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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC, EURATOM) No 1522/2002
of 24 July 2002**

**laying down the weightings applicable from 1 January 2002 to the remuneration of officials of the
European Communities serving in third countries**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Staff Regulations of officials of the European Communities and the Conditions of employment of other servants of the Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁾, as last amended by Regulation (EC, ECSC, Euratom) No 490/2002 ⁽²⁾, and in particular the first paragraph of Article 13 of Annex X thereto,

Having regard to the proposal from the Commission,

Whereas:

- (1) Account should be taken of changes in the cost of living in countries outside the Community and the weightings applicable to remuneration paid in the currency of the country of employment to officials serving in third countries should be determined accordingly with effect from 1 January 2002.
- (2) Under Annex X of the Staff Regulations, the Council sets the weightings every six months and it will accordingly have to set new weightings for the coming half-year.
- (3) The weightings to apply with effect from 1 January 2002, in respect of which payment has been made on the basis of a previous regulation, could lead to retrospective adjustments to remuneration (upwards or downwards).
- (4) Provision should be made for back-payments in the event of an increase in remuneration as a result of these weightings.
- (5) Provision should be made for the recovery of sums overpaid in the event of a reduction in remuneration as a result of these weightings for the period between 1 January 2002 and the date of the Council decision setting the weightings to apply with effect from 1 January 2002.

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

HAS ADOPTED THIS REGULATION:

Article 1

With effect from 1 January 2002, the weightings applicable to remuneration payable in the currency of the country of employment shall be as shown in the Annex.

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

Article 2

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

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

For the period between 1 January 2002 and the date of the Council decision setting the weightings applicable with effect from 1 January 2002, the institutions shall make retrospective downward adjustments to remuneration in the event of a reduction as a result of these weightings.

⁽¹⁾ OJ L 56, 4.3.1968, p. 1.

⁽²⁾ OJ L 77, 20.3.2002, p. 1.

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

Article 3

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

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

Done at Brussels, 24 July 2002.

For the Council

The President

P. S. MØLLER

ANNEX

Place of employment	Weightings January 2002
Albania	97,3
Algeria (*)	0,0
Angola	115,9
Argentina	129,4
Australia	93,9
Bangladesh	77,9
Barbados	142,5
Belize	103,2
Benin	88,4
Bolivia	74,3
Bosnia and Herzegovina	87,5
Botswana	55,4
Brazil	82,4
Bulgaria	72,1
Burkina Faso	78,5
Burundi (*)	0,0
Cambodia (*)	0,0
Cameroon	96,1
Canada	84,5
Cape Verde	75,6
Central African Republic	109,8
Chad	112,5
Chile	86,2
China	107,3
Colombia	82,9
Congo	103,7
Costa Rica	104,7
Côte d'Ivoire	106,1
Croatia	97,3
Cyprus	95,1
Czech Republic	92,0

Place of employment	Weightings January 2002
Democratic Republic of the Congo	144,9
Djibouti	141,8
Dominican Republic	92,4
Egypt	73,4
Equatorial Guinea	95,8
Eritrea	46,3
Estonia	74,3
Ethiopia	80,2
Fiji	71,1
FYROM	77,5
Gabon	116,1
Georgia	111,2
Ghana	89,5
Guatemala	93,8
Guinea	87,1
Guinea-Bissau	132,2
Guyana	70,7
Haiti	98,4
Hong Kong	121,9
Hungary	69,0
India	61,2
Indonesia	88,5
Israel	121,6
Jamaica	126,4
Japan (Naka)	152,5
Japan (Tokyo)	161,3
Jordan	99,2
Kazakhstan	117,9
Kenya	98,5
Latvia	80,7
Lebanon	110,9

Place of employment	Weightings January 2002
Lesotho	44,1
Liberia (*)	0,0
Lithuania	76,6
Madagascar	96,1
Malawi	105,0
Mali	86,6
Malta	103,0
Mauritania	72,8
Mauritius	84,5
Mexico	102,4
Morocco	89,6
Mozambique	81,7
Namibia	48,4
Netherlands Antilles	121,0
New Caledonia	122,2
Nicaragua	99,4
Niger	87,7
Nigeria	102,7
Norway	134,2
Pakistan	59,3
Papua New Guinea	68,3
Paraguay (*)	0,0
Peru	112,4
Philippines	68,7
Poland	88,7
Romania	55,1
Russia	133,6
Rwanda (*)	0,0
São Tomé and Príncipe	74,4
Senegal	81,5
Sierra Leone (*)	0,0
Slovakia	68,8

Place of employment	Weightings January 2002
Slovenia	76,4
Solomon Islands	97,2
Somalia (*)	0,0
South Africa	41,9
South Korea	108,3
Sri Lanka	77,8
Sudan	48,0
Suriname	81,5
Swaziland	42,3
Switzerland	124,8
Syria	108,4
Tanzania	80,9
Thailand	70,9
The Comoros	103,3
The Gambia	60,5
Togo	96,3
Tonga	72,7
Trinidad and Tobago	90,7
Tunisia	83,6
Turkey	81,3
Uganda	99,2
Ukraine	123,9
United States (New York)	136,7
United States (Washington DC)	132,5
Uruguay	109,3
Vanuatu	121,9
Venezuela	115,6
Vietnam	68,9
West Bank and Gaza Strip	112,9
Yugoslavia	63,6
Zambia	66,0
Zimbabwe	88,5

(*) Not available.

COMMISSION REGULATION (EC) No 1523/2002
of 26 August 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 27 August 2002.

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

Done at Brussels, 26 August 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 26 August 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	68,0
	999	68,0
0707 00 05	052	88,5
	999	88,5
0709 90 70	052	78,8
	999	78,8
0805 50 10	388	57,8
	528	51,5
	999	54,6
0806 10 10	052	77,2
	220	270,7
	400	196,7
	999	181,5
0808 10 20, 0808 10 50, 0808 10 90	388	84,4
	400	96,3
	508	97,3
	512	83,2
	528	51,4
	720	70,9
	800	182,5
	804	88,7
	999	94,3
0808 20 50	052	114,9
	388	84,0
	512	97,8
	528	93,1
	999	97,5
0809 30 10, 0809 30 90	052	109,2
	999	109,2
0809 40 05	052	70,3
	060	63,5
	064	58,0
	066	56,1
	624	184,4
	999	86,5

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

COMMISSION REGULATION (EC) No 1524/2002

of 26 August 2002

amending Regulation (EC) No 936/97 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Commission Regulation (EC) No 2345/2001 ⁽²⁾, and in particular Article 32(1) thereof,

Whereas:

- (1) Article 1 of Council Regulation (EC) No 1149/2002 of 27 June 2002 opening an autonomous quota for imports of high-quality beef ⁽³⁾ provides for the opening of an annual import tariff quota of 1 000 tonnes of high-quality beef starting on 1 July 2002.
- (2) Article 1 of Council Regulation (EC) No 1150/2002 of 27 June 2002 opening an autonomous quota for imports of high-quality beef ⁽⁴⁾ provides for the opening of an annual import tariff quota of 10 000 tonnes of high-quality beef for the period 1 July 2002 to 30 June 2003.
- (3) Under Article 2 of the above Regulations the quotas in question are managed by means of certificates of authenticity.
- (4) Commission Regulation (EC) No 936/97 of 27 May 1997 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat ⁽⁵⁾, as last amended by Regulation (EC) No 361/2002 ⁽⁶⁾, provides, for a number of quotas of high-quality beef, for management by means of certificates of authenticity. In order to ensure the uniform management of the quotas in question, detailed rules should be adopted for the application of the above two quotas and incorporated into Regulation (EC) No 936/97.
- (5) Under Article 2(f) of Regulation (EC) No 936/97 the meat in question must meet certain quality criteria. In this context, the Canadian competent authority has just defined the grades of carcasses for bison meat. The above Article 2(f) should therefore be amended.

- (6) In a number of cases, in particular when high-quality fresh or chilled beef is imported by air in view of its perishable nature, the documents and/or data required for the rapid release for free circulation of these goods are missing. In order to facilitate commercial operations, Article 8 of Regulation (EC) No 936/97 should be amended. The exceptional cases in which import licences may be issued should first be specified. The conditions must be laid down for the lodging and release of a specific security against import licences other than those referred to in the second indent of Article 4 of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80 ⁽⁷⁾, as last amended by Regulation (EC) No 2492/2001 ⁽⁸⁾, and the main requirement for that guarantee must be defined.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 936/97 is hereby amended as follows:

1. the first indent of Article 1(1) is amended as follows:

- (a) '58 100 tonnes' is replaced by '59 100 tonnes';
- (b) the following second subparagraph is added;

'However, the total volume of tariff quotas shall be 69 100 tonnes in the 2002/03 import year.';

2. Article 2 is amended as follows:

- (a) the following second subparagraph is added to point (a):

'However, for the 2002/03 import year the tariff quota shall be 38 000 tonnes, of which 10 000 tonnes, expressed in product weight, shall fall within CN codes 0201 30 00, 0202 30 90, 0206 10 95 and 0206 29 91.';

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 315, 1.12.2001, p. 29.

⁽³⁾ OJ L 170, 29.6.2002, p. 13.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 14.

⁽⁵⁾ OJ L 137, 28.5.1997, p. 10.

⁽⁶⁾ OJ L 58, 28.2.2002, p. 5.

⁽⁷⁾ OJ L 143, 27.6.1995, p. 35.

⁽⁸⁾ OJ L 337, 20.12.2001, p. 18.

(b) point (f) is replaced by the following:

'(f) 11 500 tonnes product weight for meat falling within CN codes 0201, 0202, 0206 10 95 and 0206 29 91, and meeting the following definition:

"Carcasses or any cuts obtained from bovine animals not over 30 months of age which have been fed for 100 days or more on nutritionally balanced, high-energy-content rations containing not less than 70 % grain and comprising at least 20 pounds total feed per day. Beef graded "choice" or "prime" according to USDA (United States Department of Agriculture) standards automatically meets the above definition. Meat graded "Canada A", "Canada AA", "Canada AAA", "Canada Choice" and "Canada Prime", "A1", "A2" and "A3", according to the Canadian Food Inspection Agency — Government of Canada, corresponds to this definition.";

(c) the following point (g) is added:

'(g) 1 000 tonnes of boneless meat falling within CN codes 0201 30 00 and 0202 30 90 and meeting the following definition:

"fillet (lomito), striploin and/or Cube roll (lomo), rump (rabadilla), topside (carnaza negra) obtained from selected crossbred animals with less than 50 % of breeds of the zebú type and having been exclusively fed with pasture grass or hay. The slaughtered animals shall be steers or heifers falling under category "V" of the VACUNO carcase-grading system producing carcasses not exceeding 260 kg.

