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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 923/2002
of 30 May 2002**

on the conclusion of the Protocol defining, for the period from 18 January 2002 to 17 January 2005, the fishing possibilities and the financial contribution provided for by the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 in conjunction with Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) In accordance with the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles ⁽²⁾, signed in Brussels on 28 October 1987, the two Parties held negotiations with a view to determining amendments to be made to that Agreement at the end of the period of application of the Protocol attached to the said Agreement.
- (2) As a result of these negotiations, a new Protocol defining for the period from 18 January 2002 to 17 January 2005 the fishing possibilities and the financial contribution provided for by the abovementioned Agreement was initialled on 28 September 2001.
- (3) It is in the Community's interest to approve that Protocol.
- (4) The allocation of fishing possibilities among the Member States should be determined on the basis of the traditional allocation of fishing possibilities under the Fisheries Agreement,

HAS ADOPTED THIS REGULATION:

Article 1

The Protocol defining, for the period from 18 January 2002 to 17 January 2005, the fishing possibilities and the financial contribution provided for by the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles is hereby approved on behalf of the European Community.

⁽¹⁾ Opinion delivered on 14 May 2002 (not yet published in the Official Journal).

⁽²⁾ OJ L 119, 7.5.1987, p. 26.

The text of the Protocol is attached to this Regulation ⁽³⁾.

Article 2

The fishing possibilities provided for in the Protocol are allocated among the Member States as follows:

- | | |
|------------------------|------------|
| (a) Tuna seiners | |
| — Spain | 18 vessels |
| — France | 20 vessels |
| — Italy | 1 vessel |
| — United Kingdom | 1 vessel |
| (b) Surface longliners | |
| — Spain | 15 vessels |
| — France | 5 vessels |
| — Portugal | 7 vessels |

If licence applications from these Member States do not exhaust the fishing possibilities provided for in the Protocol, the Commission may take into consideration licence applications from any other Member State.

Article 3

The Member States whose vessels are fishing under this Protocol shall notify the Commission of the quantities of each stock taken in Seychelles waters in accordance with the arrangements laid down in Commission Regulation (EC) No 500/2001 ⁽⁴⁾.

Article 4

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

Article 5

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

⁽³⁾ OJ L 134, 22.5.2002, p. 40.

⁽⁴⁾ OJ L 73, 15.3.2001, p. 8.

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

Done at Brussels, 30 May 2002.

For the Council

The President

M. A. CORTÉS MARTÍN

**COUNCIL REGULATION (EC) No 924/2002
of 30 May 2002**

on the conclusion of the Agreement in the form of an Exchange of Letters concerning the extension of the 2000-2001 Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Government of the Revolutionary People's Republic of Guinea on fishing off the Guinean coast for the period 1 January 2002 to 31 December 2002

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37, in conjunction with Article 300(2) and the first subparagraph of Article 300(3) thereof,

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

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

Whereas:

- (1) The European Community and the Republic of Guinea have held negotiations to determine the amendments or additions to be made to the Agreement between the European Economic Community and the Government of the Revolutionary People's Republic of Guinea on fishing off the Guinean coast ⁽³⁾ at the end of the period of application of the Protocol thereto.
- (2) During the negotiations, the two parties decided to extend the current Protocol ⁽⁴⁾, approved by Regulation (EC) No 445/2001 ⁽⁵⁾, for one year, from 1 January 2002 to 31 December 2002, by means of an Agreement in the form of an Exchange of Letters initialled on 22 October 2001, pending the conclusion of the negotiations on the amendments to be agreed for the Protocol.
- (3) It is in the Community's interest to approve that extension.
- (4) The allocation of the fishing opportunities for trawlers and tuna boats among the Member States should be confirmed,

HAS ADOPTED THIS REGULATION:

Article 1

The Agreement in the form of an Exchange of Letters concerning the extension of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and

the Government of the Revolutionary People's Republic of Guinea on fishing off the Guinean coast for the period 1 January 2002 to 31 December 2002 is hereby approved on behalf of the European Community.

The text of this Agreement is attached to this Regulation ⁽⁶⁾.

Article 2

The fishing opportunities for trawlers and tuna boats fixed in Article 1 of the Protocol shall be allocated pro rata temporis among the Member States as follows:

- (a) fin-fish/cephalopods

— Spain	844 GRT
— Italy	750 GRT
— Greece	906 GRT
- (b) shrimps

— Spain	1 050 GRT
— Portugal	300 GRT
— Greece	150 GRT
- (c) tuna seiners

— France	19 vessels
— Spain	19 vessels
- (d) pole-and-line tuna vessels

— France	7 vessels
— Spain	7 vessels
- (e) surface longliners

— Spain	14 vessels
— Portugal	2 vessels

If licence applications from these Member States do not cover all the fishing opportunities fixed by the Protocol, the Commission may take into consideration licence applications from any other Member State.

Article 3

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

⁽¹⁾ Proposal of 28 January 2002 (not yet published in the Official Journal).

⁽²⁾ Opinion delivered on 14 May 2002 (not yet published in the Official Journal).

⁽³⁾ OJ L 111, 27.4.1983, p. 2.

⁽⁴⁾ OJ L 250, 5.10.2000, p. 29.

⁽⁵⁾ OJ L 64, 6.3.2001, p. 3.

⁽⁶⁾ OJ L 116, 16.5.2002, p. 29.

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

Done at Brussels, 30 May 2002.

For the Council

The President

M. A. CORTÉS MARTÍN

COMMISSION REGULATION (EC) No 925/2002**of 31 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 1 June 2002.

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

Done at Brussels, 31 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 31 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	40,0
	999	40,0
0707 00 05	052	94,1
	220	154,8
	999	124,5
0709 90 70	052	86,8
	999	86,8
0805 50 10	388	58,7
	528	57,8
	999	58,3
0808 10 20, 0808 10 50, 0808 10 90	388	84,4
	400	111,2
	404	103,3
	508	83,7
	512	92,0
	524	78,4
	528	70,3
	720	157,8
	804	110,4
	999	99,1
	052	394,6
0809 20 95	400	283,0
	999	338,8

⁽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 926/2002**of 31 May 2002****altering the export refunds on white sugar and raw sugar exported in the natural 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⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽²⁾, and in particular the third subparagraph of Article 27(5) thereof,

Whereas:

- (1) The refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 857/2002 ⁽³⁾, as amended by Regulation (EC) No 897/2002 ⁽⁴⁾.

- (2) It follows from applying the detailed rules contained in Regulation (EC) No 857/2002 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

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, as fixed in the Annex to Regulation (EC) No 857/2002 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 June 2002.

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

Done at Brussels, 31 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 136, 24.5.2002, p. 9.

⁽⁴⁾ OJ L 142, 31.5.2002, p. 8.

ANNEX

to the Commission Regulation of 31 May 2002 altering 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	40,32 ⁽¹⁾
1701 11 90 9910	A00	EUR/100 kg	40,32 ⁽¹⁾
1701 11 90 9950	A00	EUR/100 kg	⁽²⁾
1701 12 90 9100	A00	EUR/100 kg	40,32 ⁽¹⁾
1701 12 90 9910	A00	EUR/100 kg	40,32 ⁽¹⁾
1701 12 90 9950	A00	EUR/100 kg	⁽²⁾
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,4383
1701 99 10 9100	A00	EUR/100 kg	43,83
1701 99 10 9910	A00	EUR/100 kg	43,83
1701 99 10 9950	A00	EUR/100 kg	43,83
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,4383

⁽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 927/2002**of 31 May 2002****fixing the export refunds on syrups and certain other sugar products exported in the natural 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⁾, as 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)(d) of that Regulation and prices for those products within the Community may be covered by an export refund.

(2) Article 3 of 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⁾, provides that the export refund on 100 kilograms of the products listed in Article 1(1)(d) of Regulation (EC) No 1260/2001 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; the sucrose content of the product in question is determined in accordance with Article 3 of Commission Regulation (EC) No 2135/95.

(3) Article 30(3) of Regulation (EC) No 1260/2001 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one hundredth of the production refund applicable, pursuant to Commission Regulation (EC) No 1265/2001 of 27 June 2001 laying down detailed rules for the application of Council Regulation (EC) No 1260/2001 as regards granting the production refund on certain sugar products used in the chemical industry ⁽⁴⁾ to the products listed in the Annex to the last mentioned Regulation;

(4) According to the terms of Article 30(1) of Regulation (EC) No 1260/2001, the basic amount of the refund on the other products listed in Article 1(1)(d) of the said

Regulation exported in the natural state must be equal to one-hundredth of an amount which takes account, on the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed and quotations or prices for white sugar on the world market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward-processing arrangements.

(5) According to the terms of Article 30(4) of Regulation (EC) No 1260/2001, the application of the basic amount may be limited to some of the products listed in Article 1(1)(d) of the said Regulation.

(6) Article 27 of Regulation (EC) No 1260/2001 makes provision for setting refunds for export in the natural state of products referred to in Article 1(1)(f) and (g) and (h) of that Regulation; the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1(1)(d) of Regulation (EC) No 1260/2001 and of the economic aspects of the intended exports; in the case of the products referred to in the said Article 1(1)(f) and (g), the refund is to be granted only for products complying with the conditions in Article 5 of Regulation (EC) No 2135/95; for the products referred to in Article 1(1)(h), the refund shall be granted only for products complying with the conditions in Article 6 of Regulation (EC) No 2135/95.

(7) The refunds referred to above must be fixed every month; they may be altered in the intervening period.

(8) Application of these quotas results in fixing refunds for the products in question at the levels given 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,

⁽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.

⁽⁴⁾ OJ L 178, 30.6.2001, p. 63.

