

Official Journal

of the European Communities

ISSN 0378-6978

L 281

Volume 45

19 October 2002

English edition

Legislation

Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 1866/2002 of 18 October 2002 establishing the standard import values for determining the entry price of certain fruit and vegetables	1
Commission Regulation (EC) No 1867/2002 of 18 October 2002 suspending the buying-in of butter in certain Member States	3
Commission Regulation (EC) No 1868/2002 of 18 October 2002 concerning the issue of licences for the import of garlic	4
Commission Regulation (EC) No 1869/2002 of 18 October 2002 concerning the issue of licences for the import of garlic	5
Commission Regulation (EC) No 1870/2002 of 18 October 2002 concerning the issue of licences for the import of garlic	6
Commission Regulation (EC) No 1871/2002 of 18 October 2002 fixing the export refunds on pigmeat	7
Commission Regulation (EC) No 1872/2002 of 18 October 2002 determining the world market price for unginned cotton	9

II Acts whose publication is not obligatory

Council

2002/817/EC:

★ Council Decision of 23 September 2002 on the conclusion of the Convention between the European Community and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) concerning aid to refugees in the countries in the Near East (2002 to 2005)	10
Convention between the European Community and the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) concerning aid to refugees in the countries of the Near East (2002 to 2005)	12

Commission

2002/818/EC:

- ★ **Commission Decision of 8 October 2002 under the provisions of Council Regulation (EC) No 3286/94 concerning trade practices maintained by Korea affecting trade in commercial vessels** (*notified under document number C(2002) 3652*) 15

2002/819/EC:

- ★ **Commission Decision of 18 October 2002 amending Decision 98/569/EC laying down special conditions governing imports of live bivalve molluscs, echinoderms, tunicates and marine gastropods originating in Tunisia, and Decision 98/570/EC laying down special conditions governing imports of fishery and aquaculture products originating in Tunisia ⁽¹⁾** (*notified under document number C(2002) 3906*) 18

I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1866/2002
of 18 October 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 19 October 2002.

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

Done at Brussels, 18 October 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 18 October 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	49,1
	096	34,4
	204	83,7
	999	55,7
0707 00 05	052	96,3
	999	96,3
0709 90 70	052	84,5
	999	84,5
0805 50 10	052	68,5
	388	51,0
	524	50,5
	528	51,5
	600	71,4
	999	58,6
0806 10 10	052	103,9
	064	135,5
	400	203,0
	508	360,8
	999	200,8
0808 10 20, 0808 10 50, 0808 10 90	388	84,1
	400	86,4
	404	92,0
	512	93,8
	800	231,4
	804	95,3
	999	113,8
0808 20 50	052	99,6
	999	99,6

⁽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 1867/2002
of 18 October 2002
suspending the buying-in of butter in certain Member States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

- (2) Commission Regulation (EC) No 1676/2002 suspending the buying-in of butter in certain Member States ⁽⁵⁾ establishes the most recent list of Member States in which intervention is suspended. This list must be adjusted as a result of the market prices communicated by Finland under Article 8 of Regulation (EC) No 2771/1999. In the interests of clarity, the list in question should be replaced and Regulation (EC) No 1676/2002 should be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

Regulation (EC) No 1676/2002 is hereby repealed.

Article 3

This Regulation shall enter into force on 19 October 2002.

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

Done at Brussels, 18 October 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 333, 24.12.1999, p. 11.

⁽⁴⁾ OJ L 214, 8.8.2001, p. 20.

⁽⁵⁾ OJ L 253, 21.9.2002, p. 3.

COMMISSION REGULATION (EC) No 1868/2002
of 18 October 2002
concerning the issue of licences for the import of garlic

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 545/2002 ⁽²⁾,

Having regard to Commission Regulation (EC) No 565/2002 of 2 April 2002 establishing the method for managing the tariff quotas and introducing a system of certificates of origin for garlic imported from third countries ⁽³⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) Article 8(2) of Regulation (EC) No 565/2002 provides that if quantities covered by applications for licences exceed the quantities available, the Commission is to fix a simple reduction percentage and suspend the issue of such licences covered by subsequent applications.
- (2) Quantities applied for on 14 and 15 October 2002 under Article 5(2) of Regulation (EC) No 565/2002 for products originating in all third countries other than China and Argentina exceed the quantities available. The extent to which licences can be issued, and whether the issue of those licences should be suspended for any subsequent applications, should therefore be determined,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences covered by applications under Article 3(1), of Regulation (EC) No 565/2002 for products originating in all third countries other than China and Argentina on 14 and 15 October 2002 and forwarded to the Commission on 17 October 2002 shall be issued at the rate of:

— 6,292 % of the quantity applied for, for new importers.

Article 2

The issue of import licences relating to the quarter running from 1 December 2002 to 28 February 2003 covered by applications under Regulation (EC) No 565/2002 for new importers for products originating in all third countries other than China and Argentina is hereby suspended for applications lodged after 15 October 2002. Applications for the quarter running from 1 March 2003 to 31 May 2003 may be lodged from 13 January 2003.

Article 3

This Regulation shall enter into force on 19 October 2002.

