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(Acts adopted pursuant to Title V of the Treaty on European Union)

COUNCIL DECISION
of 21 May 2002
implementing Joint Action 1999/878/CFSP with a view to contributing to the European Union
cooperation programme for non-proliferation and disarmament in the Russian Federation

(2002/381/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 23(2) thereof,

Having regard to Council Joint Action 1999/878/CFSP of 17 December 1999 establishing a European Union cooperation programme for non-proliferation and disarmament in the Russian Federation⁽¹⁾, and in particular Article 3 thereof,

Whereas:

- (1) This Decision is intended to implement Joint Action 1999/878/CFSP by making a financial contribution to the unit of experts under the European Union cooperation programme for non-proliferation and disarmament in the Russian Federation (hereinafter referred to as the 'programme').
- (2) The Commission has agreed to be entrusted with the task of preparing the projects to be approved, as well as with supervising the proper implementation thereof.
- (3) On 17 December 1999 an amount of EUR 535 000 was budgeted for the administrative costs of the unit of experts set up by Joint Action 1999/878/CFSP.
- (4) The continuation of the programme requires additional financing for 2002 and 2003.
- (5) The indication of amounts corresponding to this financing illustrates the will of the legislative authority and is subject to the availability of commitment appropriations during the respective budget year,

HAS DECIDED AS FOLLOWS:

Article 1

The purpose of this Decision is to continue the financing of administrative costs of the unit of experts at the Commission

until the date of expiry of the programme, in accordance with Article 3 of Joint Action 1999/878/CFSP.

Article 2

1. The financial reference amount for the purposes referred to in Article 1 shall be EUR 645 000.
2. The management of the expenditure financed by the amount specified in paragraph 1 shall be subject to the procedures and rules of the Community applying to budget matters.

Article 3

Annex III to Joint Action 1999/878/CFSP shall be replaced by the text in the Annex hereto.

Article 4

The Commission shall report on the implementation of this Decision in accordance with Article 3(1) of Joint Action 1999/878/CFSP.

Article 5

This Decision shall take effect on the date of its adoption.
This Decision shall expire on the date of expiry of Joint Action 1999/878/CFSP.

Article 6

This Decision shall be published in the Official Journal.

Done at Brussels, 21 May 2002.

For the Council

The President

R. de MIGUEL

⁽¹⁾ OJ L 331, 23.12.1999, p. 11.

ANNEX

'ANNEX III

Terms of Reference for a unit of experts under the EU cooperation programme for non-proliferation and disarmament in the Russian Federation

Joint Action 1999/878/CFSP entrusted the Commission to set up a unit of experts under, and for the duration of, the EU cooperation programme for non-proliferation and disarmament in the Russian Federation, which comprises a Policy and Project Coordination Section at the Commission in Brussels and a project assistance team based in Moscow, reporting to the Policy and Project Coordination Section in Brussels.

Three experts for the Unit have been identified and appointed by the Commission. The decision was taken in close cooperation with Member States and the Secretary General/High Representative (SG/HR), on the basis of job descriptions and selection criteria drafted by the Commission. One expert is still to be recruited.

Required experts' qualifications comprise the following elements:

The Policy and Project Coordination Section in Brussels will comprise three EU experts and a Head of Section, who is seconded by the Commission. The Section is administratively supported by one secretary and one administrative assistant. The Moscow based project assistance team comprises one EU expert and one local secretary, who is still to be recruited.

The Head of Section assumes overall responsibility for the implementation of the Joint Action. He maintains close relations with the Presidency of the Council of the European Union, and the Member States and the SG/HR, according to detailed rules to be agreed upon.

Tasks related to policy and project coordination and development shall comprise *inter alia* the following:

- support coordination of assistance projects and related policies at Community and Member State levels,
- function as point of contact for international initiatives, supported by the Commission Joint Research Centre,
- establish a database of projects funded by the EU and Member States,
- establish and maintain a database on EU experts, broken down by policy areas,
- establish a network of Member States' points of contact, supplementing the competent Council working groups as regards the implementation of the Joint Action and related activities,
- prepare and submit quarterly progress reports,
- co-organise the Non-Proliferation and Disarmament Cooperative Initiative (NDCI) Conference.

