the Council by 30 June 2004 at the latest on the implementation of this general framework, including the results of the control, the reports and the monitoring of the activities.
2. The Commission shall submit to the European Parliament and the Council an evaluation report on this general framework to be available in time for a possible renewal of the

general framework or by 31 December 2005 at the latest. This report will include an evaluation of cost-effectiveness and an assessment, based on performance indicators, of whether the objectives have been achieved.

*Article 16***Entry into force**

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

This Regulation shall be binding in its entirety and directly applicable in the Member States, in accordance with the Treaty establishing the European Community.

Done at Luxembourg, 25 April 2002.

*For the Council*

*The President*

M. RAJOY BREY

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**COMMISSION REGULATION (EC) No 744/2002**  
**of 30 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1498/98 <sup>(2)</sup>, and in particular Article 4(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 1 May 2002.

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

Done at Brussels, 30 April 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

## ANNEX

**to the Commission Regulation of 30 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 <sup>(1)</sup> | Standard import value |
|------------------------------------|-----------------------------------|-----------------------|
| 0702 00 00                         | 052                               | 107,7                 |
|                                    | 096                               | 87,3                  |
|                                    | 204                               | 96,1                  |
|                                    | 212                               | 119,7                 |
|                                    | 999                               | 102,7                 |
| 0707 00 05                         | 052                               | 107,9                 |
|                                    | 628                               | 155,5                 |
|                                    | 999                               | 131,7                 |
| 0709 90 70                         | 052                               | 102,9                 |
|                                    | 999                               | 102,9                 |
| 0805 10 10, 0805 10 30, 0805 10 50 | 052                               | 67,5                  |
|                                    | 204                               | 47,8                  |
|                                    | 212                               | 58,7                  |
|                                    | 220                               | 57,3                  |
|                                    | 600                               | 54,0                  |
|                                    | 624                               | 78,2                  |
|                                    | 999                               | 60,6                  |
| 0805 50 10                         | 052                               | 48,9                  |
|                                    | 388                               | 68,8                  |
|                                    | 528                               | 85,5                  |
|                                    | 999                               | 67,7                  |
| 0808 10 20, 0808 10 50, 0808 10 90 | 060                               | 19,6                  |
|                                    | 388                               | 88,7                  |
|                                    | 400                               | 119,5                 |
|                                    | 404                               | 107,1                 |
|                                    | 508                               | 85,8                  |
|                                    | 512                               | 92,8                  |
|                                    | 524                               | 67,7                  |
|                                    | 528                               | 87,3                  |
|                                    | 720                               | 144,7                 |
|                                    | 804                               | 113,0                 |
|                                    | 999                               | 92,6                  |

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

**COMMISSION REGULATION (EC) No 745/2002**  
**of 30 April 2002**  
**fixing the import duties in the cereals sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Article 10 of Regulation (EEC) No 1766/92 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.
- (2) Pursuant to Article 10(3) of Regulation (EEC) No 1766/92, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market.

- (3) Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector.
- (4) The import duties are applicable until new duties are fixed and enter into force. They also remain in force in cases where no quotation is available for the reference exchange referred to in Annex II to Regulation (EC) No 1249/96 during the two weeks preceding the next periodical fixing.
- (5) In order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import duties in the cereals sector referred to in Article 10(2) of Regulation (EEC) No 1766/92 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

*Article 2*

This Regulation shall enter into force on 1 May 2002.

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

Done at Brussels, 30 April 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 161, 29.6.1996, p. 125.

<sup>(4)</sup> OJ L 91, 6.4.2002, p. 9.

## ANNEX I

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

| CN code    | Description                                                    | Import duty <sup>(2)</sup><br>(EUR/tonne) |
|------------|----------------------------------------------------------------|-------------------------------------------|
| 1001 10 00 | Durum wheat high quality                                       | 0,00                                      |
|            | medium quality <sup>(1)</sup>                                  | 0,00                                      |
| 1001 90 91 | Common wheat seed                                              | 0,00                                      |
| 1001 90 99 | Common high quality wheat other than for sowing <sup>(3)</sup> | 0,00                                      |
|            | medium quality                                                 | 9,47                                      |
|            | low quality                                                    | 21,49                                     |
| 1002 00 00 | Rye                                                            | 25,73                                     |
| 1003 00 10 | Barley, seed                                                   | 25,73                                     |
| 1003 00 90 | Barley, other <sup>(4)</sup>                                   | 25,73                                     |
| 1005 10 90 | Maize seed other than hybrid                                   | 50,62                                     |
| 1005 90 00 | Maize other than seed <sup>(5)</sup>                           | 50,62                                     |
| 1007 00 90 | Grain sorghum other than hybrids for sowing                    | 25,73                                     |

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

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

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

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

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

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

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

## ANNEX II

**Factors for calculating duties**

(period from 16 April 2002 to 29 April 2002)

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

| Exchange quotations                   | Minneapolis | Kansas City  | Chicago | Chicago | Minneapolis | Minneapolis        | Minneapolis |
|---------------------------------------|-------------|--------------|---------|---------|-------------|--------------------|-------------|
| Product (% proteins at 12 % humidity) | HRS2. 14 %  | HRW2. 11,5 % | SRW2    | YC3     | HAD2        | Medium quality (*) | US barley 2 |
| Quotation (EUR/t)                     | 120,16      | 116,60       | 109,46  | 87,25   | 197,65 (**) | 187,65 (**)        | 114,73 (**) |
| Gulf premium (EUR/t)                  | —           | 23,93        | 19,05   | 12,14   | —           | —                  | —           |
| Great Lakes premium (EUR/t)           | 25,30       | —            | —       | —       | —           | —                  | —           |

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

(\*\*) Fob Duluth.

## 2. Freight/cost: Gulf of Mexico–Rotterdam: 17,12 EUR/t; Great Lakes–Rotterdam: 26,66 EUR/t.

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

**COMMISSION REGULATION (EC) No 746/2002****of 30 April 2002****fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 27(1) and (2) of Regulation (EEC) No 1260/2001 provides that the differences between the prices in international trade for the products listed in Article 1(1)(a), (c), (d), (f), (g) and (h) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in the Annex to that Regulation. Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for 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 amount of such refunds <sup>(3)</sup>, as last amended by Regulation (EC) No 595/2002 <sup>(4)</sup>, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex I to Regulation (EC) No 1260/2001.
- (2) In accordance with Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.
- (3) Article 27(3) of Regulation (EC) No 1260/2001 and Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lay down that the export refund for a product contained in a good may not

exceed the refund applicable to that product when exported without further processing.

- (4) The refunds fixed under this Regulation may be fixed in advance as the market situation over the next few months cannot be established at the moment.
- (5) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.
- (6) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

*Article 1*

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed in Article 1(1) and (2) of Regulation (EC) No 1260/2001, exported in the form of goods listed in Annex V to Regulation (EC) No 1260/2001, are fixed as shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 May 2002.

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

Done at Brussels, 30 April 2002.

*For the Commission*

Erkki LIIKANEN

*Member of the Commission*

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

<sup>(2)</sup> OJ L 104, 20.4.2002, p. 26.

<sup>(3)</sup> OJ L 177, 15.7.2000, p. 1.

<sup>(4)</sup> OJ L 91, 6.4.2002, p. 5.