The cuts must be labelled according to Article 13 of Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97 (*). The indication "high-quality beef" may be added to the information on the label."

(*) OJ L 204, 11.8.2000, p. 1.;

3. Article 8 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. Imports of the quantities set out in the second indent of Article 1(1) and in Article 2(a), (b) (c), (d), (e) and (g) shall be subject to presentation, on release for free circulation, of import licences issued in accordance with Article 4(c) and (d) and paragraph 2 of this Article.;

(b) paragraph 3 is replaced by the following:

'3. Notwithstanding paragraph 2(a) and (c), and under the terms of this paragraph, the competent authorities may issue import licences when:

- the original of the certificate of authenticity has been presented but the relevant information from the Commission has not yet been received, or
- the original of the certificate of authenticity has not been presented, or
- the original of the certificate of authenticity has been presented and the relevant information from the Commission has been received but certain data are not in conformity.

In these cases, notwithstanding the second indent of Article 4 of Regulation (EC) No 1445/95, the security to be lodged for import licences shall be equal to the amount corresponding, for the products in question, to the full customs duty under the common customs tariff (CCT) applicable on the day on which the application for the import licence is submitted.

After having received the original of the certificate of authenticity and the Commission information on the certificate in question and after having checked that this data is in conformity, the Member States shall release this security on condition that the security referred to in the second indent of Article 4 of Regulation (EC) No 1445/95 has been lodged for the same import licence.

The presentation to the competent authority of the original of the conforming authenticity certificate before expiry of the period of validity of the import licence concerned shall constitute a main requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85 (*) for the security referred to in the second subparagraph.

The amounts of this security not released shall be forfeited and retained as customs duties.

(*) OJ L 205, 3.8.1985, p. 5.;

4. the following indent is added to Annex II:

— MINISTERIO DE AGRICULTURA, GANADERÍA, DIRECCIÓN DE NORMAS Y CONTROL DE ALIMENTOS:

for meat originating in Paraguay and meeting the definition in Article 2(g).'

Article 2

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

It shall apply from 1 July 2002.

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

Done at Brussels, 26 August 2002.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1525/2002**of 26 August 2002****amending Regulation (EC) No 1899/97 laying down rules for the application in the poultrymeat and egg sectors of the arrangements under the Europe Agreements with central and east European countries provided for by Council Regulations (EC) No 1727/2000, (EC) No 2290/2000, (EC) No 2433/2000, (EC) No 2434/2000, (EC) No 2435/2000 and (EC) No 2851/2000 and repealing Regulations (EEC) No 2699/93 and (EC) No 1559/94**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1408/2002 of 29 July 2002 establishing concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Hungary ⁽¹⁾, and in particular Article 1(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1899/97 ⁽²⁾, as last amended by Regulation (EC) No 1043/2001 ⁽³⁾, lays down the rules for applying the arrangements provided for in the Europe Agreements in the poultrymeat and egg sectors.
- (2) Council Regulation (EC) No 1408/2002 provides for the direct management on entry into the territory of the European Union of quotas of certain products in the poultrymeat and egg sectors originating in Hungary at a reduced rate of customs duty.
- (3) As a result, management of those quotas by means of licences should be discontinued.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1899/97 is amended as follows:

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

'All imports into the Community under the arrangements provided for by Regulations (EC) No 2290/2000, (EC) No 2433/2000, (EC) No 2434/2000, (EC) No 2435/2000 and (EC) No 2851/2000 of products covered by Annex I to this Regulation shall be subject to presentation of an import licence.';

2. part A of Annex I is deleted.

Article 2

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

It shall apply from 1 July 2002.

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

Done at Brussels, 26 August 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 205, 2.8.2002, p. 9.

⁽²⁾ OJ L 267, 30.9.1997, p. 67.

⁽³⁾ OJ L 145, 31.5.2001, p. 24.

COMMISSION REGULATION (EC) No 1526/2002**of 26 August 2002****opening an invitation to tender for the reduction in the duty on maize imported into Spain from third countries**

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 12(1) thereof,

Whereas:

- (1) Pursuant to the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations, the Community has undertaken to import a certain quantity of maize into Spain.
- (2) Commission Regulation (EC) No 1839/95 of 26 July 1995 laying down detailed rules for the application of tariff quotas for imports of maize and sorghum into Spain and imports of maize into Portugal ⁽³⁾, as last amended by Regulation (EC) No 2235/2000 ⁽⁴⁾, lays down the rules governing the administration of those special arrangements. This Regulation lays down the special additional detailed rules necessary for implementing the invitation to tender, in particular those relating to the lodging and release of the security to be lodged by operators to ensure compliance with their obligations and, in particular, the obligation to process or use the imported product on the Spanish market.
- (3) In the light of current market needs in Spain, an invitation to tender for the reduction in the duty on imports of maize should be opened in the framework of these special arrangements for imports.

- (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

1. An invitation to tender is hereby opened for the reduction in the import duty referred to in Article 10(2) of Regulation (EEC) No 1766/92 on maize to be imported into Spain.
2. The invitation to tender shall be open until 26 September 2002. During that period, weekly invitations shall be issued with quantities and closing dates as shown in the notice of invitation to tender.
3. Regulation (EC) No 1839/95 shall apply save as otherwise provided for in this Regulation.

Article 2

Import licences issued under these invitations to tender shall be valid 50 days from the date they are issued within the meaning of Article 10(4) of Regulation (EC) No 1839/95.

Article 3

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

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

Done at Brussels, 26 August 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 177, 28.7.1995, p. 4.

⁽⁴⁾ OJ L 256, 10.10.2000, p. 13.

COMMISSION REGULATION (EC) No 1527/2002
of 26 August 2002
amending Regulation (EC) No 1379/2002 on the supply of vegetable oil as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food aid policy and food aid management and special operations in support of food security ⁽¹⁾, as amended by Regulation (EC) No 1726/2001 of the European Parliament and of the Council ⁽²⁾, and in particular Article 24(1)(b) thereof,

Whereas:

Commission Regulation (EC) No 1379/2002 ⁽³⁾ issued an invitation to tender for the supply, as food aid, of vegetable oil. For lot B some of the conditions specified in the Annex to that Regulation should be altered at the request of the beneficiary,

Article 1

For lot B the Annex to Regulation (EC) No 1379/2002 is replaced by the Annex to this Regulation.

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, 26 August 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 234, 1.9.2001, p. 10.

⁽³⁾ OJ L 200, 30.7.2002, p. 8.

ANNEX

'ANNEX

LOT B

1. **Action No:** 294/01
 2. **Beneficiary** ⁽²⁾:: EuronAid, PO Box 12, 2501 CA Den Haag, Nederland; tel. (31-70) 33 05 757; fax 36 41 701; telex 30960 EURON NL
 3. **Beneficiary's representative:** to be designated by the beneficiary
 4. **Country of destination:** Eritrea
 5. **Product to be mobilised:** refined rapeseed oil or refined sunflower oil
 6. **Total quantity (tonnes net):** 810
 7. **Number of lots:** 1
 8. **Characteristics and quality of the product** ⁽³⁾⁽⁴⁾⁽⁶⁾:: see OJ C 312, 31.10.2000, p. 1 (D.1 or D.2)
 9. **Packaging:** see OJ C 267, 13.9.1996, p. 1 (10.8, A, B and C.2)
Weight of the empty container 135 g minimum
 10. **Labelling or marking** ⁽⁵⁾:: see OJ C 114, 29.4.1991, p. 1 (III.A.(3))
— Language to be used for the markings: English
— Supplementary markings: —
 11. **Method of mobilisation of the product:** the Community market
The mobilisation may not involve a product manufactured and/or packaged under inward-processing arrangements.
 12. **Specified delivery stage** ⁽⁷⁾:: free at port of shipment
 13. **Alternative delivery stage:** —
 14. a) **Port of shipment:** —
b) **Loading address:** —
 15. **Port of landing:** —
 16. **Place of destination:**
— port or warehouse of transit: —
— overland transport route: —
 17. **Period or deadline of supply at the specified stage:**
— first deadline: 7 to 27.10.2002
— second deadline: 21.10 to 10.11.2002
 18. **Period or deadline of supply at the alternative stage:**
— first deadline: —
— second deadline: —
 19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
— first deadline: 10.9.2002
— second deadline: 24.10.2002
 20. **Amount of tendering guarantee:** EUR 15 per tonne
 21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: M. Vestergaard, European Commission, Office L 130 7/46, B-1049 Brussels; telex 25670 AGREC B; fax (32-2) 296 70 03/296 70 04
 22. **Export refund:** —
-

COMMISSION REGULATION (EC) No 1528/2002
of 26 August 2002
on the issue of system B export licences in the fruit and vegetables sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1961/2001 of 8 October 2001 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1176/2002 ⁽²⁾, and in particular Article 6(6) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1110/2002 ⁽³⁾ fixes the indicative quantities for system B export licences other than those sought in the context of food aid.
- (2) In the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for apples will shortly be exceeded. This overrun will prejudice the

proper working of the export refund scheme in the fruit and vegetables sector.

- (3) To avoid this situation, applications for system B licences for apples exported after 26 August 2002 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for system B export licences for apples submitted pursuant to Article 1 of Regulation (EC) No 1110/2002, export declarations for which are accepted after 26 August 2002 and before 17 September 2002, are hereby rejected.

Article 2

This Regulation shall enter into force on 27 August 2002.

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

Done at Brussels, 26 August 2002.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 268, 9.10.2001, p. 8.

⁽²⁾ OJ L 170, 29.6.2002, p. 69.

