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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1346/2002**of 25 July 2002****amending Regulation (EC) No 2465/96 concerning the interruption of economic and financial relations between the European Community and Iraq**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 60 and 301 thereof,

Having regard to Council Common Position 2002/599/CFSP of 22 July 2002 supplementing Common Position 96/741/CFSP concerning the derogations from the embargo with regard to Iraq ⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas:

- (1) Council Regulation (EC) No 2465/96 of 17 December 1996 concerning the interruption of economic and financial relations between the European Community and Iraq ⁽²⁾ prohibits, with certain exceptions, the export to Iraq of all commodities and products originating in, coming from, or in transit through the Community. This export regime was imposed further to Resolutions 661(1990), 687(1991) and 986(1995) of the Security Council of the United Nations.
- (2) Pursuant to Resolution 986(1995) an escrow account has been established for the financing of certain exports to Iraq. On 14 May 2002, the Security Council of the United Nations adopted Resolution 1409(2002) laying down new procedures and rules for approval of exports to Iraq which will be financed from this escrow account. These procedures and rules have been applicable since 30 May 2002.
- (3) As a result, exports for which an application for financing from the escrow account is made will be checked against the list of military commodities and products and against the revised Goods Review List (GRL) which the Security Council also adopted. The GRL comprises goods, services and technologies which can be used for civil as well as military purposes (dual-use goods).
- (4) If the exports are not included in these lists, the Office of the Iraq Programme (OIP) will confirm in writing to the State that sent the application, that the application does not contain any commodity or product included in these lists. If such confirmation is obtained, the export is eligible for payment from the escrow account. However, such payment is subject to meeting the conditions of paragraph 8(a) of Resolution 986(1995), which provides that the export must be at the request of the Government of Iraq, that Iraq effectively guarantees equitable

distribution of the exported goods on the basis of a plan submitted to, and approved by, the Secretary-General and that the Secretary-General receives authenticated confirmation that the exported goods have arrived in Iraq.

- (5) If an application contains items that are on the revised GRL, the application will be referred to the Committee established by Resolution 661(1990). The exports are not permitted unless the Committee gives its approval. In this regard, it should be noted that the Committee may give its approval for exports of commodities and products included in the revised GRL. If the application contains military goods, that part of the application will be considered ineligible for approval.
- (6) Applications for financing of exports to Iraq from the escrow account have to be made to the OIP through the diplomatic missions of States and international organisations accredited to the United Nations in the format prescribed by the Security Council.
- (7) It is appropriate that competent authorities in the Community promptly confirm in writing to the person, entity or body at whose request the application was made, any confirmation they receive from the OIP and any approval they receive from the said Committee. Such confirmation constitutes sufficient evidence that the export is not in breach of Regulation (EC) No 2465/96 and that the Committee has approved the export or that it does not need approval by the Committee. However, that confirmation does not constitute an export authorisation required in accordance with applicable Community legislation, and in particular Council Regulation (EC) No 1334/2000 of 22 June 2000 setting up a Community regime for the control of exports of dual-use items and technology ⁽³⁾. For foodstuffs, the competent authority should confirm in writing that the export or transit has been notified to the Committee pursuant to Resolution 661(1990).
- (8) Regulation (EC) No 2465/96 should be amended in order to reflect the fact that exports are not in violation of that Regulation if, in accordance with the new procedures and rules, it has been confirmed that they have been approved by the Committee or that they do not need approval from the Committee.

⁽¹⁾ OJ L 194, 23.7.2002, p. 47.

⁽²⁾ OJ L 337, 27.12.1996, p. 1.

⁽³⁾ OJ L 159, 30.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 880/2002 (OJ L 139, 29.5.2002, p. 7).

- (9) Experience in implementing Regulation (EC) No 2465/96 has shown that clarification is needed in particular on administrative procedures,

transit has been approved by the Committee, and provided that the conditions for payment determined by the Committee are fulfilled;

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2465/96 is hereby amended as follows:

1. the following recital shall be added:

'Whereas this Regulation is only intended to implement the relevant resolutions of the UN Security Council;'

2. Article 2 shall be replaced by the following:

'Article 2

1. The prohibitions in points 1 and 5 of Article 1 shall not apply to the introduction into the territory of the Community of:

- (a) commodities or products which originate in, or come from, Iraq and were exported before 7 August 1990;
- (b) petroleum and petroleum products originating in Iraq, on condition that there is evidence in writing that the Committee established by Resolution 661(1990) of the Security Council of the United Nations (hereinafter referred to as the "Committee") has given its approval for the purchase of the commodities or products concerned, and provided that payment of the full price is made to the escrow account established by the Secretary-General of the United Nations pursuant to Resolution 986(1995).

2. The prohibitions in points 2 and 5 of Article 1 shall not apply to the export from, or transit through, the Community to Iraq of:

- (a) products intended strictly for medical purposes, on condition that a competent authority listed in Annex I has given an authorisation in writing;
- (b) foodstuffs, on condition that a competent authority listed in Annex I has confirmed in writing that the export or transit has been notified to the Committee;
- (c) materials and supplies for essential civilian needs, on condition that a competent authority listed in Annex I has confirmed in writing that the export or transit has been approved by the Committee;
- (d) parts and equipment which are essential for the safe operation of the Kirkuk-Yumurtalik pipeline system in Iraq, on condition that a competent authority listed in Annex I has confirmed in writing that the export or

- (e) any other commodity or product, on condition that a competent authority listed in Annex I has confirmed in writing that the Office of the Iraq Programme (OIP) of the Secretariat-General of the United Nations has notified in written form that the export of that commodity or product may proceed without prior approval of the Committee and is eligible for payment from the escrow account upon verification by UN agents that the products have been delivered to Iraq;

- (f) any other commodity or product on the condition that a competent authority listed in Annex I has confirmed in writing that the export has been approved by the Committee.

3. The prohibitions in points 3, 4 and 5 of Article 1 shall not apply to:

- (a) the provision of either postal and telecommunications services, medical services necessary for the operation of existing hospitals, or of non-financial services resulting from contracts or amendments to contracts concluded before 7 August 1990, where their execution began before that date;
- (b) flights approved by the Committee or destined for activities of the United Nations in Iraq, on condition that a competent authority listed in Annex I has confirmed in writing that the flight either has been approved by the Committee or is destined for activities of the United Nations in Iraq;

- (c) services, including financial transactions, which are ancillary or directly related to the activities referred to in paragraphs 1, 2 and 3.

4. Except for notifications and applications made by international organisations which are accredited to the United Nations, all notifications to the Committee, applications for approval by that Committee and applications for payment addressed to the OIP shall be made through the competent authority of the Member State in which the person, entity or body concerned is resident or established, as listed in Annex I. As regards notifications, applications and requests for payments concerning exports to Iraq, the request shall be accompanied by the completed form entitled "Notification or Request to Ship Goods to Iraq" given in Annex II.

5. A confirmation in writing by a competent authority listed in Annex I, as referred to in this Article, shall be valid throughout the Community.

Upon receipt of an authorisation from the Committee or a notification from the OIP that an export does not need approval from the Committee, the competent authorities listed in Annex I shall promptly give such written confirmation to the person, entity or body concerned.

The competent authorities shall remind the person, entity or body concerned that, where an export authorisation is required in accordance with paragraph 2(a) or under other applicable Community legislation, the confirmation does not exempt that person, entity or body from the requirement to make an application for an export authorisation before the export takes place.

The competent authorities shall give confirmation in writing of a notification to the Committee as soon as such notification is made.

6. A confirmation of an authorisation concerning export or transit to Iraq or of a notification referred to in paragraph 5 shall be made out on a form corresponding to the model given in Annex IV and shall be issued free of charge. Member States shall be responsible for having this form printed.

The exporter shall present this confirmation to the customs authorities together with the customs declaration.

A translation of this authorisation into an official language of the Member State where the export declaration is presented may be required of the exporter.

7. If an authorisation in writing referred to in paragraph 2(a) is issued by a competent authority listed in Annex I, it shall be valid throughout the Community. It shall be made out on a form corresponding to the model given in Annex V and shall be issued free of charge. Member States shall be responsible for having this form printed.

The exporter shall present this authorisation to the customs authorities together with the customs declaration.

A translation of this authorisation into an official language of the Member State where the export declaration is presented may be required of the exporter.

8. The forms referred to in paragraphs 6 and 7 shall be printed in accordance with Article 12(9) of Council Regulation (EC) No 3285/94 of 22 December 1994 on the common rules for imports (*). In particular, the layout of the forms shall be followed precisely and the forms shall have a yellow printed guilloche pattern background so as to reveal any falsification by mechanical or chemical means.

(*) OJ L 349, 31.12.1994, p. 53. Regulation as last amended by Regulation (EC) No 2474/2000 (OJ L 286, 11.11.2000, p. 1).'

3. Article 4 shall be replaced by the following:

'Article 4

Any direct or indirect payment from the escrow account established by the Secretary-General of the United Nations pursuant to Resolution 986(1995) shall be destined only for the purposes indicated in paragraph 8 of that Resolution as contained in Annex III, and shall not be diverted to any other purpose.'

4. the following subparagraph shall be added to Article 6:

'The Commission shall be empowered to amend Annex II in order to bring it into line with changes that may be made by the Committee.';

5. Annexes I, II, III, IV and V, which appear in the Annex to this Regulation, shall be added to Regulation (EC) No 2465/96.

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, 25 July 2002.

For the Council

The President

P. S. MØLLER

ANNEX

ANNEX I

List of competent authorities referred to in Article 2

BELGIUM

Ministère des affaires économiques
Administration des relations économiques
Politique d'accès aux marchés
Service: Licences
60, Rue Général Leman
B-1040 Bruxelles
Tél. 32 2 206 58 11
Fax 32 2 230 83 22

Ministerie van Economische Zaken
Bestuur economische betrekkingen
Marktordening
Dienst: vergunningen
60, Generaal Lemanstraat
B-1040 Brussel
Tel.: 32 2 206 58 11
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

GERMANY

Generaldirektor für Luft- und Raumfahrt
Bundesministerium für Verkehr, Bau- und Wohnungswesen
Postfach 20 01 00
D-53170 Bonn
Tel. 49 228 300 45 00
Fax 49 228 300 45 99

Bundesamt für Wirtschaft und Ausfuhrkontrolle
Referat 214
Postfach 5160
D-65726 Eschborn
Tel. 49 6196 908 0
Fax 49 6196 908 905

Bundesanstalt für Landwirtschaft und Ernährung
Referat 412
Postfach 18 02 03
D-60322 Frankfurt a.M.
Tel. 49 69 1564 0
Fax 49 69 1564 444

GREECE

Υπουργείο Εθνικής Οικονομίας και Οικονομικών
Γενική Γραμματεία Διεθνών Σχέσεων
Γενική Διεύθυνση Πολιτικού Προγραμματισμού και Εφαρμογής
Διεύθυνση Διεθνών Οικονομικών Θεμάτων
Τηλ.: 301 03286021, 03286051
Φαξ: 301 03286094, 03286059
E-mail: e3c@dos.gr

Ministry of Economy and Economics
General Secretariat of International Relations
General Directorate for Policy Planning and Implementation
Directory for International Economy Issues
Tel.: 301 03286021, 03286051

Fax: 301 03286094, 03286059
E-mail: e3c@dos.gr

SPAIN

Ministerio de Economía
Secretaría General de Comercio Exterior
Paseo de la Castellana 162
E-28046 Madrid
Tel.: 34 91 3493904
Fax: 34 91 3493802

Ministerio de Fomento
Dirección General de Aviación Civil
Paseo de la Castellana 67
E-28071 Madrid
Tel.: 34 91 5977000
Fax: 34 91 5975357

FRANCE

Ministère de l'économie, des finances et de l'industrie
Direction générale des douanes et droits indirects (DGDDI)
Sous-direction du commerce international
Bureau E/2 — Prohibitions, agriculture et protection du consommateur
Cellule embargo
23 bis, rue de l'Université
F-75700 Paris 07 SP
Tél. 33 1 44 74 48 93 (ou 96)
Fax 33 1 44 74 48 97

IRELAND

Licensing Unit
Department of Enterprise, Trade and Employment
Block C
Earlsfort Centre
Hatch Street
Dublin 2
Ireland
Tel.: 353 1-6312534
Fax: 353 1-6312562

ITALY

Ministero delle Attività Produttive
D. G. per la Politica Commerciale e per la Gestione del Regime degli Scambi
Divisione IV — UOPAT
Viale Boston, 35
I-00144 Roma
Dirigente:
Tel. 39 06 59647534
Fax 39 06 59647506
Collaboratori:
Tel. 39 06 59933295
Fax 39 06 59932430

LUXEMBOURG

Ministère des affaires étrangères, du commerce extérieur, de la coopération, de l'action humanitaire et de la défense
Direction des relations économiques internationales
Office des licences
BP 113
L-2011 Luxembourg
Tél. 352 478 23 70
Fax 352 46 61 38

NETHERLANDS

For agricultural products

Ministerie van Landbouw
Directie Juridische Zaken
Postbus 20401
2500 EK Den Haag
Nederland
tel.: 31 70 378 4481
fax: 31 70 378 6127

