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Contents

I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 1318/2002 of 22 July 2002 concerning certain restrictive measures in respect of Liberia** 1
- Commission Regulation (EC) No 1319/2002 of 22 July 2002 establishing the standard import values for determining the entry price of certain fruit and vegetables 5
- Commission Regulation (EC) No 1320/2002 of 22 July 2002 opening tendering procedures for the sale of wine alcohol exclusively for use in third countries in the fuel sector ... 7
- ★ **Commission Regulation (EC) No 1321/2002 of 22 July 2002 amending Regulation (EEC) No 1538/91 introducing detailed rules for implementing Council Regulation (EEC) No 1906/90 on certain marketing standards for poultrymeat** 17
- ★ **Commission Regulation (EC) No 1322/2002 of 22 July 2002 amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice** 22
- ★ **Commission Regulation (EC) No 1323/2002 of 22 July 2002 derogating from Regulation (EC) No 800/1999 as regards the export of cereals products to third countries other than Hungary** 24
- ★ **Commission Regulation (EC) No 1324/2002 of 22 July 2002 amending Regulation (EC) No 1163/2002 amending Regulation (EC) No 1501/95 as regards the conditions for the payment of export refunds on cereal products** 26
- ★ **Commission Regulation (EC) No 1325/2002 of 22 July 2002 initiating a 'new exporter' review of Council Regulation (EC) No 1600/1999 imposing definitive anti-dumping duties on imports of stainless steel wires with a diameter of 1 mm or more originating in India, repealing the duty with regard to imports from one exporter in this country and making these imports subject to registration** 27

Commission Regulation (EC) No 1326/2002 of 22 July 2002 determining to what extent applications for import rights for calves not exceeding 80 kilograms lodged pursuant to Regulation (EC) No 1128/1999 can be met	29
Commission Regulation (EC) No 1327/2002 of 22 July 2002 determining the percentage of quantities which may be allowed in respect of import licence applications lodged in July 2002 under tariff quotas for beef and veal provided for in Regulation (EC) No 1279/98 for the Republic of Poland, the Republic of Hungary, the Czech Republic, Slovakia, Bulgaria and Romania	30
Commission Regulation (EC) No 1328/2002 of 22 July 2002 correcting Regulation (EC) No 1111/2002 setting export refunds on products processed from fruit and vegetables other than those granted for added sugar	32
Commission Regulation (EC) No 1329/2002 of 22 July 2002 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip	33

II Acts whose publication is not obligatory

Conference of the Representatives of the Governments of the Member States

2002/595/EC:

- ★ **Decision of the Representatives of the Governments of the Member States, meeting within the Council, of 19 July 2002 on the consequences of the expiry of the European Coal and Steel Community (ECSC) Treaty on international agreements concluded by the ECSC** 35

Council

2002/596/EC:

- ★ **Council Decision of 19 July 2002 on the consequences of the expiry of the Treaty establishing the European Coal and Steel Community (ECSC) on the international agreements concluded by the ECSC** 36

Commission

2002/597/EC:

- ★ **Commission Decision of 3 April 2002 concerning the aid provided for by Article 4 of Law No 290 of 17 August 1999 (notified under document number C(2002) 1188) (Only the Italian version is authentic)** 37

2002/598/EC:

- ★ **Commission Decision of 15 July 2002 approving vaccines against bovine brucellosis within the framework of Council Directive 64/432/EEC ⁽¹⁾ (notified under document number C(2002) 2592)** 45

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

2002/599/CFSP:

- ★ **Council Common Position of 22 July 2002 supplementing Common Position 96/741/CFSP concerning the derogations from the embargo with regard to Iraq** 47

* Corrigendum to Commission Regulation (EC) No 2535/2001 of 14 December 2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas (OJ L 341 of 22.12.2001)	48
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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1318/2002
of 22 July 2002
concerning certain restrictive measures in respect of Liberia**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Common Position 2001/357/CFSP⁽¹⁾ as amended and extended in Common Position 2002/457/CFSP⁽²⁾,

Having regard to the proposal from the Commission,

Whereas:

- (1) In Resolution 1408 (2002) of 6 May 2002, the United Nations Security Council, acting under Chapter VII of the Charter of the United Nations, decided to extend and amend the restrictive measures imposed on the Government of Liberia for its support to armed rebel groups in the region, laid down in United Nations Security Council Resolution 1343 (2001) of 7 March 2001.
- (2) Certain of these measures fall within the scope of the Treaty and, therefore, notably with a view to avoiding distortion of competition, Community legislation is necessary to implement the relevant decisions of the Security Council as far as the territory of the Community is concerned. For the purpose of this Regulation, the territory of the Community is deemed to encompass the territories of the Member States to which the Treaty is applicable, under the conditions laid down in that Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

1. Without prejudice to the powers of the Member States in the exercise of their public authority, it shall be prohibited to provide Liberia with technical training or assistance related to the provision, manufacture, maintenance or use of arms and related material of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned.

2. The prohibition referred to in paragraph 1 shall not apply in cases where the Committee established by paragraph 14 of

United Nations Security Council 1343 (2001) has granted an exemption in advance. Such exemptions shall be obtained through the competent authorities of the Member States listed in Annex I to this Regulation.

Article 2

The direct or indirect import into the Community of all rough diamonds from Liberia, as defined in Annex II to this Regulation, whether originating there or not, shall be prohibited.

Article 3

The Commission shall be empowered to:

- amend Annex I on the basis of information supplied by Member States,
- amend Annex II in order to bring it into line with changes that may be made to the Combined Nomenclature.

Article 4

Without prejudice to the rights and obligations of the Member States under the Charter of the United Nations, the Commission shall maintain all necessary contacts with the Committee established by paragraph 14 of United Nations Security Council 1343 (2001) for the purpose of the effective implementation of this Regulation.

Article 5

The Commission and the Member States shall immediately inform each other of the measures taken under this Regulation and shall supply each other with relevant information at their disposal in connection with this Regulation, in particular information in respect of violation and enforcement problems and judgements handed down by national courts.

Article 6

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

⁽¹⁾ OJ L 126, 8.5.2001, p. 1.

⁽²⁾ OJ L 155, 14.6.2002, p. 62.

Article 7

1. Each Member State shall determine the sanctions to be imposed where the provisions of this Regulation are infringed. Such sanctions shall be effective, proportionate and dissuasive. Pending the adoption, where necessary, of any legislation to this end, the sanctions to be imposed where the provisions of this Regulation are infringed, shall be those determined by the Member States in order to give effect to Article 6 of Regulation (EC) No 1146/2001 of 11 June 2001 concerning certain restrictive measures in respect of Liberia ⁽¹⁾.

2. Each Member State shall be responsible for bringing proceedings against any natural or legal person, entity or body under its jurisdiction, in cases of violation of any of the prohibitions laid down in this Regulation by such person, entity or body.

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

Done at Brussels, 22 July 2002.

Article 8

This Regulation shall apply

- within the territory of the Community, including its airspace,
- on board any aircraft or any vessel under the jurisdiction of a Member State,
- to any person elsewhere who is a national of a Member State, and
- to any legal person, entity or body which is incorporated or constituted under the law of a Member State.

Article 9

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

This Regulation shall expire on 8 May 2003.

For the Council

The President

P. S. MØLLER

⁽¹⁾ OJ L 156, 13.6.2001, p. 1. Regulation (EC) No 1146/2001 expired on 8 May 2002.

ANNEX I

List of competent authorities referred to in Article 1(2)

BELGIUM

Ministère des affaires étrangères, du commerce extérieur et de la coopération au développement
Egmont 1
Rue des Petits Carmes 19
B-1000 Bruxelles

Υπουργείο Εθνικής Οικονομίας
Γενική Γραμματεία Διεθνών Οικονομικών Σχέσεων
Γενική Διεύθυνση Σχεδιασμού και Διαχείρισης Πολιτικής
Κορνάρου 1,
GR-105 63 Αθήνα
τηλ (30) 10 328 64 01-3
Φαξ (30) 10 328 64 04

Direction des relations économiques et bilatérales extérieures

- (a) Service Afrique du Sud du Sahara (B.22)
Tel. (32-2) 501 85 77
- (b) Coordination de la politique commerciale (B.40)
Tel. (32-2) 501 83 20
- (c) Service transports (B.42)
Tel. (32-2) 501 37 62
Fax (32-2) 501 88 27

Ministère des affaires économiques
ARE 4 o division, service des licences
Avenue du Général Leman 60
B-1040 Bruxelles
Tel. (32-2) 206 58 16/27
Fax (32-2) 230 83 22

DENMARK

Erhvervs- og Boligstyrelsen
Dahlerups Pakhus
Langelinie Allé 17
DK-2100 København Ø
Tel. (45) 35 46 60 00
Fax (45) 35 46 60 01

Udenrigsministeriet
Asiatisk Plads 2
DK-1448 København K
Tel. (45) 33 92 00 00
Fax (45) 32 54 05 33

Justitsministeriet
Slotholmsgade 10
DK-1216 København K
Tel. (45) 33 92 33 40
Fax (45) 33 93 35 10

GERMANY

Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA)
Frankfurter Straße 29-35
D-65760 Eschborn
Tel. (49) 61 96 908-0
Fax (49) 61 96 908-800

GREECE

Ministry of National Economy
General Secretariat for International Economic Relations
General Directorate for Policy Planning and Management
1 Kornarou str.
GR-105 63 Athens
Tel. (30) 10 328 64 01-3
Fax (30) 10 328 64 04

SPAIN

Ministerio de Economía
Dirección General de Comercio Inversiones
Paseo de la Castellana, 162
E-28046 Madrid
Tel. (34) 913 49 38 60
Fax (34) 914 57 28 63

FRANCE

Ministère de l'économie, des finances et de l'industrie
Direction générale des douanes et des droits indirects
Cellule embargo — Bureau E2
Tel. (33) 1 44 74 48 93
Fax: (33) 1 44 74 48 97

Ministère des affaires étrangères
Direction des Nations unies et des organisations internationales
Tel. (33) 1 43 17 59 68
Fax (33) 1 43 17 46 91

IRELAND

Department of Enterprise, Trade and Employment
Licensing Unit
Earlsfort Centre
Lower Hatch St.
Dublin 2
Ireland
Tel. (353) 1 631 2121
Fax (353) 1 631 2562

ITALY

Ministero degli Affari esteri
D.G.A.E.-Uff. X
Roma
Tel. (39) 06 36 91 37 50
Fax (39) 06 36 91 37 52

Ministero del Commercio estero
Gabinetto
Roma
Tel. (39) 06 59 93 23 10
Fax (39) 06 59 64 74 94

Ministero dei Trasporti
Gabinetto
Roma
Tel. (39) 06 44 26 71 16/84 90 40 94
Fax (39) 06 44 26 71 14

LUXEMBOURG

Ministère des affaires étrangères
Office des Licences
21, rue Philippe II
L-2340 Luxembourg
Tel. (352) 478 23 70
Fax (352) 46 61 38

NETHERLANDS

Ministerie van Buitenlandse Zaken
Directie Verenigde Naties
Afdeling Politieke Zaken
2594 AC Den Haag
Nederland
Tel. (31) 70 348 42 06
Fax (31) 70 348 67 49

AUSTRIA

Bundesministerium für wirtschaftliche Angelegenheiten
Abteilung C/2/2
Landstraßer Hauptstraße 55-57
A-1030 Wien
Tel. (43-1) 711 00
Fax (43-1) 711 00-8386

PORTUGAL

Ministério dos Negócios Estrangeiros
Direcção-Geral dos Assuntos Multilaterais
Largo do Rilvas
P-1350-179 Lisboa
Tel. (351) 21 394 60 72
Fax (351) 21 394 60 73

FINLAND

Ulkoasiainministeriö/Utrikesministeriet
PB 176
FIN-00161 Helsingfors
Tel. (358) 9 16 05 59 00
Fax (358) 9 16 05 57 07

SWEDEN

Regeringskansliet
Utrikesdepartementet
Rättsssekretariatet för EU-frågor
Fredsgatan 6
S-103 39 Stockholm
Tel. (46) 8 405 10 00
Fax (46) 8 723 11 76

UNITED KINGDOM

Foreign and Commonwealth Office
Sanctions Unit
United Nations Department
King Charles Street
London SW1A 2AH
United Kingdom
Tel. (44) 207 72 70 36 39
Fax (44) 207 72 70 14 73

Export Control Organisation
Department of Trade and Industry
Kingsgate House
66-74 Victoria Street
London SW1E 6SW
United Kingdom
Tel. (44) 171 215 6740
Fax (44) 171 222 0612

ANNEX II

Rough diamonds referred to in Article 2

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

COMMISSION REGULATION (EC) No 1319/2002
of 22 July 2002
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 23 July 2002.

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

Done at Brussels, 22 July 2002.