⁽³⁾ OJ L 168, 27.6.2002, p. 8.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 3 April 2002

on the dual-use exemption which the United Kingdom is planning to implement under the Climate Change Levy and the extended exemption for certain competing processes

(notified under document number C(2002) 1189)

(Only the English text is authentic)

(Text with EEA relevance)

(2002/676/EC, ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Treaty establishing the European Coal and Steel Community and in particular Article 4(c) thereof and Commission Decision 2496/96/ECSC of 18 December 1996 establishing Community rules for State aid to the steel industry ⁽¹⁾ ('the Steel Aid Code'),

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof and Protocol 14 thereto,

Having called on interested parties to submit their comments pursuant to Article 88(2) of the EC Treaty ⁽²⁾ and pursuant to Article 6(5) of the Steel Aid Code ⁽³⁾, respectively, and having regard to their comments, insofar as the dual-use exemption under the climate change levy is concerned,

Whereas:

1. PROCEDURE

(1) By letter dated 14 February 2000, the United Kingdom notified the Commission of the climate change levy ('CCL'). The legal basis for the CCL is the Finance Act 2000, Section 30 and Schedules 6 and 7. By letter dated 5 April 2000, the United Kingdom notified the Commission of the CCL in accordance with the Steel Aid Code.

(2) By letters dated 28 March 2001 (SG(2001) D/287332) and 5 April 2001 (SG(2001) D/287443), the Commission informed the United Kingdom that it had decided to initiate the procedure laid down in Article 88(2) of the EC Treaty and, respectively, Article 6(5) of the Steel Aid Code in respect of the exemption for dual-use fuels under the CCL.

(3) The Commission decisions to initiate the procedure were published in the *Official Journal of the European Communities* ⁽⁴⁾. The Commission called on interested parties to submit their comments.

(4) The Commission received comments from interested parties. In relation to its investigation under Article 88(2) of the EC Treaty, the Commission received observations from the British Cement Association, by letter of 31 July 2001, and from the British Lime Association, by letter of 31 July. Additionally, in relation to its investigation under Article 6(5) of the Steel Aid Code, the Commission received observations from the UK Steel Association, by letter of 27 July 2001; the European Independent Steelworks Association, by letter of 2 August 2001; Corus, by letter of 19 July 2001; and ASW, by letter of 6 August 2001. The Commission forwarded these comments to the United Kingdom by letters of 7 and 21 August 2001.

⁽¹⁾ OJ L 338, 28.12.1996, p. 42.

⁽²⁾ OJ C 185, 30.6.2001, p. 22.

⁽³⁾ OJ C 191, 7.7.2001, p. 3.

⁽⁴⁾ See footnotes 2 and 3.

- (5) By letter of 6 August, the United Kingdom submitted a response to the Commission's letters of 28 March and 5 April. By letter dated 21 September, the United Kingdom submitted its comments on the third-party observations.

2. DETAILED DESCRIPTION

2.1. Climate change levy

- (6) The CCL package takes forward the British Government's policy on environmental taxation and is a central part of the British Government's climate change programme, which sets out the Government's proposals for meeting the United Kingdom's legally binding target of a 12,5 % reduction in greenhouse gas emissions (Kyoto Protocol) and for moving towards the British Government's domestic goal of a 20 % reduction in carbon dioxide emissions by 2010.
- (7) The CCL is designed to cover non-domestic use of energy products for fuel purposes. Fuel purposes include lighting, heating, motive power and power for appliances. Energy products used for fuel purposes are subject to the CCL when used by consumers in industry (including fuel industries), commerce, agriculture, public administration and other services. The tax is levied at the point of sale to the final consumer. Taxable commodities are electricity, gas, coal and other solid fuels and liquefied petroleum gas.
- (8) Mineral oils are not within the scope of the tax because they are already subject to excise duty in accordance with Council Directive 92/81/EEC of 19 October 1992 on the harmonisation of the structures of excise duties on mineral oils ⁽⁵⁾ ('the Mineral Oils Directive').
- (9) The legal basis of the CCL is the Finance Act 2000, Section 30 and Schedules 6 and 7, which received Royal Assent on 28 July 2000.
- (10) In its Decisions sent on 28 March and 5 April 2001, the Commission raised no objections to certain exemptions from the CCL, namely: an exemption for electricity, gas and coal used in public transport and rail freight; an exemption for input fuels and electricity generated by good quality combined heat and power plants; an exemption for electricity generated from clean energy sources; and reductions for facilities entering into climate change agreements. In so far as these measures contained elements of State aid, they were notified by the British authorities for a period of 10 years. To the extent that the Commission raised no objections, the CCL came into force on 1 April 2001.

2.2. Non-fuel and dual-use exemption

- (11) Under the CCL, energy products falling within the scope of the levy will be exempt from it where they are used for purposes other than as fuel. Thus the CCL does not apply to energy products used entirely as a raw material (the non-fuel exemption). Additionally, where an energy product is used principally for non-fuel purposes, the use of the product is exempt from the CCL (dual-use exemption). A full list of processes that involve the dual use of fuel is contained in the climate change levy (use as fuel) Regulations 2001. The Commission initiated the investigation procedure under Article 88(2) of the EC Treaty and Article 6(5) of the Steel Aid Code in respect of this dual-use exemption.

2.3. Reasons for opening the procedure

- (12) In the opening of the procedure, the Commission expressed doubts that the dual-use exemption could be considered as a general measure, as it would favour certain undertakings or the production of certain goods, namely, some metals, batteries and some chemicals. The Commission also considered that, within the steel production sector, the exemption favours one or more undertakings over others, depending upon the production method employed.
- (13) The Commission considered that the dual-use exemption would not be justified on the basis of the nature and logic of the tax system, because it would not be consistent with the objective of the CCL to reduce emissions of carbon dioxide. The Commission noted the claim made by the British authorities that the imposition of the CCL solely on energy used for fuel purposes is consistent with the provisions of the Mineral Oils Directive and the proposal for a Council Directive restructuring the Community framework for the taxation of energy products ⁽⁶⁾ ('the Proposal').
- (14) However, the Commission noted that such a definition of the scope of an energy tax, whereby not all uses of energy products are taxed, may be in the logic of a system such as that established in the Mineral Oils Directive and the proposal. However, the Commission considered that the proposed dual-use exemption goes beyond such a definition of the scope of the levy. The reasons for this doubt were as follows.

⁽⁵⁾ OJ L 316, 31.10.1992, p. 12.

⁽⁶⁾ OJ C 139, 6.5.1997, p. 14.

- (a) The United Kingdom exempts fuels entirely from the levy, even if they are only partially used for non-energy purposes as defined above. The Commission doubted, however, that the British authorities cannot establish a mechanism whereby an estimation of fuel/non-fuel uses for certain processes can be made and levy imposed accordingly.
- (b) The exemption does not treat comparable situations equally, in so far as some dual-use processes are exempt from the levy, while other processes, which could also be considered as dual-use, are not exempt.
- (c) The proposal is not in force and cannot be relied upon as a reference point to establish the logic and general nature of the tax system. However, it may provide some indication. The Commission noted that the exemption does not extend to energy used in all metallurgical processes, as would be required under Article 13(1)(a) of the proposal.

3. COMMENTS FROM INTERESTED PARTIES

- (15) The observations received from third parties can be summarised as follows.

- (a) The British Cement Association supports the principle of the dual-use exemption, but is concerned that, in practice, comparable situations are not treated equally. In particular, the CCL discriminates against the manufacture of cement. The dual-use exemption creates a distortion in competition between cement and concrete products and those steel products manufactured by use of the blast furnace.

According to the British Cement Association, the dominant chemical reaction of cement is the chemical decomposition of calcium carbonate (CaCO_3) to calcium oxide (CaO). Conversion of CaCO_3 to CaO is a chemical reaction which typically requires 496 kWh of energy per tonne of CaCO_3 , with a similar figure for dolomitic limestone. In the cement-making process, most of the energy supplied as fuel is used to drive the chemical reaction for the calcination of lime.

- (b) The British Lime Association supports in principle the United Kingdom's dual-use approach but is concerned that, in practice, this does not treat comparable situations equally, and discriminates against lime. It considers that the dual-use exemption threatens to distort competition in the United

Kingdom, and that the list of exempt uses should be amended to include lime.

According to the British Lime Association, energy is required in the lime manufacturing process to convert an ore, limestone, to an active chemical, lime. The chemical reaction which defines the manufacture of high calcium lime is: $\text{CaCO}_3 \rightarrow \text{CaO} + \text{CO}_2$. The chemical reaction which defines the manufacture of dolomitic lime is: $\text{CaCO}_3 + \text{MgCO}_3 + \text{energy} = \text{CaOMgO} + 2\text{CO}_2$. In commercial production, the energy required to convert limestone to lime is thermal energy at a temperature in excess of 1 000 °C.

- (c) The UK Steel Association does not comment on whether the dual-use exemption is a general measure or within the nature and logic of the tax system. It is concerned by the distortion of competition caused by the dual-use exemption and considers that the preferred way to end the distortion would be for the British Government additionally to exempt from the CCL electricity used in the electric arc furnace.

- (d) The European Independent Steelworks Association claims that the non-fuel use of coke in the blast furnace is less than 50 % of coke input and that it should not be too difficult to apportion the fuel and non-fuel use. It considers that the electric arc furnace should be exempt as a metallurgical process, in line with the proposal, and that the exemption of coke in the blast furnace without a similar exemption being granted to the electric arc furnace steelmakers is an aid to the British blast furnace steel maker which is contrary to the ECSC State aid rules.

- (e) ASW maintains that the dual-use exemption is a State aid which applies only to Corus, which discriminates against the electric arc furnace and which cannot be justified on the basis of the logic and nature of the system. It considers that the non-fuel element of coke in the blast furnace represents at best 47 % of coke input. It underlines that the electric arc furnace is the less environmentally damaging steel production process, as it requires less energy and produces less carbon dioxide. It also considers the dual-use exemption to be incompatible with the proposal, as it does not extend to all metallurgical processes. Finally, it does not consider that the dual-use exemption complies with the Community guidelines on State aid for environmental protection ⁽⁷⁾ ('the environmental aid guidelines').

⁽⁷⁾ OJ C 37, 3.2.2001, p. 3.

- (f) Corus considers that the dual-use exemption is not State aid, as it is justified by the nature or general scheme of the system. It considers that it follows the general principles established in the Mineral Oils Directive and the proposal. Its view is that the blast furnace uses coke as a raw material and that only between 0 % and 3 % of the coke charged is used for purposes other than chemical reduction. It considers that, in the electric arc furnace, only the carbon additions (in the form of coke or coal) are used as raw material. It considers that any economic disadvantage suffered by electric arc producers is *de minimis*. Finally, it is of the view that if the dual-use exemption is to be considered as State aid, it is compatible with the environmental aid guidelines.