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(d)(f)(g) and (h) of Regulation (EC) No 1260/2001, exported in the natural state, shall be set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 June 2002.

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

Done at Brussels, 31 May 2002.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 31 May 2002 fixing the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	A00	EUR/100 kg dry matter	43,83 ⁽²⁾
1702 60 10 9000	A00	EUR/100 kg dry matter	43,83 ⁽²⁾
1702 60 80 9100	A00	EUR/100 kg dry matter	83,28 ⁽⁴⁾
1702 60 95 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4383 ⁽¹⁾
1702 90 30 9000	A00	EUR/100 kg dry matter	43,83 ⁽²⁾
1702 90 60 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4383 ⁽¹⁾
1702 90 71 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4383 ⁽¹⁾
1702 90 99 9900	A00	EUR/1 % sucrose × net 100 kg of product	0,4383 ⁽¹⁾ ⁽³⁾
2106 90 30 9000	A00	EUR/100 kg dry matter	43,83 ⁽²⁾
2106 90 59 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4383 ⁽¹⁾

⁽¹⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EC) No 2135/95). Sucrose content is determined in accordance with Article 3 of Regulation (EC) No 2135/95.

⁽²⁾ Applicable only to products referred to in Article 5 of Regulation (EC) No 2135/95.

⁽³⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Regulation (EEC) No 3513/92 (OJ L 355, 5.12.1992, p. 12).

⁽⁴⁾ Applicable only to products defined under Article 6 of Regulation (EC) No 2135/95.

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 928/2002**of 31 May 2002****fixing the production refund on white sugar used in the chemical industry**

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 7(5) thereof,

Whereas:

- (1) Pursuant to Article 7(3) of Regulation (EC) No 1260/2001, production refunds may be granted on the products listed in Article 1(1)(a) and (f) of that Regulation, on syrups listed in Article 1(1)(d) thereof and on chemically pure fructose covered by CN code 1702 50 00 as an intermediate product, that are in one of the situations referred to in Article 23(2) of the Treaty and are used in the manufacture of certain products of the chemical industry.
- (2) Commission Regulation (EC) No 1265/2001 of 27 June 2001 laying down detailed rules for the application of Council Regulation (EC) No 1260/2001 as regards granting the production refund on certain sugar products used in the chemical industry ⁽³⁾ lays down the rules for determining the production refunds and specifies the chemical products the basic products used in the manufacture of which attract a production refund. Articles 5, 6 and 7 of Regulation (EC) No 1265/2001 provide that the production refund applying to raw sugar, sucrose syrups and unprocessed isoglucose is to be derived from the refund fixed for white sugar in accordance with a method of calculation specific to each basic product.
- (3) Article 9 of Regulation (EC) No 1265/2001 provides that the production refund on white sugar is to be fixed at monthly intervals commencing on the first day of each

month. It may be adjusted in the intervening period where there is a significant change in the prices for sugar on the Community and/or world markets. The application of those provisions results in the production refund fixed in Article 1 of this Regulation for the period shown.

- (4) As a result of the amendment to the definition of white sugar and raw sugar in Article 1(2)(a) and (b) of Regulation (EC) No 1260/2001, flavoured or coloured sugars or sugars containing any other added substances are no longer deemed to meet those definitions and should thus be regarded as 'other sugar'. However, in accordance with Article 1 of Regulation (EC) No 1265/2001, they attract the production refund as basic products. A method should accordingly be laid down for calculating the production refund on these products by reference to their sucrose content.
- (5) 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 production refund on white sugar referred to in Article 4 of Regulation (EC) No 1265/2001 shall be equal to EUR 40,828/100 kg net.

Article 2

This Regulation shall enter into force on 1 June 2002.

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

Done at Brussels, 31 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 178, 30.6.2001, p. 63.

COMMISSION REGULATION (EC) No 929/2002
of 31 May 2002
fixing the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ⁽³⁾, as last amended by Regulation (EC) No 597/2002 ⁽⁴⁾, and in particular Article 2(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 June 2002.

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

Done at Brussels, 31 May 2002.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 91, 6.4.2002, p. 9.

ANNEX I

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

CN code	Description	Import duty ⁽²⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality ⁽¹⁾	0,00
1001 90 91	Common wheat seed	0,00
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	0,00
	medium quality	13,29
	low quality	23,12
1002 00 00	Rye	34,51
1003 00 10	Barley, seed	34,51
1003 00 90	Barley, other ⁽⁴⁾	34,51
1005 10 90	Maize seed other than hybrid	46,56
1005 90 00	Maize other than seed ⁽⁵⁾	46,56
1007 00 90	Grain sorghum other than hybrids for sowing	34,51

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

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

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

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

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

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

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

ANNEX II

Factors for calculating duties

(period from 16 to 30 May 2002)

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

Exchange quotations	Minneapolis	Kansas City	Chicago	Chicago	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	Medium quality (*)	US barley 2
Quotation (EUR/t)	117,34	112,72	108,86	89,42	188,48 (**)	178,48 (**)	105,79 (**)
Gulf premium (EUR/t)	—	22,69	16,72	12,72	—	—	—
Great Lakes premium (EUR/t)	25,78	—	—	—	—	—	—

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

(**) Fob Duluth.

2. Freight/cost: Gulf of Mexico–Rotterdam: 18,42 EUR/t; Great Lakes–Rotterdam: 26,82 EUR/t.

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

COMMISSION REGULATION (EC) No 930/2002**of 31 May 2002****fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty**

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⁾, and in particular Article 27(5)(a) and (15),

Whereas:

- (1) Article 27(1) and (2) of Regulation (EEC) No 1260/2001 provides that the differences between the prices in international trade for the products listed in Article 1(1)(a), (c), (d), (f), (g) and (h) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in the Annex to that Regulation. Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty and the criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EC) No 595/2002 ⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex I to Regulation (EC) No 1260/2001.
- (2) In accordance with Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.
- (3) Article 27(3) of Regulation (EC) No 1260/2001 and Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lay down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing.

- (4) The refunds fixed under this Regulation may be fixed in advance as the market situation over the next few months cannot be established at the moment.
- (5) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.
- (6) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.
- (7) 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 rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed in Article 1(1) and (2) of Regulation (EC) No 1260/2001, exported in the form of goods listed in Annex V to Regulation (EC) No 1260/2001, are fixed as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 June 2002.

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

Done at Brussels, 31 May 2002.

For the Commission

Erkki LIIKANEN

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 177, 15.7.2000, p. 1.

⁽⁴⁾ OJ L 91, 6.4.2002, p. 5.

ANNEX

to the Commission Regulation of 31 May 2002 fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty

Product	Rate of refund in EUR/100 kg	
	In case of advance fixing of refunds	Other
White sugar:	43,83	43,83

COMMISSION REGULATION (EC) No 931/2002**of 31 May 2002****fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty**

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 15 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 31(3) thereof,

Whereas:

(1) Article 31(1) of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1 (a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund. Whereas Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EC) No 595/2002 ⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EC) No 1255/1999.

(2) In accordance with the first subparagraph of Article 4 (1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.

(3) Article 4(3) of Regulation (EC) No 1520/2000 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organisation of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products.

(4) Article 11(1) of Regulation (EC) No 1255/1999 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions.

(5) 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 ⁽⁵⁾, as last amended by Regulation (EC) No 721/2002 ⁽⁶⁾, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods.

(6) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.

(7) 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

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed in Article 1 of Regulation (EC) No 1255/1999, exported in the form of goods listed in the Annex to Regulation (EC) No 1255/1999, are hereby fixed as shown in the Annex to this Regulation.

2. No rates of refund are fixed for any of the products referred to in the preceding paragraph which are not listed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 June 2002.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 177, 15.7.2000, p. 1.

⁽⁴⁾ OJ L 91, 6.4.2002, p. 5.

⁽⁵⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁶⁾ OJ L 112, 27.4.2002, p. 4.

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

Done at Brussels, 31 May 2002.

For the Commission
Erkki LIIKANEN
Member of the Commission

ANNEX

to the Commission Regulation of 31 May 2002 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty

(EUR/100 kg)

CN code	Description	Rate of refund
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2): (a) On exportation of goods of CN code 3501 (b) On exportation of other goods	— 65,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3): (a) Where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 2571/97 are exported (b) On exportation of other goods	76,64 103,00
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6): (a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 2571/97 are exported (b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat (c) On exportation of other goods	90,00 182,25 175,00

COMMISSION REGULATION (EC) No 932/2002**of 31 May 2002****fixing the compensatory aid for bananas produced and marketed in the Community in 2001, the time limit for payment of the balance of the aid and the unit value of the advances for 2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 2587/2001 ⁽²⁾, and in particular Article 12(6) and Article 14 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 1858/93 ⁽³⁾, as last amended by Regulation (EC) No 471/2001 ⁽⁴⁾, lays down detailed rules for applying Regulation (EEC) No 404/93 as regards the aid scheme to compensate for loss of income from marketing in the banana sector.
- (2) Under Article 12 of Regulation (EEC) No 404/93, the compensatory aid is calculated on the basis of the difference between the flat-rate reference income and the average production income from bananas produced and marketed in the Community during the year in question. Supplementary aid is granted in one or more producer regions where the average income from production is significantly lower than the average for the Community.
- (3) Article 2(2) of Regulation (EEC) No 1858/93 fixes the flat-rate reference income at EUR 64,03 per 100 kilograms net weight of green bananas ex-packing shed.
- (4) In 2001, the average production income, calculated on the basis of the average of the prices for bananas marketed outside the producer regions at the stage of delivery at first port of unloading (goods not unloaded) on the one hand and the selling prices on local markets for bananas marketed in their producer region on the other, less the flat-rate amounts laid down in Article 3(2) of Regulation (EEC) No 1858/93, was less than the flat-rate reference income fixed for 2001. The compensatory aid to be granted in respect of 2001 should be fixed accordingly.
- (5) The unit amount of advances and of the relevant security depend on the aid fixed for the preceding year pursuant to Article 4(2) and (3) of Regulation (EEC) No 1858/93.