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

Done at Brussels, 18 October 2002.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 84, 28.3.2002, p. 1.

⁽³⁾ OJ L 86, 3.4.2002, p. 11.

COMMISSION REGULATION (EC) No 1869/2002
of 18 October 2002
concerning the issue of licences for the import of garlic

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 545/2002 ⁽²⁾,

Having regard to Commission Regulation (EC) No 565/2002 of 2 April 2002 establishing the method for managing the tariff quotas and introducing a system of certificates of origin for garlic imported from third countries ⁽³⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) Article 8(2) of Regulation (EC) No 565/2002 provides that if quantities covered by applications for licences exceed the quantities available, the Commission is to fix a simple reduction percentage and suspend the issue of such licences covered by subsequent applications.
- (2) Quantities applied for on 14 and 15 October 2002 under Article 5(2) of Regulation (EC) No 565/2002 for products originating in China exceed the quantities available. The extent to which licences can be issued, and whether the issue of those licences should be suspended for any subsequent applications, should therefore be determined,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences covered by applications under Article 3(1), of Regulation (EC) No 565/2002 for products originating in China on 14 and 15 October 2002 and forwarded to the Commission on 17 October 2002 shall be issued at the rate of:

- 17,876 % of the quantity applied for, for traditional importers,
- 0,873 % of the quantity applied for, for new importers.

Article 2

The issue of import licences relating to the quarter running from 1 December 2002 to 28 February 2003 covered by applications under Regulation (EC) No 565/2002 for products originating in China is hereby suspended for applications lodged after 15 October 2002. Applications for the quarter running from 1 March 2003 to 31 May 2003 may be lodged from 13 January 2003.

Article 3

This Regulation shall enter into force on 19 October 2002.

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

Done at Brussels, 18 October 2002.

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

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 84, 28.3.2002, p. 1.

⁽³⁾ OJ L 86, 3.4.2002, p. 11.

COMMISSION REGULATION (EC) No 1870/2002
of 18 October 2002
concerning the issue of licences for the import of garlic

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 545/2002 ⁽²⁾,

Having regard to Commission Regulation (EC) No 565/2002 of 2 April 2002 establishing the method for managing the tariff quotas and introducing a system of certificates of origin for garlic imported from third countries ⁽³⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) Article 8(2) of Regulation (EC) No 565/2002 provides that if quantities covered by applications for licences exceed the quantities available, the Commission is to fix a simple reduction percentage and suspend the issue of such licences covered by subsequent applications.
- (2) Quantities applied for on 14 and 15 October 2002 under Article 5(2) of Regulation (EC) No 565/2002 for products originating in Argentina exceed the quantities available. The extent to which licences can be issued, and whether the issue of those licences should be suspended

for any subsequent applications, should therefore be determined,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences covered by applications under Article 3(1) of Regulation (EC) No 565/2002 for products originating in Argentina on 14 and 15 October 2002 and forwarded to the Commission on 17 October 2002 shall be issued at the rate of:

— 6,338 % of the quantity applied for, for new importers.

Article 2

The issue of import licences relating to the quarter running from 1 December 2002 to 28 February 2003 covered by applications under Regulation (EC) No 565/2002 for new importers for products originating in Argentina is hereby suspended for applications lodged after 15 October 2002. Applications for the quarter running from 1 March 2003 to 31 May 2003 may be lodged from 13 January 2003.

Article 3

This Regulation shall enter into force on 19 October 2002.

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

Done at Brussels, 18 October 2002.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 84, 28.3.2002, p. 1.

⁽³⁾ OJ L 86, 3.4.2002, p. 11.

COMMISSION REGULATION (EC) No 1871/2002
of 18 October 2002
fixing the export refunds on pigmeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat ⁽¹⁾, as last amended by Regulation (EC) No 1365/2000 ⁽²⁾, and in particular the second paragraph of Article 13(3) thereof,

Whereas:

(1) Article 13 of Regulation (EEC) No 2759/75 provides that the difference between prices on the world market for the products listed in Article 1(1) of that Regulation and prices for these products within the Community may be covered by an export refund.

(2) It follows from applying these rules and criteria to the present situation on the market in pigmeat that the refund should be fixed as set out below.

(3) In the case of products falling within CN code 0210 19 81, the refund should be limited to an amount which takes account of the qualitative characteristics of each of the products falling within these codes and of the foreseeable trend of production costs on the world market. It is important that the Community should continue to take part in international trade in the case of certain typical Italian products falling within CN code 0210 19 81.

(4) Because of the conditions of competition in certain third countries, which are traditionally importers of products falling within CN codes 1601 00 and 1602, the refund for these products should be fixed so as to take this situation into account. Steps should be taken to ensure that the refund is granted only for the net weight of the edible substances, to the exclusion of the net weight of the bones possibly contained in the said preparations.

(5) Article 13 of Regulation (EEC) No 2759/75 provides that the world market situation or the specific requirements

of certain markets may make it necessary to vary the refund on the products listed in Article 1(1) of Regulation (EEC) No 2759/75 according to destination.

(6) The refunds should be fixed taking account of the amendments to the refund nomenclature established by Commission Regulation (EEC) No 3846/87 ⁽³⁾, as last amended by Regulation (EC) No 1007/2002 ⁽⁴⁾.

