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

COUNCIL COMMON POSITION
of 22 July 2002
amending Common Position 2002/145/CFSP concerning restrictive measures against Zimbabwe
(2002/600/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS COMMON POSITION:

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

- (1) On 18 February 2002, the Council adopted Common Position 2002/145/CFSP⁽¹⁾ which introduces restrictive measures against the Government of Zimbabwe and those who bear wide responsibility for serious violations of human rights and of the freedom of opinion, of association and of peaceful assembly.
- (2) The Council has assessed that these violations continue and therefore deems it necessary to extend restrictive measures against the Government of Zimbabwe to further individuals who bear a wide responsibility for such violations.
- (3) Common Position 2002/145/CFSP should therefore be amended,

Article 1

The list of persons set out in the Annex to Common Position 2002/145/CFSP is hereby replaced by the list set out in the Annex hereto.

Article 2

This Common Position shall take effect on the date of its adoption.

Article 3

This Common Position shall be published in the Official Journal.

Done at Brussels, 22 July 2002.

For the Council
The President
P. S. MØLLER

⁽¹⁾ OJ L 50, 21.2.2002, p. 1.

ANNEX

List of persons referred to in Article 1

1. Mugabe, Robert Gabriel	President, born 21.2.1924, Kutama
2. Utete, Charles	Cabinet Secretary, born 30.10.1938
3. Mnangagwa, Emmerson	Parliamentary Speaker, born 15.9.1946
4. Nkomo, John	Home Affairs Minister, born 22.8.1934
5. Goche, Nicholas	Security Minister, born 1.8.1946
6. Manyika, Elliot	Youth Minister, born 30.7.1955
7. Moyo, Jonathan	Information Minister, born 12.1.1957
8. Charamba, George	Information Minister's Permanent Secretary and Spokesman
9. Chinamasa, Patrick	Justice Minister, born 25.1.1947
10. Made, Joseph	Agricultural Minister, born 21.11.1954
11. Chombo, Ignatius	Local Govt Minister, born 1.8.1952
12. Mudenge, Stan	Foreign Minister, born 17.12.1941, Zimutu Reserve
13. Chiwewe, Willard	Ministry of Foreign Affairs Senior Secretary, born 19.3.1949
14. Zvinavashe, Vitalis	General (CDS), born 1943
15. Chiwenga, Constantine	Lt Gen (Army), born 25.8.1956
16. Shiri, Perence	Air Marshal (Air Force), born 1.11.1955
17. Chihuri, Augustine	Commissioner (Police), born 10.3.1953
18. Muzonzini, Elisha	Brig. (Intelligence), born 24.6.1957
19. Zimonte, Paradzai	Prisons chief
20. Sekeramayi, Sidney	Defence Minister, born 30.3.1944
21. Muzenda, Simon Vengesai	Vice President, born 28.10.1922
22. Msika, Joseph	Vice President, born 6.12.1923
23. Makoni, Simbarashe	Minister of Finance, born 22.3.1950
24. Murerwa, Herbert	Minister for Industry and International Trade, born 31.7.1941
25. Mujuru, Joyce	Minister for Rural Resources and Water, born 15.4.1955
26. Moyo, July	Public Service, Labour and Social Welfare Minister, born 7.5.1950
27. Chigwedere, Aeneas	Education, Sports and Culture Minister, born 25.11.1939
28. Stamps, Timothy	Health and Child Welfare Minister, born 15.10.1936
29. Mobeshora, Swithun	Transport and Communications Minister, born 20.8.1945
30. Chindori-Chininga, Edward	Mines and Energy Minister, born 14.3.1955
31. Nhema, Francis	Environment and Tourism Minister, born 17.4.1959
32. Mumbengegwi, Samuel	Higher Education and Technology Minister, born 23.10.1942
33. Nyoni, Sithembiso	Minister of State, Informal Sector, born 20.9.1949
34. Muchena, Olivia	Minister of State in Vice-President Msika's Office, born 18.8.1946
35. Buka, Flora	Minister of State in Vice President Muzenda's Office, born 25.2.1968
36. Dabengwa, Dumiso	Senior Committee Member, born 1939
37. Mujuru, Solomon	Senior Committee Member, born 1949
38. Nkomo, Stephen	Senior Committee Member, born 1925
39. Mugabe, Sabina	Senior Committee Member, born 14.10.1934
40. Muzenda, Tsitsi	Senior Committee Member
41. Karimanzira, David	Secretary for Finance, born 25.5.1947
42. Mutasa, Didymus	Secretary for External Relations, born 27.7.1935
43. Shamuyarira, Nathan	Secretary for Information and Publicity, born 29.9.1928
44. Tungamirai, Josiah	Secretary for Employment and Indigenisation, born 8.10.1948

45. Ndlovu, Naison	Secretary for Production and Labour, born 22.10.1930
46. Hove, Richard	Secretary for Economic Affairs, born 1935
47. Muchinguri, Oppah	Secretary for Gender and Culture, born 14.12.1958
48. Masuku, Angeline	Secretary for Disabled and Disadvantaged Person's Welfare
49. Sikhosana Absolom	Secretary for Youth Affairs
50. Lesabe, Thenjiwe	Secretary for Women's Affairs, born 1933
51. Chikowore, Enos	Secretary for Land and Resettlement, born 1936
52. Kuruneri, Christopher	Deputy Minister, Finance and Economic Development, born 4.4.1949
53. Ncube, Abedinico	Deputy Minister, Foreign Affairs, born 13.10.1954
54. Mohadi, Kembo	Deputy Minister of Local Government, Public Works and National Housing, born 15.11.1949
55. Shumba, Isaiah	Deputy Minister, Education, Sports and Culture, born 3.1.1949
56. Parirenyatwa, David	Deputy Minister, Health and Child Welfare, born 2.8.1950
57. Mangwana, Paul	Deputy Minister, Justice, Legal and Parliamentary Affairs, born 10.8.1961
58. Mushohwe, Christopher	Deputy Minister, Transport and Communications, born 6.2.1954
59. Mahofa, Shuvai	Deputy Minister for Youth Development, Gender and Employment Creation, born 4.4.1941
60. Gumbo, Rugare	Deputy Minister, Home Affairs, born 8.3.1940
61. Mangwende, Witness	Deputy-Secretary for Administration, born 1946
62. Tawengwa, Solomon	Deputy-Secretary for Finance
63. Ndlovu, Sikhanyiso	Deputy-Secretary for Commissariat, born 20.9.1949
64. Mpofu, Obert	Deputy-Secretary for National Security, born 12.10.1951
65. Moyo, Simon Khaya	Deputy-Secretary for Legal Affairs, born 1945
66. Malinga, Joshua	Deputy-Secretary for Disabled and Disadvantaged
67. Madzongwe, Edna	Deputy-Secretary for Production and Labour, born 11.7.1943
68. Sakupwanya, Stanley	Deputy-Secretary for Health and Child welfare
69. Pote, S M	Deputy-Secretary for Gender and Culture
70. Kasukuwere, Saviour	Deputy-Secretary for Youth Affairs, born 23.10.1970
71. Mathuthu, T	Deputy-Secretary for Transport and Social Welfare
72. Mugabe, Grace	Spouse of Robert Mugabe, born 23.7.1965

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1330/2002
of 23 July 2002
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1498/98 ⁽²⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 24 July 2002.

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

Done at Brussels, 23 July 2002.

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

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 23 July 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	85,0
	999	85,0
0707 00 05	052	83,4
	999	83,4
0709 90 70	052	67,7
	999	67,7
0805 50 10	388	54,8
	524	72,9
	528	51,3
	999	59,7
0806 10 10	052	148,6
	220	164,3
	508	139,2
	512	89,8
	600	156,3
	624	187,3
	999	147,6
0808 10 20, 0808 10 50, 0808 10 90	388	83,1
	400	102,2
	404	94,8
	508	82,0
	512	95,3
	524	62,5
	528	84,4
	720	170,6
	800	99,9
	804	101,7
	999	97,6
0808 20 50	388	102,8
	512	79,8
	528	90,8
	804	127,8
	999	100,3
0809 10 00	052	149,8
	064	171,1
	999	160,4
0809 20 95	052	357,5
	400	249,0
	404	245,1
	616	281,4
	999	283,3
0809 30 10, 0809 30 90	052	125,5
	999	125,5
0809 40 05	064	66,8
	624	157,7
	999	112,3

⁽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 1331/2002**of 23 July 2002****on a standing invitation to tender to determine levies and/or refunds on exports of white sugar for the 2002/03 marketing year**

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 22(2), Article 27(5) and (15) and Article 33(3) thereof,

Whereas:

- (1) In view of the situation on the Community and world sugar markets, a standing invitation to tender should be issued as soon as possible for the export of white sugar in respect of the 2002/03 marketing year which, having regard to possible fluctuations in world prices for sugar, must provide for the determination of export levies and/or export refunds.
- (2) The general rules governing invitations to tender for the purpose of determining export refunds for sugar were established by Article 28 of Regulation (EC) No 1260/2001.
- (3) In view of the specific nature of the operation, appropriate provisions should be laid down with regard to export licences issued in connection with the standing invitation to tender and there should be a derogation from Commission Regulation (EC) No 1464/95 of 27 June 1995 on special detailed rules for the application of the system of import and export licences in the sugar sector ⁽³⁾; as last amended by Regulation (EC) No 996/2002 ⁽⁴⁾. However, Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽⁵⁾, as last amended by Regulation (EC) No 2299/2001 ⁽⁶⁾, and Commission Regulation (EEC) No 120/89 of 19 January 1989 laying down common detailed rules for the application of the export levies and charges on agricultural products ⁽⁷⁾, as last amended by Regulation (EC) No 2194/96 ⁽⁸⁾, should continue to apply.

(4) The standing invitation to tender for the 2001/02 marketing year established by Commission Regulation (EC) No 1430/2001 ⁽⁹⁾, as amended by Regulation (EC) No 693/2002 ⁽¹⁰⁾, is to remain open until a date to be determined. The closing date should therefore be fixed.

(5) The Management Committee for Sugar has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. A standing invitation to tender shall be issued in order to determine export levies and/or export refunds on white sugar covered by CN code 1701 99 10 and, during the period of validity of this standing invitation, partial invitations to tender shall be issued.

2. The standing invitation to tender shall remain open until 31 July 2003.

Article 2

The standing invitation to tender and the partial invitations shall be conducted in accordance with Article 28 of Regulation (EC) No 1260/2001 and with the following provisions.

Article 3

1. The Member States shall establish a notice of invitation to tender. The notice of invitation to tender shall be published in the *Official Journal of the European Communities*. Member States may also publish the notice, or have it published, elsewhere.

2. The notice shall indicate, in particular, the terms of the invitation to tender.

3. The notice may be amended during the period of validity of the standing invitation to tender. It shall be so amended if the terms of the invitation to tender are modified during that period.

Article 4

1. The period during which tenders may be submitted in response to the first partial invitation to tender:

(a) shall begin on 26 July 2002;

(b) shall end on Thursday 1 August 2002 at 10.00 a.m.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 144, 28.6.1995, p. 14.

⁽⁴⁾ OJ L 152, 12.6.2002, p. 11.

⁽⁵⁾ OJ L 152, 24.6.2000, p. 1.

⁽⁶⁾ OJ L 308, 27.11.2001, p. 19.

⁽⁷⁾ OJ L 16, 20.1.1989, p. 19.

⁽⁸⁾ OJ L 293, 16.11.1996, p. 3.

⁽⁹⁾ OJ L 192, 14.7.2001, p. 3.

⁽¹⁰⁾ OJ L 107, 24.4.2002, p. 5.

2. The periods during which tenders may be submitted in response to the second and subsequent partial invitations:

- (a) shall begin on the first working day following the end of the preceding period;
- (b) shall end at 10.00 a.m. on 1, 8, 22 and 29 August 2002, 5, 12, 19 and 26 September 2002, 3, 10, 17, 24 and 31 October 2002, 7, 14, 21 and 28 November 2002, 5 and 19 December 2002, 3, 16 and 30 January 2003, 13 and 27 February 2003, 13 and 27 March 2003, 10 and 24 April 2003, 8 and 22 May 2003, 5, 12, 19 and 26 June 2003, 3, 10, 17 and 31 July 2003.

3. The times specified in this Regulation are Belgian local times.

Article 5

1. Offers in connection with this tender must be in writing, and must be either delivered by hand, against a receipt, to the competent authority in a Member State, or addressed to that authority either by registered letter or telegram, or, where the authority accepts such forms of communication, by telex, fax or electronic mail.

2. An offer must indicate:

- (a) the reference of the invitation to tender;
- (b) the name and address of the tenderer;
- (c) the quantity of white sugar to be exported;
- (d) the amount of the export levy or, where applicable, of the export refund, per 100 kilograms of white sugar, expressed in euro to three decimal places;
- (e) the minimum amount of the security to be lodged covering the quantity of sugar indicated in (c), expressed in the currency of the Member State in which the tender is submitted.

3. Tenders shall be valid only if:

- (a) the quantity to be exported is not less than 250 tonnes of white sugar;
- (b) proof is furnished before expiry of the time limit for the submission of tenders that the tenderer has lodged the security indicated in the tender;
- (c) it includes a declaration by the tenderer that if this tender is successful he will, within the period laid down in Article 12(b), apply for an export licence or licences in respect of the quantities of white sugar to be exported;
- (d) it includes a declaration by the tenderer that if his tender is successful he will:
 - where the obligation to export resulting from the export licence referred to in Article 12(b) is not fulfilled, supplement the security by payment of the amount referred to in Article 13(4), and
 - within 30 days following the expiry of the export licence in question, notify the agency which issued the

licence of the quantity or quantities in respect of which the licence was not used;

- (e) it contains all the information required under paragraph 2.

4. A tender may stipulate that it is to be regarded as having been submitted only if:

- (a) the minimum export levy or, where applicable, the maximum export refund is fixed on the day of the expiry of the period for the submission of the tenders in question;
- (b) the tender, if successful, related to all or a specified part of the tendered quantity.

5. A tender which is not submitted in accordance with this Regulation, or which contains conditions other than those indicated in the present invitation to tender, shall not be considered.

6. Once submitted, a tender may not be withdrawn.

Article 6

1. A security of EUR 11 per 100 kilograms of white sugar to be exported under this invitation to tender must be lodged by each tenderer. Without prejudice to Article 13(4), where a tender is successful this security shall become the security for the export licence at the time of the application referred to in Article 12(b).

2. The security may be lodged at the tenderer's choice, either in cash or in the form of a guarantee given by an establishment complying with criteria laid down by the Member State in which the tender is submitted.

3. Except in cases of *force majeure*, the security referred to in paragraph 1 shall be released:

- (a) to unsuccessful tenderers in respect of the quantity for which no award has been made;
- (b) to successful tenderers who have not applied for the relevant export licence within the period referred to in Article 12(b), to the extent of EUR 10 per 100 kilograms of white sugar.

However, this part of the releasable security shall be reduced by the amount representing the difference, as applicable:

- between the maximum amount of the export refund fixed for the partial invitation concerned and the maximum amount of the export refund fixed for the following partial invitation, when the latter amount is higher than the former, or
- between the minimum amount of the export levy fixed for the partial invitation concerned and the minimum amount of the export levy fixed for the following partial invitation, when the latter amount is lower than the former;

- (c) to successful tenderers for the quantity for which they have fulfilled, within the meaning of Article 31(b) and Article 32(1)(b)(i) of Regulation (EC) No 1291/2000, the export obligation resulting from the licence referred to under Article 12(b) in accordance with the terms of Article 35 of that Regulation.

The part of the security or the security which is not released shall be forfeit in respect of the quantity of sugar for which the corresponding obligations have not been fulfilled.

4. In case of *force majeure*, the competent authority of the Member State concerned shall take such action as it considers necessary having regard to the circumstances invoked by the party concerned.

Article 7

1. Tenders shall be examined in private by the competent authority concerned. The persons present at the examination shall be under an obligation not to disclose any particulars relating thereto.

2. Tenders submitted shall be communicated to the Commission by the Member States without the tenderers being mentioned by name and must be received by the Commission within one hour and thirty minutes of the expiry of the deadline for the weekly submission of tenders stipulated in the notice of invitation to tender.

Where no tenders are submitted, the Member States shall notify the Commission of this within the time limit specified in the first subparagraph.

Article 8

1. After the tenders received have been examined, a maximum quantity may be fixed for the partial invitation concerned.
2. A decision may be taken to make no award under a specific partial invitation to tender.

Article 9

1. In the light of the current state and foreseeable development of the Community and world sugar markets, there shall be fixed either:

- a minimum export levy, or
- a maximum export refund.

2. Without prejudice to Article 10, where a minimum export levy is fixed, a contract shall be awarded to every tenderer whose tender quotes a rate of levy equal to or greater than such minimum levy.

3. Without prejudice to Article 10, where a maximum export refund is fixed, a contract shall be awarded to every tenderer whose tender quotes a rate of refund equal to or less than such maximum refund and to every tenderer who has tendered for an export levy.

Article 10

1. Where a maximum quantity has been fixed for a partial invitation to tender:

- if a minimum export levy is fixed, a contract shall be awarded to the tenderer whose tender quotes the highest export levy; if the maximum quantity is not fully covered by that award, awards shall be made to other tenderers in descending order of export levies quoted until the entire maximum quantity has been accounted for,
- if a maximum export refund is fixed, contracts shall be awarded in accordance with the first indent; if after such awards a quantity is still outstanding, or if there are no tenders quoting an export levy, awards shall be made to tenderers quoting an export refund in ascending order or export refunds quoted until the entire maximum quantity has been accounted for.

2. However, where an award to a particular tenderer in accordance with paragraph 1 would result in the maximum quantity being exceeded, that award shall be limited to such quantity as is still available. Where two or more tenderers quote the same levy or the same refund and awards to all of them would result in the maximum quantity being exceeded, then the quantity available shall be awarded as follows:

- by division among the tenderers concerned in proportion to the total quantities in each of their tenders, or
- by apportionment among the tenderers concerned by reference to a maximum tonnage to be fixed for each of them, or
- by the drawing of lots.

Article 11

1. The competent authority of the Member State concerned shall immediately notify applicants of the result of their participation in the invitation to tender. In addition, that authority shall send successful tenderers a statement of award.

2. The statement of award shall indicate at least:

- (a) the reference of the invitation to tender;
- (b) the quantity of white sugar to be exported;
- (c) the amount, expressed in euro, of the export levy to be charged, or, where applicable, of the export refund to be granted per 100 kilograms of white sugar of the quantity referred to in (b).

Article 12

Every successful tenderer shall have:

- (a) the right to receive, in the circumstances referred to under (b), an export licence covering the quantity awarded, indicating the export levy or refund quoted in the tender, as the case may be;

- (b) the obligation to lodge, in accordance with the relevant provisions of Regulation (EC) No 1291/2000, an application for an export licence in respect of that quantity, the application not being revocable and Article 12 of Regulation (EEC) No 120/89 not applying in such a case. The application shall be lodged not later than:
- the last working day preceding the date of the partial invitation to tender to be held the following week, or
 - if no partial invitation to tender is due to be held that week, the last working day of the following week;
- (c) the obligation to export the tendered quantity and, if this obligation is not fulfilled, to pay, where necessary, the amount referred to in Article 13(4).

Such rights and obligations shall not be transferable.

Article 13

1. Article 9(1) of Regulation (EC) No 1464/95 shall not apply to the white sugar to be exported under this Regulation.

2. Export licences issued in connection with a partial invitation to tender shall be valid from the day of issue until the end of the fifth calendar month following that in which the partial invitation was issued.

However, export licences issued in respect of the partial invitations held from 1 May 2003 shall be valid only until 30 September 2003.

Should technical difficulties arise which prevent export being carried out by the expiry date laid down in paragraph 2, the competent authorities in the Member State which issued the export licence may, at the written request of the holder of that licence, extend its validity to 15 October 2003 at the latest, provided that export is not subject to the rules laid down in Article 4 or 5 of Council Regulation (EEC) No 565/80 ⁽¹⁾.

3. Export licences issued in respect of the partial invitations held between 1 August 2002 and 30 September 2002 shall be valid only from 1 October 2002.

4. Except in cases of *force majeure*, if the obligation to export resulting from the export licence referred to in Article 12(b) has not been fulfilled and if the security referred to in Article 6 is less than:

- (a) the export levy indicated on the licence, less the levy referred to in the second subparagraph of Article 33(1) of Regulation (EC) No 1260/2001 in force on the last day of validity of the said licence, or
- (b) the sum of the export levy indicated on the licence and the refund referred to in Article 28(2) of Regulation (EC) No 1260/2001 in force on the last day of validity of the said licence, or
- (c) the export refund referred to in Article 28(2) of Regulation (EC) No 1260/2001 in force on the last day of validity of the licence, less the refund indicated on the said licence,

then, for the quantity in respect of which the said obligation was not fulfilled, the licence holder shall be charged an amount equal to the difference between the result of the valuation made under (a), (b) or (c), as the case may be, and the security referred to in Article 6(1).

Article 14

The standing invitation to tender issued in Regulation (EC) No 1430/2001 shall be closed on 26 July 2002.

Article 15

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

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

Done at Brussels, 23 July 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 62, 7.3.1980, p. 5.

COMMISSION REGULATION (EC) No 1332/2002**of 23 July 2002****opening the procedure for the allocation of export licences for cheeses to be exported in 2003 to the United States of America under certain quotas resulting from the GATT Agreements**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

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 (30) thereof,

Whereas:

- (1) Article 20 of Commission Regulation (EC) No 174/1999 of 26 January 1999 laying down special detailed rules of application for export refunds on milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 1166/2002 ⁽⁴⁾, thereof, provides that export licences for cheese exported to the United States of America as part of the quotas under the Agreements concluded during multilateral trade negotiations, may be allocated according to a special procedure by which preferred importers in the United States may be designated.
- (2) That procedure should be opened for exports during 2003 and the additional rules relating to it should be determined.
- (3) For the administration of imports the competent authorities in the United States of America make a distinction between the additional quota granted to the European Community under the Uruguay Round and the quotas resulting from the Tokyo Round. Export licences should be allocated bearing in mind, where necessary, the distribution of certain groups of products according to the nature of the quota.
- (4) In order to provide stability and security for operators lodging demands under this special regime, it is appropriate to fix the day on which applications are deemed to have been lodged for the purposes of Article 1(1) of Regulation (EC) No 174/1999.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

Export licences for products falling within CN code 0406 to be exported in 2003 to the United States of America under the additional quota resulting from the Agreements concluded during the Uruguay Round (hereinafter known as the UR quota) and the tariff quotas originally resulting from the Tokyo Round and granted to Austria, Finland and Sweden by the United States of America in Uruguay Round list XX (hereinafter known as the TR quota) as referred to in Annex I shall be issued in accordance with the provisions of Article 20 of Regulation (EC) No 174/1999.