## ANNEX

**to the Commission Regulation of 30 April 2002 fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty**

| Product      | Rate of refund in EUR/100 kg         |       |
|--------------|--------------------------------------|-------|
|              | In case of advance fixing of refunds | Other |
| White sugar: | 44,09                                | 44,09 |

**COMMISSION REGULATION (EC) No 747/2002****of 30 April 2002****fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 15 May 1999 on the common organisation of the market in milk and milk products <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 509/2002 <sup>(2)</sup>, and in particular Article 31(3) thereof,

Whereas:

(1) Article 31(1) of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1 (a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund. Whereas Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and criteria for fixing the amount of such refunds <sup>(3)</sup>, as last amended by Regulation (EC) No 595/2002 <sup>(4)</sup>, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EC) No 1255/1999.

(2) In accordance with the first subparagraph of Article 4 (1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.

(3) Article 4(3) of Regulation (EC) No 1520/2000 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organisation of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products.

(4) Article 11(1) of Regulation (EC) No 1255/1999 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions.

(5) Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs <sup>(5)</sup>, as last amended by Regulation (EC) No 635/2000 <sup>(6)</sup>, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods.

(6) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed in Article 1 of Regulation (EC) No 1255/1999, exported in the form of goods listed in the Annex to Regulation (EC) No 1255/1999, are hereby fixed as shown in the Annex to this Regulation.

2. No rates of refund are fixed for any of the products referred to in the preceding paragraph which are not listed in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 May 2002.

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

<sup>(2)</sup> OJ L 79, 22.3.2002, p. 15.

<sup>(3)</sup> OJ L 177, 15.7.2000, p. 1.

<sup>(4)</sup> OJ L 91, 6.4.2002, p. 5.

<sup>(5)</sup> OJ L 350, 20.12.1997, p. 3.

<sup>(6)</sup> OJ L 76, 25.3.2000, p. 9.

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

Done at Brussels, 30 April 2002.

*For the Commission*  
Erkki LIIKANEN  
*Member of the Commission*

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ANNEX

**to the Commission Regulation of 30 April 2002 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty**

(EUR/100 kg)

| CN code       | Description                                                                                                                                                                                                                                                                                                                                                                     | Rate of refund            |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| ex 0402 10 19 | Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):<br>(a) On exportation of goods of CN code 3501<br>(b) On exportation of other goods                                                                                                                            | —<br>65,00                |
| ex 0402 21 19 | Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):<br>(a) Where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 2571/97 are exported<br>(b) On exportation of other goods             | 76,64<br>103,00           |
| ex 0405 10    | Butter, with a fat content by weight of 82 % (PG 6):<br>(a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 2571/97 are exported<br>(b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat<br>(c) On exportation of other goods | 90,00<br>182,25<br>175,00 |

## COMMISSION REGULATION (EC) No 748/2002

of 29 April 2002

**on the suspension and opening of tariff quotas applicable to the importation into the Community of certain processed agricultural products originating in Hungary and amending Regulation (EC) No 1477/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 2580/2000 <sup>(2)</sup>, and in particular Article 7(2) thereof,

Having regard to Council Decision 1999/67/EC of 22 October 1998 relating to the conclusion of a Protocol for the adaptation of the trade aspects of the Europe Agreement between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part, to take into account the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union and the results of the agricultural negotiations of the Uruguay Round, improvements to the existing preferential regime <sup>(3)</sup>, and in particular Article 2 thereof,

Whereas:

(1) Protocol 3 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, approved by Council and Commission Decision 93/742/Euratom, ECSC, EC <sup>(4)</sup>, lays down the trade arrangements for the processed agricultural products which are listed therein.

(2) Protocol 3 to the Europe Agreement was amended, as regards the volume of tariff quotas and the system for calculating the reduced agricultural components and additional duties, by Decision No 2/2002 of the EC-Hungary Association Council of 16 April 2002 on improvements to the trade arrangements for processed agricultural products provided for in Protocol 3 to the Europe Agreement <sup>(5)</sup>. The amendments shall enter into force as of 1 January 2002.

(3) As a result, it is appropriate to suspend the application of tariff quotas, opened for the year 2002 for imports into the European Community of products originating

in Hungary by Commission Regulation (EC) No 2542/2001 <sup>(6)</sup>, and to open the new annual quotas set out in Annex I to Protocol 3. For the year 2002, the new quotas should be opened from 1 January to 31 December. At the same time, it should be specified that imports already received from Hungary to which the tariff quotas laid down in Regulation (EC) No 2542/2001 applied must be considered as part of the new tariff quotas. The duties applied to these imports shall be reimbursed, where appropriate, in accordance with the provisions of Articles 878 to 898 of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code <sup>(7)</sup>, as last amended by Regulation (EC) No 444/2002 <sup>(8)</sup>.

(4) The tariff quotas opened for Hungary must be managed in accordance with Regulation (EEC) No 2454/93.

(5) The reduced agricultural components and additional duties applicable from 1 July 2000 to the importation into the Community of goods covered by Regulation (EC) No 3448/93, laid down in the framework of the Europe Agreement with Hungary by Commission Regulation (EC) No 1477/2000 <sup>(9)</sup>, as last amended by Regulation (EC) No 176/2002 <sup>(10)</sup>, should be abolished.

(6) Regulation (EC) No 1477/2000 must be amended accordingly.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed agricultural products not listed in Annex I,

HAS ADOPTED THIS REGULATION:

## Article 1

1. The application of tariff quotas opened by Annex IV to Regulation (EC) No 2542/2001 is suspended as of 1 January 2002.

<sup>(1)</sup> OJ L 318, 20.12.1993, p. 18.

<sup>(2)</sup> OJ L 298, 25.11.2000, p. 5.

<sup>(3)</sup> OJ L 28, 2.2.1999, p. 1.

<sup>(4)</sup> OJ L 347, 31.12.1993, p. 1.

<sup>(5)</sup> Not yet published in the Official Journal.

<sup>(6)</sup> OJ L 341, 22.12.2001, p. 82.

<sup>(7)</sup> OJ L 253, 11.10.1993, p. 1.

<sup>(8)</sup> OJ L 68, 12.3.2002, p. 11.

<sup>(9)</sup> OJ L 171, 11.7.2000, p. 44.

<sup>(10)</sup> OJ L 30, 31.1.2002, p. 39.

2. The Community tariff quotas for products originating in Hungary, set out in Annexes I and II, shall be opened annually from 1 January to 31 December.

For the year 2002, they shall be opened from 1 January to 31 December 2002.

3. The tariff quotas for products set out in Annex I are exempt from duty.

4. Within the limit of the tariff quotas set out in Annex II, a duty of 0 % + EUR 1,8/100 kg/net eda shall be applied to the corresponding products. This duty is subject to an annual reduction of 10 % as of 1 January 2003.

#### Article 2

The quantities of goods subject to tariff quotas and in free circulation as of 1 January 2002 in accordance with Regulation (EC) No 2542/2001 and before the entry into force of this

Regulation shall be included in the quantities set out in Annexes I and II.

#### Article 3

The Community tariff quotas referred to in Article 1(2) shall be managed by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

#### Article 4

Regulation (EC) No 1477/2000 shall be amended as follows:

1. the third paragraph of Article 2 is deleted;
2. Annexes V, VI, VII and VIII are deleted.

#### Article 5

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

It shall apply from 1 January 2002.

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

Done at Brussels, 29 April 2002.