(7) Refunds should be granted only on products that are allowed to circulate freely within the Community. Therefore, to be eligible for a refund, products should be required to bear the health mark laid down in Council Directive 64/433/EEC ⁽⁵⁾, as last amended by Directive 95/23/EC ⁽⁶⁾, Council Directive 94/65/EC ⁽⁷⁾ and Council Directive 77/99/EEC ⁽⁸⁾, as last amended by Directive 97/76/EC ⁽⁹⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

The list of products on which the export refund specified in Article 13 of Regulation (EEC) No 2759/75 is granted and the amount of the refund shall be as set out in the Annex hereto.

The products concerned must comply with the relevant provisions on health marks laid down in:

- Chapter XI of Annex I to Directive 64/433/EEC,
- Chapter VI of Annex I to Directive 94/65/EC,
- Chapter VI of Annex B to Directive 77/99/EEC.

Article 2

This Regulation shall enter into force on 21 October 2002.

⁽³⁾ OJ L 366, 24.12.1987, p. 1.

⁽⁴⁾ OJ L 153, 13.6.2002, p. 8.

⁽⁵⁾ OJ L 121, 29.7.1964, p. 2012/64.

⁽⁶⁾ OJ L 243, 11.10.1995, p. 7.

⁽⁷⁾ OJ L 368, 31.12.1994, p. 10.

⁽⁸⁾ OJ L 26, 31.1.1977, p. 85.

⁽⁹⁾ OJ L 10, 16.1.1998, p. 25.

⁽¹⁾ OJ L 282, 1.11.1975, p. 1.

⁽²⁾ OJ L 156, 29.6.2000, p. 5.

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

Done at Brussels, 18 October 2002.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 18 October 2002 fixing the export refunds on pigmeat

Product code	Destination	Unit of measurement	Amount of refund
0210 11 31 9110	P05	EUR/100 kg	61,50
0210 11 31 9910	P05	EUR/100 kg	61,50
0210 19 81 9100	P05	EUR/100 kg	65,00
0210 19 81 9300	P05	EUR/100 kg	51,50
1601 00 91 9120	P05	EUR/100 kg	18,50
1601 00 99 9110	P05	EUR/100 kg	14,00
1602 41 10 9110	P05	EUR/100 kg	27,50
1602 41 10 9130	P05	EUR/100 kg	16,50
1602 42 10 9110	P05	EUR/100 kg	22,00
1602 42 10 9130	P05	EUR/100 kg	16,50
1602 49 19 9130	P05	EUR/100 kg	16,50

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 27.3.2002, p. 1) as amended.

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

The other destinations are defined as follows:

P05 All destinations except the Czech Republic, the Slovak Republic, Hungary, Poland, Bulgaria, Latvia, Estonia, Lithuania.

**COMMISSION REGULATION (EC) No 1872/2002
of 18 October 2002
determining the world market price for unginned cotton**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Protocol 4 on cotton, annexed to the Act of Accession of Greece, as last amended by Council Regulation (EC) No 1050/2001 ⁽¹⁾,

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton ⁽²⁾, and in particular Article 4 thereof,

Whereas:

- (1) In accordance with Article 4 of Regulation (EC) No 1051/2001, a world market price for unginned cotton is to be determined periodically from the price for ginned cotton recorded on the world market and by reference to the historical relationship between the price recorded for ginned cotton and that calculated for unginned cotton. That historical relationship has been established in Article 2(2) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 ⁽³⁾, as amended by Regulation (EC) No 1486/2002 ⁽⁴⁾. Where the world market price cannot be determined in this way, it is to be based on the most recent price determined.
- (2) In accordance with Article 5 of Regulation (EC) No 1051/2001, the world market price for unginned cotton is to be determined in respect of a product of specific characteristics and by reference to the most favourable

offers and quotations on the world market among those considered representative of the real market trend. To that end, an average is to be calculated of offers and quotations recorded on one or more European exchanges for a product delivered cif to a port in the Community and coming from the various supplier countries considered the most representative in terms of international trade. However, there is provision for adjusting the criteria for determining the world market price for ginned cotton to reflect differences justified by the quality of the product delivered and the offers and quotations concerned. Those adjustments are specified in Article 3(2) of Regulation (EC) No 1591/2001.

- (3) The application of the above criteria gives the world market price for unginned cotton determined hereinafter,

HAS ADOPTED THIS REGULATION:

Article 1

The world price for unginned cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling EUR 24,417/100 kg.

Article 2

This Regulation shall enter into force on 19 October 2002.

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

Done at Brussels, 18 October 2002.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 148, 1.6.2001, p. 1.

⁽²⁾ OJ L 148, 1.6.2001, p. 3.

⁽³⁾ OJ L 210, 3.8.2001, p. 10.