Sectoral tasks cover *inter alia* the following:

- drawing up a comprehensive sector report,
- providing an in-depth analysis on sectoral core problems,
- identifying projects to address core problems,
- preparing projects to be submitted to the Council with a view to possible future funding under follow-up measures to the Joint Action,
- finalising and implementing projects identified for funding, as appropriate, in close cooperation with the Moscow based project assistance team.

Specific tasks of the Moscow based project assistance team comprise:

- close cooperation with personnel working under EU-funded projects,
 - as appropriate, support for the elaboration of feasibility studies,
 - liaising with the local authorities and with the representatives of other contributing countries,
 - negotiating with the local authorities the administrative arrangements necessary for the implementation of the programme,
 - assisting Member States in identifying and implementing bilateral projects,
 - facilitating specialised technical assistance.'
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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 854/2002
of 21 May 2002
terminating the anti-dumping proceeding concerning imports of bicycles originating in Indonesia,
Malaysia and Thailand**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ (hereinafter referred to as the 'basic Regulation'), and in particular Article 9 and Article 11(2) thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

(5) Accordingly, the Commission consulted the Advisory Committee and thereafter, on 11 April 2001 by a notice published in the *Official Journal of the European Communities* ⁽⁴⁾, initiated an expiry review concerning the said anti-dumping measures in force.

(6) The Commission officially advised the exporting producers, importers known to be concerned, the representatives of the exporting country and the Community producers of the initiation of the review. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set out in the notice of initiation.

A. PROCEDURE

- (1) By Regulation (EC) No 648/96 ⁽²⁾ the Council imposed a definitive anti-dumping duty on imports of bicycles and other cycles (including delivery tricycles), not motorised, falling within CN codes 8712 00 10, 8712 00 30 and 8712 00 80 and originating in Indonesia, Malaysia and Thailand.
- (2) On 12 January 2001, following the publication of a notice of impending expiry of the anti-dumping measures in force on imports of bicycles originating in Indonesia, Malaysia and Thailand ⁽³⁾, the Commission received a request to review these measures pursuant to Article 11(2) of the basic Regulation.
- (3) The request was lodged by the European Bicycle Manufacturers' Association 'EBMA' on behalf of producers representing a major proportion of the total Community production.
- (4) The request contained *prima facie* evidence showing that there would be a continuation or recurrence of injurious dumping should measures be allowed to lapse, which was considered sufficient to justify the initiation of an expiry review.

B. WITHDRAWAL OF THE REQUEST AND TERMINATION OF THE PROCEEDING

- (7) By letter of 6 February 2002 to the Commission, EBMA formally withdrew its request for review of the aforementioned anti-dumping measures.
- (8) In accordance with Article 9(1) and Article 11(2) of the basic Regulation, the proceeding may be terminated where the request is withdrawn, unless such termination would not be in the Community interest.
- (9) It was considered that the present proceeding should be terminated since the investigation had not brought to light any considerations showing that such termination would not be in the Community interest. Interested parties were informed accordingly and were given the opportunity to comment. However, only a few comments were received. After examination of these comments, there is no indication that the termination of the measures would not be in the Community interest.
- (10) It was therefore concluded that the anti-dumping proceeding concerning imports into the Community of bicycles originating in Indonesia, Malaysia and Thailand should be terminated and that the existing measures should be allowed to expire,

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 2238/2000 (OJ L 257, 11.10.2000, p. 2.)

⁽²⁾ OJ L 91, 12.4.1996, p. 1.

⁽³⁾ OJ C 271, 22.9.2000, p. 5.

⁽⁴⁾ OJ C 110, 11.4.2001, p. 6.