4. COMMENTS FROM THE UNITED KINGDOM

4.1. Apportionment

- (16) The United Kingdom's position is that the CCL extends to taxable commodities only when used solely for fuel purposes. The view of the British authorities is that where a taxable commodity is used for both a fuel purpose and a non-fuel purpose (as a raw material) the CCL cannot be levied on the part of the taxable commodity used for the fuel purpose (apportionment).
- (17) In support of this position, the British authorities highlight the fact that none of the submissions made by interested parties saw apportionment as a solution to the dual-use issue. The British authorities draw the Commission's attention to the wide variety of figures quoted as purporting to define the energy and non energy proportions of coke used in blast furnaces, making it difficult to accurately identify the fuel and non-fuel uses of energy products. The British authorities also maintain that highly variable factors, such as the quality of coke and ore, would have to be accounted for.
- (18) The British authorities ask the Commission to note that no other Member State has utilised a method of apportionment to deal with the issue of dual-use fuels. The British authorities contend that this supports their view that apportionment is not scientifically possible or practical.

4.2. Dual-use in the nature and logic of the system

- (19) Because the British authorities do not consider apportionment to be possible, they maintain that where the

taxable commodity performs a dual use, it is within the logic and nature of the system to grant a full exemption to the commodity, where it is used primarily as a raw material (non-fuel use), but where it also provides, as a by-product, an element of heating. According to the British authorities, an exemption for dual use is in the logic and nature of the system for the same reasons as the exemption for non-fuel uses.

- (20) According to the United Kingdom, the exemption for non-fuel uses reflects the widely accepted view that there are manufacturing processes which use particular forms of energy not for heating or lighting, or electronic or motive power, but exclusively as a raw material. The CCL, in line with its objectives and in common with other energy taxation in the United Kingdom, is levied on the use of energy as fuel. Raw material uses of energy do not fall within the intended scope of energy taxation in the United Kingdom — they are exempted from both the CCL and mineral oil excise duties.

- (21) The British authorities underline that the exemption for non-fuel uses has been approved by the Commission. This exemption is part of the nature and logic of the system of taxation for two reasons.

- (a) The input of the energy as a raw material is determined by the chemistry of the reactions. A given amount of production requires the input of a given amount of energy product. This chemical and physical relationship cannot be altered. This removes the scope for the producer to improve the efficiency of the operation in terms of the amount of energy product required. Imposing the CCL on energy in these circumstances (which would normally increase incentives to use energy more efficiently) would therefore serve no purpose.

In the steel sector, the British authorities accept that there are a number of options associated with the blast furnace's auxiliary processes (those which use energy as fuel and do not benefit from the dual-use exemption), which can improve efficiency. These include such items as blower efficiency, temperature control, pipework insulation and use of heat recovery. However, it is maintained that none of these steps would reduce the amount of raw material coke or oil injectant needed to produce the chemical reduction.

- (b) The type of raw material required is severely constrained by the chemistry of the reaction. For example, some reactions require solid carbon-based fuels, others require energy supplied as a raw material in the form of gas. It is not possible for the producer to switch to alternative sources of energy, such as renewably generated electricity, and therefore imposing the CCL on energy in these circumstances (which would normally create an incentive to switch to such other sources) would have no purpose.
- (22) The British authorities consider that the non-fuel and dual-use exemptions are entirely within the nature and logic of an energy taxation system and that there is no difference in principle between non-fuel uses of energy and dual-use fuels. The British authorities therefore maintain that there should be no difference in the approach taken to the taxation of non-fuel and dual-uses.
- (23) The British authorities maintain that the non-fuel and dual-use exemptions are consistent with all other aspects of the CCL. Other exemptions and discounts within the CCL demonstrate this logic. The package of measures forming the CCL contains exemptions for public transport, some renewable energy and good-quality CHP and temporarily for natural gas in Northern Ireland. It also includes CCL reductions for facilities which enter into energy-saving agreements. The British authorities believe that these aspects of the CCL package are clearly targeted at achieving the same overall objectives and fit equally well within the nature and logic of the CCL.
- (24) In relation to the observations received from third parties, the British authorities consider that the majority of the submissions are fully supportive of the principle of the dual-use exemption and that the main area of dispute is whether the correct processes benefit from the exemption. In relation to the particular observations submitted by the British Cement Association and the British Lime Association, the British authorities note that both associations state that chemical transformations are involved in cement and lime manufacturing — making them mineralogical transformation processes, and thus entitled to the dual-use exemption. The British authorities do not dispute the chemical information provided but contend that this is irrelevant to an assessment of eligibility for the dual-use exemption. In cement and lime manufacture, energy is necessary to the reactions purely as a fuel. Energy, in the form of heat, provides the temperature necessary for the calcination of lime or for the calcium carbonate and/or magnesium carbonate feedstocks to react. In both cases, energy is used as fuel rather than as a raw material. The British authorities stress that the dual-use exemption applies to processes where an energy product has a primary purpose as a raw material, but where it also provides heat as a by-product. Because energy is not used as feedstock or raw material in cement or lime production, it would conflict with the nature and logic of the CCL to include cement or lime production in the list of processes eligible for the dual-use exemption.
- (25) Whilst maintaining that the dual-use exemption is in the nature and logic of the CCL, which is an environmental tax, the British authorities accept that it could, in certain situations, lead to perverse environmental effects. This is the case where a process is exempted from the levy because of the dual-use provision, while a competing process that is less environmentally damaging is taxed. For this reason, the British authorities are committed to a general removal of such distortions, and have modified their notification accordingly.
- (26) The British authorities propose to modify the dual-use exemption to cover situations where a less energy-intensive recycling process is liable to higher CCL payments than a more energy-intensive, competing, primary process which falls within the exemption for non-fuel use or dual use. This new exemption is designed to apply in these very limited circumstances where the nature and logic of the CCL system of energy taxation currently produces a result contrary to the overall environmental aim of the levy. It will apply only:
- (a) to recycling processes, where the recycling process is less energy intensive (defined as using less energy to produce an equal quantity of product) than the primary process, but where the recycling process is liable to a higher CCL charge than the primary process (defined as the CCL payable per tonne of product); and
 - (b) where this situation arises because the primary process is eligible for a non-fuel or dual-use exemption from CCL; and
 - (c) to those processes or part processes which directly compete — for example in steel manufacturing the new exemption would only apply to the energy used in an electric arc furnace because that is the process which competes with the primary producers' blast furnace, and would not apply to any other part of the steel production process.

- (27) The British authorities undertake to publicise the terms of the exemption and invite those businesses who believe they may be eligible to apply, with supporting evidence. All applications would be assessed against the criteria outlined above — with specialist technical input being obtained when required. Valid applications would be approved and the recipients would be entitled to submit a levy-reduction certificate to their energy supplier (or amend certificates already submitted for other benefits).

4.3. Scope of the exemption

- (28) The position of the British authorities is that they have accurately identified the processes that meet the criteria for a dual-use exemption and that these are listed in the Climate change levy (use as fuel) Regulations 2001. The British authorities maintain that the uses of energy identified for exemption from the CCL are the result of expert consideration within HM Customs and Excise and supplementary, independent scientific advice from the Energy technology support Unit (ETSU). Where appropriate, the British authorities undertook technical consultations with representatives from the industries concerned.
- (29) In relation to the observations received from third parties, the British authorities make the general point that there is a clear difference between fuel for heating, which then allows a chemical reaction to take place, and fuel that is used as a raw material. In the former case, it does not matter how the fuel or heat is generated. In the latter case, the amount and type of energy is determined very precisely by the nature of the chemical reaction.
- (30) The British authorities therefore consider that the electric arc furnace and other processes which have been raised by third parties (cement, glass, ceramics and lime) do not fulfil the criteria for a dual-use exemption. The fuel is not used as a raw material; nor is its use determined by immutable scientific equations. Rather, it is used for pure heating purposes.
- (31) In relation to the particular observations received from third parties in the steel sector, the British authorities do not agree that the use of coke in the blast furnace should be considered primarily as a fuel use (as suggested by ASW and the European Independent Steelworks Association). The British authorities consider that the technical basis for the claim that less than 50 % of the coke is used in the blast furnace is based on an inaccurate interpretation of figures provided by the International Iron and

Steel Institute ⁽⁸⁾. The British authorities consider that a more accurate interpretation of the figures would be that between 57 % and 90 % of the coke input into the blast furnace is used for non-fuel purposes, but that there will be very significant variations determined by factors such as the quality of the ore and coke ⁽⁹⁾.

- (32) Nor do the British authorities accept that both the blast furnace and electric arc furnace should be exempted from the CCL as metallurgical processes (as suggested by EISA, ASW and the UK Steel Association). The British authorities consider that there is no agreed definition of metallurgical processes for the purposes of Article 13(1) of the proposal and are of the view that the dual-use exemption encompasses all processes, including metallurgical processes, where energy has a primary purpose as a raw material, but where it also provides heat as a by-product.
- (33) In relation to the observations received concerning processes that fall within the EC Treaty, the British authorities consider that the processes referred to, which can be considered as mineralogical processes, do not qualify for the dual-use exemption. In cement and lime manufacture, energy is necessary purely as a fuel, to provide the necessary temperatures for the calcination of lime or for the calcium carbonate and/or magnesium carbonate feedstocks to react. Accordingly, it would not be in keeping with the logic and nature of the CCL to include cement or lime production in the list of processes eligible for the dual-use exemption.
- (34) The British authorities' evaluation of the exemption for less environmentally damaging direct competitors is that its effects will be limited to secondary metal producers in the ferrous and non-ferrous sectors. The British authorities are not aware of any other products or production processes which would meet the eligibility criteria. For example, they do not consider that other recycling processes such as glass, rubber, plastics, cement, lime or ceramics, would be eligible. This assessment is, however, without prejudice to applications for further processes, which will be considered against the criteria outlined above.

5. ASSESSMENT OF THE MEASURE

- (35) The dual-use exemption falls to be assessed under Article 87 of the EC Treaty, Article 4(c) of the ECSC Treaty, the Steel Aid Code, and Article 61(2)(a) of the EEA Agreement and Protocol 14 thereto.

⁽⁸⁾ Energy use in the steel industry, Committee on Technology, Brussels, September 1998, International Iron and Steel Institute, paragraph 3.3.8.3. CJ Cairns et al.