- (6) The annual average production income from the marketing of bananas produced in Portugal has proved to be significantly lower than the Community average during 2001. As a result, supplementary aid should be granted in the producer regions in Portugal under Article 12(6) of Regulation (EEC) No 404/93, in accordance with the practice followed in recent years. As regards the regions in Portugal, and Madeira in particular, the data for 2001 reveal extremely difficult production and marketing conditions, requiring supplementary aid to be fixed at a level covering 75 % of the difference between the average income in the Community and the average recorded on selling products in those regions.
- (7) Given that not all the necessary data were available, it has not hitherto been possible to determine the compensatory aid for 2001. Provision should be made for the balance of the aid for 2001 and of the advances for bananas marketed during January and February 2002 to be paid within two months of the publication of this Regulation.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Bananas,

HAS ADOPTED THIS REGULATION:

Article 1

1. The compensatory aid provided for in Article 12 of Regulation (EEC) No 404/93 for fresh bananas falling within CN code ex 0803, excluding plantain bananas, produced and marketed in the Community in 2001 shall be EUR 28,36 per 100 kilograms.
2. The aid fixed in paragraph 1 shall be increased by EUR 8 per 100 kilograms for bananas produced in producer regions in Portugal.

Article 2

Advances for bananas marketed from January to December 2002 shall amount to EUR 19,85 per 100 kilograms. The relevant security shall be EUR 9,92 per 100 kilograms.

⁽¹⁾ OJ L 47, 25.2.1993, p. 1.

⁽²⁾ OJ L 345, 29.12.2001, p. 13.

⁽³⁾ OJ L 170, 13.7.1993, p. 5.

⁽⁴⁾ OJ L 67, 9.3.2001, p. 52.

Article 3

By derogation from Article 10 of Regulation (EEC) No 1858/93, the competent authorities of the Member States shall pay the balance of the compensatory aid to be granted in respect of 2001 and the advance for bananas marketed during January and February 2002 within two months of the entry into force of this Regulation.

Article 4

This Regulation shall enter into force on the third 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, 31 May 2002.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 933/2002**of 31 May 2002****opening and providing for the management of tariff quotas for certain agricultural products originating in Switzerland, and repealing Regulation (EC) No 851/95**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council and Commission Decision 2002/309/EC, Euratom as regards the Agreement on Scientific and Technological Cooperation of 4 April 2002 on the conclusion of seven Agreements with the Swiss Confederation ⁽¹⁾, and in particular the Agreement on trade in agricultural products ⁽²⁾, hereinafter called 'the Agreement', and in particular Article 2 thereof,

Whereas:

- (1) It is necessary to open and provide the management rules for the tariff quotas provided in Annex 2 of the Agreement.
- (2) These tariff quotas should be managed by the Community authorities and the Member States in accordance with the management system for tariff quotas provided for in Articles 308a, 308b and 308c of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾, as last amended by Commission Regulation (EC) No 444/2002 ⁽⁴⁾.
- (3) To be eligible for the benefit of these tariff quotas products must originate in Switzerland in conformity with the rules referred to in Article 4 of the Agreement.
- (4) The tariff quota for table cherries of CN code 0809 20 95 replaces the tariff quota for the same product, the subject of order No 09.0901, laid down by Council Regulation (EC) No 851/95 ⁽⁵⁾. That Regulation will thereby become redundant and should be repealed from the date of entry into force of the Agreement.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

1. Subject to paragraph 2, the tariff quotas for products originating in Switzerland listed in the Annex to this Regulation shall be opened annually, and at the rates of customs duty indicated in that Annex, from 1 January to 31 December.
2. In 2002, the tariff quotas shall be opened from 1 June to 31 December. The annual volumes shall be reduced to a level in proportion to the number of months the tariff quotas are open. Any fractions of a tonne resulting from this calculation shall be rounded up to the next complete tonne.

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission in accordance with the Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

Article 3

Regulation (EC) No 851/95 shall be repealed from 1 June 2002.

Article 4

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, 31 May 2002.

For the Commission

Frederik BOLKESTEIN

Member of the Commission

⁽¹⁾ OJ L 114, 30.4.2002, p. 1.

⁽²⁾ OJ L 114, 30.4.2002, p. 132.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁴⁾ OJ L 68, 12.3.2002, p. 11.

⁽⁵⁾ OJ L 86, 20.4.1995, p. 7.

ANNEX

List of tariff quotas

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is considered to be as having no more than an indicative value, the coverage of the tariff quotas within the context of this Annex, being determined by the coverage of the CN codes. Where ex CN codes are indicated, the coverage of the tariff quotas is to be determined by application of the CN code and corresponding description taken together.

Order No	CN code	TARIC code	Description	Rate of duty	Annual volume (in tonnes net weight)
09.0921	0701 10 00		Seed potatoes, fresh or chilled	Free	4 000
09.0922	0702 00 00		Tomatoes, fresh or chilled	Free (*)	1 000
09.0923	0703 10 19 0703 90 00		Onions other than sets, leeks and other alliacious vegetables, fresh or chilled	Free	5 000
09.0924	0704 10 00 0704 90		Cabbages, cauliflowers, kohlrabi, kale and other similar edible brassicas with the exception of Brussels sprouts, fresh or chilled	Free	5 500
09.0925	0705 11 00 0705 19 00 0705 29 00		Lettuce (<i>Lactuca sativa</i>) and chicory (<i>Cichorium</i> spp.), with the exception of Witloof chicory (<i>Cichorium intypus</i> var. <i>foliosum</i>), fresh or chilled	Free	3 000
09.0926	0706 10 00		Carrots and turnips, fresh or chilled	Free	5 000
09.0927	0706 90 10 0706 90 90		Salad beetroot, salsify, celeriac, radishes and similar edible roots, with the exception of horse-radish (<i>Cochlearia armoracia</i>), fresh or chilled	Free	3 000
09.0928	0707 00 05		Cucumbers, fresh or chilled	Free (*)	1 000
09.0929	0708 20 00		Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.), fresh or chilled	Free	1 000
09.0930	0709 30 00		Aubergines (eggplants), fresh or chilled	Free	500
09.0931	0709 40 00		Celery other than celeriac, fresh or chilled	Free	500
09.0932	0709 70 00		Spinach, New Zealand spinach and orache spinach (garden spinach), fresh or chilled	Free	1 000
09.0933	0709 90 10		Salad vegetables, other than lettuce (<i>Lactuca sativa</i>) and chicory (<i>Cichorium</i> spp.), fresh or chilled	Free	1 000
09.0934	0709 90 50		Fennel, fresh or chilled	Free	1 000
09.0935	0709 90 70		Courgettes, fresh or chilled	Free (*)	1 000
09.0936	0709 90 90		Other vegetables, fresh or chilled	Free	1 000
09.0937	ex 0808 10 20 ex 0808 10 50 ex 0808 10 90	90 90 90	Apples, other than cider apples, fresh	Free (*)	3 000

Order No	CN code	TARIC code	Description	Rate of duty	Annual volume (in tonnes net weight)
09.0938	0808 20		Pears and quinces, fresh	Free (*)	3 000
09.0939	0809 10 00		Apricots, fresh	Free (*)	500
09.0940	0809 20 95		Cherries, other than sour cherries (<i>Prunus cerasus</i>), fresh	Free (*)	1 500 ⁽¹⁾
09.0941	0809 40		Plums and sloes, fresh	Free (*)	1 000
09.0942	0810 20 10		Raspberries, fresh	Free	100
09.0943	0810 20 90		Blackberries, mulberries and loganberries, fresh	Free	100
09.0944	1106 30 10		Flour, metal and powder of bananas	Free	5
09.0945	0710 10 00		Potatoes, uncooked or cooked by steaming or boiling in water, frozen	Free	3 000
	2004 10 10 2004 10 99		Potatoes, prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading No 2006, with the exception of flour, meal or flakes		
	2005 20 80		Potatoes, prepared or otherwise preserved than by vinegar or acetic acid, not frozen, other than products of heading No 2006, with the exception of flour, meal or flakes and preparations that are thinly sliced, fried or baked, whether or not salted or flavoured, in airtight packings, suitable for immediate consumption		
09.0946	ex 0811 90 19	21 29 31 39	Cherries, uncooked or cooked by steaming or boiling in water, frozen, containing added sugar or other sweetening matter	Free	500
	ex 0811 90 39	21 29 31 39			
	0811 90 80		Cherries, other than sour cherries (<i>Prunus cerasus</i>), uncooked or cooked by steaming or boiling in water, frozen, not containing added sugar or other sweetening matter		
	2008 60		Cherries, other prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included		

(*) The reduction of duty within these tariff quotas is limited to the *ad valorem* element. Entry prices and their specific duties remain applicable.

⁽¹⁾ The tariff quota opened by Regulation (EC) No 851/95 (order No 09.901) is available for claims for quota benefit on customs declarations accepted no later than 31 May 2002. In 2002, the volume of the new tariff quota of cherries (order No 09.0940) is calculated by summing the quantities, unused in 2002, under the former quota (order No 09.0901) and a supplementary volume of 500 t reduced pro rata temporis in accordance with the provisions of Article 1(2).