HAS ADOPTED THIS REGULATION:

Article 1

The anti-dumping measures concerning imports of bicycles, currently classifiable within CN codes 8712 00 10, 8712 00 30 and 8712 00 80 and originating in Indonesia, Malaysia and Thailand, are hereby repealed and the proceeding concerning these imports is terminated.

Article 2

This Regulation shall enter into force on the day following that 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, 21 May 2002.

For the Council

The President

R. DE MIGUEL

COMMISSION REGULATION (EC) No 855/2002
of 23 May 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 24 May 2002.

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

Done at Brussels, 23 May 2002.

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

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 23 May 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	45,0
	204	35,8
	999	40,4
0707 00 05	052	102,9
	220	147,2
	999	125,1
0709 90 70	052	89,1
	999	89,1
0805 10 10, 0805 10 30, 0805 10 50	052	74,4
	204	45,3
	220	77,5
	388	64,6
	600	48,1
	624	77,3
	999	64,5
0805 50 10	388	58,7
	528	75,2
	999	67,0
0808 10 20, 0808 10 50, 0808 10 90	060	16,2
	388	85,7
	400	137,8
	404	107,5
	508	76,3
	512	85,2
	524	83,4
	528	81,2
	720	149,7
	804	108,6
0809 20 95	999	93,2
	052	428,2
	400	360,6
	999	394,4

⁽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 856/2002**of 23 May 2002****fixing the representative prices and the additional import duties for molasses in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 24 May 2002.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 141, 24.6.1995, p. 12.

⁽⁴⁾ OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 23 May 2002.

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

ANNEX

to the Commission Regulation of 23 May 2002 fixing the representative prices and additional import duties to imports of molasses in the sugar sector

(in EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	8,40	—	0
1703 90 00 ⁽¹⁾	12,74	—	0

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

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

COMMISSION REGULATION (EC) No 857/2002**of 23 May 2002****fixing the export refunds on white sugar and raw sugar exported in its unaltered state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 27 of Regulation (EC) No 1260/2001 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(a) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EC) No 1260/2001 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 28 of that Regulation. The same Article provides that the economic aspect of the proposed exports should also be taken into account.
- (3) The refund on raw sugar must be fixed in respect of the standard quality. The latter is defined in Annex I, point II, to Regulation (EC) No 1260/2001. Furthermore, this refund should be fixed in accordance with Article 28(4) of Regulation (EC) No 1260/2001. Candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector ⁽³⁾. The refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for sugar according to destination.
- (5) In special cases, the amount of the refund may be fixed by other legal instruments.
- (6) The refund must be fixed every two weeks. It may be altered in the intervening period.
- (7) It follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should be as set out in the Annex hereto.
- (8) Regulation (EC) No 1260/2001 does not make provision to continue the compensation system for storage costs from 1 July 2001. This should accordingly be taken into account when fixing the refunds granted when the export occurs after 30 September 2001.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 24 May 2002.

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

Done at Brussels, 23 May 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 214, 8.9.1995, p. 16.

ANNEX

to the Commission Regulation of 23 May 2002 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	A00	EUR/100 kg	40,56 ⁽¹⁾
1701 11 90 9910	A00	EUR/100 kg	40,15 ⁽¹⁾
1701 11 90 9950	A00	EUR/100 kg	⁽²⁾
1701 12 90 9100	A00	EUR/100 kg	40,56 ⁽¹⁾
1701 12 90 9910	A00	EUR/100 kg	40,15 ⁽¹⁾
1701 12 90 9950	A00	EUR/100 kg	⁽²⁾
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,4409
1701 99 10 9100	A00	EUR/100 kg	44,09
1701 99 10 9910	A00	EUR/100 kg	43,65
1701 99 10 9950	A00	EUR/100 kg	43,65
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,4409

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

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

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

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

COMMISSION REGULATION (EC) No 858/2002**of 23 May 2002****fixing the maximum export refund for white sugar for the 39th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1430/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

- (3) Following an examination of the tenders submitted in response to the 39th partial invitation to tender, the provisions set out in Article 1 should be adopted.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

For the 39th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1430/2001 the maximum amount of the export refund is fixed at 46,685 EUR/100 kg.