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

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 22 July 2002 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	85,0
	999	85,0
0707 00 05	052	92,6
	999	92,6
0709 90 70	052	73,1
	999	73,1
0805 50 10	388	52,0
	524	71,0
	528	54,1
	999	59,0
0808 10 20, 0808 10 50, 0808 10 90	388	87,7
	400	106,1
	404	77,8
	508	82,2
	512	93,1
	524	59,9
	528	80,7
	720	170,6
	804	101,9
	999	95,6
	999	95,6
0808 20 50	052	140,6
	388	87,0
	512	80,5
	528	87,5
	804	127,8
0809 10 00	999	104,7
	052	151,2
	064	144,5
0809 20 95	999	147,8
	052	355,1
	400	284,1
	404	245,1
0809 30 10, 0809 30 90	616	281,4
	999	291,4
	052	126,4
	999	126,4
0809 40 05	064	73,3
	624	157,7
	999	115,5

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

COMMISSION REGULATION (EC) No 1320/2002**of 22 July 2002****opening tendering procedures for the sale of wine alcohol exclusively for use in third countries in the fuel sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 2585/2001 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1623/2000 of 25 July 2000 laying down detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms ⁽³⁾, as last amended by Regulation (EC) No 720/2002 ⁽⁴⁾, and in particular Article 86 thereof,

Whereas:

- (1) Regulation (EC) No 1623/2000 lays down, *inter alia*, the detailed rules for disposing of stocks of alcohol arising from distillation under Articles 27, 28 and 30 of Regulation (EC) No 1493/1999 held by intervention agencies.
- (2) Tendering procedures should be opened for the sale of wine alcohol for export to the third countries listed in Article 86 of Regulation (EC) No 1623/2000 exclusively for use in the fuel sector in a third country, with a view to reducing stocks of wine alcohol of Community origin and giving the third countries listed in this Article greater continuity of supply. The wine alcohol of Community origin in storage in the Member States consists of quantities produced from distillation under Articles 35, 36 and 39 of Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organisation of the market in wine ⁽⁵⁾, as last amended by Regulation (EC) No 1677/1999 ⁽⁶⁾, as well as Articles 27, 28 and 30 of Regulation (EC) No 1493/1999.
- (3) Since the adoption of Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽⁷⁾, the prices offered in tenders and securities must be expressed in euro and payments must be made in euro.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION:

Article 1

Six tendering procedures Nos 310/2002 EC to 315/2002 EC are hereby opened for the sale of a total volume of 300 000

hectolitres of alcohol exclusively for use in the fuel sector in third countries. The alcohol concerned was produced from distillation under Articles 35, 36 and 39 of Regulation (EEC) No 822/87 as well as Articles 27 and 30 of Regulation (EC) No 1493/1999 and is held by the French, Italian and Portuguese intervention agencies.

Tendering procedures Nos 310/2002 EC to 315/2002 EC shall each relate to a volume of 50 000 hectolitres of alcohol at 100 % vol.

Article 2

The alcohol put up for sale for export from the European Community shall be imported into one of the third countries listed in Article 86 of Regulation (EC) No 1623/2000 and must be used in accordance with that Article.

Article 3

The place of storage, the vat numbers, the volume of alcohol in each vat, the alcoholic strength and the characteristics of the alcohol, certain specific conditions, as well as the address of the Commission department responsible for receiving tenders shall be as set out in Annex I to this Regulation.

Article 4

The sale shall be conducted in accordance with Articles 87, 88, 89, 90, 91, 95, 96, 100, 101 and 102 of Regulation (EC) No 1623/2000 and Article 2 of Regulation (EC) No 2799/98.

Article 5

The minimum price which may be offered shall be EUR 12,5 per hectolitre of alcohol at 100 % vol for tendering procedure No 295/2001 EC and EUR 7,5 per hectolitre of alcohol at 100 % vol for tendering procedures Nos 310/2002 EC to 315/2002 EC.

Article 6

1. Physical removal of the alcohol from the storehouses of each of the intervention agencies concerned must be completed no later than 15 February 2003.

2. The alcohol awarded under the tendering procedures referred to in Article 1 of this Regulation must be exported no later than 15 March 2003.

⁽¹⁾ OJ L 179, 14.7.1999, p. 1.

⁽²⁾ OJ L 345, 29.12.2001, p. 10.

⁽³⁾ OJ L 194, 31.7.2000, p. 45.

⁽⁴⁾ OJ L 112, 27.4.2002, p. 3.

⁽⁵⁾ OJ L 84, 27.3.1987, p. 1.

⁽⁶⁾ OJ L 199, 30.7.1999, p. 8.

⁽⁷⁾ OJ L 349, 24.12.1998, p. 1.

Article 7

To be eligible for consideration, tenders shall entail presentation of the undertakings and documents listed in Annex II to this Regulation and must comply with Articles 88 and 97 of Regulation (EC) No 1623/2000.

Article 8

The formalities for sampling shall be as set out in Articles 91 and 98 of Regulation (EC) No 1623/2000.

Article 9

The Commission department referred to in Article 91(5) of Regulation (EC) No 1623/2000 shall be that indicated in Annex III to this Regulation.

Article 10

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

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

Done at Brussels, 22 July 2002.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

TENDERING PROCEDURE No 310/2002 EC FOR THE SALE OF ALCOHOL EXCLUSIVELY FOR USE IN THE FUEL SECTOR IN A THIRD COUNTRY**I. Place of storage, volume and characteristics of the alcohol put up for sale**

Member State	Location	Vat No	Volume in hectolitres of alcohol at 100 % vol	Regulation (EC) No 1493/1999	Type of alcohol
FRANCE	Onivins-Port La Nouvelle Av. Adolphe-Turrel BP 62 F-11210 Port-La-Nouvelle	11	22 400	27	raw + 92 %
		9	22 580	27	raw + 92 %
		14	5 020	27	raw + 92 %
	Total		50 000		

On application to the intervention agency concerned, interested parties may obtain samples of the alcohol put up for sale, taken by a representative of the intervention agency concerned, against payment of EUR 10 per litre.

II. Destination and use of the alcohol

The alcohol put up for sale is intended for export from the Community. It must be imported into and dehydrated in one of the third countries listed in Article 86 of Regulation (EC) No 1623/2000 exclusively for use in the fuel sector in a third country.

Proof of the destination and use of the alcohol shall be supplied to the intervention agency concerned by an international surveillance firm.

The cost of providing such proof shall be borne by the successful tenderer.

III. Submission of tenders

- Tenders shall relate to 50 000 hectolitres of alcohol expressed in hectolitres of alcohol at 100 % vol.
Tenders for smaller volumes shall not be eligible for consideration.
- Tenders must:
 - either be sent by registered mail to the Commission of the European Communities, rue de la Loi/Wetstraat 200, B-1049 Brussels,
 - or delivered to the reception of building 'Loi 130' of the Commission of the European Communities, rue de la Loi/Wetstraat 130, B-1049 Brussels, between 11.00 and 12.00 on the date mentioned in point 4.
- Tenders shall be submitted in a sealed double envelope, the inside envelope marked: 'Tender under procedure No 310/2002 EC, sale of alcohol, exclusively for use in the fuel sector in third countries — Alcohol, DG AGRI/D/4 — Not to be opened until the meeting of the group opening the tenders', the outer envelope addressed to the Commission.
- Tenders must reach the Commission not later than 12 noon Brussels time on 20 August 2002.
- Tenders must indicate the name and address of the tenderer and:
 - the reference number of the tendering procedure for the sale of alcohol exclusively for use in third countries in the fuel sector, i.e. 310/2002 EC;
 - the price offered, expressed in euro per hectolitre of alcohol at 100 % vol;
 - all the undertakings, documents and statements provided for in Articles 88 and 97 of Regulation (EC) No 1623/2000 and in Annex II to this Regulation.
- Tenders must be accompanied by a receipt certifying the lodging of a tendering security, issued by the following intervention agency:
 - Onivins-Libourne, Délégation nationale, 17 avenue de la Ballastière, boîte postale 231, F-33505 Libourne Cedex (tel. (33-5) 57 55 20 00; telex 57 20 25; fax (33-5) 57 55 20 59).

Securities shall be for EUR 200 000.

TENDERING PROCEDURE No 311/2002 EC FOR THE SALE OF ALCOHOL EXCLUSIVELY FOR USE IN THE FUEL SECTOR IN A THIRD COUNTRY

I. Place of storage, volume and characteristics of the alcohol put up for sale

Member State	Location	Vat No	Volume in hectolitres of alcohol at 100 % vol	Regulation (EC) No 1493/1999	Type of alcohol
FRANCE	Onivins-Port La Nouvelle	29	22 750	27	raw + 92 %
	Av. Adolphe-Turrel	14	4 520	27	raw + 92 %
	BP 62	32	22 730	27	raw + 92 %
	F-11210 Port-La-Nouvelle				
	Total		50 000		

On application to the intervention agency concerned, interested parties may obtain samples of the alcohol put up for sale, taken by a representative of the intervention agency concerned, against payment of EUR 10 per litre.

II. Destination and use of the alcohol

The alcohol put up for sale is intended for export from the Community. It must be imported into and dehydrated in one of the third countries listed in Article 86 of Regulation (EC) No 1623/2000 exclusively for use in the fuel sector in a third country.

Proof of the destination and use of the alcohol shall be supplied to the intervention agency concerned by an international surveillance firm.

The cost of providing such proof shall be borne by the successful tenderer.

III. Submission of tenders

- Tenders shall relate to 50 000 hectolitres of alcohol expressed in hectolitres of alcohol at 100 % vol.
Tenders for smaller volumes shall not be eligible for consideration.
- Tenders must:
 - either be sent by registered mail to the Commission of the European Communities, rue de la Loi/Wetstraat 200, B-1049 Brussels,
 - or delivered to the reception of building 'Loi 130' of the Commission of the European Communities, rue de la Loi/Wetstraat 130, B-1049 Brussels, between 11.00 and 12.00 on the date mentioned in point 4.
- Tenders shall be submitted in a sealed double envelope, the inside envelope marked: 'Tender under procedure No 311/2002 EC, sale of alcohol, exclusively for use in the fuel sector in third countries — Alcohol, DG AGRI/D/4 — Not to be opened until the meeting of the group opening the tenders', the outer envelope addressed to the Commission.
- Tenders must reach the Commission not later than 12 noon Brussels time on 20 August 2002.
- Tenders must indicate the name and address of the tenderer and:
 - the reference number of the tendering procedure for the sale of alcohol exclusively for use in third countries in the fuel sector, i.e. 311/2002 EC;
 - the price offered, expressed in euro per hectolitre of alcohol at 100 % vol;
 - all the undertakings, documents and statements provided for in Articles 88 and 97 of Regulation (EC) No 1623/2000 and in Annex II to this Regulation.
- Tenders must be accompanied by a receipt certifying the lodging of a tendering security, issued by the following intervention agency:
 - Onivins-Libourne, Délégation nationale, 17 avenue de la Ballastière, boîte postale 231, F-33505 Libourne Cedex (tel. (33-5) 57 55 20 00; telex 57 20 25; fax (33-5) 57 55 20 59).

Securities shall be for EUR 200 000.

TENDERING PROCEDURE No 312/2002 EC FOR THE SALE OF ALCOHOL EXCLUSIVELY FOR USE IN THE FUEL SECTOR IN A THIRD COUNTRY

I. Place of storage, volume and characteristics of the alcohol put up for sale

Member State	Location	Vat No	Volume in hectolitres of alcohol at 100 % vol	Regulations (EEC) No 822/87 and (EC) No 1493/1999	Type of alcohol
ITALY	DCA. — Aprutina (AP)		1 200,88	35 and 36	potable alcohol/neutral
			138,02	35	raw
	Vinalcoli Salento Novoli (LE)		474,03	35	raw
	Aniello Esposito — Pomigliano d'Arco (NA)		217,45	36	neutral
			26,70	36 and 39	raw
	Distilleria del Sud-Rutigliano (BA)		7 516,02	35 and 36	neutral
	Balice — Valenzano (BA)		8 027	35 and 27	raw
	Caviro — Faenza (RA)		14 560	35 and 27	raw
	Distercoop — Faenza (RA)		5 019	35 and 27	raw
	Deta — Barberino Val d'Elsa (FI)		1 280	27	raw
	Mazzari — S. Agata sul Santerno (RA)		11 540,90	27	raw
	Total		50 000		

On application to the intervention agency concerned, interested parties may obtain samples of the alcohol put up for sale, taken by a representative of the intervention agency concerned, against payment of EUR 10 per litre.

II. Destination and use of the alcohol

The alcohol put up for sale is intended for export from the Community. It must be imported into and dehydrated in one of the third countries listed in Article 86 of Regulation (EC) No 1623/2000 exclusively for use in the fuel sector in a third country.

Proof of the destination and use of the alcohol shall be supplied to the intervention agency concerned by an international surveillance firm.

The cost of providing such proof shall be borne by the successful tenderer.