For other exports

Belastingdienst/Douane centrale dienst voor in- en uitvoer
Postbus 30003
9700 RD Groningen
Nederland
tel.: 31 50 5239111
fax: 31 50 5260698
e-mailadres: cdiusgs@bart.nl

For flights to Iraq

Ministerie van Verkeer en Waterstaat
Directoraat Generaal Luchtvaart
Postbus 90771
2509 LT Den Haag
Nederland
tel.: 31 70 351 7526
fax: 31 70 356 3450

AUSTRIA

Bundesministerium für Wirtschaft und Arbeit
Abteilung C/2/2
Außenwirtschaftsadministration
Landstraßer Hauptstrasse 55-57
A-1030 Wien
Tel. 43 1 71100/8327
Fax 43 1 71100/8386

PORTUGAL

Ministério dos Negócios Estrangeiros
Direcção Geral dos Assuntos Multilaterais
Serviços das Organizações Políticas Internacionais

Largo do Rivas, P-1399-030 Lisboa
e-mail: mne_dgam_spm@hotmail.com
Tel.: 351 21 3946702
Fax: 351 21 3946073

FINLAND

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

SWEDEN

Utrikesdepartementet
Rättsssekretariatet för EU-frågor
S-103 39 Stockholm
Tel.: 46 8 405 1000
Fax: 46 8 723 1176

UNITED KINGDOM

Sanctions Licensing Unit
Department for Trade and Industry (DTI)
Bay 310
4 Abbey Orchard Street
London SW1P 2HT
United Kingdom
Tel.: 44 20 7215 0594
Fax: 44 20 7215 0593

EUROPEAN COMMUNITY

Commission of the European Communities
Directorate-general for External Relations
Directorate CFSP
Unit A.2/Mr A. de Vries
Rue de la Loi/Wetstraat 200
B-1049 Bruxelles/Brussel
Tel.: 32 2 295 68 80
Fax: 32 2 296 75 63
E-mail: anthonius.de-vries@cec.eu.int

ANNEX II

Form to be filled out for notification of exports to Iraq, application for approval of such exports or application for payment for such exports from the UN escrow account, as referred to in Article 2(4) of Regulation (EC) No 2465/96

May 2002 REVISED

SECURITY COUNCIL COMMITTEE ESTABLISHED BY RESOLUTION 661 (1990) CONCERNING THE SITUATION BETWEEN IRAQ AND KUWAIT NOTIFICATION OR REQUEST TO SHIP GOODS TO IRAQ For further guidance regarding completion of application please consult OIP web site (www.un.org/Depts/oip/index)			
<i>(TO BE COMPLETED BY THE SECRETARIAT)</i>			
COMM. No.	REGISTRATION DATE	DATE RECEIVED BY UNMOVIC/IAEA (if applicable)	DATE SENT TO THE COMMITTEE (if applicable)
<i>(TO BE COMPLETED BY PROSPECTIVE EXPORTING COUNTRY or INTERNATIONAL ORGANISATION)</i>			
1. MISSION OR INTERNATIONAL ORGANISATION		2. CERTIFYING SIGNATURE AND OFFICIAL SEAL	
3. DATE OF SUBMISSION		4. MISSION REFERENCE No.	
5. GOODS TO BE SHIPPED (General description of the goods)		6. NUMBER OF LINE ITEMS ON THE EXCEL FORM ATTACHMENT	7. TOTAL VALUE
		8. CURRENCY ISO CODE	
9. EXPORTER Name: Address: Country: Phone/Fax/E-mail:		10. ORIGIN of GOODS (if different from applicant State)	
11. RECEIVING COMPANY/ORG. Name: Address: Phone/Fax/E-mail:		12. SHIPPING ARRANGEMENTS: Select ONE Point of Entry into Iraq ☐ Trebil ☐ Al Waleed ☐ Zakho ☐ Umm Qasr	
13. END USER entity (if different from receiving company/org.) Name: Address: Phone/Fax/E-mail:		14. END USE Provide details of intended end-use. (attach additional sheets if necessary)	

15. METHOD OF PAYMENT

☐ **From the Iraq Account in accordance
SC resolution 986 (1995)**☐ **By other arrangement** (in this case, disregard page 2) **with**

In this case, please fill out PAGE 2

(Relevant documentation including contract(s) must be attached)

16. ADDITIONAL INFORMATION:

(Attach additional sheet if necessary)

**IF THIS NOTIFICATION OR REQUEST TO SHIP GOODS TO IRAQ
IS TO BE PAID FROM THE IRAQ ACCOUNT
IN ACCORDANCE WITH SC RESOLUTION 986(1995)
PLEASE FILL OUT THESE ADDITIONAL BOXES
(see box 15 on page 1)**

MISSION REFERENCE No.:

17. IDENTICAL GOODS PREVIOUSLY SUBMITTED:

Indicate whether or not you have previously submitted an application for IDENTICAL goods.

☐ **YES** ☐ **NO** ☐ **UNABLE TO DETERMINE**

If **YES** provide Comm. number reference(s) with respective item number(s)

18. DETAILED LIST OF GOODS:

Indicate whether or not the scope of supply includes any spare parts, accessories, sets, kits, tool boxes, tools, equipment, special tools, lots or consumables.

☐ **YES** ☐ **NO**

If **YES** indicate whether or not all components of the spare parts, accessories, sets, kits, tool boxes, tools, equipment, special tools, lots or consumables have been listed as separate line items with the relevant description, quantity and price on the attached Excel format application.

☐ **YES** ☐ **NO** (in this case, the document will not be registered by the Secretariat)

19. TECHNICAL INFORMATION:

Indicate whether or not the scope of the supply includes (separately or as part of larger item) any of the goods and/or technology specified on the OIP web site (www.un.org/Depts/oip/cpmd/delays)

☐ **YES** ☐ **NO**

If **YES** indicate whether or not the relevant technical specification form for each item has been completed and attached to the application.

☐ **YES** ☐ **NO**

20. GRL RELATED ITEM(S) AND/OR TECHNOLOGY:

Indicate whether or not the scope of supply includes any item included in the Goods Review List (GRL). The GRL may be accessed via the OIP web site (www.un.org/Depts/oip...).

☐ **YES** ☐ **NO** ☐ **UNABLE TO DETERMINE**

If **YES** indicate below the line item number and description as from the Excel sheet of these goods considered to be included in the GRL.

Line item No.

Description

GRL Ref. No.

(attach additional sheets if necessary)

IMPORTANT NOTICE

The following attachments are compulsory

- 1) Excel form application listing IN DETAIL all goods (including all spare parts, accessories . . .) + diskette
- 2) Contract signed by both parties with all attachments, enclosures and annexes
- 3) All relevant documentations and/or technical specifications of the goods (e.g. brochures, pictures, diagrams, chemical composition, material composition, etc.).

For further guidance regarding completion of application please consult OIP web site (www.un.org/Depts/oip/index)

ANNEX III

Paragraph 8 of Resolution 986(1995)
as referred to in Article 4 of Regulation (EC) No 2465/96

8. Decides that the funds in the escrow account shall be used to meet the humanitarian needs of the Iraqi population and for the following other purposes, and requests the Secretary-General to use the funds deposited in the escrow account:
- (a) To finance the export to Iraq, in accordance with the procedures of the Committee established by resolution 661(1990), of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs, as referred to in paragraph 20 of resolution 687(1991) provided that:
 - (i) Each export of goods is at the request of the Government of Iraq;
 - (ii) Iraq effectively guarantees their equitable distribution, on the basis of a plan submitted to and approved by the Secretary-General, including a description of the goods to be purchased;
 - (iii) The Secretary-General receives authenticated confirmation that the exported goods concerned have arrived in Iraq;
 - (b) To complement, in view of the exceptional circumstances prevailing in the three Governorates mentioned below, the distribution by the Government of Iraq of goods imported under this resolution, in order to ensure an equitable distribution of humanitarian relief to all segments of the Iraqi population throughout the country, by providing between 130 million and 150 million United States dollars every 90 days to the United Nations Inter-Agency Humanitarian Programme operating within the sovereign territory of Iraq in the three northern Governorates of Dihouk, Arbil and Suleimaniyeh, except that if less than one billion United States dollars worth of petroleum or petroleum products is sold during any 90 day period, the Secretary-General may provide a proportionately smaller amount for this purpose;
 - (c) To transfer to the Compensation Fund the same percentage of the funds deposited in the escrow account as that decided by the Council in paragraph 2 of resolution 705(1991) of 15 August 1991;
 - (d) To meet the costs to the United Nations of the independent inspection agents and the certified public accountants and the activities associated with implementation of this resolution;
 - (e) To meet the current operating costs of the Special Commission, pending subsequent payment in full of the costs of carrying out the tasks authorised by section C of resolution 687(1991);
 - (f) To meet any reasonable expenses, other than expenses payable in Iraq, which are determined by the Committee established by resolution 661(1990) to be directly related to the export by Iraq of petroleum and petroleum products permitted under paragraph 1 above or to the export to Iraq, and activities directly necessary therefor, of the parts and equipment permitted under paragraph 9 below;
 - (g) To make available up to 10 million United States dollars every 90 days from the funds deposited in the escrow account for the payments envisaged under paragraph 6 of resolution 778(1992) of 2 October 1992.
-

ANNEX IV

Model of confirmation referred to in Article 2(6) of Regulation (EC) No 2465/96 ⁽¹⁾EUROPEAN COMMUNITY
EXPORTS TO IRAQ

CONFIRMATION PURSUANT TO ARTICLE 2(5) OF REGULATION (EC) No 2465/96

1. Date and reference no. of request or notification to UN	2. Competent authority (name, full address) ⁽²⁾
3. Date and reference no. of reply from UN	4. Confirms information given by ☐ Office of Iraq Programme (OIP) ☐ Committee established by Resolution 661
5. General description of the goods ⁽³⁾	6. Exporter (name, full address)
7. Point of Entry into Iraq ☐ Trebil ☐ Al Waleed ☐ Zakho ☐ Umm Qasr ☐ Other	8. Receiving company/organisation (name, full address)
9. On behalf of the competent authority at 2 the undersigned confirms that the OIP has notified that the export of the commodities or products described at 5 may proceed without prior approval by the Committee established by Resolution 661(1990) of the Security Council of the UN. If a request for payment from the UN escrow account was made, the exports will be paid from that account under the conditions set out in paragraph 8(a) of Resolution 986(1995). This confirmation shall be valid until (date ⁽⁴⁾) Done at (place, date) Name (in block letters) Stamp ⁽⁵⁾ (signature)	
10. On behalf of the competent authority at 2 the undersigned confirms that the Committee established by Resolution 661(1990) of the Security Council of the UN has approved the exportation to Iraq of the commodities or products described at 5, under the terms and conditions described in the request. The approval is/is not ⁽⁶⁾ subject to additional conditions, which are summarised/reproduced ⁽⁶⁾ overleaf. This confirmation shall be valid until (date ⁽⁴⁾) Done at (place, date) Name (in block letters) Stamp ⁽⁵⁾ (signature)	
11. On behalf of the competent authority at 2 the undersigned confirms that that competent authority has notified to the Committee established by Resolution 661(1990) of the Security Council of the UN the exportation to Iraq of the foodstuffs described at 5, pursuant to Article 2(2)(b) of Regulation (EC) No 2465/96. Done at (place, date) Name (in block letters) Stamp ⁽⁵⁾ (signature)	
12. Remarks: none/see overleaf ⁽⁶⁾	
THIS CONFIRMATION IS NOT AN EXPORT AUTHORISATION AS REFERRED TO IN COUNCIL REGULATION (EC) No 1334/2000 AND OTHER RELEVANT EC REGULATIONS.	

**EUROPEAN COMMUNITY
EXPORTS TO IRAQ***CONFIRMATION PURSUANT TO ARTICLE 2(5) OF REGULATION (EC) No 2465/96***(additional information)**

1. Date and reference no. of request or notification to UN
5. General description of the goods (continued)
Done at (place, date) Name (in block letters) Stamp ⁽⁵⁾ (signature)
10. Additional conditions
Done at (place, date) Name (in block letters) Stamp ⁽⁵⁾ (signature)
12. Remarks
Stamp ⁽⁵⁾

⁽¹⁾ Do not use this form to confirm that a request for authorisation has been rejected by the UN.⁽²⁾ Competent authority of the Member State that has presented the request to the UN.⁽³⁾ The description must be identical to the answer to question 5 in the form "Notification or request to ship goods to Iraq", unless only some of the goods referred to in that answer, are concerned, and to the data in the customs declaration. Use box overleaf, if necessary.⁽⁴⁾ The date must be identical to the date of validity of the reply referred to at 3.⁽⁵⁾ Stamp of the competent authority at 2. Do not put any stamp, if the box is not filled out.⁽⁶⁾ Delete what is not appropriate.