Article 2

This Regulation shall enter into force on 24 May 2002.

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

Done at Brussels, 23 May 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 192, 14.7.2001, p. 3.

⁽⁴⁾ OJ L 107, 24.4.2002, p. 5.

COMMISSION REGULATION (EC) No 859/2002
of 23 May 2002
on the issuing of system B export licences for 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 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 298/2000 ⁽²⁾, and in particular Article 5(6) thereof,

Whereas:

- (1) Commission Regulation (EC) No 226/2002 ⁽³⁾ fixed the indicative quantities laid down for the issue of export licences other than those requested in the context of food aid.
- (2) In the light of information now available to the Commission, the indicative quantities have been exceeded in the case of tomatoes, lemons and apples.
- (3) Those overruns are without prejudice to compliance with the limits resulting from the agreements concluded in accordance with Article 300 of the Treaty. The rate of

refund for all products covered by licences applied for under system B from 15 March to 14 May 2002 should be the indicative rate,

HAS ADOPTED THIS REGULATION:

Article 1

The percentages for the issuing of system B export licences, as referred to in Article 5 of Regulation (EC) No 2190/96, and applied for between 15 March and 14 May 2002, by which the quantities applied for and the rates of refund applicable must be multiplied, are as fixed in the Annex hereto.

The above subparagraph does not apply to licences applied for in connection with food-aid operations as provided for in Article 10(4) of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations.

Article 2

This Regulation shall enter into force on 24 May 2002.

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

Done at Brussels, 23 May 2002.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 292, 15.11.1996, p. 12.

⁽²⁾ OJ L 34, 9.2.2000, p. 16.

⁽³⁾ OJ L 38, 8.2.2002, p. 8.

ANNEX

to the Commission Regulation of 23 May 2002 on the issuing of system B export licences for fruit and vegetables

Percentages for the issuing of licences and rates of refund applicable to system B licences applied for between 15 March and 14 May 2002

Product	Percentage for the issuing of licences	Rate of refund (EUR/t net)
Tomatoes	100 %	16,0
Oranges	100 %	29,0
Lemons	100 %	16,0
Apples	100 %	15,0

COMMISSION REGULATION (EC) No 860/2002
of 23 May 2002
fixing the maximum export refund on barley in connection with the invitation to tender issued in
Regulation (EC) No 1558/2001

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) An invitation to tender for the refund for the export of barley to all third countries except for the United States of America and Canada was opened pursuant to Commission Regulation (EC) No 1558/2001 ⁽⁵⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 17 to 23 May 2002, pursuant to the invitation to tender issued in Regulation (EC) No 1558/2001, the maximum refund on exportation of barley shall be EUR 5,00/t.

Article 2

This Regulation shall enter into force on 24 May 2002.

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

Done at Brussels, 23 May 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 89, 29.3.2001, p. 16.

⁽⁵⁾ OJ L 205, 31.7.2001, p. 33.

COMMISSION REGULATION (EC) No 861/2002**of 23 May 2002****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 943/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) An invitation to tender for the refund on exportation of common wheat to all third countries with the exclusion of Poland was opened pursuant to Commission Regulation (EC) No 943/2001 ⁽⁵⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 17 to 23 May 2002, pursuant to the invitation to tender issued in Regulation (EC) No 943/2001, the maximum refund on exportation of common wheat shall be EUR 5,00/t.

Article 2

This Regulation shall enter into force on 24 May 2002.

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

Done at Brussels, 23 May 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 89, 29.3.2001, p. 16.

⁽⁵⁾ OJ L 133, 16.5.2001, p. 3.

COMMISSION REGULATION (EC) No 862/2002
of 23 May 2002
concerning tenders notified in response to the invitation to tender for the import of maize issued
in Regulation (EC) No 537/2002

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1666/2000⁽²⁾, and in particular Article 12(1) thereof,

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on maize imported into Portugal was opened pursuant to Commission Regulation (EC) No 537/2002⁽³⁾.
- (2) Article 5 of Commission Regulation (EC) No 1839/95⁽⁴⁾, as last amended by Regulation (EC) No 2235/2000⁽⁵⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 and on the basis of the tenders notified, to make no award.