**COMMISSION REGULATION (EC) No 934/2002
of 31 May 2002
fixing the export refunds on beef and veal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Commission Regulation (EC) No 2345/2001 ⁽²⁾, and in particular Article 33(12) thereof,

Whereas:

- (1) Article 33 of Regulation (EC) No 1254/1999 provides that the difference between prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EEC) No 32/82 ⁽³⁾, as last amended by Regulation (EC) No 744/2000 ⁽⁴⁾, Regulation (EEC) No 1964/82 ⁽⁵⁾, as last amended by Regulation (EC) No 2772/2000 ⁽⁶⁾, and Regulation (EEC) No 2388/84 ⁽⁷⁾, as last amended by Regulation (EEC) No 3661/92 ⁽⁸⁾, lay down the conditions for granting special export refunds on certain cuts of beef and veal and certain preserved beef and veal products.
- (3) It follows from applying those rules and criteria to the foreseeable situation on the market in beef and veal that the refund should be as set out below.
- (4) Given the current market situation in the Community and the possibilities of disposal in certain third countries in particular, export refunds should be granted, on the one hand, on bovine animals intended for slaughter of a live weight greater than 220 kilograms and less than 300 kilograms, and, on the other on adult bovine animals of a live weight of at least 300 kilograms.
- (5) Export refunds should be granted for certain destinations on some fresh or chilled meat listed in the Annex under CN code 0201, on some frozen meat listed in the Annex under CN code 0202, on some meat or offal listed in the Annex under CN code 0206 and on some other

prepared or preserved meat or offal listed in the Annex under CN code 1602 50 10.

- (6) In view of the wide differences in products covered by CN codes 0201 20 90 9700 and 0202 20 90 9100 used for refund purposes, refunds should only be granted on cuts in which the weight of bone does not exceed one third.
- (7) In the case of meat of bovine animals, boned or boneless, salted and dried, there are traditional trade flows to Switzerland. To allow this trade to continue, the refund should be set to cover the difference between prices on the Swiss market and export prices in the Member States.
- (8) In the case of certain other cuts and preserves of meat or offal shown in the Annex under CN codes 1602 50 31 to 1602 50 80, the Community share of international trade may be maintained by granting a refund corresponding to that at present available.
- (9) In the case of other beef and veal products, a refund need not be fixed since the Community's share of world trade is not significant.
- (10) Commission Regulation (EEC) No 3846/87 ⁽⁹⁾, as last amended by Regulation (EC) No 749/2002 ⁽¹⁰⁾, establishes the agricultural product nomenclature for the purposes of export refunds.
- (11) In order to simplify customs export formalities for operators, the refunds on all frozen cuts should be brought into line with those on fresh or chilled cuts other than those from adult male bovine animals.
- (12) Checks on products covered by CN code 1602 50 should be stepped up by making the granting of refunds on these products conditional on manufacture under the arrangements provided for in Article 4 of Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products ⁽¹¹⁾, as amended by Regulation (EEC) No 2026/83 ⁽¹²⁾.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 315, 1.12.2001, p. 29.

⁽³⁾ OJ L 4, 8.1.1982, p. 11.

⁽⁴⁾ OJ L 89, 11.4.2000, p. 3.

⁽⁵⁾ OJ L 212, 21.7.1982, p. 48.

⁽⁶⁾ OJ L 321, 19.12.2000, p. 35.

⁽⁷⁾ OJ L 221, 18.8.1984, p. 28.

⁽⁸⁾ OJ L 370, 19.12.1992, p. 16.

⁽⁹⁾ OJ L 366, 26.12.1987, p. 1.

⁽¹⁰⁾ OJ L 115, 1.5.2002, p. 20.

⁽¹¹⁾ OJ L 62, 7.3.1980, p. 5.

⁽¹²⁾ OJ L 199, 22.7.1983, p. 12.

- (13) Refunds on female animals should vary depending on their age in order to prevent abuses in the export of certain pure-bred breeding animals.
- (14) Opportunities exist for the export to certain third countries of heifers other than those intended for slaughter, but to prevent any abuse control criteria should be laid down to ensure that these animals are not more than 36 months old.
- (15) Under Article 6(2) of Regulation (EEC) No 1964/82, the special refund is to be reduced if the quantity of boned meat to be exported amounts to less than 95 %, but not less than 85 %, of the total weight of cuts produced by boning.
- (16) The negotiations on the adoption of additional concessions, held within the framework of the Europe Agreements between the European Community and the associated Central and Eastern European Countries, aim in particular to liberalise trade in products covered by the common organisation of the market in beef and veal. The abolition of refunds may not, however, lead to the creation of a differentiated refund for exports to other countries. Provision should therefore be made for a new destination country code, 'B00', and the fact that no refund has been fixed for these countries should not be considered to mean that there is a differential refund.
- (17) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

1. The list of products on which export refunds as referred to in Article 33 of Regulation (EC) No 1254/1999 are granted

and the amount thereof and the destinations shall be as set out in the Annex to this Regulation.

2. The products must meet the relevant health marking requirements of:

- Chapter XI of Annex I to Council Directive 64/433/EEC ⁽¹⁾,
- Chapter VI of Annex I to Council Directive 94/65/EC ⁽²⁾,
- Chapter VI of Annex B to Council Directive 77/99/EEC ⁽³⁾.

Article 2

The grant of the refund for product code 0102 90 59 9000 of the nomenclature for export refunds and for exports to the third country 075 listed in the Annex to this Regulation shall be subject to presentation, when the customs formalities for export are completed, of the original and one copy of the veterinary certificate signed by an official veterinarian certifying that these are heifers of an age of not more than 36 months. The original of the certificate shall be returned to the exporter and the copy, certified as being in accordance with the regulations by the customs authorities, shall be attached to the application for payment of the refund.

Article 3

In the case referred to in the third subparagraph of Article 6(2) of Regulation (EEC) No 1964/82 the rate of the refund on products falling within CN code 0201 30 00 9100 shall be reduced by EUR 14,00/100 kg.

Article 4

The fact that no refund has been fixed for exports to Estonia, Lithuania and Latvia shall not be considered to mean that there is a differentiated refund.

Article 5

This Regulation shall enter into force on 1 June 2002.

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

Done at Brussels, 31 May 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 121, 29.7.1964, p. 2012/64.

⁽²⁾ OJ L 368, 31.12.1994, p. 10.

⁽³⁾ OJ L 26, 31.1.1977, p. 85.

ANNEX

to the Commission Regulation of 31 May 2002 fixing export refunds on beef

Product code	Destination	Unit of measurement	Refunds (°)
0102 10 10 9120	B00	EUR/100 kg live weight	53,00
0102 10 10 9130	B02	EUR/100 kg live weight	15,50
	B03	EUR/100 kg live weight	9,50
	039	EUR/100 kg live weight	5,00
0102 10 30 9120	B00	EUR/100 kg live weight	53,00
0102 10 30 9130	B02	EUR/100 kg live weight	15,50
	B03	EUR/100 kg live weight	9,50
	039	EUR/100 kg live weight	5,00
0102 10 90 9120	B00	EUR/100 kg live weight	53,00
0102 90 41 9100	B02	EUR/100 kg live weight	41,00
0102 90 51 9000	B02	EUR/100 kg live weight	15,50
	B03	EUR/100 kg live weight	9,50
	039	EUR/100 kg live weight	5,00
0102 90 59 9000	B02	EUR/100 kg live weight	15,50
	B03	EUR/100 kg live weight	9,50
	039	EUR/100 kg live weight	5,00
	075 (°)	EUR/100 kg live weight	53,00
0102 90 61 9000	B02	EUR/100 kg live weight	15,50
	B03	EUR/100 kg live weight	9,50
	039	EUR/100 kg live weight	5,00
0102 90 69 9000	B02	EUR/100 kg live weight	15,50
	B03	EUR/100 kg live weight	9,50
	039	EUR/100 kg live weight	5,00
0102 90 71 9000	B02	EUR/100 kg live weight	41,00
	B03	EUR/100 kg live weight	23,00
	039	EUR/100 kg live weight	14,00
0102 90 79 9000	B02	EUR/100 kg live weight	41,00
	B03	EUR/100 kg live weight	23,00
	039	EUR/100 kg live weight	14,00
0201 10 00 9110 (°)	B02	EUR/100 kg net weight	71,50
	B03	EUR/100 kg net weight	43,00
	039	EUR/100 kg net weight	23,50
0201 10 00 9120	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0201 10 00 9130 (°)	B02	EUR/100 kg net weight	97,00
	B03	EUR/100 kg net weight	56,50
	039	EUR/100 kg net weight	33,50
0201 10 00 9140	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	14,00
	039	EUR/100 kg net weight	16,00
0201 20 20 9110 (°)	B02	EUR/100 kg net weight	97,00
	B03	EUR/100 kg net weight	56,50
	039	EUR/100 kg net weight	33,50