Article 2

1. Applications for provisional licences shall be lodged with the competent authorities from 2 to 12 September 2002 at the latest. They shall not be admissible unless they contain all the details referred to in Article 20(2) of Regulation (EC) No 174/1999 and the documents mentioned therein.

2. Where, for the same group of products referred to in Annex I, column 2, the available quantity is divided between the UR quota and the TR quota, licence applications may cover only one of those quotas and must indicate the quota concerned, specifying the identification of the group and of the quota indicated in Annex I, column 3.

3. Licence applications must cover no more than 40 % of the quantity available for the group of products indicated in Annex I, column 4, and for the quota concerned.

4. Applications shall not be admissible unless applicants declare in writing that they have not lodged other applications for the same group of products and the same quota and undertake not to do so. If an applicant lodges different applications for the same group of products and the same quota in one or more Member States, all his applications shall be deemed inadmissible.

5. The details referred to in paragraphs 1 and 2 shall be presented in accordance with the model shown in Annex II.

6. For the purposes of Article 1(1) of Regulation (EC) No 174/1999, all applications lodged within the time limit shall be deemed to have been lodged on 2 September 2002.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 20, 27.1.1999, p. 8.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 51.

Article 3

Member States shall notify the Commission within seven working days of the end of the period for lodging applications of the applications lodged for each of the groups of products and, where applicable, the quotas indicated in Annex I. All notifications, including 'nil' notifications, shall be made by telex or fax, on the model form shown in Annex III. Notification shall comprise for each group and, where applicable, for each quota:

- a list of applicants,
- the quantities applied for by each applicant broken down by code of the export refund nomenclature for milk products and by their description in accordance with the *Harmonised Tariff Schedule of the United States of America (2002)*,
- the quantities of those products exported by the applicant during the previous three years,
- the name and address of the importer designated by the applicant and whether the importer is a branch of the applicant.

Article 4

The Commission shall, pursuant to Article 20(3) to (5) of Regulation (EC) No 174/1999, determine the allocation of licences without delay and shall notify the Member States thereof by 31 October 2002 at the latest.

Article 5

The information referred to in Article 3 of this Regulation and in Article 20(2) of Regulation (EC) No 174/1999 shall be verified before the full licences are issued and by 31 December 2002 at the latest.

Where it is found that incorrect information has been supplied by an operator to whom a provisional licence has been issued, the licence shall be cancelled and the security forfeited.

Article 6

This Regulation shall enter into force on the seventh 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, 23 July 2002.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Cheese to be exported to the United States of America in 2003 under certain quotas resulting from the GATT Agreements

Article 20 of Regulation (EC) No 174/1999 and Regulation (EC) No 1332/2002

Identification of group in accordance with additional notes in Chapter 4 on the <i>Harmonised Tariff Schedule of the United States of America</i>			Quantity available for 2003	Maximum quantity per application
Note	Group	Identification of group and quota	(Tonnes)	(Tonnes)
(1)	(2)	(3)	(4)	(5)
16	Not specifically provided for (NSPF)	16 — Tokyo	908,877	363,550
		16 — Uruguay	2 346,000	938,400
17	Blue mould	17	300,000	120,000
18	Cheddar	18	1 000,000	400,000
19	American type	19	100,000	40,000
20	Edam/Gouda	20	1 000,000	400,000
21	Italian type	21	700,000	280,000
22	Swiss or Emmenthaler cheese other than with eye formation	22 — Tokyo	393,006	157,202
		22 — Uruguay	380,000	152,000
25	Swiss or Emmenthaler cheese with eye formation	25 — Tokyo	4 003,172	1 601,268
		25 — Uruguay	1 220,000	488,000

ANNEX II

Presentation of details required pursuant to Article 20(2) of Regulation (EC) No 174/1999

Identification of group and quota referred to in column 3 of Annex I to Regulation (EC) No 1332/2002
Name of group indicated in column 2 of Annex I to Regulation (EC) No 1332/2002:
Origin of quota: Uruguay Round/Tokyo Round ⁽¹⁾

Identification of the United States of America quota group applied for

Name/address of applicant	Refund nomenclature product code	Quantity applied for	Export to the United States of America				Harmonised Tariff Schedule of the USA code	Name/address of designated importer	Importer is branch of applicant	
			1999	2000	2001	Average 1999 to 2001			Yes	No
Total										

⁽¹⁾ Delete where applicable.

COMMISSION REGULATION (EC) No 1333/2002

of 23 July 2002

derogating from Regulation (EC) No 2535/2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import of milk and milk products and opening tariff quotas

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 26(3) thereof,

Whereas:

- (1) The Lithuanian authorities have informed the Commission of the introduction of additional veterinary checks to ensure that the skimmed-milk powder for export to the Community under quota No 09.4554 as provided for in Council Regulation (EC) No 2766/2000 of 14 December 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Lithuania ⁽³⁾ complies with the conditions laid down in Council Directive 92/46/EEC of 16 June 1992 laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products ⁽⁴⁾, and Council Directive 96/23/EC of 29 April

1996 on measures to monitor certain substances and residues thereof in live animals and animal products ⁽⁵⁾. In view of the difficulties that this causes for importers holding licences whose validity expires on or before 30 June 2002, the validity of those licences should be extended.

- (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

Notwithstanding Article 16(3) of Commission Regulation (EC) No 2535/2001 ⁽⁶⁾, the term of validity of the import licences issued during the first six months of 2002 for imports of products covered by quota No 09.4554, listed in Annex I(B)(9) to that Regulation, shall expire on 30 September 2002.

Article 2

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

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

Done at Brussels, 23 July 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 321, 19.12.2000, p. 8.

⁽⁴⁾ OJ L 268, 14.9.1992, p. 1.

⁽⁵⁾ OJ L 125, 23.5.1996, p. 10.

⁽⁶⁾ OJ L 341, 22.12.2001, p. 29.

COMMISSION REGULATION (EC) No 1334/2002**of 23 July 2002****laying down detailed rules for the application of Council Regulation (EC) No 1638/98 as regards the work programmes of operators organisations in the olive sector for the marketing years 2002/03 and 2003/04**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1638/98 of 20 July 1998 amending Regulation No 136/66/EEC on the establishment of a common organisation of the market in oils and fats ⁽¹⁾, as amended by Regulation (EC) No 1513/2001 ⁽²⁾, and in particular the second indent of the first subparagraph of Article 4a(3) and Article 4a(4) thereof,

Whereas:

(1) Article 4a(1) of Regulation (EC) No 1638/98 provides that, under the common organisation of the market in oils and fats, in force as from 1 November 2002, Member States producing olive oil may withhold within certain limits a portion of aid, where appropriate intended for olive oil and/or table olive producers, to ensure Community finance of work programmes drawn up by approved operators' organisations. It should be laid down that the work programmes in question cover the marketing years 2002/03 and 2003/04 only, in accordance with Regulation No 136/66/EEC of the Council of 22 September 1966 on the establishment of a common organisation of the market in oils and fats ⁽³⁾, as last amended by Regulation (EC) No 1513/2001.

(2) To ensure that approved operators' organisations are effective, approval must relate to the various categories of operators having a major impact in the olive oil and/or table olives sectors, while ensuring that those organisations are large enough to obtain economically significant results. Member States should also be able, with respect to local situations, to lay down additional approval criteria to ensure that the approved organisations have sufficient capacity.

(3) To ensure efficient administrative management of the system of approved operators' organisations in the olive sector, the procedures and time limits for the approval of such organisations, the criteria for selecting their work programmes and the arrangements for paying Community funding should be laid down.

(4) To ensure overall consistency between the activities of approved operators' organisations in the olive sector, it is necessary to lay down the types of activities that are eligible for Community funding and the selection criteria for the work programmes. The Member States concerned should, however, be allowed to lay down additional eligibility conditions so as to gear activities more closely to national realities in the olive sector.

(5) To allow work to commence in good time, operators' organisations in the olive sector should be able to receive an advance on the approved Community funding, subject to the lodging of a security under the terms laid down by Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products ⁽⁴⁾, as last amended by Regulation (EC) No 1932/1999 ⁽⁵⁾.

(6) For the purposes of proper management of the rules on operators' organisations in the olive sector, the Member States concerned should draw up a control plan and specify a system of penalties for any irregularities committed. Provision should also be made for operators' organisations to notify the results of their work to the national authorities in the Member States concerned and to transmit those results to the Commission.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Oils and Fats,

HAS ADOPTED THIS REGULATION:

*Article 1***Purpose and definitions**

1. This Regulation lays down, for the marketing years 2002/03 and 2003/04, detailed rules for the application of Article 4a(1) of Regulation (EC) No 1638/98 as regards the approval of and the work programmes drawn up by producer organisations and associations thereof, interbranch organisations and other operators' organisations in the olive oil and table olives sectors as referred to in that paragraph.

⁽¹⁾ OJ L 210, 28.7.1998, p. 32.

⁽²⁾ OJ L 201, 26.7.2001, p. 4.

⁽³⁾ OJ 172, 30.9.1966, p. 3025/66.

⁽⁴⁾ OJ L 205, 3.8.1985, p. 5.

⁽⁵⁾ OJ L 240, 10.9.1999, p. 11.

2. For the purposes of this Regulation:

- (a) 'operators' organisation in the olive sector' means an organisation or association as referred to in Article 4a(1) of Regulation (EC) No 1638/98;
- (b) 'regional area' means an area as defined in the Annex to Commission Regulation (EC) No 2366/98 ⁽¹⁾, and the area constituted by the rest of the territory in each producer Member State. In the case of Italy the following are also deemed regional areas:
 - Liguria, Piedmont and Valle d'Aosta, or
 - Lombardy, Trentino-Alto Adige, Veneto and Friuli-Venezia Giulia, or
 - Umbria, Marche and Emilia-Romagna, or
 - Basilicata, or
 - Sardinia, or
 - Abruzzi and Molise.

Article 2

Conditions for the approval of operators' organisations in the olive sector

1. Member States shall approve operators' organisations in the olive sector which undertake to submit to any controls provided for in this Regulation and which meet certain conditions.

2. For the various kinds of operators' organisation in the olive sector, the conditions referred to in paragraph 1 shall be those indicated in points (a), (b), (c) and (d) respectively, whereby the minimum number of members and other minimum size criteria may be increased by the Member State concerned, and those laid down, where applicable, by the competent national authorities as regards operational capacities, available means and controls on operators' organisations in the olive sector.

- (a) Producer organisations must be composed exclusively of olive producers who are not members of any other producer organisation approved under this Regulation which has received production aid as referred to in Article 5 of Regulation No 136/66/EEC for the year before the preceding marketing year or has lodged a crop declaration for the current marketing year; and
 - (i) have at least 2 500 member producers or
 - (ii) account for 2 % of olive producers or of average olive oil or table olive production in the regional areas concerned;
- (b) Associations of producer organisations must be composed exclusively of producer organisations approved under point (a) which are not part of another association of producer organisations approved under this Regulation, and
 - (i) have at least 10 member organisations which are established in several regional areas of the Member State concerned,

- (ii) or account for at least 15 % of the average production of olive oil or table olives in that Member State.

- (c) Other operators' organisations in the olive sector must be composed exclusively of operators in the olive sector who are not part of another organisation approved under point (c) and, in the year preceding the current marketing year, either generated at least 50 % of their turnover from the processing of olives or the sale of olive oil or table olives, or marketed more than 5 000 tonnes of olive oil or more than 1 000 tonnes of table olives and have at least:

- (i) 20 member operators marketing or processing a total quantity greater than the equivalent of 15 000 tonnes of olive oil or 3 000 tonnes of table olives,

- (ii) or 15 % of the average production of olive oil or table olives of the Member State concerned.

- (d) Interbranch organisations recognised by the Member States in which they conduct their activities within the meaning of Article 4a(2) of Regulation (EC) No 1638/98 and which provide a broad and balanced representation of all economic activities linked to the production and processing of, and trade in, olive oil and/or table olives;

3. Without prejudice to Article 10(1) of this Regulation, operators' organisations in the olive sector and associations thereof approved under Article 20c of Regulation No 136/66/EEC and other operators' organisations in the olive sector recognised by the Member State which submit a work programme in accordance with Article 5 shall be deemed approved under this Regulation where they meet the criteria referred to in paragraphs 1 and 2.

Article 3

Procedure for approving operators' organisations in the olive sector

1. For the purposes of approval, operators' organisations in the olive sector must lodge, by a date to be determined by the Member State but no later than 31 March 2003, an application demonstrating that they meet the conditions laid down in Article 2.

2. During the two months following that in which the full application file is lodged, the operators' organisation in the olive sector shall be approved by the Member State and shall receive an approval number.

3. Approval shall be rejected, suspended or withdrawn immediately if the operators' organisation in the olive sector does not meet the conditions for approval or is being prosecuted by the competent national body for irregularities in respect of this Regulation.

⁽¹⁾ OJ L 293, 31.10.1998, p. 50.

*Article 4***Activities eligible for Community funding**

1. The activities that are eligible for Community funding under Article 4a of Regulation (EC) No 1638/98 (hereinafter referred to as 'eligible activities') in the area of market follow-up and administrative management in the olive oil and table olives sectors are:

- (a) collecting data on the sector and the market, in accordance with specifications relating to method, geographical representativeness and precision laid down by the competent national authority;
- (b) drawing up studies, in particular on subjects linked to the other activities provided for in the work programme of the operators' organisation concerned.

2. Eligible activities in the area of improving the environmental impacts of olive cultivation are:

- (a) collective operations to maintain olive groves of high environmental value at risk of abandonment, in conformity with specified conditions, on the basis of objective criteria, by the competent national authority in particular concerning the areas which may be eligible and the area and the minimum number of olive oil producers who must be involved to make the operations in question effective;
- (b) developing good agricultural practice in olive growing, based on environmental criteria adapted to local conditions, its dissemination among olive growers and following up its practical application;
- (c) practical demonstrations of olive growing techniques geared towards environmental protection and stewardship of the countryside;
- (d) adding environmental data to the geographic information system (GIS) referred to in Article 2 of Regulation (EC) No 1638/98.

3. Eligible activities in the area of improving the production quality of olive oil and table olives are:

- (a) improving conditions for growing (in particular controlling olive fly), harvesting, delivering and storing olives prior to processing, in accordance with the technical specifications laid down by the competent national authority;
- (b) improving conditions for storage and use of the residues of olive oil and table olive production;
- (c) technical assistance to the olive oil processing industry on aspects linked to the quality of products;
- (d) setting up and improving laboratories for the analysis of virgin olive oils.

4. Eligible activities in the area of traceability, certification and protection of the quality of olive oil and table olives are:

- (a) setting up and managing systems allowing products to be traced from the olive grower through to packaging and labelling, in accordance with specifications set out by the competent national authority;
- (b) setting up and managing quality certification systems, based on a system of risk analysis and checks on critical points, which is in conformity with technical criteria adopted by the competent national authority;
- (c) setting up and managing systems to monitor compliance with norms attesting to the authenticity, quality and marketing of the olive oil and table olives placed on the market, in accordance with the technical specifications laid down by the competent national authority.

5. The following activities shall not be eligible for Community funding under Article 4a of Regulation (EC) No 1638/98:

- (a) activities which are in receipt of Community funding other than that provided for in Article 4a of Regulation (EC) No 1638/98;
- (b) activities aiming at a direct increase in production or involving a rise in storage or processing capacity;
- (c) activities linked to the purchase or storage of olive oil or table olives or having an impact on their prices;
- (d) activities linked to the commercial promotion of olive oil or table olives;
- (e) activities linked to scientific research.

6. Member States may adopt additional conditions specifying the eligible activities referred to in paragraphs 1 to 4 of this Article, without rendering the implementation or presentation of activities in these fields impossible.

*Article 5***Work programmes of operators' organisations in the olive sector**

1. The work programmes eligible for Community funding under Article 4a(1) of Regulation (EC) No 1638/98 shall be composed of activities as referred to in Article 4 of this Regulation and shall be carried out between 1 November 2002 and 31 October 2004.

2. Each operators' organisation in the olive sector approved under this Regulation may lodge an application for Community funding for one single work programme by a date to be determined by the Member State but no later than 31 March 2003.

The application shall consist of the following:

- (a) details of the operators' organisation in question;
- (b) information on the selection criteria referred to in Article 6(1);
- (c) a description and justification of the proposed activities, and a timetable;
- (d) the planned expenditure, broken down by activity and by area of activities as referred to in Article 4, separately listing the overheads, which may not exceed 2 % of the total, and the other main types of cost;
- (e) the financing plan by area of activities referred to in Article 4, indicating in particular the Community funding applied for and, where appropriate, the financial contributions from operators and the national contribution;
- (f) the description of the quantitative and qualitative indicators of efficiency allowing the ex-post assessment of the programme;
- (g) proof that a bank security for an amount equivalent to at least 5 % of the requested Community funding has been lodged;
- (h) where appropriate, an application for an advance under Article 8;
- (i) a declaration from the organisation concerned to the effect that no other Community funding has been granted for the programme activities;
- (j) for interbranch organisations and associations of producer organisations, details of the operators' organisations responsible for the actual implementation of the subcontracted activities in their programmes;
- (k) for operators' organisations in the olive sector forming part of an association of producers or of an interbranch organisation, a statement that the activities provided for in their programmes are not covered by any of another application for Community funding under this Regulation.

Article 6

Selection of work programmes

1. Member States shall select the work programmes on the basis of the following criteria:
 - (a) the general quality of the programme and its consistency with the goals and priorities of the olive sector in the area concerned, as laid down by the Member State;
 - (b) the sufficiency of the financial resources of the operators' organisation concerned for the purposes of implementing the proposed activities;
 - (c) the extent of the area involved in the work programme;
 - (d) the relation between the amount of Community funding requested and the volume of olive production sold by the members of the operators' organisation concerned;

- (e) the differences in the economic situation of the area involved taken into account in the work programme;
- (f) the existence of several areas of activities and the size of the financial contribution from the operators.

Member States shall take account of the distribution of applications among the different types of operators' organisations in the olive sector referred to in Article 2 and of the extent of olive-growing in each area.

2. Member States shall exclude from the selection process any work programmes that are incomplete or contain inaccurate information, or contain one of the ineligible activities referred to in Article 4(5).

3. No later than 31 May 2003, Member States shall approve the work programmes to which they have granted the corresponding national funding. The Member States shall inform the operators' organisations concerned thereof.

Final approval of a work programme may be made subject to the incorporation of amendments judged necessary by the Member State.

Should the proposed work programme not be selected, the Member State shall immediately release the security referred to in Article 5(2)(g).

Article 7

Amendments to work programmes

Operators organisations in the olive sector may, in accordance with a procedure laid down by the Member State, request that their approved work programme be amended in respect of one of the fields of activity referred to in Article 4, provided that this does not involve any increase in funding.

Requests for amendment shall be accompanied by supporting documents setting out the reasons for and the nature and implications of the proposed changes.

Article 8

Advances

1. An operators' organisation in the olive sector which has lodged an application in accordance with Article 5(2)(h) shall receive, under the conditions referred to in paragraph 2 of this Article, an advance of a maximum 90 % of the Community contribution provided for in the period concerned by the approved work programme.

2. During the month following the approval of the work programme in question, the Member State shall pay to the operators' organisation concerned one-third of the amount referred to in paragraph 1 and, after 16 October 2003, the remaining two-thirds, once it has verified that the first tranche of the advance has actually been spent.

3. The payments referred to in paragraph 2 shall be subject to the lodging of a security by the operators' organisation concerned in accordance with Regulation (EEC) No 2220/85 of an amount equal to 110 % of the advance requested. The main requirement within the meaning of Article 20 of that Regulation is the implementation of the measures listed in the approved work programme.

4. By a date to be determined by the Member State but no later than 31 May 2004, the operators' organisations concerned may lodge an application for release of the security referred to in paragraph 3 up to an amount equal to half the expenditure actually carried out. The Member State shall lay down which supporting documents must accompany this application and check them, and shall release the securities corresponding to the expenditure concerned no later than in the course of the second month following that in which the application is lodged.

Article 9

Payment of Community funding

1. For the purposes of payment of the Community funding under Article 4a of Regulation (EC) No 1638/98 or, where appropriate, the balance thereof, operators' organisations in the olive sector shall lodge, by a date to be determined by the Member State but no later than 31 January 2005, an application with the competent national authority.

The Community funding corresponding to the above applications submitted after that date shall be reduced by an amount equal to 1 % per working day late. Applications submitted after 25 February 2005 shall be inadmissible.

2. To be admissible the applications referred to in paragraph 1 shall be accompanied by

- (a) supporting documents proving:
 - (i) the expenditure effected in the period concerned;
 - (ii) where appropriate, payment of the financial contributions of the operators and the Member State concerned;
- (b) a summary report comprising the following:
 - (i) a description of the work implemented under the programme, broken down by area of activity as referred to in Article 4;
 - (ii) where appropriate, the justification and the financial repercussions of the gaps between forecasts and work actually implemented;
 - (iii) an evaluation of the results based on the indicators laid down in Article 5(2)(f).

3. In the case of activities completed by 31 October 2004 and for which payment is made after that deadline, the Community funding shall be reduced by 1 % per day late in the first 30 days and by 2 % for each day thereafter.

4. During the three months following the month in which the full application file referred to in paragraph 1 is lodged, and once they have carried out the examination of the documents referred to in paragraph 2 and the checks referred to in Article 10, Member States shall pay the Community funding that is due and release the corresponding security.

Article 10

Checks and penalties

1. Member States shall verify that the conditions for granting Community funding are met, in particular as regards compliance with the approval requirements, implementation of the approved work programmes, the expenditure actually implemented and the financial contribution by the olive operators concerned. To that end, they shall carry out a control plan involving a sample determined on the basis of a risk analysis and comprising at least 30 % of producers organisations in the olive sector and all the other operators' organisations in the olive sector in receipt of Community funding under this Regulation.

2. Member States shall specify or, as appropriate, lay down a system of penalties for irregularities under this Regulation. Those penalties must be effective, proportionate and act as a deterrent and comprise, for the most serious cases, withdrawal of approval and financial penalties of an amount at least double that of the Community funding involved in the irregularity.

3. Under the system of controls referred to in paragraph 1, an individual file shall be opened on each operators' organisation in the olive sector that has been subject to checks. These files shall include proof of the verifications and checks carried out and, where appropriate, an indication of the anomalies found and the penalties applied.

Article 11

Communications from the Member States

1. No later than 31 December 2002 the Member States producing olive oil shall communicate to the Commission the national provisions relating in particular to:

- (a) the conditions for approval of the operators' organisations referred to in Article 2(2),
- (b) the additional specifications and conditions relating to the eligible activities referred to in Article 4(1), (2), (3), (4) and (6) of this Regulation,
- (c) the goals and priorities of the olive sector referred to in Article 6(1)(a),
- (d) the arrangements for the system of advances referred to in Article 8 and, where appropriate, the system for paying the national funding,
- (e) the control plan and system of penalties referred to in Article 10.