ANNEX V

Model of authorisation referred to in Article 2(7) of Regulation (EC) No 2465/96

EUROPEAN COMMUNITY

PRIOR AUTHORISATION
MEDICAL EXPORTS TO IRAQAUTHORISATION TO EXPORT TO IRAQ PURSUANT TO ARTICLE 2(2)(a) OF REGULATION (EC) No 2465/96 ⁽¹⁾

Not valid for exports other than products intended strictly for medical purposes	ORIGINAL
1. Applicant (name, full address, country)	2. Competent authority (name, full address)
3. General description of the goods ⁽²⁾ CN code	4. Authorisation no. Date Period of validity
5. Place and date of shipment Means of transport	6. End-user/Final destination (name, full address, country)
7. Point of Entry into Iraq ☐ Trebil ☐ Al Waleed ☐ Zakho ☐ Umm Qasr ☐ Other	8. Request for payment from escrow account under Oil for Food Programme ☐ No ☐ Yes, but not accepted ☐ Yes, confirmation of acceptance issued by on (date)
9. Detailed description of the goods (information on number of packages, nature of packaging, distinctive features, weight, value) ⁽³⁾	
10. Additional conditions ⁽³⁾	
11. The undersigned certifies that, pursuant to Article 2(2)(a) of Regulation (EC) No 2465/96 and subject to the conditions and modalities set out in this form, the competent authority at 2 has authorised the export from/transit through the Community ⁽⁵⁾ to Iraq of the products intended strictly for medical purposes, as described at 3 and 9. Done at (place, date) Name (in block letters) (stamp) (stamp) (stamp)	
12. Remarks: none/see overleaf ⁽⁵⁾	

COMMISSION REGULATION (EC) No 1347/2002**of 25 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 26 July 2002.

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

Done at Brussels, 25 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 25 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
	064	75,1
	096	30,6
	999	63,6
0707 00 05	052	83,4
	999	83,4
0709 90 70	052	72,7
	999	72,7
0805 50 10	388	56,3
	524	72,9
	528	55,5
	999	61,6
0806 10 10	052	148,1
	220	97,3
	508	86,5
	512	89,8
	600	147,8
	624	207,5
	999	129,5
0808 10 20, 0808 10 50, 0808 10 90	388	91,4
	400	118,6
	404	94,8
	508	85,1
	512	88,0
	524	62,5
	528	75,1
	720	149,5
	800	99,9
	804	106,2
0808 20 50	999	97,1
	388	86,4
	512	80,4
	528	78,6
	804	114,1
0809 10 00	999	89,9
	052	155,0
	064	171,1
0809 20 95	999	163,1
	052	386,5
	400	252,8
	404	249,4
	616	281,4
0809 30 10, 0809 30 90	999	292,5
	052	125,3
	999	125,3
0809 40 05	064	59,7
	624	157,7
	999	108,7

⁽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 1348/2002**of 25 July 2002****fixing the representative prices and the additional import duties for molasses in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the market in sugar ⁽¹⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽²⁾,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 26 July 2002.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 141, 24.6.1995, p. 12.

⁽⁴⁾ OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 25 July 2002.

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

ANNEX

to the Commission Regulation of 25 July 2002 fixing the representative prices and additional import duties to imports of molasses in the sugar sector

(in EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	8,40	—	0
1703 90 00 ⁽¹⁾	11,90	—	0

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

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

COMMISSION REGULATION (EC) No 1349/2002**of 25 July 2002****altering the export refunds on white sugar and raw sugar exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽²⁾, and in particular the third subparagraph of Article 27(5) thereof,

Whereas:

- (1) The refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 1307/2002 ⁽³⁾.
- (2) It follows from applying the detailed rules contained in Regulation (EC) No 1307/2002 to the information known to the Commission that the export refunds at

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 1307/2002 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 26 July 2002.

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

Done at Brussels, 25 July 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 191, 19.7.2002, p. 17.

ANNEX

to the Commission Regulation of 25 July 2002 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	A00	EUR/100 kg	39,69 ⁽¹⁾
1701 11 90 9910	A00	EUR/100 kg	40,06 ⁽¹⁾
1701 11 90 9950	A00	EUR/100 kg	⁽²⁾
1701 12 90 9100	A00	EUR/100 kg	39,69 ⁽¹⁾
1701 12 90 9910	A00	EUR/100 kg	40,06 ⁽¹⁾
1701 12 90 9950	A00	EUR/100 kg	⁽²⁾
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,4315
1701 99 10 9100	A00	EUR/100 kg	43,15
1701 99 10 9910	A00	EUR/100 kg	43,55
1701 99 10 9950	A00	EUR/100 kg	43,55
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,4315

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

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

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

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

**COMMISSION REGULATION (EC) No 1350/2002
of 25 July 2002**

**fixing the maximum export refund for white sugar for the 48th partial invitation to tender issued
within the framework of the standing invitation to tender provided for in Regulation (EC) No
1430/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽²⁾, and in particular Article 27(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1430/2001 of 13 July 2001 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽³⁾, as amended by Regulation (EC) No 693/2002 ⁽⁴⁾, for the 2001/2002 marketing year, requires partial invitations to tender to be issued for the export of this sugar.
- (2) Pursuant to Article 9(1) of Regulation (EC) No 1430/2001 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community

and world markets in sugar, for the partial invitation to tender in question.

- (3) Following an examination of the tenders submitted in response to the 48th partial invitation to tender, the provisions set out in Article 1 should be adopted.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

For the 48th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1430/2001 the maximum amount of the export refund is fixed at 47,250 EUR/100 kg.

Article 2

This Regulation shall enter into force on 26 July 2002.

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

Done at Brussels, 25 July 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 192, 14.7.2001, p. 3.

⁽⁴⁾ OJ L 107, 24.4.2002, p. 5.

COMMISSION REGULATION (EC) No 1351/2002
of 25 July 2002
fixing the export refunds on products processed from 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 organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13(3) thereof,

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

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 and Article 13 of Regulation (EC) No 3072/95 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund.
- (2) Article 13 of Regulation (EC) No 3072/95 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other. The same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market.
- (3) Article 4 of Commission Regulation (EC) No 1518/95 ⁽⁵⁾, as amended by Regulation (EC) No 2993/95 ⁽⁶⁾, on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated.
- (4) The refund to be granted in respect of certain processed products should be graduated on the basis of the ash,

crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product.

- (5) There is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products. For certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time.
- (6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (7) The refund must be fixed once a month. It may be altered in the intervening period.
- (8) Certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinized starch, no export refund is to be granted.
- (9) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(d) of Regulation (EEC) No 1766/92 and in Article 1(1)(c) of Regulation (EC) No 3072/95 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 26 July 2002.

⁽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 147, 30.6.1995, p. 55.

⁽⁶⁾ OJ L 312, 23.12.1995, p. 25.

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

Done at Brussels, 25 July 2002.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 25 July 2002 fixing the export refunds on products processed from cereals and rice

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 ⁽¹⁾	C11	EUR/t	34,72	1104 23 10 9100	C14	EUR/t	37,20
1102 20 10 9400 ⁽¹⁾	C11	EUR/t	29,76	1104 23 10 9300	C14	EUR/t	28,52
1102 20 90 9200 ⁽¹⁾	C11	EUR/t	29,76	1104 29 11 9000	C13	EUR/t	0,00
1102 90 10 9100	C14	EUR/t	0,00	1104 29 51 9000	C13	EUR/t	0,00
1102 90 10 9900	C14	EUR/t	0,00	1104 29 55 9000	C13	EUR/t	0,00
1102 90 30 9100	C15	EUR/t	0,00	1104 30 10 9000	C13	EUR/t	0,00
1103 19 40 9100	C16	EUR/t	0,00	1104 30 90 9000	C14	EUR/t	6,20
1103 13 10 9100 ⁽¹⁾	C14	EUR/t	44,64	1107 10 11 9000	C13	EUR/t	0,00
1103 13 10 9300 ⁽¹⁾	C14	EUR/t	34,72	1107 10 91 9000	C13	EUR/t	0,00
1103 13 10 9500 ⁽¹⁾	C14	EUR/t	29,76	1108 11 00 9200	C10	EUR/t	0,00
1103 13 90 9100 ⁽¹⁾	C14	EUR/t	29,76	1108 11 00 9300	C10	EUR/t	0,00
1103 19 10 9000	C16	EUR/t	2,53	1108 12 00 9200	C10	EUR/t	39,68
1103 19 30 9100	C14	EUR/t	0,00	1108 12 00 9300	C10	EUR/t	39,68
1103 20 60 9000	C16	EUR/t	0,00	1108 13 00 9200	C10	EUR/t	39,68
1103 20 20 9000	C14	EUR/t	0,00	1108 13 00 9300	C10	EUR/t	39,68
1104 19 69 9100	C14	EUR/t	0,00	1108 19 10 9200	C10	EUR/t	34,96
1104 12 90 9100	C13	EUR/t	0,00	1108 19 10 9300	C10	EUR/t	34,96
1104 12 90 9300	C13	EUR/t	0,00	1109 00 00 9100	C10	EUR/t	0,00
1104 19 10 9000	C13	EUR/t	0,00	1702 30 51 9000 ⁽²⁾	C10	EUR/t	38,87
1104 19 50 9110	C14	EUR/t	39,68	1702 30 59 9000 ⁽²⁾	C10	EUR/t	29,76
1104 19 50 9130	C14	EUR/t	32,24	1702 30 91 9000	C10	EUR/t	38,87
1104 29 01 9100	C14	EUR/t	0,00	1702 30 99 9000	C10	EUR/t	29,76
1104 29 03 9100	C14	EUR/t	0,00	1702 40 90 9000	C10	EUR/t	29,76
1104 29 05 9100	C14	EUR/t	0,00	1702 90 50 9100	C10	EUR/t	38,87
1104 29 05 9300	C14	EUR/t	0,00	1702 90 50 9900	C10	EUR/t	29,76
1104 22 20 9100	C13	EUR/t	0,00	1702 90 75 9000	C10	EUR/t	40,73
1104 22 30 9100	C13	EUR/t	0,00	1702 90 79 9000	C10	EUR/t	28,27
				2106 90 55 9000	C10	EUR/t	29,76

⁽¹⁾ No refund shall be granted on products given a heat treatment resulting in pregelatinisation of the starch.

⁽²⁾ Refunds are granted in accordance with Council Regulation (EEC) No 2730/75 (OJ L 281, 1.11.1975, p. 20), as amended.

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

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

The other destinations are as follows:

C10: All destinations except for Estonia,

C11: All destinations except for Estonia, Hungary, and Poland,

C12: All destinations except for Estonia, Hungary, Latvia and Poland,

C13: All destinations except for Estonia, Hungary and Lithuania,

C14: All destinations except for Estonia and Hungary,

C15: All destinations except for Estonia, Hungary, Latvia, Lithuania and Poland,

C16: All destinations except for Estonia, Hungary, Latvia and Lithuania.

COMMISSION REGULATION (EC) No 1352/2002
of 25 July 2002
fixing the export refunds on cereal-based compound feedingstuffs

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 organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EEC) No 1766/92 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and 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 ⁽³⁾ in Article 2 lays down general rules for fixing the amount of such refunds.
- (3) That calculation must also take account of the cereal products content. In the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products. A refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff.

- (4) Furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export.
- (5) However, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported.
- (6) The refund must be fixed once a month; whereas it may be altered in the intervening period.
- (7) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EEC) No 1766/92 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 26 July 2002.

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

Done at Brussels, 25 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 147, 30.6.1995, p. 51.

ANNEX

to the Commission Regulation of 25 July 2002 fixing the export refunds on cereal-based compound feedingstuffs

Product codes benefiting from export refund:

2309 10 11 9000, 2309 10 13 9000, 2309 10 31 9000,
2309 10 33 9000, 2309 10 51 9000, 2309 10 53 9000,
2309 90 31 9000, 2309 90 33 9000, 2309 90 41 9000,
2309 90 43 9000, 2309 90 51 9000, 2309 90 53 9000.

Cereal products	Destination	Unit of measurement	Amount of refunds
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	C10	EUR/t	24,80
Cereal products excluding maize and maize products	C10	EUR/t	0,00

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

The other destinations are as follows:

C10 All destinations except for Estonia.

COMMISSION REGULATION (EC) No 1353/2002**of 25 July 2002****fixing the rates of the refunds applicable to certain cereal and rice-products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (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(3) 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 13(3) thereof,

Whereas:

- (1) Article 13(1) of Regulation (EEC) No 1766/92 and Article 13(1) of Regulation (EC) No 3072/95 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds⁽⁵⁾, as last amended by Regulation (EC) No 1052/2002⁽⁶⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 as appropriate.
- (3) In accordance with the first subparagraph of Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.
- (4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

- (5) Now that a settlement has been reached between the European Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC⁽⁷⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.
- (6) Pursuant to Article 4(3) and (5) of Regulation (EC) No 1520/2000 provides that a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Council Regulation (EEC) No 1722/93⁽⁸⁾, as last amended by Commission Regulation (EC) No 1786/2001⁽⁹⁾, for the basic product in question, used during the assumed period of manufacture of the goods.
- (7) Spirituous beverages are considered less sensitive to the price of the cereals used in their manufacture. However, Protocol 19 of the Act of Accession of the United Kingdom, Ireland and Denmark stipulates that the necessary measures must be decided to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals. Accordingly, it is necessary to adapt the refund rate applying to cereals exported in the form of spirituous beverages.
- (8) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.
- (9) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1(1) of Regulation (EC) No 3072/95, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to amended Regulation (EC) No 3072/95 respectively, are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 26 July 2002.