III. Submission of tenders

- Tenders shall relate to 50 000 hectolitres of alcohol expressed in hectolitres of alcohol at 100 % vol.
Tenders for smaller volumes shall not be eligible for consideration.
- Tenders must:
 - either be sent by registered mail to the Commission of the European Communities, rue de la Loi/Wetstraat 200, B-1049 Brussels,
 - or delivered to the reception of building 'Loi 130' of the Commission of the European Communities, rue de la Loi/Wetstraat 130, B-1049 Brussels, between 11.00 and 12.00 on the date mentioned in point 4.
- Tenders shall be submitted in a sealed double envelope, the inside envelope marked: 'Tender under procedure No 312/2002 EC, sale of alcohol, exclusively for use in the fuel sector in third countries — Alcohol, DG AGRI/D/4 — Not to be opened until the meeting of the group opening the tenders', the outer envelope addressed to the Commission.
- Tenders must reach the Commission not later than 12 noon Brussels time on 20 August 2002.
- Tenders must indicate the name and address of the tenderer and:
 - (a) the reference number of the tendering procedure for the sale of alcohol exclusively for use in third countries in the fuel sector, i.e. 312/2002 EC;
 - (b) the price offered, expressed in euro per hectolitre of alcohol at 100 % vol;
 - (c) all the undertakings, documents and statements provided for in Articles 88 and 97 of Regulation (EC) No 1623/2000 and in Annex II to this Regulation.
- Tenders must be accompanied by a receipt certifying the lodging of a tendering security, issued by the following intervention agency:
 - AGEA, via Palestro 81, I-00185 Roma (tel. (39-06) 49 49 991; telex 62 00 64/62 06 17/62 03 31; fax (39-06) 445 39 40/445 46 93).

Securities shall be for EUR 200 000.

TENDERING PROCEDURE No 313/2002 EC FOR THE SALE OF ALCOHOL EXCLUSIVELY FOR USE IN THE FUEL SECTOR IN A THIRD COUNTRY

I. Place of storage, volume and characteristics of the alcohol put up for sale

Member State	Location	Vat No	Volume in hectolitres of alcohol at 100 % vol	Regulations (EEC) No 822/87 and (EC) No 1493/1999	Type of alcohol
ITALY	Bonollo — Paduni-Anagni (FR)		16 320	35	raw
	De Luca Novoli (LE)		7 705,84	35 and 27	raw
	D'Auria — Ortona (CH)		6 720	35 and 36 and 27	raw
	Villapana — Faenza (RA)		8 320	35	raw
	F.lli Cipriani — Chizzola d'Ala (TN)		4 591,40	35 and 27	raw
	Caviro — Faenza (RA)		6 342,76	27	raw
	Total		50 000		

On application to the intervention agency concerned, interested parties may obtain samples of the alcohol put up for sale, taken by a representative of the intervention agency concerned, against payment of EUR 10 per litre.

II. Destination and use of the alcohol

The alcohol put up for sale is intended for export from the Community. It must be imported into and dehydrated in one of the third countries listed in Article 86 of Regulation (EC) No 1623/2000 exclusively for use in the fuel sector in a third country.

Proof of the destination and use of the alcohol shall be supplied to the intervention agency concerned by an international surveillance firm.

The cost of providing such proof shall be borne by the successful tenderer.

III. Submission of tenders

- Tenders shall relate to 50 000 hectolitres of alcohol expressed in hectolitres of alcohol at 100 % vol.
Tenders for smaller volumes shall not be eligible for consideration.
- Tenders must:
 - either be sent by registered mail to the Commission of the European Communities, rue de la Loi/Wetstraat 200, B-1049 Brussels,
 - or delivered to the reception of building 'Loi 130' of the Commission of the European Communities, rue de la Loi/Wetstraat 130, B-1049 Brussels, between 11.00 and 12.00 on the date mentioned in point 4.
- Tenders shall be submitted in a sealed double envelope, the inside envelope marked: 'Tender under procedure No 313/2002 EC, sale of alcohol, exclusively for use in the fuel sector in third countries — Alcohol, DG AGRI/D/4 — Not to be opened until the meeting of the group opening the tenders', the outer envelope addressed to the Commission.
- Tenders must reach the Commission not later than 12 noon Brussels time on 20 August 2002.
- Tenders must indicate the name and address of the tenderer and:
 - the reference number of the tendering procedure for the sale of alcohol exclusively for use in third countries in the fuel sector, i.e. 313/2002 EC;
 - the price offered, expressed in euro per hectolitre of alcohol at 100 % vol;
 - all the undertakings, documents and statements provided for in Articles 88 and 97 of Regulation (EC) No 1623/2000 and in Annex II to this Regulation.
- Tenders must be accompanied by a receipt certifying the lodging of a tendering security, issued by the following intervention agency:
 - AGEA, via Palestro 81, I-00185 Roma (tel. (39-06) 49 49 991; telex 62 00 64/62 06 17/62 03 31; fax (39-06) 445 39 40/445 46 93).
 Securities shall be for EUR 200 000.

TENDERING PROCEDURE No 314/2001 EC FOR THE SALE OF ALCOHOL EXCLUSIVELY FOR USE IN THE FUEL SECTOR IN A THIRD COUNTRY

I. Place of storage, volume and characteristics of the alcohol put up for sale

Member State	Location	Vat No	Volume in hectolitres of alcohol at 100 % vol	Regulations (EEC) No 822/87 and (EC) No 1493/1999	Type of alcohol
PORTUGAL	Mealhada	M1	5 634,77	30	raw
		M2	5 438,55	30	raw
		M3	9 270,02	30	raw
	Bombarral	Inox 147	22 425,69	27	raw
		Inox 147	2,60	35	raw
	Carregado	Inox 3	2 372,04	30	raw
		324	1 824,71	30	raw
		364/365	1 692,95	30	raw
		Inox 1	72,15	35	raw
		Inox 1	1 266,52	27	raw
	Total		50 000		

On application to the intervention agency concerned, interested parties may obtain samples of the alcohol put up for sale, taken by a representative of the intervention agency concerned, against payment of EUR 10 per litre.

II. Destination and use of the alcohol

The alcohol put up for sale is intended for export from the Community. It must be imported into and dehydrated in one of the third countries listed in Article 86 of Regulation (EC) No 1623/2000 exclusively for use in the fuel sector in a third country.

Proof of the destination and use of the alcohol shall be supplied to the intervention agency concerned by an international surveillance firm.

The cost of providing such proof shall be borne by the successful tenderer.

III. Submission of tenders

- Tenders shall relate to 50 000 hectolitres of alcohol expressed in hectolitres of alcohol at 100 % vol.
Tenders for smaller volumes shall not be eligible for consideration.
- Tenders must:
 - either be sent by registered mail to the Commission of the European Communities, rue de la Loi/Wetstraat 200, B-1049 Brussels,
 - or delivered to the reception of building 'Loi 130' of the Commission of the European Communities, rue de la Loi/Wetstraat 130, B-1049 Brussels, between 11.00 and 12.00 on the date mentioned in point 4.
- Tenders shall be submitted in a sealed double envelope, the inside envelope marked: 'Tender under procedure No 314/2002 EC, sale of alcohol, exclusively for use in the fuel sector in third countries — Alcohol, DG AGRI/D/4 — Not to be opened until the meeting of the group opening the tenders', the outer envelope addressed to the Commission.
- Tenders must reach the Commission not later than 12 noon Brussels time on 20 August 2002.
- Tenders must indicate the name and address of the tenderer and:
 - the reference number of the tendering procedure for the sale of alcohol exclusively for use in third countries in the fuel sector, i.e. 314/2002 EC;
 - the price offered, expressed in euro per hectolitre of alcohol at 100 % vol;
 - all the undertakings, documents and statements provided for in Articles 88 and 97 of Regulation (EC) No 1623/2000 and in Annex II to this Regulation.
- Tenders must be accompanied by a receipt certifying the lodging of a tendering security, issued by the following intervention agency:
 - IVV-R Mouzinho da Silveira, 5-P-1256-165 Lisbon (tel. (351) 213 56 32 21; telex 185 08 IVVP; fax (351) 213 52 08 76).

Securities shall be for EUR 200 000.

TENDERING PROCEDURE No 315/2002 EC FOR THE SALE OF ALCOHOL EXCLUSIVELY FOR USE IN THE FUEL SECTOR IN A THIRD COUNTRY

I. Place of storage, volume and characteristics of the alcohol put up for sale

Member State	Location	Vat No	Volume in hectolitres of alcohol at 100 % vol	Regulations (EEC) No 822/87 and (EC) No 1493/1999	Type of alcohol
PORTUGAL	Carregado	Inox 4	15,58	35	raw
		Inox 4	4 219,01	27	raw
		Inox 5	5 857,94	35	raw
		Inox 5	3 596,29	27	raw
		Inox 6	1 357,49	35	raw
		Inox 6	8 152,92	27	raw
		243	681,09	27	raw
		282/283	1 799,64	27	raw
		Inox 7	9 416,35	30	raw
		320	293,13	30	raw
		350	1 835,21	30	raw
		351	1 851,97	30	raw
		349/356	1 809,48	30	raw
		325/328	1 810,57	30	raw
		326/327	1 849,68	30	raw
		352/355	1 809,42	30	raw
		322/329	1 850,26	30	raw
		290/304	1 793,97	30	raw
	Total		50 000		

On application to the intervention agency concerned, interested parties may obtain samples of the alcohol put up for sale, taken by a representative of the intervention agency concerned, against payment of EUR 10 per litre.

II. Destination and use of the alcohol

The alcohol put up for sale is intended for export from the Community. It must be imported into and dehydrated in one of the third countries listed in Article 86 of Regulation (EC) No 1623/2000 exclusively for use in the fuel sector in a third country.

Proof of the destination and use of the alcohol shall be supplied to the intervention agency concerned by an international surveillance firm.

The cost of providing such proof shall be borne by the successful tenderer.

III. Submission of tenders

1. Tenders shall relate to 50 000 hectolitres of alcohol expressed in hectolitres of alcohol at 100 % vol.

Tenders for smaller volumes shall not be eligible for consideration.

2. Tenders must:

- either be sent by registered mail to the Commission of the European Communities, rue de la Loi/Wetstraat 200, B-1049 Brussels,
- or delivered to the reception of building 'Loi 130' of the Commission of the European Communities, rue de la Loi/Wetstraat 130, B-1049 Brussels, between 11.00 and 12.00 on the date mentioned in point 4.

3. Tenders shall be submitted in a sealed double envelope, the inside envelope marked: 'Tender under procedure No 315/2002 EC, sale of alcohol, exclusively for use in the fuel sector in third countries — Alcohol, DG AGRI/D/4 — Not to be opened until the meeting of the group opening the tenders', the outer envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon Brussels time on 20 August 2002.
5. Tenders must indicate the name and address of the tenderer and:
 - (a) the reference number of the tendering procedure for the sale of alcohol exclusively for use in third countries in the fuel sector, i.e. 315/2002 EC;
 - (b) the price offered, expressed in euro per hectolitre of alcohol at 100 % vol;
 - (c) all the undertakings, documents and statements provided for in Articles 88 and 97 of Regulation (EC) No 1623/2000 and in Annex II to this Regulation.
6. Tenders must be accompanied by a receipt certifying the lodging of a tendering security, issued by the following intervention agency:
 - IVV-R Mouzinho da Silveira, 5-P-1250-165 Lisbon (tel. (351) 213 56 33 21; telex 185 08 IVVP; fax (351) 213 52 08 76).

Securities shall be for EUR 200 000.

ANNEX II

List of undertakings and documents to be supplied by tenderers when submitting their tenders:

1. Proof that the tendering security has been lodged with each intervention agency.
2. Indication of the place of final use of the alcohol and an undertaking by the tenderer to comply with that destination.
3. Proof, dated after the entry into force of this Regulation, that the tenderer has binding commitments to an operator in the fuel sector in one of the third countries listed in Article 86 of Regulation (EC) No 1623/2000. The operator concerned must undertake to dehydrate the awarded alcohol in one of those countries and to export it exclusively for use in the fuel sector.
4. Tenders must also give the name and address of the tenderer, the reference of the notice of invitation to tender and the price offered, expressed in euro per hectolitre of alcohol at 100 % vol.
5. An undertaking from the tenderer to comply with all the rules relating to the tendering procedure in question.
6. A statement by the tenderer waiving all claims in respect of the quality and characteristics of any alcohol awarded, agreeing to submit to any checks made on the destination and use of the alcohol and accepting responsibility for providing evidence that the alcohol is used as specified in this notice of invitation to tender.

ANNEX III

The only numbers to be used in Brussels are:

DG AGRI/D/4 (for the attention of Mr Chiappone or Mr Romano):

— e-mail agri-d4@cec.eu.int

— fax (32-2) 295 92 52.