*For the Commission*

Erkki LIIKANEN

*Member of the Commission*

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## ANNEX I

## Preferential tariff quotas for Community imports of products originating in Hungary — exempt from duty

| Serial number                 | CN code                                                                       | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Quota for 2002        | Annual increase as of 2003 |
|-------------------------------|-------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|----------------------------|
|                               |                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | (1 000 kg/net)        |                            |
| (1)                           | (2)                                                                           | (3)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | (4)                   |                            |
| 09.5616                       | 0403 10 51 to<br>0403 10 99                                                   | Yoghurt, flavoured or with added fruit or cocoa                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 132                   | 12                         |
| 09.5257                       | 0405 20 10<br>0405 20 30<br>ex 2106<br>ex 3302 10<br>3302 10 21<br>3302 10 29 | Dairy spreads of a fat content, by weight, of 39 % or more but less than 75 %<br><br>Food preparations not elsewhere specified or included, other than those falling within CN code 2106 90 20 <sup>(1)</sup> and other than flavoured or coloured sugar syrups<br><br>Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used in the food or drink industries:<br>– containing to milkfats, sucrose, isoglucose, glucose or starch or containing, by weight, less than 1,5 % milkfat, 5 % sucrose or isoglucose, 5 % glucose or starch<br>– other | 4 498                 | 409                        |
| 09.5213                       | ex 1704                                                                       | Sugar confectionery (including white chocolate) not containing cocoa, except liquorice extract containing more than 10 % by weight of sucrose but not containing other added substances, falling within CN code NC 1704 90 10                                                                                                                                                                                                                                                                                                                                                                                                              | 5 205                 | 473                        |
| 09.5215                       | 1803                                                                          | Cocoa paste, whether or not defatted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 1 170                 | 106                        |
| 09.5217                       | 1804 00 00                                                                    | Cocoa butter, fat and oil                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 2 173                 | 198                        |
| 09.5219                       | 1805 00 00                                                                    | Cocoa powder, not containing added sugar or other sweetening matter                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 54                    | 5                          |
| 09.5221                       | 1806                                                                          | Chocolate and other food preparations containing cocoa                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 6 948                 | 632                        |
| 09.5223<br>09.5225<br>09.5227 | 1901<br>1901 10 00<br>1901 20 00<br>ex 1901 90                                | Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of heading Nos 0401 to 0404, not containing cocoa or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included:<br>– preparations for infant use, put up for retail sale<br>– mixes and doughs for the preparation of bakers' wares of heading No 1905<br>– other, excluding products falling within CN Code 1901 90 91 | 139<br>1 692<br>2 596 | 13<br>154<br>236           |
| 09.5228                       | ex 1902                                                                       | Pasta, whether or not cooked or otherwise prepared, excluding stuffed pasta falling within CN codes 1902 20 10 and 1902 20 30; couscous, whether or not prepared                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 1 144                 | 104                        |
| 09.5229                       | 1903 00 00                                                                    | Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or similar forms                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 61                    | 6                          |

| Serial number | CN code                    | Description                                                                                                                                                                                                                                                                                                                 | Quota for 2002 | Annual increase as of 2003 |
|---------------|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------------------|
|               |                            |                                                                                                                                                                                                                                                                                                                             | (1 000 kg/net) |                            |
| (1)           | (2)                        | (3)                                                                                                                                                                                                                                                                                                                         | (4)            |                            |
| 09.5231       | 1904                       | Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour and meal), pre-cooked, or otherwise prepared, not elsewhere specified or included               | 200            | 18                         |
| 09.5233       | 1905                       | Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products                                                                                                         | 4 580          | 416                        |
| 09.5617       | 2008 99 85<br>2008 99 91   | Maize (corn), other than sweet corn ( <i>Zea mays</i> var. <i>saccharata</i> )<br>Yams, sweet potatoes and similar edible parts of plants, containing 5 % or more by weight of starch                                                                                                                                       | 220            | 20                         |
| 09.5237       | 2101 12 98<br>2101 20      | Preparations with a basis of extracts, essences or concentrates of coffee or with a basis of coffee, other than those falling within CN code 2101 12 92<br>– Extracts, essences and concentrates, of tea or maté, and preparations with a basis of these extracts, essences or concentrates, or with a basis of tea or maté | 23             | 2                          |
| 09.5239       | 2101 30                    | Roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof                                                                                                                                                                                                                       | 1 016          | 92                         |
| 09.5619       | 2102 20 11<br>2102 20 19   | Inactive yeasts                                                                                                                                                                                                                                                                                                             | 286            | 26                         |
| 09.5241       | 2103                       | Sauces and preparations therefor; mixed condiments and mixed seasonings; mustard flour and meal and prepared mustard                                                                                                                                                                                                        | 4 365          | 397                        |
| 09.5243       | 2104                       | Soups and broths and preparations therefor; homogenised composite food preparations                                                                                                                                                                                                                                         | 1 186          | 108                        |
| 09.5245       | 2105 00                    | Ice cream and other edible ice, whether or not containing cocoa                                                                                                                                                                                                                                                             | 97             | 9                          |
| 09.5251       | 2202                       | Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading No 2009                                                                                                          | 3 307          | 301                        |
| 09.5253       | 2203 00                    | Beer made from malt <sup>(1)</sup>                                                                                                                                                                                                                                                                                          | 2 341          | 213                        |
| 09.5255       | 2205                       | Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances                                                                                                                                                                                                                                        | 678            | 62                         |
| 09.5211       | 3823<br>3823 12<br>3823 70 | Industrial monocarboxylic fatty acids; acid oils from refining; industrial fatty alcohols:<br>– – Oleic acid<br>– Industrial fatty alcohols                                                                                                                                                                                 | 1 269          | 115                        |

<sup>(1)</sup> Products falling within CN code 2106 90 10 are eligible for this preference only if they fulfil the conditions set out in the Community provisions concerned.

<sup>(2)</sup> This quota shall be suspended as of 1.7.2002.

## ANNEX II

**Preferential tariff quotas for Community imports of products originating in Hungary**

| Serial number | CN code                                | Description | Annual quota for 2002 | Annual increase as of 1.1.2003 | Customs duty applicable as at 1.1.2002      |
|---------------|----------------------------------------|-------------|-----------------------|--------------------------------|---------------------------------------------|
|               |                                        |             | (1 000 kg/net)        |                                |                                             |
| 09.5209       | 0710 40 00<br>0711 90 30               | Sweet corn  | 16 882                | 1 688                          | 0 % + EUR 1,8/100 kg net eda <sup>(1)</sup> |
| 09.5235       | 2001 90 30<br>2004 90 10<br>2005 80 00 | Sweet corn  | 14 074                | 1 407                          | 0 % + EUR 1,8/100 kg net eda <sup>(1)</sup> |

<sup>(1)</sup> This customs duty is subject to an annual reduction of 10 % as of 1.1.2003.

