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Contents

I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 284/2002 of 12 February 2002 renewing for 2002 the measures laid down in Regulation (EC) No 1416/95 establishing certain concessions in the form of Community tariff quotas in 1995 for certain processed agricultural products, as regards products originating in Norway ⁽¹⁾ 1**
- Commission Regulation (EC) No 285/2002 of 15 February 2002 establishing the standard import values for determining the entry price of certain fruit and vegetables 4
- Commission Regulation (EC) No 286/2002 of 15 February 2002 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 91st individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97 6
- Commission Regulation (EC) No 287/2002 of 15 February 2002 fixing the maximum purchasing price for butter for the 44th invitation to tender carried out under the standing invitation to tender governed by Regulation (EC) No 2771/1999 8
- Commission Regulation (EC) No 288/2002 of 15 February 2002 fixing the maximum aid for concentrated butter for the 263rd special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90 9
- Commission Regulation (EC) No 289/2002 of 15 February 2002 deciding not to accept tenders submitted in response to the 283rd partial invitation to tender as a general intervention measure pursuant to Regulation (EEC) No 1627/89 10
- Commission Regulation (EC) No 290/2002 of 15 February 2002 fixing the maximum purchase price for beef under the 19th partial invitation to tender pursuant to Regulation (EC) No 690/2001 11

★ Commission Regulation (EC) No 291/2002 of 15 February 2002 amending Regulation (EC) No 1613/2000 derogating from Regulation (EEC) No 2454/93 in respect of the definition of the concept of originating products used for the purposes of the scheme of generalised preferences to take account of the special situation of Laos regarding certain exports of textiles to the Community	12
★ Commission Regulation (EC) No 292/2002 of 15 February 2002 amending Regulation (EC) No 1614/2000 derogating from Regulation (EEC) No 2454/93 in respect of the definition of the concept of originating products used for the purposes of the scheme of generalised preferences to take account of the special situation of Cambodia regarding certain exports of textiles to the Community	14
★ Commission Regulation (EC) No 293/2002 of 15 February 2002 amending Regulation (EC) No 1615/2000 derogating from Regulation (EEC) No 2454/93 in respect of the definition of the concept of originating products used for the purposes of the scheme of generalised preferences to take account of the special situation of Nepal regarding certain exports of textiles to the Community	16
Commission Regulation (EC) No 294/2002 of 15 February 2002 fixing the maximum export refund on wholly milled round grain rice in connection with the invitation to tender issued in Regulation (EC) No 2007/2001	18
Commission Regulation (EC) No 295/2002 of 15 February 2002 fixing the maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain European third countries, in connection with the invitation to tender issued in Regulation (EC) No 2008/2001	19
Commission Regulation (EC) No 296/2002 of 15 February 2002 fixing the maximum export refund on wholly milled round grain, medium grain and long grain A rice to be exported to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 2009/2001	20
Commission Regulation (EC) No 297/2002 of 15 February 2002 fixing the maximum export refund on wholly milled long grain rice in connection with the invitation to tender issued in Regulation (EC) No 2010/2001	21
Commission Regulation (EC) No 298/2002 of 15 February 2002 concerning tenders submitted in response to the invitation to tender for the export of husked long grain rice to the island of Réunion referred to in Regulation (EC) No 2011/2001	22
Commission Regulation (EC) No 299/2002 of 15 February 2002 fixing the import duties in the cereals sector	23
★ Council Directive 2002/10/EC of 12 February 2002 amending Directives 92/79/EEC, 92/80/EEC and 95/59/EC as regards the structure and rates of excise duty applied on manufactured tobacco	26

Council

2002/125/EC:

- ★ **Decision No 4/2001 of the EU-Czech Republic Association Council of 29 June 2001 establishing the financial contribution of the Czech Republic for participation in the Socrates II and Youth programmes in the years 2001 to 2006 29**

2002/126/EC:

- ★ **Decision No 4/2001 of the EU-Poland Association Council of 24 September 2001 establishing the financial contribution of Poland for participation in the Socrates II and Youth programmes in the years 2001 to 2006 31**

2002/127/EC:

- ★ **Decision No 5/2001 of the EU-Bulgaria Association Council of 9 October 2001 adopting the terms and conditions for the participation of Bulgaria in the Youth Community action programme 33**

2002/128/EC:

- ★ **Decision No 4/2001 of the Association Council, Association between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part of 18 December 2001 adopting the general terms and conditions for the participation of the Republic of Hungary in Community programmes 37**

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 284/2002

of 12 February 2002

renewing for 2002 the measures laid down in Regulation (EC) No 1416/95 establishing certain concessions in the form of Community tariff quotas in 1995 for certain processed agricultural products, as regards products originating in Norway

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Council Regulation (EC) No 1416/95 of 19 June 1995 establishing certain concessions in the form of Community tariff quotas in 1995 for certain processed agricultural products ⁽¹⁾ opened tariff quotas for 1995 in favour of Norway in accordance with the conditions set out in Annex II thereto.
- (2) The measures laid down in Regulation (EC) No 1416/95 have been renewed annually by Regulations (EC) No 102/96 ⁽²⁾, (EC) No 306/97 ⁽³⁾, (EC) No 560/98 ⁽⁴⁾, (EC) No 2847/98 ⁽⁵⁾, (EC) No 215/2000 ⁽⁶⁾ and (EC) No 591/2001.
- (3) Since it has not been possible to conclude additional Protocols before 1 January 2002, the Community must, pursuant to Articles 76, 102 and 128 of the Act of Accession of Austria, Finland and Sweden, take the necessary measures to deal with the situation. Therefore, it is necessary to renew the measures provided for in Regulation (EC) No 1416/95 for 2002.
- (4) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁷⁾.
- (5) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the

Community Customs Code ⁽⁸⁾ consolidated the arrangements for managing the tariff quotas to be used in chronological order of the dates of acceptance of the declarations for release for free circulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. The measures provided for in Article 1(2) of Regulation (EC) No 1416/95 shall be renewed to cover 2002.

Annex II to Regulation (EC) No 1416/95 shall be replaced by the text in the Annex to this Regulation.

2. If Norway discontinues the application of the reciprocal measures in favour of the Community, the Commission may, in accordance with the procedure laid down in Article 2(2) of this Regulation, suspend application of the measures provided for in paragraph 1.

Article 2

1. The Commission shall be assisted by the Committee referred to in Article 16 of Regulation (EC) No 3448/93 ⁽⁹⁾.

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

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its rules of procedure.

Article 3

The Community tariff quotas referred to in Annex II to Regulation (EC) No 1416/95 shall be administered in accordance with Articles 308a to 308c of Regulation (EEC) No 2454/93.

⁽¹⁾ OJ L 141, 24.6.1995, p. 1. Regulation as last amended by Regulation (EC) No 591/2001 (OJ L 88, 28.3.2001, p. 1).

⁽²⁾ OJ L 19, 25.1.1996, p. 1.

⁽³⁾ OJ L 51, 21.2.1997, p. 8.

⁽⁴⁾ OJ L 76, 13.3.1998, p. 1.

⁽⁵⁾ OJ L 358, 31.12.1998, p. 14.

⁽⁶⁾ OJ L 24, 29.1.2000, p. 9.

⁽⁷⁾ OJ L 184, 17.7.1999, p. 23.

⁽⁸⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 993/2001 (OJ L 141, 28.5.2001, p. 1).

⁽⁹⁾ OJ L 318, 20.12.1993, p. 18. Regulation as last amended by Regulation (EC) No 2580/2000 (OJ L 298, 25.11.2000, p. 5).

Article 4

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

It shall apply with effect from 1 January 2002.

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

Done at Brussels, 12 February 2002.