Product code	Destination	Unit of measurement	Refunds (°)
0201 20 20 9120	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	14,00
	039	EUR/100 kg net weight	16,00
0201 20 30 9110 ⁽¹⁾	B02	EUR/100 kg net weight	71,50
	B03	EUR/100 kg net weight	43,00
	039	EUR/100 kg net weight	23,50
0201 20 30 9120	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0201 20 50 9110 ⁽¹⁾	B02	EUR/100 kg net weight	123,00
	B03	EUR/100 kg net weight	71,50
	039	EUR/100 kg net weight	41,00
0201 20 50 9120	B02	EUR/100 kg net weight	58,50
	B03	EUR/100 kg net weight	17,50
	039	EUR/100 kg net weight	19,50
0201 20 50 9130 ⁽¹⁾	B02	EUR/100 kg net weight	71,50
	B03	EUR/100 kg net weight	43,00
	039	EUR/100 kg net weight	23,50
0201 20 50 9140	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0201 20 90 9700	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0201 30 00 9050	400 ⁽³⁾	EUR/100 kg net weight	23,50
	404 ⁽⁴⁾	EUR/100 kg net weight	23,50
0201 30 00 9060 ⁽⁶⁾	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	13,00
	039	EUR/100 kg net weight	15,00
	809, 822	EUR/100 kg net weight	37,00
0201 30 00 9100 ⁽²⁾ ⁽⁶⁾	B02	EUR/100 kg net weight	172,00
	B03	EUR/100 kg net weight	102,00
	039	EUR/100 kg net weight	60,00
	809, 822	EUR/100 kg net weight	152,50
0201 30 00 9120 ⁽²⁾ ⁽⁶⁾	B08	EUR/100 kg net weight	94,50
	B09	EUR/100 kg net weight	88,00
	B03	EUR/100 kg net weight	56,50
	039	EUR/100 kg net weight	33,00
	809, 822	EUR/100 kg net weight	83,50
0202 10 00 9100	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0202 10 00 9900	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	14,00
	039	EUR/100 kg net weight	16,00
0202 20 10 9000	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	14,00
	039	EUR/100 kg net weight	16,00
0202 20 30 9000	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50

Product code	Destination	Unit of measurement	Refunds (°)
0202 20 50 9100	B02	EUR/100 kg net weight	58,50
	B03	EUR/100 kg net weight	17,50
	039	EUR/100 kg net weight	19,50
0202 20 50 9900	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0202 20 90 9100	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0202 30 90 9100	400 ⁽³⁾	EUR/100 kg net weight	23,50
	404 ⁽⁴⁾	EUR/100 kg net weight	23,50
0202 30 90 9200 ⁽⁶⁾	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	13,00
	039	EUR/100 kg net weight	15,00
	809, 822	EUR/100 kg net weight	37,00
0206 10 95 9000	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	13,00
	039	EUR/100 kg net weight	15,00
	809, 822	EUR/100 kg net weight	37,00
0206 29 91 9000	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	13,00
	039	EUR/100 kg net weight	15,00
	809, 822	EUR/100 kg net weight	37,00
0210 20 90 9100	039	EUR/100 kg net weight	23,00
1602 50 10 9170 ⁽⁸⁾	B02	EUR/100 kg net weight	22,50
	B03	EUR/100 kg net weight	15,00
	039	EUR/100 kg net weight	17,50
1602 50 31 9125 ⁽⁵⁾	B00	EUR/100 kg net weight	88,50
1602 50 31 9325 ⁽⁵⁾	B00	EUR/100 kg net weight	79,00
1602 50 39 9125 ⁽⁵⁾	B00	EUR/100 kg net weight	88,50
1602 50 39 9325 ⁽⁵⁾	B00	EUR/100 kg net weight	79,00
1602 50 39 9425 ⁽⁵⁾	B00	EUR/100 kg net weight	30,00
1602 50 39 9525 ⁽⁵⁾	B00	EUR/100 kg net weight	30,00
1602 50 80 9535 ⁽⁸⁾	B00	EUR/100 kg net weight	17,50

⁽¹⁾ Entry under this subheading is subject to the submission of the certificate appearing in the Annex to amended Commission Regulation (EEC) No 32/82.

⁽²⁾ The refund is granted subject to compliance with the conditions laid down in amended Regulation (EEC) No 1964/82.

⁽³⁾ Carried out in accordance with amended Commission Regulation (EEC) No 2973/79 (OJ L 336, 29.12.1979, p. 44).

⁽⁴⁾ Carried out in accordance with amended Commission Regulation (EC) No 2051/96 (OJ L 274, 26.10.1996, p. 18).

⁽⁵⁾ OJ L 221, 18.8.1984, p. 28.

⁽⁶⁾ The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86 (OJ L 210, 1.8.1986, p. 39).

The term 'average content' refers to the sample quantity as defined in Article 2(1) of Regulation (EC) No 2457/97 (OJ L 340, 11.12.1997, p. 29). The sample is to be taken from that part of the consignment presenting the highest risk.

⁽⁷⁾ Article 33(10) of amended Regulation (EC) No 1254/1999 provides that no export refunds shall be granted on products imported from third countries and re-exported to third countries.

⁽⁸⁾ The refund is granted only on products manufactured under the arrangement provided for in Article 4 of amended Council Regulation (EEC) No 565/80.

⁽⁹⁾ The grant of the refund is subject to compliance with the conditions referred to in Article 2 of this Regulation.

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 Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6).

The other destinations are defined as follows:

B00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Estonia, Lithuania and Latvia.

B02: B08 and B09

B03: Ceuta, Melilla, Iceland, Norway, Faroe Islands, Andorra, Gibraltar, Vatican City, Poland, Czech Republic, Slovakia, Hungary, Romania, Bulgaria, Albania, Slovenia, Croatia, Bosnia and Herzegovina, Yugoslavia, Former Yugoslav Republic of Macedonia, the communes of Livigno and Campione d'Italia, Helgoland, Greenland, Cyprus, stores and provisions (destinations referred to in Articles 36 and 45, and if appropriate in Article 44, of Commission Regulation (EC) No 800/1999, as amended (OJ L 102, 17.4.1999, p. 11))

B08: Malta, Turkey, Ukraine, Belarus, Moldova, Russia, Georgia, Armenia, Azerbaijan, Kazakhstan, Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan, Morocco, Algeria, Tunisia, Libya, Egypt, Lebanon, Syria, Iraq, Iran, Israel, West Bank/Gaza Strip, Jordan, Saudi Arabia, Kuwait, Bahrain, Qatar, United Arab Emirates, Oman, Yemen, Pakistan, Sri Lanka, Myanmar (Burma), Thailand, Vietnam, Indonesia, Philippines, China, North Korea, Hong Kong

B09: Sudan, Mauritania, Mali, Burkina Faso, Niger, Chad, Cape Verde, Senegal, Gambia, Guinea-Bissau, Guinea, Sierra Leone, Liberia, Côte d'Ivoire, Ghana, Togo, Benin, Nigeria, Cameroon, Central African Republic, Equatorial Guinea, São Tomé and Príncipe, Gabon, Congo, Congo (Democratic Republic), Rwanda, Burundi, Saint Helena and dependencies, Angola, Ethiopia, Eritrea, Djibouti, Somalia, Uganda, Tanzania, Seychelles and dependencies, British Indian Ocean Territory, Mozambique, Mauritius, Comoros, Mayotte, Zambia, Malawi, South Africa, Lesotho.

COMMISSION REGULATION (EC) No 935/2002**of 31 May 2002****fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

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 Commission Regulation (EC) No 1666/2000 ⁽²⁾, and in particular the third subparagraph of Article 13(2) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽³⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽⁴⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid ⁽⁵⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section.
- (2) In order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined.

- (3) The general and implementing rules provided for in Article 13 of Regulation (EEC) No 1766/92 and in Article 13 of Regulation (EC) No 3072/95 on export refunds are applicable *mutatis mutandis* to the abovementioned operations.

- (4) The specific criteria to be used for calculating the export refund on rice are set out in Article 13 of Regulation (EC) No 3072/95.

- (5) 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 Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 June 2002.

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

Done at Brussels, 31 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 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 62, 5.3.2002, p. 27.

⁽⁵⁾ OJ L 288, 25.10.1974, p. 1.

ANNEX

to the Commission Regulation of 31 May 2002 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

(EUR/t)

Product code	Refund
1001 10 00 9400	0,00
1001 90 99 9000	5,00
1002 00 00 9000	45,00
1003 00 90 9000	5,00
1005 90 00 9000	24,00
1006 30 92 9100	90,00
1006 30 92 9900	90,00
1006 30 94 9100	90,00
1006 30 94 9900	90,00
1006 30 96 9100	90,00
1006 30 96 9900	90,00
1006 30 98 9100	90,00
1006 30 98 9900	90,00
1006 30 65 9900	90,00
1007 00 90 9000	24,00
1101 00 15 9100	6,85
1101 00 15 9130	6,85
1102 10 00 9500	41,00
1102 20 10 9200	35,63
1102 20 10 9400	30,54
1103 11 10 9200	0,00
1103 13 10 9100	45,81
1104 12 90 9100	0,00

NB: The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), amended.

COMMISSION REGULATION (EC) No 936/2002**of 31 May 2002****fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 98th 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 98th 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 1 June 2002.

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

Done at Brussels, 31 May 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 31 May 2002 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 98th 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	—
	Cream		—	—	36	34
Processing security	Butter		94	—	94	—
	Concentrated butter		116	—	116	—
	Cream		—	—	40	—

COMMISSION REGULATION (EC) No 937/2002**of 31 May 2002****fixing the maximum purchasing price for butter for the 51th 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 51th invitation to tender issued under Regulation (EC) No 2771/1999, for which tenders had to be submitted not later than 28 May 2002, the maximum buying-in price is fixed at 295,38 EUR/100 kg.

Article 2

This Regulation shall enter into force on 1 June 2002.

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

Done at Brussels, 31 May 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 938/2002**of 31 May 2002****fixing the maximum aid for concentrated butter for the 270th 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 270th 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 1 June 2002.

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

Done at Brussels, 31 May 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 939/2002**of 31 May 2002****fixing the maximum export refund on wholly milled round grain rice in connection with the invitation to tender issued in Regulation (EC) No 2007/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by 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 2007/2001 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2007/2001 is hereby fixed on the basis of the tenders submitted from 24 to 30 May 2002 at 125,00 EUR/t.

Article 2

This Regulation shall enter into force on 1 June 2002.