**COMMISSION REGULATION (EC) No 749/2002**  
**of 30 April 2002**  
**amending Regulation (EEC) No 3846/87 establishing an agricultural product nomenclature for**  
**export refunds**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat <sup>(1)</sup>, as last amended by Regulation (EC) No 1365/2000 <sup>(2)</sup>, and in particular Article 13(12) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 3846/87 of 17 December 1987 establishing an agricultural product nomenclature for export refunds <sup>(3)</sup>, as last amended by Regulation (EC) No 488/2002 <sup>(4)</sup>, establishes a nomenclature of agricultural products for export refunds based on the Combined Nomenclature.
- (2) The recent amendment of the export nomenclature laid down by Regulation (EEC) No 3846/87 subdivided CN code 1602 in a more detailed way. In order to facilitate the application of the refunds for these different product

codes, it is appropriate to lay down particular provisions.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

- In Sector 6 of Annex I to Regulation (EEC) No 3846/87:
- the text relating to CN code 1602 is replaced by that given in Annex I hereto, and
  - footnotes 17 and 18 given in Annex II hereto are inserted.

*Article 2*

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

It shall apply to export licences applied for from 13 May 2002.

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

Done at Brussels, 30 April 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 282, 1.11.1975, p. 1.

<sup>(2)</sup> OJ L 156, 29.6.2000, p. 5.

<sup>(3)</sup> OJ L 366, 24.12.1987, p. 1.

<sup>(4)</sup> OJ L 76, 19.3.2002, p. 11.

## ANNEX I

| CN code       | Description of goods                                                                                                                                                                                                                                                                  | Product code     |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 'ex 1602      | Other prepared or preserved meat, meat offal or blood:                                                                                                                                                                                                                                |                  |
|               | – Of swine:                                                                                                                                                                                                                                                                           |                  |
| ex 1602 41    | -- Hams and cuts thereof:                                                                                                                                                                                                                                                             |                  |
| ex 1602 41 10 | ---- Of domestic swine <sup>(7)</sup> :                                                                                                                                                                                                                                               |                  |
|               | ----- Cooked, containing by weight 80 % or more of meat and fat <sup>(8)</sup> <sup>(9)</sup> :                                                                                                                                                                                       |                  |
|               | ----- In immediate packings with a net weight of 1 kg or more <sup>(17)</sup>                                                                                                                                                                                                         | 1602 41 10 9110  |
|               | ----- In immediate packings with a net weight of less than 1 kg                                                                                                                                                                                                                       | 1602 41 10 9130  |
| ex 1602 42    | -- Shoulders and cuts thereof:                                                                                                                                                                                                                                                        |                  |
| ex 1602 42 10 | ---- Of domestic swine <sup>(7)</sup> :                                                                                                                                                                                                                                               |                  |
|               | ----- Cooked, containing by weight 80 % or more of meat and fat <sup>(8)</sup> <sup>(9)</sup> :                                                                                                                                                                                       |                  |
|               | ----- In immediate packings with a net weight of 1 kg or more <sup>(18)</sup>                                                                                                                                                                                                         | 1602 42 10 9110  |
|               | ----- In immediate packings with a net weight of less than 1 kg                                                                                                                                                                                                                       | 1602 42 10 9130  |
| ex 1602 49    | -- Other, including mixtures:                                                                                                                                                                                                                                                         |                  |
|               | ---- Of domestic swine:                                                                                                                                                                                                                                                               |                  |
|               | ----- Containing by weight 80 % or more of meat or meat offal, of any kind, including fats of any kind or origin:                                                                                                                                                                     |                  |
| ex 1602 49 19 | ----- Other <sup>(7)</sup> <sup>(10)</sup> :                                                                                                                                                                                                                                          |                  |
|               | ----- Cooked, containing by weight 80 % or more of meat and fat <sup>(8)</sup> <sup>(9)</sup> :                                                                                                                                                                                       |                  |
|               | ----- Not containing the meat or offal of poultry:                                                                                                                                                                                                                                    |                  |
|               | ----- Containing a product composed of clearly recognisable pieces of muscular meat which, due to their size are not identifiable as having been obtained from hams, shoulders, loins or collars, together with small particles of visible fat and small quantities of jelly deposits | 1602 49 19 9130' |

## ANNEX II

<sup>(17)</sup> In the case that the classification of the goods as hams or cuts of hams of heading 1602 41 10 9110 is not justified on the basis of the provisions of additional note 2 of Chapter 16 of the CN, the refund for product code 1602 42 10 9110 or, as the case may be, 1602 49 19 9130 may be granted, without prejudice to the application of Article 51 of Commission Regulation (EC) No 800/1999 (OJ L 102, 17.4.1999, p. 11).

<sup>(18)</sup> In the case that the classification of the goods as shoulders or cuts of shoulders of heading 1602 42 10 9110 is not justified on the basis of the provisions of additional note 2 of chapter 16 of the CN, the refund for product code 1602 49 19 9130 may be granted, without prejudice to the application of Article 51 of Regulation (EC) No 800/1999.'

**COMMISSION REGULATION (EC) No 750/2002**  
**of 30 April 2002**  
**fixing the import duties in the rice sector**

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 <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 411/2002 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector <sup>(3)</sup>, as last amended by Regulation (EC) No 2831/98 <sup>(4)</sup>, and in particular Article 4(1) thereof,

Whereas:

- (1) Article 11 of Regulation (EC) No 3072/95 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties.
- (2) Pursuant to Article 12(3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on

the world market or on the Community import market for the product.

- (3) Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice sector.
- (4) The import duties are applicable until new duties are fixed and enter into force. They also remain in force in cases where no quotation is available from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing.
- (5) In order to allow the import duty system to function normally, the market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1503/96 results in import duties being fixed as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import duties in the rice sector referred to in Article 11(1) and (2) of Regulation (EC) No 3072/95 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

*Article 2*

This Regulation shall enter into force on 1 May 2002.

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

Done at Brussels, 30 April 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 62, 5.3.2002, p. 27.

<sup>(3)</sup> OJ L 189, 30.7.1996, p. 71.

<sup>(4)</sup> OJ L 351, 29.12.1998, p. 25.

## ANNEX I

## Import duties on rice and broken rice

(EUR/t)