For the Council

The President

R. DE RATO Y FIGAREDO

ANNEX

ANNEX II

PREFERENTIAL TARIFF QUOTAS OPENED FOR 2002

NORWAY

Order Number	CN code	Description	Autonomous quotas	Rate of duty applicable
09.0765	1517 10 90	Margarine, excluding liquid margarine Other	2 470 tonnes	Free
09.0766	2102 30 00	Prepared baking powders	150 tonnes	Free
09.0767	ex 2103 90 90 (TARIC codes 10 and 89)	Sauces and preparations therefor; mixed condiments and mixed seasonings of CN code 2103 90 90, other than mayonnaise	130 tonnes	Free
09.0768	2104 10	Soups and broths and preparations therefor	390 tonnes	Free
09.0769	2106 90 92	Food preparations/other, containing no milk fats, sucrose, isoglucose, glucose or starch or containing less than 1,5 % milk fat, 5 % sucrose or isoglucose, 5 % glucose or starch	510 tonnes	Free
09.0770 ⁽¹⁾	2203 00	Beer made from malt	4 800 hectolitres	Free
09.0771	ex 2207 10 00 (TARIC code 90)	Undenatured ethyl alcohol of an alcohol strength by volume of 80 % vol. or higher/ other than that obtained from agricultural products listed in Annex I to the Treaty	134 000 hectolitres	Free
09.0772	ex 2207 20 00 (TARIC code 90)	Ethyl alcohol and other spirits, denatured, of any strength/other than those obtained from agricultural products listed in Annex I to the Treaty	3 340 hectolitres	Free
09.0774	2403 10	Smoking tobacco, whether or not containing tobacco substitutes in any proportion	370 tonnes	Free

⁽¹⁾ The application of the quota shall be restricted to the period from 1 January to 30 June 2002.

COMMISSION REGULATION (EC) No 285/2002
of 15 February 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 16 February 2002.

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

Done at Brussels, 15 February 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 15 February 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	134,8
	204	83,1
	212	144,5
	608	21,1
	999	95,9
0707 00 05	052	182,0
	068	127,8
	999	154,9
0709 90 70	052	169,8
	204	90,8
	999	130,3
0805 10 10, 0805 10 30, 0805 10 50	052	44,8
	204	53,1
	212	43,5
	220	44,5
	421	30,4
	508	22,3
	624	75,5
	999	44,9
0805 20 10	052	88,0
	204	65,7
	999	76,8
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	62,9
	204	68,9
	220	59,3
	464	140,4
	600	111,5
	624	89,2
	999	88,7
	052	63,7
0805 50 10	220	43,3
	600	44,7
	999	50,6
	060	39,9
0808 10 20, 0808 10 50, 0808 10 90	400	123,5
	404	91,6
	720	121,3
	728	116,6
	999	98,6
	388	108,0
	400	109,2
	528	91,8
0808 20 50	720	143,9
	999	113,2

⁽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 286/2002**of 15 February 2002****fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 91st individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97**

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 Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) The intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽³⁾, as last amended by Regulation (EC) No 635/2000 ⁽⁴⁾, to sell by invitation to tender certain quantities of butter that they hold and to grant aid for cream, butter and concentrated butter. Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further stipulated that the price

or aid may vary according to the intended use of the butter, its fat content and the incorporation procedure, and that a decision may also be taken to make no award in response to the tenders submitted. The amount(s) of the processing securities must be fixed accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices and the maximum aid and processing securities applying for the 91st individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 February 2002.

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

Done at Brussels, 15 February 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁴⁾ OJ L 76, 25.3.2000, p. 9.

ANNEX

to the Commission Regulation of 15 February 2002 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 91st individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter ≥ 82 %	Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Processing security		Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Maximum aid	Butter ≥ 82 %		85	81	85	81
	Butter < 82 %		83	79	—	79
	Concentrated butter		105	101	105	101
	Cream		—	—	36	34
Processing security	Butter		94	—	94	—
	Concentrated butter		116	—	116	—
	Cream		—	—	40	—

COMMISSION REGULATION (EC) No 287/2002**of 15 February 2002****fixing the maximum purchasing price for butter for the 44th invitation to tender carried out under the standing invitation to tender governed by Regulation (EC) No 2771/1999**

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 1670/2000 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) Article 13 of 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⁾, provides that, in the light of the tenders received for each invitation to tender, a maximum buying-in price is to be fixed in relation to the interven-

tion price applicable and that it may also be decided not to proceed with the invitation to tender.

- (2) As a result of the tenders received, the maximum buying-in price should be fixed as set out below.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 44th invitation to tender issued under Regulation (EC) No 2771/1999, for which tenders had to be submitted not later than 12 February 2002, the maximum buying-in price is fixed at 295,38 EUR/100 kg.

Article 2

This Regulation shall enter into force on 16 February 2002.

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

Done at Brussels, 15 February 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 333, 24.12.1999, p. 11.

⁽⁴⁾ OJ L 214, 8.8.2001, p. 20.

COMMISSION REGULATION (EC) No 288/2002**of 15 February 2002****fixing the maximum aid for concentrated butter for the 263rd special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90**

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 Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Commission Regulation (EEC) No 429/90 of 20 February 1990 on the granting by invitation to tender of an aid for concentrated butter intended for direct consumption in the Community ⁽³⁾, as last amended by Regulation (EC) No 124/1999 ⁽⁴⁾, the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter; Article 6 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 % or a decision is to be taken to make no award; the end-use security must be fixed accordingly.

- (2) In the light of the tenders received, the maximum aid should be fixed at the level specified below and the end-use security determined accordingly.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 263rd special invitation to tender under the standing invitation to tender opened by Regulation (EEC) No 429/90, the maximum aid and the amount of the end-use security shall be as follows:

- | | |
|---------------------|-----------------|
| — maximum aid: | EUR 105/100 kg, |
| — end-use security: | EUR 116/100 kg. |

Article 2

This Regulation shall enter into force on 16 February 2002.

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

Done at Brussels, 15 February 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 45, 21.2.1990, p. 8.

⁽⁴⁾ OJ L 16, 21.1.1999, p. 19.

COMMISSION REGULATION (EC) No 289/2002**of 15 February 2002****deciding not to accept tenders submitted in response to the 283rd partial invitation to tender as a general intervention measure pursuant to Regulation (EEC) No 1627/89**

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 47(8) thereof,

Whereas:

- (1) Commission Regulation (EC) No 562/2000 of 15 March 2000 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 as regards the buying-in of beef ⁽³⁾, as last amended by Regulation (EC) No 1564/2001 ⁽⁴⁾, lays down buying standards. Pursuant to the abovementioned Regulation, an invitation to tender was opened pursuant to Article 1(1) of Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying-in of beef by invitation to tender ⁽⁵⁾, as last amended by Regulation (EC) No 238/2002 ⁽⁶⁾.
- (2) Article 13(1) of Regulation (EC) No 562/2000 lays down that a maximum buying-in price is to be fixed for quality R3, where appropriate, under each partial invitation to tender in the light of tenders received. In accordance with Article 13(2) of that Regulation, a decision may be taken not to proceed with the tendering procedure.
- (3) Once tenders submitted in respect of the 283rd partial invitation to tender have been considered and taking account, pursuant to Article 47(8) of Regulation (EC) No 1254/1999, of the requirements for reasonable support

of the market and the seasonal trend in slaughterings and prices, it has been decided not to proceed with the tendering procedure.

- (4) Article 1(7) of Regulation (EC) No 1209/2001 of 20 June 2001 derogating from Regulation (EC) No 562/2000 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 as regards as buying-in of beef ⁽⁷⁾, as last amended by Regulation (EC) No 2579/2001 ⁽⁸⁾, also opens buying-in of carcasses and half-carcasses of store cattle and lays down special rules in addition to those laid down for the buying-in of other products. For the 283rd partial invitation to tender, no tender has been submitted.
- (5) In the light of developments, this Regulation should enter into force immediately.
- (6) 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

No award shall be made against the 283rd partial invitation to tender opened pursuant to Regulation (EEC) No 1627/89.