⁽⁴⁾ OJ L 223, 20.8.2002, p. 3.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 23 September 2002

on the conclusion of the Convention between the European Community and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) concerning aid to refugees in the countries in the Near East (2002 to 2005)

(2002/817/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 181 in conjunction with the first subparagraph of Article 300(3), and Article 300(4), thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas:

- (1) The 10th Convention ⁽³⁾ concluded with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) expired on 31 December 2001.
- (2) The current crisis in the Middle East has put additional burden on UNRWA.
- (3) The Community assistance to UNRWA is an important element in stabilising the situation in the Middle East and furthermore forms part of the campaign against poverty in developing countries and therefore contributes to the sustainable economic and social development of the population concerned and the host countries in which the population lives.
- (4) Support of UNRWA operations would be likely to contribute to the attainment of the Community objectives.
- (5) A new Convention should be concluded with UNRWA so that the Community's aid can continue to be provided as part of a comprehensive programme offering a measure of continuity.

- (6) The appropriate internal procedure should be established to ensure the proper functioning of the Convention. It is therefore necessary to delegate to the Commission the power to carry out modifications where the Convention provides for modifications to be adopted by simplified procedure (Exchange of Letters),

HAS DECIDED AS FOLLOWS:

Article 1

The Convention between the European Community and the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) concerning aid to refugees in the countries of the Near East (2002 to 2005) is hereby approved on behalf of the Community.

The text of the Convention is attached to this Decision.

Article 2

The execution of the Community programme of food aid to UNRWA shall be governed by the procedure defined in 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 ⁽⁴⁾.

Article 3

The Commission shall approve, in consultation with a special committee, modifications to the Convention where the Convention provides for modifications to be adopted by way of simplified procedure (Exchange of Letters).

⁽¹⁾ OJ C 203, 27.8.2002, p. 142.

⁽²⁾ Opinion delivered on 3 September 2002 (not yet published in the Official Journal).

⁽³⁾ OJ L 261, 7.10.1999, p. 36.

⁽⁴⁾ OJ L 166, 5.7.1996, p. 1. Regulation as amended by Regulation (EC) No 1726/2001 (OJ L 234, 1.9.2001, p. 10).

Article 4

The President of the Council is hereby authorised to designate the persons empowered to sign the Convention in order to bind the Community.

Done at Brussels, 23 September 2002.

For the Council

The President

M. FISCHER BOEL

CONVENTION

between the European Community and the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) concerning aid to refugees in the countries of the Near East (2002 to 2005)

Article 1

Purpose

The European Community (hereinafter referred to as 'the Community') hereby concludes this Convention with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (hereinafter referred to as 'UNRWA') in order to confirm its commitment to financial support to UNRWA. This funding, extending over a four-year period (2002 to 2005), shall take the form of cash contributions for use under the UNRWA General Fund.

The financial commitment shall be made subject to budgetary availability and with respect to the financial perspectives of the Community until the year 2006.

Article 2

Community contribution

1. The Community shall pay to UNRWA annually a cash contribution towards the General Fund.

Notwithstanding Article 3 of this Convention, the size of this contribution shall not exceed EUR 55 million in 2002, EUR 57,75 million in 2003, EUR 60 637 500 in 2004, and EUR 63 669 375 in 2005.

2. The contribution to the General Fund shall be made by means of grant agreements to be concluded between the Commission of the European Communities and UNRWA covering the years 2002 to 2005. The grant agreements shall be concluded fully in accordance with the provisions of the Agreement between the United Nations and the European Community on the principles applying to the financing or co-financing by the Community of programmes and projects administered by the United Nations of 9 August 1999.

3. The contribution shall be subject to the internal and external auditing procedures laid down in the Financial Regulations, Rules and directives of UNRWA, the result of which will be duly communicated to the Commission.

Article 3

Food aid

Taking into account the annual evaluation of the needs of the refugee population, other Community resources may also be mobilised for UNRWA's food aid programme to meet the specific needs of vulnerable groups. The amounts, quantities

and characteristics of the commodities, cash and services provided and all other conditions related to support to the food aid programme will be subject to separately agreed conditions, based on annual requests from UNRWA.

Article 4

Adjustments

If necessary, during the life of this Convention, the parties may by mutual agreement increase or decrease those parts of the contributions otherwise fixed under this Convention, on the basis of an Exchange of Letters between the Community and UNRWA.

By the end of 2003, political developments regarding the refugees will be reviewed by the parties, and an evaluation made of any plans UNRWA has formulated, and, if this is the case, put into effect, for the hand-over of its functions to the Palestinian Authority and/or any other body.

If, during the life of this Convention, any or all of the functions of UNRWA are transferred to the Palestinian Authority or to any other body, necessary adjustments will be made to those parts of the Community contribution to UNRWA under this Convention, on the basis of an Exchange of Letters between the Community and UNRWA.

Article 5

Arbitration clause

1. Any dispute, controversy or claim arising out of, or relating to, the interpretation, application or fulfilment of this Convention, including its existence, validity or termination, which cannot be settled amicably between the Parties shall be referred to arbitration in accordance with the Permanent Court of Arbitration optional rules for arbitration for international organisations and States in force at the date of signature of this Convention.

2. There shall be one arbitrator.

3. The language to be employed during arbitration shall be English.

4. In the absence of agreement between the two Parties, the arbitrator shall be designated by the President of the International Court of Justice following written request submitted by either Party.