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

Done at Brussels, 31 May 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 940/2002**of 31 May 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 24 to 30 May 2002 at 125,00 EUR/t.

Article 2

This Regulation shall enter into force on 1 June 2002.

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

Done at Brussels, 31 May 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 941/2002**of 31 May 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 24 to 30 May 2002 at 90,00 EUR/t.

Article 2

This Regulation shall enter into force on 1 June 2002.

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

Done at Brussels, 31 May 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 942/2002**of 31 May 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 24 to 30 May 2002 at 200,00 EUR/t.

Article 2

This Regulation shall enter into force on 1 June 2002.

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

Done at Brussels, 31 May 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 943/2002**of 31 May 2002****concerning tenders submitted in response to the invitation to tender for the export of husked long grain rice to the island of Réunion referred to in Regulation (EC) No 2011/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular Article 10(1) thereof,

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

Whereas:

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

(3) On the basis of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89, a maximum subsidy should not be fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders submitted from 27 to 30 May 2002 in response to the invitation to tender referred to in Regulation (EC) No 2011/2001 for the subsidy on exports to Réunion of husked long grain rice falling within CN code 1006 20 98.

Article 2

This Regulation shall enter into force on 1 June 2002.

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

Done at Brussels, 31 May 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 261, 7.9.1989, p. 8.

⁽⁴⁾ OJ L 167, 2.7.1999, p. 19.

⁽⁵⁾ OJ L 272, 13.10.2001, p. 21.

COMMISSION REGULATION (EC) No 944/2002
of 31 May 2002
fixing the import duties in the rice sector

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⁾,

Having regard to Commission Regulation (EC) No 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector ⁽³⁾, as last amended by Regulation (EC) No 2831/98 ⁽⁴⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Article 11 of Regulation (EC) No 3072/95 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties.
- (2) Pursuant to Article 12(3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market or on the Community import market for the product.

- (3) Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice sector.
- (4) The import duties are applicable until new duties are fixed and enter into force. They also remain in force in cases where no quotation is available from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing.
- (5) In order to allow the import duty system to function normally, the market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1503/96 results in import duties being fixed as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the rice sector referred to in Article 11(1) and (2) of Regulation (EC) No 3072/95 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 1 June 2002.

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

Done at Brussels, 31 May 2002.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 189, 30.7.1996, p. 71.

⁽⁴⁾ OJ L 351, 29.12.1998, p. 25.

ANNEX I

Import duties on rice and broken rice

(EUR/t)

CN code	Duties ⁽¹⁾				
	Third countries (except ACP and Bangladesh) ⁽²⁾	ACP ⁽¹⁾ ⁽²⁾ ⁽³⁾	Bangladesh ⁽⁴⁾	Basmati India and Pakistan ⁽⁵⁾	Egypt ⁽⁶⁾
1006 10 21	(7)	69,51	101,16		158,25
1006 10 23	(7)	69,51	101,16		158,25
1006 10 25	(7)	69,51	101,16		158,25
1006 10 27	(7)	69,51	101,16		158,25
1006 10 92	(7)	69,51	101,16		158,25
1006 10 94	(7)	69,51	101,16		158,25
1006 10 96	(7)	69,51	101,16		158,25
1006 10 98	(7)	69,51	101,16		158,25
1006 20 11	264,00	88,06	127,66		198,00
1006 20 13	264,00	88,06	127,66		198,00
1006 20 15	264,00	88,06	127,66		198,00
1006 20 17	264,00	88,06	127,66	14,00	198,00
1006 20 92	264,00	88,06	127,66		198,00
1006 20 94	264,00	88,06	127,66		198,00
1006 20 96	264,00	88,06	127,66		198,00
1006 20 98	264,00	88,06	127,66	14,00	198,00
1006 30 21	(7)	133,21	193,09		312,00
1006 30 23	(7)	133,21	193,09		312,00
1006 30 25	(7)	133,21	193,09		312,00
1006 30 27	(7)	133,21	193,09		312,00
1006 30 42	(7)	133,21	193,09		312,00
1006 30 44	(7)	133,21	193,09		312,00
1006 30 46	(7)	133,21	193,09		312,00
1006 30 48	(7)	133,21	193,09		312,00
1006 30 61	(7)	133,21	193,09		312,00
1006 30 63	(7)	133,21	193,09		312,00
1006 30 65	(7)	133,21	193,09		312,00
1006 30 67	(7)	133,21	193,09		312,00
1006 30 92	(7)	133,21	193,09		312,00
1006 30 94	(7)	133,21	193,09		312,00
1006 30 96	(7)	133,21	193,09		312,00
1006 30 98	(7)	133,21	193,09		312,00
1006 40 00	(7)	41,18	(7)		96,00

⁽¹⁾ The duty on imports of rice originating in the ACP States is applicable, under the arrangements laid down in Council Regulation (EC) No 1706/98 (OJ L 215, 1.8.1998, p. 12) and amended Commission Regulation (EC) No 2603/97 (OJ L 351, 23.12.1997, p. 22).

⁽²⁾ In accordance with Regulation (EC) No 1706/98, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

⁽³⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11(3) of Regulation (EC) No 3072/95.

⁽⁴⁾ The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ L 337, 4.12.1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ L 88, 9.4.1991, p. 7).

⁽⁵⁾ No import duty applies to products originating in the OCT pursuant to Article 101(1) of amended Council Decision 91/482/EEC (OJ L 263, 19.9.1991, p. 1).

⁽⁶⁾ For husked rice of the Basmati variety originating in India and Pakistan, a reduction of EUR/t 250 applies (Article 4a of amended Regulation (EC) No 1503/96).

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

⁽⁸⁾ The duty on imports of rice originating in and coming from Egypt is applicable under the arrangements laid down in Council Regulation (EC) No 2184/96 (OJ L 292, 15.11.1996, p. 1) and Commission Regulation (EC) No 196/97 (OJ L 31, 1.2.1997, p. 53).

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	(¹)	264,00	416,00	264,00	416,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	220,52	260,89	288,00	278,91	—
(b) fob price (EUR/tonne)	—	—	—	256,00	246,91	—
(c) Sea freight (EUR/tonne)	—	—	—	32,00	32,00	—
(d) Source	—	USDA and operators	USDA and operators	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 945/2002
of 31 May 2002
altering the corrective amount applicable to the refund on malt

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 13(8) thereof,

Whereas:

- (1) The corrective amount applicable to the refund on malt was fixed by Commission Regulation (EC) No 514/2002 ⁽³⁾, as amended by Regulation (EC) No 752/2002 ⁽⁴⁾.

- (2) On the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on malt should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 13(4) of Regulation (EEC) No 1766/92 which is applicable to the export refunds fixed in advance in respect of the products referred to is hereby altered to the amount set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 June 2002.

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

Done at Brussels, 31 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 79, 22.3.2002, p. 25.

⁽⁴⁾ OJ L 115, 1.5.2002, p. 27.

ANNEX

to the Commission Regulation of 31 May 2002 altering the corrective amount applicable to the refund on malt

(EUR/t)

Product code	Destination	Current 6	1st period 7	2nd period 8	3rd period 9	4th period 10	5th period 11
1107 10 11 9000	C05	0	0	0	0	0	0
1107 10 19 9000	C05	0	0	-1,18	-2,36	-3,54	-4,72
1107 10 91 9000	C05	0	0	0	0	0	0
1107 10 99 9000	C05	0	0	-1,18	-2,36	-3,54	-4,72
1107 20 00 9000	C05	0	0	-1,39	-2,77	-4,16	-5,54

(EUR/t)

Product code	Destination	6th period 12	7th period 1	8th period 2	9th period 3	10th period 4	11th period 5
1107 10 11 9000	C05	0	0	0	0	0	0
1107 10 19 9000	C05	-5,91	-7,09	-8,27	-9,45	-10,63	-11,81
1107 10 91 9000	C05	0	0	0	0	0	0
1107 10 99 9000	C05	-5,91	-7,09	-8,27	-9,45	-10,63	-11,81
1107 20 00 9000	C05	-6,93	-8,31	-9,70	-11,09	-12,47	-13,86

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 Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6).

The other destinations are defined as follows:

C05 All destinations with the exception of Latvia and Estonia.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 27 May 2002

concerning the conclusion of the Additional Protocol to the Agreement establishing an association between the European Economic Community and the Republic of Malta, to associate Malta to the fifth framework programme for research, technological development and demonstration (1998 to 2002)

(2002/410/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 170(2) thereof in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

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

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

Whereas:

- (1) The Agreement establishing an association between the European Economic Community and Malta ⁽³⁾, entered into force on 1 April 1971.
- (2) The conclusions of the Luxembourg European Council of 12 to 13 December 1997 confirmed the possibility of associating candidate countries to the Community's framework programme in the field of research and technological development as one of the instruments of the pre-accession strategy to be applied to those countries.
- (3) By Decision No 182/1999/EC ⁽⁴⁾, the European Parliament and the Council adopted the fifth framework programme of the European Community for research, technological development and demonstration activities (1998 to 2002).
- (4) The Helsinki European Council of 10 to 11 December 1999 decided to convene a bilateral intergovernmental conference in February 2000 on Malta's accession to the European Union.

- (5) On 3 April 2000, Malta formally informed the Commission that it wished such an association with the fifth framework programme from 1 January 2001.
- (6) By its Decision of 17 October 2000, the Council authorised the Commission to negotiate on behalf of the European Community an Additional Protocol to the Association Agreement, to associate Malta to the fifth framework programme (hereinafter referred to as 'the Additional Protocol').
- (7) By Decision 2001/516/EC ⁽⁵⁾, the Council authorised, subject to its subsequent conclusion, the signature of the Additional Protocol resulting from these negotiations and its entry into force, on a provisional basis, on 1 March 2001.
- (8) The Additional Protocol was signed on 20 June 2001 in Brussels.
- (9) The Additional Protocol should be approved, and its definitive entry into force notified to the Maltese authorities,

HAS DECIDED AS FOLLOWS:

Article 1

The Additional Protocol to the Agreement establishing an association between the European Economic Community and the Republic of Malta, to associate Malta to the fifth framework programme for research, technological development and demonstration (1998 to 2002), is hereby approved on behalf of the Community.