Article 2

This Regulation shall enter into force on 16 February 2002.

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

Done at Brussels, 15 February 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 315, 1.12.2001, p. 29.

⁽³⁾ OJ L 68, 16.3.2000, p. 22.

⁽⁴⁾ OJ L 208, 1.8.2001, p. 14.

⁽⁵⁾ OJ L 159, 10.6.1989, p. 36.

⁽⁶⁾ OJ L 39, 9.2.2002, p. 4.

⁽⁷⁾ OJ L 165, 21.6.2001, p. 15.

⁽⁸⁾ OJ L 344, 28.12.2001, p. 68.

COMMISSION REGULATION (EC) No 290/2002**of 15 February 2002****fixing the maximum purchase price for beef under the 19th partial invitation to tender pursuant to Regulation (EC) No 690/2001**

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⁾,

Having regard to Commission Regulation (EC) No 690/2001 of 3 April 2001 on special market support measures in the beef sector ⁽³⁾, as last amended by Regulation (EC) No 2595/2001 ⁽⁴⁾, and in particular Article 3(1) thereof,

Whereas:

- (1) In application of Article 2(2) of Regulation (EC) No 690/2001, Commission Regulation (EC) No 713/2001 of 10 April 2001 on the purchase of beef under Regulation (EC) No 690/2001 ⁽⁵⁾, as last amended by Regulation (EC) No 228/2002 ⁽⁶⁾, establishes the list of Member States in which the tendering is open for the 19th partial invitation to tender on 11 February 2002.
- (2) In accordance with Article 3(1) of Regulation (EC) No 690/2001, where appropriate, a maximum purchase price for the reference class is to be fixed in the light of the tenders received, taking into account the provisions of Article 3(2) of that Regulation.
- (3) Because of the need to support the market for beef in a reasonable way, a maximum purchase price should be fixed in the Member States concerned at an appropriate

level. In the light of the different level of market prices in those Member States, different maximum purchase prices should be fixed.

- (4) Due to the urgency of the support measures, this Regulation should enter into force immediately.
- (5) 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

Under the 19th partial invitation to tender on 11 February 2002 opened under Regulation (EC) No 690/2001 the following maximum purchase prices shall be fixed:

- Germany: EUR 160,00/100 kg,
- Spain: EUR 152,50/100 kg,
- France: EUR 209,80/100 kg,
- Belgium: EUR 161,00/100 kg,
- Austria: EUR 163,30/100 kg.

Article 2

This Regulation shall enter into force on 16 February 2002.

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

Done at Brussels, 15 February 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 315, 1.12.2001, p. 29.

⁽³⁾ OJ L 95, 5.4.2001, p. 8.

⁽⁴⁾ OJ L 345, 29.12.2001, p. 33.

⁽⁵⁾ OJ L 100, 11.4.2001, p. 3.

⁽⁶⁾ OJ L 38, 8.2.2002, p. 14.

COMMISSION REGULATION (EC) No 291/2002

of 15 February 2002

amending Regulation (EC) No 1613/2000 derogating from Regulation (EEC) No 2454/93 in respect of the definition of the concept of originating products used for the purposes of the scheme of generalised preferences to take account of the special situation of Laos regarding certain exports of textiles to the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾, as last amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council ⁽²⁾, and in particular Article 247 thereof,

Whereas:

- (1) By Council Regulation (EC) No 2501/2001 of 10 December 2001 applying a scheme of generalised tariff preferences for the period 1 January 2002 to 31 December 2004 ⁽³⁾, the Community granted generalised tariff preferences to Laos.
- (2) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽⁴⁾, as last amended by Regulation (EC) No 993/2001 ⁽⁵⁾, establishes the definition of the concept of originating products to be used for the purposes of the scheme of generalised tariff preferences (GSP). However Regulation (EEC) No 2454/93 provides for derogations in favour of least-developed GSP-beneficiary countries which submit an appropriate request to that effect to the Community.
- (3) Laos has benefited from such a derogation for certain textiles since 1997, in the last instance by virtue of Commission Regulation (EC) No 1613/2000 of 24 July 2000 derogating from Regulation (EEC) No 2454/93 in respect of the definition of the concept of originating products used for the purposes of the scheme of generalised preferences to take account of the special situation of Laos regarding certain exports of textiles to the Community ⁽⁶⁾, which applied for the period 15 July 2000 to 31 December 2001. It has submitted a request for the renewal of the derogation.
- (4) The provisions of Regulation (EC) No 1613/2000, in particular the existence of quantitative conditions, which apply on an annual basis, reflecting the Community

market's capacity to absorb the Lao products, Laos's export capacity and actual recorded trade flows, were designed to prevent injury to the corresponding branches of Community industry.

- (5) The request submitted by Laos has been considered by the Commission and has been found to be duly substantiated. The derogation should therefore be renewed. Moreover, the interests of traders both in Laos and in the Community concluding contracts in particular, and the stability and the sustained development of the Lao industry in terms of ongoing investment and employment, require that the provisions of Regulation (EC) No 1613/2000 should continue to apply without interruption when the derogation provided for therein expires. Furthermore, the derogation should be granted for a longer period of time than hitherto, but not beyond 31 December 2004, when the current GSP scheme expires.
- (6) In order to allow more efficient monitoring of the operation of the derogation, the authorities of Laos should communicate regularly to the Commission details of certificates of origin issued.
- (7) Regulation (EC) No 1613/2000 should therefore be amended accordingly.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1613/2000 is amended as follows:

1. In Article 2, '31 December 2001' is replaced by '31 December 2004'.
2. Article 5 is replaced by the following:

'Article 5

1. The competent authorities of Laos shall take the necessary steps to carry out quantitative checks on exports of the products referred to in Article 1.

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

⁽²⁾ OJ L 311, 12.12.2000, p. 17.

⁽³⁾ OJ L 346, 31.12.2001, p. 1.

⁽⁴⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁵⁾ OJ L 141, 28.5.2001, p. 1.

⁽⁶⁾ OJ L 185, 25.7.2000, p. 38.

2. The following shall be entered in box 4 of certificates of origin form A issued by the competent authorities of Laos pursuant to this Regulation:

“Derogation — Regulation (EC) No 1613/2000”.

3. The competent authorities of Laos shall forward to the Commission every month a statement of the quantities in respect of which certificates of origin form A have been issued pursuant to this Regulation and the serial numbers of those certificates.’

Article 2

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

It shall apply from 1 January 2002.

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

Done at Brussels, 15 February 2002.

For the Commission

Frederik BOLKESTEIN

Member of the Commission

COMMISSION REGULATION (EC) No 292/2002**of 15 February 2002****amending Regulation (EC) No 1614/2000 derogating from Regulation (EEC) No 2454/93 in respect of the definition of the concept of originating products used for the purposes of the scheme of generalised preferences to take account of the special situation of Cambodia regarding certain exports of textiles to the Community**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾, as last amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council ⁽²⁾, and in particular Article 247 thereof,

Whereas:

- (1) By Council Regulation (EC) No 2501/2001 of 10 December 2001 applying a scheme of generalised tariff preferences for the period 1 January 2002 to 31 December 2004 ⁽³⁾, the Community granted generalised tariff preferences to Cambodia.
- (2) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽⁴⁾, as last amended by Regulation (EC) No 993/2001 ⁽⁵⁾, establishes the definition of the concept of originating products to be used for the purposes of the scheme of generalised tariff preferences (GSP). However Regulation (EEC) No 2454/93 provides for derogations in favour of least-developed GSP-beneficiary countries which submit an appropriate request to that effect to the Community.
- (3) Cambodia has benefited from such a derogation for certain textiles since 1997, in the last instance by virtue of Commission Regulation (EC) No 1614/2000 of 24 July 2000 derogating from Regulation (EEC) No 2454/93 in respect of the definition of the concept of originating products used for the purposes of the scheme of generalised preferences to take account of the special situation of Cambodia regarding certain exports of textiles to the Community ⁽⁶⁾, which applied for the period 15 July 2000 to 31 December 2001. It has submitted a request for the renewal of the derogation.
- (4) The provisions of Regulation (EC) No 1614/2000, in particular the existence of quantitative conditions, which apply on an annual basis, reflecting the Community

market's capacity to absorb the Cambodian products, Cambodia's export capacity and actual recorded trade flows, were designed to prevent injury to the corresponding branches of Community industry.