5. The arbitrator shall reach his/her decision in accordance with the terms and conditions of this Convention in the light of the general principles of law recognised by States.

Article 6

Agreement on global arrangements

Following agreement in the discussions being held between the United Nations and the Commission on global arrangements covering the donation of voluntary contributions, the relevant provisions of such agreement and this Convention shall be promptly reviewed, and any necessary amendments agreed to by UNRWA and the Commission shall be made to the applicable provisions of this Convention.

Article 7

Duration of the Convention

This Convention shall cover a period of four calendar years (2002, 2003, 2004 and 2005).

Article 8

Approval and entry into force

This Convention shall be approved by the Parties in accordance with their own procedures.

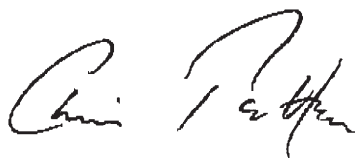
This Convention shall enter into force on the first day of the month following the date on which the Parties notify each other that the procedures referred to in the first subparagraph have been completed.

Article 9

Languages

This Convention shall be drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, each version being equally authentic.

Por la Comunidad Europea
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Voor de Europese Gemeenschap
Pela Comunidade Europeia
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar



Por el Organismo de Obras Públicas y Socorro de las Naciones Unidas para los Refugiados de Palestina (UNRWA)
For De Forenede Nationers Hjelpeorganisation for Palæstinaflygtninge (UNRWA)
Für das Hilfswerk der Vereinten Nationen für Palästina-Flüchtlinge (UNRWA)
Για την Υπηρεσία Αρωγής και Έργων των Ηνωμένων Εθνών για τους Πρόσφυγες της Παλαιστίνης (UNRWA)
For the United Nations Relief and Works Agency for Palestine Refugees (UNRWA)
Pour l'Office de secours et de travaux des Nations unies pour les réfugiés de Palestine (UNRWA)
Per l'Ente soccorso e lavori delle Nazioni Unite per i profughi della Palestina (UNRWA)
Voor de Organisatie van de Verenigde Naties voor hulpverlening aan Palestijnse vluchtelingen (UNRWA)
Pela Agência das Nações Unidas de Assistência aos Refugiados da Palestina (UNRWA)
Yhdistyneiden Kansakuntien palestiinalaispakolaisten avustus- ja työelimen (UNRWA) puolesta
På Förenta nationernas hjälporganisation för palestinska flyktingars (UNRWA) vägnar



COMMISSION

COMMISSION DECISION

of 8 October 2002

under the provisions of Council Regulation (EC) No 3286/94 concerning trade practices maintained by Korea affecting trade in commercial vessels

(notified under document number C(2002) 3652)

(2002/818/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3286/94 of 22 December 1994 laying down Community procedures in the field of the common commercial policy in order to ensure the exercise of the Community's rights under international trade rules, in particular those established under the auspices of the World Trade Organisation ⁽¹⁾, as amended by Regulation (EC) No 356/95 ⁽²⁾, and in particular Articles 13 and 14 thereof,

After consulting the Advisory Committee,

Whereas:

ment). On that basis, the complainant asked the Commission to take the necessary action.

(3) The complaint contained sufficient evidence to justify the initiation of a Community examination procedure pursuant to Article 8 of the Regulation. Consequently, the Commission initiated the procedure after consulting with the Member States in the framework of the Advisory Committee, on 2 December 2000 ⁽⁴⁾.

(4) Following the initiation of the examination procedure the Commission carried out an investigation, which has led to the conclusions indicated below.

A. PROCEDURE

(1) On 24 October 2000 the Commission received a complaint pursuant to Article 3 and Article 4 of Council Regulation (EC) No 3286/94 (hereafter the 'Regulation'). The complaint was lodged by the Committee of European Union Shipbuilders Associations (CESA).

(2) The complaint concerned certain alleged Korean trade practices which adversely affect Community sales of commercial vessels ⁽³⁾. In particular, the complaint contained information on adverse trade effects and injury suffered by Community shipbuilders resulting from subsidies granted to, or otherwise benefiting, Korean shipbuilding companies by the Republic of Korea in violation of Articles 3 and 5 of the WTO Agreement on Subsidies and Countervailing Measures (SCM Agree-

B. FINDINGS REGARDING THE EXISTENCE OF AN OBSTACLE TO TRADE

(5) The investigation was directed against subsidies allegedly granted by the Government of the Republic of Korea to its shipbuilding industry that benefited production between 1997 and 2000 and will benefit future production. Alleged Korean subsidies have included, export contingent financing, debt forgiveness, debt-for-equity-swaps, interest relief and special tax concessions in the context of preferential restructuring packages provided in order to save various shipbuilding enterprises from imminent financial collapse.

(6) The Korean shipbuilding enterprises claimed to have benefited from Korean Government subsidies included Samho Heavy Industries, Daedong Shipbuilding Co., Daewoo Shipbuilding and Marine Engineering, Hyundai Heavy Industries, Hyundai Mipo, Samsung Heavy Industries and Hanjin Heavy Industries & Construction Co.

⁽¹⁾ OJ L 349, 31.12.1994, p. 71.

⁽²⁾ OJ L 41, 23.2.1995, p. 3.