COMMISSION REGULATION (EC) No 1321/2002

of 22 July 2002

amending Regulation (EEC) No 1538/91 introducing detailed rules for implementing Council Regulation (EEC) No 1906/90 on certain marketing standards for poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1906/90 of 26 June 1990 on certain marketing standards for poultrymeat ⁽¹⁾, as last amended by Regulation (EC) No 1101/98 ⁽²⁾, and in particular Articles 7 and 9 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 1538/91 ⁽³⁾, as last amended by Regulation (EC) No 1072/2000 ⁽⁴⁾, lays down the detailed rules for implementing marketing standards in the poultrymeat sector.
- (2) It is necessary to introduce a definition for 'young cock' and the respective criteria relating to it in Annex IV of Regulation (EEC) No 1538/91.
- (3) When free-range farming is indicated on the label for meat coming from ducks and geese kept for 'foie gras' production, it is necessary also to provide an indication of the latter to the customer on the label for assuring full information about product characteristics.
- (4) In order to facilitate the inspections by Member States in slaughterhouses, on farms, feed manufactures and hatcheries it is necessary to adapt the rules for record keeping.
- (5) Article 14 of Regulation (EEC) No 1538/91 provides that in the case of sales to the ultimate consumer the names of the products and other terms are to be indicated in a language or languages easily understood by purchasers in the Member State in which retailing takes place. This provision should be deleted as Article 16 of Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs ⁽⁵⁾ applies, as amended by Commission Directive 2001/101/EC ⁽⁶⁾.
- (6) Experience has shown that in the case of air chilling of poultry carcasses, the absorption of water in the carcasses is minimal. Therefore, the frequency of the checks in the slaughterhouses can be reduced if sufficient proof exists that results of the checks have been in

compliance with the requirements for a defined period of time. It is also clear from experience that for air-chilled turkey carcasses, the requirement for regular checks on water absorption can be deleted.

- (7) For the sake of transparency and clarity it is necessary to review the rules for the counter-analyses referred to in Article 14a(6) and (10) of Regulation (EEC) No 1538/91 and provide that the counter-analyses be done only in national reference laboratories.
- (8) For the sake of clarity, the same expressions as used in Article 10 of Regulation (EEC) No 1538/91 should be used in Annex IV thereto. As in some Member States there is a market for cocks and capons kept under 'extensive indoor' conditions, these should be added under point (b) in Annex IV and allowing for the same maximum stocking density as for chickens kept under the same type of farming. Furthermore, it is necessary to determine a minimum slaughtering age for cocks and capons. For the guinea fowl kept under 'traditional free range' conditions the same maximum indoor stocking rate should be used as for chickens, as the maximum outdoor stocking rate for the two are also the same. It is necessary to determine a minimum slaughtering age for male and female turkeys kept under 'traditional free range' conditions and intended for cutting up. This type of production requires shorter fattening periods than the production of turkeys for roasting. Therefore, the minimum slaughter age should also be less than for these turkeys.
- (9) The sample size requirements for different chicken cuts under Annex VIa(2) of Regulation (EEC) No 1538/91 should be clarified.
- (10) The name and address of National reference laboratories for Denmark, Ireland, the Netherlands, Austria and Portugal have changed.
- (11) Regulation (EEC) No 1538/91 should therefore be amended accordingly.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

⁽¹⁾ OJ L 173, 6.7.1990, p. 1.

⁽²⁾ OJ L 157, 30.5.1998, p. 12.

⁽³⁾ OJ L 143, 7.6.1991, p. 11.

⁽⁴⁾ OJ L 119, 20.5.2000, p. 21.

⁽⁵⁾ OJ L 109, 6.5.2000, p. 29.

⁽⁶⁾ OJ L 310, 28.11.2001, p. 19.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1538/91 is amended as follows:

1. Article 1 is amended as follows:

(a) in paragraph 1(a), the following fifth indent is added:

‘— young cock: male chicken of laying strains in which the tip of sternum is rigid but not completely ossified and for which the age at slaughter is at least 90 days.’;

(b) in paragraph 2, last subparagraph, the reference to ‘Directive 79/112/EEC’ is replaced by a reference to ‘Directive 2000/13/EC’.

2. In Article 9, first subparagraph, the reference to ‘Directive 79/112/EEC’ is replaced by a reference to ‘Directive 2000/13/EC’.

3. Article 10(1) is amended as follows:

(a) in the first subparagraph, the reference to ‘Directive 79/112/EEC’ is replaced by a reference to ‘Directive 2000/13/EC’;

(b) the following subparagraph is added:

‘When free-range production (points c, d and e) is indicated on the label for meat coming from ducks and geese kept for the production of “foie gras”, the term “from foie gras production” shall also be indicated.’

4. Article 11 is amended as follows:

(a) in paragraph 1 the following third and fourth indents are added:

‘— of the number and total live or carcase weight of such birds delivered and processed,
— of details of sales including names and addresses of purchasers for a minimum of 6 months following dispatch.’;

(b) paragraph 2 is replaced by the following:

‘2. The said producers shall subsequently be inspected regularly. They shall keep current records, for a minimum of six months following dispatch, of the number of birds by type of poultry system showing also the number of birds sold and the names and addresses of the purchasers and quantities and source of feed supply.

In addition producers using free-range systems shall also keep records of the date when birds were first given access to range.’;

(c) the following paragraphs 2a and 2b are inserted:

‘2a. Feed manufacturers and suppliers shall keep records for at least six months after dispatch showing that the composition of the feed supplied to the producers referred to in Article 10(1)(a) complies with the indications given about feeding.

2b. Hatcheries shall keep records of birds of the strains recognised as slow growing supplied to the producers referred to in Article 10(1)(d) and (e) for at least six months after dispatch.’;

(d) the second indent of paragraph 3 is replaced by the following:

‘— feed manufacturer and supplier: at least once a year.’

5. Article 14 is deleted.

6. Article 14a is amended as follows:

(a) the following paragraph 5a is inserted:

‘5a. Where, in the case of air chilling, the results of checks referred to in paragraphs 3 and 4 show compliance with the criteria laid down in Annexes V to VII during a period of six months, the frequency of the checks referred to in paragraph 3 may be reduced to once every month. Any failure to comply with the criteria laid down in these Annexes shall result in reinstatement of checks as referred to in paragraph 3.’;

(b) paragraph 6 is replaced by the following:

‘6. If the result of the checks referred to in paragraph 4 is in excess of the admissible limits, the batch concerned shall be deemed not to comply with this Regulation. In that event, however, the slaughterhouse concerned may request that a counter-analysis be carried out in the reference laboratory of the Member State, using a method to be chosen by the competent authority of the Member State. The costs of this counter-analysis shall be borne by the holder of the batch.’;

(c) paragraph 10 is replaced by the following:

‘10. If the result of the checks referred to in paragraph 8 is in excess of the admissible limits, the holder of the batch concerned may request that a counter-analysis be carried out in one of the reference laboratories listed in Annex VIII, using the same method as for the initial test. The expenses occasioned by this counter-analysis shall be borne by the holder of the batch. Tasks and competencies of reference laboratories are provided for in Annex IX.’

7. Article 14b(2) is amended as follows:

(a) the first indent is replaced by the following:

‘— regular checks on water absorbed are carried out in the slaughterhouses in accordance with Article 14a(3) also for chicken and turkey carcasses intended for the production of the fresh, frozen and quick-frozen cuts listed in paragraph 1. These checks shall be carried out at least once each working period of eight hours. However, in case of air chilling of turkey carcasses, regular checks on water absorbed need not to be carried out. The limit values fixed in Annex VII(9) shall also apply for turkey carcasses.’;

(b) the following sub-paragraph is added:

'Where, in the case of air chilling of chickens, the results of checks referred to in the first indent and in paragraph 3 show compliance with the criteria laid down in Annexes V to VII during a period of six months, the frequency of the checks referred to in the first indent may be reduced to once every month. Any failure to comply with the criteria laid down in Annexes V to VII shall result in reinstatement of checks as referred to in the first indent.'

8. The second subparagraph of Article 14b(3) is replaced by the following:

'After one year of compliance with the criteria laid down in Annex VIa in a particular cutting plant, the frequency of

tests shall be reduced to once every six months. Any failure to comply with these criteria shall result in reinstatement of checks as referred to in the first subparagraph.'

9. Annexes I, IV, VIa and VIII are amended as set out in the Annex.

Article 2

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

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

Done at Brussels, 22 July 2002.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Annexes I, IV, VIa and VIII to Regulation (EEC) No 1538/91 are amended as follows:

1. Annex I is amended as follows:

The following row 5 is inserted in the table:

'5.	Young cock	Jeune coq	Junger Hahn	Ung- hane	Gallo joven	Πετει- vári	Giovane gallo	Jonge han	Galo jovem	Nuori kukko	Ung tupp'
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2. Annex IV is amended as follows:

a) The title of point (a) is replaced by the following:

'(a) Fed with ... % of ...'

b) in point (b) 'Extensive indoor'

— under indoor stocking rate, the first indent is replaced by the following:

— 'chickens, young cocks, capons: 15 birds but not more than 25 kg liveweight';

— under slaughtering age, the following indents are added:

— 'young cocks: 90 days or later,

— capons: 140 days or later';

c) in point (d) 'Traditional free range',

— under stocking rate, the fifth indent is replaced by the following:

— 'guinea fowl: 13 but not more than 25 kg liveweight,'

— under minimum age at slaughter, the eighth indent is replaced by the following:

— '140 days for turkeys and geese marketed whole for roasting,

— 98 days for female turkeys intended for cutting up,

— 126 days for male turkeys intended for cutting up.'

3. In Annex VIa, the point (2), first subparagraph is replaced by the following:

'The definitions given in Article 1(2) are applicable to the poultry cuts referred to in Article 14b. The sample sizes should be at least as follows:

— chicken breast: half of the breast,

— chicken breast fillet: half of the boned breast without skin,

— turkey breast, turkey breast fillet and boned leg meat: portions of about 100 g

— other cuts: as defined in Article 1(2).'

4. Annex VIII is amended as follows:

a) National reference laboratory for Denmark is replaced by the following:

'Fødevaredirektoratets Laboratorium
Afdeling for Levnedsmiddelkemi
Fødevareregion Ringsted
Søndervang 4
DK-4100 Ringsted'

b) National reference laboratory for Ireland is replaced by the following:

'National Food Centre
Teagasc
Dunsinea
Castleknock
Dublin 15
Ireland'

c) National reference laboratory for the Netherlands is replaced by the following:

'TNO Voeding
Utrechtseweg 48
3704 HE Zeist
Postbus 360
3700 AJ Zeist
The Netherlands'

d) National reference laboratory for Austria is replaced by the following:

'Agentur für Gesundheit und Ernährungssicherheit GmbH und Bundesamt für Ernährungssicherheit (Abt. Analytik II)
Spargelfeldstrasse 191
A-1220 Wien'

- e) National reference laboratory for Portugal is replaced by the following:

'Direcção Geral de Fiscalização e Controlo da Qualidade Alimentar
Laboratório Central de Qualidade Alimentar
Av. Conde de Valbom, 98
P-1050-070 Lisboa'

COMMISSION REGULATION (EC) No 1322/2002**of 22 July 2002****amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13(11) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽³⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽⁴⁾, and in particular Article 9(2) and Article 13(15) thereof,

Whereas:

(1) A trade agreement between the European Commission and Hungary establishing certain concessions in the form of Community tariff quotas for certain agricultural products and the total liberalisation of trade in other agricultural products has recently been concluded. In the

cereals sector, one of the concessions provided for is the abolition of export refunds. The abolition of export refunds covers all the products referred to in Article 1(1) of Regulation (EEC) No 1766/92, except certain processed products already covered by concessions under other trade agreements.

(2) The Hungarian authorities have undertaken to ensure that only consignments of Community products covered by the trade agreement on which no refund has been granted are allowed for import into that country. To that end, Article 7a of Commission Regulation (EC) No 1162/95 ⁽⁵⁾, as last amended by Regulation (EC) No 1006/2002 ⁽⁶⁾, governing exports to Poland, Estonia, Latvia and Lithuania should be made to apply also to exports to Hungary.

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex IV to Regulation (EC) No 1162/95 is replaced by the following:

'ANNEX IV:

Products affected by the abolition of export refunds — Article 7a of Regulation (EC) No 1162/95

Third country	Products (CN code)
Estonia	All products referred to in Article 1(1) of Regulation (EEC) No 1766/92 and rice starch falling within CN code 1108 19 10
Hungary	1001 10 00, 1001 90 91, 1001 90 99, 1002 00 00, 1003 00 10, 1003 00 90, 1004 00 00, 1005 10 90, 1005 90 00, 1007 00 90, 1008 20 00, 1101 00 11, 1101 00 15, 1101 00 90, 1102 10 00, 1102 20 10, 1102 20 90, 1102 90 10, 1102 90 30, 1103 11 10, 1103 11 90, 1103 13 10, 1103 13 90, 1103 19 10, 1103 19 30, 1103 19 40, 1103 20 20, 1103 20 60, 1104 12 90, 1104 19 10, 1104 19 50, 1104 19 69, 1104 22 20, 1104 22 30, 1104 23 10, 1104 29 01, 1104 29 03, 1104 29 05, 1104 29 11, 1104 29 51, 1104 29 55, 1104 30 10, 1104 30 90, 1107 10 11, 1107 10 19, 1107 10 91, 1107 10 99, 1107 20 00
Latvia	1001 10 00, 1001 90 91, 1001 90 99, 1002 00 00, 1003 00 10, 1003 00 90, 1004 00 00, 1101 00 11, 1101 00 15, 1101 00 90, 1102 10 00, 1102 20 10, 1102 20 90, 1102 90 10, 1102 90 30, 1103 11 10, 1103 11 90, 1103 13 10, 1103 13 90, 1103 19 10, 1103 19 40, 1103 20 60

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 62, 5.3.2002, p. 27.