(3) On the basis of the criteria laid down in Articles 6 and 7 of Regulation (EC) No 1839/95 a maximum reduction in the duty should not be fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 17 to 23 May 2002 in response to the invitation to tender for the reduction in the duty on imported maize issued in Regulation (EC) No 537/2002.

Article 2

This Regulation shall enter into force on 24 May 2002.

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

Done at Brussels, 23 May 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 82, 26.3.2002, p. 3.

⁽⁴⁾ OJ L 177, 28.7.1995, p. 4.

⁽⁵⁾ OJ L 256, 10.10.2000, p. 13.

COMMISSION REGULATION (EC) No 863/2002**of 23 May 2002****concerning tenders notified in response to the invitation to tender for the export of rye issued in Regulation (EC) No 1005/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) An invitation to tender for the refund for the export of rye to all third countries was opened pursuant to Commission Regulation (EC) No 1005/2001 ⁽⁵⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92

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

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 17 to 23 May 2002 in response to the invitation to tender for the refund for the export of rye issued in Regulation (EC) No 1005/2001.

Article 2

This Regulation shall enter into force on 24 May 2002.

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

Done at Brussels, 23 May 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 89, 29.3.2001, p. 16.

⁽⁵⁾ OJ L 140, 24.5.2001, p. 10.

COMMISSION REGULATION (EC) No 864/2002
of 23 May 2002
concerning tenders notified in response to the invitation to tender for the export of oats issued in
Regulation (EC) No 1789/2001

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Having regard to Commission Regulation (EC) No 1789/2001 of 12 September 2001 on a special intervention measure for cereals in Finland and Sweden⁽⁵⁾, and in particular Article 8 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland or Sweden to all third countries was opened pursuant to Regulation (EC) No 1789/2001.

(2) According to Article 8 of Regulation (EC) No 1789/2001 the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to make no award.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 17 to 23 May 2002 in response to the invitation to tender for the refund for the export of oats issued in Regulation (EC) No 1789/2001.

Article 2

This Regulation shall enter into force on 24 May 2002.

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

Done at Brussels, 23 May 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 89, 29.3.2001, p. 16.

⁽⁵⁾ OJ L 243, 13.9.2001, p. 15.

COMMISSION REGULATION (EC) No 865/2002
of 23 May 2002
concerning tenders notified in response to the invitation to tender for the import of maize issued
in Regulation (EC) No 767/2002

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1666/2000⁽²⁾, and in particular Article 12(1) thereof,

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on maize imported into Spain was opened pursuant to Commission Regulation (EC) No 767/2002⁽³⁾.
- (2) Article 5 of Commission Regulation (EC) No 1839/95⁽⁴⁾, as last amended by Regulation (EC) No 2235/2000⁽⁵⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 and on the basis of the tenders notified, to make no award.

(3) On the basis of the criteria laid down in Articles 6 and 7 of Regulation (EC) No 1839/95 a maximum reduction in the duty should not be fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 17 to 23 May 2002 in response to the invitation to tender for the reduction in the duty on imported maize issued in Regulation (EC) No 767/2002.

Article 2

This Regulation shall enter into force on 24 May 2002.

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

Done at Brussels, 23 May 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 119, 7.5.2002, p. 3.

⁽⁴⁾ OJ L 177, 28.7.1995, p. 4.

