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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 632/2002
of 12 April 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 13 April 2002.

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

Done at Brussels, 12 April 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 12 April 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	129,2
	204	83,6
	212	119,7
	624	152,4
	999	121,2
0707 00 05	052	132,1
	999	132,1
0709 90 70	052	110,2
	204	32,0
	624	68,2
	999	70,1
0805 10 10, 0805 10 30, 0805 10 50	052	66,5
	204	49,6
	212	46,1
	220	41,8
	624	49,0
	999	50,6
0808 10 20, 0808 10 50, 0808 10 90	060	41,6
	388	99,0
	400	104,9
	404	99,0
	508	82,3
	512	93,0
	524	98,2
	528	84,3
	720	108,3
	804	110,9
	999	92,1
0808 20 50	388	87,7
	512	79,5
	528	78,9
	800	65,8
	999	78,0

⁽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 633/2002
of 12 April 2002**

fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 95th 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 Commission Regulation (EC) No 509/2002 ⁽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 95th 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 13 April 2002.

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

Done at Brussels, 12 April 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁴⁾ OJ L 76, 25.3.2000, p. 9.

ANNEX

to the Commission Regulation of 12 April 2002 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 95th 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 634/2002**of 12 April 2002****fixing the maximum purchasing price for butter for the 48th 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 509/2002 ⁽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 intervention 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 48th invitation to tender issued under Regulation (EC) No 2771/1999, for which tenders had to be submitted not later than 9 April 2002, the maximum buying-in price is fixed at 295,38 EUR/100 kg.

Article 2

This Regulation shall enter into force on 13 April 2002.

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

Done at Brussels, 12 April 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 333, 24.12.1999, p. 11.

⁽⁴⁾ OJ L 214, 8.8.2001, p. 20.

COMMISSION REGULATION (EC) No 635/2002**of 12 April 2002****fixing the maximum aid for concentrated butter for the 267th 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 Commission Regulation (EC) No 509/2002 ⁽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 267th 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 13 April 2002.

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

Done at Brussels, 12 April 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 45, 21.2.1990, p. 8.

⁽⁴⁾ OJ L 16, 21.1.1999, p. 19.

COMMISSION REGULATION (EC) No 636/2002**of 12 April 2002****laying down temporary provisions concerning the notification of licence applications provided for by Regulation (EC) No 1961/2001 laying down detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on 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 1961/2001 of 8 October 2001 laying down detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽¹⁾, and in particular Article 7(3)(b) thereof,

Whereas:

- (1) Regulation (EC) No 1961/2001 lays down detailed rules for export refunds on fruit and vegetables. Article 7(3)(b) of that Regulation lays down that if Thursday is a Commission holiday, the Commission may temporarily change the day for notifying licence applications.
- (2) Thursday 9 and Friday 10 May 2002 are Commission holidays. The notification of licence applications submitted on Monday 6 and Tuesday 7 May 2002 should therefore be brought forward to Wednesday 8 May and that of licence applications submitted from

Wednesday 8 May should be put back to Monday 13 May 2002,

HAS ADOPTED THIS REGULATION:

Article 1

The deadlines of Thursday 9 May and Monday 13 May 2002 for notification laid down in Article 7(3)(b) of Regulation (EC) No 1961/2001 are temporarily amended as follows:

1. The notification of licence applications submitted on Monday 6 and Tuesday 7 May 2002 shall be made no later than 12.00 (Brussels time) on Wednesday 8 May 2002 rather than on Thursday 9 May 2002.
2. The notification of licence applications submitted from Wednesday 8 to Sunday 12 May 2002 shall be made no later than 12.00 (Brussels time) on Monday 13 May 2002.

Article 2

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

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

Done at Brussels, 12 April 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 268, 9.10.2001, p. 8.

COMMISSION REGULATION (EC) No 637/2002**of 12 April 2002****redistributing unused portions of the 2001 quantitative quotas for certain products originating in the People's Republic of China**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 520/94 of 7 March 1994 establishing a Community procedure for administering quantitative quotas ⁽¹⁾, as amended by Regulation (EC) No 138/96 ⁽²⁾, and in particular Article 2(5) and Articles 14 and 24 thereof,

Whereas:

- (1) Council Regulation (EC) No 519/94 of 7 March 1994 on common rules for imports from certain third countries and repealing Regulations (EEC) No 1765/82, (EEC) No 1766/82 and (EEC) No 3420/83 ⁽³⁾, as last amended by Regulation (EC) No 1138/98 ⁽⁴⁾, introduced annual quantitative quotas for certain products originating in the People's Republic of China listed in Annex II to that Regulation. The provisions of Regulation (EC) No 520/94 are applicable to those quotas.
- (2) The Commission accordingly adopted Regulation (EC) No 738/94 ⁽⁵⁾, as last amended by Regulation (EC) No 983/96 ⁽⁶⁾, laying down general rules for the implementation of Regulation (EC) No 520/94. These provisions apply to the administration of the above quotas subject to the provisions of this Regulation.
- (3) In accordance with Article 20 of Regulation (EC) No 520/94, the competent authorities of the Member States notified the Commission of the quantities of quotas assigned in 2001 and not used.
- (4) The unused quantities could not be redistributed in time to be used before the end of the 2001 quota year.
- (5) Examination of the data received for each of the products in question indicates that the quantities not used in the 2001 quota year should be redistributed in 2002, up to a limit of the amounts set out in Annex I to this Regulation.
- (6) The different administrative methods provided for by Regulation (EC) No 520/94 have been analysed and it is considered that the method based on traditional trade

flows should be adopted. Under this method quota tranches are divided into two portions, one of which is reserved for traditional importers and the other for other applicants.