⁽⁵⁾ OJ L 117, 24.5.1995, p. 2.

⁽⁶⁾ OJ L 153, 13.6.2002, p. 5.

Third country	Products (CN code)
Lithuania	1001 10 00, 1001 90 91, 1001 90 99, 1002 00 00, 1004 00 00, 1008 20 00, 1101 00 11, 1101 00 15, 1101 00 90, 1102 10 00, 1103 11 10, 1103 11 90, 1103 19 40, 1102 90 30, 1103 19 10, 1103 20 60, 1104 12 90, 1104 19 10, 1104 22 20, 1104 22 30, 1104 29 11, 1104 29 51, 1104 29 55, 1104 30 10, 1107 10 11, 1107 10 19, 1107 10 91, 1107 10 99 and 1107 20 00
Poland	1001 90, 1101, 1102 and ex 2302 with the exception of products falling within CN code 2302 50'

Article 2

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

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

Done at Brussels, 22 July 2002.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1323/2002**of 22 July 2002****derogating from Regulation (EC) No 800/1999 as regards the export of cereals products to third countries other than Hungary**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) Article 3 of Commission Regulation (EC) No 800/1999 of 15 April 1999 laying down common detailed rules for the application of the system of export refunds on agricultural products ⁽³⁾, as last amended by Regulation (EC) No 1253/2002 ⁽⁴⁾, states that entitlement to the refund is acquired on importation into a specific third country when a differentiated refund applies for that third country. Articles 14, 15 and 16 of the Regulation lay down the conditions for the payment of the differentiated refund, in particular the documents to be supplied as proof of the goods' arrival at destination.

(2) In the case of a differentiated refund, Article 18(1) and (2) of Regulation (EC) No 800/1999 states that part of the refund, calculated using the lowest refund rate, is paid on application by the exporter once proof is furnished that the product has left the customs territory of the Community.

(3) A trade agreement has recently been concluded between the European Commission and Hungary, introducing concessions in the form of Community tariffs for certain agricultural products and complete liberalisation of trade in other agricultural products. In the cereals sector the abolition of refunds for most of the products listed in Article 1(1) of Regulation (EEC) No 1766/92 is one of the concessions introduced.

(4) The Hungarian authorities have undertaken to grant the preferential duty to cereal products imported into Hungary only if the product concerned is accompanied by documents certifying that it has not benefited from

an export refund. The full rate of duty applies in the absence of such documents. As the full rate of duty is higher than the amount of the refund currently granted for exports to other third countries, there is no risk of a diversion of trade.

(5) Account should therefore be taken of these arrangements when applying the above provisions of Regulation (EC) No 800/1999 in order to avoid imposing unnecessary costs on exporters in their commercial trade with third countries. To this end, no account should be taken of the fact that no refund has been fixed for the particular destination in question when determining the lowest rate of refund.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Notwithstanding Article 16 of Regulation (EC) No 800/1999, where the differentiation of the refund is the result solely of a refund not having been fixed for Hungary, proof that the customs import formalities have been completed shall not be required for payment of the refund for the products listed in the Annex to this Regulation.

2. The fact that a refund has not been fixed for the products for export to Hungary listed in the Annex hereto shall not be taken account in determining the lowest rate of refund within the meaning of Article 18(2) of Regulation (EC) No 800/1999.

Article 2

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

It shall apply to applications for export licences submitted on or after 1 July 2002.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 102, 17.4.1999, p. 11.

⁽⁴⁾ OJ L 183, 12.7.2002, p. 12.

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

Done at Brussels, 22 July 2002.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

CEREAL PRODUCTS COVERED BY THE TRADE AGREEMENT WITH HUNGARY

(CN code)

1001 10 00, 1001 90 91, 1001 90 99, 1002 00 00, 1003 00 10, 1003 00 90, 1004 00 00, 1005 10 90, 1005 90 00, 1007 00 90, 1008 20 00, 1101 00 11, 1101 00 15, 1101 00 90, 1102 10 00, 1102 20 10, 1102 20 90, 1102 90 10, 1102 90 30, 1103 11 10, 1103 11 90, 1103 12 00, 1103 13 10, 1103 13 11, 1103 13 90, 1103 19 10, 1103 19 30, 1103 19 40, 1103 20 20, 1103 20 60, 1104 12 90, 1104 19 10, 1104 19 50, 1104 19 50, 1104 19 69, 1104 22 20, 1104 22 30, 1104 23 10, 1104 23 10, 1104 29 01, 1104 29 03, 1104 29 05, 1104 29 11, 1104 29 51, 1104 29 55, 1104 30 10, 1104 30 90, 1107 10 11, 1107 10 19, 1107 10 91, 1107 10 99, 1107 20 00.

COMMISSION REGULATION (EC) No 1324/2002**of 22 July 2002****amending Regulation (EC) No 1163/2002 amending Regulation (EC) No 1501/95 as regards the conditions for the payment of export refunds on cereal products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Regulation (EC) No 1163/2002 ⁽³⁾ provides for derogations to Commission Regulation (EC) No 800/1999 of 15 April 1999 laying down common detailed rules for the application of the system of export refunds on agricultural products ⁽⁴⁾, as last amended by Regulation (EC) No 1253/2002 ⁽⁵⁾, as regards the payment of a differentiated refund.
- (2) Article 2 states that the Regulation shall apply from 1 July 2002. As this date could cause some confusion, the

scope of the Regulations application should be made explicit.

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

HAS ADOPTED THIS REGULATION:

Article 1

The second subparagraph of Article 2 of Regulation (EC) No 1163/2002 is replaced by the following:

‘It shall apply to export declarations accepted on or after 1 July 2002.’

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 22 July 2002.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ L 181, 1.7.1992, p. 21.⁽²⁾ OJ L 193, 29.7.2000, p. 1.⁽³⁾ OJ L 170, 29.6.2002, p. 46.⁽⁴⁾ OJ L 102, 17.4.1999, p. 11.⁽⁵⁾ OJ L 183, 12.7.2002, p. 12.

COMMISSION REGULATION (EC) No 1325/2002

of 22 July 2002

initiating a 'new exporter' review of Council Regulation (EC) No 1600/1999 imposing definitive anti-dumping duties on imports of stainless steel wires with a diameter of 1 mm or more originating in India, repealing the duty with regard to imports from one exporter in this country and making these imports subject to registration

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾ (the basic Regulation), as last amended by Regulation (EC) No 2238/2000⁽²⁾, and in particular Article 11(4) thereof,

After consulting the Advisory Committee,

Whereas:

A. Request for a review

- (1) The Commission has received an application for a 'new exporter' review pursuant to Article 11(4) of the basic Regulation. The application was lodged by Garg Sales Co. PVT Ltd (the applicant), an exporting producer in India (the country concerned).

B. Product

- (2) The product under review is stainless steel wire with a diameter of 1 mm or more, containing by weight 2,5 % or more of nickel, excluding wire containing by weight 28 % or more but no more than 31 % of nickel and 20 % or more but no more than 22 % of chromium originating in India (the product concerned), currently classifiable within CN code ex 7223 00 19. This CN code is given for information only.

C. Existing measure

- (3) The measure currently in force is a definitive anti-dumping duty imposed by Council Regulation (EC) No 1600/1999⁽³⁾ under which imports into the Community of the product concerned originating in India and produced by the applicant is subject to a definitive anti-dumping duty rate of 55,6 %, with the exception of several companies specifically mentioned which are subject to individual duty rates.

D. Grounds for the review

- (4) The applicant alleges that it did not export the product concerned to the Community during the period of investigation on which the anti-dumping measure was based, i.e. the period from 1 April 1997 to 31 March 1998.

The applicant further alleges that it began exporting the product concerned to the Community after the end of the investigation period, and that it is not related to any of the exporting producers of the product concerned, which are subject to the abovementioned anti-dumping measure.

E. Procedure

- (5) Community producers known to be concerned have been informed of this application and have been given an opportunity to comment.
- (6) Having examined the evidence available, the Commission concludes that there is sufficient evidence to justify the initiation of a 'new exporter' review, pursuant to Article 11(4) of the basic Regulation, with a view to determine the applicant's individual margin of dumping and, should dumping be found, the level of the duty to which their imports of the product concerned into the Community should be subject.

(a) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send a questionnaire to the applicant.

(b) Collection of information and holding of hearings

All interested parties are hereby invited to make their views known in writing and to provide supporting evidence. Furthermore, the Commission may hear interested parties, provided that they make a request in writing showing that there are particular reasons why they should be heard.

F. Repeal of the duty in force and registration of imports

- (7) Pursuant to Article 11(4) of the basic Regulation, the anti-dumping duty in force should be repealed with regard to imports of the product concerned which are produced and sold for export to the Community by the applicant. At the same time, such imports should be made subject to registration in accordance with Article 14(5) of the basic Regulation, in order to ensure that, should the review result in a finding of dumping in respect of the applicant, the anti-dumping duty can be levied retroactively from the date of the initiation of this review. The amount of the applicant's possible future liabilities cannot be estimated at this stage of the proceeding.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 257, 11.10.2000, p. 2.

⁽³⁾ OJ L 189, 22.7.1999, p. 19.

G. Time limits

- (8) In the interest of sound administration, time limits should be stated within which:
- interested parties may make themselves known to the Commission, present their views in writing and submit the replies to the questionnaire mentioned in recital 6(a) of this Regulation or any other information to be taken into account during the investigation,
 - interested parties may make a written request to be heard by the Commission.

H. Non-cooperation

- (9) In cases in which any interested party refuses access to or otherwise does not provide the necessary information within the relevant time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made in accordance with Article 18 of the basic Regulation, on the basis of the facts available.
- (10) Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made of the facts available,

HAS ADOPTED THIS REGULATION:

Article 1

A review of Regulation (EC) No 1600/1999 is hereby initiated pursuant to Article 11(4) of Regulation (EC) No 384/96 in order to determine if, and to what extent, the imports of stainless steel wire with a diameter of 1 mm or more, containing by weight 2,5 % or more of nickel, excluding wire containing by weight 28 % or more but no more than 31 % of nickel and 20 % or more but no more than 22 % of chromium falling within CN code ex 7223 00 19, originating in India, produced and sold for export to the Community by Garg Sales Co. PVT Ltd (TARIC additional code A999) should be subject to the anti-dumping duty imposed by Regulation (EC) No 1600/1999.

Article 2

The anti-dumping duty imposed by Regulation (EC) No 1600/1999 is hereby repealed with regard to the imports identified in Article 1 of this Regulation.

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

Done at Brussels, 22 July 2002.

Article 3

The customs authorities are hereby directed, pursuant to Article 14(5) of Regulation (EC) No 384/96, to take the appropriate steps to register the imports identified in Article 1 of this Regulation. Registration shall expire nine months following the date of entry into force of this Regulation.

Article 4

Interested parties, if their representations are to be taken into account during the investigation, must make themselves known to the Commission, present their views in writing and submit the replies to the questionnaire mentioned in recital 6(a) of this Regulation or any other information, unless otherwise specified, within 40 days of the entry into force of this Regulation. Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the party's making itself known within the aforementioned period.

Interested parties may also apply in writing to be heard by the Commission within the same 40-day time limit.

All submissions and requests made by interested parties must be made in writing (not in electronic format, unless otherwise specified), and must indicate the name, address, e-mail address, telephone and fax, and/or telex number of the interested party.

Any information relating to the matter, any request for a hearing should be sent to the following address:

European Commission
Directorate General for Trade
Directorate B
Office: J-79 — 05/16
B-1049 Brussels
Fax (32 2) 295 65 05
Telex COMEU B 21877

Article 5

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

For the Commission

Pascal LAMY

Member of the Commission

COMMISSION REGULATION (EC) No 1326/2002**of 22 July 2002****determining to what extent applications for import rights for calves not exceeding 80 kilograms lodged pursuant to Regulation (EC) No 1128/1999 can be met**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1128/1999 of 28 May 1999 laying down detailed rules of application for a tariff quota for calves weighing not more than 80 kilograms originating in certain third countries ⁽¹⁾, as amended by Regulation (EC) No 1096/2001 ⁽²⁾, and in particular Article 5(1) thereof,

Whereas:

- (1) Article 2(4) of Regulation (EC) No 1128/1999 provides for the quantities reserved for traditional importers to be allocated in proportion to their imports during the period 1 July 1999 to 30 June 2002.
- (2) Allocation of the quantities available to operators covered by Article 2(3)(b) of that Regulation is to be made in proportion to the quantities applied for. Since

the quantities applied for exceed the quantities available, a fixed percentage reduction should be set,

HAS ADOPTED THIS REGULATION:

Article 1

Every application for an import right for live animals of the bovine species not exceeding 80 kilograms shall be granted to the following extent:

- (a) 24,569 % of the quantities imported within the meaning of Article 2(3)(a) of Regulation (EC) No 1128/1999;
- (b) 0,9766 % of the quantities applied for within the meaning of Article 2(3)(b) of Regulation (EC) No 1128/1999.

Article 2

This Regulation shall enter into force on 23 July 2002.

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

Done at Brussels, 22 July 2002.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General⁽¹⁾ OJ L 135, 29.5.1999, p. 50.⁽²⁾ OJ L 150, 6.6.2001, p. 33.