⁽⁹⁾ This interpretation of the figures was confirmed to the Commission by the author of the report.

- (36) Article 87(1) of the EC Treaty provides that any aid granted by a Member State or through State resources in any form whatsoever, which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Member States, be incompatible with the common market. Point (c) of Article 4 of the ECSC Treaty recognises as incompatible with the common market and prohibits subsidies or aid granted by States in any form whatsoever.
- (37) The introduction of environmental taxes on the consumption of electricity, coal and other solid fuel, gas and liquefied petroleum gas are not as such caught by Article 87 of the EC Treaty or Article 4(c) of the ECSC Treaty in so far as they are general measures which do not favour particular firms or sectors of industry. However, exceptions to a general tax, reduced tariffs and refunds from the tax do fall within the scope of Article 87 of the EC Treaty and Article 4(c) of the ECSC Treaty if they are aimed at certain firms or sectors and unless these exemptions are justified by the nature or general scheme of the system (see the principles set out in Commission notice on the application of the State aid rules to measures relating to direct business taxation ⁽¹⁰⁾, and in particular point 13 et seq.).
- (38) The Commission considers that the dual-use exemption gives benefiting companies an advantage, which is financed through State resources. In assessing whether this exemption is a general measure, as the British authorities claim, or whether it constitutes State aid, the Commission considers it necessary to assess whether the effects would favour certain undertakings or the production of certain goods. The Commission notes that the dual-use exemption benefits only certain undertakings and certain sectors. According to the information provided by the British authorities, the dual-use exemption extends to the use of energy products in certain limited processes, as listed in the Climate change levy (use as fuels) Regulations 2001. The Commission therefore considers the dual-use exemption to be a selective measure.
- (39) The Commission notes that it falls to be considered whether the dual-use exemption is justified by the logic and nature of the system of taxation.
- (40) The Commission notes that the CCL is levied on energy used for fuel purposes, but is not levied on energy used for non-fuel purposes. The Commission accepts that it is within the logic and nature of an environmental tax system to levy the tax on energy products used for fuel, but to exempt energy products used purely for non-fuel purposes. The Commission has accepted this exemption under the CCL.
- (41) The Commission notes that the British authorities have reached their conclusions on the processes that use energy products purely for fuel purposes, on the basis of expert consideration within HM Customs and Excise and, where appropriate, supplementary, independent scientific advice from the Energy technology support unit. The Commission further notes that none of the observations submitted by third parties contend that electricity used in the electric arc furnace, or the energy used for the production of cement or lime, is used as a raw material or reductant. Accordingly, the Commission accepts the position of the British authorities that the energy products used in these processes are used principally for fuel purposes.
- (42) In its decision to initiate the procedure laid down in Article 88(2) of the EC Treaty and Article 4(c) of the Steel Aid Code, the Commission expressed doubts about the failure of the British authorities, in relation to processes that use energy partly for fuel and partly for non-fuel purposes, to apportion the CCL accordingly. Indeed, the Commission doubted whether a full exemption for dual-use processes was necessary.
- (43) The Commission notes, however, on the basis of the information provided during the investigation procedure, that there appear to be considerable practical difficulties in apportioning the CCL on the fuel part of energy used for dual purposes. The Commission further notes that highly variable factors, such as the quality of the raw materials, must be taken into account in apportioning the fuel/non-fuel use of energy. The Commission notes that none of the parties who submitted observations to the Commission identified apportionment as an alternative to the dual-use exemption. The Commission accepts that apportionment may not be a viable option for the British authorities.
- (44) The Commission further notes that the dual-use exemption extends to situations where an energy product is used primarily as a raw material, but provides an element of heat as a by-product. The Commission notes that in such circumstances, the type and amount of the energy product required may be determined by the nature of the chemistry of the reaction. The Commission notes that, where this is the case, the scope for a producer to change the type and amount of the energy product required for the process is very limited.

⁽¹⁰⁾ OJ C 384, 10.12.1998, p. 3.

- (45) Moreover, in so far as the proposal for a directive on the taxation of energy products may provide some indication of whether the dual-use exemption is in keeping with the general logic and nature of the system, the Commission notes that Article 13(1)(a) of the proposal provides an exemption for energy products and electricity used principally for the purposes of chemical reduction and in metallurgical and electrolytic processes. The Commission, therefore, considers that a dual-use exemption is, in principle, in line with the proposal where an energy product or electricity is used primarily for a non-fuel use.
- (46) Taking all these elements into account, the Commission, therefore, considers that, at least where apportionment is not a viable option, it is within the logic and nature of the environmental tax system to provide an exemption for energy products used primarily for non-fuel purposes. The Commission accepts, on the basis of the information gathered during its investigation, that the coke in the blast furnace is used primarily for the purposes of chemical reduction.
- (47) The Commission expressed doubts as to the effects of the dual-use exemption. The Commission notes that the application of the dual-use exemption can lead to a distortion of competition and some adverse environmental consequences, in that the less environmentally damaging processes may be treated unfavourably by comparison with directly competing processes that fall within the scope of the dual-use exemption.
- (48) The British authorities recognise these consequences of the CCL and have accordingly modified their notification by further undertaking to exempt certain processes when particular criteria are fulfilled.
- (49) The Commission notes the United Kingdom's evaluation of the effects of the modification, namely that they will be limited to secondary metal producers in the ferrous and non ferrous metal sectors, as these are the only sectors in which less environmentally damaging recycling production processes compete with primary processes falling within the scope of the dual-use exemption. The Commission notes the United Kingdom's position that the modification will not affect cement or lime production, as neither is a recycling process and neither faces distortion due to the application of the non use or dual-use exemption to a competing primary production process.
- (50) It falls to be considered whether the exemption extended to competing processes is justified by the nature and logic of the scheme, or whether it constitutes State aid.
- (51) In light of the scope of the CCL, to tax the fuel use of energy, the Commission does not consider that the exemption for processes that would be classified as using energy products purely for fuel purposes are in keeping with the nature and logic of the system.
- (52) The Commission, therefore, considers the exemption to constitute State aid. It falls to be considered whether the exemption can be considered compatible with the Treaty. The Commission notes that Article 87(3)(c) of the EC Treaty provides that aid to facilitate the development of certain economic activities may be considered to be compatible with the common market where such aid does not adversely affect trading conditions to an extent contrary to the common interest.
- (53) The Commission notes that under the modification notified by the British authorities, directly competing primary and recycling production processes will be treated in a like manner for the purposes of taxation under the CCL. The Commission considers that the modification will, therefore, significantly reduce the distortions of competition and mitigate the adverse environmental consequences that would otherwise arise from the operation of the dual-use exemption. In such circumstances, the Commission considers that such an exemption, which limits the negative environmental consequences that would otherwise arise from the dual-use exemption, is acceptable from the point of view of the Community's environmental policy. The Commission does not consider the exemption to adversely affect trading conditions. Indeed, it is designed to ensure the maintenance of equitable trading conditions. The Commission, therefore, finds that the aid can be considered as compatible with the common market for an initial period of 10 years, until the other State aid elements of the CCL fall to be renotified.
- (54) Accordingly, in the light of the position of the British authorities and of their undertaking to treat directly competing primary and recycling production processes in a like manner for the purposes of taxation under the CCL, thereby limiting the disadvantage to the less environmentally damaging processes, the Commission's doubts about the environmental consequences and distortion of competition are allayed.
- ## 6. CONCLUSION
- (55) In view of the foregoing, the Commission considers that the dual-use exemption is within the logic and nature of the CCL. The Commission considers that the exemption for less environmentally damaging processes, namely recycling production processes that compete directly with primary production processes falling within the scope of the non-fuel or dual-use exemption, constitutes a compatible State aid. The Commission, therefore, approves the dual-use exemption and raises no objections to the exemption for competing processes,

HAS ADOPTED THIS DECISION:

Article 1

The dual-use exemption which the United Kingdom is planning to implement under the climate change levy, instituted by Section 30 and Schedules 6 and 7 of the United Kingdom Finance Act 2000, does not constitute aid within the meaning of Article 87(1) of the EC Treaty or point (c) of Article 4 of the ECSC Treaty.

Article 2

The exemption for less environmentally damaging processes, namely recycling production processes that compete directly with primary production processes falling within the scope of the non-fuel or dual-use exemption, constitutes State aid within the meaning of Article 87(1) of the Treaty.

However, the aid meets the conditions for exemption under Article 87(3)(c) of the Treaty and is therefore compatible with the common market.

This approval is given for an initial period of 10 years.

Article 3

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 3 April 2002.

For the Commission

Mario MONTI

Member of the Commission

COMMISSION DECISION

of 22 August 2002

laying down standard reporting requirements for programmes of eradication and control of animal diseases co-financed by the Community and repealing Decision 2000/322/EC

(notified under document number C(2002) 3103)

(Text with EEA relevance)

(2002/677/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field, ⁽¹⁾ as last amended by Decision 2001/572 ⁽²⁾ and in particular Article 24(11) thereof,

Whereas:

- (1) Decision 90/424/EEC provides for the possibility of financial participation by the Community in programmes for the eradication and control of animal diseases. Each year, Member States are to submit the programmes for which they wish to receive a financial contribution.
- (2) An evaluation system must be in place for the purposes of assessing progress made during implementation of eradication and control programmes. The evaluation system should include a reporting system to provide epidemiological data from the programmes. Harmonisation of such a reporting system is desirable.
- (3) The primary responsibility for the implementation and the success of the eradication and control programmes, as well as for the proper financial management of the co-financed measures, lies with the Member State making the application.
- (4) Criteria for the eradication and control programmes provided in Decision 90/424/EEC, Article 24, (2) have been established by Council Decision 90/638/EEC ⁽³⁾.
- (5) Decision 90/638/EEC, Annex 1, Point 13, provides that eradication programmes submitted by the Member States to the Commission for co-financing shall contain at least, where necessary, rules for adequate compensation to farmers for slaughtered animals as soon as possible.
- (6) It is appropriate to provide that in the absence of such rules compensation should be paid within 90 days.
- (7) This Decision replaces Commission Decision 2000/322/EC of 13 April 2000 laying down standard requirements for the reports submitted for programmes for the eradication and monitoring of animal diseases approved for co-financing by the Community ⁽⁴⁾, which should be

repealed as from the date on which this Decision becomes applicable.