- (7) This has proved to be the best way of ensuring the continuity of business for the Community importers concerned and avoiding any disturbance of trade flows.
- (8) Quantities redistributed under this Regulation should be divided using the same criteria as for the allocation of the 2001 quotas except as regard the determination of the reference period for traditional importers and the introduction of new criteria to prevent multiple applications by non-traditional importers.
- (9) The reference period used for redistributing the portion of the unused quantities set aside for traditional importers in the previous Regulation on the administration of these quotas should not be updated. The year 2000 was characterised by certain distortions, in particular a more than twofold increase of applications from one Member State, which resulted in substantially reduced individual quota allocations to all non-traditional importers in all Member States. The years 1998 or 1999 are, thus, the most recent years representatives of the normal trend of trade flows in the products in question. Traditional importers must, therefore, prove that they have imported products originating in China and covered by the quotas in question in the years 1998 or 1999.
- (10) It has been found that the unusual increase of applications lodged for the portion of the quota set aside for non-traditional importers is due to multiple licence applications from companies who do not effectively operate as separate importers, but which have been established as separate legal entities only for the purpose of being able to submit additional applications. Regulation (EC) No 520/94, in particular recital 5 and Article 5 thereof, requires the Commission to ensure fair access to quotas and that import licences be issued for economically significant quantities. To redistribute the non-traditional quota in line with these principles, the administrative procedures should be amended. The Commission considers it necessary that operators applying as non-traditional importers and falling under the definition of related persons within the meaning of Article 143 of

⁽¹⁾ OJ L 66, 10.3.1994, p. 1.

⁽²⁾ OJ L 21, 27.1.1996, p. 6.

⁽³⁾ OJ L 67, 10.3.1994, p. 89.

⁽⁴⁾ OJ L 159, 3.6.1998, p. 1.

⁽⁵⁾ OJ L 87, 31.3.1994, p. 47.

⁽⁶⁾ OJ L 131, 1.6.1996, p. 47.

Commission Regulation (EEC) No 2454/93 ⁽¹⁾, as last amended by Regulation (EC) No 444/2002 ⁽²⁾, may only submit a single licence application for each line of the quota set aside for non-traditional importers. In order to exclude speculative applications, the amount that any non-traditional importer may request should be restricted to a set volume.

(11) It is necessary to simplify the formalities to be fulfilled by traditional importers who already hold import licences issued when the 2002 Community quotas were allocated. The competent administrative authorities already possess the requisite evidence of either 1998 or 1999 imports for all traditional importers. The latter need therefore only enclose a copy of their previous licences with their new licence applications.

(12) Measures should be taken to provide the best conditions for the allocation of that portion of the quota reserved for non-traditional importers with a view to optimum use of quotas. To this end, it is appropriate to provide for that portion to be allocated in proportion to the quantities requested, on the basis of a simultaneous examination of import licence applications actually lodged, and grant access only to importers who can prove that they obtained and made use of at least 80 % of an import licence for the product in question during the 2001 quota year. The amount that any non-traditional importer may request should also be restricted to a set volume or value.

(13) For the purposes of quota allocation, a time limit must be set for the submission of licence applications by traditional and other importers.

(14) With a view to optimum use of quotas, licence applications for imports of footwear under quotas which refer to several CN codes must specify the quantities required for each code.

(15) The Member States must inform the Commission of the import licence applications received, in accordance with the procedure laid down in Article 8 of Regulation (EC) No 520/94. The information about traditional importers' previous imports must be expressed in the same units as the quota in question.

(16) In the light of the experience gained in the management of the quotas, in order to facilitate import administration formalities to economic operators and in view of the fact that unused quantities may not be carried over to the following year more than once, thus limiting the risk of excessive accumulation of imports, it is deemed appropriate, without prejudice to the results of a further

analysis which may appear to be warranted in this respect in the future, to set the expiry date of the redistribution import licences as 31 December 2002.

(17) These measures are in accordance with the opinion of the Committee for the administration of quotas set up under Article 22 of Regulation (EC) No 520/94,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down specific provisions for the redistribution in 2002 of portions of the quantitative quotas referred to in Annex II to Regulation (EC) No 519/94 which were not used in the 2001 quota year.

The quantities not used in the 2001 quota year shall be redistributed up to the limit of the volumes or values set out in Annex I to this Regulation.

Regulation (EC) No 738/94 shall apply subject to the specific provisions of this Regulation.

Article 2

1. The quantitative quotas referred to in Article 1 shall be allocated using the method based on traditional trade flows, referred to in Article 2(2)(a) of Regulation (EC) No 520/94.

2. The portions of each quantitative quota set aside for traditional importers and other importers are set out in Annex II to this Regulation.

3. (a) The portion set aside for non-traditional importers shall be apportioned using the method based on allocation in proportion to quantities requested; the volume requested by a single importer may not exceed that shown in Annex III. Only importers who can prove that they imported at least 80 % of the volume of the product for which they were granted an import licence pursuant to Commission Regulation (EC) No 2339/2000 ⁽³⁾ shall be entitled to apply for import licences.

(b) Operators that are deemed to be related persons as defined by Article 143 of Regulation (EEC) No 2454/93 may only submit single licence application for the portion of the quota set aside for non-traditional importers regarding the goods described in the application. In addition to the statement required by Article 3(2)(g) of Regulation (EC) No 738/94, the licence application for the non-traditional quota shall state that the applicant is not related to any other operator applying for the non-traditional quota line in question.

⁽¹⁾ OJ L 253, 11.10.1993, p. 1.

⁽²⁾ OJ L 68, 12.3.2002, p. 11.