| CN code    | Duties <sup>(1)</sup>                                            |                                                     |                              |                                                 |                      |
|------------|------------------------------------------------------------------|-----------------------------------------------------|------------------------------|-------------------------------------------------|----------------------|
|            | Third countries<br>(except ACP and<br>Bangladesh) <sup>(2)</sup> | ACP<br><sup>(1)</sup> <sup>(2)</sup> <sup>(3)</sup> | Bangladesh<br><sup>(4)</sup> | Basmati<br>India<br>and Pakistan <sup>(5)</sup> | Egypt <sup>(6)</sup> |
| 1006 10 21 | (7)                                                              | 69,51                                               | 101,16                       |                                                 | 158,25               |
| 1006 10 23 | (7)                                                              | 69,51                                               | 101,16                       |                                                 | 158,25               |
| 1006 10 25 | (7)                                                              | 69,51                                               | 101,16                       |                                                 | 158,25               |
| 1006 10 27 | (7)                                                              | 69,51                                               | 101,16                       |                                                 | 158,25               |
| 1006 10 92 | (7)                                                              | 69,51                                               | 101,16                       |                                                 | 158,25               |
| 1006 10 94 | (7)                                                              | 69,51                                               | 101,16                       |                                                 | 158,25               |
| 1006 10 96 | (7)                                                              | 69,51                                               | 101,16                       |                                                 | 158,25               |
| 1006 10 98 | (7)                                                              | 69,51                                               | 101,16                       |                                                 | 158,25               |
| 1006 20 11 | 264,00                                                           | 88,06                                               | 127,66                       |                                                 | 198,00               |
| 1006 20 13 | 264,00                                                           | 88,06                                               | 127,66                       |                                                 | 198,00               |
| 1006 20 15 | 264,00                                                           | 88,06                                               | 127,66                       |                                                 | 198,00               |
| 1006 20 17 | 264,00                                                           | 88,06                                               | 127,66                       | 14,00                                           | 198,00               |
| 1006 20 92 | 264,00                                                           | 88,06                                               | 127,66                       |                                                 | 198,00               |
| 1006 20 94 | 264,00                                                           | 88,06                                               | 127,66                       |                                                 | 198,00               |
| 1006 20 96 | 264,00                                                           | 88,06                                               | 127,66                       |                                                 | 198,00               |
| 1006 20 98 | 264,00                                                           | 88,06                                               | 127,66                       | 14,00                                           | 198,00               |
| 1006 30 21 | (7)                                                              | 133,21                                              | 193,09                       |                                                 | 312,00               |
| 1006 30 23 | (7)                                                              | 133,21                                              | 193,09                       |                                                 | 312,00               |
| 1006 30 25 | (7)                                                              | 133,21                                              | 193,09                       |                                                 | 312,00               |
| 1006 30 27 | (7)                                                              | 133,21                                              | 193,09                       |                                                 | 312,00               |
| 1006 30 42 | (7)                                                              | 133,21                                              | 193,09                       |                                                 | 312,00               |
| 1006 30 44 | (7)                                                              | 133,21                                              | 193,09                       |                                                 | 312,00               |
| 1006 30 46 | (7)                                                              | 133,21                                              | 193,09                       |                                                 | 312,00               |
| 1006 30 48 | (7)                                                              | 133,21                                              | 193,09                       |                                                 | 312,00               |
| 1006 30 61 | (7)                                                              | 133,21                                              | 193,09                       |                                                 | 312,00               |
| 1006 30 63 | (7)                                                              | 133,21                                              | 193,09                       |                                                 | 312,00               |
| 1006 30 65 | (7)                                                              | 133,21                                              | 193,09                       |                                                 | 312,00               |
| 1006 30 67 | (7)                                                              | 133,21                                              | 193,09                       |                                                 | 312,00               |
| 1006 30 92 | (7)                                                              | 133,21                                              | 193,09                       |                                                 | 312,00               |
| 1006 30 94 | (7)                                                              | 133,21                                              | 193,09                       |                                                 | 312,00               |
| 1006 30 96 | (7)                                                              | 133,21                                              | 193,09                       |                                                 | 312,00               |
| 1006 30 98 | (7)                                                              | 133,21                                              | 193,09                       |                                                 | 312,00               |
| 1006 40 00 | (7)                                                              | 41,18                                               | (7)                          |                                                 | 96,00                |

<sup>(1)</sup> The duty on imports of rice originating in the ACP States is applicable, under the arrangements laid down in Council Regulation (EC) No 1706/98 (OJ L 215, 1.8.1998, p. 12) and amended Commission Regulation (EC) No 2603/97 (OJ L 351, 23.12.1997, p. 22).

<sup>(2)</sup> In accordance with Regulation (EC) No 1706/98, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

<sup>(3)</sup> The import levy on rice entering the overseas department of Réunion is specified in Article 11(3) of Regulation (EC) No 3072/95.

<sup>(4)</sup> The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ L 337, 4.12.1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ L 88, 9.4.1991, p. 7).

<sup>(5)</sup> No import duty applies to products originating in the OCT pursuant to Article 101(1) of amended Council Decision 91/482/EEC (OJ L 263, 19.9.1991, p. 1).

<sup>(6)</sup> For husked rice of the Basmati variety originating in India and Pakistan, a reduction of EUR/t 250 applies (Article 4a of amended Regulation (EC) No 1503/96).

<sup>(7)</sup> Duties fixed in the Common Customs Tariff.

<sup>(8)</sup> The duty on imports of rice originating in and coming from Egypt is applicable under the arrangements laid down in Council Regulation (EC) No 2184/96 (OJ L 292, 15.11.1996, p. 1) and Commission Regulation (EC) No 196/97 (OJ L 31, 1.2.1997, p. 53).

## ANNEX II

**Calculation of import duties for rice**

|                                | Paddy            | Indica rice        |                    | Japonica rice |           | Broken rice      |
|--------------------------------|------------------|--------------------|--------------------|---------------|-----------|------------------|
|                                |                  | Husked             | Milled             | Husked        | Milled    |                  |
| 1. Import duty (EUR/tonne)     | ( <sup>1</sup> ) | 264,00             | 416,00             | 264,00        | 416,00    | ( <sup>1</sup> ) |
| 2. Elements of calculation:    |                  |                    |                    |               |           |                  |
| (a) Arag cif price (EUR/tonne) | —                | 236,87             | 255,00             | 298,74        | 289,31    | —                |
| (b) fob price (EUR/tonne)      | —                | —                  | —                  | 265,55        | 256,12    | —                |
| (c) Sea freight (EUR/tonne)    | —                | —                  | —                  | 33,19         | 33,19     | —                |
| (d) Source                     | —                | USDA and operators | USDA and operators | Operators     | Operators | —                |

(<sup>1</sup>) Duties fixed in the Common Customs Tariff.

**COMMISSION REGULATION (EC) No 751/2002**  
**of 30 April 2002**  
**amending the corrective amount applicable to the refund on 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>, and in particular Article 13(8) thereof,

Whereas:

- (1) The corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EC) No 675/2002 <sup>(3)</sup>, as amended by Regulation (EC) No 703/2002 <sup>(4)</sup>.
- (2) On the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered.

- (3) The corrective amount must be fixed according to the same procedure as the refund. It may be altered in the period between fixings,

HAS ADOPTED THIS REGULATION:

*Article 1*

The corrective amount referred to in Article 1(1)(a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to the export refunds fixed in advance in respect of the products referred to, except for malt, is hereby altered to the amounts set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 May 2002.

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

Done at Brussels, 30 April 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 103, 19.4.2002, p. 22.

<sup>(4)</sup> OJ L 109, 25.4.2002, p. 26.

## ANNEX

## to the Commission Regulation of 30 April 2002 amending the corrective amount applicable to the refund on cereals

(EUR/t)