⁽¹⁾ OJ C 103 E, 30.4.2002, p. 208.

⁽²⁾ Opinion delivered on 9 April 2002 (not yet published in the Official Journal).

⁽³⁾ OJ L 61, 14.3.1971, p. 2.

⁽⁴⁾ OJ L 26, 1.2.1999, p. 1.

⁽⁵⁾ OJ L 186, 7.7.2001, p. 34.

Article 2

In accordance with Article 10 of the Additional Protocol, the President of the Council will notify the Republic of Malta of the fact that the Community has completed the procedures necessary for the Additional Protocol to enter into force.

Article 3

This Decision shall take effect on the day of its publication in the *Official Journal of the European Communities*.

Done at Brussels, 27 May 2002.

For the Council

The President

M. ARIAS CAÑETE

COMMISSION

COMMISSION DECISION

of 12 March 2002

on the State aid implemented by Spain for producers of cows' milk considered to be priority producers

(notified under document number C(2002) 905)

(Only the Spanish text is authentic)

(Text with EEA relevance)

(2002/411/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾ as last amended by Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 37 thereof,

Having called on interested parties to submit their comments pursuant to the Article cited above ⁽³⁾,

Whereas:

(3) The Commission decision to initiate the procedure was published in the *Official Journal of the European Communities* ⁽⁴⁾. The Commission invited interested parties to submit their comments on the aid.

(4) The Commission received no comments from interested parties.

(5) By letter dated 11 June 2001, Spain sent a series of comments.

II. DETAILED DESCRIPTION OF THE AID

(6) Title, scheme: aid for the purchase of milk quotas.

I. PROCEDURE

(1) By means of a complaint, the Commission was informed that Spain had implemented an aid for the purchase of reference quantities by producers of cows' milk. By letters dated 27 January 1999 and 23 May 2000, Spain provided the Commission with further information.

(2) By letter dated 2 February 2001, the Commission informed Spain that it had decided to initiate the procedure laid down in Article 88(2) of the EC Treaty in respect of the aid.

(7) Budget: the planned budget for 1998 was ESP 40 million (EUR 240 404,84).

(8) Duration: the aid scheme was to apply for the 1998/1999 milk year, although it was suspended on 31 December 1998 pending the Commission Decision on compatibility with the Treaty.

(9) Recipients: producers of cows' milk falling within the categories of livestock farmers considered to be priority producers for the purposes of allocating reference quantities from the national reserve in accordance with Royal Decree No 1888/1991 of 30 December 1991 establishing a plan for the reorganisation of the milk and milk products sector ⁽⁵⁾.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. This Regulation replaces Regulation (EEC) No 804/68, applicable at the time the aid was paid. Article 23 of Regulation (EEC) No 804/68 laid down that Articles 87 and 88 (former Articles 92 and 93) of the Treaty were applicable to the sector.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ C 87, 17.3.2001.

⁽⁴⁾ See footnote 3.

⁽⁵⁾ Boletín Oficial del Estado No 2, 2.1.1992, p. 84.

- (10) Objective: to facilitate the purchase of reference quantities by producers of cows' milk considered to be priority producers in accordance with Royal Decree No 1888/1991.
- (11) Possible effect of the aid: infringement of the provisions of the common organisation of the market in milk and milk products.
- (12) Aid intensity, eligible costs, overlap with other schemes, etc: the aid consists of an interest-rate rebate on loans contracted with financial institutions to purchase reference quantities from other producers. The terms of the loans are as follows: duration of 60 months; maximum eligible amount of ESP 4 million (EUR 24 040,48); interest rate of 6 % during the first 24 months, then the average monthly MIBOR one-year rate plus one percentage point; a rebate of four percentage points. The grant equivalent, calculated using the method applied to investment aid under Council Regulation (EC) No 950/97 of 20 May 1997 on improving the efficiency of agricultural structures⁽⁶⁾, is 11 % of the cost of purchasing the reference quantity. The aid cannot be combined with other aid for the same type of expenditure.
- (13) Grounds for initiating the procedure: the aid granted by Spain would infringe the provisions of the common organisation of the market in milk and milk products if found to be public aid not authorised by those provisions in a field in which the Community has exclusive competence.
- (16) A holding's individual production quota is a means of production and, as such, may confer the right to aid for the purchase of reference quantities. In accordance with point 4.1.1.6 of the Community Guidelines for State aid in the agriculture sector⁽⁹⁾, aid may be granted for the purchase of production rights only in accordance with the specific provisions of the common organisation of the market concerned and the principles set out in Articles 87 and 88 of the Treaty.
- (17) According to Spain, the objective of the aid is in accordance with those pursued by Community rules, in particular, the restructuring of the milk sector. The aid contributes to the restructuring of the sector by encouraging mechanisms to promote a degree of mobility of reference quantities within a particular geographical area, on the basis of objective criteria. Community rules are contradictory in that they allow the payment of aid of 100 % for the reallocation of reference quantities but do not authorise aid at a much lower level pursuing the same objective.
- (18) As regards the Commission's claim that the aid infringes Article 38 of Regulation (EC) No 1255/1999, which prohibits aid fixed on the basis of price or the quantity produced, Spain takes the view that the aid has no impact whatsoever on prices or on the total quantity produced, since the quantities produced are fixed for each milk year and for each Member State and the intervention prices are the same for all Member States.

IV. ASSESSMENT OF THE AID

Article 87(1) of the Treaty

- III. COMMENTS FROM SPAIN
- (14) By letter dated 11 June 2001, Spain put forward the following position.
- (15) Spain takes the view that, under Article 7(1) of Council Regulation (EEC) No 3950/92 establishing an additional levy in the milk and milk products sector⁽⁷⁾, as last amended by Commission Regulation (EC) No 603/2001⁽⁸⁾, it can be argued that the reference quantities are a capital asset of the holding. Article 8 of that Regulation authorises the transfer of reference quantities between holdings and holders and also permits the payment of financial compensation for the transfer of rights to the national reserve. Article 8(b) lays down that the quantities of milk so released may be allocated to other farmers in return for payment, made in one or more annual instalments.
- (19) Articles 87 and 88 of the Treaty apply to the milk and milk products sector pursuant to Article 37 of Regulation (EC) No 1255/1999.
- (20) Under Article 87(1) of the Treaty, any aid granted by a Member State or through State resources in any form whatsoever that distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods is, in so far as it affects trade between Member States, incompatible with the common market.
- (21) In this case, the aid gives the beneficiaries an advantage by reducing the normal burden on their budgets. The aid is granted by the Member State or using State resources. The aid is specific or selective in that it favours certain undertakings or the production of certain goods, specifically the producers of cows' milk falling within the categories of livestock farmers considered to be priority producers in Asturias.

⁽⁶⁾ OJ L 142, 2.6.1997, p. 1.

⁽⁷⁾ OJ L 405, 31.12.1992, p. 1.

⁽⁸⁾ OJ L 89, 29.3.2001, p. 18.

⁽⁹⁾ OJ C 28, 1.2.2000, p. 2 (corrected version in OJ C 232, 12.8.2000, p. 17).

- (22) To be covered by Article 87(1) of the Treaty, the aid must in addition affect competition and trade between Member States. This implies that the beneficiary of the aid must carry out an economic activity. According to consistent case law concerning this provision, trade is deemed to be affected when the beneficiary undertaking carries out an economic activity that is the subject of trade between Member States. The mere fact that the aid strengthens the undertaking's position in inter-Community trade in relation to other undertakings in the same field is sufficient ground for deeming trade to be affected.
- (23) In this case, the beneficiaries carry out an economic activity, milk production, that is the subject of trade between Member States. Trade between the rest of the Community and Spain is considerable. In 1999, Spain imported 435 778 tonnes of cows' milk from the other Member States and exported 195 426 tonnes to them ⁽¹⁰⁾.
- (24) Consequently, the aid concerned may affect trade in cows' milk between Member States, which is what happens when an aid favours operators active in one Member State at the expense of those in the others. The measures in question have a direct and immediate effect on the cost of production of cows' milk in Spain. They therefore confer an economic advantage not enjoyed by holdings in other Member States because they do not have access to comparable aid. They therefore distort or threaten to distort competition.
- (25) In view of the above, the aid in question must be regarded as State aid within the meaning of Article 87(1) of the Treaty.
- (29) The Commission takes the view that the aid in question was not granted as regional aid for new investment or to create employment, nor to provide horizontal compensation for shortcomings in infrastructures suffered by all the region's undertakings, but as operating aid for the agricultural sector. Consequently, it is clearly sectoral aid that must be assessed in the light of Article 87(3)(c).
- (30) Article 87(3)(c) lays down that aid may be regarded as compatible with the common market if it is intended to facilitate the development of certain economic activities or of certain economic areas and does not adversely affect trading conditions to an extent contrary to the common interest.
- (31) The aid scheme must be assessed, in particular, in the light of that provision.
- (32) In accordance with point 23.3 of the Community Guidelines for State aid in the agriculture sector, illegal aid within the meaning of Article 1(f) of Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the Treaty ⁽¹¹⁾ must be assessed on the basis of the rules and guidelines in force when the aid was granted.
- (33) The aid in question, granted in 1998 without being notified to the Commission, is an illegal aid within the meaning of Article 1(f) of Regulation (EC) No 659/1999 and must be assessed on the basis of the rules in force at the time.