⁽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 177, 15.7.2000, p. 1.

⁽⁶⁾ OJ L 160, 18.6.2002, p. 16.

⁽⁷⁾ OJ L 275, 29.9.1987, p. 36.

⁽⁸⁾ OJ L 159, 1.7.1993, p. 112.

⁽⁹⁾ OJ L 242, 12.9.2001, p. 3.

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

Done at Brussels, 25 July 2002.

For the Commission
Erkki LIIKANEN
Member of the Commission

ANNEX

to the Commission Regulation of 25 July 2002 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in other cases	— —	— —
1001 90 99	Common wheat and meslin: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in other cases: – – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where goods falling within subheading 2208 ⁽³⁾ are exported – – in other cases	— — — — —	— — — — —
1002 00 00	Rye	0,253	0,253
1003 00 90	Barley – where goods falling within subheading 2208 ⁽³⁾ are exported – in other cases	— —	— —
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of: – starch: – – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where goods falling within subheading 2208 ⁽³⁾ are exported – – in other cases – glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽⁴⁾ : – – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where goods falling within subheading 2208 ⁽³⁾ are exported – – in other cases – where goods falling within subheading 2208 ⁽³⁾ are exported – other (including unprocessed) Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize: – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where goods falling within subheading 2208 ⁽³⁾ are exported – in other cases	2,480 1,332 2,480 1,860 0,999 1,860 1,332 2,480 2,480 1,332 2,480	2,480 1,332 2,480 1,860 0,999 1,860 1,332 2,480 2,480 1,332 2,480

(EUR/100 kg)			
CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly-milled rice:		
	– round grain	9,500	9,500
	– medium grain	9,500	9,500
	– long grain	9,500	9,500
1006 40 00	Broken rice	2,300	2,300
1007 00 90	Sorghum	—	—

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E of amended Commission Regulation (EC) No 1520/2000 shall be applied (OJ L 177, 15.7.2000, p. 1).

⁽²⁾ The goods concerned fall under CN code 3505 10 50.

⁽³⁾ Goods listed in Annex B of Council Regulation (EEC) No 1766/92 or referred to in Article 2 of Regulation (EEC) No 2825/93.

⁽⁴⁾ For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

COMMISSION REGULATION (EC) No 1354/2002
of 25 July 2002
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Commission Regulation (EC) No 509/2002 ⁽²⁾, and in particular Article 31(3) thereof,

Whereas:

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

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

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

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

which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

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

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

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

(6) In accordance with Article 16 of Commission Regulation (EC) No 174/1999 of 26 January 1999 on specific detailed rules for the application of Council Regulation (EC) No 804/68 as regards export licences and export refunds on milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 1166/2002 ⁽⁴⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components; one is intended to take account of the quantity of milk products and is calculated by multiplying the basic amount by the milk products content in the product concerned; the other is intended to take account of the quantity of added sucrose and is calculated by multiplying the sucrose content of the entire product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1(1)(d) of Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽⁵⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽⁶⁾, however, this second component is applied only if the added sucrose has been produced using sugar beet or cane harvested in the Community.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 20, 27.1.1999, p. 8.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 51.

⁽⁵⁾ OJ L 178, 30.6.2001, p. 1.

⁽⁶⁾ OJ L 104, 20.4.2002, p. 26.

- (7) Commission Regulation (EEC) No 896/84 ⁽¹⁾, as last amended by Regulation (EEC) No 222/88 ⁽²⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; those provisions provide for the possibility of varying refunds according to the date of manufacture of the products.
- (8) For the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account.
- (9) It follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation.

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds referred to in Article 31 of Regulation (EC) No 1255/1999 on products exported in the natural state shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 26 July 2002.

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

Done at Brussels, 25 July 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 91, 1.4.1984, p. 71.

⁽²⁾ OJ L 28, 1.2.1988, p. 1.

ANNEX

to the Commission Regulation of 25 July 2002 fixing the export refunds on milk and milk products

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0401 10 10 9000	970	EUR/100 kg	2,458	0402 91 39 9300	L06	EUR/100 kg	8,058
0401 10 90 9000	970	EUR/100 kg	2,458	0402 91 99 9000	L06	EUR/100 kg	43,93
0401 20 11 9100	970	EUR/100 kg	2,458	0402 99 11 9350	L06	EUR/kg	0,1734
0401 20 11 9500	970	EUR/100 kg	3,798	0402 99 19 9350	L06	EUR/kg	0,1734
0401 20 19 9100	970	EUR/100 kg	2,458	0402 99 31 9150	L06	EUR/kg	0,1816
0401 20 19 9500	970	EUR/100 kg	3,798	0402 99 31 9300	L06	EUR/kg	0,2629
0401 20 91 9000	970	EUR/100 kg	4,806	0402 99 31 9500	L06	EUR/kg	0,4530
0401 20 99 9000	970	EUR/100 kg	4,806	0402 99 39 9150	L06	EUR/kg	0,1816
0401 30 11 9400	970	EUR/100 kg	11,09	0403 90 11 9000	L06	EUR/100 kg	83,81
0401 30 11 9700	970	EUR/100 kg	16,66	0403 90 13 9200	L06	EUR/100 kg	83,81
0401 30 19 9700	970	EUR/100 kg	16,66	0403 90 13 9300	L06	EUR/100 kg	105,76
0401 30 31 9100	L06	EUR/100 kg	40,46	0403 90 13 9500	L06	EUR/100 kg	111,23
0401 30 31 9400	L06	EUR/100 kg	63,20	0403 90 13 9900	L06	EUR/100 kg	119,82
0401 30 31 9700	L06	EUR/100 kg	69,70	0403 90 19 9000	L06	EUR/100 kg	120,45
0401 30 39 9100	L06	EUR/100 kg	40,46	0403 90 33 9400	L06	EUR/kg	1,0576
0401 30 39 9400	L06	EUR/100 kg	63,20	0403 90 33 9900	L06	EUR/kg	1,1982
0401 30 39 9700	L06	EUR/100 kg	69,70	0403 90 51 9100	970	EUR/100 kg	2,458
0401 30 91 9100	L06	EUR/100 kg	79,43	0403 90 59 9170	970	EUR/100 kg	16,66
0401 30 91 9500	L06	EUR/100 kg	116,74	0403 90 59 9310	L06	EUR/100 kg	40,46
0401 30 99 9100	L06	EUR/100 kg	79,43	0403 90 59 9340	L06	EUR/100 kg	59,20
0401 30 99 9500	L06	EUR/100 kg	116,74	0403 90 59 9370	L06	EUR/100 kg	59,20
0402 10 11 9000	L06	EUR/100 kg	85,00	0403 90 59 9510	L06	EUR/100 kg	59,20
0402 10 19 9000	L06	EUR/100 kg	85,00	0404 90 21 9120	L06	EUR/100 kg	72,52
0402 10 91 9000	L06	EUR/kg	0,8500	0404 90 21 9160	L06	EUR/100 kg	85,00
0402 10 99 9000	L06	EUR/kg	0,8500	0404 90 23 9120	L06	EUR/100 kg	85,00
0402 21 11 9200	L06	EUR/100 kg	85,00	0404 90 23 9130	L06	EUR/100 kg	106,39
0402 21 11 9300	L06	EUR/100 kg	106,39	0404 90 23 9140	L06	EUR/100 kg	112,31
0402 21 11 9500	L06	EUR/100 kg	112,31	0404 90 23 9150	L06	EUR/100 kg	120,90
0402 21 11 9900	L06	EUR/100 kg	120,90	0404 90 29 9110	L06	EUR/100 kg	121,76
0402 21 17 9000	L06	EUR/100 kg	85,00	0404 90 29 9115	L06	EUR/100 kg	122,68
0402 21 19 9300	L06	EUR/100 kg	106,39	0404 90 29 9125	L06	EUR/100 kg	123,95
0402 21 19 9500	L06	EUR/100 kg	112,31	0404 90 29 9140	L06	EUR/100 kg	135,61
0402 21 19 9900	L06	EUR/100 kg	120,90	0404 90 81 9100	L06	EUR/kg	0,8500
0402 21 91 9100	L06	EUR/100 kg	121,71	0404 90 83 9110	L06	EUR/kg	0,8500
0402 21 91 9200	L06	EUR/100 kg	122,69	0404 90 83 9130	L06	EUR/kg	1,0639
0402 21 91 9350	L06	EUR/100 kg	123,88	0404 90 83 9150	L06	EUR/kg	1,1231
0402 21 91 9500	L06	EUR/100 kg	135,55	0404 90 83 9170	L06	EUR/kg	1,2090
0402 21 99 9100	L06	EUR/100 kg	121,71	0404 90 83 9936	L06	EUR/kg	0,1734
0402 21 99 9200	L06	EUR/100 kg	122,69	0405 10 11 9500	L05	EUR/100 kg	180,49
0402 21 99 9300	L06	EUR/100 kg	123,88	0405 10 11 9700	L05	EUR/100 kg	185,00
0402 21 99 9400	L06	EUR/100 kg	132,38	0405 10 19 9500	L05	EUR/100 kg	180,49
0402 21 99 9500	L06	EUR/100 kg	135,55	0405 10 19 9700	L05	EUR/100 kg	185,00
0402 21 99 9600	L06	EUR/100 kg	147,05	0405 10 30 9100	L05	EUR/100 kg	180,49
0402 21 99 9700	L06	EUR/100 kg	153,41	0405 10 30 9300	L05	EUR/100 kg	185,00
0402 21 99 9900	L06	EUR/100 kg	160,93	0405 10 30 9700	L05	EUR/100 kg	185,00
0402 29 15 9200	L06	EUR/kg	0,8500	0405 10 50 9300	L05	EUR/100 kg	185,00
0402 29 15 9300	L06	EUR/kg	1,0641	0405 10 50 9500	L05	EUR/100 kg	180,49
0402 29 15 9500	L06	EUR/kg	1,1234	0405 10 50 9700	L05	EUR/100 kg	185,00
0402 29 15 9900	L06	EUR/kg	1,2090	0405 10 90 9000	L05	EUR/100 kg	191,78
0402 29 19 9300	L06	EUR/kg	1,0641	0405 20 90 9500	L05	EUR/100 kg	169,22
0402 29 19 9500	L06	EUR/kg	1,1234	0405 20 90 9700	L05	EUR/100 kg	175,98
0402 29 19 9900	L06	EUR/kg	1,2090	0405 90 10 9000	L05	EUR/100 kg	235,07
0402 29 91 9000	L06	EUR/kg	1,2171	0405 90 90 9000	L05	EUR/100 kg	185,00
0402 29 99 9100	L06	EUR/kg	1,2171	0406 10 20 9100	A00	EUR/100 kg	—
0402 29 99 9500	L06	EUR/kg	1,3238	0406 10 20 9230	L03	EUR/100 kg	—
0402 91 11 9370	L06	EUR/100 kg	6,804		L04	EUR/100 kg	39,41
0402 91 19 9370	L06	EUR/100 kg	6,804		400	EUR/100 kg	—
0402 91 31 9300	L06	EUR/100 kg	8,058		A01	EUR/100 kg	39,41