2. Before 30 June 2003, Member States shall transmit to the Commission data on the approved operators' organisations in the olive sector and on the approved work programmes and their characteristics, broken down by type of producer organisation referred to in Article 2 of this Regulation, by area of activity referred to in Article 4 of this Regulation and by regional area, and the amounts of funds withheld in accordance with Article 4a(1) of Regulation (EC) No 1638/98 for the marketing years 2002/03 and 2003/04.

3. No later than 30 April 2005, Member States shall transmit to the Commission a report on the implementation of this Regulation comprising at least the following:

- (a) numbers of programmes funded, recipients, areas, mills, processing facilities and volumes of oil and table olives concerned;
- (b) characteristics of the activities developed in each of the areas of activity referred to in Article 4;
- (c) any discrepancy between activities planned and activities actually carried out;

- (d) a description and evaluation of results, based in particular on the evaluations of the work programmes referred to in the third indent of Article 9(2)(b)(iii);
- (e) a description of the controls carried out and the penalties proposed and applied in accordance with Article 10;
- (f) expenditure by programme and by area of activity referred to in Article 4, and the Community, national and operators' financial contributions.

Article 12

Entry into force

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

It shall apply from 1 November 2002.

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

Done at Brussels, 23 July 2002.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1335/2002**of 23 July 2002****on the issue of import licences for rice against applications submitted during the first 10 working days of July 2002 pursuant to Regulation (EC) No 327/98**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 327/98 of 10 February 1998 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice ⁽¹⁾, as amended by Regulation (EC) No 2458/2001 ⁽²⁾, and in particular Article 5(2) thereof,

Whereas:

- (1) pursuant to Article 5(2) of Regulation (EC) No 327/98, within 10 days of the closing date for notification by the Member States of licence applications, the Commission must decide to what extent the applications may be accepted and fix the quantities available under the following tranche;
- (2) examination of the quantities for which applications have been submitted for under the July 2002 tranche shows that licences should be issued for the quantities

applied for reduced, where appropriate, by the percentages set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. Import licences for rice against applications submitted during the first 10 working days of July 2002 pursuant to Regulation (EC) No 327/98 and notified to the Commission shall be issued for the quantities applied for reduced, where appropriate, by the percentages set out in the Annex hereto.

2. The quantities available under the following tranche shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 24 July 2002.

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

Done at Brussels, 23 July 2002.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 37, 11.2.1998, p. 5.

⁽²⁾ OJ L 331, 15.12.2001, p. 10.

ANNEX

Reduction percentages to be applied to quantities applied for under the tranche for July 2002 and quantities available for the following tranche:

(a) quantity referred to in Article 2: semi-milled and wholly-milled rice falling within CN code 1006 30

Origin	Reduction (%)	Quantity available for the additional tranche for September 2002 (in t)
United States of America	0 ⁽¹⁾	7 115,006
Thailand	0 ⁽¹⁾	6 626,210
Australia	0 ⁽¹⁾	256,500

⁽¹⁾ Issue for the quantity applied for.

(b) quantity referred to in Article 2: husked rice falling within CN code 1006 20

Origin	Reduction (%)	Quantity available for the additional tranche for September 2002 (in t)
Australia	0 ⁽¹⁾	0,000
United States of America	0 ⁽¹⁾	0,000
Thailand	0 ⁽¹⁾	23,023
Other origins	—	117,000

⁽¹⁾ Issue for the quantity applied for.

(c) quantity referred to in Article 2: broken rice falling within CN code 1006 40 00

Origin	Reduction (%)
Thailand	0 ⁽¹⁾
Australia	0 ⁽¹⁾
Guyana	—
United States of America	76,6063
Other origins	90,9091

⁽¹⁾ Issue for the quantity applied for.

COMMISSION REGULATION (EC) No 1336/2002
of 23 July 2002
specifying the extent to which applications lodged in July 2002 for import rights in respect of
young male bovine animals for fattening may be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1126/2002 of 27 June 2002 opening and providing for the administration of an import tariff quota for young male bovine animals for fattening (1 July 2002 to 30 June 2003) ⁽¹⁾, and in particular Article 4(4) thereof,

Whereas:

Article 1(1) of Regulation (EC) No 1126/2002 lays down the number of young male bovine animals which may be imported on special terms during the period from 1 July 2002 to 30 June 2003. The quantities applied for exceed the quantities available under Article 2(1)(c) of that Regulation. Therefore, the quanti-

ties applied for should be reduced on a proportional basis in accordance with Article 4(4) of Regulation (EC) No 1126/2002,

HAS ADOPTED THIS REGULATION:

Article 1

All applications for import rights made in Member States other than Italy and Greece pursuant to Article 2(3), second subparagraph, third indent, of Regulation (EC) No 1126/2002 are hereby met to the extent of 4,8818 % of the quantity requested.

Article 2

This Regulation shall enter into force on 24 July 2002.

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

Done at Brussels, 23 July 2002.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 169, 28.6.2002, p. 10.

COMMISSION REGULATION (EC) No 1337/2002

of 24 July 2002

amending Regulation (EC) No 76/2002 introducing prior Community surveillance of imports of certain iron and steel products covered by the ECSC and EC Treaties originating in certain third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3285/94 of 22 December 1994 on common rules for imports and repealing Regulation (EC) No 518/94 ⁽¹⁾, as last amended by Regulation (EC) No 2474/2000 ⁽²⁾, and in particular Article 11 thereof,

Having regard to Council Regulation (EC) No 519/94 of 7 March 1994 on common rules for imports from certain third countries and repealing Regulations (EEC) No 1765/82, (EEC) No 1766/82 and (EEC) No 3420/83 ⁽³⁾, as last amended by Regulation (EC) No 1138/98 ⁽⁴⁾, and in particular Article 9(1) thereof,

Consultations having taken place within the committees set up under the Regulations referred to above,

Whereas:

(1) On 20 March 2002, the United States of America introduced a 'Section 201' safeguard in the shape of tariff quotas and additional duties ranging from 8 % to 30 % *ad valorem* on various categories of steel products. These severe American restrictions threaten to deflect a large amount of such products away from the United States of America and onto the Community market and thus to harm Community producers.

(2) Commission Regulation (EC) No 560/2002 ⁽⁵⁾, as last amended by Regulation (EC) No 1287/2002 ⁽⁶⁾, imposed provisional safeguard measures against imports of fifteen categories of steel products, after the Commission had noted a considerable increase in these imports over the period 1998 to 2001 and had made a preliminary determination that there was clear evidence that this increase in imports, at low prices, threatened to damage Community producers. The Commission also concluded that the

increased imports were being caused by trade deflection resulting from the increasingly protectionist stance of the United States of America. Furthermore, the Commission is currently conducting a 'safeguard' inquiry into the products covered by these provisional measures and six other categories of products.

(3) External trade statistics for the Community are not available within the time limits laid down by Commission Regulation (EC) No 1917/2000 of 7 September 2000 laying down certain provisions for the implementation of Council Regulation (EC) No 1172/95 as regards statistics on external trade ⁽⁷⁾, as amended by Regulation (EC) No 1669/2001 ⁽⁸⁾.

(4) Commission Regulation (EC) No 76/2002 ⁽⁹⁾ introduced prior Community surveillance of imports of certain iron and steel products covered by the ECSC and EC Treaties. The products covered by the Regulation do not correspond exactly to those covered by the United States of America safeguard measures. Furthermore, the Regulation does not apply to imports originating in countries belonging to the European Free Trade Association (EFTA), in countries party to the Agreement on the European Economic Area (EEA) or in Turkey. It is apparent that there is a need for statistics to enable rapid analysis of import trends for all iron and steel products liable to be deflected onto the Community market in the wake of the United States of America measures referred to above, irrespective of their geographic origin.

(5) The scope of prior surveillance must therefore be extended in terms of both the products covered and geographic origin.

(6) Regulation (EC) No 76/2002 must be amended accordingly,

⁽¹⁾ OJ L 349, 31.12.1994, p. 53.

⁽²⁾ OJ L 286, 11.11.2000, p. 1.

⁽³⁾ OJ L 67, 10.3.1994, p. 89.

⁽⁴⁾ OJ L 159, 3.6.1998, p. 1.

⁽⁵⁾ OJ L 85, 28.3.2002, p. 1.

⁽⁶⁾ OJ L 187, 16.7.2002, p. 25.

⁽⁷⁾ OJ L 229, 9.9.2000, p. 14.

⁽⁸⁾ OJ L 244, 21.8.2001, p. 3.

⁽⁹⁾ OJ L 16, 18.1.2002, p. 3.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 76/2002 is amended as follows:

1. Article 1(1) is replaced by the following:

'1. The release for free circulation in the Community of iron and steel products covered by the ECSC and the EC Treaties listed in Annex 1 shall be subject to prior Community surveillance in accordance with Articles 11 and 12 of Regulation (EC) No 3285/94 and Articles 9 and 10 of Regulation (EC) No 519/94. This applies to imports originating

in all non-member countries. However, products which are subject to a double-checking agreement established between a non-member country and the Community shall be subject to the conditions established by that agreement and not to this Regulation.'

2. The Annex is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the eighth 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, 24 July 2002.

For the Commission

Pascal LAMY

Member of the Commission

ANNEX

‘ANNEX

List of products subject to prior surveillance

7207 11 14	7210 11 10
7208 10 00	7210 11 90 (*)
7208 25 00	7210 12 11
7208 26 00	7210 12 19
7208 27 00	7210 12 90 (*)
7208 36 00	7210 20 10
7208 37 10	7210 20 90 (*)
7208 37 90	7210 30 10
7208 38 10	7210 30 90 (*)
7208 38 90	7210 41 10
7208 39 10	7210 41 90 (*)
7208 39 90	7210 49 10
7208 40 10	7210 49 90 (*)
7208 40 90	7210 50 10
7208 51 10	7210 50 90 (*)
7208 51 30	7210 61 10
7208 51 50	7210 61 90 (*)
7208 51 91	7210 69 10
7208 51 99	7210 69 90 (*)
7208 52 10	7210 70 31
7208 52 91	7210 70 39
7208 52 99	7210 70 90 (*)
7208 53 10	7210 90 31
7208 53 90	7210 90 33
7208 54 10	7210 90 38
7208 54 90	7210 90 90 (*)
7208 90 10	7211 13 00
7208 90 90 (*)	7211 14 10
7209 15 00	7211 14 90
7209 16 10	7211 19 20
7209 16 90	7211 19 90
7209 17 10	7211 23 10
7209 17 90	7211 23 51
7209 18 10	7211 23 91 (*)
7209 18 91	7211 23 99 (*)
7209 18 99	7211 29 20
7209 25 00	7211 29 50 (*)
7209 26 10	7211 29 90 (*)
7209 26 90	7211 90 11
7209 27 10	7211 90 19 (*)
7209 27 90	7211 90 90 (*)
7209 28 10	7212 10 10
7209 28 90	7212 10 91
7209 90 10	7212 10 93 (*)
7209 90 90	7212 10 99 (*)

(*) Products regulated by the EC Treaty.

7212 20 11	7216 31 91
7212 20 19 (*)	7216 31 99
7212 20 90 (*)	7216 32 11
7212 30 11	7216 32 19
7212 30 19 (*)	7216 32 91
7212 30 90 (*)	7216 32 99
7212 40 10	7216 33 10
7212 40 91	7216 33 90
7212 40 93 (*)	7216 40 10
7212 40 95 (*)	7216 40 90
7212 40 98 (*)	7216 50 10
7212 50 31	7216 50 91
7212 50 51	7216 50 99
7212 50 58 (*)	7216 99 10
7212 50 75 (*)	7221 00 10
7212 50 91 (*)	7221 00 90
7212 50 93 (*)	7222 11 11
7212 50 97 (*)	7222 11 19
7212 50 99 (*)	7222 11 21
7212 60 11	7222 11 29
7212 60 19 (*)	7222 11 91
7212 60 91	7222 11 99
7212 60 93 (*)	7222 19 10
7212 60 99 (*)	7222 19 90
7213 10 00	7222 20 11 (*)
7213 20 00	7222 20 19 (*)
7213 91 10	7222 20 21 (*)
7213 91 20	7222 20 29 (*)
7213 91 41	7222 20 31 (*)
7213 91 49	7222 20 39 (*)
7213 91 70	7222 20 81 (*)
7213 91 90	7222 20 89 (*)
7213 99 10	7222 30 10
7213 99 90	7222 30 51 (*)
7214 20 00	7222 30 91 (*)
7214 30 00	7222 30 98 (*)
7214 91 10	7222 40 10
7214 91 90	7222 40 30
7214 99 10	7222 40 91 (*)
7214 99 31	7222 40 93 (*)
7214 99 39	7222 40 99 (*)
7214 99 50	7223 00 11 (*)
7214 99 61	7223 00 91 (*)
7214 99 69	7223 00 19 (*)
7214 99 80	7223 00 99 (*)
7214 99 90	7225 11 00
7215 90 10	7225 19 10
7216 10 00	7225 19 90
7216 21 00	7225 20 20
7216 22 00	7225 20 90
7216 31 11	7225 30 00
7216 31 19	7225 40 20

7225 40 50	7228 10 30
7225 40 80	7228 20 11
7225 50 00	7228 20 19
7225 91 10	7228 20 30
7225 91 90 (*)	7228 30 20
7225 92 10	7228 30 41
7225 92 90 (*)	7228 30 49
7225 99 10	7228 30 61
7225 99 90 (*)	7228 30 69
7226 11 10	7228 30 70
7226 11 90 (*)	7228 30 89
7226 19 10	7228 60 10
7226 19 30	7228 70 10
7226 19 90 (*)	7228 70 31
7226 91 10	7228 80 10
7226 91 90	7228 80 90
7226 92 10	7301 10 00 (*)
7226 92 90 (*)	Complete CN heading 7304 (*)
7226 93 20	Complete CN heading 7306 (*)
7226 93 80 (*)	7307 91 00 (*)
7226 94 20	7307 93 11 (*)
7226 94 80 (*)	7307 93 19 (*)
7226 99 20	7307 99 30 (*)
7226 99 80 (*)	7307 99 90 (*)
7227 90 10	
7228 10 10	

LISTA DE LAS AUTORIDADES NACIONALES COMPETENTES
LISTE OVER KOMPETENTE NATIONALE MYNDIGHEDER
LISTE DER ZUSTÄNDIGEN BEHÖRDEN DER MITGLIEDSTAATEN
ΔΙΕΥΘΥΝΣΕΙΣ ΤΩΝ ΑΡΧΩΝ ΕΚΔΟΣΗΣ ΑΔΕΙΩΝ ΤΩΝ ΚΡΑΤΩΝ ΜΕΛΩΝ
LIST OF THE COMPETENT NATIONAL AUTHORITIES
LISTE DES AUTORITÉS NATIONALES COMPÉTENTES
ELENCO DELLE COMPETENTI AUTORITÀ NAZIONALI
LIJST VAN BEVOEGDE NATIONALE INSTANTIES
LISTA DAS AUTORIDADES NACIONAIS COMPETENTES
LUETTELO TOIMIVALTAISISTA KANSALLISISTA VIRANOMAISISTA
FÖRTECKNING ÖVER BEHÖRIGA NATIONELLA MYNDIGHETER

BELGIQUE/BELGIË

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COUNCIL DIRECTIVE 2002/68/EC
of 19 July 2002
amending Directive 2002/57/EC on the marketing of seed of oil and fibre plants

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

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

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Whereas:

- (1) Varietal associations of oil and fibre plants species should be included in the scope of Directive 2002/57/EC ⁽³⁾. The conditions to be satisfied by the varietal associations, including the colour of the official label required for packages of certified seed of varietal associations, should also be defined.
- (2) Owing to their increased importance in the Community, seed of hybrid varieties of oil and fibre plant species additional to sunflower should also be included in the scope of certain definitions of Directive 2002/57/EC.
- (3) Directive 2002/57/EC should therefore be amended accordingly.
- (4) Owing to the increased importance in the Community of such seed, the Commission adopted Decision 95/232/EC ⁽⁴⁾ with the aim of establishing the conditions to be satisfied by the seed of hybrids and varietal associations of swede rape and turnip rape. That Decision expired on 30 June 2002. It is therefore appropriate to keep the Community conditions concerning the marketing of those seeds pending the application of the new provisions,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 2002/57/EC is hereby amended as follows:

1. in Article 2, the following paragraph shall be inserted:

‘3a. Amendments to be made to paragraph 1(c) and (d) for the purpose of including hybrids of oil and fibre plants other than sunflower within the scope of this Directive shall be adopted in accordance with the procedure laid down in Article 25(2);’

2. in Article 12(1)(a), the following sentence shall be inserted after the second sentence:

‘In the case of certified seed of a varietal association, the label shall be blue with a diagonal green line;’

3. the following Article shall be inserted:

‘Article 19a

1. Member States shall permit seed of species of oil and fibre plants to be marketed in the form of a varietal association.
2. For purposes of paragraph 1:
 - (a) “varietal association” means an association of certified seed of a specified pollinator-dependant hybrid officially admitted under Directive 2002/53/EC with certified seed of one or more specified pollinator(s), similarly admitted, and mechanically combined in proportions jointly determined by the persons responsible for the maintenance of these components, such combination having been notified to the certification authority;
 - (b) “pollinator-dependant hybrid” means the male-sterile component within the “varietal association” (female component);
 - (c) “pollinator(s)” means the component shedding pollen within the “varietal association” (male component).
3. The seed of the female and male components shall be dressed using seed dressings of different colours.’

Article 2

In Article 5(5) of Decision 95/232/CE the date ‘30 June 2002’ shall be replaced by ‘30 June 2003’.

Article 3

1. Member States shall bring into force the laws, regulations or administrative provisions necessary to comply with this Directive no later than 30 June 2003. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by the Member States.

⁽¹⁾ Opinion delivered on 2 July 2002 (not yet published in the Official Journal).

⁽²⁾ Opinion delivered on 17 July 2002 (not yet published in the Official Journal).

⁽³⁾ OJ L 193, 20.7.2002, p. 74.

⁽⁴⁾ OJ L 154, 5.7.1995, p. 22. Decision as last amended by Decision 2001/18/EC (OJ L 4, 9.1.2001, p. 36).

2. Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field governed by this Directive.

Article 4

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

Article 2 shall apply from 1 July 2002.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 19 July 2002.

For the Council

The President

T. PEDERSEN

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 27 June 2002

amending Decision 1999/311/EC adopting the third phase of the trans-European cooperation scheme for higher education (Tempus III) (2000 to 2006)

(2002/601/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

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

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

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

Having consulted the Committee of the Regions,

Whereas:

- (1) On 23 July 1996 the Council adopted Regulation (EC) No 1488/96 on financial and technical measures to accompany (MEDA) the reform of economic and social structures in the framework of the Euro-Mediterranean partnership ⁽⁴⁾.
- (2) The Mediterranean region constitutes a priority area for the Community and the political, economic and social development of the Mediterranean partners is a challenge of ever increasing proportions.
- (3) It is important to pursue and intensify the cooperation launched within the Euro-Mediterranean partnership which was established by the Barcelona declaration of 27 November 1995.
- (4) The Barcelona declaration recognises that the traditions of culture and civilisation throughout the Mediterranean region, dialogue between these cultures and exchanges at human, scientific and technological level are an essential factor in bringing the Mediterranean peoples closer, promoting understanding between them and improving

their perception of each other. It stresses the essential nature of the development of human resources, both as regards the education and training of young people in particular, and in the area of culture, and recognises the essential contribution civil society can make in the process of development of the Euro-Mediterranean partnership and as an essential factor for greater understanding and closeness between peoples.

- (5) Euro-Mediterranean cooperation in higher education is an indispensable instrument to achieve the key objectives set out in the Barcelona declaration and in particular to develop human resources, promote understanding between cultures and rapprochement of the peoples in the Euro-Mediterranean region as well as to develop free and flourishing civil societies.
- (6) On 29 April 1999 the Council adopted Decision 1999/311/EC adopting the third phase of the trans-European cooperation scheme for higher education (Tempus III) (2000 to 2006) ⁽⁵⁾.
- (7) The Tempus III programme has proved an effective tool for structural cooperation in, and development of, higher education including the improvement of human resources and occupational skills. Via universities and university staff it can also make an effective contribution to the development of public administration and education structures in the eligible countries.
- (8) Enlarging the geographical scope of the Tempus III programme to the Mediterranean non-member countries and territories referred to in Regulation (EC) No 1488/96 would make it possible to build on the proven strengths of that programme, achieve economies of scale and favour regional cooperation around the wider Euro-Mediterranean region.

⁽¹⁾ OJ C 151 E, 25.6.2002, p. 118.

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

⁽³⁾ OJ C 149, 21.6.2002, p. 36.

⁽⁴⁾ OJ L 189, 30.7.1996, p. 1. Regulation as last amended by Regulation (EC) No 2698/2000 (OJ L 311, 12.12.2000, p. 1).

⁽⁵⁾ OJ L 120, 8.5.1999, p. 30. Decision as last amended by Regulation (EC) No 2666/2000 (OJ L 306, 7.12.2000, p.1).

- (9) It is appropriate to extend the period covered by the Tempus III programme by six months to 31 December 2006 without adjusting the financial provision, since that period corresponds to that of the financial perspectives as well as that of the other major Community education and training programmes.
- (10) The measures necessary for the implementation of the Tempus III programme should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾.
- (11) Decision 1999/311/EC should therefore be amended accordingly,

HAS DECIDED AS FOLLOWS:

Article 1

Decision 1999/311/EC is hereby amended as follows:

1. Articles 1 and 2 shall be replaced by the following:

'Article 1

Duration of Tempus III

The third phase of the trans-European cooperation scheme for higher education (hereinafter referred to as "Tempus III") is hereby adopted for the period from 1 July 2000 to 31 December 2006.

Article 2

Eligible countries

1. Tempus III shall concern the countries which are beneficiaries under Council Regulation (EC) No 2666/2000 of 5 December 2000 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia (*), and the new independent States of the former Soviet Union and Mongolia referred to in Council Regulation (EC, Euratom) No 99/2000 of 29 December 1999 concerning the provision of assistance to the partner States in eastern Europe and central Asia (**), and Mediterranean non-member countries and territories listed in Council Regulation (EC) No 1488/96 of 23 July 1996 on financial and technical measures to accompany (MEDA) the reform of economic and social structures in the framework of the Euro-Mediterranean partnership (***). These countries and territories are hereinafter referred to as "eligible countries".