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

HAS ADOPTED THIS DECISION:

Article 1

For the purpose of this Decision, the following definitions shall apply:

- (a) 'Preliminary technical and financial evaluation of the programme': preliminary evaluation of the running programme to be submitted to the Commission before 1 June, as provided for by Article 24(7) of Decision 90/424/EEC;
- (b) 'Intermediate reports': reports to be submitted to the Commission within a regular time scale;
- (c) 'Final reports': reports to be submitted to the Commission for the entire year of application of the programme;
- (d) 'Payment applications': payment applications as referred to in Article 24(8) of Decision 90/424/EEC.

Article 2

Member States shall, as regards eradication and control programmes adopted in accordance with Article 24 of Decision 90/424/EEC, submit a preliminary technical and financial evaluation, intermediate reports and final reports in accordance with this Decision.

Article 3

The preliminary technical and financial evaluation of a programme approved for co-financing shall contain at least the information specified in Annex I.

Article 4

1. Intermediate reports shall contain at least the information specified in Annexes II, III and IV, as appropriate, for the following diseases:

⁽¹⁾ OJ L 224, 18.9.1990, p. 19.

⁽²⁾ OJ L 203, 28.7.2001, p. 16.

⁽³⁾ OJ L 347, 12.12.1990, p. 54.

⁽⁴⁾ OJ L 111, 9.5.2000, p. 19.

bovine tuberculosis, bovine brucellosis, ovine and caprine brucellosis, enzootic bovine leukosis, IBR/IPV, paratuberculosis, CBPP, anthrax, *maedi visna*, CAEV, blue tongue, Aujeszky's disease, African swine fever, classical swine fever, swine vesicular disease, heartwater, babesioses, anaplasmoses, IHN, ISA, *salmonella pullorum*, *salmonella gallinarum* and *mycoplasma gallisepticum*.

2. In respect of rabies, intermediate reports shall contain all the relevant information.

Article 5

1. Final reports shall include payment applications and shall contain at least the information specified in Annexes II, III, IV, V, VI and VII, as appropriate, for the following diseases:

Bovine tuberculosis, bovine brucellosis, ovine and caprine brucellosis, enzootic bovine leukosis, IBR/IPV, paratuberculosis, CBPP, anthrax, *maedi visna*, CAEV, blue tongue, Aujeszky's disease, African swine fever, classical swine fever, swine vesicular disease, heartwater, babesioses, anaplasmoses, IHN, ISA, *salmonella pullorum*, *salmonella gallinarum* and *mycoplasma gallisepticum*.

2. In respect of rabies, final reports shall contain all relevant information and include payment applications for co-financing.

3. For the purpose of completing the table laid down in Annex VII, without prejudice to Article 4(2) of Commission Regulation (EC) No 296/96 ⁽¹⁾, Member States should indicate in the column 'compensation' the compensation granted, within 90 days after the animal is slaughtered or after the presentation of the completed claim.

Article 6

Decision 2000/322/EC is repealed with effect from 1 January 2003.

Article 7

This Decision shall apply to programmes for eradication and control of animal diseases to be implemented as from 1 January 2003.

Article 8

This Decision is addressed to the Member States.

Done at Brussels, 22 August 2002.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 39, 17.2.1996, p. 5.

ANNEX I

Requirements for the preliminary technical and financial evaluation

Member State:

Date:

Disease ^(a): Animal species:

Minimum content of the evaluation:

1. Technical and financial evaluation:

- 1.1. Confirmation that all legislation concerning the implementation of the programme was in force at the beginning of the programme (if not, evaluation of the situation).
- 1.2. Evaluation of the implementation of budgetary requirements necessary for the running of the programme.
- 1.3. Estimation of the money already spent in the context of the programme for the co-financed measures.
- 1.4. Preview of the money to be spent in the whole year under report for the co-financed measures.

^(a) Disease and animal species if necessary.

DATA ON HERDS ^(a)
(one table per disease/species)

<i>Member State:</i>							<i>Date:</i>	<i>Year:</i>	<i>Reporting period:</i>		
<i>Disease ^(b):</i>							<i>Animal species:</i>				
<i>Region ^(c)</i>	Total number of herds ^(d)	Total number of herds under the programme	Number of herds checked ^(e)	Number of positive herds ^(f)	Number of new positive herds ^(g)	Number of herds depopulated	% positive herds depopulated	Indicators			
								% herd coverage $9 = (4/3) \times 100$	% positive herds Period herd prevalence $10 = (5/4) \times 100$	% new positive herds Herd incidence $11 = (6/4) \times 100$	
1	2	3	4	5	6	7	$8 = (7/5) \times 100$	$9 = (4/3) \times 100$	$10 = (5/4) \times 100$	$11 = (6/4) \times 100$	
Total											
Total – 1 ^(h)											

^(f) Herds equals flocks, or holdings as appropriate.
^(g) Disease and animal species if necessary.
^(c) Region as defined in the approved eradication programme of the Member State.
^(d) Total number of herds existing in the region including eligible herds and non-eligible herds for the programme.
^(e) Check means to perform a herd level test under the programme for the respective disease with the purpose of maintaining, upgrading, etc., the health status of the herd. In this column a herd should not be counted twice even if has been checked more than once.
^(f) Herds with at least one positive animal during the period independent of the number of times the herd has been checked.
^(g) Herds whose status in the previous period was unknown, not free-negative, free, officially free or suspended and have at least one positive animal in this period.
^(h) Data of the previous year in the corresponding period.

(⁴¹) Data of the previous year in the corresponding period.

ANNEX IV

DATA ON VACCINATION PROGRAMMES

(one table per disease/species)

Member State:
 Date:
 Year:
 Reporting period:
 Intermediate report

Disease ^(a): Species: Final report

[illegible]

^(a) Disease and species if necessary.

(⁶) Region as defined in the approved eradication programme of the Member State.

(c) Herds equals flocks, or holdings as appropriate.

^(d) As defined in the programme.

^(c) Data of the previous year in the corresponding period.

ANNEX V

DATA ON STATUS OF HERDS AT THE END OF THE PERIOD

(one table per disease/species)

Member State: Date: Year:
 Disease ^(a): Species:

Region ^(b)	Status of herds and animals under the programme ^(c)													
	Total number of herds and animals under the programme		Unknown ^(d)		Not free or not officially free				Free or officially free suspended ^(e)		Free ^(f)		Officially free ^(g)	
					Last check positive ^(h)		Last check negative ⁽ⁱ⁾							
	Herds	Animals ^(j)	Herds	Animals ^(j)	Herds	Animals ^(j)	Herds	Animals ^(j)	Herds	Animals ^(j)	Herds	Animals ^(j)	Herds	Animals ^(j)
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

^(a) Disease and species if necessary.^(b) Region as defined in the approved eradication programme of the Member State.^(c) At the end of the reporting period.^(d) Unknown: no previous checking results available.^(e) Not free and last check positive: herd checked with at least one positive result in the latest check.^(f) Not free and last check negative: herd checked with negative results in the latest check but not being 'free' or 'officially free'.^(g) Suspended as defined in Community legislation for the respective disease at the end of the reporting period.^(h) Free herd as defined in Community legislation for the respective disease.⁽ⁱ⁾ Officially free herd as defined in Community legislation for the respective disease.^(j) Include animals under the programme in the herds with the referred status (left column).^(k) Total of the previous year in the corresponding reporting period.

ANNEX VI

Requirements for final reports

Member State:

Date:

Disease ^(a): Species:

Minimum content of the report:

1. Submission of data (Annex II, III, IV and V, as appropriate)
2. Technical evaluation of the situation:
 - 2.1. Epidemiological maps for each disease/infection
 - 2.2. Information on diagnostic test used (table A):

Table A

Disease/species	Test ^(b)	Type of sample ^(c)	Type of test ^(d)	Number of tests performed

- 2.3. Data on infection:

Disease/species	Number of herds infected	Number of animals infected

- 2.4. Reasons for suspension the free or officially free status for each disease (table B):

Table B

Disease/species	Reason ^(e)	Number of herds suspended

- 2.5. Achievement of targets and technical difficulties
- 2.6. Additional epidemiological information: Information on epidemiological inquiries, abortions, lesions found in abattoir or necropsy, human cases, etc.
3. Financial aspects
 - 3.1. Completed tables of Annex VII
 - 3.2. Overview over the money spent in the context of the programme
 - 3.3. Detailed listing of the costs

^(a) Disease and animal species if necessary.

^(b) Indicate: skin test, RB, FC, iELISA, cELISA, isolation, PCR, bacteriological analysis other (specify).

^(c) Indicate if necessary: blood serum, blood, plasma, milk, milk bulk tank, suspect lesion, foetus, faeces, others (specify).

^(d) Indicate: screening test, confirmatory test, complementary test, others (specify).

^(e) Indicate the motive:

- non-negative result in diagnostic test,
- does not fulfil the routine testing frequency,
- entering animals in the herd with insufficient status,
- the disease is suspected,
- others (specify).

ANNEX VII

FINAL FINANCIAL REPORT AND PAYMENT APPLICATION

(one table per disease/species)

Member State: Date: Year: Reporting period: Intermediate report

Disease ^(a): Species: Final report

Region ^(b)	Measures eligible for co-financing ^(c)				Other (please specify)
	Compensation	Laboratory analysis or other diagnostic test	Vaccines		
1	2	3	4	5	6
Total					

^(a) Disease and species if necessary.
^(b) Region as defined in the approved eradication programme of the Member State.
^(c) Data to be given in national currency, VAT excluded.

Herewith I certify that the data given above are correct and that no other Community contribution was asked for these measures

.....
(Place, date)

.....
(Signature)

COMMISSION DECISION

of 22 August 2002

amending Decision 2002/79/EC imposing special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from China

(notified under document number C(2002) 3108)

(Text with EEA relevance)

(2002/678/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs⁽¹⁾, and in particular Article 10(1) thereof,

Decision 2002/79/EC is amended as follows:

After consulting the Member States,

1. Article 1 is amended as follows:

Whereas:

(a) The following sentence is added to paragraph 3:

‘Each individual bag (or other packaging form) of the consignment shall be identified with that code. This requirement shall be applicable to the consignments, which have left China after 1 September 2002.’