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 10 20 9290	L03	EUR/100 kg	—	0406 30 31 9910	L03	EUR/100 kg	—
	L04	EUR/100 kg	36,66		L04	EUR/100 kg	8,10
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	36,66		A01	EUR/100 kg	15,17
0406 10 20 9300	L03	EUR/100 kg	—	0406 30 31 9930	L03	EUR/100 kg	—
	L04	EUR/100 kg	16,09		L04	EUR/100 kg	11,87
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	16,09		A01	EUR/100 kg	22,26
0406 10 20 9610	L03	EUR/100 kg	—	0406 30 31 9950	L03	EUR/100 kg	—
	L04	EUR/100 kg	53,46		L04	EUR/100 kg	17,26
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	53,46		A01	EUR/100 kg	32,38
0406 10 20 9620	L03	EUR/100 kg	—	0406 30 39 9500	L03	EUR/100 kg	—
	L04	EUR/100 kg	54,22		L04	EUR/100 kg	11,87
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	54,22		A01	EUR/100 kg	22,26
0406 10 20 9630	L03	EUR/100 kg	—	0406 30 39 9700	L03	EUR/100 kg	—
	L04	EUR/100 kg	60,52		L04	EUR/100 kg	17,26
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	60,52		A01	EUR/100 kg	32,38
0406 10 20 9640	L03	EUR/100 kg	—	0406 30 39 9930	L03	EUR/100 kg	—
	L04	EUR/100 kg	88,94		L04	EUR/100 kg	17,26
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	88,94		A01	EUR/100 kg	32,38
0406 10 20 9650	L03	EUR/100 kg	—	0406 30 39 9950	L03	EUR/100 kg	—
	L04	EUR/100 kg	74,11		L04	EUR/100 kg	19,53
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	74,11		A01	EUR/100 kg	36,60
0406 10 20 9660	A00	EUR/100 kg	—	0406 30 90 9000	L03	EUR/100 kg	—
0406 10 20 9830	L03	EUR/100 kg	—		L04	EUR/100 kg	20,48
	L04	EUR/100 kg	27,49		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	38,40
0406 10 20 9850	A01	EUR/100 kg	27,49	0406 40 50 9000	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	94,14
	L04	EUR/100 kg	33,33		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	94,14
0406 10 20 9870	A01	EUR/100 kg	33,33	0406 40 90 9000	L03	EUR/100 kg	—
	A00	EUR/100 kg	—		L04	EUR/100 kg	96,66
	A00	EUR/100 kg	—		400	EUR/100 kg	—
	A00	EUR/100 kg	—		A01	EUR/100 kg	96,66
0406 20 90 9100	A00	EUR/100 kg	—	0406 90 13 9000	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	106,29
	L04	EUR/100 kg	61,46		400	EUR/100 kg	34,20
	400	EUR/100 kg	17,96		A01	EUR/100 kg	121,71
0406 20 90 9913	A01	EUR/100 kg	61,46	0406 90 15 9100	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	109,84
	L04	EUR/100 kg	81,13		400	EUR/100 kg	35,25
	400	EUR/100 kg	23,93		A01	EUR/100 kg	125,77
0406 20 90 9915	A01	EUR/100 kg	81,13	0406 90 17 9100	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	109,84
	L04	EUR/100 kg	86,20		400	EUR/100 kg	35,25
	400	EUR/100 kg	25,44		A01	EUR/100 kg	125,77
0406 20 90 9917	A01	EUR/100 kg	86,20	0406 90 21 9900	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	107,63
	L04	EUR/100 kg	96,33		400	EUR/100 kg	25,29
	400	EUR/100 kg	28,38		A01	EUR/100 kg	122,94
0406 20 90 9919	A01	EUR/100 kg	96,33	0406 90 23 9900	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	94,51
	L04	EUR/100 kg	96,33		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	108,69
0406 20 90 9990	A00	EUR/100 kg	—	0406 90 25 9900	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	93,89
	L04	EUR/100 kg	8,10		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	107,52
0406 30 31 9710	A01	EUR/100 kg	15,17				
	L03	EUR/100 kg	—				
	L04	EUR/100 kg	11,87				
	400	EUR/100 kg	—				
0406 30 31 9730	A01	EUR/100 kg	22,26				
	L03	EUR/100 kg	—				
	L04	EUR/100 kg	—				
	400	EUR/100 kg	—				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 27 9900	L03	EUR/100 kg	—	0406 90 78 9100	L04	EUR/100 kg	94,38
	L04	EUR/100 kg	85,04		400	EUR/100 kg	13,13
	400	EUR/100 kg	—		A01	EUR/100 kg	107,15
	A01	EUR/100 kg	97,38		L03	EUR/100 kg	—
0406 90 31 9119	L03	EUR/100 kg	—	0406 90 78 9300	L04	EUR/100 kg	91,53
	L04	EUR/100 kg	78,15		400	EUR/100 kg	—
	400	EUR/100 kg	14,50		A01	EUR/100 kg	106,96
	A01	EUR/100 kg	89,64		L03	EUR/100 kg	—
0406 90 33 9119	L03	EUR/100 kg	—	0406 90 78 9500	L04	EUR/100 kg	97,04
	L04	EUR/100 kg	78,15		400	EUR/100 kg	—
	400	EUR/100 kg	14,50		A01	EUR/100 kg	110,84
	A01	EUR/100 kg	89,64		L03	EUR/100 kg	—
0406 90 33 9919	L03	EUR/100 kg	—	0406 90 79 9900	L04	EUR/100 kg	96,13
	L04	EUR/100 kg	71,43		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	109,15
	A01	EUR/100 kg	82,21		L03	EUR/100 kg	—
0406 90 33 9951	L03	EUR/100 kg	—	0406 90 81 9900	L04	EUR/100 kg	78,47
	L04	EUR/100 kg	72,14		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	90,23
	A01	EUR/100 kg	82,27		L03	EUR/100 kg	—
0406 90 35 9190	L03	EUR/100 kg	—	0406 90 85 9930	L04	EUR/100 kg	99,20
	L04	EUR/100 kg	110,56		400	EUR/100 kg	27,02
	400	EUR/100 kg	34,88		A01	EUR/100 kg	113,61
	A01	EUR/100 kg	127,15		L03	EUR/100 kg	—
0406 90 35 9990	L03	EUR/100 kg	—	0406 90 85 9970	L04	EUR/100 kg	107,14
	L04	EUR/100 kg	110,56		400	EUR/100 kg	33,67
	400	EUR/100 kg	22,80		A01	EUR/100 kg	123,32
	A01	EUR/100 kg	127,15		L03	EUR/100 kg	—
0406 90 37 9000	L03	EUR/100 kg	—	0406 90 85 9999	L04	EUR/100 kg	98,22
	L04	EUR/100 kg	106,29		400	EUR/100 kg	29,46
	400	EUR/100 kg	34,20		A01	EUR/100 kg	113,03
	A01	EUR/100 kg	121,71		A00	EUR/100 kg	—
0406 90 61 9000	L03	EUR/100 kg	—	0406 90 86 9100	A00	EUR/100 kg	—
	L04	EUR/100 kg	117,14		L03	EUR/100 kg	—
	400	EUR/100 kg	32,46		L04	EUR/100 kg	90,13
	A01	EUR/100 kg	135,59		400	EUR/100 kg	17,68
0406 90 63 9100	L03	EUR/100 kg	—	0406 90 86 9200	A01	EUR/100 kg	106,94
	L04	EUR/100 kg	116,53		L03	EUR/100 kg	—
	400	EUR/100 kg	36,31		L04	EUR/100 kg	91,43
	A01	EUR/100 kg	134,46		400	EUR/100 kg	19,38
0406 90 63 9900	L03	EUR/100 kg	—	0406 90 86 9400	A01	EUR/100 kg	108,06
	L04	EUR/100 kg	112,03		L03	EUR/100 kg	—
	400	EUR/100 kg	27,77		L04	EUR/100 kg	97,13
	A01	EUR/100 kg	129,88		400	EUR/100 kg	21,93
0406 90 69 9100	A00	EUR/100 kg	—	0406 90 86 9900	A01	EUR/100 kg	113,61
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	L04	EUR/100 kg	112,03		L04	EUR/100 kg	107,14
	400	EUR/100 kg	27,77		400	EUR/100 kg	25,67
0406 90 73 9900	A01	EUR/100 kg	129,88	0406 90 87 9100	A01	EUR/100 kg	123,32
	L03	EUR/100 kg	—		A00	EUR/100 kg	—
	L04	EUR/100 kg	97,56		L03	EUR/100 kg	—
	400	EUR/100 kg	29,89		L04	EUR/100 kg	75,11
0406 90 75 9900	A01	EUR/100 kg	111,82	0406 90 87 9200	400	EUR/100 kg	15,81
	L03	EUR/100 kg	—		A01	EUR/100 kg	89,10
	L04	EUR/100 kg	98,22		L03	EUR/100 kg	—
	400	EUR/100 kg	12,61		L04	EUR/100 kg	83,95
0406 90 76 9300	A01	EUR/100 kg	113,03	0406 90 87 9400	400	EUR/100 kg	17,85
	L03	EUR/100 kg	—		A01	EUR/100 kg	99,25
	L04	EUR/100 kg	88,57		L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	86,15
0406 90 76 9400	A01	EUR/100 kg	101,43	0406 90 87 9951	400	EUR/100 kg	19,55
	L03	EUR/100 kg	—		A01	EUR/100 kg	100,75
	L04	EUR/100 kg	99,20		L03	EUR/100 kg	—
	400	EUR/100 kg	13,13		L04	EUR/100 kg	97,43
0406 90 76 9500	A01	EUR/100 kg	113,61		400	EUR/100 kg	27,03
	L03	EUR/100 kg	—		A01	EUR/100 kg	111,58

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 87 9971	L03	EUR/100 kg	—	0406 90 87 9975	400	EUR/100 kg	15,39
	L04	EUR/100 kg	97,43		A01	EUR/100 kg	118,38
	400	EUR/100 kg	21,93		L03	EUR/100 kg	—
	A01	EUR/100 kg	111,58		L04	EUR/100 kg	105,90
0406 90 87 9972	L03	EUR/100 kg	—	0406 90 87 9979	400	EUR/100 kg	20,40
	L04	EUR/100 kg	41,51		A01	EUR/100 kg	119,70
	400	EUR/100 kg	—		L03	EUR/100 kg	—
	A01	EUR/100 kg	47,73		L04	EUR/100 kg	94,51
0406 90 87 9973	L03	EUR/100 kg	—	0406 90 88 9100	400	EUR/100 kg	15,39
	L04	EUR/100 kg	95,66		A01	EUR/100 kg	108,69
	400	EUR/100 kg	15,39		A00	EUR/100 kg	—
	A01	EUR/100 kg	109,55		L03	EUR/100 kg	—
0406 90 87 9974	L03	EUR/100 kg	—	0406 90 88 9300	L04	EUR/100 kg	74,16
	L04	EUR/100 kg	103,82		400	EUR/100 kg	19,38
					A01	EUR/100 kg	87,34

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

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

The other destinations are defined as follows:

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

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

L05 all destinations except Poland, Estonia, Latvia, Lithuania, Hungary and the United States of America.

L06 all destinations except Estonia, Latvia, Lithuania, Hungary and the United States of America.

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

COMMISSION REGULATION (EC) No 1355/2002**of 25 July 2002****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

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(2) thereof,

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 602/2001 ⁽⁴⁾.
- (3) As far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture. These quantities were fixed in Regulation (EC) No 1501/95.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) 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 export refunds on the products listed in Article 1(a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 26 July 2002.

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

Done at Brussels, 25 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 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 89, 29.3.2001, p. 16.

ANNEX

**to the Commission Regulation of 25 July 2002 fixing the export refunds on cereals and on wheat or rye flour,
groats and meal**

Product code	Destination	Unit of measurement	Amount of refunds	Product code	Destination	Unit of measurement	Amount of refunds
1001 10 00 9200	—	EUR/t	—	1101 00 11 9000	—	EUR/t	—
1001 10 00 9400	—	EUR/t	—	1101 00 15 9100	C01	EUR/t	1,37
1001 90 91 9000	—	EUR/t	—	1101 00 15 9130	C01	EUR/t	1,28
1001 90 99 9000	C01	EUR/t	0	1101 00 15 9150	C01	EUR/t	1,18
1002 00 00 9000	C06	EUR/t	0	1101 00 15 9170	C01	EUR/t	1,09
1003 00 10 9000	—	EUR/t	—	1101 00 15 9180	C01	EUR/t	1,02
1003 00 90 9000	C07	EUR/t	0	1101 00 15 9190	—	EUR/t	—
1004 00 00 9200	—	EUR/t	—	1101 00 90 9000	—	EUR/t	—
1004 00 00 9400	C06	EUR/t	0	1102 10 00 9500	C01	EUR/t	61,65
1005 10 90 9000	—	EUR/t	—	1102 10 00 9700	C01	EUR/t	48,60
1005 90 00 9000	C07	EUR/t	0	1102 10 00 9900	—	EUR/t	—
1007 00 90 9000	—	EUR/t	—	1103 11 10 9200	C06	EUR/t	0 ⁽¹⁾
1008 20 00 9000	—	EUR/t	—	1103 11 10 9400	C06	EUR/t	0 ⁽¹⁾
				1103 11 10 9900	—	EUR/t	—
				1103 11 90 9200	C06	EUR/t	0 ⁽¹⁾
				1103 11 90 9800	—	EUR/t	—

⁽¹⁾ No refund is granted when this product contains compressed meal.

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

The other destinations are as follows:

C01 All destinations except for Poland, Lithuania, Estonia, Latvia and Hungary.

C06 All destinations except for Lithuania, Estonia, Latvia and Hungary.

C07 All destinations except for Estonia, Latvia and Hungary.

COMMISSION REGULATION (EC) No 1356/2002**of 25 July 2002****concerning tenders notified in response to the invitation to tender for the export of barley issued in Regulation (EC) No 901/2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 1163/2002 ⁽⁴⁾, and in particular Article 4 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of barley to all third countries except the United States of America, Canada, Estonia and Latvia was opened pursuant to Commission Regulation (EC) No 901/2002 ⁽⁵⁾, as amended by Regulation (EC) No 1230/2002 ⁽⁶⁾.

- (2) Article 7 of Regulation (EC) No 1501/95, allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 and on the basis of the tenders notified, to make no award.

- (3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 a maximum refund should not be fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 19 to 25 July 2002 in response to the invitation to tender for the refund for the export of barley issued in Regulation (EC) No 901/2002.

Article 2

This Regulation shall enter into force on 26 July 2002.

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

Done at Brussels, 25 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 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 46.

⁽⁵⁾ OJ L 127, 9.5.2002, p. 11.

⁽⁶⁾ OJ L 180, 10.7.2002, p. 3.

COMMISSION REGULATION (EC) No 1357/2002**of 25 July 2002****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 899/2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) An invitation to tender for the refund on exportation of common wheat to all third countries with the exclusion of Poland, Estonia, Lithuania and Latvia was opened pursuant to Commission Regulation (EC) No 899/2002 ⁽⁵⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 19 to 25 July 2002, pursuant to the invitation to tender issued in Regulation (EC) No 899/2002, the maximum refund on exportation of common wheat shall be EUR 1,00/t.