- (5) The request submitted by Cambodia has been considered by the Commission and has been found to be duly substantiated. The derogation should therefore be renewed. Moreover, the interests of traders both in Cambodia and in the Community concluding contracts in particular, and the stability and the sustained development of the Cambodian industry in terms of ongoing investment and employment, require that the provisions of Regulation (EC) No 1614/2000 should continue to apply without interruption when the derogation provided for therein expires. Furthermore, the derogation should be granted for a longer period of time than hitherto, but not beyond 31 December 2004, when the current GSP scheme expires.
- (6) In order to allow more efficient monitoring of the operation of the derogation, the authorities of Cambodia should communicate regularly to the Commission details of certificates of origin issued.
- (7) Regulation (EC) No 1614/2000 should therefore be amended accordingly.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1614/2000 is amended as follows:

1. In Article 2, '31 December 2001' is replaced by '31 December 2004'.
2. Article 5 is replaced by the following:

'Article 5

1. The competent authorities of Cambodia shall take the necessary steps to carry out quantitative checks on exports of the products referred to in Article 1.

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.
⁽²⁾ OJ L 311, 12.12.2000, p. 17.
⁽³⁾ OJ L 346, 31.12.2001, p. 1.
⁽⁴⁾ OJ L 253, 11.10.1993, p. 1.
⁽⁵⁾ OJ L 141, 28.5.2001, p. 1.
⁽⁶⁾ OJ L 185, 25.7.2000, p. 46.

2. The following shall be entered in box 4 of certificates of origin form A issued by the competent authorities of Cambodia pursuant to this Regulation:

“Derogation — Regulation (EC) No 1614/2000”.

3. The competent authorities of Cambodia shall forward to the Commission every month a statement of the quantities in respect of which certificates of origin form A have been issued pursuant to this Regulation and the serial numbers of those certificates.’

Article 2

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

It shall apply from 1 January 2002.

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

Done at Brussels, 15 February 2002.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

COMMISSION REGULATION (EC) No 293/2002**of 15 February 2002****amending Regulation (EC) No 1615/2000 derogating from Regulation (EEC) No 2454/93 in respect of the definition of the concept of originating products used for the purposes of the scheme of generalised preferences to take account of the special situation of Nepal regarding certain exports of textiles to the Community**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾, as last amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council ⁽²⁾, and in particular Article 247 thereof,

Whereas:

- (1) By Council Regulation (EC) No 2501/2001 of 10 December 2001 applying a scheme of generalised tariff preferences for the period 1 January 2002 to 31 December 2004 ⁽³⁾, the Community granted generalised tariff preferences to Nepal.
- (2) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽⁴⁾, as last amended by Regulation (EC) No 993/2001 ⁽⁵⁾, establishes the definition of the concept of originating products to be used for the purposes of the scheme of generalised tariff preferences (GSP). However Regulation (EEC) No 2454/93 provides for derogations in favour of least-developed GSP-beneficiary countries which submit an appropriate request to that effect to the Community.
- (3) Nepal has benefited from such a derogation for certain textiles since 1997, in the last instance by virtue of Commission Regulation (EC) No 1615/2000 of 24 July 2000 derogating from Regulation (EEC) No 2454/93 in respect of the definition of the concept of originating products used for the purposes of the scheme of generalised preferences to take account of the special situation of Nepal regarding certain exports of textiles to the Community ⁽⁶⁾, which applied for the period 15 July 2000 to 31 December 2001. It has submitted a request for the renewal of the derogation.
- (4) The provisions of Regulation (EC) No 1615/2000, in particular the existence of quantitative conditions, which apply on an annual basis, reflecting the Community

market's capacity to absorb the Nepalese products, Nepal's export capacity and actual recorded trade flows, were designed to prevent injury to the corresponding branches of Community industry.

- (5) The request submitted by Nepal has been considered by the Commission and has been found to be duly substantiated. The derogation should therefore be renewed. Moreover, the interests of traders both in Nepal and in the Community concluding contracts in particular, and the stability and the sustained development of the Nepalese industry in terms of ongoing investment and employment, require that the provisions of Regulation (EC) No 1615/2000 should continue to apply without interruption when the derogation provided for therein expires. Furthermore, the derogation should be granted for a longer period of time than hitherto, but not beyond 31 December 2004, when the current GSP scheme expires.
- (6) In order to allow more efficient monitoring of the operation of the derogation, the authorities of Nepal should communicate regularly to the Commission details of certificates of origin issued.
- (7) Regulation (EC) No 1615/2000 should therefore be amended accordingly.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1615/2000 is amended as follows:

1. In Article 2, '31 December 2001' is replaced by '31 December 2004'.
2. Article 5 is replaced by the following:

'Article 5

1. The competent authorities of Nepal shall take the necessary steps to carry out quantitative checks on exports of the products referred to in Article 1.

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.
⁽²⁾ OJ L 311, 12.12.2000, p. 17.
⁽³⁾ OJ L 346, 31.12.2001, p. 1.
⁽⁴⁾ OJ L 253, 11.10.1993, p. 1.
⁽⁵⁾ OJ L 141, 28.5.2001, p. 1.
⁽⁶⁾ OJ L 185, 25.7.2000, p. 54.

2. The following shall be entered in box 4 of certificates of origin form A issued by the competent authorities of Nepal pursuant to this Regulation:

“Derogation — Regulation (EC) No 1615/2000”.

3. The competent authorities of Nepal shall forward to the Commission every month a statement of the quantities in respect of which certificates of origin form A have been issued pursuant to this Regulation and the serial numbers of those certificates.’

Article 2

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

It shall apply from 1 January 2002.

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

Done at Brussels, 15 February 2002.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

COMMISSION REGULATION (EC) No 294/2002**of 15 February 2002****fixing the maximum export refund on wholly milled round grain rice in connection with the invitation to tender issued in Regulation (EC) No 2007/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1987/2001 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2007/2001 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2007/2001 is hereby fixed on the basis of the tenders submitted from 8 to 14 February 2002 at 193,00 EUR/t.

Article 2

This Regulation shall enter into force on 16 February 2002.

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

Done at Brussels, 15 February 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 271, 12.10.2001, p. 5.

⁽³⁾ OJ L 272, 13.10.2001, p. 13.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 295/2002**of 15 February 2002****fixing the maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain European third countries, in connection with the invitation to tender issued in Regulation (EC) No 2008/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1987/2001 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2008/2001 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain European third countries pursuant to the invitation to tender issued in Regulation (EC) No 2008/2001 is hereby fixed on the basis of the tenders submitted from 8 to 14 February 2002 at 212,00 EUR/t.

Article 2

This Regulation shall enter into force on 16 February 2002.

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

Done at Brussels, 15 February 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 271, 12.10.2001, p. 5.

⁽³⁾ OJ L 272, 13.10.2001, p. 15.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 296/2002**of 15 February 2002****fixing the maximum export refund on wholly milled round grain, medium grain and long grain A rice to be exported to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 2009/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1987/2001 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2009/2001 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

- (3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled grain, medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2009/2001 is hereby fixed on the basis of the tenders submitted from 8 to 14 February 2002 at 205,00 EUR/t.