2. On the basis of an evaluation of the specific situation of each country, the Commission, in accordance with the procedures referred to in the Regulations referred to in paragraph 1, shall agree with the eligible countries concerned whether they should participate in Tempus III, and the nature and conditions of their participation. The

conditions of Article 10(1) will apply to eligible countries that do not participate in Tempus III.

(*) OJ L 306, 7.12.2000, p. 1. Regulation as last amended by Regulation (EC) No 2415/2001 (OJ L 327, 12.12.2001, p. 3).

(**) OJ L 12, 18.1.2000, p. 1.

(***) OJ L 189, 30.7.1996, p. 1. Regulation as last amended by Regulation (EC) No 2698/2000 (OJ L 311, 12.12.2000, p. 1).'

2. Articles 5, 6 and 7 shall be replaced by the following:

'Article 5

Aim

1. The aim of Tempus III is to promote, in line with the guidelines and general objectives of the Regulations referred to in Article 2(1), and in complementarity with the programmes and sectoral approaches resulting therefrom, the development of the higher education systems in the eligible countries through the most balanced cooperation possible with partners from all the Member States.

2. More specifically, Tempus III shall:

- (a) promote understanding between and rapprochement of cultures, develop free and flourishing civil societies; and
- (b) facilitate the adaptation and development of higher education to better respond to the socio-economic and cultural needs of the eligible countries by addressing:
 - (i) issues relating to the development and reshaping of curricula in the priority areas;
 - (ii) reform and development of higher education structures and establishments and their management;
 - (iii) the development of training leading to such qualifications as will remedy the shortage of high-level skills needed in the context of economic reform and development, particularly by improving and increasing links with industry;
 - (iv) the contribution of higher education and training to citizenship and the strengthening of democracy.

3. The Commission shall, when pursuing the aim of Tempus III, observe the Community's general policy on equal opportunities for men and women. The Commission shall also ensure that no group of citizens is excluded or disadvantaged.

Article 6

Dialogue with the eligible countries

In agreement with the competent authorities in each country, the Commission shall define the detailed priorities and objectives for the role of Tempus III, on the basis of the programme's aim and the provisions of the Annex, and in conformity in particular with:

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

- (a) the general objectives of the Regulations referred to in Article 2(1);
- (b) the economic, social and educational policy of each eligible country;
- (c) the need to strike an appropriate balance between the priority areas selected and the resources allocated to Tempus III.

Article 7

Committee

1. The Commission shall implement Tempus III in accordance with the provisions of the Annex, on the basis of detailed guidelines to be adopted annually and following the detailed priorities and objectives agreed with the competent authorities in each eligible country, as provided for in Article 6.

2. The Committee referred to in paragraphs 4 and 5 shall, in particular, assist the Commission in the implementation of the scheme having regard to the aim set out in Article 5 and shall coordinate its work with that of other programme committees established in the field of education (Socrates) and training (Leonardo).

3. The measures necessary for the implementation of this Decision relating to the subject matters referred to below shall be adopted in accordance with the procedure set out in paragraph 4:

- (a) the general guidelines governing Tempus III;
- (b) the selection procedures and general guidelines for the Community's financial assistance (amounts, duration and beneficiaries);
- (c) questions relating to the overall balance of Tempus III, including the breakdown between the various actions;
- (d) the detailed priorities and objectives to be agreed with the competent authorities in each eligible country;
- (e) the arrangements for monitoring and evaluating Tempus III.

4. The Commission shall be assisted by a committee.

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

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

The Committee shall adopt its rules of procedure.

5. In addition, the Commission may consult the Committee on any other matter concerning the implementation of Tempus III, including the annual report.

In this case, Articles 3 and 7 of Decision 1999/468/EC shall apply;

3. Articles 9 and 10 shall be replaced by the following:

'Article 9

Links with other Community actions

In accordance with the procedure referred to in Article 7(4) of this Decision and, if applicable, the procedure referred to in Article 10 of Regulation (EC) No 2666/2000, in Article 13 of Regulation (EC, Euratom) No 99/2000, and in Article 11 of Regulation (EC) No 1488/96, within the limits established by the annual budgetary decisions, the Commission shall ensure consistency and, where necessary, complementarity between Tempus III and other Community actions undertaken both in the Community and as part of assistance provided to eligible countries, particularly with regard to the activities of the European Training Foundation.

Article 10

Coordination with action taken in third countries

1. The Commission shall organise appropriate coordination with actions undertaken by third countries (*) or by universities and the business sector in these countries in the same field as Tempus III, including, where applicable, participation in Tempus III projects.

2. This participation may take a variety of forms, including one or more of the following:

- (a) participation in Tempus III projects on a co-financing basis;
- (b) use of the opportunities available under Tempus III to channel exchange actions receiving bilateral funding;
- (c) coordination between Tempus III and national initiatives which have the same aims but which are funded and managed separately;
- (d) mutual exchange of information on all relevant initiatives in this field.

(*) These countries are the members of the Group of 24, other than the Member States of the Community, the Republic of Cyprus and Malta, and the associated countries of central and eastern Europe, and participation relates to projects with the non-associated countries of central and eastern Europe eligible under the PHARE programme and such other countries the Community might subsequently decide to include.;

4. in Article 12, the second paragraph shall be replaced by the following:

'It shall submit by 30 June 2004 an interim report on the findings of the evaluation, together with any proposals for extending or adjusting Tempus III for the period commencing on 1 January 2007;'

5. in the Annex, the text under the heading 'Individual grants' shall be replaced by the text in the Annex to this Decision.

Article 2

This Decision shall take effect from the day of its adoption.

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

Done at Luxembourg, 27 June 2002.

For the Council

The President

M. ARIAS CAÑETE

ANNEX

'Individual grants

In addition to the JEPs and the structural and/or complementary measures, the Community will also support the provision of individual grants to teachers, researchers, trainers, university administrators, senior ministerial officials, education planners and other experts in training from eligible countries or from the Community, for visits to promote the quality, development and restructuring of higher education and training in the eligible countries.

These visits could *inter alia* cover the following areas:

- the development of courses and teaching material,
 - the development of staff, particularly through periods of refresher training and in-company placements,
 - teaching, research and training assignments,
 - activities to support the development of higher education,
 - participation in the activities of European associations, in particular university associations.'
-

COMMISSION

COMMISSION DECISION

of 8 July 2002

on administering certain restrictions on imports of certain steel products from the Russian Federation

(notified under document number C(2002) 2480)

(Text with EEA relevance)

(2002/602/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community and in particular the first paragraph of Article 95 thereof,

Having consulted the Consultative Committee and with the unanimous assent of the Council,

Whereas:

(1) For the years 1995 to 2001 trade in certain products covered by the Treaty establishing the European Coal and Steel Treaty was the subject of agreements between the Parties ⁽¹⁾.

(2) The Community has concluded a further ECSC steel agreement with the Russian Federation concerning trade in certain steel products covered by the European Coal and Steel Community Treaty which take account of developments in the relationship between the Parties ⁽²⁾.

(3) This agreement establishes quantitative limits for the entry into free circulation in the Community of certain steel products between 2002 to 2004 and provides a framework for the removal of quantitative restrictions provided that certain conditions are met and in particular when compatible disciplines in respect of competition, state aid and environmental protection have been established in respect of the steel products covered by the Agreement.

(4) It is necessary to provide the means to administer this agreement within the Community, taking into account the experience gained during the previous agreements.

(5) It is necessary to ensure that the origin of the products in question is checked and appropriate methods of administrative cooperation are set up to this end.

(6) The effective application of the agreement requires the introduction of a requirement of a Community import licence for the entry into free circulation in the Community of the products in question together with a system for administering the grant of such Community import licences.

(7) Products placed in a free zone or imported under the arrangements governing customs warehouses, temporary importation or inward processing (suspension system) should not be counted against the limits established for the products in question.

(8) In order to ensure that these quantitative limits are not exceeded, it is necessary to establish a management procedure whereby the competent authorities of the Member States will not issue import licences before obtaining prior confirmation from the Commission that appropriate amounts remain available within the quantitative limit in question.

⁽¹⁾ OJ L 5, 8.1.96, p. 24, OJ L 45, 15.2.97, p. 40, OJ L 300, 4.11.1997, p. 51

⁽²⁾ See page 54 of this Official Journal.

- (9) The agreement provides for a system of cooperation between the Russian Federation and the Community with the aim of preventing circumvention by means of transshipment, rerouting or other means; whereas a consultation procedure is established under which an agreement can be reached with the country concerned on an equivalent adjustment to the relevant quantitative limit when it appears that the agreement has been circumvented; whereas the Russian Federation also agreed to take the necessary measures to ensure that any adjustments could be rapidly applied; whereas, in the absence of agreement with a supplier country within the time limit provided, the Community may, where clear evidence of circumvention is provided, apply the equivalent adjustment.
- (10) Imports of products covered by this Decision as from 1 January 2002 have been subjected to a licence in pursuance of Decision 2002/385/ECSC⁽¹⁾, as amended, that the ECSC steel agreement foresees that those quantities are to be counted against the limits established for 2002 in this Decision,

HAS DECIDED AS FOLLOWS:

Article 1

Scope

1. This Decision applies to imports of the steel products listed in Annex I, originating in the Russian Federation.
2. For the purposes of paragraph 1, the steel products shall be classified in product groups as set out in Annex I.
3. The classification of products listed in Annex I shall be based on the Combined Nomenclature (CN). The procedures for the application of this paragraph are laid down in Part I of Annex II.
4. The origin of the products referred to in paragraph 1 shall be determined in accordance with the rules in force in the Community.
5. The procedures for verification of the origin of the products referred to in paragraph 1 are laid down in Annexes II and III and in the relevant Community legislation in force.

Article 2

Quantitative limits

1. The importation into the Community of the steel products listed in Annex I originating in the Russian Federation shall be subject to the annual quantitative limits laid down in Annex IV. The release for free circulation in the Community of the products set out in Annex I originating in the Russian Federation shall be subject to the presentation of an import authorization issued by the Member States' authorities in accordance with the provisions of Article 4.

⁽¹⁾ OJ L 345, 29.12.2001, p. 71.

The authorized imports shall be counted against the quantitative limits laid down for the year in which the products are shipped in the exporting country.

2. In order to ensure that quantities for which import authorizations are issued do not exceed at any moment the total quantitative limits for each product group, the competent authorities shall issue import authorizations only upon confirmation by the Commission that there are still quantities available within the quantitative limits for the relevant product group of steel products in respect of the supplier country, for which an importer or importers have submitted applications to the said authorities.

3. Imports of products as from 1 January 2002, for which a licence was required pursuant to Commission Decision 2001/932/ECSC, as amended, shall be counted against the relevant limits for 2002 laid down in Annex IV.

4. For the purposes of this Decision and as from the date of its application, shipment of products shall be considered as having taken place on the date on which they were loaded onto the exporting means of transport.

Article 3

Suspensive arrangements

1. The quantitative limits referred to in Annex IV shall not apply to products placed in a free zone or free warehouse or imported under the arrangements governing customs warehouses, temporary importation or inward processing (suspension system).
2. Where the products referred to in paragraph 1 are subsequently released for free circulation, either in the unaltered state or after working or processing, Article 2(2) shall apply and the products so released shall be counted against the relevant quantitative limit set out in Annex IV.

Article 4

Specific rules for the administration of Community quantitative limits

1. For the purpose of applying Article 2(2), the competent authorities of the Member States, before issuing import authorizations, shall notify the Commission of the amounts of the requests for import authorizations, supported by original export licences, which they have received. By return, the Commission shall notify its confirmation that the requested amount(s) of quantities are available for importation in the chronological order in which the notifications of the Member States have been received ('first come, first served basis').
2. The requests included in the notifications to the Commission shall be valid if they establish clearly in each case the exporting country, the product group concerned, the amounts to be imported, the number of the export licence, the quota year and the Member State in which the products are intended to be put into free circulation.

3. The notifications referred to in paragraphs 1 and 2 shall be communicated electronically within the integrated network set up for this purpose, unless for imperative technical reasons it is necessary to use other means of communication temporarily.

4. As far as possible, the Commission shall confirm to the authorities the full amount indicated in the requests notified for each product group of products. Moreover, the Commission shall contact the Russian authorities immediately in cases where requests notified exceed the limits in order to seek clarification and a rapid solution.

5. The competent authorities shall notify the Commission immediately after being informed of any quantity that is not used during the duration of validity of the import authorization. Such unused quantities shall automatically be transferred into the remaining quantities of the total Community quantitative limit for each product group.

6. The import authorizations or equivalent documents shall be issued in accordance with Annex II.

7. The competent authorities of the Member States shall notify the Commission of any cancellation of import authorizations or equivalent documents already issued in cases where the corresponding export licences have been withdrawn or cancelled by the competent Russian authorities. However, if the Commission or the competent authorities of a Member State have been informed by the competent Russian authorities of the withdrawal or cancellation of an export licence after the related products have been imported into the Community, the quantities in question shall be set off against the quantitative limit for the year during which shipment of products took place.

8. The Commission may take any measure necessary to implement the provisions of this Article.

Article 5

Statistics

1. In respect of the steel products listed in Annex I, Member States shall notify the Commission monthly, within one month of the end of each month, of the total quantities that have entered into free circulation during that month, indicating the combined nomenclature code and using the statistical units and, where appropriate, supplementary units used in that code. Imports shall be broken down in accordance with the statistical procedures in force.

2. In order to enable market trends in the products covered by this Decision to be monitored, Member States shall communicate to the Commission, before 31 March each year, statistical data on the imports of the preceding year.

Article 6

Circumvention

1. Where, following the enquiries carried out in accordance with the procedures set out in Annex III, the Commission notes

that the information in its possession constitutes proof that products listed in Annex I originating in the Russian Federation have been transhipped, rerouted or otherwise imported into the Community through circumvention of such quantitative limits and that there is a need for the necessary adjustments to be made, it shall request that consultations be opened so that agreement may be reached on an equivalent adjustment of the corresponding quantitative limits.

2. Pending the outcome of the consultations referred to in paragraph 1, the Commission may ask the Russian Federation to take the necessary precautionary steps to ensure that adjustments to the quantitative limits agreed following such consultations may be carried out for the year in which the request for consultations was lodged or for the following year, if the quantitative limits for the current year is exhausted, where there is clear evidence of circumvention.

3. If the Community and the Russian Federation fail to arrive at a satisfactory solution and if the Commission notes that there is clear evidence of circumvention, it shall deduct from the quantitative limits an equivalent volume of products originating in the Russian Federation.

Article 7

Final provisions

Amendments to the Annexes which may be necessary to take into account the conclusion, amendment or expiry of agreements with the Russian Federation, adjustments to the quantitative limits made in accordance with the relevant provisions of the ECSC steel agreement with the Russian Federation, or amendments made to Community rules on statistics, customs arrangements or common rules for imports, shall be adopted by the European Commission.

Article 8

This Decision shall not constitute in any way a derogation from the provisions of the bilateral ECSC steel agreement on trade in certain steel products which the Community has concluded with the Russian Federation and which, in all cases of conflict, shall prevail.

Article 9

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

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

Done at Brussels, 8 July 2002.

For the Commission

Pascal LAMY

Member of the Commission

ANNEX I

RUSSIAN FEDERATION

SA FLAT-ROLLED PRODUCTS	7209 18 91	7226 91 90	7214 99 39
	7209 18 99	7226 99 20	7214 99 50
	7209 25 00		7214 99 61
SA1. Coils	7209 26 10		
	7209 26 90	SB. LONGS PRODUCTS	7214 99 69
7208 10 00	7209 27 10		
7208 25 00	7209 27 90	SB1. Beams	7214 99 80
7208 26 00	7209 28 10		7214 99 90
7208 27 00	7209 28 90	7207 19 31	
7208 36 00	7209 90 10	7207 20 71	7215 90 10
7208 37 90	7210 11 10		
7208 38 90	7210 12 11	7216 31 11	
7208 39 90	7210 12 19	7216 31 19	7216 10 00
	7210 20 10	7216 31 91	7216 21 00
7211 14 10	7210 30 10	7216 31 99	7216 22 00
7211 19 20	7210 41 10	7216 32 11	7216 40 10
	7210 49 10	7216 32 19	7216 40 90
7219 11 00	7210 50 10	7216 32 91	7216 50 10
7219 12 10	7210 61 10	7216 32 99	7216 50 91
7219 12 90	7210 69 10	7216 33 10	7216 50 99
7219 13 10	7210 70 31	7216 33 90	7216 99 10
7219 13 90	7210 70 39		
7219 14 10	7210 70 31		
7219 14 90	7210 90 31		
	7210 90 33	SB2. Wire rod	7218 99 20
7225 20 20	7210 90 38		
7225 30 00	7211 14 90	7213 10 00	7222 11 11
	7211 19 90		7222 11 19
SA1a. Hot rolled coils for re-rolling	7211 23 51	7213 20 00	7222 11 21
	7211 29 20	7213 91 10	
7208 37 10	7211 90 11		7222 11 29
7208 38 10	7212 10 10	7213 91 20	
7208 39 10	7212 10 91	7213 91 41	
	7212 20 11	7213 91 49	7222 11 91
	7212 30 11	7213 91 70	7222 11 99
SA2. Heavy plate	7212 40 10	7213 91 90	7222 19 10
	7212 40 91	7213 99 10	7222 19 90
7208 40 10	7212 50 31	7213 99 90	7222 30 10
7208 51 10	7212 50 51		7222 40 10
7208 51 30	7212 60 11	7221 00 10	7222 40 30
7208 51 50	7212 60 91	7221 00 90	
7208 51 91	7219 21 10		7224 90 31
7208 51 99	7219 21 90	7227 10 00	7224 90 39
7208 52 10	7219 22 10	7227 20 00	
7208 52 91	7219 22 90	7227 90 10	
7208 52 99	7219 23 00	7227 90 50	7228 10 10
7208 53 10	7219 24 00	7227 90 95	7228 10 30
7211 13 00	7219 31 00		7228 20 11
	7219 32 10		7228 20 19
	7219 32 90	SB3. Other longs	7228 20 30
SA3. Other flat-rolled products	7219 33 10		7228 30 20
	7219 33 90	7207 19 11	7228 30 41
7208 40 90	7219 34 10	7207 19 14	7228 30 49
7208 53 90	7219 34 90	7207 19 16	7228 30 61
7208 54 10	7219 35 10	7207 20 51	7228 30 69
7208 54 90	7219 35 90	7207 20 55	7228 30 70
7208 90 10	7225 40 80	7207 20 57	7228 30 89
7209 15 00			7228 60 10
7209 16 10		7214 20 00	7228 70 10
7209 16 90	SA4. Alloyed products	7214 30 00	7228 70 31
7209 17 10		7214 91 10	7228 80 10
7209 17 90	7226 20 20	7214 91 90	7228 80 90
7209 18 10	7226 91 10	7214 99 10	
		7214 99 31	7301 10 00

ANNEX II

PART I

CLASSIFICATION

Article 1

The classification of the steel products covered by the Decision is based on the Combined Nomenclature (CN).

Article 2

On the initiative of the Commission or of a Member State, the tariff and statistical nomenclature section of the Customs Code Committee, which was established by Council Regulation (EEC) No 2658/87 ⁽¹⁾, as amended by Article 252 of Council Regulation (EEC) No 2913/92 ⁽²⁾, will examine urgently, in accordance with the provisions of the abovementioned Regulations, all questions concerning the classification of products covered by this Decision within the Combined Nomenclature in order to classify them in the appropriate product groups.

Article 3

The Commission shall inform the Russian Federation of any changes in the Combined Nomenclature (CN) affecting products covered by this Decision on their adoption by the competent authorities of the Community.

Article 4

The Commission shall inform the competent Russian authorities of any decisions adopted in accordance with the procedures in force in the Community relating to classification of products covered by this Decision, within one month at the latest of their adoption. Such communication shall include:

- (a) a description of the products concerned;
- (b) the relevant product group, and the Combined Nomenclature code (CN code);
- (c) the reasons which have led to the decision.

Article 5

1. Where a classification decision adopted in accordance with Community procedures in force results in a change of classification practice or a change in the product group of any product covered by this Decision, the competent authorities of the Member States shall provide 30 days' notice, from the date of the Commission's notification, before the decision is put into effect.
2. Products shipped before the date of application of the decision shall remain subject to earlier classification practice, provided that the goods in question are entered to importation within 60 days of that date.

Article 6

Where a classification decision adopted in accordance with the Community procedures in force referred to in Article 5 of this Annex involves a product group subject to a quantitative limit, the Commission shall, where necessary, initiate consultations without delay in accordance with Article 9 of this Decision, in order to reach agreement on any necessary adjustments to the corresponding quantitative limits provided for in Annex IV.

Article 7

1. Without prejudice to any other provision on this subject, where the classification indicated in the documentation necessary for importation of the products covered by this Decision differs from the classification determined by the competent authorities of the Member State into which they are to be imported, the goods in question shall be provisionally subject to the import arrangements which, in accordance with the provisions of this Decision, are applicable to them on the basis of the classification determined by the abovementioned authorities.
2. competent authorities of the Member States shall inform the Commission of the cases referred to in paragraph 1, indicating in particular:
 - the quantities of products involved;
 - the product group shown on the import documentation and that retained by the competent authorities;
 - the number of the export licence and the category shown.

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

3. The competent authorities of the Member States shall not issue a new import authorization for steel products subject to a Community quantitative limit laid down in Annex IV following re-classification until they have obtained confirmation from the Commission that the amounts to be imported are available in accordance with the procedure laid down in Article 4 of the Decision.

4. The Commission shall notify the exporting countries concerned of the cases referred to in this Article.

Article 8

In the cases referred to in Article 7, as well as in those cases of a similar nature raised by the competent Russian authorities, the Commission, if necessary, shall enter into consultations with Russia, in order to reach agreement on the classification definitively applicable to the products involved in the divergence.

Article 9

The Commission, in agreement with the competent authorities of the importing Member State or States and of Russia, may, in the cases referred to in Article 8, determine the classification definitively applicable to the products involved in the divergence.

Article 10

When a case of divergence referred to in Article 7 cannot be resolved in accordance with Article 9, the Commission shall adopt, in accordance with the provisions of Article 10 of Regulation (EEC) No 2658/87, a measure establishing the classification of the goods in the Combined Nomenclature.

PART II

DOUBLE-CHECKING SYSTEM

(for administering quantitative limits)

Article 11

1. The competent Russian authorities shall issue an export licence in respect of all consignments of steel products subject to the quantitative limits laid down in Annex IV up to the level of the said limits.
2. The original of the export licence shall be presented by the importer for the purposes of the issue of the import authorization referred to in Article 14.

Article 12

1. The export licence for quantitative limits shall conform to the specimen set out in Appendix I of this Annex and shall certify, *inter alia*, that the quantity of goods in question has been set off against the quantitative limit established for the product group concerned.
2. Each export licence shall cover only one of the product groups listed in Annex I.