| Product code    | Destination | Current<br>5 | 1st period<br>6 | 2nd period<br>7 | 3rd period<br>8 | 4th period<br>9 | 5th period<br>10 | 6th period<br>11 |
|-----------------|-------------|--------------|-----------------|-----------------|-----------------|-----------------|------------------|------------------|
| 1001 10 00 9200 | —           | —            | —               | —               | —               | —               | —                | —                |
| 1001 10 00 9400 | —           | —            | —               | —               | —               | —               | —                | —                |
| 1001 90 91 9000 | —           | —            | —               | —               | —               | —               | —                | —                |
| 1001 90 99 9000 | C01         | —            | 0,00            | 0,00            | -0,93           | -1,86           | —                | —                |
| 1002 00 00 9000 | C03         | -10,00       | -10,00          | -10,00          | -10,00          | -10,00          | —                | —                |
|                 | C04         | -10,00       | -10,00          | -40,00          | -40,00          | -40,00          | —                | —                |
|                 | A05         | 0,00         | 0,00            | 0,00            | 0,00            | 0,00            | —                | —                |
| 1003 00 10 9000 | —           | —            | —               | —               | —               | —               | —                | —                |
| 1003 00 90 9000 | A00         | —            | 0,00            | 0,00            | -0,93           | -1,86           | —                | —                |
| 1004 00 00 9200 | —           | —            | —               | —               | —               | —               | —                | —                |
| 1004 00 00 9400 | A00         | 0            | 0,00            | 0,00            | -0,93           | -1,86           | —                | —                |
| 1005 10 90 9000 | —           | —            | —               | —               | —               | —               | —                | —                |
| 1005 90 00 9000 | A00         | 0            | -0,93           | -1,86           | -2,79           | -2,79           | —                | —                |
| 1007 00 90 9000 | —           | —            | —               | —               | —               | —               | —                | —                |
| 1008 20 00 9000 | —           | —            | —               | —               | —               | —               | —                | —                |
| 1101 00 11 9000 | —           | —            | —               | —               | —               | —               | —                | —                |
| 1101 00 15 9100 | C01         | 0            | 0,00            | 0,00            | -1,27           | -2,55           | —                | —                |
| 1101 00 15 9130 | C01         | 0            | 0,00            | 0,00            | -1,19           | -2,38           | —                | —                |
| 1101 00 15 9150 | C01         | 0            | 0,00            | 0,00            | -1,10           | -2,19           | —                | —                |
| 1101 00 15 9170 | C01         | 0            | 0,00            | 0,00            | -1,01           | -2,03           | —                | —                |
| 1101 00 15 9180 | C01         | 0            | 0,00            | 0,00            | -0,95           | -1,90           | —                | —                |
| 1101 00 15 9190 | —           | —            | —               | —               | —               | —               | —                | —                |
| 1101 00 90 9000 | —           | —            | —               | —               | —               | —               | —                | —                |
| 1102 10 00 9500 | C01         | 0            | 0,00            | 0,00            | 0,00            | 0,00            | —                | —                |
| 1102 10 00 9700 | C01         | 0            | 0,00            | 0,00            | 0,00            | 0,00            | —                | —                |
| 1102 10 00 9900 | —           | —            | —               | —               | —               | —               | —                | —                |
| 1103 11 10 9200 | A00         | 0            | 0,00            | 0,00            | -1,40           | -2,79           | —                | —                |
| 1103 11 10 9400 | A00         | 0            | 0,00            | 0,00            | -1,25           | -2,49           | —                | —                |
| 1103 11 10 9900 | —           | —            | —               | —               | —               | —               | —                | —                |
| 1103 11 90 9200 | A00         | 0            | 0,00            | 0,00            | -1,27           | -2,55           | —                | —                |
| 1103 11 90 9800 | —           | —            | —               | —               | —               | —               | —                | —                |

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 as follows:

C01 All destinations except for Poland,

C03 Poland, Czech Republic, Slovak Republic, Hungary, Norway, Faroe Islands, Iceland, Russia, Belarus, Bosnia and Herzegovina, Croatia, Slovenia, former Republic of Yugoslavia with the exception of Slovenia, Croatia and Bosnia and Herzegovina, Albania, Romania, Bulgaria, Armenia, Georgia, Azerbaijan, Moldova, Ukraine, Kazakhstan, Kyrgyzstan, Uzbekistan, Tajikistan, Turkmenistan, Morocco, Algeria, Tunisia, Libya, Egypt, Malta, Cyprus and Turkey,

C04 Estonia, Latvia, Lithuania,

A05 other non-member countries.

**COMMISSION REGULATION (EC) No 752/2002**  
**of 30 April 2002**  
**altering the corrective amount applicable to the refund on malt**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>, and in particular Article 13(8) thereof,

Whereas:

- (1) The corrective amount applicable to the refund on malt was fixed by Commission Regulation (EC) No 514/2002 <sup>(3)</sup>.
- (2) On the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market

into account, the corrective amount at present applicable to the refund on malt should be altered,

HAS ADOPTED THIS REGULATION:

*Article 1*

The corrective amount referred to in Article 13(4) of Regulation (EEC) No 1766/92 which is applicable to the export refunds fixed in advance in respect of the products referred to is hereby altered to the amount set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 May 2002.

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

Done at Brussels, 30 April 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 79, 22.3.2002, p. 25.

## ANNEX

**to the Commission Regulation of 30 April 2002 altering the corrective amount applicable to the refund on malt**

(EUR/t)

| Product code    | Destination | Current<br>5 | 1st period<br>6 | 2nd period<br>7 | 3rd period<br>8 | 4th period<br>9 | 5th period<br>10 |
|-----------------|-------------|--------------|-----------------|-----------------|-----------------|-----------------|------------------|
| 1107 10 11 9000 | A00         | 0            | 0               | 0               | 0               | 0               | 0                |
| 1107 10 19 9000 | A00         | 0            | 0               | 0               | -1,18           | -2,36           | -3,54            |
| 1107 10 91 9000 | A00         | 0            | 0               | 0               | 0               | 0               | 0                |
| 1107 10 99 9000 | A00         | 0            | 0               | 0               | -1,18           | -2,36           | -3,54            |
| 1107 20 00 9000 | A00         | 0            | 0               | 0               | -1,39           | -2,77           | -4,16            |

(EUR/t)

| Product code    | Destination | 6th period<br>11 | 7th period<br>12 | 8th period<br>1 | 9th period<br>2 | 10th period<br>3 | 11th period<br>4 |
|-----------------|-------------|------------------|------------------|-----------------|-----------------|------------------|------------------|
| 1107 10 11 9000 | A00         | 0                | 0                | 0               | 0               | 0                | 0                |
| 1107 10 19 9000 | A00         | -4,72            | -5,91            | -7,09           | -8,27           | -9,45            | -10,63           |
| 1107 10 91 9000 | A00         | 0                | 0                | 0               | 0               | 0                | 0                |
| 1107 10 99 9000 | A00         | -4,72            | -5,91            | -7,09           | -8,27           | -9,45            | -10,63           |
| 1107 20 00 9000 | A00         | -5,54            | -6,93            | -8,31           | -9,70           | -11,09           | -12,47           |

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 Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6).

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## DECISION No 1/2002 OF THE EU-SLOVENIA ASSOCIATION COUNCIL

of 25 January 2002

**adopting the terms and conditions for the participation of the Republic of Slovenia in the Culture 2000 programme**

(2002/317/EC)

THE ASSOCIATION COUNCIL,

HAS DECIDED AS FOLLOWS:

Having regard to the Europe Agreement establishing an association between the European Communities and their Member States, acting within the framework of the European Union, of the one part, and the Republic of Slovenia, of the other <sup>(1)</sup>, concerning Slovenia's participation in Community programmes, and in particular Article 106 thereof,

Whereas:

- (1) According to Article 106 of the Europe Agreement and Annex XI thereto, Slovenia may participate in Community framework programmes, specific programmes, projects or other actions in particular in the field of culture.
- (2) According to the said Article, the terms and conditions for the participation of Slovenia in this area are to be decided by the Association Council,

*Article 1*

Slovenia shall participate in the Culture 2000 programme from the budgetary year 2002, according to the terms and conditions set out in Annexes I and II which shall form an integral part of this Decision.

*Article 2*

This Decision shall enter into force on the day of its adoption.

It shall apply for the duration of the Culture 2000 programme, starting from 1 January 2002.