⁽³⁾ OJ L 269, 21.10.2000, p. 28.

Article 3

Applications for import licences shall be lodged with the competent authorities listed in Annex IV to this Regulation from the day following the day of publication of this Regulation in the *Official Journal of the European Communities* until 3 p.m., Brussels time, on 13 May 2002.

Article 4

1. For the purposes of allocating the portion of each quota set aside for traditional importers, 'traditional' importers shall mean importers who can show that they have imported goods in either the calendar year 1998 or 1999.

2. The evidence referred to in Article 7 of Regulation (EC) No 520/94 shall relate to the release into free circulation during either calendar year 1998 or 1999, as indicated by the importer, of products originating in the People's Republic of China which are covered by the quota in respect of which the application is made.

3. Instead of the evidence referred to in the first indent of Article 7 of Regulation (EC) No 520/94:

- applicants may enclose with their licence applications documents drawn up and certified by the competent national authorities on the basis of available customs information as evidence of the imports of the product in question during calendar year 1998 or 1999 carried out by themselves or, where applicable, by the operator whose activities they have taken over,

- applicants already holding import licences issued for 2002, under Commission Regulation (EC) No 1995/2001 ⁽¹⁾, for products covered by the licence application may enclose a copy of their previous licences with their licence applications. In that case they shall indicate in their licence application the aggregate quantity of imports of the product in question during the chosen reference period.

Article 5

Member States shall inform the Commission no later than 27 May 2002 at 10 a.m. Brussels time of the number and aggregate quantity of import licence applications and, in the case of applications from traditional importers, of the volume of previous imports carried out by traditional importers during the chosen reference period referred to in Article 4(1) of this Regulation.

Article 6

No later than 20 days after having received all the information required under Article 5, the Commission shall adopt the quantitative criteria to be used by the competent national authorities for the purpose of meeting importers' applications.

Article 7

Import licences shall be valid up to 31 December 2002. The validity shall not be extendable.

Article 8

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

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

Done at Brussels, 12 April 2002.

For the Commission

Pascal LAMY

Member of the Commission

⁽¹⁾ OJ L 271, 12.10.2001, p. 18.

ANNEX I

Quantities to be redistributed

(Preliminary figures)

Product description	HS/CN code	Quantities redistributed
Footwear falling within HS/CN codes	ex 6402 99 ⁽¹⁾	4 377 847 pairs
	6403 51 6403 59	1 276 668 pairs
	ex 6403 91 ⁽¹⁾ ex 6403 99 ⁽¹⁾	1 320 489 pairs
	ex 6404 11 ⁽²⁾	2 110 289 pairs
	6404 19 10	7 193 447 pairs
Tableware, kitchenware of porcelain or china falling within HS/CN code	6911 10	5 029 tonnes
Ceramic tableware, kitchenware, other household articles and toilet articles, other than of porcelain or china falling within HS/CN code	6912 00	6 086 tonnes

⁽¹⁾ Excluding footwear involving special technology: shoes which have a cif price per pair of not less than EUR 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralise impact or materials such as low density polymers.

⁽²⁾ Excluding:

- (a) footwear which is designed for a sporting activity and has, or has provision for the attachment of, spikes, sprigs, stops, clips, bats or the like, with a non-injected sole;
- (b) footwear involving special technology: shoes which have a cif price per pair of not less than EUR 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralise impact or materials such as low density polymers.

ANNEX II

Allocation of the quotas

(Preliminary figures)

Product description	HS/CN code	Portion reserved for traditional importers (70 %)	Portion reserved for other importers (30 %)
Footwear falling within HS/CN codes	ex 6402 99 ⁽¹⁾	3 064 493 pairs	1 313 354 pairs
	6403 51 6403 59	893 668 pairs	383 000 pairs
	ex 6403 91 ⁽¹⁾ ex 6403 99 ⁽¹⁾	924 342 pairs	396 147 pairs
	ex 6404 11 ⁽²⁾	1 477 202 pairs	633 087 pairs
	6404 19 10	5 035 413 pairs	2 158 034 pairs
Tableware, kitchenware of porcelain or china falling within HS/CN code	6911 10	3 520 tonnes	1 509 tonnes
Ceramic tableware, kitchenware, other household articles and toilet articles, other than of porcelain or china falling within HS/CN code	6912 00	4 260 tonnes	1 826 tonnes

⁽¹⁾ Excluding footwear involving special technology: shoes which have a cif price per pair of not less than EUR 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralise impact or materials such as low density polymers.

⁽²⁾ Excluding:

- (a) footwear which is designed for a sporting activity and has, or has provision for the attachment of, spikes, sprigs, stops, clips, bats or the like, with a non-injected sole;
- (b) footwear involving special technology: shoes which have a cif price per pair of not less than EUR 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralise impact or materials such as low density polymers.

ANNEX III

Maximum quantity which may be requested by each importer other than traditional

Product description	HS/CN code	Predetermined maximum quantity
Footwear falling within HS/CN codes	ex 6402 99 ⁽¹⁾	5 000 pairs
	6403 51 6403 59	5 000 pairs
	ex 6403 91 ⁽¹⁾ ex 6403 99 ⁽¹⁾	5 000 pairs
	ex 6404 11 ⁽²⁾	5 000 pairs
	6404 19 10	5 000 pairs
Tableware, kitchenware of porcelain or china falling within HS/CN code	6911 10	5 tonnes
Ceramic tableware, kitchenware, other household articles and toilet articles, other than of porcelain or china falling within HS/CN code	6912 00	5 tonnes

⁽¹⁾ Excluding footwear involving special technology: shoes which have a cif price per pair of not less than EUR 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralise impact or materials such as low density polymers.