COMMISSION REGULATION (EC) No 1327/2002

of 22 July 2002

determining the percentage of quantities which may be allowed in respect of import licence applications lodged in July 2002 under tariff quotas for beef and veal provided for in Regulation (EC) No 1279/98 for the Republic of Poland, the Republic of Hungary, the Czech Republic, Slovakia, Bulgaria and Romania

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Commission Regulation (EC) No 1279/98 of 19 June 1998, laying down rules for the application of the tariff quotas for beef and veal provided for by Council Regulation (EC) No 3066/95 for the Republic of Poland, the Republic of Hungary, the Czech Republic, the Slovak Republic, the Republic of Bulgaria and Romania ⁽¹⁾, amended by Regulation (EC) No 2857/2000 ⁽²⁾, and in particular Article 4(4) thereof,

Whereas:

- (1) Articles 1 and 2 of Regulation (EC) No 1279/98 fix the quantities of certain beef and veal products originating in Poland, Hungary, the Czech Republic, Slovakia, Romania and Bulgaria, which may be imported on special terms in respect of the period 1 July to 30 September 2002. The quantities of certain beef and veal products originating in Hungary and the Czech Republic covered by import licence applications submitted are such that applications may be accepted in full. However, quantities covered by applications in respect of certain beef and veal products originating in Poland must be reduced proportionately in accordance with Article 4(4) of that Regulation.
- (2) Article 2 of Regulation (EC) No 1279/98 states that if for the quota period the quantities for which applications for import licences have been submitted for the first, second or third period specified in the preceding subparagraph are less than the quantities available, the remaining quantities are to be added to the quantities in respect of the following period. Taking into account the quantities remaining from the first period, the quantities available for the six countries concerned for the second period running from 1 October to 31 December 2002 should accordingly be determined,

1. The following percentages of quantities covered by import licence applications submitted in respect of the period 1 July to 30 September 2002 under the quotas referred to in Regulation (EC) No 1279/98 may be allowed:

- (a) 100 % of quantities covered by applications in respect of products falling within CN codes 0201 and 0202 originating in Hungary and the Czech Republic;
- (b) 94,482 % of quantities covered by applications in respect of products falling within CN codes 0201, 0202, and 1602 50 originating in Poland.

2. The quantities available for the period referred to in Article 2 of Regulation (EC) No 1279/98 running from 1 October to 31 December 2002 shall amount to:

- (a) beef and veal falling within CN codes 0201 and 0202:
- 5 277,5 t for meat originating in Hungary,
 - 1 710 t for meat originating in the Czech Republic,
 - 1 750 t for meat originating in Slovakia,
 - 125 t for meat originating in Bulgaria;
- (b) 4 800 t for beef and veal falling within CN codes 0201 and 0202 originating in Poland, or 2 242,99 t for processed products falling within CN code 1602 50 originating in Poland;
- (c) 1 500 t for beef and veal products falling within CN codes 0201, 0202, 1602 50 31, 1602 50 39 and 1602 50 80 originating in Romania.

Article 2

⁽¹⁾ OJ L 176, 20.6.1998, p. 12.

⁽²⁾ OJ L 332, 28.12.2000, p. 55.

This Regulation shall enter into force on 23 July 2002.

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

Done at Brussels, 22 July 2002.

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

COMMISSION REGULATION (EC) No 1328/2002
of 22 July 2002
correcting Regulation (EC) No 1111/2002 setting export refunds on products processed from fruit
and vegetables other than those granted for added sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the market in products processed from fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 2699/2000 ⁽²⁾, and in particular Article 16(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1429/95 ⁽³⁾, as last amended by Regulation (EC) No 1176/2002 ⁽⁴⁾, lays down the detailed implementing rules for export refunds on products processed from fruit and vegetables.
- (2) Commission Regulation (EC) No 1111/2002 ⁽⁵⁾ sets the export refunds on products processed from fruit and vegetables other than those granted for added sugar.
- (3) A check has indicated that an error has been made in the Annex to that Regulation. The Regulation must therefore be amended.

- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1111/2002 is corrected as follows:

On the line corresponding to product code '2006 00 31 9000, 2006 00 99 9100', the figure '287' in the 'Quantities provided' column is replaced by '595'.

Article 2

This Regulation shall enter into force on 23 July 2002.

It shall apply from 27 June 2002.

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

Done at Brussels, 22 July 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 297, 21.11.1996, p. 29.

⁽²⁾ OJ L 311, 12.12.2000, p. 9.

⁽³⁾ OJ L 141, 24.6.1995, p. 28.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 69.

⁽⁵⁾ OJ L 168, 27.6.2002, p. 11.

COMMISSION REGULATION (EC) No 1329/2002

of 22 July 2002

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 23 July 2002.

It shall apply from 24 July to 6 August 2002.

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

Done at Brussels, 22 July 2002.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 382, 31.12.1987, p. 22.

⁽²⁾ OJ L 177, 5.7.1997, p. 1.

⁽³⁾ OJ L 72, 18.3.1988, p. 16.

⁽⁴⁾ OJ L 289, 22.10.1997, p. 1.

ANNEX

to the Commission Regulation of 22 July 2002 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

(EUR/100 pieces)

Period: from 24 July to 6 August 2002

Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	14,65	11,17	18,86	11,77
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	—	—	7,76	7,03
Morocco	14,15	15,34	—	—
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	—	—	—	—

II

(Acts whose publication is not obligatory)

CONFERENCE OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES

DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES, MEETING WITHIN THE COUNCIL

of 19 July 2002

on the consequences of the expiry of the European Coal and Steel Community (ECSC) Treaty on international agreements concluded by the ECSC

(2002/595/EC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER
STATES OF THE EUROPEAN COAL AND STEEL COMMUNITY,
MEETING WITHIN THE COUNCIL,

Whereas:

- (1) By virtue of Article 97 thereof, the ECSC Treaty will expire on 23 July 2002.
- (2) A number of international agreements with third countries have been concluded by the ECSC.
- (3) Those agreements do not provide for the eventuality of the expiry of the ECSC Treaty.
- (4) The subject matter covered by the ECSC Treaty will, upon its expiry, be covered by the Treaty establishing the European Community.
- (5) It is in the interests of the ECSC and the sectors concerned that those international agreements should remain in force beyond the expiry of the ECSC Treaty and should therefore devolve on the European Community,

HAVE DECIDED AS FOLLOWS:

Article 1

As from 24 July 2002, the rights and obligations arising under the international agreements concluded by the ECSC shall be taken over by the European Community.

Article 2

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

This Decision shall apply from 24 July 2002.

Done at Brussels, 19 July 2002.

The President

T. PEDERSEN

COUNCIL

COUNCIL DECISION

of 19 July 2002

on the consequences of the expiry of the Treaty establishing the European Coal and Steel Community (ECSC) on the international agreements concluded by the ECSC

(2002/596/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 in conjunction with Article 300(1) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) By virtue of Article 97 thereof, the ECSC Treaty will expire on 23 July 2002.
- (2) A number of international agreements with third countries have been concluded by the ECSC.
- (3) Those agreements do not provide for the eventuality of the expiry of the ECSC Treaty.
- (4) The subject matter covered by the ECSC Treaty will, upon its expiry, be covered by the Treaty establishing the European Community (EC), including Article 133 thereof.
- (5) The Representatives of the Governments of the Member States, meeting within the Council, have established that the EC is acceding to the rights and obligations flowing from the international agreements concluded by the ECSC ⁽¹⁾.
- (6) It is considered that it is in the interests of the EC to continue those international agreements beyond the expiry of the ECSC Treaty and that they should devolve on the EC.
- (7) Some of these agreements may require technical amendments in order to make them compatible with EC rules.
- (8) It will be necessary to inform the third countries concerned accordingly,

HAS DECIDED AS FOLLOWS:

Article 1

As from 24 July 2002, the EC shall succeed to the rights and obligations flowing from the international agreements concluded by the ECSC with third countries.

Article 2

The Commission shall inform the third countries concerned of the succession of the EC to the ECSC's rights and obligations flowing from the agreements concerned. It shall furthermore undertake all necessary technical amendments in order to make the agreements compatible with EC rules, and shall, where appropriate, negotiate amendments to the agreements.

Article 3

This Decision shall take effect on the day following its publication in the *Official Journal of the European Communities*.

This Decision shall apply as from 24 July 2002.

Done at Brussels, 19 July 2002.

For the Council

The President

T. PEDERSEN

⁽¹⁾ See page 35 of this Official Journal.

COMMISSION

COMMISSION DECISION

of 3 April 2002

concerning the aid provided for by Article 4 of Law No 290 of 17 August 1999

(notified under document number C(2002) 1188)

(Only the Italian version is authentic)

(2002/597/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having called on interested parties to submit their comments pursuant to the aforementioned provisions ⁽¹⁾, and having regard to those comments,

Whereas:

invited the Italian authorities to confirm press reports that the draft law had been enacted by the Parliament as Law No 290 of 17 August 1999, published in the Official Gazette of the Italian Republic No 195 of 20 August 1999.

- (4) By letter dated 25 October 1999, registered as received on 5 November 1999, the Italian authorities confirmed that the draft law had been adopted as Law No 290 of 17 August 1999. The same letter attached the text of the law as adopted and also supplied some of the information sought by the Commission in its letter of 28 January 1999.

I. PROCEDURE

- (1) By letter dated 6 August 1998, registered as received on 12 August 1998, the Italian Permanent Representation to the European Union notified the Commission, pursuant to Article 88(3) of the EC Treaty, of a draft law extending time limits in the agricultural sector. The aid was registered under number N 490/98.
- (2) By letters dated 1 October 1998 and 28 January 1999, the Commission asked the Italian authorities for further information. By letter dated 30 November 1998, registered as received on 4 December 1998, the Italian authorities replied to the Commission's letter of 1 October 1998.
- (3) By letter of 13 September 1999, the Commission asked the Italian authorities to provide the information requested in its letter of 28 January 1999, which it had not yet received. In the same letter the Commission
- (5) Based on this information, the aid scheme was transferred onto the register of non-notified aid under number NN 155/99.
- (6) By letter dated 24 February 2000, SG(2000) D/101808, the Commission informed Italy of its decision to initiate the procedure laid down in Article 88(2) EC in respect of Articles 4 and 5 of Law No 290 of 17 August 1999 as well as of Article 15(16) of Law No 67 of 11 March 1988 (the 1988 Finance Act) and Law No 252 of 8 August 1991, which constituted the legal basis for the granting of the subsidies cited in Article 5 of Law 290/99. In the same letter the Commission also informed Italy that it raised no objections to the other Articles (Articles 1, 2, 3, 6, 7 and 8) of Law No 290 of 17 August 1999 in that they did not constitute aid within the meaning of Article 87(1) EC.

⁽¹⁾ OJ C 148, 27.5.2000, p. 2.

- (7) By the same letter, the Commission enjoined Italy to provide, pursuant to Article 10(2) and (3) of Council Regulation (EC) No 659/1999 ⁽¹⁾, within one month of receipt of that letter, all documents, information and data needed for assessment of the compatibility of the measures in question.
- (8) The Commission decision to initiate the procedure was published in the *Official Journal of the European Communities* ⁽²⁾. The Commission invited interested parties to submit their comments.
- (9) By letter dated 23 March 2000, the Italian authorities asked for a 30-day extension of the deadline set by the Commission for the submission of the information requested in its opening of procedure.
- (10) By letter dated 18 May 2000, the Italian authorities submitted to the Commission their comments with respect to the opening of the procedure.
- (11) By letter dated 17 July 2000, the Commission asked for further information with respect to the comments transmitted by the Italian authorities in their letter of 18 May 2000.
- (12) By letter dated 13 October 2000, the Italian authorities transmitted the information requested by the Commission in its letter of 17 July 2000.
- (13) By letter dated 13 December 2000, the Commission asked for additional information.
- (14) By letter dated 31 January 2001, the Italian authorities asked for an extension of the deadline set by the Commission for the presentation of the information requested in its letter of 13 December 2000.
- (15) By letter dated 12 July 2001, the Italian authorities transmitted the information requested.
- (16) The Commission also received comments from interested third parties by letter dated 30 June 2000. It forwarded them to Italy, which was given the opportunity to express its views. No specific comments with respect to this letter were sent by the Italian authorities.
- (17) On 12 March 2002, on the grounds of the different and unrelated nature of the aid measures provided for by Article 4 of Law 290/99 on the one hand and of those provided for by Article 5 of that law and by Article 15(16) of Law 67/88 and Law 252/91, the Commission decided to split the case into two different parts, namely case C/7A/2000 concerning Article 4 of Law 290/99 and C/7B/2000 concerning Article 5 of Law 290/99, Article 15(16) of Law 67/88 and Law 252/91. This decision concerns only the aid measures provided for by Article 4 of Law 290 of 17 August 1999. However, it

does not concern, nor extend its effects to, the very farming, operating and improvement loans due on 31 March 1998 for which an extension is provided for by Article 4 of Law No 290 of 17 August 1999. Likewise, this decision does not concern Article 5 of Law 290/99 nor Article 15(16) of Law No 67 of 11 March 1988 (the 1988 Finance Act) and Law No 252 of 8 August 1991 which constituted the legal basis for the granting of the subsidies cited in Article 5 of Law 290/99 which will continue to be assessed within the framework of State aid No C/7B/2000 and will be dealt with in a separate decision.