⁽³⁾ The affected products are commercial vessels for international commerce, including, more specifically: bulk carriers, container ships, oil tankers, product and chemical tankers, liquefied natural gas carriers, passenger and ro/ro ferries, other non-cargo vessels (including offshore units) and cruise ships.

⁽⁴⁾ OJ C, 345 of 2.12.2000.

- (7) With regard to the alleged Korean subsidies that were expressly the subject of the complaint the Commission established the following:

Advance payment (refund) guarantees and pre-shipment loans provided by the State-owned Export-Import Bank of Korea (KEXIM)

- (8) It was established that KEXIM provides a guarantee that a foreign buyer will be refunded any advance payments given to a Korean shipyard in case the Korean shipyard fails to perform its obligations under the relevant contract. It was also established that KEXIM provides pre-delivery loans to shipyards to finance shipbuilding production costs, such as raw material cost, labour and overheads until delivery of the ships. The APRG programme and the pre-shipment loans were found to constitute prohibited subsidies under Article 3(1)(a) of the SCM Agreement.

Debt forgiveness, debt-for-equity-swaps and interest relief by government-owned and government-controlled banks

- (9) It was established that Korea has granted through debt forgiveness, debt-for-equity-swaps and interest relief by government-owned and government-controlled banks, subsidies within the meaning of Article 1 of the SCM Agreement to the following shipyards:

- Samho Heavy Industries,
- Daedong Shipbuilding Co. ⁽¹⁾ and
- Daewoo Shipbuilding and Marine Engineering.

- (10) There is prima facie evidence that these corporate restructuring subsidies are specific within the meaning of Article 2(1) of the SCM Agreement.

Special tax concessions

- (11) It was established that Daewoo Shipbuilding and Marine Engineering has benefited from two tax programmes under the Special Tax Treatment Control Law (special taxation on in-kind contribution and special taxation on spin-off) limited to companies under corporate restructuring which are therefore specific.

Conclusion

- (12) The Commission considers that the complainant's allegation on the granting of subsidies is well-founded and that the Korean practices constitute an obstacle to trade within the meaning of Article 2(1) of the Regulation, as they are contrary to Articles 3 and 5 of the SCM Agreement.

C. FINDINGS REGARDING ADVERSE TRADE EFFECTS

- (13) It was established that, during the investigation period, the Community industry suffered adverse effects within

the meaning of Article 5 of the SCM Agreement and Article 2(3) and Article 2(4) of the Regulation, in the form of injury within the meaning of Article 5(a) of the SCM Agreement, namely, negative effects on market share, capacity utilisation, profit, sales prices, employment, investments, and of serious prejudice within the meaning of Article 5(c) of the SCM Agreement, namely, significant price undercutting, price depression and lost sales. By sector, adverse effects were suffered in container ships and product and chemical tankers.

- (14) In November 2001, CESA requested the Commission to examine whether adverse effects had been suffered by the Community industry during the period covering the 13 months following the end of the original investigation period (i.e. 1 December 2000 to 31 December 2001). The updating investigation confirmed the findings of the first investigation. As regards the liquefied natural gas carriers (LNG) sector, it established that further examination is necessary to determine whether the developments observed in 2000 and 2001 would result in a consistent trend over a longer term. The Commission will continue to monitor the market, particularly as regards the sectors of container ships, product and chemical tankers and LNG carriers.

D. CAUSAL LINK

- (15) It was established that the above subsidies, which rendered possible the increase in sales volume and market share of the Korean shipyards as well as the considerable decrease in their sales prices and the price undercutting found during the investigation period, caused adverse effects to the Community industry. These conclusions were confirmed by the updating investigation.

E. COMMUNITY INTEREST

- (16) The shipbuilding industry in the Community represents a very important sector of economic activity in terms of employment, either direct, in the shipyards or indirect, in subcontracting or supplying companies. On the basis of the information available it seems reasonable to forecast that, should the Korean subsidy practices be halted, the Community industry may be able to regain at least part of its lost market shares and improve its profitability.

F. CONCLUSIONS

- (17) Further to the above analysis, the Commission concludes that Korea has granted export and actionable subsidies within the meaning of the SCM Agreement to its shipbuilding industry and has caused adverse effects to the Community industry.

⁽¹⁾ Daedong did not cooperate in the procedure; evidence, however, was obtained that it has also benefited from the restructuring process.

- (18) Ensuring that WTO partners fully comply with their obligations is of the utmost importance for the Community, which has committed itself to the same obligations. It is fundamental for the good functioning of a multilateral trade system to consistently tackle allegedly WTO incompatible practices.
- (19) The Commission discussed the matter with the Korean authorities with a view to finding a mutually agreed solution. However, as no mutually agreed solution could be found, the initiation of a procedure within the framework of the WTO Dispute Settlement Understanding, and more particularly pursuant to the relevant provisions of the SCM Agreement, is required,

tions of that country under the World Trade Organisation Agreement and, in particular under the SCM Agreement, and constitutes an 'obstacle to trade' within the meaning of Article 2(1) of Regulation (EC) No 3286/94.