⁽²⁾ Excluding:

- (a) footwear which is designed for a sporting activity and has, or has provision for the attachment of, spikes, sprigs, stops, clips, bats or the like, with a non-injected sole;
- (b) footwear involving special technology: shoes which have a cif price per pair of not less than EUR 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralise impact or materials such as low density polymers.

ANNEX IV

List of the competent national authorities

1. BELGIQUE/BELGIË

Ministère des affaires économiques

Administration des relations économiques
4^e division: Mise en œuvre des politiques commerciales
Services des licences

Ministerie van Economische Zaken

Bestuur van de Economische Betrekkingen
4e afdeling: Toepassing van de Handelspolitiek
Dienst Vergunningen
Generaal Lemanstraat 60, Rue Général-Leman 60
B-1040 Brussel/Bruxelles
Tél./Tel. (32-2) 206 58 16
Télécopieur/Fax (32-2) 230 83 22/231 14 84

2. DANMARK

Erhvervs- og Boligstyrelsen

Vejlsøvej 29
DK-8600 Silkeborg
Tlf. (45) 35 46 60 30
Fax (45) 35 46 64 01

3. DEUTSCHLAND

Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA)

Frankfurter Straße 29-35
D-65760 Eschborn
Tel. (49) 619 69 08-0
Fax (49) 619 69 42 26/(49) 6196 908-800

4. ΕΛΛΑΔΑ

Υπουργείο Εθνικής Οικονομίας

Γενική Διεύθυνση Διεθνών Οικονομικών Σχέσεων
Διεύθυνση Θεμάτων Εξωτερικού Εμπορίου

Κορνάρου 1
GR-Athens 105-63
Τηλ.: (30-1) 328-60 31/328 60 32
Φαξ: (30-1) 328 60 94/328 60 59

5. ESPAÑA

Ministerio de Economía y Hacienda

Dirección General de Comercio Exterior
Paseo de la Castellana, 162
E-28046 Madrid
Tel.: (34) 913 49 38 94/913 49 37 78
Fax: (34) 913 49 38 32/913 49 37 40

6. FRANCE

Service des titres du commerce extérieur

8, rue de la Tour-des-Dames
F-75436 Paris Cedex 09
Tél. (33-1) 55 07 46 69/95
Télécopieur: (33-1) 55 07 48 32/34/35

7. IRELAND

Department of Enterprise, Trade and Employment

Licensing Unit, Block C
Earlsfort Centre
Hatch Street
Dublin 2
Ireland
Tel. (353-1) 631 25 41
Fax (353-1) 631 25 62

8. ITALIA

Ministero del Commercio con l'estero

DG per la politica commerciale e la gestione del regime degli scambi — Divisione VII
Viale America 341
I-00144 Roma
Tel. (39) 06 599 31 — 06 59 93 24 19 — 06 59 93 24 00
Fax (39) 06 592 55 56

9. LUXEMBOURG

Ministère des affaires étrangères

Office des licences
Boîte postale 113
L-2011 Luxembourg
Tél. (352) 22 61 62
Télécopieur: (352) 46 61 38

10. NEDERLAND

Belastingdienst/Douane

Engelse Kamp 2
Postbus 30003
9700 RD Groningen
Nederland
Tel. (31-50) 523 91 11
Fax (31-50) 526 06 98/523 92 37

11. ÖSTERREICH

Bundesministerium für Wirtschaft und Arbeit

Landstraßer Hauptstraße 55/57
A-1031 Wien
Tel. (43) 171 10 23 86
Fax (43) 171 102

12. PORTUGAL

Ministério da Economia

Direcção-Geral das Relações Económicas Internacionais
Avenida da República, 79
P-1069-059 Lisboa
Tel.: (351-21) 791 18 00/19 43
Fax: (351-21) 793 22 10, 796 37 23
Telex: 13 418

13. SUOMI

Tullihallitus/Tullstyrelsen

Erottajankatu/Skillnadsgratan 2
FIN-00101 Helsinki/Helsingfors
P./Tel: (358-9) 6141
F: (358-9) 614 28 52

14. SVERIGE

Kommerskollegium

Box 6803

S-113 86 Stockholm

Tfn (46-8) 690 48 00

Fax (46-8) 30 67 59

15. UNITED KINGDOM

Department of Trade and Industry

Import Licensing Branch

Queensway House

West Precinct

Billingham TS23 2NF

United Kingdom

Tel. (44-1642) 36 43 33/36 43 34

Fax (44-1642) 53 35 57

COMMISSION REGULATION (EC) No 638/2002
of 12 April 2002
concerning tenders submitted in response to the invitation to tender for the export to certain third
countries of wholly milled round grain A rice 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 Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued under 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 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 Article 13 of Regulation (EC) No 3072/95 a maximum refund should not be fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders submitted from 5 to 11 April 2002 in response to the invitation to tender for the export refund on wholly milled round grain A rice to certain third countries issued in Regulation (EC) No 2007/2001.

Article 2

This Regulation shall enter into force on 13 April 2002.

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

Done at Brussels, 12 April 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽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 639/2002**of 12 April 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 Commission Regulation (EC) No 411/2002 ⁽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 5 to 11 April 2002 at 209,00 EUR/t.

Article 2

This Regulation shall enter into force on 13 April 2002.

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

Done at Brussels, 12 April 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽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 640/2002**of 12 April 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 Commission Regulation (EC) No 411/2002 ⁽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 5 to 11 April 2002 at 203,00 EUR/t.

Article 2

This Regulation shall enter into force on 13 April 2002.

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

Done at Brussels, 12 April 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽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 641/2002**of 12 April 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 Commission Regulation (EC) No 411/2002 ⁽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 5 to 11 April 2002 at 301,00 EUR/t.