Article 2

This Regulation shall enter into force on 16 February 2002.

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

Done at Brussels, 15 February 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 271, 12.10.2001, p. 5.

⁽³⁾ OJ L 272, 13.10.2001, p. 17.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 297/2002**of 15 February 2002****fixing the maximum export refund on wholly milled long grain rice in connection with the invitation to tender issued in Regulation (EC) No 2010/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1987/2001 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2010/2001 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled long grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2010/2001 is hereby fixed on the basis of the tenders submitted from 8 to 14 February 2002 at 297,50 EUR/t.

Article 2

This Regulation shall enter into force on 16 February 2002.

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

Done at Brussels, 15 February 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 271, 12.10.2001, p. 5.

⁽³⁾ OJ L 272, 13.10.2001, p. 19.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 298/2002**of 15 February 2002****concerning tenders submitted in response to the invitation to tender for the export of husked long grain rice to the island of Réunion referred to in Regulation (EC) No 2011/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1987/2001 ⁽²⁾, and in particular Article 10(1) thereof,

Having regard to Commission Regulation (EEC) No 2692/89 of 6 September 1989 laying down detailed rules for exports of rice to Réunion ⁽³⁾, as amended by Regulation (EC) No 1453/1999 ⁽⁴⁾, and in particular Article 9(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2011/2001 ⁽⁵⁾ opens an invitation to tender for the subsidy on rice exported to Réunion.
- (2) Article 9 of Regulation (EEC) No 2692/89 allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95

and on the basis of the tenders submitted, to make no award.

- (3) On the basis of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89, a maximum subsidy should not be fixed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders submitted from 11 to 14 February 2002 in response to the invitation to tender referred to in Regulation (EC) No 2011/2001 for the subsidy on exports to Réunion of husked long grain rice falling within CN code 1006 20 98.

Article 2

This Regulation shall enter into force on 16 February 2002.

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

Done at Brussels, 15 February 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 271, 12.10.2001, p. 5.

⁽³⁾ OJ L 261, 7.9.1989, p. 8.

⁽⁴⁾ OJ L 167, 2.7.1999, p. 19.

⁽⁵⁾ OJ L 272, 13.10.2001, p. 21.

COMMISSION REGULATION (EC) No 299/2002
of 15 February 2002
fixing the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ⁽³⁾, as last amended by Regulation (EC) No 2104/2001 ⁽⁴⁾, and in particular Article 2(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 February 2002.

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

Done at Brussels, 15 February 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 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 283, 27.10.2001, p. 8.

ANNEX I

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

CN code	Description	Import duty ⁽²⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality ⁽¹⁾	0,00
1001 90 91	Common wheat seed	0,00
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	0,00
	medium quality	0,00
	low quality	5,33
1002 00 00	Rye	0,00
1003 00 10	Barley, seed	0,00
1003 00 90	Barley, other ⁽⁴⁾	0,00
1005 10 90	Maize seed other than hybrid	36,32
1005 90 00	Maize other than seed ⁽⁵⁾	36,32
1007 00 90	Grain sorghum other than hybrids for sowing	0,00

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

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

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

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

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

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

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

ANNEX II

Factors for calculating duties

(period from 1 February 2002 to 14 February 2002)

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

Exchange quotations	Minneapolis	Kansas City	Chicago	Chicago	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	Medium quality (*)	US barley 2
Quotation (EUR/t)	126,46	120,37	119,04	93,08	224,16 (**)	214,16 (**)	152,34 (***)
Gulf premium (EUR/t)	43,49	25,67	18,02	13,00	—	—	—
Great Lakes premium (EUR/t)	43,49	—	—	—	—	—	—

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

(**) Fob Gulf.

(***) Fob USA.

2. Freight/cost: Gulf of Mexico–Rotterdam: 20,40 EUR/t; Great Lakes–Rotterdam: 31,32 EUR/t.

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

COUNCIL DIRECTIVE 2002/10/EC**of 12 February 2002****amending Directives 92/79/EEC, 92/80/EEC and 95/59/EC as regards the structure and rates of excise duty applied on manufactured tobacco**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 93 thereof,

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

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

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas:

- (1) In accordance with Article 4 of Council Directive 92/79/EEC of 19 October 1992 on the approximation of taxes on cigarettes ⁽⁴⁾ and Article 4 of Council Directive 92/80/EEC of 19 October 1992 on the approximation of taxes on manufactured tobacco other than cigarettes ⁽⁵⁾, an in-depth review of the rates and structure of excise duties on tobacco products has been carried out.
- (2) The Commission's first report on the subject, of 13 September 1995, merely drew attention to certain difficulties encountered in implementing the Directives, without proposing any specific solutions.
- (3) The Commission's second report, of 15 May 1998, examined the necessary technical amendments, which were mainly to do with adjusting the incidence of the overall minimum duty on cigarettes, but kept the structures and rates of duty unchanged. The report, submitted to the Council on 18 May 1998, included a proposal for an amending Directive ⁽⁶⁾.
- (4) The proposals made by the Commission were largely adopted in Council Directive 1999/81/EC of 29 July 1999 amending Directive 92/79/EEC on the approximation of taxes on cigarettes, Directive 92/80/EEC on the approximation of taxes on manufactured tobacco other than cigarettes and Directive 95/59/EC on taxes other than turnover taxes which affect the consumption of manufactured tobacco ⁽⁷⁾.
- (5) An analysis of the changes of prices and excise rates for tobacco products in the Community shows that there are still considerable differences between Member States

which may disturb the operation of the internal market as it is now and as it will be after enlargement.

- (6) Greater convergence between the tax rates applied in the Member States would help reduce fraud and smuggling within the Community. The introduction of a fixed minimum amount expressed in euro, in addition to the minimum excise incidence of 57 % of the retail selling price of cigarettes of the price category most in demand, will ensure that a minimum level of excise duties is levied on such cigarettes. Member States for which the immediate introduction of this fixed minimum amount expressed in euro would be problematic for economic reasons, should be authorised to postpone the implementation of this new requirement until 31 December 2004 at the latest. Member States which already levy a high level of excise duty should be allowed greater leeway in setting the rates. A further increase of the fixed minimum amounts, on 1 July 2006, should be foreseen. In view of the economic difficulties that could be caused by the implementation at this date of this increased amount, the Kingdom of Spain and the Hellenic Republic should be authorised to postpone its implementation until 31 December 2007.
- (7) The Treaty requires that the definition and implementation of all Community policies and activities ensure a high level of human health protection. Cigarettes and fine-cut tobacco intended for the rolling of cigarettes are both harmful to consumers' health. The level of taxation is a major factor in the price of tobacco products, which in turn influences consumers' smoking habits. For this reason, it is necessary gradually to bring the minimum rates for fine-cut rolling tobacco closer to the minimum rate for cigarettes.
- (8) In order to avoid a fall in the value of the Community minimum rates of duty on cigars, cigarillos, fine-cut tobacco intended for the rolling of cigars and other smoking tobaccos, a phased increase in the minimum rates, expressed as a specific amount, is needed.
- (9) Any harmonisation of the structures of excise duties should be such as to prevent distortions of competition between different categories of manufactured tobacco belonging to the same group and thereby facilitate access to the domestic markets of the Member States.

⁽¹⁾ OJ C 186 E, 28.6.2001, p. 235.

⁽²⁾ Opinion delivered on 5 February 2002 (not yet published in the Official Journal).

⁽³⁾ OJ C 36, 8.2.2002, p. 111.

⁽⁴⁾ OJ L 316, 31.10.1992, p. 8. Directive as amended by Directive 1999/81/EC (OJ L 211, 11.8.1999, p. 47).