⁽⁵⁾ OJ L 256, 10.10.2000, p. 13.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 23 May 2002

amending Decisions 2001/925/EC, 2002/33/EC and 2002/209/EC to prolong certain protection measures and detailed conditions in relation to the evolution of classical swine fever in Spain in April 2002

(notified under document number C(2002) 1918)

(Text with EEA relevance)

(2002/382/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, as last amended by Directive 92/118/EEC ⁽²⁾ and, in particular, Article 10(4) thereof,

Having regard to Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever ⁽³⁾, and in particular Article 10(1)(b), Article 11(1)(f), Article 25(3) and Article 29(4) thereof,

Whereas:

- (1) Outbreaks of classical swine fever have occurred in Cataluña in Spain.
- (2) Spain has taken measures within the framework of Directive 2001/89/EC.
- (3) In relation to these outbreaks of disease, the Commission adopted: (i) Decision 2001/925/EC of 20 December 2001 concerning certain protection measures relating to classical swine fever in Spain ⁽⁴⁾, as last amended by Decision 2002/313/EC ⁽⁵⁾; (ii) Decision 2002/33/EC of 14 January 2002 on the use of two slaughterhouses, in accordance with Article 10(1)(b) of Council Directive 2001/89/EC, by Spain ⁽⁶⁾, as last amended by Decision 2002/313/EC, and (iii) Decision 2002/209/EC of 11 March 2002, updating the conditions for the granting of

authorisation for the removal of pigs from holdings located within the protection and surveillance zones established in Spain in relation to classical swine fever and establishing conditions for the marking and use of pigmeat in application of Article 11 of Council Directive 2001/89/EC ⁽⁷⁾, as last amended by Decision 2002/313/EC.

- (4) In the light of the evolution of the epidemiological situation in the concerned area of Spain, where further outbreaks of classical swine fever have been recorded in April 2002, it is appropriate to prolong the adopted measures until 30 June 2002 and to amend the conditions on the use of the two slaughterhouses referred to in Decision 2002/33/EC.
- (5) Decisions 2001/925/EC, 2002/33/EC and 2002/209/EC should therefore be amended accordingly.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

In Article 8 of Decision 2001/925/EC:

- (a) the words '20 May' are replaced by the words '20 June 2002';
- (b) the words '31 May 2002' are replaced by the words '30 June 2002'.

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 316, 1.12.2001, p. 5.

⁽⁴⁾ OJ L 339, 21.12.2001, p. 56.

⁽⁵⁾ OJ L 112, 27.4.2002, p. 45.

⁽⁶⁾ OJ L 13, 16.1.2002, p. 13.

⁽⁷⁾ OJ L 68, 12.3.2002, p. 40.

Article 2

In Article 1(1), first indent of Decision 2002/33/EC the words 'the areas described in the Annex of Decision 2001/925/EC' are replaced by the word 'Spain'.

In Article 2 of Decision 2002/33/EC the words '31 May 2002' are replaced by the words '30 June 2002'.

Article 3

In Article 1 of Decision 2002/209/EC the words '10 April' are replaced by the words '8 May 2002'.

In Article 9 of Decision 2002/209/EC the words '31 May 2002' are replaced by the words '30 June 2002'.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 23 May 2002.

For the Commission

David BYRNE

Member of the Commission

COMMISSION DECISION
of 23 May 2002
concerning certain protection measures relating to classical swine fever in France, Germany and
Luxembourg and repealing Decision 2002/302/EC

(notified under document number C(2002) 1920)

(Text with EEA relevance)

(2002/383/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, as last amended by Council Directive 92/118/EEC ⁽²⁾ and, in particular, Article 10(4) thereof,

Having regard to Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever ⁽³⁾, and, in particular Article 29(4) thereof,

Whereas:

- (1) Outbreaks of classical swine fever have occurred in pig holdings located in certain bordering areas of France, Germany and Luxembourg, where this disease also occurs in the feral pigs.
- (2) In view of the trade in live pigs, these outbreaks are liable to endanger the herds of other parts of the Community.
- (3) France, Luxembourg and Germany have taken measures within the framework of Directive 2001/89/EC.
- (4) The Commission has adopted: (i) Decision 1999/335/EC of 7 May 1999 approving the plans presented by Germany for the eradication of classical swine fever in feral pigs in Baden Württemberg and Rhineland-Palatinate ⁽⁴⁾; (ii) Decision 2002/161/EC of 22 February 2002 approving the plans submitted by Germany for the eradication of classical swine fever in feral pigs in Saarland and the emergency vaccination against classical swine fever in feral pigs in Rhineland-Palatinate and Saarland ⁽⁵⁾; (iii) Decision 2002/181/EC of 28 February 2002 approving the plan presented by Luxembourg for the eradication of classical swine fever in feral pigs in certain areas of Luxembourg ⁽⁶⁾ and (iv) Decision 2002/302/EC

of 18 April 2002 concerning certain protection measures relating to classical swine fever in Germany ⁽⁷⁾.