Article 2

This Regulation shall enter into force on 13 April 2002.

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

Done at Brussels, 12 April 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽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 642/2002
of 12 April 2002
on the issue of system B export licences in the fruit and vegetables sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Regulation (EC) No 226/2002 ⁽²⁾ fixes the indicative quantities for system B export licences other than those sought in the context of food aid.
- (2) In the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for apples will shortly be exceeded. This overrun will prejudice the

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

- (3) To avoid this situation, applications for system B licences for apples exported after 12 April 2002 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for system B export licences for apples submitted pursuant to Article 1 of Regulation (EC) No 226/2002, export declarations for which are accepted after 12 April 2002 and before 15 May 2002, are hereby rejected.

Article 2

This Regulation shall enter into force on 13 April 2002.

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

Done at Brussels, 12 April 2002.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 268, 9.10.2001, p. 8.

⁽²⁾ OJ L 38, 8.2.2002, p. 8.

COMMISSION REGULATION (EC) No 643/2002
of 12 April 2002
concerning the issue of licences for the import of garlic

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 565/2002 of 2 April 2002 establishing the method for managing the tariff quotas and introducing a system of certificates of origin for garlic imported from third countries ⁽¹⁾,

Whereas:

- (1) Article 8(2) of Regulation (EC) No 565/2002 provides that if quantities covered by applications for licences exceed the quantities available, the Commission is to fix a simple reduction percentage and suspend the issue of such licences covered by subsequent applications.
- (2) Quantities applied for on 8 and 9 April 2002 under Article 5(2) of Regulation (EC) No 565/2002 for products originating in China exceed the quantities available. The extent to which licences can be issued, and whether the issue of those licences should be suspended for any subsequent applications, should therefore be determined,

Article 1

Import licences covered by applications under Article 3(1), of Regulation (EC) No 565/2002 for products originating in China on 8 and 9 April 2002 and forwarded to the Commission on 11 April 2002 shall be issued at the rate of:

- 8,487 % of the quantity applied for, for traditional importers,
- 1,010 % of the quantity applied for, for new importers.

Article 2

The issue of import licences relating to the quarter running from 1 June 2002 to 31 August 2002 covered by applications under Regulation (EC) No 565/2002 for products originating in China is hereby suspended for applications lodged after 9 April 2002. Applications for the quarter running from 1 September 2002 to 30 November 2002 may be lodged from 8 July 2002.

Article 3

This Regulation shall enter into force on 13 April 2002.

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

Done at Brussels, 12 April 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 86, 3.4.2002, p. 11.

COMMISSION REGULATION (EC) No 644/2002
of 12 April 2002
concerning the issue of licences for the import of garlic

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 565/2002 of 2 April 2002 establishing the method for managing the tariff quotas and introducing a system of certificates of origin for garlic imported from third countries ⁽¹⁾,

Whereas:

- (1) Article 8(2) of Regulation (EC) No 565/2002 provides that if quantities covered by applications for licences exceed the quantities available, the Commission is to fix a simple reduction percentage and suspend the issue of such licences covered by subsequent applications.
- (2) Quantities applied for on 8 and 9 April 2002 under Article 5(2) of Regulation (EC) No 565/2002 for products originating in all third countries other than China and Argentina exceed the quantities available. The extent to which licences can be issued, and whether the issue of those licences should be suspended for any subsequent applications, should therefore be determined,

Article 1

Import licences covered by applications under Article 3(1), of Regulation (EC) No 565/2002 for products originating in all third countries other than China and Argentina on 8 and 9 April 2002 and forwarded to the Commission on 11 April 2002 shall be issued at the rate of:

- 10,356 % of the quantity applied for, for traditional importers,
- 14,213 % of the quantity applied for, for new importers.

Article 2

The issue of import licences relating to the quarter running from 1 June 2002 to 31 August 2002 covered by applications under Regulation (EC) No 565/2002 for products originating in all third countries other than China and Argentina is hereby suspended for applications lodged after 9 April 2002. Applications for the quarter running from 1 September 2002 to 30 November 2002 may be lodged from 8 July 2002.

Article 3

This Regulation shall enter into force on 13 April 2002.

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

Done at Brussels, 12 April 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 86, 3.4.2002, p. 11.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 25 March 2002

concluding consultations with Liberia under Articles 96 and 97 of the ACP-EC Partnership Agreement

(2002/274/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and in particular the second subparagraph of Article 300(2) thereof,

Having regard to the internal agreement on measures to be taken and procedures to be followed for the implementation of the ACP-EC Partnership Agreement ⁽¹⁾, as put into provisional application by the decision of the representatives of the Governments of the Member States of 18 September 2000, and, in particular, Article 3 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Government of Liberia has acted on a number of occasions in ways that amount to a failure to fulfil its obligations stemming from the essential elements of Article 9 of the ACP-EC Partnership Agreement. It has also acted in violation of good governance requirements as serious cases of corruption can be identified.
- (2) Consultations under Articles 96 and 97 of the ACP-EC Partnership Agreement were held on 9 November 2001 with Liberia, at which the Liberian authorities explained their point of view and made specific commitments particularly as regards the human rights situation, democratic principles, the rule of law and good governance.
- (3) Some positive steps have recently been taken to meet these commitments. Nevertheless, more substantial action to address all the commitments and to uphold the

situation in a sustainable manner still needs to be undertaken,

HAS DECIDED AS FOLLOWS:

Article 1

Consultations with Liberia under Articles 96 and 97 of the ACP-EC Partnership Agreement are hereby concluded.