⁽⁵⁾ OJ L 316, 31.10.1992, p. 10. Directive as amended by Directive 1999/81/EC.

⁽⁶⁾ OJ C 203, 30.6.1998, p. 16.

⁽⁷⁾ OJ L 211, 11.8.1999, p. 47.

- (10) In the interests of uniform and fair taxation, the definition of cigars and cigarillos, set out in Council Directive 95/59/EC of 27 November 1995 on taxes other than turnover taxes which affect the consumption of manufactured tobacco ⁽¹⁾, should be adapted so that a type of cigar which is similar in many respects to a cigarette is treated as a cigarette for excise purposes.
- (11) The Federal Republic of Germany should be authorised to postpone the implementation of this new definition until 31 December 2007 at the latest, in view of the economic difficulties that immediate implementation could cause for the German operators concerned.
- (12) Member States should be given more effective means to deal with unfair pricing practices or the appearance of products which disrupt the market. This objective can be achieved by authorising Member States to levy a minimum excise duty on cigarettes on condition that it does not exceed the excise duty levied on cigarettes of the price category most in demand.
- (13) It is necessary to provide for a regular review procedure. However, a four-yearly review period would be more appropriate, to allow time to evaluate the amendments introduced by this Directive.
- (14) Directives 92/79/EEC, 92/80/EEC and 95/59/EC should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 92/79/EEC is hereby amended as follows:

- 1. Article 2 shall be replaced by the following:

'Article 2

1. Each Member State shall apply an overall minimum excise duty (specific duty plus *ad valorem* duty excluding VAT), the incidence of which shall be set at 57 % of the retail selling price (inclusive of all taxes) and which shall not be less than EUR 60 per 1 000 cigarettes for cigarettes of the price category most in demand. As from 1 July 2006, the figure of "EUR 60" shall be replaced by "EUR 64".

2. Member States which levy an overall minimum excise duty of at least EUR 95 per 1 000 cigarettes for cigarettes of the price category most in demand need not comply with the 57 % minimum incidence requirement. As from 1 July 2006 the figure of "EUR 95" shall be replaced by "EUR 101".

3. The overall minimum excise duty on cigarettes shall be determined on the basis of cigarettes of the price category most in demand according to data established as at 1 January of each year.

4. Notwithstanding paragraph 1, Member States which on 1 July 2001 applied an overall minimum excise duty less than EUR 60 per 1 000 cigarettes for cigarettes of the price

category most in demand, may postpone up to and including 31 December 2004 the application of an overall minimum excise duty of EUR 60 per 1 000 cigarettes for cigarettes of the price category most in demand.

5. The value of the euro in national currencies to be applied to the amounts of the overall minimum excise duty shall be fixed once a year. The exchange rates to be applied shall be those obtained on the first working day of October and published in the *Official Journal of the European Communities* and shall have effect from 1 January of the following calendar year.

6. By way of derogation from the preceding paragraph, Member States which have not adopted the euro shall be authorised to apply the value of the euro in national currency on the first working day of October 2000 for the conversion of the amount of EUR 95 referred to in paragraph 2. The present derogation shall be re-examined in the next report to be submitted by the Commission in accordance with Article 4.;

- 2. Article 4 shall be replaced by the following:

'Article 4

Every four years, the Commission shall submit to the Council a report and, where appropriate, a proposal concerning the rates of excise duty laid down herein and the structure of excise duties as defined by Article 16 of Council Directive 95/59/EC of 27 November 1995 on taxes other than turnover taxes which affect the consumption of manufactured tobacco ^(*). The Council shall examine this report and this proposal and, acting unanimously after consulting the European Parliament, shall adopt the necessary measures. The report by the Commission and the examination by the Council shall take into account the proper functioning of the internal market, the real value of the levels of excise duty in Article 2 calculated solely in accordance with inflation and the wider objectives of the Treaty.

^(*) OJ L 291, 6.12.1995, p. 40. Directive as amended by Directive 1999/81/EC (OJ L 211, 11.8.1999, p. 47).'

Article 2

Directive 92/80/EEC is hereby amended as follows:

- 1. in Article 3(1), the following subparagraphs shall be added:

'As from 1 July 2002, the overall excise duty levied on fine-cut smoking tobacco intended for the rolling of cigarettes shall be at least equal to 32 % of the retail selling price inclusive of all taxes, or EUR 27 per kilogram.

As from 1 July 2003, the overall excise duty shall be at least equal to the following rates or minimum amounts:

- (a) in the case of cigars or cigarillos: 5 % of the retail selling price inclusive of all taxes or EUR 11 per 1 000 items or per kilogram;

⁽¹⁾ OJ L 291, 6.12.1995, p. 40. Directive as amended by Directive 1999/81/EC.

- (b) in the case of fine-cut smoking tobacco intended for the rolling of cigarettes: 33 % of the retail selling price inclusive of all taxes, or EUR 29 per kilogram;
- (c) in the case of other smoking tobaccos: 20 % of the retail selling price inclusive of all taxes, or EUR 20 per kilogram.

As from 1 July 2004, the overall excise duty levied on fine-cut smoking tobacco intended for the rolling of cigarettes shall be at least equal to 36 % of the retail selling price inclusive of all taxes, or EUR 32 per kilogram.;

2. Article 4 shall be replaced by the following:

'Article 4

Every four years, the Commission shall submit a report and, where appropriate, a proposal concerning the rates of excise duty laid down herein. The Council shall examine this report and this proposal and, acting unanimously after consulting the European Parliament, shall adopt the necessary measures. The report by the Commission and the examination by the Council shall take into account the proper functioning of the internal market, the real value of the rates of excise duty and the wider objectives of the Treaty.'

Article 3

Directive 95/59/EC is hereby amended as follows:

1. Article 3, points 3 and 4, shall be replaced by the following:
- '3. rolls of tobacco with a threshed blend filler and with an outer wrapper of the normal colour of a cigar covering the product in full, including where appropriate the filter but not in the case of tipped cigars, the tip, and a binder, both being of reconstituted tobacco, where the unit weight, not including filter or mouth-piece, is not less than 1,2 g and where the wrapper is fitted in spiral form with an acute angle of at least 30° to the longitudinal axis of the cigar;
 - 4. rolls of tobacco with a threshed blend filler and with an outer wrapper of the normal colour of a cigar, of reconstituted tobacco, covering the product in full, including where appropriate the filter but not, in the case of tipped cigars, the tip, where the unit weight, not including filter or mouth-piece, is not less than 2,3 g and the circumference over at least one third of the length is not less than 34 mm.;

2. Article 16(5) shall be replaced by the following:

'5. Member States may levy a minimum excise duty on cigarettes sold at a price lower than the retail selling price for cigarettes of the price category most in demand, provided that such excise duty does not exceed the amount of the excise duty levied on cigarettes of the price category most in demand.'

Article 4

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 July 2002 at the latest. They shall forthwith inform the Commission thereof.
2. By way of derogation from paragraph 1:
- the Federal Republic of Germany shall be authorised to bring into force the provisions necessary to comply with Article 3(1) of this Directive by 1 January 2008 at the latest,
 - the Kingdom of Spain and the Hellenic Republic shall be authorised to bring into force the provisions necessary to comply with Article 1(1) of this Directive (with regard to Article 2(1), second sentence, of Directive 92/79/EEC) by 1 January 2008 at the latest.
3. When Member States adopt these measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.
4. Member States shall communicate the text of the provisions of national law which they adopt in the field covered by this Directive.

Article 5

This Directive shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Communities*.

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 12 February 2002.