Article 13

Exports shall be set off against the quantitative limits established for the year in which the products covered by the export licence have been shipped within the meaning of Article 2 (5) of the Decision.

Article 14

1. To the extent that the Commission pursuant to Article 4 of the Decision has confirmed that the amount requested is available within the quantitative limit in question, the competent authorities of the Member States shall issue an import authorization within a maximum of five working days of the presentation by the importer of the original of the corresponding export licence. This presentation must be effected not later than 31 March of the year following that in which the goods covered by the licence have been shipped. Import authorizations shall be issued by the competent authorities of any Member State irrespective of the Member State indicated on the export licence, to the extent that the Commission, pursuant to Article 4 of the Decision, has confirmed that the amount requested is available within the quantitative limit in question.
2. The import authorizations shall be valid for four months from the date of their issue. Upon duly motivated request by an importer, the competent authorities of a Member State may extend the duration of validity for a further period not exceeding two months. Such extensions shall be notified to the Commission. In exceptional circumstances, an importer may request a second period of extension. These exceptional requests may be granted only by a decision taken in accordance with the procedure laid down in Article 7 of the Decision.

3. Import authorizations shall be drawn up in the form set out in Appendix II of this Annex and shall be valid throughout the customs territory of the Community.
4. The declaration or request made by the importer in order to obtain the import authorization shall contain:
- (a) the full name and address of the exporter;
 - (b) the full name and address of the importer;
 - (c) the exact description of the goods and the CN code(s);
 - (d) the country of origin of the goods;
 - (e) the country of consignment;
 - (f) the appropriate product group and the quantity in the appropriate unit as indicated in Annex IV of the Decision for the products in question;
 - (g) the net weight by CN heading;
 - (h) the cif value of the products at Community frontier by CN heading (as indicated in box 13 of the export licence);
 - (i) whether the products concerned are seconds or of substandard quality;
 - (j) where appropriate, dates of payment and delivery and a copy of the bill of lading and of the purchase contract;
 - (k) date and number of the export licence;
 - (l) any internal code used for administrative purposes;
 - (m) date and signature of importer.
5. Importers shall not be obliged to import the total quantity covered by an import authorization in a single consignment.

Article 15

The validity of import authorizations issued by the authorities of the Member States shall be subject to the validity of and the quantities indicated in the export licences issued by the competent Russian authorities on the basis of which the import authorizations have been issued.

Article 16

Import authorizations or equivalent documents shall be issued by the competent authorities of the Member States in conformity with Article 2(2) and without discrimination to any importer in the Community wherever the place of his establishment may be in the Community, without prejudice to compliance with other conditions required under current rules.

Article 17

1. If the Commission finds that the total quantities covered by export licences issued by Russia for a particular product group in any agreement year exceed the quantitative limit established for that product group, the competent licence authorities in the Member States shall be informed immediately to suspend the further issue of import authorizations. In this event, consultations shall be initiated forthwith by the Commission.
2. The competent authorities of a Member State shall refuse to issue import authorizations for products originating in Russia which are not covered by export licenses issued in accordance with the provisions of this Annex.

PART III

COMMON PROVISIONS

Article 18

1. The export licence referred to in Article 11 of this Annex and the certificate of origin (specimen attached) may include additional copies duly indicated as such. They shall be made out in English.
2. If the documents referred to above are completed by hand, entries must be in ink and in block letters.

3. The export licences or equivalent documents and certificates of origin shall measure 210 x 297 mm. The paper shall be white writing paper, sized, not containing mechanical pulp and weighing not less than 25 g/m². Each part shall have a printed guilloche pattern background making any falsification by mechanical or chemical means apparent to the eye.
4. Only the original shall be accepted by the competent authorities in the Community as being valid for import purposes in accordance with the provisions of this Decision.
5. Each export licence or equivalent document and the certificate of origin shall bear a standardized serial number, whether or not printed, by which it can be identified.
6. This number shall be composed of the following elements:
- two letters identifying the exporting country as follows:
RU = Russian Federation
 - two letters identifying the Member State of intended destination as follows:
B = Belgium
DK = Denmark
DE = Germany
EL = Greece
ES = Spain
FR = France
IE = Ireland
IT = Italy
LU = Luxembourg
NL = Netherlands
AT = Austria
PT = Portugal
FI = Finland
SE = Sweden
GB = United Kingdom
 - a one-digit number identifying the quota year corresponding to the last figure in the year in question, e.g. '2' for 2002;
 - a two-digit number identifying the issuing office in the exporting country;
 - a five-digit number running consecutively from 00001 to 99999 allocated to the specific Member State of destination.

Article 19

The export licence and the certificate of origin may be issued after the shipment of the products to which they relate. In such cases they shall bear the endorsement 'issued retrospectively'.

Article 20

In the event of the theft, loss or destruction of an export licence or a certificate of origin, the exporter may apply to the competent authority which issued the document for a duplicate to be made out on the basis of the export documents in his possession. The duplicate licence or certificate issued in this way shall bear the endorsement 'duplicate'.

The duplicate shall bear the date of the original licence or certificate.

PART IV

COMMUNITY IMPORT LICENCE — COMMON FORM

Article 21

1. The forms to be used by the competent authorities of the Member States (list attached to this Annex) for issuing the import authorizations referred to in Article 14 shall conform to the specimen of the import licence set out in Appendix II to this Annex.
2. Import licence forms and extracts thereof shall be drawn up in duplicate, one copy, marked 'Holder's copy' and bearing the number 1 to be issued to the applicant, and the other, marked 'Copy for the issuing authority' and bearing the number 2, to be kept by the authority issuing the licence. For administrative purposes the competent authorities may add additional copies to form 2.

3. Forms shall be printed on white paper free of mechanical pulp, dressed for writing and weighing between 55 and 65 g/m². Their size shall be 210 x 297 mm; the type space between the lines shall be 4,24 mm (one sixth of an inch); the layout of the forms shall be followed precisely. Both sides of copy No 1, which is the licence itself, shall in addition have a red printed guilloche pattern background so as to reveal any falsification by mechanical or chemical means.

4. Member States shall be responsible for having the forms printed. The forms may also be printed by printers appointed by the Member State in which they are established. In the latter case, reference to the appointment by the Member State must appear on each form. Each form shall bear an identification of the printer's name and address or a mark enabling the printer to be identified.

5. At the time of their issue the import licences or extracts shall be given an issue number determined by the competent authorities of the Member State. The import licence number shall be notified to the Commission electronically within the integrated network set up under Article 4.

6. Licences and extracts shall be completed in the official language, or one of the official languages, of the Member State of issue.

7. In box 10 the competent authorities shall indicate the appropriate steel product group.

8. The marks of the issuing agencies and debiting authorities shall be applied by means of a stamp. However, an embossing press combined with letters or figures obtained by means of perforation, or printing on the licence may be substituted for the issuing authority's stamp. The issuing authorities shall use any tamper-proof method to record the quantity allocated in such a way as to make it impossible to insert figures or references (e.g. EUR 1 000).

9. The reverse of copy No 1 and copy No 2 shall bear a box in which quantities may be entered, either by the customs authorities when import formalities are completed, or by the competent administrative authorities when an extract is issued.

If the space set aside for debits on a licence or extract thereof is insufficient, the competent authorities may attach one or more extension pages bearing boxes matching those on the reverse of copy No 1 and copy No 2 of the licence or extract. The debiting authorities shall so place their stamp that one half is on the licence or extract thereof and the other half is on the extension page. If there is more than one extension page, a further stamp shall be placed in like manner across each page and the preceding page.

10. Import licences and extracts issued, and entries and endorsements made, by the authorities of one Member State shall have the same legal effect in each of the other Member States as documents issued, and entries and endorsements made, by the authorities of such Member States.

11. The competent authorities of the Member States concerned may, where indispensable, require the contents of licences or extracts to be translated into the official language or one of the official languages of that Member State.

EXPORT LICENCE

1. Exporter (name, full address, country)	ORIGINAL		2. No	
	3. Year		4. Product group	
5. Consignee (name, full address, country)	EXPORT LICENCE (ECSC products)			
	6. Country of origin		7. Country of destination	
8. Place and date of shipment — means of transport	9. Supplementary details			
10. Description of goods — manufacturer	11. CN code	12. Quantity ⁽¹⁾	13. Fob value ⁽²⁾	
14. Certification by the competent authority I, the undersigned, certify that the goods described above have been charged against the quantitative limit established for the year shown in box No 3 in respect of the Product group shown in box No 4 by the provisions regulating trade in ECSC products with the European Community.				
15. Competent authority (name, full address, country)	At on (Signature) (Stamp)			

(1) Show net weight (kg) and also quantity in the unit prescribed where other than net weight.
 (2) In the currency of the sale contract.

EXPORT LICENCE

1. Exporter (name, full address, country)	COPY		2. No	
	3. Year		4. Product group	
5. Consignee (name, full address, country)	EXPORT LICENCE (ECSC products)			
	6. Country of origin		7. Country of destination	
8. Place and date of shipment — means of transport	9. Supplementary details			
10. Description of goods — manufacturer	11. CN code	12. Quantity ⁽¹⁾	13. Fob value ⁽²⁾	
14. Certification by the competent authority I, the undersigned, certify that the goods described above have been charged against the quantitative limit established for the year shown in box No 3 in respect of the Product group shown in box No 4 by the provisions regulating trade in ECSC products with the European Community.				
15. Competent authority (name, full address, country)	At on (Signature) (Stamp)			

⁽¹⁾ Show net weight (kg) and also quantity in the unit prescribed where other than net weight.

⁽²⁾ In the currency of the sale contract.

CERTIFICATE OF ORIGIN

1. Exporter (name, full address, country)	ORIGINAL		2. No	
	3. Year		4. Product group	
5. Consignee (name, full address, country)	CERTIFICATE OF ORIGIN (ECSC products)			
	6. Country of origin		7. Country of destination	
8. Place and date of shipment — means of transport	9. Supplementary details			
10. Description of goods — manufacturer	11. CN code	12. Quantity ⁽¹⁾	13. Fob value ⁽²⁾	
14. Certification by the competent authority I, the undersigned, certify that the goods described above originated in the country shown in box No 6, in accordance with the provisions in force in the European Community.				
15. Competent authority (name, full address, country)	At on (Signature) (Stamp)			

⁽¹⁾ Show net weight (kg) and also quantity in the unit prescribed where other than net weight.
⁽²⁾ In the currency of the sale contract.

CERTIFICATE OF ORIGIN

1. Exporter (name, full address, country)	COPY		2. No	
	3. Year		4. Product group	
5. Consignee (name, full address, country)	CERTIFICATE OF ORIGIN (ECSC products)			
	6. Country of origin		7. Country of destination	
8. Place and date of shipment — means of transport	9. Supplementary details			
10. Description of goods — manufacturer	11. CN code	12. Quantity ⁽¹⁾	13. Fob value ⁽²⁾	
	14. Certification by the competent authority I, the undersigned, certify that the goods described above originated in the country shown in box No 6, in accordance with the provisions in force in the European Community.			
Competent authority (name, full address, country)	At on (Signature) (Stamp)			

(1) Show net weight (kg) and also quantity in the unit prescribed where other than net weight.
(2) In the currency of the sale contract.

LISTA DE LAS AUTORIDADES NACIONALES COMPETENTES
LISTE OVER KOMPETENTE NATIONALE MYNDIGHEDER
LISTE DER ZUSTÄNDIGEN BEHÖRDEN DER MITGLIEDSTAATEN
ΔΙΕΥΘΥΝΣΕΙΣ ΤΩΝ ΑΡΧΩΝ ΕΚΔΟΣΗΣ ΑΔΕΙΩΝ ΤΩΝ ΚΡΑΤΩΝ ΜΕΛΩΝ
LIST OF THE COMPETENT NATIONAL AUTHORITIES
LISTE DES AUTORITÉS NATIONALES COMPÉTENTES
ELENCO DELLE COMPETENTI AUTORITÀ NAZIONALI
LIJST VAN BEVOEGDE NATIONALE INSTANTIES
LISTA DAS AUTORIDADES NACIONAIS COMPETENTES
LUETTELO TOIMIVALTAISISTA KANSALLISISTA VIRANOMAISISTA
FÖRTECKNING ÖVER BEHÖRIGA NATIONELLA MYNDIGHETER

BELGIQUE/BELGIË

Ministère des affaires économiques
Administration des relations économiques
Services Licences
Rue Général Leman 60
B-1040 Bruxelles
Fax (32-2) 230 83 22

Ministerie van Economische Zaken
Bestuur van de Economische Betrekkingen
Dienst Vergunningen
Generaal Lemanstraat 60
B-1040 Brussel
Fax (32-2) 230 83 22

DANMARK

Erhvervsfremme Styrelsen
Økonomi- og Erhvervsministeriet
Vejlsøvej 29
DK-8600 Silkeborg
Fax: (45) 35 46 64 01

DEUTSCHLAND

Bundesamt für Wirtschaft und Ausfuhrkontrolle, (BAFA)
Frankfurter Straße 29-35
D-65760 Eschborn 1
Fax (49-6196) 942 26

ΕΛΛΑΔΑ

Υπουργείο Εθνικής Οικονομίας
Γενική Γραμματεία Διεθνών Σχέσεων
Διεύθυνση Διεθνών Οικονομικών Ροών
Κορνάρου 1
GR-105 63 Αθήνα
Φαξ: (30 10) 328 60 94

ESPAÑA

Ministerio de Economía
Secretaría General de Comercio Exterior
Paseo de la Castellana 162
E-28046 Madrid
Fax: +34-1-563 18 23/349 38 31

FRANCE

Setice
8, rue de la Tour-des-Dames
F-75436 Paris Cedex 09
Fax (33) 155 07 46 69

IRELAND

Department of Enterprise, Trade and Employment
Import/Export Licensing, Block C
Earlsfort Centre
Hatch Street
Dublin 2
Ireland
Fax (353-1) 631 28 26

ITALIA

Ministero delle Attività produttive
Direzione generale per la Politica commerciale e per la gestione del
regime degli scambi
Viale America, 341
I-00144 Roma
Fax (39-06) 59 93 22 35/59 93 26 36

LUXEMBOURG

Ministère des affaires étrangères
Office des licences
BP 113
L-2011 Luxembourg
Fax (352) 46 61 38

NEDERLAND

Belastingdienst/Douane centrale dienst voor in- en uitvoer
Postbus 30003, Engelse Kamp 2
9700 RD Groningen
Nederland
Fax (31) 505 26 06 98
m.i.v. 18.1.2002
Fax (31) 505 23 23 41

ÖSTERREICH

Bundesministerium für Wirtschaft und Arbeit
Aussenwirtschaftsadministration
Landstrasser Hauptstraße 55-57
A-1030 Wien
Fax + 43-1-711 00/8386

PORTUGAL

Ministério da Economia
Direcção-Geral das Relações Económicas Internacionais
Alfândega de Lisboa, Largo do Terreiro do Trigo
P-1100 Lisboa
Fax: (351-21) 881 42 61

SUOMI

Tullihallitus
PL 512
FIN-00101 Helsinki
Faksi (358-9) 614 28 52

SVERIGE

Kommerskollegium
Box 6803
S-113 86 Stockholm
Fax: (46-8) 30 67 59

UNITED KINGDOM

Department of Trade and Industry
Import Licensing Branch
Queensway House, West Precinct
Billingham
Cleveland
TS23 2NF
United Kingdom
Fax (44) 1642 533 557

ANNEX III

ADMINISTRATIVE COOPERATION

Article 1

The Commission shall supply the Member States' authorities with the names and addresses of authorities in Russia competent to issue certificates of origin and export licences together with specimens of the stamps used by these authorities.

Article 2

For the steel products subject to a double-checking system Member States shall notify the Commission within the first ten days of each month of the total quantities, in the appropriate units and by country of origin and group of products, for which import authorizations have been issued during the preceding month.

Article 3

1. Subsequent verification of certificates of origin or export licences shall be carried out at random, or whenever the competent authorities of the Community have reasonable doubt as to the authenticity of the certificate of origin or export licence or as to the accuracy of the information regarding the true origin of the products in question.

In such cases the competent authorities of the Community shall return the certificate of origin or the export licence or a copy thereof to the competent Russian governmental authority, giving, where appropriate, the reasons of form or substance for an enquiry. If the invoice has been submitted, such invoice or a copy thereof shall be attached to the certificate of origin or export licence or copy thereof. The competent authorities shall also forward any information that has been offered suggesting that the particulars given on the said certificate or the said licence are inaccurate.

2. The provisions of paragraph 1 shall also apply to subsequent verifications of declarations of origin.

3. The results of the subsequent verifications carried out in accordance with paragraph 1 shall be communicated to the competent authorities of the Community within three months at the latest. The information communicated shall indicate whether the disputed certificate, licence or declaration applies to the goods actually exported and whether the goods are eligible for export to the Community under this Decision. The competent authorities of the Community may also request copies of all documentation necessary to determine the facts fully, including, in particular, the origin of the goods ⁽¹⁾.

4. Should such verifications reveal abuse or major irregularities in the use of declarations of origin, the Member State concerned shall inform the Commission of this fact. The Commission shall pass the information on to the other Member States. The Community may decide that imports of the products in question to the Community shall be accompanied by a certificate of Russian origin referred to in Article 18(1) of Annex II.

5. Random recourse to the procedure specified in this Article shall not constitute an obstacle to the release for free circulation of the products in question.

Article 4

1. Where the verification procedure referred to in Article 2 or where information available to the competent authorities of the Community indicates that the provisions of this Decision are being contravened, the said authorities shall request Russia to carry out appropriate enquiries or arrange for such enquiries to be carried out concerning operations which are or appear to be in contravention of the provisions of this Decision. The results of these enquiries shall be communicated to the competent authorities of the Community together with any other pertinent information enabling the true origin of the goods to be determined.

2. In pursuance of the action taken under the terms of this Annex, the competent authorities of the Community may exchange any information with the competent governmental authorities of Russia which is considered to be of use in preventing the contravention of the provisions of this Decision.

3. Where it is established that the provisions of this Decision have been contravened, the Commission, acting in accordance with the procedure laid down in Article 7 of the Decision, may take, with the agreement of Russia, such measures as are necessary to prevent recurrence of such contravention.

Article 5

The Commission shall coordinate the action undertaken by the competent authorities of the Member States under the provisions of this Annex. The competent authorities of the Member States shall inform the Commission and the other Member States of action which they have undertaken and the results obtained.

⁽¹⁾ For the purpose of subsequent verification of certificates of origin, copies of the certificates as well as any export documents referring to them shall be kept for at least two years by the competent governmental authority in each exporting country.

ANNEX IV

QUANTITATIVE LIMITS
RUSSIAN FEDERATION

(tonnes)			
Products	2002	2003	2004
SA. Flat products			
SA1. Coils	259 000	256 250	262 660
SA1.a. Hot-rolled coils for re-rolling	485 000	497 130	509 550
SA2. Heavy plate	60 000	61 500	63 040
SA3. Other flat products	80 000	82 000	84 050
SA4. Alloyed products	90 000	92 250	94 560
SB. Long products			
SB1. Beams	15 000	15 380	15 760
SB2. Wire rod	60 000	61 500	63 040
SB3. Other long products	165 000	169 130	173 350

Note: SA and SB are product categories

SA1 to SA4 and SB1 to SB3 are product groups

COMMISSION DECISION
of 8 July 2002
on the conclusion of an agreement between the European Coal and Steel Community and the
Government of the Russian Federation on trade in certain steel products

(notified under document number C(2002) 2482)

(Text with EEA relevance)

(2002/603/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular the first paragraph of Article 95 thereof,

Having regard to the opinion of the Consultative Committee,

After the unanimous assent of the Council,

Whereas:

- (1) Following the Council Decision of 19 November 2001, the Commission opened negotiations with the Government of the Russian Federation, culminating in an Agreement concerning trade in certain steel products covered by the European Coal and Steel Community;
- (2) The Agreement establishes quantitative limits for the entry into free circulation in the Community of certain steel products for the years 2002 to 2004,

Article 1

1. The Agreement with the Government of the Russian Federation concerning trade in certain steel products is hereby approved on behalf of the European Coal and Steel Community.
2. The text of the Agreement ⁽¹⁾ is annexed to this Decision.

Article 2

The Commissioner responsible for Trade, or the person he designates for this purpose, is empowered to sign the Agreement referred to in Article 1 in order to bind the European Coal and Steel Community.

Done at Brussels, 8 July 2002.

For the Commission

Pascal LAMY

Member of the Commission

⁽¹⁾ See page 55 of this Official Journal.

AGREEMENT**between the European Coal and Steel Community and the Government of the Russian Federation
on trade in certain steel products**

THE EUROPEAN COAL AND STEEL COMMUNITY,

of the one part, and

THE GOVERNMENT OF THE RUSSIAN FEDERATION,

of the other part,

being the Parties to this Agreement,

Whereas the Parties are desirous to promote the orderly and equitable development of trade in steel between the European Coal and Steel Community (hereinafter referred to as 'the Community') and the Russian Federation (hereinafter referred to as 'Russia');

Whereas the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part ⁽¹⁾, entered into force on 1 December 1997;

Whereas Article 21 of the Partnership and Cooperation Agreement provides that trade in ECSC products shall be governed by Title III, save for Article 15 thereof, and by the provisions of this Agreement;

Whereas the ECSC Treaty shall expire on 23 July 2002; that the EC shall take over all rights and obligations contracted by the former; that it is important to clearly indicate that this Agreement will not be affected by such expiry;

Bearing in mind the process of accession of the Russian Federation to the World Trade Organisation (WTO) and European Community support for the integration of the Russian Federation into the international trading system;

Whereas for the years 1995-2001 trade in certain products covered by the Treaty establishing the European Coal and Steel Community was the subject of agreements between the Parties, which it is appropriate to replace with a further agreement which takes account of developments in the relationship between the Parties;

Whereas this Agreement should be accompanied by cooperation between the Parties in respect of their steel industries, including appropriate exchanges of information, within the Contact Group on coal and steel as foreseen in Protocol 1 to the Partnership and Cooperation Agreement;

HAVE DECIDED to conclude this Agreement and to this end have designated as their Plenipotentiaries:

THE COMMISSION OF THE EUROPEAN COMMUNITIES:

THE GOVERNMENT OF THE RUSSIAN FEDERATION:

WHO HAVE AGREED AS FOLLOWS:

Article 1

1. This agreement applies to trade in the steel products covered by the Treaty establishing the European Coal and Steel Community set out in Annex I originating within the Parties.

2. Trade in the steel products not set out in Annex I shall not be subject to quantitative limits and shall be governed by the relevant provisions of the Partnership and Cooperation Agreement, in particular those relating to anti-dumping procedures and safeguard measures.