II. DESCRIPTION OF THE AID

- (18) Law No 290 of 17 August 1999, published in the Official Gazette of the Italian Republic No 195 of 20 August 1999, provides for an extension of the time limits for various operations in the agricultural sector. The Law comprises eight articles. In its decision of 24 February 2000, the Commission decided not to raise objections against Articles 1, 2, 3, 6, 7 and 8 of the Law in that they did not constitute aid within the meaning of Article 87(1) of the EC Treaty. The decision to initiate the proceedings provided for by Article 88(2) concerned on the other hand Articles 4 and 5 of that law as well as Article 15(16) of Law No 67 of 11 March 1988 (the 1988 Finance Act) and Law No 252 of 8 August 1991 which constituted the legal basis for the granting of the subsidies cited in Article 5 of Law 290/99.
- (19) As already stated in recital 17 above, this decision concerns only the aid provided for by Article 4 of Law No 290 of 17 August 1999, which has been assessed as State aid C/7A/2000.

Article 4 of Law No 290 of 17 August 1999

- (20) Article 4 of Law 290 of 17 August 1999 provides for measures to facilitate agricultural credit operations. In particular, it extends for twelve months the repayment period for operating, improvement and agricultural loans due on 31 March 1998. The beneficiaries are agricultural holdings primarily engaged in olive production in Apulia, Calabria and Sicily, run by owner-occupiers or full-time farmers or olive-growing cooperatives who have been hit by the serious crisis on the market for olives and olive oil. Agricultural holdings and olive-growing cooperatives in other olive-growing regions can also qualify for these measures under the same rules and procedures if similarly affected by the crisis on the market for olives and olive oil. The Article defines an agricultural holding or an olive-growing cooperative primarily engaged in olive growing as an entity that derives at least 50 % of its gross commercial production from olives.

⁽¹⁾ OJ L 83, 27.3.1999, p. 1.

⁽²⁾ OJ C 148, 27.5.2000, p. 2.

- (21) The extended repayment schedule is supported by a public contribution to the interest payments pursuant to the Decree of the President of the Council of Ministers of 9 November 1985 laying down the rules for establishing the minimum annual subsidised rates to be used for agricultural credit operations. An appropriation of ITL 10 billion in public funding has been provided for 1999 from the 'National Solidarity Fund'.
- (22) The Italian authorities initially justified the measures provided for by the said Article 4 by stating that 'these provisions are needed to help olive growers in Calabria, Apulia and Sicily who have had serious and unsustainable difficulties in marketing their products in the 1997 to 1998 marketing year because of adverse weather conditions, significant imports of olive oil from non-Community countries in the Mediterranean basin and the sudden fall in the price processors pay for olives, with serious income and operating consequences for the enterprises concerned'. In the same letter, the Italian authorities added that, for those reasons, 'olive-growing holdings found themselves in such serious financial difficulties that they were unable to make the repayments on the agricultural, operating or improvement loans due on 31 March 1998. To assist individual and grouped olive-growing holdings unable to repay the debt contracted with a view to olive production, the authorities therefore decided to extend by 12 months the expiry date of 31 March 1998, the normal date on which loans for measures in the olive oil year fell due'. The letter of 30 November 1998 also stated that the credit assistance was similar to that provided for in Article 4 of Law No 185 of 14 February 1992 ⁽¹⁾, which could be activated where farm holdings suffered financial loss as result of catastrophic events that made usual harvesting difficult. According to the Italian authorities, 'this would therefore be a one-off aid measure, relating solely to the 1997 and 1998 marketing years and limited to the three regions of Apulia, Calabria and Sicily'.
- (23) Based on these comments, the Italian authorities asserted in their letter of 30 November 1998 that the aid measure qualified under Article 87(2)(b) of the EC Treaty as 'aid to make good the damage caused by natural disasters or exceptional occurrences'.
- (24) The Commission replied by letter of 28 January 1999, reminding the Italian authorities of its policy on national aid where agricultural production or the means of production have been harmed, specifying that an increase in the volume of imports from third countries

could certainly not be invoked by Member States as an 'exceptional occurrence' since difficult market conditions due to competitive pressure from other countries are just part of the normal play of market forces.

- (25) In the following letter of 25 October 1999, the Italian authorities specified that 'the aid was not based on market difficulties, which are a normal part of an open market, but on riots and public disorder resulting in road and rail blockades, as set out in the reports submitted by the Prefects of the affected Provinces. The unrest became widespread with the simultaneous landings on the Apulian coast of illegal Albanian immigrants, causing fears of economic collapse and increasing social unease'. For the Italian authorities, it was obvious that they 'could not respond to this explosive situation with public order measures alone, and the measure in question, adopted out of a sense of need and urgency, has to be seen in that context'. The Italian authorities accordingly concluded that it was 'an exceptional measure to tackle a serious, unforeseen and unforeseeable situation easily qualifying as an "exceptional occurrence" under Article 87(2)(b) of the Treaty which, as the Commission itself correctly concludes, also covers situations of public disorder or strikes. In essence, the measure should not be seen as aid per se, but as a measure to reduce social disorder and prevent more serious disorder'.
- (26) No further information on this specific measure was added by Italian authorities in the letters which followed the opening of procedure. In the first letter following the opening ⁽²⁾ they simply stated that the aid measure provided for by Article 4 of Law 290 had not been implemented and the relevant aid not been granted.

III. COMMENTS FROM INTERESTED PARTIES

- (27) The Commission received only one letter from interested parties. The letter, dated 30 June 2000, was sent by Conazo — *Consorzio Zootechnico Nazionale Sarl* (National Zootechnic Consortium) writing in its capacity as leader of a group of companies which benefited from the funds granted by the Italian authorities on the basis of Laws No 252/91 and 67/88 which were the subject of the Commission's opening of proceedings. In its letter, Conazo made comments exclusively on Article 5 of Law 290 of 17 August 1999 and Laws 252/91 and 67/88, which are not covered by this decision.

⁽¹⁾ The law is currently being examined within the framework of State aid No C 12/95.

⁽²⁾ Letter of 18 May 2000.

IV. ASSESSMENT

- (28) Article 87(1) EC provides that any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, insofar as it affects trade between Member States, be incompatible with the common market.
- (29) Articles 87 and 88 of the Treaty apply to the production and trade in the products in favour of which the Italian authorities decided to grant aid. Indeed, Article 33 of Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats ⁽¹⁾ lays down that, save as otherwise provided in the Regulation, Articles 92, 93 and 94 of the Treaty shall apply to the production of and trade in olives and olive oil.

regions the same serious crisis on the olives and olive oil market. The extended repayment schedule is supported by a public contribution to the interest payments which, for the year 1999, has been set at ITL 10 billion. The extension in the terms of the repayment gives the beneficiary agricultural undertakings a financial respite which they would otherwise not be able to enjoy. This advantage is compounded by the public contribution to the interest payments, which will relieve the same undertakings of the burden associated with the payment of the full interest rate applicable to their loans. In this respect the two elements above favour the beneficiary undertakings vis-à-vis other agricultural undertakings which, in the same situation, would have to rely solely on their own financial resources by paying the instalments immediately they fall due and at the full interest rate applicable to them. According to the case-law of the Court of Justice, improvement in the competitive position of an undertaking as a result of State financial aid leads to possible distortion of competition compared with other competing undertakings not receiving such assistance ⁽²⁾.

Existence of aid

- (30) Article 4 of the Law in question extends the time limits for repaying loans of various types taken out by particular agricultural holdings in Apulia, Calabria and Sicily primarily engaged in olive growing. The Article extends this benefit under the same terms to all olive-growing holdings and cooperatives in other olive-growing regions which share with holdings in the above three
- (31) Moreover, as shown from the two tables below, there is heavy intra-Community trade in olives and olive oil and the measure is therefore capable of distorting competition and affecting trade between the Member States.

Italian trade with the rest of the EU

(EUR '000)

	Imports			Exports		
	1998	1999	2000	1998	1999	2000
Olives, fresh or refrigerated (excluding olives for the production of oil)	3 236	2 910	2 377	470	550	634
Olives, fresh or refrigerated, for the production of oil	593	386	233	482	478	485
Olive oil and its fractions - obtained from fruits of the olive tree, only by mechanical or physical processes, under conditions which do not alter the oil, even if refined, but not chemically modified	644 154	631 850	611 367	187 450	288 404	265 078

⁽¹⁾ OJ 172, 30.9.1966, p. 3025/66.

⁽²⁾ According to the case-law of the Court of Justice, improvement in the competitive position of an undertaking resulting from State aid generally points to a distortion of competition compared with other competing undertakings not receiving such assistance, Case C-730/79 [1980] ECR 2671, paragraphs 11 and 12.

Total EU trade

(EUR '000)

	Exports		
	1998	1999	2000
Olives, fresh or refrigerated (excluding olives for the production of oil)	16 369	14 409	16 107
Olives, fresh or refrigerated, for the production of oil	10 280	9 370	9 566
Olive oil and its fractions - obtained from fruits of the olive tree, only by mechanical or physical processes, under conditions which do not alter the oil, even if refined, but not chemically modified	1 129 929	1 187 146	1 131 828

(32) The Commission therefore concludes that the measure is caught by the prohibition in Article 87(1) of the EC Treaty.

(33) The prohibition in Article 87(1) is followed by exemptions in Article 87(2) and (3).

(34) Italian authorities have always maintained that the measures to facilitate agricultural credit operations provided for by Article 4 of Law 290 fall under Article 87(2)(b) of the Treaty, which states that aid to make good the damage caused by natural disasters or exceptional occurrences is compatible with the common market.

(35) In order to establish whether the aid at issue can actually benefit from the exception laid down in Article 87(2)(b) of the Treaty, they need to be assessed in the light of point 11(2)(1) of the Community Guidelines for State aid in the agriculture sector⁽¹⁾ (hereinafter the Guidelines) which concerns aid to make good the damage caused by natural disasters or exceptional occurrences. As stated in the abovementioned point, this aid constitutes exceptions from the general principle of the incompatibility of State aid with the common market laid down by Article 87(1) of the Treaty. For this reason, the Commission has consistently held that the notions of 'natural disaster' and 'exceptional occurrence' contained in Article 87(2)(b) must be interpreted restrictively.

(36) Hitherto the Commission has accepted that earthquakes, avalanches, landslides and floods may constitute natural disasters. Exceptional occurrences which have hitherto been accepted by the Commission include war, internal disturbances or strikes and with certain reservations and depending on their extent, major nuclear or industrial accidents and fires which result in widespread loss.

However, because of the inherent difficulties in foreseeing such events, the Commission evaluates proposals to grant aid in accordance with Article 87(2)(b) on a case-by-case basis, having regard to its previous practice in this field. Once the existence of a natural disaster or an exceptional occurrence has been demonstrated, the Commission will permit aid of up to 100 % to compensate for material damage.

(37) With regard to the above, and as already recalled in the opening of procedure, it must first of all be pointed out that Article 4 of Law No 290 speaks in quite general terms of a 'serious crisis on the olives and olive oil market', a wording which could be used to justify supporting the holdings in all kinds of disturbance or difficulty that are not necessarily the exceptional cases referred to by the Italian authorities and required if Article 87(2)(b) of the EC Treaty is to apply.

(38) To explain the crisis, in their letter of 30 November 1998 the Italian authorities initially spoke of 'serious and unsustainable difficulties in marketing their products because of significant imports of olive oil from non-Community countries in the Mediterranean basin and the sudden fall in the price processors pay for olives, with serious income and operating consequences for the enterprises concerned'. The authorities maintained that the occurrence was so serious and exceptional that the Italian Parliament had been compelled to adopt Law No 313 of 3 August 1998, the purpose of which was to protect Italian olive oil and increase its commercial value. They went on to say, however, that the measures to safeguard Italian oil did not resolve the crisis affecting olive-growing holdings in such difficulties that they could not make the repayments on their agricultural, operating and improvement loans due on 31 March 1998.

⁽¹⁾ OJ C 232, 12.8.2000, p. 19.