(1) Article 2 of Commission Decision 2002/79/EC⁽²⁾, as amended by Decision 2002/233/EC⁽³⁾, provides for a review of that Decision before 1 May 2002 in order to assess whether the special conditions set out in that Decision provide a sufficient level of protection of public health within the Community and whether there is a continuing need for the sampling and analysis of each consignment by the competent authority of the importing Member State.

(b) Paragraph 5 is replaced by the following:

‘5. Member States shall undertake at random sampling and analysis of consignments of peanuts and certain products derived from peanuts originating in or consigned from China for aflatoxin B1 and total aflatoxin before release onto the market from the point of entry into the Community and shall inform the Commission of the results.’

(2) The results of the sampling and analysis of each consignment of peanuts originating in or consigned from China demonstrate that there is a no longer need for the sampling and analysis of each consignment by the competent authority of the importing Member State and that an at random sampling and analysis will provide a sufficient level of protection of public health within the Community.

(c) The following paragraph 6 is added:

‘6. The random sampling and analysis referred to in paragraph 5 shall be carried out on approximately 10 % of consignments of products for each category of the products referred to in paragraph 1.

(3) In order to ensure that the random sampling and analysis of consignments of peanuts and certain products derived of peanuts originating in or consigned from China are performed in a harmonised manner throughout the Community, it is therefore appropriate to fix an approximate frequency for the at random sampling and analysis.

Any consignment, to be subjected to sampling and analysis, shall be detained before release onto the market from the point of entry into the Community for a maximum of 10 working days. In this event, the competent authorities in the Member States shall issue an accompanying official document establishing that the consignment has been subjected to official sampling and analysis and indicating the result of analysis.’

(4) It is necessary to update the list of points of entry for Belgium, Germany, France, Austria, Ireland and Sweden through which the products concerned by Decision 2002/79/EC may be imported.

2. Article 2 is replaced by the following:

‘Article 2

This Decision shall be kept under review in the light of information and guarantees provided by the competent authorities of China and on the basis of the results of the tests carried out by Member States.

(5) Decision 2002/79/EC should therefore be amended accordingly,

This Decision shall be reviewed by 31 December 2002 at the latest, in order to assess whether the special conditions, referred to in Article 1, provide a sufficient level of protection of public health within the Community. The review shall also assess whether there is a continuing need for the special conditions.’

3. Annex II is replaced by the text in the Annex to this Decision.

⁽¹⁾ OJ L 175, 19.7.1993, p. 1.

⁽²⁾ OJ L 34, 5.2.2002, p. 21.

⁽³⁾ OJ L 78, 21.3.2002, p. 14.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 22 August 2002.

For the Commission

David BYRNE

Member of the Commission

ANNEX

ANNEX II

List of points of entry through which peanuts and products derived from peanuts originating in or consigned from China may be imported into the Community

Member State	Point of entry
Belgique-België	Antwerpen, Zeebrugge, Brussel/Bruxelles, Aalst
Danmark	All Danish harbours and airports and all border stations
Deutschland	HZA Lörrach — ZA Weil-am-Rhein-Autobahn, HZA Stuttgart — ZA Flughafen, HZA München — ZA München-Flughafen, HZA Hof — Schirnding-Landstraße, HZA Weiden — ZA Furth-im-Wald-Schafberg, HZA Weiden — ZA Waidhaus-Autobahn, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder) — ZA Autobahn, HZA Cottbus — ZA Forst-Autobahn, HZA Bremen — ZA Neustädter Hafen, HZA Bremen — ZA Bremerhaven, HZA Hamburg-Hafen — ZA Waltershof, HZA Hamburg-Stadt, HZA Itzehoe — ZA Hamburg-Flughafen, HZA Frankfurt-am-Main-Flughafen, HZA Braunschweig-Abfertigungsstelle, HZA Hannover — Abfertigungsstelle, HZA Lüneburg — ZA Stade, HZA Dresden — ZA Dresden-Friedrichstadt, HZA Pirna — ZA Altenberg, HZA Löbau — Zollamt Ludwigsdorf-Autobahn, HZA Itzehoe — ZA Pinneberg, HZA Koblenz — ZA Hahn-Flughafen, HZA Oldenburg — ZA Wilhelmshaven, HZA Bielefeld — ZA Eckendorfer Straße Bielefeld, HZA Erfurt — ZA Eisenach, HZA Potsdam — ZA Ludwigsfelde, HZA Potsdam — ZA Berlin-Flughafen-Schönefeld, HZA Augsburg — ZA Memmingen, HZA Ulm — ZA Ulm (Donautal), HZA Karlsruhe — ZA Karlsruhe, HZA Berlin — ZA Dreilinden, HZA Gießen — ZA Gießen, HZA Gießen — ZA Marburg
Ελλάς	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
España	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almería (Aeropuerto, Puerto), Asturias (Aeropuerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cádiz (Puerto), Cartagena (Puerto), Castellón (Puerto), Ceuta (Puerto), Gijón (Puerto), Huelva (Puerto), Irún (Carretera), A Coruña (Puerto), La Junquera (Carretera) Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Málaga (Aeropuerto, Puerto), Marín (Puerto), Melilla (Puerto), Murcia (Ferrocarril), Palma de Mallorca (Aeropuerto, Puerto), Pasajes (Puerto), San Sebastián (Aeropuerto), Santa Cruz de Tenerife (Puerto), Santander (Aeropuerto, Puerto), Santiago de Compostela (Aeropuerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Tenerife Norte (Aeropuerto), Tenerife Sur (Aeropuerto), Valencia (Aeropuerto, Puerto), Vigo (Aeropuerto, Puerto), Villagarcía (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)
France	Marseille (Bouches-du-Rhône), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), Lyon Chassieu CRD (Rhône), Strasbourg CRD (Bas-Rhin), Lille CRD (Nord), Saint-Nazaire Montoir CRD (Loire-Atlantique), Agen (Lot-et-Garonne), Port de la Pointe des Galets à la Réunion
Ireland	Dublin — Port and Airport, Cork — Port and Airport, Shannon — Airport
Italia	Ufficio Sanità Marittima ed Aerea di Ancona Ufficio Sanità Marittima ed Aerea di Bari Ufficio Sanità Marittima ed Aerea di Genova Ufficio Sanità Marittima di Livorno Ufficio Sanità Marittima ed Aerea di Napoli Ufficio Sanità Marittima di Ravenna Ufficio Sanità Marittima di Salerno Ufficio Sanità Marittima ed Aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste) Ufficio di Sanità Marittima di La Spezia Ufficio di Sanità Marittima e Aerea di Venezia Ufficio di Sanità Marittima e Aerea di Reggio Calabria

Member State	Point of entry
Luxembourg	Centre douanier, Croix de Gasperich, Luxembourg
Nederland	All harbours and airports and all border stations
Österreich	HZA Feldkirch, HZA Graz, Nickelsdorf, Spielfeld, HZA Wien, ZA Wels, ZA Kledering, ZA Flughafen Wien, HZA Salzburg, ZA Klingenbach/Zweigstelle Sopron, ZA Karawankentunnel, ZA Villach
Portugal	Lisboa, Leixões
Suomi-Finland	All Finnish Customs Offices
Sverige	Göteborg, Ystad, Stockholm, Helsingborg, Karlskrona, Karlsham, Landvetter, Arlanda
United Kingdom	Belfast, Channel Tunnel Terminal, Dover, Felixstowe, Gatwick Airport, Goole Grangemouth, Harwich, Heathrow Airport, Heysham, Hull, Immingham, Ipswich, King's Lynn, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Container Port, Manchester (including Ellesmere Port), Medway, Middlesbrough, Newhaven, Poole, Shoreham, Southampton, Stansted Airport'

COMMISSION DECISION

of 22 August 2002

amending Decision 2002/80/EC imposing special conditions on the import of figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey

(notified under document number C(2002) 3109)

(Text with EEA relevance)

(2002/679/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs ⁽¹⁾, and in particular Article 10(1) thereof,

Whereas:

(1) Article 2 of Commission Decision 2002/80/EC ⁽²⁾, as amended by Decision 2002/233/EC ⁽³⁾, provides for a review of that decision before 1 July 2002, in order to assess whether the special conditions set out in that Decision provide a sufficient level of protection of public health within the Community, and whether there is a continuing need for the special conditions.

(2) The results of random sampling and analysis of consignments of dried figs, hazelnuts and pistachios originating in or consigned from Turkey demonstrate that there is a continuing need for the special conditions set out in Decision 2002/80/EC in order to provide a sufficient level of protection of public health within the Community.

(3) Fresh figs are not known to be contaminated by aflatoxins and it is therefore appropriate to exclude fresh figs from the scope of Decision 2002/80/EC. Fig and hazelnut pastes have been found to be contaminated by aflatoxins and it is therefore appropriate to include fig and hazelnut pastes within the scope of that Decision.

(4) In order to ensure that the random sampling and analysis of consignments of dried figs, hazelnuts and pistachios originating in or consigned from Turkey are performed in a harmonised manner throughout the Community, it is appropriate to fix an approximate frequency for the random sampling and analysis, as well to specify the sampling method to apply for hazelnuts, including vacuum packs.

(5) It is necessary to update the list of points of entry for Belgium, Germany, France, Ireland, Austria and Sweden

through which the products concerned by Decision 2002/80/EC may be imported.

(6) Decision 2002/80/EC should therefore be amended accordingly.

(7) The Standing Committee on the Food Chain and Animal Health has been consulted,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2002/80/EC is amended as follows:

1. Article 1 is amended as follows:

(a) Paragraph 1 is replaced by the following:

'1. Member States shall not import products falling in any of the following categories, originating in or consigned from Turkey, which are intended for human consumption or to be used as an ingredient in foodstuffs, unless the consignment is accompanied by the results of official sampling and analysis, and by the health certificate set out in Annex 1 completed, signed and verified by a representative of the General Directorate of Protection and Control of the Ministry of Agriculture and Rural Affairs of the Republic of Turkey:

- dried figs falling within CN code 0804 20 90,
- hazelnuts (*Corylus* sp) in shell or shelled falling within CN code 0802 21 00 or 0802 22 00,
- pistachios falling within CN code 0802 50 00,
- mixtures of nuts or dried fruits falling within CN code 0813 50 and containing figs, hazelnuts or pistachios,
- fig paste and hazelnut paste falling within CN code 2007 99 98,
- hazelnuts, figs and pistachios, prepared or preserved, including mixtures falling within CN code 2008 19.'