3. In the case of subject matter which is not covered by this Agreement, the relevant provisions of the Partnership and Cooperation Agreement shall apply.

Article 2

1. The Parties agree to establish and maintain for the period of validity of the present Agreement for each calendar year quantitative arrangements fixing the limits set out in Annex II

on Russian exports to the Community of the products set out in Annex I. Such exports shall be subject to a double-checking system as specified in Protocol A.

2. The Parties agree that imports into the EC from Russia for products included in Annex I as from 1.1.2002 until the entry into force of this Agreement shall be deducted from the quantitative limits set out in Annex II.

3. Imports of quantities in excess of those mentioned in Annex II shall be authorised where the EC industry is unable to meet the internal demand and results in a shortage of supply for one or more products listed in Annex I. Consultations shall take place immediately at the request of either Party to determine the level of the shortage. Following the conclusions of the consultations and on the basis of objective evidence, the EC shall instigate its internal procedures to increase the quantities set out in Annex II.

⁽¹⁾ OJ L 327, 28.11.1997, p. 3.

4. In the case where the candidate countries to EU membership would accede before the termination of this Agreement, the Parties agree to consider the increase of quantitative limits set out in Annex II.

Article 3

1. Imports into the customs territory of the Community for free circulation of the products set out in Annex I shall be subject to the production of an export licence issued by the authorities of Russia and to proof of origin in accordance with the provisions of Protocol A.

2. Imports into the customs territory of the Community of the products set out in Annex I shall not be subject to the quantitative limits set out in Annex II provided they are declared to be for re-export outside the Community in the same state or after processing, within the administrative system of control which exists within the Community.

3. Carry-over to the corresponding quantitative limits for the following calendar year of the amounts of quantitative limits not used during any calendar year is authorized up to 7 % of the relevant quantitative limit set out in Annex II for a product group in question for the year in which it was not used. Russia shall notify the Community no later than 1 February of the following year if it intends to make use of this provision.

4. Up to 7 % of the quantitative limit for a given product group may be transferred to one or more other groups within the same product category, i.e. within SA or SB, subject to the consent of both Parties. The quantitative limit for a given product group can be reduced once in the course of a calendar year. Transfers shall not be permitted to or from product group SA1a (coils for re-rolling), except that, notwithstanding the first sentence of this paragraph, products from category SB2 and SB3, respectively up to 30 000 t and 45 000 t, may be transferred to category SA1a with the consent of both Parties. Any adjustments to the quantitative limits resulting from transfers shall only affect the calendar year in progress. At the start of the following calendar year, the quantitative limits shall be those shown at Annex II, without prejudice to the provisions of paragraph 3 above. Russia shall notify the Community no later than 30 June if it intends to make use of this provision.

Article 4

1. With a view to rendering the double-checking system as effective as possible and to minimize the possibilities for abuse and circumvention:

- the Community authorities shall inform Russia by the 28th of each month of the import authorizations issued during the preceding month;
- the Russian authorities shall inform the Community by the 28th of each month of the export licences issued during the preceding month.

In the event of any significant discrepancy taking account of the time factors involved in respect of such information either

Party may request consultations which shall be opened immediately.

2. Without prejudice to paragraph 1 and with a view to ensuring the effective functioning of this Agreement, the Community and Russia agree to take all necessary steps to prevent, to investigate and to take any necessary legal and/or administration action against circumvention, notably by transshipment, re-routing, false declaration concerning the country or place of origin, falsification of documents, false declaration concerning quantities, description or classification of merchandise. Accordingly, the Community and Russia agree to establish the necessary legal provisions and administrative procedures permitting effective action to be taken against such circumvention, which shall include the adoption of legally binding corrective measures against exporters and/or importers involved.

3. Should the Community believe on the basis of information available that this Agreement is being circumvented, the Community may request consultations with Russia which shall be held immediately.

4. Pending the results of the consultations referred to in paragraph 3, Russia shall, as a precautionary measure, and if so requested by the Community, take all necessary measures to ensure that, where sufficient evidence of circumvention is provided, adjustments of the quantitative limits liable to be agreed following the consultations referred to in paragraph 3, shall be carried out for the calendar year in which the request for consultations under paragraph 3 was made, or for the following year, if the limit for that calendar year is exhausted.

5. Should the Parties be unable in the course of the consultations referred to in paragraph 3 to reach a mutually satisfactory solution, the Community shall have the right:

- (a) where there is sufficient evidence that products covered by this Agreement originating in Russia have been imported in circumvention of this Agreement, to set off the relevant quantities against the quantitative limits established under the Agreement.
- (b) where sufficient evidence shows false declaration concerning quantities description or classification has occurred, to refuse to import the products in question.

6. The Parties agree to cooperate fully to prevent and to address effectively all problems arising from circumvention of this Agreement.

Article 5

1. The quantitative limits established under this Agreement on imports of steel products into the Community shall not be broken down by the Community into regional shares.

2. The Parties shall cooperate in order to prevent sudden and prejudicial changes in traditional trade flows into the Community. Should a sudden and prejudicial change in traditional trade flows arise (including regional concentration or the loss of traditional customers), the Community will be entitled to request consultations in order to find a satisfactory solution to the problem. Such consultations shall be held immediately.

3. Russia shall endeavour to ensure that exports into the Community of products set out in Annex I are spaced out as evenly as possible over the year. Should a sudden and prejudicial surge of imports arise, the Community will be entitled to request consultations in order to find a satisfactory solution to the problem. Such consultations shall be held immediately.

4. In addition to the obligation contained in paragraph 3, where licences issued by the Russian authorities have reached 90 % of the quantitative limits for the calendar year in question, either Party may request consultations concerning the quantitative limits for that year. Such consultations shall be held immediately. Pending the outcome of such consultations the Russian authorities may continue to issue export licences for the products set out in Annex I provided they do not exceed the quantities set out in Annex II.

Article 6

1. Where any product set out in Annex I is being imported into the Community from Russia under such conditions as to cause or threaten to cause substantial injury to Community producers of like products, the Community shall supply Russia with all relevant information with a view to seeking a solution acceptable to both Parties. The Parties shall commence consultations promptly.

2. Should the consultations referred to in paragraph 1 above fail to lead to agreement within 30 days of the Community's request for consultations, the Community may utilise the right to take action concerning safeguard measures pursuant to the provisions of the Partnership and Cooperation Agreement.

3. Notwithstanding the provisions of this Agreement, the provisions of Article 18 of the PCA shall apply.

Article 7

1. The classification of the products covered by this Agreement is based on the tariff and statistical nomenclature of the Community (hereinafter called the 'combined nomenclature', or in abbreviated form 'CN'). Any amendment to the combined nomenclature (CN) made in accordance with the procedures in force in the Community concerning the products set out in Annex I or any decision relating to the classification of goods shall not have the effect of reducing the quantitative limits of the products set out Annex II.

2. The origin of the products covered by this Agreement shall be determined in accordance with the rules in force in the Community. Any amendment to these rules of origin shall be communicated to Russia and shall not have the effect of reducing the quantitative limits of this Agreement. The procedures for control of the origin of the products referred to above are laid down in Protocol A.

Article 8

1. Without prejudice to the periodic exchange of information on export licences and import authorizations pursuant to Article 4(1), the Parties agree to exchange available statistical information relating to trade in the products set out in Annex I

at appropriate intervals, taking account of the shortest periods in which the information in question is prepared, which shall cover export licences and import authorizations issued pursuant to Article 3 and import and export statistics in respect of the products in question.

2. Either Party may request consultations in the event of any significant discrepancy between the information exchanged.

Article 9

1. Without prejudice to provisions concerning consultations foreseen in respect of specific circumstances in preceding Articles, consultations shall be held on any problems arising from the application of this Agreement at the request of either Party. Any consultations shall take place in a spirit of cooperation and with a desire to reconcile the differences between the Parties.

2. Where this Agreement provides that consultations shall be held immediately, the Parties undertake to use all reasonable means to ensure that this is achieved.

3. All other consultations shall be governed by the following provisions:

- any request for consultations shall be notified in writing to the other Party,
- where appropriate, the request shall be followed within a reasonable period by a report setting out the reasons for the consultations,
- consultations shall begin within one month from the date of the request,

consultations shall endeavour to arrive at a mutually acceptable result within one month of their commencement, unless the period is extended by agreement between the Parties.

Article 10

1. When the Treaty establishing the European Coal and Steel Community expires on 23 July 2002, the European Community shall take over all rights and obligations contracted by the former under this Agreement.

2. The Parties agree that this Agreement will be continued and that all rights and obligations of the Parties under this Agreement shall be maintained after such expiry.

3. The reference in Article 21 of the PCA to products covered by the Treaty establishing the European Coal and Steel Community shall be read to refer to products listed in Annex III after the expiry of the said Treaty.

Article 11

1. This Agreement shall enter into force on the day of its signature. It shall be applicable until 31 December 2004 subject to any modifications agreed by the Parties and unless it is denounced in accordance with the provisions of paragraph 3 of this Article.

2. Either Party may at any time propose modifications to this Agreement which shall require the mutual consent of the Parties and take effect as agreed by them.

3. Either Party may denounce this Agreement, provided that at least six months' notice is given. In that event, the Agreement shall come to an end on the expiry of the period of notice and the limits established by this Agreement shall be reduced on a pro rata basis up to the date on which denunciation takes effect unless the Parties decide otherwise by common agreement.

4. In the event that the Russian Federation accedes to the WTO before the expiration of this Agreement, the Agreement shall be reviewed prior to such accession to ensure that its provisions are consistent with WTO rules. The operation of the

Agreement shall also be reviewed in the event of new multilateral commitments accepted both by the Community and Russia concerning the steel products covered by this Agreement.

5. The Annexes and Protocol A attached to this Agreement shall form an integral part thereof.

Article 12

This Agreement shall be drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Russian languages, each of these texts being equally authentic.

Hecho en Bruselas, el nueve de julio de dos mil dos

Udfærdiget i Bruxelles, den niende juli to tusind og to

Geschehen zu Brüssel am neunten Juli zweitausendzwei.

Έγινε στις Βρυξέλλες, στις εννέα Ιουλίου δύο χιλιάδες δύο

Done at Brussels, ninth day of July two thousand and two

Fait à Bruxelles, le neuf juillet deux mille deux

Fatto a Bruxelles, addì nove luglio duemiladue

Gedaan te Brussel, negen juli tweeduizend en twee

Feito em Bruxelas, em nove de Julho de dois mil e dois

Tehty Brysselissä yhdeksäntenä päivänä heinäkuuta vuonna kaksituhattakaksi

Utfärdat i Bryssel den nionde juli tjugohundratvå

Заклучено в Брюсселе, 9 июля 2002 г.

Por la Comisión de las Comunidades Europeas

For Kommissionen for De Europæiske Fællesskaber

Für die Kommission der Europäischen Gemeinschaften

Για την Επιτροπή των Ευρωπαϊκών Κοινοτήτων

For the Commission of the European Communities

Pour la Commission des Communautés européennes

Per la Commissione delle Comunità europee

Voor de Commissie van de Europese Gemeenschappen

Pela Comissão das Comunidades Europeias

Euroopan yhteisöjen komission puolesta

På Europeiska gemenskapernas kommissions vägnar

За Комиссию Европейских сообществ

Por el Gobierno de la Federación de Rusia

For regeringen for Den Russiske Føderation

Für die Regierung der Russischen Föderation

Για την κυβέρνηση της Ρωσικής Ομοσπονδίας

For the Government of the Russian Federation

Pour le gouvernement de la Fédération de Russie

Per il governo della Federazione russa

Voor de regering van de Russische Federatie

Pelo Governo da Federação da Rússia

Venäjän federaation hallituksen puolesta

På Rysslands regerings vägnar

За Правительство Российской Федерации

Karl FALKENBERG

Vasily LIKHACHEV

ANNEX I

SA FLAT-ROLLED PRODUCTS	7209 18 10	SA4. Alloyed products	7214 91 10
	7209 18 91		7214 91 90
SA1. Coils	7209 18 99		7214 99 10
7208 10 00	7209 25 00	7226 20 20	7214 99 31
7208 25 00	7209 26 10	7226 91 10	7214 99 39
7208 26 00	7209 26 90	7226 91 90	7214 99 50
7208 27 00	7209 27 10	7226 99 20	7214 99 61
7208 36 00	7209 27 90		
7208 37 90	7209 28 10	SB. LONGS PRODUCTS	7214 99 69
7208 38 90	7209 28 90		7214 99 80
7208 39 90	7209 90 10	SB1. Beams	7214 99 90
	7210 11 10		
7211 14 10	7210 12 11	7207 19 31	7215 90 10
7211 19 20	7210 12 19	7207 20 71	
	7210 20 10		7216 10 00
7219 11 00	7210 30 10	7216 31 11	7216 21 00
7219 12 10	7210 41 10	7216 31 19	7216 22 00
7219 12 90	7210 49 10	7216 31 91	7216 40 10
7219 13 10	7210 50 10	7216 31 99	7216 40 90
7219 13 90	7210 61 10	7216 32 11	7216 50 10
7219 14 10	7210 69 10	7216 32 19	7216 50 91
7219 14 90	7210 70 31	7216 32 91	7216 50 99
7225 20 20	7210 70 39	7216 32 99	7216 99 10
7225 30 00	7210 90 31	7216 33 10	
	7210 90 33	7216 33 90	7218 99 20
	7210 90 38		
SA1a. Hot rolled coils for re-rolling	7211 14 90	SB2. Wire rod	7222 11 11
	7211 19 90		7222 11 19
7208 37 10	7211 23 51	7213 10 00	7222 11 21
7208 38 10	7211 29 20		
7208 39 10		7213 20 00	7222 11 29
	7211 90 11		
SA2. Heavy plate		7213 91 10	7222 11 91
	7212 10 10		7222 11 99
7208 40 10	7212 10 91	7213 91 20	7222 19 10
7208 51 10	7212 20 11	7213 91 41	7222 19 90
7208 51 30	7212 30 11	7213 91 49	7222 30 10
7208 51 50	7212 40 10	7213 91 70	7222 40 10
7208 51 91	7212 40 91	7213 91 90	7222 40 30
7208 51 99	7212 50 31	7213 99 10	
7208 52 10	7212 50 51	7213 99 90	7224 90 31
7208 52 91	7212 60 11		7224 90 39
7208 52 99	7212 60 91	7221 00 10	
7208 53 10		7221 00 90	7228 10 10
	7219 21 10		7228 10 30
7211 13 00	7219 21 90	7227 10 00	7228 20 11
	7219 22 10	7227 20 00	7228 20 19
	7219 22 90	7227 90 10	7228 20 30
SA3. Other flat-rolled products	7219 22 90	7227 90 50	7228 30 20
	7219 23 00	7227 90 95	7228 30 41
7208 40 90	7219 24 00		7228 30 49
7208 53 90	7219 31 00	SB3. Other longs	7228 30 61
7208 54 10	7219 32 10		7228 30 69
7208 54 90	7219 32 90	7207 19 11	7228 30 70
7208 90 10	7219 33 10	7207 19 14	7228 30 89
	7219 33 90	7207 19 16	7228 60 10
7209 15 00	7219 34 10	7207 20 51	7228 70 10
7209 16 10	7219 34 90	7207 20 55	7228 70 31
7209 16 90	7219 35 10	7207 20 57	7228 80 10
7209 17 10	7219 35 90		7228 80 90
7209 17 90	7225 40 80	7214 20 00	
		7214 30 00	7301 10 00

ANNEX II

QUANTITATIVE LIMITS

(tonnes)			
Products	2002	2003	2004
SA. Flat products			
SA1. Coils	259 000	256 250	262 660
SA1.a. Hot-rolled coils for re-rolling	485 000	497 130	509 550
SA2. Heavy plate	60 000	61 500	63 040
SA3. Other flat products	80 000	82 000	84 050
SA4. Alloyed products	90 000	92 250	94 560
SB. Long products			
SB1. Beams	15 000	15 380	15 760
SB2. Wire rod	60 000	61 500	63 040
SB3. Other long products	165 000	169 130	173 350

Note: SA and SB are product categories

SA1 to SA4 and SB1 to SB3 are product groups

ANNEX III

PRODUCTS REFERRED TO IN ARTICLE 10

7201 10 11	7208 25 00	7210 20 10	7214 91 90	7219 23 00	7225 40 80
7201 10 19	7208 26 00	7210 30 10	7214 99 10	7219 24 00	7225 50 00
7201 10 30	7208 27 00	7210 41 10	7214 99 31	7219 31 00	7225 91 10
7201 10 90	7208 36 00	7210 49 10	7214 99 39	7219 32 10	7225 92 10
7201 50 10	7208 37 10	7210 50 10	7214 99 50	7219 32 90	7225 99 10
7201 50 90	7208 37 90	7210 61 10	7214 99 61	7219 33 10	7226 11 10
7202 11 20	7208 38 10	7210 69 10	7214 99 69	7219 33 90	7226 19 10
7202 11 80	7208 38 90	7210 70 31	7214 99 80	7219 34 10	7226 19 30
7202 99 11	7208 39 10	7210 70 39	7214 99 90	7219 34 90	7226 20 20
7203 10 00	7208 39 90	7210 90 31	7215 90 10	7219 35 10	7226 91 10
7203 90 00	7208 40 10	7210 90 33	7216 10 00	7219 35 90	7226 91 90
7204 10 00	7208 40 90	7210 90 38	7216 21 00	7219 90 10	7226 92 10
7204 21 10	7208 51 10	7211 13 00	7216 22 00	7220 11 00	7226 93 20
7204 21 90	7208 51 30	7211 14 10	7216 31 11	7220 12 00	7226 94 20
7204 29 00	7208 51 50	7211 14 90	7216 31 19	7220 20 10	7226 99 20
7204 30 00	7208 51 91	7211 19 20	7216 31 91	7220 90 11	7227 10 00
7204 41 10	7208 51 99	7211 19 90	7216 31 99	7220 90 31	7227 20 00
7204 41 91	7208 52 10	7211 23 10	7216 32 11	7221 00 10	7227 90 10
7204 41 99	7208 52 91	7211 23 51	7216 32 19	7221 00 90	7227 90 50
7204 49 10	7208 52 99	7211 29 20	7216 32 91	7222 11 11	7227 90 95
7204 49 30	7208 53 10	7211 90 11	7216 32 99	7222 11 19	7228 10 10
7204 49 91	7208 53 90	7212 10 10	7216 33 10	7222 11 21	7228 10 30
7204 49 99	7208 54 10	7212 10 91	7216 33 90	7222 11 29	7228 20 11
7204 50 10	7208 54 90	7212 20 11	7216 40 10	7222 11 91	7228 20 19
7204 50 90	7208 90 10	7212 30 11	7216 40 90	7222 11 99	7228 30 20
7206 10 00	7209 15 00	7212 40 10	7216 50 10	7222 19 10	7228 30 41
7206 90 00	7209 16 10	7212 40 91	7216 50 91	7222 19 90	7228 30 49
7207 11 11	7209 16 90	7212 50 31	7216 50 99	7222 30 10	7228 30 61
7207 11 14	7209 17 10	7212 50 51	7216 99 10	7222 40 10	7228 30 69
7207 11 16	7209 17 90	7212 60 11	7218 91 11	7222 40 30	7228 30 70
7207 12 10	7209 18 10	7212 60 91	7218 91 19	7224 10 00	7228 30 89
7207 19 11	7209 18 91	7213 10 00	7218 99 11	7224 90 01	7228 60 10
7207 19 14	7209 18 99	7213 20 00	7218 99 20	7224 90 05	7228 70 10
7207 19 16	7209 25 00	7213 91 10	7219 11 00	7224 90 08	7228 70 31
7207 19 31	7209 26 10	7213 91 20	7219 12 10	7224 90 15	7228 80 10
7207 20 11	7209 26 90	7213 91 41	7219 12 90	7224 90 31	7228 80 90
7207 20 15	7209 27 10	7213 91 49	7219 13 10	7224 90 39	7301 10 00
7207 20 17	7209 27 90	7213 91 70	7219 13 90	7225 11 00	7302 10 31
7207 20 32	7209 28 10	7213 91 90	7219 14 10	7225 19 10	7302 10 39
7207 20 51	7209 28 90	7213 99 10	7219 14 90	7225 19 90	7302 10 90
7207 20 55	7209 90 10	7213 99 90	7219 21 10	7225 20 20	7302 20 00
7207 20 57	7210 11 10	7214 20 00	7219 21 90	7225 30 00	7302 40 10
7207 20 71	7210 12 11	7214 30 00	7219 22 10	7225 40 20	7302 90 10
7208 10 00	7210 12 19	7214 91 10	7219 22 90	7225 40 50	

Agreed minute No 1

In the context of the Agreement between the European Coal and Steel Community and the Russian Federation on trade in certain steel products signed in Brussels on 9 July 2002 the Parties agree that:

- in pursuance of the exchange of information foreseen in Article 4(1) concerning export licences and import authorizations, the Parties will supply that information by reference to the Member States in addition to the Community as a whole,
- if the Parties are unable to reach a satisfactory solution during the consultations foreseen by Article 5(2), Russia will cooperate, if so requested by the Community, by not issuing export licences for an intended destination where imports pursuant to such licences would aggravate the problems resulting from sudden and prejudicial changes in traditional trade flows, it being understood that Russia may continue to issue licences for other Community destinations,
the Parties will cooperate closely in order to prevent sudden and prejudicial changes in traditional trade flows in respect of coils for re-rolling (product group SA1a); Russia will give priority to deliveries to its traditional customers for these products in order to avoid disturbing the Community market, and both Parties will inform the other immediately in the event of any emerging problems, and
- Russia will take due account of the sensitive nature of small regional markets within the Community both as regards their traditional needs for supplies and the avoidance of regional concentrations.

Agreed minute No 2

In the context of the conclusions of the negotiations of the new Agreement, the Parties have agreed to include in the product coverage of the agreement steel products alloyed with boron classified under the EU Combined Nomenclature 7226 20 20, 7226 91 10, 7226 91 90, 7226 99 20 in order to address the concerns of the EU that imports of these products could be regarded as circumvention of the Agreement.

The Parties agree that any similar use of alloyed steel products which would have as effect of creating a similar situation would not be compatible with a fair implementation of, and could be considered as an infringement of, the new Agreement. In such a case, the Parties shall enter immediately into consultations with the objective of finding rapidly an acceptable solution. If no acceptable solution is agreed within 3 months of the date of the notification of the problem, the parties may take appropriate measures until an acceptable solution is agreed.

The content of this agreed minutes will constitute an integral part of the new Agreement.

Declaration No 1

In the case Russian operators were to set up service centers in the EU that would further process products imported from Russia and covered by this Agreement, Russia declares that it could request an increase of quantitative limits mentioned in Annex II. In this case, the Commission could examine such request of increase if the market situation allows it.