Article 2

This Regulation shall enter into force on 26 July 2002.

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

Done at Brussels, 25 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 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 89, 29.3.2001, p. 16.

⁽⁵⁾ OJ L 142, 31.5.2002, p. 11.

COMMISSION REGULATION (EC) No 1358/2002**of 25 July 2002****concerning tenders notified in response to the invitation to tender for the export of rye issued in Regulation (EC) No 900/2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) An invitation to tender for the refund for the export of rye to all third countries excluding Estonia, Lithuania and Latvia was opened pursuant to Commission Regulation (EC) No 900/2002 ⁽⁵⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 allows the Commission to decide, in accordance with the procedure

laid down in Article 23 of Regulation (EEC) No 1766/92 and on the basis of the tenders notified, to make no award.

- (3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 a maximum refund should not be fixed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for cereals,

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 19 to 25 July 2002 in response to the invitation to tender for the refund for the export of rye issued in Regulation (EC) No 900/2002.

Article 2

This Regulation shall enter into force on 26 July 2002.

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

Done at Brussels, 25 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 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 89, 29.3.2001, p. 16.

⁽⁵⁾ OJ L 142, 31.5.2002, p. 14.

COMMISSION REGULATION (EC) No 1359/2002**of 25 July 2002****fixing the export refunds on rice and broken rice and suspending the issue of export licences**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular the second subparagraph of Article 13(3) and (15) thereof,

Whereas:

- (1) Article 13 of Regulation (EC) No 3072/95 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Article 13(4) of Regulation (EC) No 3072/95, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other. The same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market with limits resulting from agreements concluded in accordance with Article 300 of the Treaty.
- (3) Commission Regulation (EEC) No 1361/76 ⁽³⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum.
- (4) Export possibilities exist for a quantity of 289 tonnes of rice to certain destinations. The procedure laid down in Article 7(4) of Commission Regulation (EC) No 1162/95 ⁽⁴⁾, as last amended by Regulation (EC) No 2298/2001 ⁽⁵⁾, should be used. Account should be taken of this when the refunds are fixed.

- (5) Article 13(5) of Regulation (EC) No 3072/95 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated.
- (6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (7) A separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets.
- (8) The refund must be fixed at least once a month; whereas it may be altered in the intervening period.
- (9) It follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto.
- (10) For the purposes of administering the volume restrictions resulting from Community commitments in the context of the WTO, the issue of export licences with advance fixing of the refund should be restricted.
- (11) 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 export refunds on the products listed in Article 1 of Regulation (EC) No 3072/95 with the exception of those listed in paragraph 1(c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

With the exception of the quantity of 289 tonnes provided for in the Annex, the issue of export licences with advance fixing of the refund is suspended.

Article 3

This Regulation shall enter into force on 26 July 2002.

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 154, 15.6.1976, p. 11.

⁽⁴⁾ OJ L 117, 24.5.1995, p. 2.

⁽⁵⁾ OJ L 308, 27.11.2001, p. 16.

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

Done at Brussels, 25 July 2002.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 25 July 2002 fixing the export refunds on rice and broken rice and suspending the issue of export licences

Product code	Destination	Unit of measurement	Amount of refunds ⁽¹⁾	Product code	Destination	Unit of measurement	Amount of refunds ⁽¹⁾
1006 20 11 9000	R01	EUR/t	81	1006 30 65 9100	R01	EUR/t	101
1006 20 13 9000	R01	EUR/t	81		R02	EUR/t	95
1006 20 15 9000	R01	EUR/t	81		R03	EUR/t	100
1006 20 17 9000	—	EUR/t	—		064	EUR/t	69
1006 20 92 9000	R01	EUR/t	81		A97	EUR/t	95
1006 20 94 9000	R01	EUR/t	81		021 and 023	EUR/t	95
1006 20 96 9000	R01	EUR/t	81	1006 30 65 9900	R01	EUR/t	101
1006 20 98 9000	—	EUR/t	—		064	EUR/t	69
1006 30 21 9000	R01	EUR/t	81		A97	EUR/t	95
1006 30 23 9000	R01	EUR/t	81	1006 30 67 9100	021 and 023	EUR/t	95
1006 30 25 9000	R01	EUR/t	81		064	EUR/t	69
1006 30 27 9000	—	EUR/t	—	1006 30 67 9900	064	EUR/t	69
1006 30 42 9000	R01	EUR/t	81	1006 30 92 9100	R01	EUR/t	101
1006 30 44 9000	R01	EUR/t	81		R02	EUR/t	95
1006 30 46 9000	R01	EUR/t	81		R03	EUR/t	100
1006 30 48 9000	—	EUR/t	—		064	EUR/t	69
1006 30 61 9100	R01	EUR/t	101		A97	EUR/t	95
	R02	EUR/t	95		021 and 023	EUR/t	95
	R03	EUR/t	100	1006 30 92 9900	R01	EUR/t	101
	064	EUR/t	69		A97	EUR/t	95
	A97	EUR/t	95		064	EUR/t	69
	021 and 023	EUR/t	95	1006 30 94 9100	R01	EUR/t	101
1006 30 61 9900	R01	EUR/t	101		R02	EUR/t	95
	A97	EUR/t	95		R03	EUR/t	100
	064	EUR/t	69		064	EUR/t	69
1006 30 63 9100	R01	EUR/t	101		A97	EUR/t	95
	R02	EUR/t	95		021 and 023	EUR/t	95
	R03	EUR/t	100	1006 30 94 9900	R01	EUR/t	101
	064	EUR/t	69		A97	EUR/t	95
	A97	EUR/t	95		064	EUR/t	69
	021 and 023	EUR/t	95	1006 30 96 9100	R01	EUR/t	101
1006 30 63 9900	R01	EUR/t	101		R02	EUR/t	95
	064	EUR/t	69		R03	EUR/t	100
	A97	EUR/t	95		064	EUR/t	69
	021 and 023	EUR/t	95		A97	EUR/t	95
					021 and 023	EUR/t	95
				1006 30 96 9900	R01	EUR/t	101
					A97	EUR/t	95
					064	EUR/t	69
				1006 30 98 9100	021 and 023	EUR/t	95
				1006 30 98 9900	—	EUR/t	—
				1006 40 00 9000	—	EUR/t	—

⁽¹⁾ The procedure laid down in Article 7(4) of Regulation (EC) No 1162/95 applies to licences applied for under that Regulation for 950 t.

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

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

The other destinations are defined as follows:

R01 Switzerland, Liechtenstein, communes of Livigno and Campione d'Italia.

R02 Morocco, Algeria, Tunisia, Malta, Egypt, Israel, Lebanon, Libya, Syria, Ex-Spanish Sahara, Cyprus, Jordan, Iraq, Iran, Yemen, Kuwait, United Arab Emirates, Oman, Bahrain, Qatar, Saudi Arabia, Eritrea, West Bank/Gaza Strip, Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovenia, Slovakia, Norway, Faroe Islands, Iceland, Russia, Belarus, Bosnia and Herzegovina, Croatia, Yugoslavia, Former Yugoslav Republic of Macedonia, Albania, Romania, Bulgaria, Georgia, Armenia, Azerbaijan, Moldova, Ukraine, Kazakstan, Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan.

R03 Colombia, Ecuador, Peru, Bolivia, Chile, Argentina, Uruguay, Paraguay, Brazil, Venezuela, Canada, Mexico, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, Cuba, Bermuda, South Africa, Australia, New Zealand, Hong Kong SAR, Singapore, A40, A11 except Suriname, Guyana, Madagascar.

II

(Acts whose publication is not obligatory)

COMMISSION

DECISION No 1/2002

of 6 June 2002

of the Joint Committee set up under the Agreement on mutual recognition between the European Community and Japan on adopting its Rules of Procedure

(2002/618/EC)

THE JOINT COMMITTEE,

Having regard to the Agreement on mutual recognition between the European Community and Japan, and in particular Article 8(2) thereof,

HAS DECIDED AS FOLLOWS:

1. The Rules of Procedure for the Joint Committee, as specified in the attachment to this decision, are hereby adopted.
2. This Decision, done in duplicate, shall be signed by the co-chairs. This Decision shall be effective from the date of the later of these signatures.

Tokyo, 21 May 2002

On behalf of Japan
Jun SHIMMI

Brussels, 6 June 2002

On behalf of the European Community
Philippe MEYER

ANNEX

RULES OF PROCEDURE**for the Joint Committee established under the Agreement on mutual recognition between the European Community and Japan***Article 1***Chairmanship**

1. The Joint Committee shall be chaired jointly by a representative of Japan and a representative of the European Community.
2. The co-chairs shall be responsible for the communications between the Parties in respect to the procedures set out in these Rules of Procedure and the Agreement.

*Article 2***Meetings**

1. The Joint Committee shall meet at regular intervals, and at least once a year at a mutually agreeable time. If additional meetings are deemed necessary by a Party, the other Party shall accommodate the request for a meeting to the maximum extent possible. Teleconferencing or videoconferencing may be used with agreement of the Parties.
2. Meetings of the Joint Committee shall be convened by the co-chairs. The Parties shall take turns in hosting the meeting unless otherwise agreed.
3. The co-chairs shall establish a date for the meeting and exchange such documents as necessary in time to ensure adequate preparation, if possible, six weeks prior to the meeting.
4. The Party hosting a meeting shall arrange logistical matters. Meetings convened by videoconferencing or teleconferencing shall be arranged by the co-chair that requested the meeting.

*Article 3***Delegations**

The Parties shall notify, to the extent possible, each other at least one week before a meeting of the intended composition of their delegations.

*Article 4***Agenda for the meetings**

1. A provisional agenda for each meeting shall be drawn up by the co-chairs, if possible, three weeks before the meeting. The provisional agenda shall include the items in respect of which a request for inclusion in the agenda has been received by either of the co-chairs no later than 14 days before the meeting.
2. Either Party may add items to the provisional agenda at any time prior to the meeting if both Parties agree. Requests to add items to the provisional agenda shall be sent in writing if possible.
3. The final agenda shall be adopted by the Joint Committee at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the Parties agree and shall be accommodated to the extent possible.

*Article 5***Records of the meetings**

1. A draft of the record shall be prepared as soon as possible by the co-chair hosting the meeting.
2. The record shall, as a general rule, indicate in respect of each item on the agenda:
 - (a) the documentation submitted to the Joint Committee;
 - (b) statements which a Party has requested to be entered; and
 - (c) decisions taken and the conclusions adopted on a specific item.

3. The record shall also indicate the participants in the meeting.
4. The record shall be approved by the Joint Committee and signed by the co-chairs.

Article 6

Joint Committee decisions

1. The Joint Committee shall take decisions by consensus.
2. The Joint Committee may adopt a decision by written procedure at times other than formal Joint Committee meetings, if both Parties agree.
3. All Decisions of the Joint Committee shall be entitled 'Decisions' followed by a serial number, and by a description of their subject. The date the decision takes effect shall also be indicated. Decisions shall be signed by the co-chairs. Decisions shall be drawn up in duplicate, each version being equally authentic. A model Joint Committee decision is attached in Appendix I.
4. Decisions related to the registration of a conformity-assessment body shall, as a general rule, be adopted by a written procedure. For this purpose, pursuant to Article 9 of the Agreement, the following procedures shall apply.
 - (a) A Party shall forward its proposal, in the form of a draft Joint Committee decision to register a conformity-assessment body (a model of which is attached as Appendix II), to the other Party in writing. The proposal shall be accompanied by a proposal format and the necessary supporting documentation, the formats of which are to be agreed by the Parties. The receiving Party shall acknowledge in writing the date of its receipt of the proposal. The Party receiving the proposal shall indicate in writing its consent or opposition within 90 days from its receipt.
 - (b) If the Party receiving the proposal requires additional information, it shall indicate in writing the information requested and the reasons for this. A request for additional information suspends the 90 day period which starts running again once the additional information has been received.
 - (c) The Parties may consult with each other, where necessary, on matters related to the proposed registration.
 - (d) Upon consent of the proposal, the receiving Party will sign and date the Joint Committee decision and forward it to the proposing Party. The registration of the proposed conformity-assessment body is effective from the date indicated in the Joint Committee decision.
 - (e) If the Party receiving a proposal for registration fails to indicate its consent or opposition within the 90-day time limit, the matter shall be referred to the Joint Committee.
 - (f) If the Joint Committee cannot take a decision to register a proposed conformity-assessment body then Article 9(1)(c) of the Agreement shall apply.

Article 7

Notification and proposal procedures

1. The notification of the suspension or lifting of the suspension of the designation of a registered conformity-assessment body pursuant to Article 6 of the Agreement, and the proposal for terminating the registration of a conformity-assessment body pursuant Article 9(4) of the Agreement, shall be made in writing.
2. The Party receiving such notification or proposal shall immediately, and within three working days at the latest, acknowledge its receipt in writing and indicate the date of receipt. The suspension, lifting of suspension or termination of registration of the conformity-assessment body shall be effective from the date of receipt of the notification or the proposal by the co-chair of the receiving Party, unless, pursuant to Article 9(4) of the Agreement, otherwise determined by the Joint Committee.