Possible exceptions under Article 87(1) of the Treaty

- (26) However, there is provision for derogations from the principle of incompatibility laid down in Article 87(1) of the Treaty.
- (27) The exceptions to such incompatibility, which are set out in Article 87(2) of the Treaty, are manifestly not applicable in this case. Neither were they invoked by the Spanish authorities.
- (28) The derogations provided for in Article 87(3) of the Treaty must be interpreted strictly when regional or sectoral aid programmes or individual instances of the application of general aid schemes are examined. They can be granted only where the Commission can establish that the aid is necessary for the achievement of one of the objectives concerned. To allow aid not fulfilling that condition to benefit under such derogations would be to permit distortion of competition and of trade between Member States without any justification in terms of the
- (34) The additional levy introduced by Council Regulation (EEC) No 857/84 ⁽¹²⁾, repealed and replaced by Regulation (EEC) No 3950/92, the aim of which is to reduce the imbalance between supply and demand for milk and milk products and reduce surplus production, is currently one of the basic mechanisms of the common organisation of the market concerned.
- (35) Regulation (EEC) No 3950/92 lays down the degree of flexibility with which the additional levy arrangements may be applied by the Member States.
- (36) Under Article 5 of Regulation (EEC) No 3959/92, Member States may replenish their national reserves, without exceeding the overall quantity, following an across-the-board reduction in the individual reference quantities, in order to grant additional or specific quantities to producers determined in accordance with objective criteria agreed with the Commission. Without prejudice to Article 6(1), reference quantities available to producers who have not marketed milk or other milk

⁽¹⁰⁾ Source: Eurostat (1998).

⁽¹¹⁾ OJ L 83, 27.3.1999, p. 1.

⁽¹²⁾ OJ L 90, 1.4.1984, p. 13.

- products during a 12-month period may be allocated to the national reserve and reallocated in accordance with the first subparagraph. Spain cannot justify the aid on the basis of that provision since the reference quantities for the purchase of which the aid was granted were not from the national reserve, were not made available by an across-the-board reduction in individual reference quantities and were not the reference quantities of producers who had not marketed milk or other milk products for a 12-month period.
- (37) Article 8 of Regulation (EEC) No 3950/92 stipulates the actions that Member States may take to restructure milk production. The list of measures provided for is exhaustive and the regulatory framework therefore provides Member States with specific and sufficient means to promote restructuring and an increase in the efficiency of production structures. The granting of aid for the purchase of quotas from other producers is not one of the measures provided for. On the contrary, Article 8(b) lays down that the Member States may determine on the basis of objective criteria the conditions under which producers may obtain, in return for payment, at the beginning of a 12-month period, the reallocation by the competent authority or by the body designated by that authority of reference quantities released definitively at the end of the preceding 12-month period by other producers in return for compensation in one or more annual instalments equal to the abovementioned payment.
- (38) The common organisation of the market does not just contain provisions on prices but also includes various mechanisms and provisions that together form a complete and exhaustive system which, the Commission has repeatedly affirmed, may not be derogated from and which, in accordance with the consistent case law of the Court of Justice of the European Communities, precludes the Member States from taking measures that infringe or derogate from it (see judgment of the Court of Justice of the European Communities of 26 June 1979 in Case 177/78, *Pigs and Bacon Commission v McCarren and Company Limited* ⁽¹³⁾).
- (39) The common organisation of the market in milk and milk products is based, as are all the other common organisations of the market, on the principle of an open market to which all producers have free access, governed solely by the instruments provided for by that organisation.
- (40) The aid granted by Spain thus infringes the provisions of the common organisation of the market in milk and milk products in that it takes the form of a State aid not authorised by those provisions in an area for which the Community has exclusive responsibility.
- (41) The application of Articles 87, 88 and 89 remains subject to the provisions of the relevant Regulations. In other words, recourse by a Member State to Articles 87, 88 and 89 cannot override the provisions of the Regulation governing the market organisation concerned. Under no circumstances, therefore, can the Commission approve aid which is incompatible with the provisions governing a common organisation of the market or which would impair the smooth operation of that organisation.
- (42) With regard to the arguments put forward by Spain, the Commission's position is as follows.
- (43) Aid for the purchase of production rights may be granted only if it complies with the provisions of the corresponding common organisation of the market. In this case, the aid granted does not comply with the provisions of the common organisation of the market in milk and milk products for the reasons stated. Even if the aim is not to undermine that common organisation of the market, that could be its effect (as is that of all measures that distort the rules governing the operation of the market of a particular sector).
- (44) The milk and milk products sector is being restructured throughout the Community on the basis of the mechanisms provided for in Community rules, which provide adequate means without the need for State aid such as that under consideration.
- (45) In addition, in accordance with consistent case law, from the moment the Community lays down a common organisation of the market in a particular sector, it is the Community that is responsible for finding solutions to problems under the common agricultural policy. The Member States must not therefore adopt unilateral measures, even where they are compatible with the Community's common policy (see judgment of the Court of Justice of 6 November 1990 in Case C-86/89, *Italy v Commission* ⁽¹⁴⁾).
- (46) Similarly, the aid for the purchase of quotas could force up their price and distort the smooth operation of the common organisation of the market. The price could increase because the vendor of reference quantities, knowing that the purchaser will be granted aid to finance the purchase, could increase the sales price to take that into account.

⁽¹³⁾ [1979] ECR 2161. Spanish Special Edition 1979, p. 1083.

⁽¹⁴⁾ [1990] ECR I-3891.

- (47) On a previous occasion, the Commission also took the view that aid in the form of reduced-rate loans for the purchase of reference quantities was incompatible with the common market on the basis of Article 87 (former Article 92) of the Treaty (see Commission Decision 96/616/EC⁽¹⁵⁾ on aid granted by the Region of Friuli-Venezia Giulia, Italy). Currently, point 4.1.1.6. of the Community Guidelines for State aid in the agriculture sector lays down that no aids may be granted for the purchase of production rights except in accordance with the specific provisions of the common organisation of the market concerned and the principles set out in Articles 87, 88 and 89 of the Treaty.
- (48) In the light of the above, the Commission cannot accept the arguments put forward by Spain.

Conclusion

- (49) On the basis of the above and the applicable Community rules, the Commission takes the view that, as regards the derogations provided for in Article 87(3)(a) and (c) for aid to promote or facilitate the economic development of certain regions or the development of certain activities, the aid in question could adversely affect trading conditions to an extent contrary to the common interest.
- (50) The aid therefore infringes Community rules and is consequently ineligible for any of the derogations provided for in Article 87(3) of the Treaty.

V. CONCLUSIONS

- (51) The Commission finds that Spain has unlawfully implemented the aid in question in breach of Article 88(3) of the Treaty. Since the aid in question was not notified to the Commission, its granting was illegal, given that it was granted before the Commission could decide on its compatibility with the common market.
- (52) Furthermore, for the reasons set out above, the aid is incompatible with the common market, since it is covered by Article 87(1) of the Treaty but is not eligible for any of the derogations provided for in paragraphs 2 and 3 of that Article.
- (53) Where aid is incompatible with the common market, the Commission must make use of the possibility offered by the judgment of the Court of Justice of 12 July 1973 in Case 70/72, *Commission v Germany*⁽¹⁶⁾, confirmed by the judgments of 24 February 1987 in Case 310/85,

Deufil GmbH und Co. KG v Commission⁽¹⁷⁾, and of 20 September 1990 in Case C-5/89, *Commission v Germany*⁽¹⁸⁾, and require the Member State to recover the aid granted illegally. The requirement to recover aid, which is also laid down in Article 14(1) of Council Regulation (EC) No 659/1999, is necessary in order to re-establish the previous situation by abolishing all the financial advantages enjoyed unduly by the beneficiaries since the aid was granted.

- (54) The aid granted must be repaid in full.
- (55) Repayment must be made in accordance with Spanish law. The amounts to be repaid must include interest from the date the aid was granted to its actual recovery. The interest must be calculated on the basis of the commercial rate, taking as a reference the rate used to calculate the grant equivalent of regional aid, in accordance with the Guidelines on national regional aid⁽¹⁹⁾.
- (56) This Decision does not prejudice any conclusions the Commission might draw for the financing of the common agriculture policy by the European Agricultural Guidance and Guarantee Fund (EAGGF),

HAS ADOPTED THIS DECISION:

Article 1

The State aid Spain has implemented for the purchase of reference quantities by producers of cows' milk is incompatible with the common market.

Article 2

1. Spain shall take all necessary measures to recover from the beneficiaries the aid referred to in Article 1 and unlawfully made available to the beneficiaries.

2. Recovery shall be effected without delay and in accordance with the procedures of national law provided that they allow the immediate and effective execution of this Decision. The aid to be recovered shall include interest from the date on which it was at the disposal of the beneficiaries until the date of its recovery. Interest shall be calculated on the basis of the reference rate used for calculating the grant equivalent of regional aid.

⁽¹⁵⁾ OJ L 274, 26.10.1996, p. 26.

⁽¹⁶⁾ [1973] ECR 813. Spanish Special Edition 1973, p. 211.

⁽¹⁷⁾ [1987] ECR 901.

⁽¹⁸⁾ [1990] ECR I-3437.

⁽¹⁹⁾ OJ C 74, 10.3.1998, p. 9.

Article 3

Spain shall inform the Commission, within two months of notification of this Decision, of the measures taken to comply with it.

Article 4

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 12 March 2002.

For the Commission

Franz FISCHLER

Member of the Commission