Declaration No 2

The Parties declare that they aim at achieving complete liberalisation of trade in steel products. Both Parties also recognize that it is an important condition for promoting trade between them that competition, State aid and environment provisions applicable within each Party must be compatible. To this end, and upon request from Russia, the Community shall provide technical assistance, within relevant earmarked budgetary limits, to help Russia to adopt and implement legislative provisions compatible with those adopted and applied by the Community. The technical assistance shall be channelled through detailed projects agreed by both Parties.

Declaration No 3

In the context of the Agreement between the European Coal and Steel Community and the Russian Federation on trade in certain steel products signed in Brussels on 9 July 2002, the Parties agree that they shall not apply with respect to the other Party quantitative restrictions, customs duties, charges or any similar measures on the export of ferrous waste and scrap under the EC Combined Nomenclature heading 7204, without prejudice to the provisions of Article 19 of the Partnership and Cooperation Agreement.

Without prejudice to paragraph 1, in order not to delay the conclusion of this Agreement and due to lack of time, the Parties agreed to leave unresolved the issue of the tax introduced by Russia on exports of ferrous waste and scrap under the EC combined Nomenclature 7204. The tax is currently set at 15 % but not less than EUR 15 per ton for all products of 7204, except for product 7204 41 00 where the tax is set at 5 %. Nevertheless, the Parties agree to continue the discussion to find a satisfactory solution as soon as possible.

It is understood that the quantitative limits set out in Annex II of the Agreement would be increased by 12 % if the Russian Federation removes completely the tax or by a lower percentage to be determined if such tax is reduced, provided that no other measures that would constitute an obstacle to free export are introduced by Russia.

The products of particular interest for the EC are: 7204 10 00, 7204 21 10, 7204 41 10, 7204 49 10, 7204 49 30, 7204 49 91 and 7204 49 99

Declaration No 4

With respect to export of ferrous waste and scrap under the EC Combined Nomenclature 7204, Russia declares that it will maintain the customs points currently open and that it will open 2 additional customs points at the latest by the date of entry into force of this Agreement to allow exports by road and rail through Central Europe: these customs points are Smolensk and Topoly-Solovej.

PROTOCOL A

TITLE I CLASSIFICATION

Article 1

The competent authorities of the Community undertake to inform Russia of any changes in the combined nomenclature (CN) in respect of products covered by this Agreement before the date of their entry into force in the Community.

TITLE II ORIGIN

Article 2

1. Products covered by this Agreement originating in Russia (as defined by the relevant Community Regulations) to be exported to the Community in accordance with the arrangements established by this Agreement shall be accompanied by a certificate of Russian origin conforming to the model annexed to this Protocol.

2. The certificate of origin shall be certified by the competent Russian organizations authorized under Russian legislation as to whether the products in question can be considered as products originating in that country.

Article 3

The certificate of origin shall be issued only on application having been made in writing by the exporter or, under the exporter's responsibility, by his authorized representative. The competent Russian organizations authorized under Russian legislation shall ensure that the certificate of origin is properly completed and for this purpose they shall request for any necessary documentary evidence or carry out any checking which they consider appropriate.

Article 4

The discovery of slight discrepancies between the statements made in the certificate of origin and those made in the documents produced to the customs office for the purpose of carrying out the necessary formalities for importing the products shall not ipso facto cast doubt upon the statements in the certificate.

TITLE III DOUBLE-CHECKING SYSTEM FOR PRODUCTS SUBJECT TO QUANTITATIVE LIMITS

SECTION I

Exportation

Article 5

The appropriate Russian governmental authorities shall issue an export licence in respect of all consignments from Russia of

steel products covered by the Agreement up to the relevant quantitative limits set out in Annex II to the Agreement.

Article 6

1. The export licence shall conform to the model annexed to this Protocol and it shall be valid for exports throughout the customs territory of the Community.

2. Each export licence must certify *inter alia* that the quantity of the product in question has been set off against the relevant quantitative limit established for the product concerned in Annex II to the Agreement.

Article 7

The competent authorities of the Community must be informed immediately of the withdrawal or modification of any export licence already issued.

Article 8

1. Exports shall be set off against the quantitative limits established for the year in which the shipment of goods has been effected even if the export licence is issued after such shipment.

2. For the purposes of applying paragraph 1, shipment of goods is considered to have taken place on the date of their loading onto the exporting transport as evidenced by their bill of lading or other transport document.

SECTION II

Importation

Article 9

1. Steel products originating in Russia, covered by a valid import licence issued pursuant to Decision 2001/932/ECSC⁽¹⁾, as amended, which were already sent to the Community before the date of entry into force of this Agreement shall be admitted within the limits applicable for the period from 1 January 2002 to 31 December 2002.

2. The release for free circulation into the Community of the products covered by the Agreement shall be subject to the presentation of an import authorization.

Article 10

1. The presentation by the importer of an export licence shall be made not later than 31 March of the year following that in which the goods covered by the licence have been shipped.

⁽¹⁾ OJ L 345, 29.12.2001, p. 71.

2. The competent authorities of the Community shall issue the import authorization referred to in Article 9 above, within 10 working days of the presentation by the importer of the original of the corresponding export licence. A list of the competent authorities is annexed to this Protocol.

3. The import authorizations shall be valid for four months from the date of their issue for importation throughout the customs territory of the Community.

4. The competent authorities of the Community shall cancel the import authorization already issued whenever the corresponding export licence has been withdrawn.

However, if the competent authorities of the Community are notified of the withdrawal or the cancellation of the export licence only after the release for free circulation of the products into the Community, the relevant quantities shall be set off against the limits established for the product.

Article 11

If the competent authorities of the Community find that the total quantity of the products covered by export licences issued by the competent authorities of Russia exceed the limits set out in Annex II to the Agreement, the Community authorities shall suspend the further issue of import authorizations. In this event, the competent authorities of the Community shall immediately inform the competent authorities of Russia and immediate consultations pursuant to Article 9(2) of the Agreement shall be initiated.

TITLE IV

FORM AND PRODUCTION OF EXPORT LICENCES AND CERTIFICATES OF ORIGIN, AND COMMON PROVISIONS CONCERNING EXPORTS TO THE COMMUNITY

Article 12

1. The export licence and the certificate of origin may comprise additional copies duly indicated as such. They shall be made out in English. If they are completed by hand, entries must be in ink and in printed script.

These documents shall measure 210 × 297 mm. The paper used shall be white writing paper, sized, not containing mechanical pulp, and weighing not less than 25 g/m²; If the documents have several copies only the top copy, which is the original, shall be printed with the guilloche pattern background. This copy shall be clearly marked 'original' and the other copies 'copies'. Only the original shall be accepted by the competent authorities of the Community as being valid for the purpose of export to the Community in accordance with the provisions of the Agreement.

2. Each document shall bear a standardized serial number, whether or not printed, by which it can be identified.

This number shall be composed of the following elements:

- two letters identifying the exporting country as follows: RU,
- two letters identifying the intended Member State of customs clearance as follows:

BE = Belgium

DK = Denmark

DE = Germany

EL = Greece

ES = Spain

FR = France

IE = Ireland

IT = Italy

LU = Luxembourg

NL = Netherlands

AT = Austria

PT = Portugal

FI = Finland

SE = Sweden

GB = United Kingdom,

- a one-digit number identifying the year in question corresponding to the last figure in the year, e.g. '2' for year 2002,
- a two-digit number from 01 to 99, identifying the particular issuing office concerned in exporting country,
- a five-digit number running consecutively from 00001 to 99999 allocated to the intended Member State of customs clearance.

Article 13

The export licence and the certificate of origin may be issued after the shipment of the products to which they relate. In such cases, they must bear the endorsement 'issued retrospectively'.

Article 14

1. In the event of the theft, loss or destruction of an export licence or a certificate of origin, the exporter may apply to the competent Russian authorities which issued the document for a duplicate to be made out on the basis of the export documents in his possession. The duplicate of any such certificate or licence so issued shall bear the endorsement 'duplicate'.

2. The duplicate shall bear the date of the original export licence or certificate of origin.

TITLE V

ADMINISTRATIVE COOPERATION

Article 15

The Community and Russia shall cooperate closely in the implementation of the provisions of this Protocol. To this end, contacts and exchanges of views, including on technical matters, shall be facilitated by both Parties.

Article 16

In order to ensure the correct application of this Protocol, the Community and Russia offer mutual assistance for the checking of the authenticity and the accuracy of export licences issued and certificates of origin issued or of any declarations made within the terms of this Protocol.

Article 17

Russia shall send the Commission of the European Communities the names and addresses of the competent Russian governmental authorities which are authorized to issue and to verify export licences and the competent Russian organizations authorized under Russian legislation to issue certificates of origin together with specimens of the stamps and signatures they use. Russia shall also notify the Commission of any change in these particulars.

Article 18

1. Subsequent verification of certificates of origin or export licences shall be carried out at random, or whenever the competent Community authorities have reasonable doubt as to the authenticity of the certificate or licence or as to the accuracy of the information regarding the true origin of the products in question.

2. In such cases, the competent authorities in the Community shall return the certificate of origin or the export licence or a copy thereof to the appropriate Russian authorities giving, where appropriate, the reasons of form or substance which justify an enquiry. If the invoice has been submitted, such invoice or a copy thereof shall be attached to the certificate or to the licence or their copies. The authorities shall also forward any information that has been obtained suggesting that the particulars given on the said certificate or licence are inaccurate.

3. The provisions of paragraph 1 above shall also apply to subsequent verifications of the certificates of origin provided for in Article 2 of this Protocol.

4. The results of the subsequent verifications carried out in accordance with paragraphs 1 and 2 shall be communicated to the competent authorities of the Community within three months at the latest. The information communicated shall indicate whether the disputed certificate or licence applies to the goods actually exported and whether these goods are eligible for export under the arrangements established by the Agreement. The information shall also include, at the request of the Community, copies of all the documentation necessary to fully determine the facts, and in particular the true origin of the goods.

5. For the purpose of subsequent verification of certificates of origin, copies of the certificates as well as any export documents referring to them shall be kept by the competent Russian organizations for at least one year following the end of the Agreement.

6. Recourse to the random verification procedure specified in this Article must not constitute an obstacle to the release for free circulation of the products in question.

Article 19

1. Where the verification procedure referred to in Article 18 or where information available to the competent authorities of the Community or of Russia indicates or appears to indicate that the provisions of this Agreement are being circumvented or infringed, the two Parties shall cooperate closely and with the appropriate urgency in order to prevent any such circumvention or infringement.

2. To this end, the appropriate Russian authorities shall, on their own initiative or at the request of the Community, carry out appropriate inquiries, or arrange for such inquiries to be carried out, concerning operations which are, or appear to the Community to be, in circumvention or infringement of this Protocol. Russia shall communicate the results of these inquiries to the Community, including any other pertinent information enabling the cause of the circumvention or infringement, including the true origin of the goods to be determined.

3. By agreement between the Community and Russia, officials designated by the Community may be present at the inquiries referred to in paragraph 2 above.

4. In pursuance of the cooperation referred to in paragraph 1 above, the competent authorities of the Community and Russia shall exchange any information considered by either Party to be of use in preventing circumvention or infringement of the provisions of this Agreement. These exchanges may include information on the trade in the type of products covered by this Agreement between Russia and third countries, particularly where the Community has reasonable grounds to consider that the products in question may be in transit across the territory of Russia prior to their importation into the Community. This information may include, at the request of the Community, copies of all relevant documentation, where available.

5. Where sufficient evidence shows that the provisions of this Protocol have been circumvented or infringed, the competent authorities of Russia and the Community may agree to take any measures necessary to prevent a recurrence of such circumvention or infringement.

EXPORT LICENCE

1. Exporter (name, full address, country)	ORIGINAL		2. No	
	3. Year		4. Product group	
5. Consignee (name, full address, country)	EXPORT LICENCE (ECSC products)			
	6. Country of origin		7. Country of destination	
8. Place and date of shipment — means of transport	9. Supplementary details			
10. Description of goods — manufacturer	11. CN code	12. Quantity ⁽¹⁾	13. Fob value ⁽²⁾	
14. Certification by the competent authority I, the undersigned, certify that the goods described above have been charged against the quantitative limit established for the year shown in box No 3 in respect of the Product group shown in box No 4 by the provisions regulating trade in ECSC products with the European Community.				
15. Competent authority (name, full address, country)	At on			
	(Signature)		(Stamp)	

⁽¹⁾ Show net weight (kg) and also quantity in the unit prescribed where other than net weight.

⁽²⁾ In the currency of the sale contract.

EXPORT LICENCE

1. Exporter (name, full address, country)	COPY		2. No	
	3. Year		4. Product group	
5. Consignee (name, full address, country)	EXPORT LICENCE (ECSC products)			
	6. Country of origin		7. Country of destination	
8. Place and date of shipment — means of transport	9. Supplementary details			
10. Description of goods — manufacturer	11. CN code	12. Quantity ⁽¹⁾	13. Fob value ⁽²⁾	
14. Certification by the competent authority I, the undersigned, certify that the goods described above have been charged against the quantitative limit established for the year shown in box No 3 in respect of the Product group shown in box No 4 by the provisions regulating trade in ECSC products with the European Community.				
15. Competent authority (name, full address, country)	At on (Signature) (Stamp)			

⁽¹⁾ Show net weight (kg) and also quantity in the unit prescribed where other than net weight.

⁽²⁾ In the currency of the sale contract.

CERTIFICATE OF ORIGIN

1. Exporter (name, full address, country)	ORIGINAL		2. No	
	3. Year		4. Product group	
5. Consignee (name, full address, country)	CERTIFICATE OF ORIGIN (ECSC products)			
	6. Country of origin		7. Country of destination	
8. Place and date of shipment — means of transport	9. Supplementary details			
10. Description of goods — manufacturer	11. CN code	12. Quantity ⁽¹⁾	13. Fob value ⁽²⁾	
14. Certification by the competent authority I, the undersigned, certify that the goods described above originated in the country shown in box No 6, in accordance with the provisions in force in the European Community.				
15. Competent authority (name, full address, country)	At on			
	(Signature)		(Stamp)	

⁽¹⁾ Show net weight (kg) and also quantity in the unit prescribed where other than net weight.

⁽²⁾ In the currency of the sale contract.

CERTIFICATE OF ORIGIN

1. Exporter (name, full address, country)	COPY		2. No	
	3. Year		4. Product group	
5. Consignee (name, full address, country)	CERTIFICATE OF ORIGIN (ECSC products)			
	6. Country of origin		7. Country of destination	
8. Place and date of shipment — means of transport	9. Supplementary details			
10. Description of goods — manufacturer	11. CN code	12. Quantity ⁽¹⁾	13. Fob value ⁽²⁾	
	14. Certification by the competent authority I, the undersigned, certify that the goods described above originated in the country shown in box No 6, in accordance with the provisions in force in the European Community.			
15. Competent authority (name, full address, country)	At on (Signature) (Stamp)			

⁽¹⁾ Show net weight (kg) and also quantity in the unit prescribed where other than net weight.

⁽²⁾ In the currency of the sale contract.

LISTA DE LAS AUTORIDADES NACIONALES COMPETENTES
LISTE OVER KOMPETENTE NATIONALE MYNDIGHEDER
LISTE DER ZUSTÄNDIGEN BEHÖRDEN DER MITGLIEDSTAATEN
ΔΙΕΥΘΥΝΣΕΙΣ ΤΩΝ ΑΡΧΩΝ ΕΚΔΟΣΗΣ ΑΔΕΙΩΝ ΤΩΝ ΚΡΑΤΩΝ ΜΕΛΩΝ
LIST OF THE COMPETENT NATIONAL AUTHORITIES
LISTE DES AUTORITÉS NATIONALES COMPÉTENTES
ELENCO DELLE COMPETENTI AUTORITÀ NAZIONALI
LIJST VAN BEVOEGDE NATIONALE INSTANTIES
LISTA DAS AUTORIDADES NACIONAIS COMPETENTES
LUETTELO TOIMIVALTAISISTA KANSALLISISTA VIRANOMAISISTA
FÖRTECKNING ÖVER BEHÖRIGA NATIONELLA MYNDIGHETER

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COMMISSION DECISION**of 9 July 2002****terminating the examination procedures concerning obstacles to trade, within the meaning of Council Regulation (EC) No. 3286/94, consisting of trade practices maintained by the United States of America in relation to imports of prepared mustard**

(2002/604/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

B. FINDINGS OF THE INVESTIGATION

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3286/94 of 22 December 1994 (hereinafter 'the Regulation') laying down Community procedures in the field of the common commercial policy in order to ensure the exercise of the Community's rights under international trade rules, in particular those established under the auspices of the World Trade Organisation ⁽¹⁾, as amended by Regulation (EC) No 356/95 ⁽²⁾, and in particular Article 11(1) thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURAL BACKGROUND

- (1) On 7 June 2001 the Federation of the French Condiment Industries (FICF) lodged a complaint pursuant to Article 4 of the Regulation.
- (2) FICF alleged that Community exports of prepared mustard to the United States of America are hindered by an obstacle to trade within the meaning of Article 2(1) of the Regulation.
- (3) The alleged obstacle to trade was constituted by the United States decision to apply the suspension of trade concessions imposed on prepared mustard, following the Hormones Case, only to exports originating in certain Community Member States (the United Kingdom is included).
- (4) The Commission decided, after consultation of the Advisory Committee established by the Regulation, that the complaint contained sufficient evidence to justify the initiation of an examination procedure. Consequently, an examination procedure was initiated on 1 August 2001 ⁽³⁾.

- (5) Article 1 of the Regulation states that 'this Regulation establishes Community procedures in the field of the common commercial policy in order to ensure the exercise of the Community's rights under international trade rules [...] which [...] are aimed at: (a) [...]; (b) responding to obstacles to trade that have an effect on the market of a third country, with a view to removing the adverse trade effects resulting therefrom'. Furthermore, Article 4(1) of the Regulation provides that a written complaint may be lodged by Community enterprises that are considered to 'have suffered adverse trade effects as a result of obstacles to trade that have an effect on the market of a third country'.

- (6) The examination procedure led to the conclusion that the alleged adverse trade effects do not appear to stem from the obstacle to trade claimed in the complaint, i.e. the United States of America practice of applying withdrawal of concessions selectively against some but not all the Member States (selective sanctioning). In fact, the investigation did not provide any evidence of the fact that making the suspension of concessions also applicable to the United Kingdom would result in greater export opportunities for the complainant for prepared mustard to the United States market. Therefore, no adverse trade effect, as defined in the Regulation, can be attributed to the obstacle to trade claimed by the complaint, other than the trade effects resulting from the suspension of concessions which are authorised and lawfully applied by the United States of America under the WTO Agreement. Therefore, in accordance with Article 11, the examination procedure has demonstrated that the interests of the Community do not require that a specific action be taken against the alleged obstacle to trade under the Regulation.

C. CONCLUSIONS AND RECOMMENDATIONS

- (7) The examination procedure did not provide sufficient evidence that the interests of the Community require a specific action to be taken under the Regulation against the adverse trade effects produced by the alleged obstacle to trade. The examination procedure should therefore be terminated.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Advisory Committee established by the Regulation.

⁽¹⁾ OJ L 349, 31.12.1994, p. 71.

⁽²⁾ OJ L 41, 23.2.1995, p. 3.

⁽³⁾ OJ C 215, 1.8.2001, p. 2.

HAS ADOPTED THIS DECISION:

Sole Article

The examination procedure concerning obstacles to trade, within the meaning of the Regulation, consisting of trade practices maintained by the United States of America in relation to imports of prepared mustard initiated on 1 August 2001 is hereby terminated.

Done at Brussels, 9 July 2002.

For the Commission

Pascal LAMY

Member of the Commission

COMMISSION DECISION
of 17 July 2002
concerning the questionnaire relating to Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances

(notified under document number C(2002) 2656)

(2002/605/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Article 1

The questionnaire as attached in the Annex is hereby adopted.

Having regard to Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances ⁽¹⁾, and in particular Article 19(4) thereof,

Article 2

The Member States shall draw up a report covering the period 2003 to 2005 inclusive in accordance with the questionnaire in the Annex.

Whereas:

Article 3

Member States shall provide the Commission with that report by 30 September 2006 at the latest.

(1) Article 19(4) of Directive 96/82/EC requires the Member States to report on the implementation of this Directive on a three-year basis.

Article 4

This Decision is addressed to the Member States.

(2) This report has to be established on the basis of a questionnaire or outline drafted by the Commission in accordance with the procedure set out in Article 6 of Directive 91/692/EEC of 23 December 1991 on standardising and rationalising reports on the implementation of certain Directives relating to the environment ⁽²⁾.

(3) The three-year period should cover 2003 to 2005 inclusive.

Done at Brussels, 17 July 2002.

(4) The measures envisaged in this Decision are in accordance with the opinion delivered by the Committee set up by Article 6 of Directive 91/692/EEC,

For the Commission
Margot WALLSTRÖM
Member of the Commission

⁽¹⁾ OJ L 10, 14.1.1997, p. 13.

⁽²⁾ OJ L 377, 31.12.1991, p. 48.

ANNEX

Questionnaire for the three-year report referred to in Article 19(4) of Directive 96/82/EC on the control of major-accident hazards involving dangerous substances (Seveso II)**1. General information**

- (a) Who are the main competent authorities responsible for the enforcement of the Seveso II Directive and what are their main tasks?
- (b) For each of the three years covered by the reporting period ⁽¹⁾:
 - (i) how many establishments were subject to the provisions transposing Article 6 and not to the provisions transposing Article 9? ('lower tier' establishments)
 - (ii) how many establishments were subject to the provisions transposing Article 9? ('upper tier' establishments)
 - (iii) how many establishments were not covered by the Directive and have joined the 'lower tier' category, due to amendments to the Directive or to the classification scheme of dangerous substances? (Establishments that were not covered by the Directive and that are now covered by the lower tier provisions for the first time in the current year, due to a legislative change)
 - (iv) how many 'non Seveso' establishments have joined the 'upper tier' category, due to amendments to the Directive or to the classification scheme of dangerous substances? (Establishments that were not covered by the Directive and that are now covered by the upper tier provisions)
 - (v) how many 'Seveso lower tier' establishments have joined the 'upper tier' category, due to amendments to the Directive or to the classification scheme of dangerous substances? (Lower tier establishments that have become upper tier establishments)
 - (vi) how many 'Seveso lower tier' establishments are no longer in the scope of the Directive, due to amendments to the Directive or to the classification scheme of dangerous substances? (Lower tier establishments that are no longer subject to the Seveso provisions)
 - (vii) how many 'Seveso upper tier' establishments have become 'lower tier' establishments, due to amendments to the Directive or to the classification scheme of dangerous substances?
 - (viii) how many 'Seveso upper tier' establishments are no longer in the scope of the Directive, due to amendments to the Directive or to the classification scheme of dangerous substances? (Upper tier establishments that are no longer subject to the Seveso provisions).