For the Council

The President

R. DE RATO Y FIGAREDO

II

(Acts whose publication is not obligatory)

COUNCIL

**DECISION No 4/2001 OF THE EU-CZECH REPUBLIC ASSOCIATION COUNCIL
of 29 June 2001
establishing the financial contribution of the Czech Republic for participation in the Socrates II and
Youth programmes in the years 2001 to 2006**

(2002/125/EC)

THE ASSOCIATION COUNCIL

Having regard to the Additional Protocol to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Czech Republic, of the other ⁽¹⁾, concerning the Czech Republic's participation in Community programmes, and in particular Articles 1 and 2 thereof,

Whereas:

- (1) Decision No 2/2000 of 31 August 2000 of the EU-Czech Republic Association Council ⁽²⁾ adopted the terms and conditions for the participation of the Czech Republic in the second phase of the Leonardo da Vinci and Socrates programmes, and it applies for the duration of these programmes.
- (2) Decision No 3/2000 of 16 October 2000 of the EU-Czech Republic Association Council ⁽³⁾ adopted the terms and conditions for the participation of the Czech

Republic in the Youth programme, and it applies for the duration of this programme.

- (3) Annex II(2) to Decision No 2/2000, and Annex II(1) to Decision No 3/2000 provide that the financial contribution to be paid by the Czech Republic to the budget of the European Union to participate in the Socrates II and Youth programmes respectively in the years 2001 to 2006 will be decided by the Association Council in the course of the year 2000,

HAS DECIDED AS FOLLOWS:

Article 1

The financial contribution to be paid by the Czech Republic to the budget of the European Union to participate in the Socrates II programme in the years 2001 to 2006 shall be the following:

(in EUR)

Year 2001	Year 2002	Year 2003	Year 2004	Year 2005	Year 2006
5 742 000	5 889 000	6 026 000	6 196 000	6 389 000	6 639 000

Article 2

The financial contribution to be paid by the Czech Republic to the budget of the European Union to participate in the Youth programme in the years 2001 to 2006 shall be the following:

(in EUR)

Year 2001	Year 2002	Year 2003	Year 2004	Year 2005	Year 2006
1 047 000	1 111 000	1 177 000	1 236 000	1 296 000	1 377 000

⁽¹⁾ OJ L 317, 30.12.1995, p. 45.

⁽²⁾ OJ L 248, 3.10.2000, p. 32.

⁽³⁾ OJ L 303, 2.12.2000, p. 31.

Article 3

PHARE funds shall be requested according to the following schedule:

— for the financial contribution to the Socrates II programme, the following yearly amounts:

(in EUR)

Year 2001	Year 2002	Year 2003	Year 2004	Year 2005	Year 2006
3 984 000	3 795 000	Amount to be specified later	Amount to be specified later	Amount to be specified later	Amount to be specified later

— for the financial contribution to the Youth programme, the following yearly amounts:

(in EUR)

Year 2001	Year 2002	Year 2003	Year 2004	Year 2005	Year 2006
720 000	710 000	Amount to be specified later	Amount to be specified later	Amount to be specified later	Amount to be specified later

The remaining part of the Czech Republic's contribution shall be covered from the Czech State budget.

Article 4

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

Done at Brussels, 29 June 2001.

For the Association Council

The President

A. LINDH

DECISION No 4/2001 OF THE EU-POLAND ASSOCIATION COUNCIL
of 24 September 2001
establishing the financial contribution of Poland for participation in the Socrates II and Youth
programmes in the years 2001 to 2006

(2002/126/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Additional Protocol to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other ⁽¹⁾, concerning Poland's participation in Community programmes, and in particular Articles 1 and 2 thereof,

Whereas:

(1) Decision No 2/2000 of 28 July 2000 of the EU-Poland Association Council ⁽²⁾ adopted the terms and conditions for the participation of the Republic of Poland in the second phase of the Leonardo da Vinci and Socrates programmes, and it applies for the duration of these programmes.

(2) Decision No 3/2000 of 19 September 2000 of the EU-Poland Association Council ⁽³⁾ adopted the terms and conditions for the participation of the Republic of

Poland in the Youth programme, and it applies for the duration of this programme.

(3) Annex II(2) to Decision No 2/2000, and Annex II(1) to Decision No 3/2000 provide that the financial contribution to be paid by Poland to the budget of the European Union to participate in the Socrates II and Youth programmes respectively in the years 2001 to 2006 will be decided by the Association Council in the course of the year 2000,

HAS DECIDED AS FOLLOWS:

Article 1

The financial contribution to be paid by Poland to the budget of the European Union to participate in the Socrates II programme in the years 2001 to 2006 shall be the following:

(in EUR)

Year 2001	Year 2002	Year 2003	Year 2004	Year 2005	Year 2006
12 960 000	13 295 000	13 604 000	13 990 000	14 429 000	14 995 000

Article 2

The financial contribution to be paid by Poland to the budget of the European Union to participate in the Youth programme in the years 2001 to 2006 shall be the following:

(in EUR)

Year 2001	Year 2002	Year 2003	Year 2004	Year 2005	Year 2006
3 453 000	3 666 000	3 885 000	4 082 000	4 283 000	4 553 000

Article 3

PHARE funds shall be requested according to the following schedule:

— for the financial contribution to the Socrates II programme, the following yearly amounts:

(in EUR)

Year 2001	Year 2002	Year 2003	Year 2004	Year 2005	Year 2006
8 004 000	7 549 000	7 048 000	Amount to be specified later	Amount to be specified later	Amount to be specified later

⁽¹⁾ OJ L 317, 30.12.1995, p. 35.

⁽²⁾ OJ L 236, 20.9.2000, p. 26.

⁽³⁾ OJ L 273, 26.10.2000, p. 23.

— for the financial contribution to the Youth programme, the following yearly amounts:

(in EUR)

Year 2001	Year 2002	Year 2003	Year 2004	Year 2005	Year 2006
2 129 000	2 078 000	2 010 000	Amount to be specified later	Amount to be specified later	Amount to be specified later

The remaining part of Poland's contribution shall be covered from the Polish State budget.

Article 4

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

Done at Brussels, 24 September 2001.

For the Association Council

The President

W. BARTOSZEWSKI

DECISION No 5/2001 OF THE EU-BULGARIA ASSOCIATION COUNCIL
of 9 October 2001
adopting the terms and conditions for the participation of Bulgaria in the Youth Community action
programme

(2002/127/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Additional Protocol to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part, concerning Bulgaria's participation in Community programmes, and in particular Articles 1 and 2 thereof ⁽¹⁾,

Whereas:

- (1) According to Article 1 of the said Additional Protocol, Bulgaria may participate in Community framework programmes, specific programmes, projects or other actions notably in the field of youth.
- (2) According to Article 2 of the Additional Protocol, the terms and conditions for the participation of Bulgaria in these activities shall be decided by the Association Council.
- (3) Following Decision No 2/98 of the Association Council ⁽²⁾, Bulgaria has been participating in the Youth for Europe programme since 1 November 1998, and has expressed the wish to participate in the new Youth programme,

HAS DECIDED AS FOLLOWS:

Article 1

Bulgaria shall participate in the Youth Community action programme according to the terms and conditions set out in Annexes I and II.

Article 2

This Decision shall apply from 1 January 2001.

Article 3

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

Done at Brussels, 9 October 2001.

For the Association Council

The President

L. MICHEL

⁽¹⁾ OJ L 317, 30.12.1995, p. 25.

⁽²⁾ OJ L 340, 16.12.1998, p. 30.