Article 2

The measures specified in the annexed draft letter are hereby adopted as appropriate measures within the meaning of Article 96(2)(c) and of Article 97(3) of the ACP-EC Partnership Agreement. These measures will expire two years after the date on which the Council adopts this Decision.

Article 3

This Decision takes effect on the day of its adoption.

Article 4

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 25 March 2002.

For the Council

The President

A. M. BIRULÉS Y BERTRÁN

⁽¹⁾ OJ L 317, 15.12.2000, p. 376.

ANNEX

DRAFT LETTER TO THE MINISTER OF FOREIGN AFFAIRS

Brussels, ...

H.E. Mr Monie CAPTAN
Minister of Foreign Affairs
Liberia

Dear Minister,

The European Union attaches the utmost importance to the provisions of Article 9 of the ACP-EC Partnership Agreement. As essential elements of the Partnership Agreement, respect for human rights, democratic institutions and the rule of law, and as a fundamental element, good governance, are the basis of our relations.

Thus, the European Union has been concerned by reports of human rights abuses since the end of the civil war, and about the apparent impunity of the security forces in their relations with civilians. The absence of political opposition activity in the country, especially in the run up to the 2003 elections and reported limitations to freedom of expression have also been a matter of deep concern. The European Union has also been deeply preoccupied by the lack of transparency in the public accounting system and by the risks of serious corruption in particular in the management of natural resources and the exploitation of monopolies. Furthermore, the assistance Liberia has offered to the Front uni révolutionnaire (RUF) of Sierra Leone, accused of gross human rights violations in Sierra Leone, induced the European Union to support the sanctions decided by the United Nations Security Council in March 2001.

The Council of the European Union therefore decided, on 23 July 2001, to open consultations with the Liberian Government pursuant to Articles 96 and 97 of the ACP-EC Partnership Agreement, with a view to assessing the situation in detail and remedying it.

The opening meeting of the consultations took place in Brussels on 9 November 2001. A number of key issues were addressed; the point of view of the Liberian Government was presented and a series of commitments were entered into, as follows:

- systematically to launch legal investigations each time there are serious and corroborated reports that members of the armed forces are involved in violence towards civilians, including in the war zone of Lofa county,
- to expand the ongoing training programme on human rights to all security personnel,
- to review the relevant legislation in order to create a credible independent human rights commission, with representation of the civil society,
- to review the relevant legislation in order to create a credible independent national reconciliation commission, with representation of the civil society,
- to continue to encourage the return of key opposition leaders, especially by the withdrawal of accusations against them; to guarantee their personal protection,
- that NGO members and journalists will not be harassed for speaking against the Government, which will publicly commit itself accordingly,
- that procedures for granting short-wave radio licenses will be simplified and accelerated; to review the law, with a view to having it amended, and also have the cases of Radio Veritas and Star Radio reviewed on their request,
- to review the relevant legislation in order to create a credible independent election commission in close consultation with the main political partners,
- to revitalise the judicial review body so that it can advise and make independent recommendations to the Government,
- to improve the payment of proper salaries and expenses to the civil service in particular as regards the operation of the administration of justice,
- that all public utility and parastatal revenue including that from the forestry sector will be accounted for in a transparent manner,
- to undertake to further liberalise the fuel and rice sectors to ensure competition and transparency,
- to comply with UN requests in relation to the involvement of Liberia in the conflict in Sierra Leone, in particular in terms of cutting all ties with the RUF.

It was also agreed that an intensive dialogue would be held with the Liberian authorities on the various points raised at the consultation meeting with a view to concluding the consultations. This process is now completed. It focused on the measures which the Government itself proposed could be implemented to fulfil the undertakings.

The Liberian authorities have indicated their willingness to make progress on the various issues raised by the European Union. In particular, we welcome that:

- in the recent period, several members of the security forces have been the subject of legal investigation in relation to their involvement in cases which amount to human rights violations,
- a plan to expand the human rights training to all the security forces is under preparation,
- reviews of the existing human rights and reconciliation commissions are underway; as regards reconciliation, a national forum has been announced for July 2002, to which all opposition leaders would be invited,
- President Taylor has publicly called on opposition leaders to return to Liberia, stating that they will be protected,
- reinforcement and extension of election commissions is planned,
- Radio Veritas is to receive its short-wave licence back and the resumption of the operation of Star Radio is under consideration; short-wave broadcasting installations will be made available to opposition politicians throughout the election period,
- a judicial review body ('Judicial Reform Committee') is to be revitalised,
- measures to improve the public management of fiscal revenue drawn from the forestry sector and the maritime registry are planned,
- further liberalisation of the rice sector is underway, as the dominant position of the main importer is decreasing,
- the principle of external audits of the parastatal agencies and of the Government financial institutions has been accepted.

More generally, the Government indicated that it would uphold all the fundamental rights of all citizens and residents in Liberia.

However the following points continue to give cause for concern despite the commitments already taken:

- the human rights situation still needs to be improved,
- with a view to the elections in 2003, there is as yet no sufficient guarantee that all candidates will be treated equally,
- transparency in the management of public accounts, especially as regards resources drawn from the fuel, timber and rice sectors, is not established.

Furthermore, the European Union calls upon the Liberian authorities to continue their efforts to comply with the UN requests as regards their relations with the RUF in Sierra Leone.

In the light of the above, the European Community and its Member States have decided to conclude the consultations held under Articles 96 and 97 of the ACP-EC Partnership Agreement. Pending substantive steps to fulfil the commitments taken to uphold the respect of human rights, democracy, rule of law and good governance principles, it has been decided to maintain the political dialogue process and the direct support measures as well as preparation for the elections. In line with progress made, and conditionally, the European Union could gradually extend its cooperation.