- (5) In relation to the recent confirmation of classical swine fever in feral pigs in Moselle in France and in North Rhine-Westphalia in Germany, France and Germany shall submit a plan for the eradication of the disease from the feral pig population.
- (6) In the light of the tendency of disease to spread further in the feral pig population and the repeated outbreaks occurred in domestic pig holdings, despite the measures so far adopted, it is necessary to take further measures for the control of classical swine fever in the whole zone concerned by the disease, which includes some bordering areas of France, Luxembourg and Germany.
- (7) For the sake of clarity these measures should be laid down in a single Decision. Decision 2002/302/EC should therefore be repealed.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

1. France, Luxembourg and Germany shall ensure that no pigs are dispatched unless the pigs:
 - (a) come from an area outside the areas described in the Annex, and
 - (b) come from a holding where no live pigs proceeding from the areas described in the Annex have been introduced during the 30 day period immediately prior to the dispatch of the pigs in question.
2. Transit of pigs dispatched to other Member States through the areas described in the Annex may only occur via major roads or railways, without any stopping of the vehicle.

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 316, 1.12.2001, p. 5.

⁽⁴⁾ OJ L 126, 20.5.1999, p. 21.

⁽⁵⁾ OJ L 53, 23.2.2002, p. 43.

⁽⁶⁾ OJ L 61, 2.3.2002, p. 54.

⁽⁷⁾ OJ L 103, 19.4.2002, p. 28.

Article 2

1. France, Germany and Luxembourg shall ensure that no consignments of porcine semen are dispatched unless the semen originates from boars kept at a collection centre referred to in Article 3(a) of Council Directive 90/429/EEC ⁽¹⁾ and situated outside the areas described in the Annex.

2. France, Germany and Luxembourg shall ensure that no consignments of ova and embryos of swine are dispatched unless the ova and embryos originate from swine kept at a holding situated outside the areas described in the Annex.

Article 3

1. The health certificate provided for in Council Directive 64/432/EEC ⁽²⁾ accompanying pigs dispatched from France, Germany and Luxembourg must be completed by the following:

'Animals in accordance with Commission Decision 2002/383/EC of 23 May 2002 concerning certain protection measures relating to classical swine fever in France, Germany and Luxemburg and repealing Decision 2002/302/EC.'

2. The health certificate provided for in Council Directive 90/429/EEC accompanying boar semen dispatched from France, Germany and Luxembourg must be completed by the following:

'Semen in accordance with Commission Decision 2002/383/EC of 23 May 2002 concerning certain protection measures relating to classical swine fever in France, Germany and Luxemburg and repealing Decision 2002/302/EC.'

3. The health certificate provided for in Commission Decision 95/483/EEC ⁽³⁾ accompanying embryos and ova of swine dispatched from France, Germany and Luxembourg must be completed by the following:

'Embryos/ova ⁽⁴⁾ in accordance with Commission Decision 2002/383/EC of 23 May 2002 concerning certain protection measures relating to classical swine fever in France, Germany and Luxemburg and repealing Decision 2002/302/EC.'

Article 4

1. France, Germany and Luxembourg shall ensure that the provisions laid down in Council Directive 2001/89/EC, Article 15(b), second, fourth, fifth, sixth and seventh indents are applied in the pig holdings located within the areas described in the Annex.