ANNEX I

Terms and conditions for the participation of the Republic of Bulgaria in the Youth programme

1. Bulgaria will participate in the activities of the Youth programme (hereinafter called 'the programme') in conformity, unless otherwise provided in this Decision, with the objectives, criteria, procedures and deadlines as defined in Decision No 1031/2000/EC of the European Parliament and of the Council of 13 April 2000 establishing the Youth Community action programme ⁽¹⁾.
2. In conformity with the terms of Article 5 of the Decision establishing the Youth programme and with the provisions relating to the responsibilities of the Member States and of the Commission concerning the Youth national agencies adopted by the Commission, Bulgaria shall establish the appropriate structure for the coordinated management of the implementation of the programme actions at national level, and take the measures needed to ensure the adequate funding of this Agency, which will receive programme grants for its activities. Bulgaria will take all other necessary steps for the efficient running of the programme at national level.
3. To participate in the programme, Bulgaria will pay each year a contribution to the general budget of the European Union according to the modalities described in Annex II.

If necessary, in order to take into account programme developments, or the evolution of Bulgaria's absorption capacity, the Association Committee is entitled to adapt this contribution, so as to avoid budgetary imbalance in the implementation of the programmes.

4. The terms and conditions for the submission, assessment and selection of applications related to eligible institutions, organisations and individuals of Bulgaria will be the same as those applicable to eligible institutions, organisations and individuals of the Community.

Bulgarian experts may be taken into consideration by the Commission when appointing independent experts according to the relevant provisions of the decision establishing the programme to assist it in the project evaluation.

5. With a view to ensuring the Community dimension of the programme, in order to be eligible for Community financial support, projects and activities will have to include at least a partner from one of the Member States of the Community.
6. For the actions to be managed on a decentralised basis, as well as for financial support to the activities of the national agency set up in accordance with point 2, funds will be allocated to Bulgaria on the basis of the annual programme budget breakdown decided at Community level and Bulgaria's contribution to the programme. The maximum amount of financial support to the activities of the national agency will not exceed 50 % of the budget for the national agency's work programme.
7. The Member States of the Community and Bulgaria will make every effort, within the framework of existing provisions, to facilitate the free movement and residence of young people and other eligible persons moving between Bulgaria and the Member States of the Community for the purpose of participating in activities covered by this Decision.
8. Activities covered by this Decision shall be exempt from imposition by Bulgaria of indirect taxes, customs duties, prohibitions and restrictions on imports and exports in respect of goods and services intended for use under such activities.
9. Without prejudice to the responsibilities of the Commission of the European Communities and the Court of Auditors of the European Communities in relation to the monitoring and evaluation of the programme pursuant to Article 13 of the Decision establishing it, the participation of Bulgaria in the programme will be continuously monitored on a partnership basis involving the Commission of the European Communities and Bulgaria. Bulgaria will submit to the Commission relevant reports and take part in other specific activities set out by the Community in that context.
10. In conformity with the Community's Financial Regulations, contractual arrangements concluded with, or by, entities of Bulgaria shall provide for controls and audits to be carried out by, or under the authority of, the Commission and the Court of Auditors. As far as financial audits are concerned, they may be carried out with the purpose of controlling such entities' income and expenditures, related to the contractual obligations towards the Community. In a spirit of cooperation and mutual interest, the relevant authorities of Bulgaria shall provide any reasonable and feasible assistance as may be necessary or helpful under the circumstances to perform such controls and audits.

The provisions relating to the responsibilities of the Member States and of the Commission concerning the Youth national agencies adopted by the Commission will apply to the relations between Bulgaria, the Commission and the Bulgarian national agency. In the event of irregularity, negligence or fraud imputable to the Bulgarian national agency, the Bulgarian authorities shall be responsible for the funds not recovered.

⁽¹⁾ OJ L 117, 18.5.2000, p. 1.

11. Without prejudice to the procedures referred to in Article 8 of the Decision establishing the Youth programme, representatives of Bulgaria will participate as observers in the programme committee, for the points which concern them. This committee shall meet without the presence of representatives of Bulgaria for the rest of the points, as well as, at the time of voting.
 12. The language to be used in all sorts of contacts with the Commission, as regards the application process, contracts, reports to be submitted and other administrative arrangements for the programme, will be any of the official languages of the Community.
 13. The Community and Bulgaria may terminate activities under this Decision at any time upon 12 months' notice in writing. Projects and activities in progress at the time of termination shall continue until their completion under the conditions laid down in this Decision.
-

ANNEX II

Financial contribution of the Republic of Bulgaria to the Youth programme

1. The financial contribution to be paid by Bulgaria to the budget of the European Union to participate in the Youth programme in the years 2001 to 2006 will be the following:

(in EUR)

Year 2001	Year 2002	Year 2003	Year 2004	Year 2005	Year 2006
680 000	721 000	763 000	801 000	840 000	892 000

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

(in EUR)

Year 2001	Year 2002	Year 2003	Year 2004	Year 2005	Year 2006
462 000	476 000	488 000	505 000	521 000	535 000

The remaining part of the contribution of Bulgaria will be covered from the Bulgarian State budget.

4. The financial regulation applicable to the general budget of the European Union will apply, notably to the management of the contribution of Bulgaria.

Travel costs and subsistence costs incurred by representatives and experts of Bulgaria for the purposes of taking part as observers in the work of the committee referred to in Annex I(11), or other meetings related to the implementation of the programme shall be reimbursed by the Commission on the same basis as and in accordance with the procedures currently in force for non-governmental experts of the Member States of the European Union.

5. After the entry into force of this Decision and at the beginning of each following year, the Commission will send to Bulgaria a call for funds corresponding to its contribution to the programme under this Decision.

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

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

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

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

DECISION No 4/2001 OF THE ASSOCIATION COUNCIL, ASSOCIATION BETWEEN THE EUROPEAN COMMUNITIES AND THEIR MEMBER STATES, OF THE ONE PART, AND THE REPUBLIC OF HUNGARY, OF THE OTHER PART

of 18 December 2001

adopting the general terms and conditions for the participation of the Republic of Hungary in Community programmes

(2002/128/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Additional Protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part ⁽¹⁾, concerning Hungary's participation in Community programmes, and in particular Articles 1 and 2 thereof,

Whereas:

- (1) According to Article 1 of the Additional Protocol, Hungary may participate in Community framework programmes, specific programmes, projects or other actions dealing with a wide range of fields. It also provides for the addition of other Community fields.
- (2) According to Article 2 of the said Protocol, the terms and conditions for the participation of Hungary in these activities should be decided by the Association Council.
- (3) The specific participating conditions, including financial implications, in each Community programme should be determined between the Commission of the European Communities and the competent authorities of Hungary,

HAS DECIDED AS FOLLOWS:

Article 1

Hungary may participate in all Community programmes opened to participation of candidate countries of central and eastern Europe, in accordance with the provisions adopting these programmes.

Article 2

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

Article 3

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

Article 4

Projects and initiatives submitted by participants from Hungary shall be subject, as far as possible, to the same conditions, rules and procedures pertaining to the programmes concerned, as are applied to Member States.

Article 5

The specific terms and conditions, including financial contribution, regarding the participation of Hungary in each particular programme shall be determined between the Commission and the competent authorities of Hungary. Should Hungary apply for Community external assistance pursuant to Council Regulation (EEC) No 3906/89 of 18 December 1989 on economic aid to certain countries of central and eastern Europe ⁽²⁾, such specific terms and conditions may be determined on the basis of a Financing Memorandum.

Article 6

This Decision shall apply for an indeterminate period.

It may be denounced by either Party by giving six months' notice in writing.

Article 7

No later than three years after the date of the entry into force of this Decision, and every three years thereafter, the Association Council may review the implementation of this Decision on the basis of actual participation of Hungary in one or more Community programmes.

Article 8

This Decision shall enter into force on the first day of the month following its adoption by the Association Council.

Done at Brussels, 18 December 2001.

For the Association Council

The President

J. MARTONYI

⁽¹⁾ OJ L 317, 30.12.1995, p. 30.

⁽²⁾ OJ L 375, 23.12.1989, p. 11. Regulation as last amended by Regulation (EC) No 2666/2000 (OJ L 306, 7.12.2000, p. 1).