- (39) In reply to these comments, the Commission drew the Italian authorities' attention⁽¹⁾ to the fact that an increase in the volume of imports from third countries, with the inevitable drop in prices and marketing difficulties this brings about, cannot be cited by a Member State as an exceptional occurrence warranting the grant of aid of this kind or, in general, aid of any kind, regardless of the seriousness of the problem and its impact on producers. Difficult market conditions arising from competitive pressures from other countries are a normal part of the play of market forces. All producers operating in the market are exposed to these conditions and must adopt appropriate measures to deal with them. The adoption of aid measures in favour of the producers of specific areas of one Member State or of one Member State as a whole would simply shift the market difficulties from the undertakings beneficiary of the aid to those of other Member States, which, though affected by the same crisis, cannot benefit from similar forms of aid and therefore have to cope with the market crisis with their own resources and means. Such an aid would by definition distort competition and affect trade between Member States.
- (40) In reply to the Commission's objections, the Italian authorities in their letter of 25 October 1999 corrected their position by stating, as cited in recital 25 above, that the aid was not based on 'market difficulties — which are a normal part of an open market — but on riots and public disorder resulting in road and rail blockades, as set out in the reports submitted by the Prefects of the affected Provinces'. According to the Italian authorities, the situation was further worsened by the 'simultaneous landings on the Apulian coast of illegal Albanian immigrants, causing fears of economic collapse and increasing social unease'. The Italian authorities, therefore, considered this to be an urgent and necessary public order measure which should accordingly be included in the definition of internal disorder or strikes under Article 87(2)(b) of the Treaty.
- (41) Aside from the contradiction in the two versions provided by the Italian authorities in their first two letters⁽²⁾ to the Commission prior to the opening of procedure, the same authorities never provided information in support of the grounds put forward by them in such letters nor have they provided any information justifying their claims after the opening of procedure,
- despite the Commission's injunction to provide all the information necessary to assess the case.
- (42) The doubts expressed by the Commission in its opening of procedure have not been dispelled by the Italian authorities and the Commission therefore doubts that the derogation in Article 87(2)(b) of the Treaty could be applied to the measure provided for in Article 4 of Law 290/99.
- (43) Based on previous Commission's practice⁽³⁾, the riots and public disorder described by the Italian authorities might qualify under the definition of public disorder and strikes pursuant to Article 87(2)(b) of the Treaty and, accordingly, give rise to a reimbursement of up to 100 % for the damage incurred, regardless of its scale. However, if it is true that public disorder and strikes can, under certain circumstances, be considered as 'exceptional occurrences' within the meaning of Article 87(2)(b) of the Treaty, it is also true that, first of all, such disorder must be shown to have occurred and secondly, once demonstrated that they indeed took place, it must also be proved, beyond any reasonable doubt, that there is a direct link between such disorder and the damage incurred by the potential aid beneficiaries.
- (44) No evidence in this respect has ever been supplied by the Italian authorities, either before or after the opening of procedure, even though, according to the Italian authorities, the street riots and disorder cited apparently resulted in road and rail blockades described in reports which were sent by the Prefects in the affected provinces. These documents were never sent to the Commission and the Italian authorities sent no other document capable of proving that an effective state of emergency existed as a result of these events. The authorities did not give exact dates for the events or their time frame, nor did they specify the exact locations where they occurred or the circumstances that brought them about.
- (45) It is also not clear why these events only selectively affected the olive sector and not the entire agricultural sector or indeed the entire economy of the regions involved. No quantified figures for the damage caused have ever been supplied. No information whatsoever has been supplied to explain how the riots and road blockades at issue could actually result in the severe disruption to olive and olive-oil production claimed by the Italian authorities.

⁽¹⁾ Commission letter of 28 January 1999.

⁽²⁾ Letters of the Italian authorities to the Commission dated 28 October 1998 and 25 October 1999.

⁽³⁾ See, for example, Aid C 3/94 — France — Road blocks.

- (46) Moreover, given that the Italian authorities maintain the geographically limited and temporary nature of the measure, it is not clear why they decided to extend the facilities, at the same conditions, to all olive-growing holdings or cooperatives in other olive-growing regions facing a serious crisis on the olives and olive oil market in addition to holdings located in Calabria, Apulia and Sicily, which were the prime beneficiaries of the aid. The aid was therefore never exclusively restricted to agricultural undertakings in Apulia, Calabria and Sicily which, according to the Italian authorities, were directly affected by the events in question. Extending the measure to all olive-growing holdings or cooperatives located in all Italian olive-growing regions would have been justified only where the events had assumed national importance, something the Italian authorities have failed to demonstrate.
- (47) The national coverage of the measure corroborates the Commission's belief that the measure was adopted to help undertakings in difficulty to confront a serious debt crisis arising from factors that had nothing to do with the reasons put forward by the Italian authorities. The aid in question could therefore have been granted to save from bankruptcy the enterprises in question, and as such should be evaluated not on the basis of Article 87(2)(b) of the Treaty but under Article 87(3)(c) in the light of the relevant 'Community guidelines on State aid for the rescuing and restructuring of firms in difficulty' ⁽¹⁾.
- (48) The Commission made inquiries in this regard in its first request for further information to the Italian authorities. The Commission's doubts were based on the fact that in the summary of the Parliamentary proceedings sent along with the original draft law (subsequently approved as Law No 290) the rapporteur pointed out that the Article providing for easy agricultural credit terms (the then Article 5) was the same as an Article already presented in the draft of an earlier law but then deleted in response to the European Commission's comments in a letter sent to Italy on 5 March 1998. In this regard the rapporteur also pointed out that, while the provisions in question might have breached Article 87 of the EC Treaty, specific provisions did exist on State aid for firms in the Commission document 'Community guidelines on State aid for rescuing and restructuring firms in difficulty'. These considerations led the Commission to the view that the Article could be interpreted in this way and also led it to ask the Italian authorities for clarification of this point. This request for clarification was however completely ignored by the Italian authorities who insisted on the applicability of Article 87(2)(b) to the measure at issue.
- (49) This doubt was reiterated by the Commission in its opening of procedure. In this case too, despite the information injunction contained therein, no information was given on this aspect and no attempt whatsoever was made by the Italian authorities to justify the measure on the basis of the Community guidelines on State aid for rescuing and restructuring firms in difficulty. In their letter of 18 May 2000, the Italian authorities simply stated that the measure had not been implemented and the relevant aid had not been granted. In their opinion, the non-implementation of the measure put an end to the debate with the Commission on the nature of the measure and on the legal basis on which it should be assessed.
- (50) It results from the above that the aid measures provided for by Article 4 of Law No 290 of 17 August 1999 cannot benefit either from the exception provided for by Article 87(3)(c) of the Treaty.
- (51) The Commission, therefore, can only conclude that the aid measures provided for by Article 4 of Law No 290 of 17 August 1999 constitute operating aid and, as such, are incompatible with the common market. The present decision concerns only the aid scheme, which is of a general and abstract nature and which, for the abovementioned reasons, does not comply with the applicable requirements. Such a decision is without prejudice of any individual aid given to individual undertakings which might qualify for a derogation and which should be notified to the Commission pursuant to Article 88(3) of the Treaty to be assessed on its own merits. Moreover, this decision does not concern, nor extend its effects to, the farming, operating and improvement loans due on 31 March 1998 for which an extension is provided for by Article 4 of Law No 290 of 17 August 1999 and which are mentioned in that Article.

V. CONCLUSIONS

- (52) From the abovementioned considerations, it results that the aid measures provided for by Article 4 of Law No 290 of 17 August 1999 are incompatible with the common market and cannot therefore benefit of any of the exceptions to Article 87(1) of the Treaty.
- (53) No recovery of the aid is necessary since the aid has not been implemented nor paid,

⁽¹⁾ OJ C 288, 9.10.1999, p. 2.

HAS ADOPTED THIS DECISION:

Article 3

Article 1

This Decision is addressed to the Republic of Italy.

The aid measures designed to facilitate agricultural credit operations provided for by Article 4 of Law No 290 of 17 August 1999 are incompatible with the common market.

The aid may accordingly not be implemented.

Done at Brussels, 3 April 2002.

Article 2

Italy shall inform the Commission, within two months of notification of this Decision, of the measures taken to comply with it.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION
of 15 July 2002
approving vaccines against bovine brucellosis within the framework of Council Directive 64/432/EEC

(notified under document number C(2002) 2592)

(Text with EEA relevance)

(2002/598/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine ⁽¹⁾, as last amended by Commission Regulation (EC) No 535/2002 ⁽²⁾, and in particular the third indent of paragraph 4(i) in Annex A(II) thereto;

Whereas:

(1) Community rules on the use of vaccines against brucellosis in bovine animals are laid down in Directive 64/432/EEC.

(2) Bovine brucellosis continues to occur in certain areas of the Community. Vaccination is considered an effective instrument to be employed under certain conditions in conjunction with a test and slaughter policy, in particular in areas with extensive livestock rearing.

(3) A newly developed vaccine offers additional advantages to those already approved and in particular does not interfere with the diagnostic procedures applied in the framework of eradication programmes in force in some Member States in accordance with Community legislation.

(4) In certain cases brucellosis in bovine animals is linked to sheep and goat brucellosis and eradication measures must be carried out within the framework of programmes for the eradication of brucellosis caused by *Brucella melitensis*, including vaccination with the appropriate vaccine.

(5) The requirements for the production and recommendations for the use of live strain RB 51 and live strain Rev.1 vaccines against bovine brucellosis are included in the Manual of Standards for Diagnostic Tests and Vaccines of the Office International des Epizooties, 4th Edition of 2000, published in August 2001.

(6) It is therefore appropriate to approve, subject to certain conditions, the use of live strain RB 51 and live strain Rev.1 vaccines within brucellosis eradication programmes approved pursuant to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽³⁾, as last amended by Decision 2001/572/EC ⁽⁴⁾, in order to take into account scientific developments and international standards.

(7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of this Decision, 'competent authority' means the central authority of a Member State competent to carry out veterinary or zootechnical checks or any authority to which it has delegated that competence for the particular purpose of the application of this Decision.

Article 2

The following vaccines against bovine brucellosis are hereby approved for immunisation of female bovine animals under the conditions set out in Article 3:

- (a) live strain RB 51 vaccine for animals at risk of infection with *Brucella abortus*;
- (b) live strain Rev.1 vaccine for animals at risk of infection with *Brucella melitensis*.

Article 3

1. Member States availing of the use of the vaccines approved under Article 2 shall ensure that the conditions set out in paragraphs 2 to 6 are met.

2. The storage, supply, distribution and sale of the vaccines shall be under the control of the competent authority.

⁽¹⁾ OJ L 121, 29.7.1964, p. 1977/64.

⁽²⁾ OJ L 80, 23.3.2002, p. 22.

⁽³⁾ OJ L 224, 18.8.1990, p. 19.

⁽⁴⁾ OJ L 203, 28.7.2001, p. 16.

3. The vaccines shall only be used by an official veterinary or a veterinary specifically authorised by the competent authority within a brucellosis eradication programme submitted by a Member State and approved by the Commission pursuant to Article 24(7) of Decision 90/424/EEC.

4. The competent authority shall submit to the Commission and to the other Member States detailed information on the vaccination programme, in particular on the vaccination area, the age of the animals to be vaccinated and the test system in place to identify vaccinated animals.

5. The competent authority shall ensure that vaccinated animals are not subject to intra-Community trade, in particular by applying additional methods of marking and registration of vaccinated animals.

6. The competent authority shall inform public health services of the use of these vaccines and the available diagnostic and therapeutic systems in place.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 15 July 2002.

For the Commission

David BYRNE

Member of the Commission

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

COUNCIL COMMON POSITION
of 22 July 2002
supplementing Common Position 96/741/CFSP concerning the derogations from the embargo with
regard to Iraq

(2002/599/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

- (1) Resolution 986(1995), adopted by the United Nations Security Council on 14 April 1995, and implemented in accordance with the Memorandum of Understanding of 20 May 1996 between Iraq and the United Nations Secretary-General, as well as other subsequent resolutions of the United Nations Security Council related to the improvement of the humanitarian situation in Iraq, provide for derogations to the embargo which was established with regard to Iraq, in particular in Resolutions 661(1990) and 687(1991).
- (2) In order to implement Resolution 986(1995) and the Memorandum of Understanding of 20 May 1996, on 17 December 1996, the Council adopted Common Position 96/741/CFSP defined by the Council on the basis of Article J.2 of the Treaty on European Union concerning derogations from the embargo with regard to Iraq ⁽¹⁾.
- (3) On 14 May 2002, the United Nations Security Council adopted Resolution 1409(2002), which provides for a new regime for these derogations to the embargo, based on a Goods Review List and simplified procedures for its application.
- (4) It is therefore necessary to adopt a new Common Position supplementing Common Position 96/741/CFSP.
- (5) Action by the Community is needed in order to implement certain measures,

HAS ADOPTED THIS COMMON POSITION:

Article 1

Within the framework of the embargo established with regard to Iraq, in particular in Resolutions 661(1990) and 687(1991), the derogations from the embargo established by Resolution 986(1995) and implemented in accordance with the Memorandum of Understanding of 20 May 1996 between Iraq and the UN Secretary-General, shall be allowed under the conditions set out in Resolution 1409(2002).

Article 2

This Common Position shall enter into force on the date of its adoption.

Article 3

This Common Position shall be published in the Official Journal.

Done at Brussels, 22 July 2002.

For the Council
The President
P. S. MØLLER

⁽¹⁾ OJ L 337, 27.12.1996, p. 5.

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 2535/2001 of 14 December 2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas

(Official Journal of the European Communities L 341 of 22 December 2001)

On page 46, Annex I, part 1(B)(10) entitled 'Products originating in Slovenia':
in the column headed 'Annual quantities (tonnes)' in the left-hand subheading:
for: 'From 1.1.2000 to 30.6.2001',
read: 'From 1.1.2000 to 31.12.2001'.