Done at Brussels, 25 January 2002.

*For the Association Council*

*The President*

D. RUPEL

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<sup>(1)</sup> OJ L 51, 26.2.1999, p. 3.

## ANNEX I

**Terms and conditions for the participation of the Republic of Slovenia in the Culture 2000 programme**

1. Slovenia will participate in the activities of the Culture 2000 programme (hereinafter called 'the programme') in conformity, unless otherwise provided for in this Decision, with the objectives, criteria, procedures and deadlines as defined in Decision No 508/2000/EC of the European Parliament and of the Council of 14 February 2000 establishing the Culture 2000 Programme <sup>(1)</sup>.
2. To participate in the programme, Slovenia will pay each year a contribution to the general budget of the European Union according to the detailed arrangements described in Annex II. If necessary in order to take into account programme developments, or the evolution of Slovenia's absorption capacity, the Association Committee is entitled to adapt this contribution, so as to avoid a budgetary imbalance in the implementation of the programme.
3. The terms and conditions for the submission, assessment and selection of applications related to eligible institutions, organisations and individuals of Slovenia will be the same as those applicable to eligible institutions, organisations and individuals of the Community. Slovenian experts may be taken into consideration by the Commission when appointing independent experts according to the relevant provisions of the decision establishing the programme to assist it in the project evaluation.
4. With a view to ensuring the Community dimension of the programme, in order to be eligible for Community financial support, projects and activities will have to include at least a partner from one of the Member States of the Community.
5. The maximum amount of financial support for the activities of the cultural contact points will not exceed 50 % of the total budget for its activities.
6. Without prejudice to the responsibilities of the Commission of the European Communities and the Court of Auditors of the European Communities in relation to the monitoring and evaluation of the programme pursuant to Article 8 of Decision No 508/2000/EC, the participation of Slovenia in the programme will be continuously monitored on a partnership basis involving the Commission of the European Communities and Slovenia. Slovenia will submit to the Commission relevant reports and take part in other specific activities set out by the Community in that context.
7. In conformity with the Community's Financial Regulations, contractual arrangements concluded with, or by, entities of Slovenia shall provide for controls and audits to be carried out by, or under the authority of, the Commission and the Court of Auditors. As far as financial audits are concerned, they may be carried out for the purpose of controlling such entities' income and expenditures, related to the contractual obligations towards the Community. In a spirit of cooperation and mutual interest, the relevant authorities of Slovenia shall provide any reasonable and feasible assistance as may be necessary or helpful under the circumstances to perform such controls and audits.
8. Without prejudice to the procedures referred to in Article 5 of Decision No 508/2000/EC, representatives of Slovenia will participate as observers in the Management Committee for the points which concern them. This committee shall meet without the presence of representatives of Slovenia for the rest of the points, as well as at the time of voting.
9. The language to be used in all sorts of contacts with the Commission, as regards the application process, contracts, reports to be submitted and other administrative arrangements for the programme, will be one of the official languages of the Community.
10. The Community and Slovenia may terminate activities under this Decision at any time upon 12 months' notice in writing. Projects and activities in progress at the time of termination shall continue until their completion under the conditions laid down in this Decision.

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<sup>(1)</sup> OJ L 63, 10.3.2000, p. 1.

## ANNEX II

**Financial contribution of the Republic of Slovenia to Culture 2000**

1. The financial contribution to be paid by Slovenia to the general budget of the European Union to participate in the programme will be the following:

(in EUR)

| Year 2002 | Year 2003 | Year 2004 |
|-----------|-----------|-----------|
| 161 820   | 161 820   | 161 820   |

2. Slovenia will pay the contribution mentioned above, partly from the Slovenian national budget, and partly from Slovenia's PHARE national programme. Subject to a PHARE separate programming procedure, the requested PHARE funds will be transferred to Slovenia by means of a separate Financing Memorandum. Together with the part coming from Slovenia's State budget, these funds will constitute Slovenia's national contribution, out of which it will make payments in response to annual calls for funds from the Commission.
3. PHARE funds will be requested according to the following schedule:

(in EUR)

| Year 2002 | Year 2003 | Year 2004 |
|-----------|-----------|-----------|
| 61 598    | 61 598    | 61 598    |

The remaining part of the contribution of Slovenia will come from the Slovenian State budget.

4. The Financial Regulation applicable to the general budget of the European Communities will apply, in particular to the management of the contribution of Slovenia.

Travel costs and subsistence costs incurred by representatives and experts of Slovenia for the purposes of taking part as observers in the work of the committee referred to in Annex I, point 8 or other meetings related to the implementation of the programme shall be reimbursed by the Commission on the same basis as and in accordance with the procedures currently in force for non-governmental experts of the Member States of the European Union.

5. At the beginning of each year following the entry into force of this Decision, the Commission will send to Slovenia a call for funds corresponding to its contribution to the budget of the programme under this Decision.

This contribution shall be expressed in euro and paid into a euro bank account of the Commission.

Slovenia will pay its contribution according to the call for funds:

- by 1 May for the part financed from its national budget, provided that the call for funds is sent by the Commission before 1 April, or at the latest one month after the call for funds is sent if later,
- by 1 May for the part financed from PHARE, provided that the corresponding amounts have been sent to Slovenia by this time, or at the latest within a period of 30 days after these funds have been sent to Slovenia.

Any delay in the payment of the contribution shall give rise to the payment of interest by Slovenia on the outstanding amount from the due date. The interest rate corresponds to the rate applied by the European Central Bank, on the due date, for its operations in euro, increased by 1,5 percentage points.

**DECISION No 2/2002 OF THE EU-SLOVENIA ASSOCIATION COUNCIL**  
**of 25 January 2002**  
**adopting the general terms and conditions for the participation of the Republic of Slovenia in**  
**Community programmes**  
(2002/318/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Europe Agreement establishing an association between the European Communities and their Member States, acting within the framework of the European Union, of the one part, and the Republic of Slovenia, of the other part <sup>(1)</sup>, and in particular Article 106 thereof,

Whereas:

- (1) According to Article 106 of the Europe Agreement and Annex XI thereto, Slovenia may participate in Community framework programmes, specific programmes, projects or other actions dealing with a wide range of fields. They also provide for the addition of other Community fields.
- (2) According to the said Article 106, the terms and conditions for the participation of Slovenia 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 Slovenia,

HAS DECIDED AS FOLLOWS:

*Article 1*

Slovenia 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*

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

*Article 3*

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

*Article 4*

Projects and initiatives submitted by participants from Slovenia 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 Slovenia in each particular programme shall be determined between the Commission and the competent authorities of Slovenia. Should Slovenia 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 <sup>(2)</sup>, 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 Slovenia 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, 25 January 2002.

*For the Association Council*  
*The President*  
D. RUPEL

<sup>(1)</sup> OJ L 51, 26.2.1999, p. 3.

<sup>(2)</sup> 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).