2. France, Germany and Luxembourg shall ensure that vehicles which have been used for the transport of pigs proceeding from holdings located within the areas described in

the Annex are cleaned and disinfected after each operation and the transporter shall furnish proof of such disinfection.

Article 5

1. By way of derogation from Article 1(1) and subject to the approval of the Member State of destination, France, Germany and Luxembourg may authorise the dispatch of pigs proceeding from holdings located within the areas described in the Annex to other holdings or slaughterhouses located within the areas described in the Annex of another Member State provided that the pigs come from a holding where:

- (a) no live pigs have been introduced during the 30 day period immediately prior to the dispatch of the pigs in question;
- (b) a clinical examination for classical swine fever has been carried out by an official veterinarian in accordance with the checking procedure laid down in chapter 4A(2), first subparagraph, D(1), D(2) and D(3) of the Annex to Commission Decision 2002/106/EC ⁽⁵⁾; and
- (c) serological tests for classical swine fever have been carried out with negative results on samples collected from the group of pigs to be moved during the seven-day period immediately prior to their dispatch. The minimum number of pigs to be sampled must allow for the detection of 10 % seroprevalence with 95 % confidence in the group of pigs in question.

The provisions laid down in (c) above shall not apply in case of pigs directly sent to slaughterhouses for immediate slaughter.

2. When dispatching the pigs referred to in paragraph 1, France, Germany and Luxembourg shall ensure that the health certificate referred to in Article 3(1) shall include additional information concerning the dates of the clinical examination, sampling and testing, the number of samples tested, the type of test used and the results of the test.

Article 6

1. France, Germany and Luxembourg may allow the movements of pigs proceeding from holdings located within the areas described in the Annex and dispatched to other areas in the same Member State, only from holdings where clinical examination and serological tests for classical swine fever have been carried out with negative results, in accordance with the provisions of Article 5(1).

2. France, Germany and Luxembourg shall inform the Commission and the Member States in the framework of the Standing Committee on the Food Chain and Animal Health on the results of the serosurveillance for classical swine fever carried out in the areas described in the Annex.

Article 7

Decision 2002/302/EC is hereby repealed.

⁽¹⁾ OJ L 224, 18.8.1990, p. 62.

⁽²⁾ OJ L 121, 29.7.1964, p. 1977/64.

⁽³⁾ OJ L 275, 18.11.1995, p. 30.

⁽⁴⁾ Delete as appropriate.

⁽⁵⁾ OJ L 39, 9.2.2002, p. 71.

Article 8

The Member States shall amend the measures they apply to trade so as to bring them into compliance with this Decision and they shall give immediate appropriate publicity to the measures adopted. They shall immediately inform the Commission thereof.

This Decision shall be reviewed before 20 June 2002. It is applicable until 30 June 2002.

Article 10

This Decision is addressed to the Member States.

Done at Brussels, 23 May 2002.

Article 9

This Decision shall apply without prejudice to Decisions 1999/335/EC, 2002/161/EC and 2002/181/EC.

For the Commission

David BYRNE

Member of the Commission

ANNEX

- France: — the territory of the departments Moselle and Meurthe-et-Moselle.
- Germany: — The whole territory of Rhineland-Palatinate, except those areas located eastern of the river Rhine,
— in Saarland: in the Kreise Merzig-Wadern: Mettlach, Merzig, Beckingen, Losheim, Weiskirchen, Wadern; in the Kreis Saarlouis: Dillingen, Bous, Ensdorf, Schwalbach, Saarwellingen, Nalbach, Lebach, Schmelz, Saarlouis; In the Kreis Sankt Wendel: Nonnweiler, Nohfelden, Tholey,
— the following areas of North Rhine-Westfalia: the Gemeinde of Dahlem, Blankenheim, Bad Muenstereifel and Stadt Euskirchen.
- Luxembourg: — the parts of the territory of Luxembourg located east of the A3 motorway (from the border with France to the city of Luxembourg) and the roads N7 and N9 (from the city of Luxembourg to Ettelbrück) and then southern of the roads B7 and N19 (from Ettelbrück to the border with Germany).
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