(b) The following paragraph is added:

'6. The random sampling and analysis referred to in paragraph 5 shall be carried out on approximately 10 % of the consignments of products for each category of the products referred to in paragraph 1.'

⁽¹⁾ OJ L 175, 19.7.1993, p. 1.

⁽²⁾ OJ L 34, 5.2.2002, p. 26.

⁽³⁾ OJ L 78, 21.3.2002, p. 14.

Any consignment to be subjected to sampling and analysis, shall be detained before release onto the market from the point of entry into the Community for a maximum of 10 working days. In this event, the competent authorities in the Member States shall issue an accompanying official document establishing that the consignment has been subjected to official sampling and analysis and indicating the result of the analysis.

For hazelnuts the sampling shall be performed according to the sampling procedure set out in point 5.2 of Annex I to Commission Directive 98/53/EC (*). In the case of hazelnuts traded in vacuum packs, for lots equal or more than 15 tonnes at least 25 incremental samples resulting in a 30 kg aggregate sample have to be taken and for lots less than 15 tonnes, 25 % of the incremental samples to be taken according to Directive 98/53 have to be taken.

(*) OJ L 201, 17.7.1998, p. 93.'

2. Article 2 is replaced by the following:

'Article 2

This Decision shall be kept under review in the light of information and guarantees provided by the competent

authorities of Turkey and on the basis of the results of the tests carried out by Member States.

This Decision shall be reviewed by 31 December 2002 at the latest, in order to assess whether the special conditions, referred to in Article 1, provide a sufficient level of protection of public health within the Community. The review shall also assess whether there is a continuing need for the special conditions.'

3. Annex II is replaced by the text in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 22 August 2002.

For the Commission

David BYRNE

Member of the Commission

ANNEX

‘ANNEX II

List of points of entry through which figs, hazelnuts and pistachios and products derived thereof originating in or consigned from Turkey may be imported into the Community

Member State	Point of entry
Belgique-België	Antwerpen, Zeebrugge, Brussel/Bruxelles, Aalst
Danmark	All Danish harbours and airports and all border stations
Deutschland	HZA Lörrach — ZA Weil-am-Rhein-Autobahn, HZA Stuttgart — ZA Flughafen, HZA München — ZA München-Flughafen, HZA Hof — Schirnding-Landstraße, HZA Weiden — ZA Furth-im-Wald-Schafberg, HZA Weiden — ZA Waidhaus-Autobahn, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder) — ZA Autobahn, HZA Cottbus — ZA Forst-Autobahn, HZA Bremen — ZA Neustädter Hafen, HZA Bremen — ZA Bremerhaven, HZA Hamburg-Hafen — ZA Waltershof, HZA Hamburg-Stadt, HZA Itzehoe — ZA Hamburg-Flughafen, HZA Frankfurt-am-Main-Flughafen, HZA Braunschweig — Abfertigungsstelle, HZA Hannover — Abfertigungsstelle, HZA Lüneburg — ZA Stade, HZA Dresden — ZA Dresden-Friedrichstadt, HZA Pirna — ZA Altenberg, HZA Löbau — Zollamt Ludwigsdorf-Autobahn, HZA Itzehoe — ZA Pinneberg, HZA Koblenz — ZA Hahn-Flughafen, HZA Oldenburg — ZA Wilhelmshaven, HZA Bielefeld — ZA Eckendorfer Straße Bielefeld, HZA Erfurt — ZA Eisenach, HZA Potsdam — ZA Ludwigsfelde, HZA Potsdam — ZA Berlin-Flughafen-Schönefeld, HZA Augsburg — ZA Memmingen, HZA Ulm — ZA Ulm (Donautal), HZA Karlsruhe - ZA Karlsruhe, HZA Berlin — ZA Dreilinden, HZA Gießen — ZA Gießen, HZA Gießen — ZA Marburg, HZA Singen — ZA Bahnhof, HZA Lörrach — ZA Weil-am-Rhein-Schusterinsel
Ελλάς	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
España	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almería (Aeropuerto, Puerto), Asturias (Aeropuerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cádiz (Puerto), Cartagena (Puerto), Castellón (Puerto), Ceuta (Puerto), Gijón (Puerto), Huelva (Puerto), Irún (Carretera), A Coruña (Puerto), La Junquera (Carretera), Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Málaga (Aeropuerto, Puerto), Marín (Puerto), Melilla (Puerto), Murcia (Ferrocarril), Palma de Mallorca (Aeropuerto, Puerto), Pasajes (Puerto), San Sebastián (Aeropuerto), Santa Cruz de Tenerife (Puerto), Santander (Aeropuerto, Puerto), Santiago de Compostela (Aeropuerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Tenerife Norte (Aeropuerto), Tenerife Sur (Aeropuerto), Valencia (Aeropuerto, Puerto), Vigo (Aeropuerto, Puerto), Villagarcía (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)
France	Marseille (Bouches-du-Rhône), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), Lyon Chassieu CRD (Rhône), Strasbourg CRD (Bas-Rhin), Lille CRD (Nord), Saint-Nazaire Montoir CRD (Loire-Atlantique), Agen (Lot-et-Garonne), Port de la Pointe des Galets à la Réunion
Ireland	Dublin — Port and Airport, Cork — Port and Airport, Shannon — Airport
Italia	Ufficio Sanità Marittima ed Aerea di Ancona Ufficio Sanità Marittima ed Aerea di Bari Ufficio Sanità Marittima ed Aerea di Genova Ufficio Sanità Marittima di Livorno Ufficio Sanità Marittima ed Aerea di Napoli Ufficio Sanità Marittima di Ravenna Ufficio Sanità Marittima di Salerno Ufficio Sanità Marittima ed Aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste) Ufficio di Sanità Marittima di La Spezia Ufficio di Sanità Marittima e Aerea di Venezia Ufficio di Sanità Marittima e Aerea di Reggio Calabria

Member State	Point of entry
Luxembourg	Centre douanier, Croix de Gasperich, Luxembourg
Nederland	All harbours and airports and all border stations
Österreich	HZA Feldkirch, HZA Graz, Nickelsdorf, Spielfeld, HZA Wien, ZA Wels, ZA Kledering, ZA Flughafen Wien, HZA Salzburg, ZA Klingenbach/Zweigstelle Sopron, ZA Karawanken-tunnel, ZA Villach
Portugal	Lisboa, Leixões
Suomi-Finland	All Finnish customs offices
Sverige	Göteborg, Ystad, Stockholm, Helsingborg, Karlskrona, Karlsham, Landvetter, Arlanda
United Kingdom	Belfast, Channel Tunnel Terminal, Dover, Felixstowe, Gatwick Airport, Goole Grange-mouth, Harwich, Heathrow Airport, Heysham, Hull, Immingham, Ipswich, King's Lynn, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Container Port, Manchester (including Ellesmere Port), Medway, Middlesborough, Newhaven, Poole, Shoreham, Southampton, Stansted Airport'

COMMISSION DECISION
of 23 August 2002
on a Community financial contribution to expenditure by Spain on establishing the Community
vineyard register

(notified under document number C(2002) 3133)

(Only the Spanish text is authentic)

(2002/680/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2392/86 of 24 July 1986 establishing a Community vineyard register ⁽¹⁾, as last amended by Regulation (EC) No 1631/98 ⁽²⁾, and in particular Article 9(3) thereof,

After consulting the EAGGF Committee,

Whereas:

- (1) Article 9(1) of Regulation (EEC) No 2392/86 states that the Community is to contribute 50 % of the actual cost of establishing the Community vineyard register in the Member States and of the investment in data-processing facilities needed to manage the register.
- (2) On the basis of Article 9(3) of that Regulation, advances have been paid to Spain. They are to be deducted from the total amount of the Community contribution.
- (3) Under Article 9(4) of that Regulation, Articles 8 and 9 of Council Regulation (EC) No 1258/1999 ⁽³⁾ apply to the Community contribution to establishing the vineyard register.
- (4) Spain has sent the Commission the documents needed to decide on the amount to be defrayed as expenditure incurred in establishing the register.
- (5) The Commission has carried out the checks provided for in Article 9(2) of Council Regulation (EEC) No 729/70 ⁽⁴⁾ and in Article 9(2) of Regulation (EC) No 1258/1999.
- (6) In the light of the checks carried out, some of the expenditure declared by Spain does not meet the statutory

requirements and therefore may not be funded by the Community.

- (7) Spain has finalised the vineyard register in its complete version for the provinces not covered on 1 July 1995. However, in accordance with Article 4(4) of Regulation (EEC) No 2392/86, Community funding should be limited to the funding corresponding to that of the simplified register for the areas in question.
- (8) A breakdown of the amounts to be defrayed and the amounts to be excluded for failure to comply with Community rules was sent to Spain on 29 April 2002,

HAS ADOPTED THIS DECISION:

Article 1

The Community contribution to the expenditure incurred by Spain in establishing the Community vineyard register shall be as set out in the table annexed to this Decision.

Article 2

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 23 August 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 208, 31.7.1986, p. 1.

⁽²⁾ OJ L 210, 28.7.1998, p. 14.

⁽³⁾ OJ L 160, 26.6.1999, p. 103.

⁽⁴⁾ OJ L 94, 28.4.1970, p. 13.

ANNEX

Year	Eligible expenditure (ESP)	Conversion rate (OJ for first working day)	Eligible expenditure (EUR)	Part-financing at 50 % (EUR)
1987	121 608 415	141,175	861 401,91	430 700,96
1988	68 684 220	140,835	487 692,83	243 846,42
1989	374 283 894	132,862	2 817 087,61	1 408 543,80
1990	868 411 080	131,044	6 626 866,40	3 313 433,20
1991	1 367 673 757	130,389	10 489 180,51	5 244 590,25
1992	384 500 035	129,557	2 967 805,95	1 483 902,97
1993	1 053 059 722	138,865	7 583 334,33	3 791 667,17
1994	311 788 575	159,260	1 957 733,11	978 866,55
1995	275 213 207	161,862	1 700 295,36	850 147,68
1996	488 204 979	159,337	3 063 977,48	1 531 988,74
1997	127 700 311	164,030	778 518,02	389 259,01
1998	220 762 919	167,312	1 319 468,53	659 734,27
1999	173 987 772	166,386	1 045 687,57	522 843,78
Total	5 835 878 886		41 699 049	20 849 525
Advances				– 19 900 645
Balance to be paid				948 880