In particular, the European Union invites the Government of Liberia to take the following measures in the near future on the basis of a work plan to be agreed upon:

- to ensure the independence of an efficient and effective judiciary,
- to conduct an external independent audit of Government financial institutions and parastatal agencies,
- effectively to guarantee the personal security and freedom of movement of opposition leaders in Liberia,
- to establish an independent and efficient human rights commission,
- to implement a human rights training programme extended to all security forces,
- to establish an independent and credible reconciliation commission, in charge of organising and supervising a reconciliation forum (July 2002),
- to implement decisions taken to enlarge access to short-wave broadcasting,
- to establish an independent and credible election commission,
- to dismantle the monopoly on fuel imports.

These steps are expected to be part of a general trend towards improving human rights, democracy, the rule of law and good governance in Liberia, which would imply:

- the improvement of the human rights situation and an effective fight against impunity,
- the constant promotion and guarantee of freedom of the press,
- the organisation of free and regular elections in 2003, in compliance with international standards, with participation of all opposition leaders on an equal basis with the candidate of the current ruling party,
- enhanced transparency in the way public concessions and licences are issued and on the revenue derived therefrom.

It is also expected that Liberia will soon be in a position to be considered as having complied with the requests of the UN Security Council in relation to the situation in Sierra Leone.

As regards the implementation of its aid, the Community has decided to take the following measures, within the meaning of Article 96(2)(c) and of Article 97(3):

- regular follow-up will be ensured by means of a close political dialogue involving the Presidency of the European Union and the European Commission, and six-monthly political reviews,
- implementation of current projects funded under Article 72 of the ACP-EC Partnership Agreement, amounting at the moment to EUR 25 million and intended to meet the needs of displaced persons, will be continued,
- contributions to regional projects, operations of a humanitarian nature, trade cooperation and trade-related preferences are not affected,
- institution support to allow for the implementation of the measures aimed at fulfilling undertakings given within the consultations can be provided,
- the 8th EDF national indicative programme (NIP) is being prepared; it will be divided into two instalments: the first will cover institution building and direct support to populations, and the second more structured aid. Its signature and the implementation of the first instalment will be linked to actual progress made in restoring efficient democratic structures and in improving public financial management. The implementation of the second instalment is conditional upon the holding of free and fair elections in 2003, the improvement of the political situation and the good governance situation,
- support for the preparation of the elections will be provided subject to compliance with normal conditions for the holding of free and fair elections,
- notification of the 9th EDF allocation will be made once free and fair elections have taken place,
- the Commission will continue to exercise the function of national authorising officer on behalf of the latter until implementation of the second instalment of the 8th EDF NIP.

The European Union will continue to follow closely the situation in Liberia. We propose that our intensive political dialogue should continue, on the basis of Article 8 of the ACP-EC Partnership Agreement.

Yours faithfully,

For the Commission

...

For the Council

...

COMMISSION

COMMISSION DECISION

of 12 April 2002

terminating the ECSC/Switzerland Agreement of 28 July 1956 on the setting of through international railway tariffs for the carriage of coal and steel in transit through Swiss territory

(Text with EEA relevance)

(2002/275/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 14 thereof,

Having regard to the Agreement of 28 July 1956 on the setting of through international railway tariffs for the carriage of coal and steel in transit through Swiss territory ⁽¹⁾, and in particular Article 11 thereof,

Whereas:

- (1) Maintaining the Agreement no longer seems economically justified, given that the ECSC 9001 tariffs have been almost entirely replaced by customised contracts between clients and carriers: Rail transport rates are based on the rates dictated by other modes of transport, in particular road transport: Rail transport market forces and intermodal competition have removed the economic justification for the Agreement, and Swiss rail operators are not required to apply the ECSC 9001 tariff for transit transport.
- (2) Although this Agreement is not subject to a time limit, it may, under Article 11, nevertheless be terminated by the Swiss Federal Council or by the High Authority, having been given a remit to that effect by the Governments of the Member States of the ECSC, subject to six-months' advance notice.
- (3) Termination of the Agreement by the ECSC Member States would have no economic consequences for Switzerland, since the Swiss railway companies do not apply the ECSC 9001 tariff for the transport of ECSC products in transit.
- (4) The Representatives of the Governments of the Member States of the European Coal and Steel Community, meeting within the Council on 17 June 1999 ⁽²⁾, authorised the Commission, acting for the ECSC High Authority and on behalf of the Representatives of the Governments of the Member States of the ECSC, to terminate the abovementioned Agreement.

- (5) At their meeting within the Council on 23 October 2001 ⁽³⁾, the Representatives of the Governments of the Member States of the European Coal and Steel Community terminated the Agreement of 21 March 1955 on the setting of through international railway tariffs for the carriage of coal and steel ⁽⁴⁾. Point 7 of the recitals states that the Commission should terminate the Agreement of 28 July 1956 on the setting of through international railway tariffs for the carriage of coal and steel in transit through Swiss territory in accordance with the mandate conferred by the decision taken at the conference of the Representatives of the Governments of the Member States of 17 June 1999, in coordination with the termination of the 1955 Agreement.
- (6) Additional protocols to this Agreement were drawn up on the occasion of the successive enlargements ⁽⁵⁾. Termination of the Agreement will result in the automatic cancellation of these additional protocols,

HAS DECIDED AS FOLLOWS:

Sole Article

The Commission, acting as the ECSC High Authority and on behalf of the Representatives of the Governments of the Member States of the ECSC, hereby terminates the Agreement of 28 July 1956 on the setting of through international railway tariffs for the carriage of coal and steel in transit through Swiss territory.

Done at Brussels, 12 April 2002.