2. The Community will initiate dispute settlement proceedings against Korea under the Understanding on the Rules and Procedures for the Settlement of Disputes and other relevant WTO provisions with a view to securing removal of the obstacle to trade.

HAS DECIDED AS FOLLOWS:

Done at Brussels, 8 October 2002.

Sole Article

1. The granting of subsidies to certain Korean producers of commercial vessels appears to be inconsistent with the obliga-

For the Commission

Pascal LAMY

Member of the Commission

COMMISSION DECISION

of 18 October 2002

amending Decision 98/569/EC laying down special conditions governing imports of live bivalve molluscs, echinoderms, tunicates and marine gastropods originating in Tunisia, and Decision 98/570/EC laying down special conditions governing imports of fishery and aquaculture products originating in Tunisia

(notified under document number C(2002) 3906)

(Text with EEA relevance)

(2002/819/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/492/EEC of 15 July 1991 laying down the health conditions for the production and the placing on the market of live bivalve molluscs⁽¹⁾, as last amended by the Directive 97/79/EC⁽²⁾, and in particular Article 9(4) thereof,

Having regard to Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products⁽³⁾, as last amended by the Directive 97/79/EC, and in particular Article 11(5) thereof,

Whereas:

- (1) Commission Decision 98/569/EC of 6 October 1998 laying down special conditions governing imports of live bivalve molluscs, echinoderms, tunicates and marine gastropods originating in Tunisia⁽⁴⁾, states that the 'direction générale de la santé animale (DGSA) du ministère de l'agriculture' is to be the competent authority in Tunisia for verifying and certifying compliance of live bivalve molluscs, echinoderms, tunicates and marine gastropods with the requirements of Directive 91/492/EEC.
- (2) Commission Decision 98/570/EC of 7 October 1998 laying down special conditions governing imports of fishery and aquaculture products originating in Tunisia⁽⁵⁾, as last amended by Decision 1999/135/EC⁽⁶⁾, states that the 'direction générale de la santé animale (DGSA) du ministère de l'agriculture' is to be the competent authority in Tunisia for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.
- (3) Following a restructuring of the Tunisian administration, the competent authority for verifying and certifying compliance of fishery and aquaculture products and bivalve molluscs, echinoderms, tunicates and marine gastropods has changed to the 'direction générale des services vétérinaires (DGSV)'. This new authority is

capable of effectively verifying the application of the laws in force.

- (4) The wording of Decisions 98/569/EC and 98/570/EC should be aligned on the wording of more recently adopted Commission decisions, laying down special conditions governing imports of bivalve molluscs, echinoderms, tunicates, marine gastropods, fishery and aquaculture products originating in certain third countries.
- (5) Decisions 98/569/EC and 98/570/EC should therefore be amended accordingly.
- (6) 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

Commission Decision 98/569/EC is modified as follows:

1. Article 1 is replaced by the following:

'Article 1

The "direction générale des services vétérinaires (DGSV)" shall be the competent authority in Tunisia for verifying and certifying compliance of live bivalve molluscs, echinoderms, tunicates and marine gastropods with the requirements of Directive 91/492/EEC.'

2. Article 2 is replaced by the following:

'Article 2

1. Live bivalve molluscs, echinoderms, tunicates and marine gastropods imported into the Community from Tunisia shall meet the conditions set out in paragraphs 2, 3, 4 and 5.

2. Each consignment shall be accompanied by a numbered original health certificate, duly completed, signed, dated and comprising a single sheet in accordance with the model in Annex A.

⁽¹⁾ OJ L 268, 24.9.1991, p. 1.

⁽²⁾ OJ L 24, 30.1.1998, p. 31.

⁽³⁾ OJ L 268, 24.9.1991, p. 15.

⁽⁴⁾ OJ L 277, 14.10.1998, p. 31.

⁽⁵⁾ OJ L 277, 14.10.1998, p. 36.

⁽⁶⁾ OJ L 44, 18.2.1999, p. 58.

3. The products must originate in the authorised production areas listed in Annex B.
4. They must be packed in sealed packages in an approved dispatch centre listed in Annex C.
5. Each package must bear an indelible health mark containing at least the following information:
 - country of dispatch: TUNISIA,
 - the species (common and scientific names),
 - the identification of the production area and the dispatch centre by their approval number,
 - the date of packing, comprising at least the day and the month.'
3. In Article 3 paragraph 2 is replaced by the following:
 - '2. Certificates must bear the name, capacity and signature of the representative of the DGSV.'
4. Annex A is replaced by Annex I to this Decision.

Article 2

Commission Decision 98/570/EC is modified as follows:

1. Article 1 is replaced by the following:
 - 'Article 1
 - The "direction générale des services vétérinaires (DGSV)" shall be the competent authority in Tunisia for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.'
2. Article 2 is replaced by the following:
 - 'Article 2
 - 1. Fishery products imported into the Community from Tunisia shall meet the conditions set out in paragraphs 2, 3 and 4.