Article 8

Subcommittees

The Joint Committee may establish subcommittees and delegate specific tasks to the subcommittees. Any subcommittee established by the Joint Committee shall keep the Joint Committee informed and provide reports in relation to implementation of the Sectoral Annexes.

*Article 9***Exchange of information**

Without prejudice to Article 1(2), the Parties shall establish and communicate to each other a contact point, or contact points as necessary, for the exchange of information foreseen by the Agreement. The contact points shall be responsible for transmitting and receiving information exchanged under the Agreement and in particular Article 5(5) and Article 8(8) of the Agreement.

*Article 10***Publication**

When publishing the lists of registered conformity-assessment bodies and confirmed facilities in accordance with the Agreement and relevant Joint Committee decisions, it shall be done according to the Parties' respective domestic requirements. The Parties will make available on their respective Internet sites such updated lists, in a timely and regular manner.

*Article 11***Consultation of experts**

The Committee may consult experts on particular issues if both Parties agree.

*Article 12***Expenses**

1. Each Party shall be responsible for the expenses they incur by reason of their participation in the meetings of the Joint Committee, including staff, travel and subsistence expenditure and postal or telecommunications expenditure.
2. Other expenses arising from the organisation of the meetings shall generally be covered by the Party hosting the meeting.

*Article 13***Administrative Procedures**

1. Unless otherwise decided, the meetings of the Joint Committee shall not be open to the public.
2. Records and other documents of the Joint Committee shall be considered information exchanged under Article 13 of the Agreement for purposes of confidentiality.
3. Participants other than officials of the Parties may be invited by agreement of both co-chairs and shall be subject to the same confidentiality requirements in accordance with Article 13 of the Agreement.
4. The Parties may organise public briefings or otherwise inform interested members of the public of the results of the Joint Committee meetings, upon consultation with each other at the end of each meeting, on the results to be communicated.

*Article 14***Languages**

1. Written communication between the co-chairs, in particular as it relates to Articles 4, 5, 6 and 7, shall be in English.
 2. The Party hosting a meeting of the Joint Committee shall provide interpretation between Japanese and English and bear the cost for this.
 3. Decisions of the Joint Committee shall be drawn up in English. The Parties undertake to translate, as necessary, such decisions into their own respective official language or languages.
-

*Appendix I to the Rules of Procedure of the Joint Committee**Model Joint Committee decision***Decision No .../... of the Joint Committee set up under the Agreement on mutual recognition between the European Community and Japan**

THE JOINT COMMITTEE,

Having regard to the Agreement on mutual recognition between Japan and the European Community and in particular Article (...) thereof,

HAS DECIDED AS FOLLOWS:

- 1.
2. This Decision, done in duplicate, shall be signed by the co-chairs. The Decision shall be effective from the date of the later of these signatures.

Tokyo, ...

*On behalf of
Japan*

Brussels, ...

*On behalf of the
European Community*

*Appendix II to the Rules of Procedure of the Joint Committee**Model Joint Committee decision for the registration of a conformity-assessment body***Decision No .../... of the Joint Committee set up under the Agreement on mutual recognition between the European Community and Japan related to the registration of a conformity-assessment body under the Sectoral Annex on [Telecommunications terminal equipment and radio equipment][Electrical products]**

THE JOINT COMMITTEE,

Having regard to the Agreement on mutual recognition between Japan and the European Community and in particular Article 8(3)(a) and 9(1)(b) thereof,

HAS DECIDED AS FOLLOWS:

1. The conformity-assessment body indicated below is registered under the Sectoral Annex on [Telecommunications terminal equipment and radio equipment][Electrical products] of the Agreement, for the products and conformity-assessment procedures as indicated below.

Name, acronym and contact details of the conformity-assessment body

Scope of registration in terms of products and conformity-assessment procedures

2. This Decision, done in duplicate, shall be signed by the co-chairs. The Decision shall be effective from the date of the later of these signatures.

Tokyo, ...

*On behalf of
Japan*

Brussels, ...

*On behalf of the
European Community*

DECISION No 2/2002
of 20 June 2002
of the Joint Committee set up under the Agreement on mutual recognition between the European Community and Japan on establishing a subcommittee for the Sectoral Annex on good manufacturing practice (GMP) for medicinal products

(2002/619/EC)

THE JOINT COMMITTEE,

Having regard to the Agreement on mutual recognition between the European Community and Japan, and in particular Article 8(2) thereof,

Whereas paragraph 6 of the Sectoral Annex on good manufacturing practice (GMP) for medicinal products calls for the establishment of a subcommittee,

HAS DECIDED AS FOLLOWS:

1. A subcommittee of the Joint Committee, for the Sectoral Annex on good manufacturing practice (GMP) for medicinal products, is hereby established. The subcommittee shall function according to the attached rules of procedure.
2. This Decision, done in duplicate, shall be signed by the co-chairs. This Decision shall be effective from the date of the later of these signatures.

Tokyo, 6 June 2002

On behalf of Japan
Jun SHIMMI

Brussels, 20 June 2002

On behalf of the European Community
Philippe MEYER

ANNEX

RULES OF PROCEDURE**for the subcommittee under the Sectoral Annex on good manufacturing practice (GMP) for medicinal products****1. Introduction**

The role of the subcommittee ('SC') for the Sectoral Annex on good manufacturing practices for medicinal products ('Annex') to the Agreement on mutual recognition (MRA) between the European Community ('EC') and Japan is, according to paragraph 6 of the Annex, to monitor the activities under both the preparatory and operational phases. In order to ensure the efficient operation of the SC, the description in the Annex is supplemented as follows to explain the SCs responsibilities, composition, and procedures in detail.

2. Responsibilities

The responsibilities of the Pharmaceutical SC are as follows:

- (a) to report to and communicate with the Joint Committee;
- (b) to coordinate joint activities;
- (c) to monitor progress of the preparatory work of the Annex and the operation of the same;
- (d) to facilitate regulatory collaboration and communications between the Japanese and EC competent authorities;
- (e) to establish a procedure for coordinating equivalence of GMP for specific products or classes of products;
- (f) to discuss and resolve where possible any major problems that occur and to present to the Joint Committee any issue which cannot be resolved;
- (g) to establish and maintain a list of contact points for each Party;

and in particular with regard to the preparatory phase,

- (h) to ensure that documentation and other information needed to reconfirm equivalence are communicated to the appropriate bodies;
- (i) to agree detailed alert procedures;
- (j) to reconfirm equivalence of GMP and their implementation;
- (k) to identify products and classes of products falling under the definition of medicinal products under the scope of the Annex;
- (l) to prepare, for adoption by the Joint Committee, the definition of emergency and modalities of visits to manufacturing facilities in such cases;
- (m) to develop procedures to exchange documents and information;
- (n) to prepare the detailed procedures for the implementation of the Annex, which are to be decided by the Joint Committee.

3. Composition of the SC

The SC will be composed as follows:

- (a) each Party shall nominate a representative who shall jointly chair meetings of the SC. Participation in the SC from each Party should be balanced in terms of the size of their respective delegations;
- (b) participants in the subcommittee meetings shall not include external parties such as representatives of industry, trade associations, or the press. All meeting attendees will be bound by the same confidentiality, conflict of interest and non-disclosure requirements as regulatory authority employees. The party on whose behalf a person is attending will ensure the attendee is bound by the relevant confidentiality, conflict of interest and non-disclosure requirements.

4. Procedures of meetings

- (a) Unless otherwise decided, the meetings of the SC shall not be open to the public.
- (b) The SC will meet at least once a year in person, or by teleconference with the agreement of both Parties. If required for the effective functioning of the Annex, and at the request of any one Party, additional meetings will be held.

- (c) The SC will meet four times during the 18 month preparatory phase, unless it decides otherwise.
- (d) The date and exact venue of the prospective meetings will be agreed to by the co-chairs.
- (e) The draft agenda for each meeting will be prepared by the host co-chair and circulated to the participants in advance of the meeting along with the list of participants.
- (f) Co-chairs are to agree the draft agenda.
- (g) Each Party will endeavour to circulate the papers and reports to be tabled at each meeting at least two weeks beforehand.
- (h) The host will prepare and circulate a table of agreed actions within two weeks from the end of each meeting and the draft summary record of each meeting within one month from the end of each meeting.
- (i) Draft summary record and table of agreed actions should be finalised within a further four weeks and agreed to by the co-chairs.
- (j) The SC will hold ad hoc meetings as requested by either party and as frequently as both Parties agree is necessary to fulfil the obligations of the Annex.
- (k) The Party hosting a meeting shall arrange logistical matters. Meetings convened by teleconferencing shall be arranged by the co-chair that requested the meeting.
- (l) The following shall apply with regard to the use of languages:
 - written communication between the co-chairs shall be in English,
 - the Party hosting a meeting of the SC shall provide interpretation between Japanese and English and bear the cost for this.

5. Adoption of documents

The SC shall:

- (a) adopt the agenda at each meeting.
- (b) review the table of agreed upon actions from the previous meeting during each meeting.
- (c) adopt all documents to be submitted to the Joint Committee.
- (d) adopt documents by consensus. If the Parties have different positions on a topic, a document may describe each Party's views.

6. Reporting arrangements with the Joint Committee

The SC shall:

- (a) report in writing on the outcome of the preparatory phase to the Joint Committee.
- (b) transmit copies of the adopted agendas and summary records of at least its formal annual meetings to the Joint Committee.

7. Communications to external parties

- (a) Both Parties will agree on a common statement on the status and operation of the Annex, as appropriate, at the end of each meeting.
 - (b) This external communication is to be issued as soon as possible after the meeting; each Party will distribute the common statement as it determines is appropriate.
-

DECISION OF THE EUROPEAN PARLIAMENT, THE COUNCIL, THE COMMISSION, THE COURT OF JUSTICE, THE COURT OF AUDITORS, THE ECONOMIC AND SOCIAL COMMITTEE, THE COMMITTEE OF THE REGIONS AND THE EUROPEAN OMBUDSMAN

of 25 July 2002

establishing a European Communities Personnel Selection Office

(2002/620/EC)

THE EUROPEAN PARLIAMENT, THE COUNCIL OF THE EUROPEAN UNION, THE EUROPEAN COMMISSION, THE COURT OF JUSTICE, THE COURT OF AUDITORS, THE ECONOMIC AND SOCIAL COMMITTEE, THE COMMITTEE OF THE REGIONS AND THE EUROPEAN OMBUDSMAN,

Having regard to the Staff Regulations of officials of the European Communities and to the Conditions of employment of other servants of the European Communities, as laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁾, as last amended by Regulation (EC, ECSC, Euratom) No 490/2002 ⁽²⁾, and in particular the third paragraph of Article 2 of the said Staff Regulations,

Having regard to the opinion of the Staff Regulations Committee,

Whereas:

- (1) In the interests of making efficient and economic use of resources, a common interinstitutional body should be entrusted with the means of selecting officials and other servants to serve the European Communities.
- (2) The interinstitutional body so established should have the task of drawing up reserve lists from among candidates in open competitions in line with the needs indicated by each institution and in compliance with the Staff Regulations, the decisions to appoint successful candidates being taken by each appointing authority.
- (3) On the same terms, the interinstitutional body should also be able to assist the institutions, bodies, offices and agencies established by or in accordance with the Treaties with their internal competitions and the selection of other servants,

HAVE DECIDED AS FOLLOWS:

Article 1

Establishment

A European Communities Personnel Selection Office (hereinafter referred to as 'the Office') is hereby established.

⁽¹⁾ OJ L 56, 4.3.1968, p. 1.

⁽²⁾ OJ L 77, 20.3.2002, p. 1.

Article 2

Powers

1. The Office shall exercise the powers of selection conferred under the first paragraph of Article 30 of the Staff Regulations and under Annex III thereto on the appointing authorities of the institutions signing this Decision. In exceptional cases only and with the agreement of the Office, the institutions may hold their own open competitions to meet specific needs for highly specialised staff.

2. Where the powers referred to in paragraph 1 are conferred on the appointing authority of a body, office or agency established by or in accordance with the Treaties, the Office may exercise such powers at the request of the latter.

3. The decisions to appoint successful candidates shall be taken by the appointing authorities of the European Parliament, the Council, the Commission, the Court of Justice, the Court of Auditors, the Economic and Social Committee, the Committee of the Regions and the European Ombudsman and by any body, office or agency established by or in accordance with the Treaties which has delegated its powers to, or called on the services of, the Office.

Article 3

Duties

1. In response to requests made to it by the appointing authorities referred to in Article 2, the Office shall draw up reserve lists from among candidates in open competitions as referred to in the first paragraph of Article 30 of the Staff Regulations and in accordance with Annex III thereto.

2. The Office may assist the institutions, bodies, offices and agencies established by or in accordance with the Treaties with internal competitions and the selection of other servants.

Article 4

Requests, complaints and appeals

In accordance with Article 91a of the Staff Regulations, requests and complaints relating to the exercise of the powers conferred under Article 2(1) and (2) of this Decision shall be lodged with the Office. Any appeal in these areas shall be made against the Commission.