For the Commission
Loyola DE PALACIO
Vice-President

⁽¹⁾ OJ L 17, 29.5.1957, p. 223/57.

⁽²⁾ OJ L 159, 25.6.1999, p. 52.

⁽³⁾ OJ L 288, 1.11.2001, p. 38.

⁽⁴⁾ OJ 9, 19.4.1955, p. 701/55.

⁽⁵⁾ OJ L 12, 18.1.1979, p. 15, OJ L 227, 12.8.1981, p. 11 and OJ L 397, 31.12.1987, p. 7.

COMMISSION DECISION

of 12 April 2002

amending Council Decision 95/514/EC on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries

(notified under document number C(2002) 1407)

(Text with EEA relevance)

(2002/276/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 95/514/EC of 29 November 1995 on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries ⁽¹⁾, as last amended by Decision 2000/326/EC ⁽²⁾, and in particular Article 5 thereof,

Whereas:

- (1) Decision 95/514/EC determined that field inspections carried out in certain third countries on seed-producing crops of certain species satisfy the conditions laid down in Council Directive 66/400/EEC ⁽³⁾, as last amended by Directive 98/96/EC ⁽⁴⁾, Council Directive 66/401/EEC ⁽⁵⁾, as last amended by Directive 2001/64/EC ⁽⁶⁾, Council Directive 66/402/EEC ⁽⁷⁾, as last amended by Directive 2001/64/EC, and Council Directive 69/208/EEC ⁽⁸⁾, as last amended by Directive 98/96/EC, on the marketing of beet seed, fodder plant seed, cereal seed, and seed of oil and fibre plants. It also determined that seed of certain species produced in third countries was equivalent to seed produced in the Community. Those determinations apply to Croatia and Uruguay only as regards seed of certain species.
- (2) An examination of the rules of Croatia and the manner in which they are applied has shown that in respect of the species listed in Directives 66/400/EEC, 66/401/EEC and 66/402/EEC in respect of species in addition to *Zea mays* and Directive 69/208/EEC, the prescribed field inspections satisfy the conditions laid down in those Directives and that the conditions applied by Croatia to seed harvested and controlled there afford the same assurances as the corresponding conditions applicable within the Community.
- (3) An examination of the rules of Uruguay and the manner in which they are applied has shown that in respect of the species listed in Directive 66/402/EEC in addition to *Zea mays* the prescribed field inspections satisfy the conditions laid down in that Directive and that the conditions applied by Uruguay to seed harvested and controlled there afford the same assurances as the corresponding conditions within the Community.
- (4) Consequently, the equivalence already recognised in respect of seed produced in Croatia and Uruguay should be extended to cover other species.
- (5) Directives 66/400/EEC, 66/401/EEC, 66/402/EEC and 69/208/EEC allow for the simplification of procedures for official seed certification provided that inspections may be carried out by inspectors other than those charged with official examination by the seed certification authority. An equivalent approach has been incorporated in the seed schemes of the Organisation for Economic Cooperation and Development (OECD).
- (6) Commission Decision 98/320/EC ⁽⁹⁾ made provision for a temporary experiment applicable to seed produced within the Community to assess whether seed sampling for the purpose of seed testing and seed testing under official supervision constitute an improved alternative to the procedures for official certification. That approach was approved by the OECD which adopted a derogatory experiment on seed sampling and seed analysis. It is therefore appropriate to extend the scope of the Community experiment to seed produced in third countries participating in that OECD experiment.
- (7) According to Decision 95/514/EC, the United States of America may avail itself of a derogation from the International Seed Testing Association (ISTA) rules for sampling, testing and the issue of seed analysis certificates, provided that the provisions of the Association of Official Seed Analysts are applied. Canada would like to avail itself of a similar derogation. It appears appropriate to grant such a derogation also to Canada.

⁽¹⁾ OJ L 296, 9.12.1995, p. 31.⁽²⁾ OJ L 114, 13.5.2000, p. 30.⁽³⁾ OJ 125, 11.7.1966, p. 2290/66.⁽⁴⁾ OJ L 25, 1.2.1999, p. 27.⁽⁵⁾ OJ 125, 11.7.1966, p. 2298/66.⁽⁶⁾ OJ L 234, 1.9.2001, p. 60.⁽⁷⁾ OJ 125, 11.7.1966, p. 2309/66.⁽⁸⁾ OJ L 169, 10.7.1969, p. 3.⁽⁹⁾ OJ L 140, 12.5.1998, p. 14.

- (8) Decision 95/514/EC should therefore be amended accordingly.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 95/514/EC is amended as follows:

1. In Part I, column 3 of the table is amended as follows:
 - (a) in the entry relating to Croatia, the words '66/402/EEC — only in respect of *Zea mays*' are replaced by the words '66/400/EEC, 66/401/EEC, 66/402/EEC, 69/208/EEC';
 - (b) In the entry relating to Uruguay, the words 'only in respect of *Zea mays*' are deleted.
2. Part II is amended as follows:
 - (a) in section A, the second subparagraph of point 1 is deleted;

- (b) section B is amended as follows:

- (i) point 2 is deleted;
- (ii) in point 3, the following subparagraph is added.

'By way of derogation from the second and third subparagraphs, seed sampling and seed testing may be carried out in accordance with the "Derogatory experiment on seed sampling and seed analysis" set out in Annex V(A), to the Decision adopted by the OECD Council on 28 September 2000 on the OECD schemes for the varietal certification or the control of seed moving in international trade.'
- (iii) in point 8, the words 'Canada and' are inserted before the words 'the United States of America'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 12 April 2002.

For the Commission

David BYRNE

Member of the Commission