2. Each consignment shall be accompanied by a numbered original health certificate, duly completed, signed, dated and comprising a single sheet in accordance with the model in Annex I.
3. The products shall come from approved establishments, factory vessels or cold stores or from registered freezer vessels listed in Annex II.
4. Except in the case of frozen fishery products in bulk and intended for the manufacture of preserved foods, all packages shall bear the word "TUNISIA" and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin in indelible letters.'
3. Article 3(2) is replaced by the following:
 - '2. Certificates must bear the name, capacity and signature of the representative of the DGSV and the latter's official stamp in a colour different from that of other endorsements.'
4. Annex A is replaced by the Annex II to this Decision.

Article 3

This Decision shall apply from 3 December 2002.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 18 October 2002.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

ANNEX A

HEALTH CERTIFICATE

for live bivalve molluscs ⁽¹⁾, echinoderms ⁽¹⁾, tunicades ⁽¹⁾, marine gastropods ⁽¹⁾ imported from Tunisia and intended for human consumption in the European Community

Reference No:

Country of dispatch: TUNISIA

Competent authority: direction générale des services vétérinaires (DGSV)

I. Details identifying the products

- Species (scientific name):
- Code number (where available):
- Type of packaging:
- Number of packages:
- Net weight:
- Analysis report number (where available):

II. Origin of products

- Authorised production area:
- Name and official approval number of dispatch centre:
.....
.....

III. Destination of products

The products are dispatched

from:
(place of dispatch)

to:
(country and place of destination)

by the following means of transport:

Name and address of dispatcher:
.....
.....

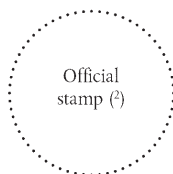
Name of consignee and address at place of destination:
.....
.....

⁽¹⁾ Delete where inapplicable.

IV. Health attestation

- The official inspector hereby certifies that the live products specified above:
1. were harvested, where necessary relayed, and transported in accordance with the health rules laid down in Chapters I, II and III of the Annex to Directive 91/492/EEC;
 2. were handled, where necessary purified, and packaged in compliance with the requirements laid down in Chapter IV of the Annex to Directive 91/492/EEC;
 3. have undergone health controls in accordance with Chapter VI of the Annex to Directive 91/492/EEC;
 4. are in compliance with Chapters V, VII, VIII, IX and X of the Annex to Directive 91/492/EEC and therefore fit for immediate human consumption.
- The undersigned official inspector hereby declares that he is aware of the provisions of Directive 91/492/EEC and Decision 98/569/EC.

Done at , on
(Place) (Date)



.....
Signature of official inspector (2)

.....
(Name in capital letters, capacity and qualifications of person signing)

(2) The colour or the stamp and signature must be different from that of the other particulars in the certificate.'

ANNEX II

ANNEX A

HEALTH CERTIFICATE

for fishery or aquaculture products from Tunisia and intended for export to the European Community

Reference No:

Country of dispatch: TUNISIA

Competent authority: direction générale des services vétérinaires (DGSV)

I. Details identifying the fishery products

- Description of fishery/aquaculture products ⁽¹⁾:
- species (scientific name):
- presentation of product and type of treatment ⁽²⁾:
- Code number (where available):
- Type of packaging:
- Number of packages:
- Net weight:
- Requisite storage and transport temperature:

II. Origin of products

Name(s) and official approval number(s) of establishment(s), factory vessel(s), or cold store(s) approved or freezer vessel(s) registered by DGSV for export to the EC:

.....

.....

III. Destination of products

The products are dispatched:

from:
(place of dispatch)

to:
(country and place of destination)

by the following means of transport:

.....

Name and address of dispatcher:

.....

.....

Name of consignee and address at place of destination:

.....

.....

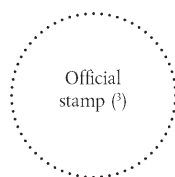
⁽¹⁾ Delete where applicable.

⁽²⁾ Live, refrigerated, frozen, salted, smoked, preserved, etc.

IV. Health attestation

- The official inspector hereby certifies that the fishery or aquaculture products specified above:
- 1) were caught and handled on board vessels in accordance with the health rules laid down by Directive 92/48/EEC;
 - 2) were landed, handled and, where appropriate, packaged, prepared, processed, frozen, thawed and stored hygienically in compliance with the requirements laid down in Chapters II, III and IV of the Annex to Directive 91/493/EEC;
 - 3) have undergone health controls in accordance with Chapter V of the Annex to Directive 91/493/EEC;
 - 4) are packaged, marked, stored and transported in accordance with Chapters VI, VII and VIII of the Annex to Directive 91/493/EEC;
 - 5) do not come from toxic species or species containing biotoxins;
 - 6) have satisfactorily undergone the organoleptic, parasitological, chemical and microbiological checks laid down for certain categories of fishery products by Directive 91/493/EEC and in the implementing decisions thereto.
 - 7) in addition, in the case of frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods, have been obtained from authorised production areas listed in the Annex to Decision 98/569/EC.
- The undersigned official inspector hereby declares that he is aware of the provisions of Directives 91/492/EEC, 91/493/EEC and 92/48/EEC and Decisions 98/569/EC and 98/570/EC.

Done at , on
(Place) (Date)



.....
Signature of official inspector (³)

.....
(Name in capital letters, capacity and qualifications of person signing)

(³) The colour of the stamp and signature must be different from that of the other particulars in the certificate.'