*Article 5***Implementation**

The Secretaries-General of the European Parliament, the Council and the Commission, the Registrar of the Court of Justice, the Secretaries-General of the Court of Auditors, the Economic and Social Committee and the Committee of the Regions and the representative of the European Ombudsman shall by mutual agreement take the measures necessary to implement this Decision.

*Article 6***Effective date**

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

For the European Parliament

The President

Patrick COX

For the Council

The President

Jaume MATAS i PALOU

For the Commission

The President

Romano PRODI

For the Court of Justice

The President

Gil Carlos RODRÍGUEZ IGLESIAS

For the Court of Auditors

The President

Juan Manuel FABRA VALLÉS

For the Economic and Social Committee

The President

G. FRERICHs

For the Committee of the Regions

The President

Sir Albert BORE

The European Ombudsman

Jacob SÖDERMAN

DECLARATION BY THE BUREAU OF THE EUROPEAN PARLIAMENT

The Bureau of the European Parliament

1. has authorised its President to sign the decision of the institutions establishing the European Communities Personnel Selection Office (the 'Office'), and its Secretary-General to sign the two subsidiary decisions concerning its operations;
 2. affirms that the institutional autonomy of the European Parliament is not affected by the creation of the Office, in so far as it will remain exclusively competent for the recruitment of permanent officials, in accordance with its institutional interests, from the reserve lists drawn up by the Office;
 3. recalls that the selection and recruitment of other categories of staff, in particular the staff of the political groups, remains the exclusive competence of the European Parliament, except in so far as it may seek the technical assistance of the Office in this respect;
 4. recalls likewise that the organisation of internal competitions, permitting the passage of officials from one category to another, remains the exclusive responsibility of the European Parliament; reiterates its intention periodically to organise internal competitions for the different staff categories;
 5. confirms its commitment to a multilingual and multicultural administration which is balanced from a linguistic and geographical point of view; gives notice that the capacity of the Office to provide reserve lists such as to allow a recruitment policy ensuring such balance is one of the main criteria on which its performance will be judged;
 6. further gives notice that, in the event of the Office not being able to provide reserve lists sufficient to guarantee linguistic and geographical balance, the European Parliament reserves its right autonomously to organise specific selection competitions to redress the situation in accordance with Article 2 of the Decision establishing the Office;
 7. recalls its decision of 8 April to instruct Parliament's representatives on the Management Board of the Office not to approve the use of age limits in the organisation of open selection competitions.
-

DECISION OF THE SECRETARIES-GENERAL OF THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION, THE REGISTRAR OF THE COURT OF JUSTICE, THE SECRETARIES-GENERAL OF THE COURT OF AUDITORS, THE ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS, AND THE REPRESENTATIVE OF THE EUROPEAN OMBUDSMAN

of 25 July 2002

on the organisation and operation of the European Communities Personnel Selection Office

(2002/621/EC)

THE SECRETARIES-GENERAL OF THE EUROPEAN PARLIAMENT, THE COUNCIL, THE COMMISSION, THE REGISTRAR OF THE COURT OF JUSTICE, THE SECRETARIES-GENERAL OF THE COURT OF AUDITORS, THE ECONOMIC AND SOCIAL COMMITTEE, THE COMMITTEE OF THE REGIONS, AND THE REPRESENTATIVE OF THE EUROPEAN OMBUDSMAN,

HAVE DECIDED AS FOLLOWS:

Article 1

Duties of the Office

Having regard to the Staff Regulations of officials of the European Communities and the Conditions of employment of other servants of the European Communities, as laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁾,

Having regard to the Decision of the European Parliament, the Council, the Commission, the Court of Justice, the Court of Auditors, the Economic and Social Committee, the Committee of the Regions and the Ombudsman of 25 July 2002 establishing a European Communities Personnel Selection Office, and in particular Article 5 thereof ⁽²⁾,

Whereas:

(1) Pursuant to Article 27 of the Staff Regulations, the institutions are committed to ensuring that recruitment is directed to securing the services of officials of the highest standard of ability, efficiency and integrity, recruited on the broadest possible geographical basis from among nationals of Member States of the Communities, without distinction as to race, political, philosophical or religious beliefs, sex or sexual orientation and without reference to their marital status or family situation.

(2) The third subparagraph of Article 1(1) of Annex III to the Staff Regulations sets out the area of responsibility of the common Joint Committee and the second paragraph of Article 3 of that Annex outlines the way the members of the selection board are to be appointed for the purpose of organising open competitions,

1. The Office shall organise open competitions with a view to securing the services of officials on optimal professional and financial terms for the institutions of the European Communities. The Office shall draw up reserve lists enabling the institutions to recruit highly qualified staff meeting the needs determined by the institutions.

2. More specifically, the Office's tasks shall be to:

- (a) organise open competitions at the request of individual institutions with a view to drawing up reserve lists of suitable applicants for appointment as officials. The competitions shall be organised in compliance with the Staff Regulations, on the basis of harmonised criteria laid down in accordance with Article 6(c) and in compliance with the work programme approved by the Management Board;
- (b) cooperate closely with the institutions with a view to assessing the future staff needs indicated by the institutions and preparing and implementing a programme of competitions to meet those needs in a timely manner;
- (c) develop selection methods and techniques on the basis of best practice and in line with the skills profiles laid down for the various categories of staff of the institutions;
- (d) administer and check the use of the reserve lists established on the basis of Interinstitutional competitions;
- (e) submit annual reports to the institutions on its activities.

Article 2

Responsibilities of the institutions

The appointing authority of each institution shall make available to the Office a sufficient number of selection board members, examiners and invigilator on the basis of the 'quota' approved by the Management Board as provided for in Article 6(i), to enable the selection procedures to proceed smoothly in accordance with Article 3 of Annex III to the Staff Regulations.

⁽¹⁾ OJ L 56, 4.3.1968, p. 1.

⁽²⁾ See page 53 of this Official Journal.

*Article 3***Other services**

1. Under an agreement between the Head of the Office and any body, office or agency, the Office may organise selection procedures for staff to be recruited by such bodies, offices or agencies. Before concluding such an agreement, the Head of the Office shall seek the approval of the Management Board. Any such agreement shall cover the financial arrangements relating to the services provided by the Office.
2. Where requested, the Office may provide technical support for internal competitions organised by individual institutions, bodies, offices or agencies.
3. At the request of individual institutions, the Office shall organise the selection procedure for other servants with a view to drawing up reserve lists of suitable applicants and/or data-bases from which the individual institutions may recruit other servants.
4. These activities shall be included in the Office's work programme in accordance with Article 6(f), provided that the request is submitted in a timely manner by the institution in question.

*Article 4***Complaints and requests**

1. The Head of the Office shall exercise the powers conferred on the appointing authority under Article 90 of the Staff Regulations in respect of all requests or complaints relating to the tasks of the Office.
2. In the event of any such complaints, the Head of the Office shall consult the Chairman of the Management Board where he or she intends to endorse the original decision.
3. The Office shall answer requests from the European Ombudsman concerning any matter falling within its area of responsibility under this Decision.

*Article 5***Management Board**

1. A Management Board shall be set up for the Office, comprising one member appointed by each institution and three staff representatives with observer status appointed by common assent by the staff committees of the institutions.
2. The Management Board shall elect a Chairman for a two-year term by a simple majority from among its members.
3. The Management Board shall adopt its Rules of Procedure by a simple majority after submitting them to the institutions.

4. The Management Board shall meet at the initiative of the Chairman or at the request of one of its members.

5. Where the Management Board takes a decision by a simple majority, each institution shall have one vote. Where votes are tied, the Chairman shall have the casting vote.

6. Where the Management Board takes a decision by a qualified majority, the votes allotted to the institutions shall be as follows: Commission, 18 votes; European Parliament, seven votes; Council, seven votes; Court of Justice, three votes; Court of Auditors, two votes; Economic and Social Committee, two votes; Committee of the Regions, two votes; European Ombudsman, one vote. A qualified majority shall be 24 votes cast in favour.

*Article 6***Tasks of the Management Board**

In the common interest of the institutions, the Management Board shall:

- (a) acting by a qualified majority, approve the rules governing the running of the Office;
- (b) acting by a simple majority on a proposal from the Head of the Office, approve the organisational structure of the Office;
- (c) acting by a qualified majority on proposals from the Head of the Office, in compliance with the Agreement to be concluded between the Secretaries-General of the European Parliament, the Council, the Commission, the Registrar of the Court of Justice, the Secretaries-General of the Court of Auditors, the Economic and Social Committee and the Committee of the Regions and the representative of the European Ombudsman on the common principles for a shared selection and recruitment policy and the principles for managing reserve lists, together with the relevant provisions of the Staff Regulations, approve the principles governing the selection policy to be followed by the Office;
- (d) acting by a simple majority under the budget procedure on the basis of a draft drawn up by the Head of the Office, draw up an estimate of the Office's revenue and expenditure and send it to the Commission with a view to the drawing-up of the estimate of the Commission's revenue and expenditure; at the same time it shall propose to the Commission any adjustments to the Office's establishment plan that it deems necessary;
- (e) acting by a simple majority, approve the type of and the rates chargeable for additional services that the Office may perform against payment for the institutions, bodies, offices and agencies and the conditions under which the Office may perform them;

- (f) acting unanimously on a proposal from the Head of the Office, approve the work programme, and in particular the scheduling of and timetable for competitions to be organised. The work programme shall also cover services not relating to open competitions organised for the institutions, bodies, offices and agencies;
- (g) acting by a qualified majority on the basis of a draft prepared by the Head of the Office, approve an annual management report covering all individual revenue and expenditure headings relating to work performed and services provided by the Office. Before 1 May each year, it shall send the institutions the report on the preceding financial year, drawn up in the light of the analytical accounts;
- (h) acting by a simple majority, approve a fair, balanced breakdown of the variable and direct costs to be charged for analytical purposes to the individual institutions and update it every three years;
- (i) acting by a simple majority on the basis of recruitment needs, agree on rules whereby each institution is to make a suitable number of selection board members, examiners and invigilator available to the Office;
- (j) acting by a simple majority, approve the conditions under which the Office may grant agreement to the institutions to organise their own competitions in accordance with Article 2(1) of the Decision of the institutions.

Article 7

Appointment of staff

1. The Office shall be administered by a Head appointed by the Commission after the Management Board has issued a favourable opinion by a simple majority. The Management Board shall be closely involved in the procedures to be followed before the Head of the Office is appointed, and in particular in the drafting of a notice of vacancy and the consideration of the applications.
2. The Head of the Office shall be the Appointing Authority for the staff of the Office.
3. The Commission, as far as the Head of the Office is concerned, and the Head of the Office, as far as the staff for whom the latter is the Appointing Authority are concerned, shall inform the Management Board of appointments made, contracts signed, promotions granted and disciplinary proceedings initiated against officials or other servants.
4. The officials of all Community institutions shall be informed of posts vacant within the Office as soon as the Appointing Authority decides to fill those posts.
5. The Head of the Office shall be appointed for a term of five years, renewable for one further term.

Article 8

Tasks of the Head of the Office; management of staff

1. The Head of the Office shall be responsible for the smooth running of the Office. Within the area of responsibility of the Management Board, he or she shall act under the authority of the latter. He or she shall provide secretarial services for the Management Board, shall report to it on the performance of his or her duties and shall submit to it any suggestion for the smooth running of the Office.
2. Administrative procedures connected with the day-to-day management of personnel, such as salaries, leave, and sickness, accident and retirement insurance, shall be carried out under the same conditions as for the officials and other servants of the Commission. That list shall not be exhaustive and the Office may extend it to cover other areas in agreement with the Commission.

Article 9

Financial matters

1. The appropriations allocated to the Office, the total amount of which shall be entered in a separate budget heading within the section of the budget relating to the Commission, shall be set out in detail in an Annex to that section. That Annex shall take the form of a statement of revenue and expenditure, subdivided in the same way as the sections of the budget.
2. The establishment plan of the Office shall be annexed to the Commission's establishment plan.
3. On the basis of a proposal from the Management Board, the Commission shall, as regards the appropriations for the Office entered in the Annex, delegate the powers of authorising officer to the Head of the Office and shall set the limits and conditions applying to that delegation of powers. At the end of the financial year the Management Board shall inform the budgetary authority of the breakdown of amounts obtained in return for extra services provided by the Office, within the budget heading in the Annex.
4. The Office's accounts shall be drawn up in accordance with the accounting rules and methods laid down by the Commission accounting officer. The Office shall keep separate accounts of revenue from payments for services provided.

Article 10

Review

This Decision shall be reviewed after a period of three years following the establishment of the Office.

*Article 11***Effective date**

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

For the European Parliament

The Secretary-General

J. PRIESTLEY

For the Commission

The Secretary-General

D. O'SULLIVAN

For the Court of Auditors

The Secretary-General

M. HERVÉ

For the Committee of the Regions

The Secretary-General

V. FALCONE

For the Council

The Deputy Secretary-General

P. DE BOISSIEU

For the Court of Justice

The Registrar

R. GRASS

For the Economic and Social Committee

The Secretary-General

P. VENTURINI

The European Ombudsman

J. SØDERMAN