**DECISION No 3/2002 OF THE EU-SLOVENIA ASSOCIATION COUNCIL**  
**of 15 March 2002**  
**adopting the terms and conditions for Slovenia's participation in the Community Fiscalis**  
**programme**

(2002/319/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Europe Agreement establishing an association between the European Communities and their Member States acting within the Framework of the European Union, of the one part, and Slovenia, of the other part <sup>(1)</sup>, and in particular Article 106 thereof,

Whereas:

- (1) According to Article 106 of the Europe Agreement, Slovenia may participate in framework programmes, specific programmes, projects or other actions of the Community in the fields laid down in Annex XI.
- (2) According to this Annex, the Association Council may agree to add other fields of Community activities to those listed in the Annex.
- (3) According to the said Article 106, the Association Council is to decide upon the terms and conditions for Slovenia's participation in these activities,

HAS DECIDED AS FOLLOWS:

*Article 1*

Slovenia shall participate in the Community Fiscalis programme (hereinafter referred to as the 'programme')

according to the terms and conditions set out in Annexes I and II which shall form an integral part of this Decision.

*Article 2*

This Decision shall apply for the duration of the remaining lifetime of the programme. Nevertheless, should the Community decide to extend the duration without any substantial change within the programme, this Decision would also be extended correspondingly and automatically if no Party denounces it.

*Article 3*

This Decision shall enter into force the day of its adoption by the Association Council.

Done at Brussels, 15 March 2002.

*For the Association Council*

*The President*

D. RUPEL

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<sup>(1)</sup> OJ L 51, 26.2.1999, p. 3.

## ANNEX I

**TERMS AND CONDITIONS FOR SLOVENIA'S PARTICIPATION IN THE FISCALIS PROGRAMME**

1. As stated in Article 7 of Decision No 888/98/EC of the European Parliament and of the Council of 30 March 1998 establishing a programme of Community action to ameliorate the indirect taxation systems of the internal market (Fiscalis programme) <sup>(1)</sup>, Slovenia's participation in the Fiscalis programme (hereinafter referred to as the programme) shall take place in accordance with the conditions laid down in the Europe Agreement, and in so far as Community law on indirect taxation so permits. Accordingly, Slovenia's participation in the programme's activities shall take place under the following conditions:
  - activities envisaged by Article 4 (communication and information exchange systems, manuals and guides) will be allowed in so far as Community indirect taxation provisions make it possible,
  - activities envisaged by Article 5(1) (exchanges of officials) and (2) (seminars) as well as those envisaged by Article 6 (common training initiative) will be allowed under the conditions laid down in these Articles,
  - activities envisaged by Article 5(3) (multilateral controls) will not be allowed, as the Community legal framework for cooperation in this domain, pursuant to Directive 77/799/EEC <sup>(2)</sup> and Regulation (EEC) No 218/92 <sup>(3)</sup>, is applicable only to countries which are Member States of the European Union.
2. The terms and conditions for the submission, assessment and selection of applications for seminars and exchanges related to officials of Slovenia shall be the same as those applicable to officials of the 15 national administrations of the Member States of the European Union.
3. Annex II establishes the financial contribution to the general budget of the European Union that Slovenia will have to pay at the beginning of every financial year to cover the costs resulting from its participation in the programme, from 2001 to 2002. The Association Committee is entitled to adapt this contribution whenever necessary in accordance with the principles laid down in Article 114(2) of the Europe Agreement between the European Communities and their Member States, of the one part, and Slovenia, of the other part.
4. Representatives of Slovenia will participate, as observers and for the points which concern them, in the Standing Committee on Administrative Cooperation in the field of Indirect Taxation provided for in Article 11(1) of Decision No 888/98/EC. This Committee shall meet without the presence of representatives of Slovenia for the rest of the points, as well as at the time of voting.
5. The Member States of the European Union and Slovenia will make every effort, within the framework of the existing provisions, to facilitate the free movement and residence of all persons eligible under the programme moving between Slovenia and the EU Member States for the purpose of participating in activities covered by the Decision.
6. Without prejudice to the responsibilities of the Commission of the European Communities and the Court of Auditors of the European Communities in relation to the monitoring and evaluation of the programme pursuant to Decision No 888/98/EC, the participation of Slovenia in the programme will be continuously monitored on a partnership basis involving Slovenia and the Commission. Slovenia will submit the necessary reports to the Commission and take part in other specific activities set out by the Community in that context.
7. The language to be used as regards the application process, contracts, reports to be submitted and other administrative arrangements for the programme, will be one of the official languages of the European Community.
8. The Community and Slovenia may terminate activities under this Decision at any time upon 12 months' notice in writing. Activities in progress at the time of termination shall continue until their completion under the conditions laid down in this Decision.

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<sup>(1)</sup> OJ L 126, 28.4.1998, p. 1.

<sup>(2)</sup> OJ L 336, 27.12.1977, p. 15. Directive as last amended by the 1994 Act of Accession.

<sup>(3)</sup> OJ L 24, 1.2.1992, p. 1.

## ANNEX II

**SLOVENIA'S FINANCIAL CONTRIBUTION TO THE FISCALIS PROGRAMME**

1. Slovenia's financial contribution will be added to the amount available each year in the general budget of the European Union for commitment appropriations to meet the Commission's financial obligations stemming from work to be carried out for the implementation, management and operation of the Fiscalis programme (hereinafter referred to as the programme).
2. The financial contribution has been calculated considering an average daily allowance of EUR 146 and an average travel allowance of EUR 695 representing costs incurred for participating in seminars and exchanges. It is estimated for the calculation of the financial contribution that Slovenia will participate in 15 seminars and 20 exchanges, as an average number of activities per year. The financial contribution may be adjusted at the beginning of each year to take into account the actual number of activities in which Slovenia plans to participate during that year. The adjustment will take place by means of the required call for funds that Slovenia will receive from the Commission, as referred to under point 5.
3. Slovenia's contribution will be EUR 94 984 for every single year of participation, unless determined otherwise within the conditions under point 2. From this sum, an amount of EUR 6 214 will cover supplementary costs of an administrative nature related to the management of the programme by the Commission stemming from Slovenia's participation.
4. Slovenia will pay the total contribution of its participation from its national budget, since PHARE assistance has not been requested for this purpose.
5. The Financial Regulation of 21 December 1977 applicable to the general budget of the European Union <sup>(1)</sup> will apply, in particular to the management of Slovenia's contribution.

Upon entry into force of this Decision, the Commission will send to Slovenia one or more calls for funds corresponding to its contribution to the costs of the activities for the current year. The contribution will be expressed in euro's and paid into a euro bank account of the Commission. Slovenia will pay its contribution to the annual cost under this Decision according to the calls for funds and at the latest three months after the calls for funds are sent. Any delay in the payment of the contribution shall give rise to the payment of interest by Slovenia on the outstanding amount from the due date. The interest rate corresponds to the rate applied by the European Central Bank, on the due date, for its operations in euro's, increased by 1,5 percentage points.

6. The daily subsistence allowances are applicable to all participants in the programme and are determined on a country per country basis by the Commission. Slovenia will receive a first budget advance from the Commission at the beginning of every year. A second advance may be paid at the middle of the year depending on the actual participation of Slovenia in the programme activities and on the expected participation for the rest of the year. The Slovenian department concerned will use these advances to pay for the travel tickets and daily subsistence allowances for Slovenia participants.
7. Travel costs and subsistence costs incurred by representatives and experts of Slovenia for the purposes of taking part as observers in the work of the committee referred to in point 4 of Annex I shall be reimbursed by the Commission on the same basis as for the Member States of the European Union.

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<sup>(1)</sup> OJ L 356, 31.12.1977, p. 1. Regulation as last amended by Regulation (EC, ECSC, Euratom) No 762/2001 (OJ L 111, 20.4.2001, p. 1).