2. Safety reports

- (a) Total number of establishments falling within the scope of Article 9 and who have not yet submitted any safety report (since the entry into force of the Directive) at the end of each of the years covered by the reporting period?
- (b) On 31 December 2005, how many upper tier establishments were in the case:
 - (i) its safety report was updated for the last time before 1 January 2003;
 - (ii) its safety report was updated for the last time during the year 2003;
 - (iii) its safety report was updated for the last time during the year 2004;
 - (iv) its safety report was updated for the last time during the year 2005;
 - (v) the date of the last update is unknown.
- (c) What is the mean period of time between the reception of a safety report and the communication of conclusions to the operator?
- (d) *The answer to this question is optional.* In the context of the review of the safety report, as required under Article 9(5), the operator may review the safety report and then decide not to revise it. In this case, on 31 December 2005, how many upper tier establishments were in the case:
 - (i) its safety report was reviewed for the last time before 1 January 2003 and the review did not lead to any revision of the safety report;
 - (ii) its safety report was reviewed for the last time during the year 2003 and the review did not lead to any revision of the safety report;
 - (iii) its safety report was reviewed for the last time during the year 2004 and the review did not lead to any revision of the safety report;
 - (iv) its safety report was reviewed for the last time during the year 2005 and the review did not lead to any revision of the safety report;
 - (v) the date of the last review is unknown.

⁽¹⁾ The following questions (i) to (viii) are only relevant for the Member States that have not transmitted the corresponding information to the Commission through the SPIRS system.

3. Emergency plans

1. How many upper tier establishments do not have an internal emergency plan ⁽¹⁾, as required under Article 11(1)(a) of the Directive.
2. How many upper tier establishments have an internal emergency plan, as required under Article 11(1)(a) of the Directive?
3. For how many upper tier establishments is the situation under assessment with regard to the existence of an internal emergency plan?
4. How many upper tier establishments have external emergency plans not drawn up by the designated authorities, as referred to in Article 11(1)(c) of the Directive? (Brief explanation should be added if the number is not zero.)
5. Give a brief explanation of the way external emergency plans are tested (e.g. part test, full test, involving emergency services, desk top, etc.) and specify the criteria used for considering that an external emergency plan has been tested.
6. For how many upper tier establishments was the external emergency plan tested for the last time in 2003?
7. For how many upper tier establishments was the external emergency plan tested for the last time in 2004?
8. For how many upper tier establishments was the external emergency plan tested for the last time in 2005?
9. In how many cases have the competent authorities decided, in view of the information contained in the safety report, that the requirements to produce an external emergency plan shall not apply, as foreseen by Article 11(6)? Explain and justify briefly the cases.

4. Domino effects

- (a) Provide general background information on the methodology for identifying the establishments or groups of establishments referred to in Article 9(1).
- (b) How many groups of establishments have been identified, where the likelihood and the possibility or consequences of a major accident may be increased, because of the location and the proximity of such establishments, as referred to in Article 8(1) of the Directive on the domino effect?
- (c) What is the average number of establishments per group? (optional)
- (d) What is the number of establishments of the smallest group? (group with the smallest number of establishments) (optional)
- (e) What is the number of establishments of the biggest group? (group with the highest number of establishments) (optional)
- (f) What is the strategy followed to ensure that suitable information is exchanged in an appropriate manner for establishments liable to be affected by a domino effect? Illustrate the strategy by one or two concrete examples and highlight the difficulties encountered in practice.

5. Land-use planning

Provide general background information on the concrete measures for fulfilling the objectives of Article 12 in general and, in particular, for ensuring the control of new developments around existing sites as well as the siting of new sites.

6. Information on safety measures

1. How many establishments have informed the public, at least once during the period 2003 to 2005, in compliance with Article 13?
2. For how many establishments have the competent authorities made available to other Member States sufficient information to enable them to prepare emergency plans, as required in Article 13(2)?
3. For how many establishments have the competent authorities received sufficient information from other Member States in order to enable them to prepare emergency plans, as required in Article 13(2)?
4. In how many cases have the competent authorities provided information to another Member State on establishments, close to the territory of another Member State, incapable of creating a major accident hazard beyond its boundary, as referred to in Article 13(3)?
5. Describe briefly the strategy for informing the public. Who is responsible for informing the public? What means are used for informing the public? Who shoulders the cost for such information? Is there any evaluation of the cost for informing the public? Is the information really made available to the public and how is it monitored? Is the quality and accuracy of the public information strategy checked on a regular basis and how?

⁽¹⁾ It can be assumed that an establishment has an internal emergency plan, when the competent authorities, on the basis of the examination of the safety report, have proof that an internal emergency plan exists. Unless other elements indicate otherwise, it will be assumed that an establishment has no internal emergency plan if the safety report has not been sent, or if the safety report has been examined and does not prove the existence of an internal emergency plan. In the cases where the safety report has been received but not yet examined, the situation has to be qualified as 'under assessment'.

7. Prohibition of use

1. What are the different coercive instruments that can be used in case of infringement to the legislation? (administrative legal actions, financial penalties, prohibition of use as referred to in Article 17 etc).
2. In how many cases have each of these instruments been used?

8. Inspection

- (a) Give an overview of the strategy and means for inspection, including rough estimate of the total man-hours of the inspectorate, fulfilling the requirements laid down by the directive, tasks of the inspectors and their minimum qualifications.
- (b) For each of the three years covered by the reporting period, how many upper tier establishments have been inspected at least once ⁽¹⁾?
- (c) For each of the three years covered by the reporting period, how many lower tier establishments have been inspected at least once?
- (d) How many upper tier establishments have not been inspected at least once during the three years 2003, 2004 and 2005?
- (e) How many lower tier establishments have not been inspected at least once during the three years 2003, 2004 and 2005?

9. Ports and marshalling yards (optional)

With due regard for the Treaty and in compliance with the relevant Community legislation, Member States may retain or adopt appropriate measures for transport-related activities at docks, wharves and marshalling yards, which are excluded from the Directive, in order to ensure a level of safety equivalent to that established by the Directive. This optional question aims therefore at exchanging information on adopted measures and major accidents in this field.

- (a) Give an overview of the different 'Seveso-like' measures (external emergency plans, land-use planning, information to the public, etc.) that might apply to a certain extent to ports and/or marshalling yards.
- (b) How many major accidents complying with the accident notification criteria, as specified in Annex VI to the Directive, occurred in a port?
- (c) How many major accidents complying with the accident notification criteria, as specified in Annex VI to the Directive, occurred in a marshalling yard?

⁽¹⁾ In questions 8(b), 8(c), 8(d) and 8(e), the wording 'inspected' relates to inspections that have led to the preparation of a report as requested in Article 18(2)(b).

The numerical answers to the question have to be given in a table according to the following template. The non-numerical answers (highlighted in grey) have to be given outside the table.

		2003	2004	2005
1. General information				
Impact of amendments to the Directive	(a) Main enforcement authorities and their main tasks	Non-numerical		
	(bi) Number of lower tier establishments	Data automatically taken from the SPIRS database, if the information is available For Member States which have not provided the relevant information, answers to questions (bi) to (bviii) will have to be given for each of the years under the reporting period		
	(bii) Number of upper tier establishments			
	(biii) 'Non-Seveso' establishments that joined the 'lower tier' category			
	(biv) 'Non-Seveso' establishments that joined the 'upper tier' category			
	(bv) Lower tier establishments that joined the 'upper tier' category			
	(bvi) Lower tier establishments that are no longer 'Seveso' establishments			
	(bvii) 'Upper tier' establishments that have become 'lower tier'			
	(bviii) 'Upper tier' that are no longer 'Seveso' establishments			
2. Safety reports				
(a) Establishments who have not yet submitted any safety report	x	x	x	
(b) Establishments whose safety report was updated for the last time:				
(i) before 1 January 2003	x			
(ii) during 2003	x			
(iii) during 2004	x			
(iv) during 2005	x			
(v) unknown	x			
(c) Mean period of time between the reception of a safety report and the communication of conclusions to the operator	Non-numerical			
Optional	(d) Establishments whose safety report was reviewed for the last time:			
	(i) before 1 January 2003	x		
	(ii) during 2003	x		
	(iii) during 2004	x		
	(iv) during 2005	x		
	(v) unknown	x		

		2003	2004	2005
3. Emergency plans				
(1)	Establishments with no internal emergency plan	X	X	X
(2)	Establishments with an internal emergency plan	X	X	X
(3)	Situation under assessment with regard to internal emergency plans	X	X	X
(4)	Establishments with no external emergency plan	X	X	X
(5)	Criteria for carrying out the external emergency plans test	Non-numerical		
(6)(7)(8)	External emergency plans tested for the last time in the current year	X	X	X
(9)	Cases where the competent authorities have decided that the external emergency plan has not to be produced	Provide numerical value and additional explanation if not 0		
4. Domino effects				
(a)	General background information	Non-numerical		
(b)	How many groups of establishments?	X	X	X
Optional	(c) Average number of establishments per group	X	X	X
	(d) Number of establishments in the smallest group	X	X	X
	(e) Number of establishments in the biggest group	X	X	X
(f)	Strategy for ensuring that suitable information is exchanged	Non-numerical		
5. Land-use planning				
General background information on the adopted measures.		Non-numerical		
6. Information on safety measures				
(1)	Establishments that have informed the public at least once	X		
(2)	Information made available to other Member States	X	X	X
(3)	Information received from other Member States	X	X	X
(4)	Establishments incapable of creating major accident in another Member State	X	X	X
(5)	Strategy for informing the public	Non-numerical		

	2003	2004	?2005
7. Prohibition of use			
1. The different existing coercive instruments	Non-numerical		
2. In how many cases have each of these instruments been used?			
1.	x	x	x
2.	x	x	x
3.	x	x	x
...			
	2003	2004	2005
8. Inspections			
(a) Overview of the strategy and means for inspection	Non-numerical		
(b) Upper tier establishments inspected	x	x	x
(c) Lower tier establishments inspected	x	x	x
(d) Upper tier establishments not inspected during the three years	x		
(e) Lower tier establishments not inspected during the three years	x		
9. Ports and marshalling yards (optional)			
(a) Overview of the 'Seveso-like' measures.	Non-numerical		
(b) Major accidents in ports.	x	x	x
(c) Major accidents in marshalling yards.	x	x	x

COMMISSION DECISION

of 16 July 2002

granting certain parties an exemption from the extension to certain essential bicycle parts, by Council Regulation (EC) No 71/97, of the anti-dumping duty on bicycles originating in the People's Republic of China, imposed by Council Regulation (EEC) No 2474/93, and maintained by Regulation (EC) No 1524/2000 and revoking the exemption from the payment of the anti-dumping duty extended to certain bicycle parts originating in the People's Republic of China granted to certain parties pursuant to Commission Regulation (EC) No 88/97

(notified under document number C(2002) 2638)

(2002/606/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾, as last amended by Regulation (EC) No 2238/2000 ⁽²⁾,

Having regard to Council Regulation (EC) No 71/97 of 10 January 1997 extending the definitive anti-dumping duty imposed by Regulation (EEC) No 2474/93, and maintained by Regulation (EC) No 1524/2000, on bicycles originating in the People's Republic of China to imports of certain bicycle parts from the People's Republic of China ⁽³⁾,

Having regard to Commission Regulation (EC) No 88/97 of 20 January 1997 on the authorisation of the exemption of imports of certain bicycle parts originating in the People's Republic of China from the extension by Council Regulation (EC) No 71/97 of the anti-dumping duty imposed by Council Regulation (EEC) No 2474/93 and maintained by Council Regulation (EC) No 1524/2000 ⁽⁴⁾, and in particular Article 7 thereof,

After consulting the Advisory Committee,

Whereas:

- (1) After the entry into force of Regulation (EC) No 88/97 a number of bicycle assemblers submitted requests pursuant to Article 3 of that Regulation for exemption of the anti-dumping duty as extended to imports of certain bicycle parts from the People's Republic of China by Regulation (EC) No 71/97 (the extended anti-dumping duty). The Commission has published in the *Official Journal of the European Communities* successive lists of applicants ⁽⁵⁾ for which payment of the extended anti-dumping duty in respect of their imports of essential bicycle parts declared for free circulation was suspended pursuant to Article 5(1) of Regulation (EC) No 88/97.
- (2) The Commission requested and received the necessary information from the parties listed in Article 1 of the present Decision and found each of their requests to be admissible pursuant to Article 4(1) of Regulation (EC) No 88/97. The information provided was examined and verified where necessary at the premises of the parties concerned.
- (3) The facts as finally ascertained by the Commission show that the assembly operations of the applicants concerned do not fall within the scope of Article 13(2) of Regulation (EC) No 384/96. In particular, it was found that for all the applicants listed in Article 1 of the present Decision, the value of the parts originating in the People's Republic of China which were used in their assembly operations was lower than 60 % of the total value of the parts used in these assembly operations.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 257, 11.10.2000, p. 2.

⁽³⁾ OJ L 16, 18.1.1997, p. 55.

⁽⁴⁾ OJ L 17, 21.1.1997, p. 17.

⁽⁵⁾ OJ C 45, 13.2.1997, p. 3, OJ C 112, 10.4.1997, p. 9, OJ C 378, 13.12.1997, p. 2, OJ C 217, 11.7.1998, p. 9, OJ C 37, 11.2.1999, p. 3, OJ C 186, 2.7.1999, p. 6, OJ C 216, 28.7.2000, p. 8, OJ C 170, 14.6.2001, p. 5 and OJ C 103, 30.4.2002, p. 2.

- (4) For the above reasons, and in accordance with Article 7(1) of Regulation (EC) No 88/97, the parties listed in Article 1 of the present Decision should be exempted from the extended anti-dumping duty. The parties concerned were informed accordingly and given an opportunity to comment.
- (5) In accordance with Article 7(2) of Regulation (EC) No 88/97, the exemption of the parties listed in Article 1 of the present Decision from the extended anti-dumping duty should take effect from the date of receipt of their request, and their customs debt in respect of the extended anti-dumping duty is to be considered void as from that date.
- (6) Some parties, listed in Article 2 of the present Decision, have ceased to exist or have stopped assembling bicycles. Consequently, the exemption for these parties should be revoked. The Commission informed the parties concerned, wherever possible, that it intended to revoke their exemption and gave them the opportunity to comment.
- (7) Since the Commission did not receive any comments within the given deadline, the exemption for the parties concerned should be revoked.
- (8) Following the adoption of the present Decision, an updated list of parties exempted pursuant to Article 7 of Regulation (EC) No 88/97 and of parties whose requests pursuant to Article 3 of that Regulation are under examination should be published in the 'C' series of the *Official Journal of the European Communities* in accordance with Article 16(2) of that Regulation,

HAS ADOPTED THIS DECISION:

Article 1

The parties listed below are hereby exempted from the extension by Regulation (EC) No 71/97 of the definitive anti-dumping duty imposed by Council Regulation (EEC) No 2474/93, and maintained by Council Regulation (EC) No 1524/2000, on bicycles originating in the People's Republic of China to imports of certain bicycle parts from the People's Republic of China.

The exemption shall take effect for each party from the respective date shown in the column headed 'Date of effect' for that party.

Exempted Parties

Name	City	Country	Exemption pursuant to Regulation (EC) No 88/97	Date of effect	TARIC-additional code
AT Zweirad GmbH	Boschstraße 18 D-48341 Altenberge	Germany	Article 7	15.1.2001	A247
Bicicletas Monty, SA	C/ El Pla 106 E-08980 Sant Feliu de Llobregat	Spain	Article 7	10.3.2000	A165
Checker Pig GmbH	Venusberger Straße 42 D-09430 Drebach	Germany	Article 7	9.1.2002	A322
Cicli Adriatica srl Uninominale	Via Toscana, 13 I-61100 Pesaro	Italy	Article 7	14.12.1999	A088
Cicli Casadei srl	Via dei Mestieri, 23 I-44020 S. Giuseppe di Comacchio	Italy	Article 7	1.1.2002	A326
Cicli Douglas di Battistello Albano & C. SNC	Via Copernico, 3-Z.I. I-35028 Piove di Sacco (PD)	Italy	Article 7	4.5.2000	A169

Name	City	Country	Exemption pursuant to Regulation (EC) No 88/97	Date of effect	TARIC-additional code
Cicli Lombardo di Gaspare Lombardo & C. Snc	Via Roma, 233 I-91012 Buseto Palizzolo	Italy	Article 7	23.5.2001	A271
Cobran snc di Perrino Agostino & C.	Via Zingarina, 6 I-47900 Rimini	Italy	Article 7	11.1.2001	A246
Cycles Eddie Kœpler/Eddie Kœpler International SARL	ZI No 2 de Rouvignies — Rue Louis Dacquin — Batterie 900 F-59309 Valenciennes Cedex	France	Article 7	15.6.2001	A177
Diamant Fahrradwerke GmbH	Schönaicher Straße 1 D-09232 Hartmannsdorf	Germany	Article 7	1.9.2001	A346
Dino Bikes SpA	Via Cuneo 11 I-12011 Borgo San Dalmazzo	Italy	Article 7	1.1.2002	A327
Dutch Bicycle Group BV	Adrieaan Banckertstraat 7 3115 JE Schiedam Nederland	The Netherlands	Article 7	1.9.2001	A287
F.lli Zanoni srl	Via C. Castiglioni, 27 I-20010 Arluno	Italy	Article 7	7.3.2000	A162
Fabrica Biciclette Trubbiani e C. SNC	Santa Maria in Selva Via Arno, 1 I-62010 Treia	Italy	Article 7	3.1.2001	A232
Family Bike Srl	Via Serenissima, 6 I-36041 Montebelluna Maggiore	Italy	Article 7	15.3.2001	A254
FARAM srl	Zona Industriale — Traversa della Meccanica I-02010 Santa Rufina di Cittaducale	Italy	Article 7	22.2.2001	A249
Forza A/S	Industrivej 20 DK-5750 Ringe	Denmark	Article 7	11.9.2001	A289
Gatsoulis	Vitinis 26 GR-14342 New Philadelphia, Athens	Greece	Article 7	4.3.2002	A350
GTA My Bicycle SAS	Viale Stazione, 55 I-35029 Pontelongo	Italy	Article 7	5.12.2001	A221
Kynast GmbH	Artlandstraße 55 D-49610 Quakenbrück	Germany	Article 7	1.11.2000	A284
Love Bike Srl	Strada Valle Maira 135/3 I-12020 Roccabruna	Italy	Article 7	8.3.2001	A251
Paul Lange & Co.	Hofener Straße 114 D-70732 Stuttgart	Germany	Article 7	27.4.2000	A288
PRO-FIT Sportprodukte GmbH	Biaser Straße 29 D-39261 Zerbst	Germany	Article 7	1.3.2001	A349

Name	City	Country	Exemption pursuant to Regulation (EC) No 88/97	Date of effect	TARIC-additional code
Rex Industri AB	Box 303 S-30 108 Halmstad	Sweden	Article 7	1.11.2001	A311
SBB srl	Via Cuneo, 121A I-12020 Cervasca	Italy	Article 7	25.2.2000	A164
SPDAD Lda	Rua do Pinhal — lote 9-12 P-4470 Maia	Portugal	Article 7	22.5.2001	A320
Shivati Bicycles BV	Straelseweg 27a 5911 CL Venlo Nederland	The Netherlands	Article 7	2.1.2002	A321
Shock Blaze Srl	Via Vittorio Veneto 29/31 I-31020 S. Martino di Colle Umberto	Italy	Article 7	5.3.2001	A250
Teikotec Bike-Trading GmbH	Robert-Bosch-Straße 6 D-56727 Mayen	Germany	Article 7	1.1.2002	A328
United Bicycles Assembly NV	Oude Bunders 2030 B-3630 Maasmechelen	Belgium	Article 7	15.2.2002	A347
VILAR Indústrias Metalúrgicas SA	Rua Central do Ribeiro 512 P-4745 Alvarelhos	Portugal	Article 7	5.2.2001	A248

Article 2

The exemptions from the extension by Regulation (EC) No 71/97 of the definitive anti-dumping duty imposed by Regulation (EEC) No 2474/93, and maintained by Regulation (EC) No 1524/2000, on bicycles originating in the People's Republic of China to imports of certain bicycle parts from the People's Republic of China are hereby revoked for the parties listed below from the date following that of the publication of the present Decision in the *Official Journal of the European Communities*.

Parties for which the exemption is revoked

Name	City	Country	TARIC additional code
Starway	BP 26-ZI Route de Pernay F-37320 Luynes	France	8055
TRIX SAS	Via Montesuello, 45 I-25015 Desenzano del Garda	Italy	8601

Article 3

This Decision is addressed to the Member States and to the parties listed hereunder:

AT Zweirad GmbH, Boschstrasse 18, D-48341 Altenberge, Germany;

Bicicletas Monty SA, C/El Pla 106, E-08980 Sant Feliu de Llobregat, Spain;

Checker Pig GmbH, Venusberger Straße 42, D-09430 Drebach, Germany;

Cicli Adriatica srl Uninominale, Via Toscana 13, I-61100 Pesaro, Italy;

Cicli Casadei srl, Via dei Mestieri 23, I-44020 S. Guiseppe di Commacchio, Italy;

Cicli Douglas di Battistello Albano & C. snc, Via Copernico 3-Z.I., I-35028 Piove di Sacco (PD), Italy;

Cicli Lombardo di Gaspare Lombardo & C snc, Via Roma 233, I-91012 Buseto Palizzolo, Italy;

Cobran snc di Perrino Agostino & C., Via Zingarina 6, I-47900 Rimini, Italy;

Cycles Eddie Koepler/Eddie Koepler International SARL, — Rue Louis Dacquin — Batterie 900, 59309 Valenciennes Cedex, France;

Diamant Fahrradwerke GmbH, Schönaicher Straße 1, D-09232 Hartmannsdorf, Germany;

Dino Bikes SpA, Via Cuneo 11, I-12011 Borgo San Dalmazzo, Italy;

Dutch Bicycle Group BV, Adrieaan Banckertstraat 7, NL-3115 JE Schiedam, The Netherlands;

F.lli Zaroni srl, Via C. Castiglioni 27, I-20010 Arluno, Italy;

Fabrica Biciclette Trubbiani e C. snc, Santa Maria in Selva Via Arno, 1, I-62010 Treia, Italy;

Family Bike srl, Via Serenissima 6, I-36041 Montecchio Maggiore, Italy;

FARAM srl, Zona Industriale-Traversa della Meccanica, I-02010 Santa Rufina di Cittaducale, Italy;

Forza A/S, Industrivej 20, DK-5750 Ringe, Denmark;

Gatsoulis, Vitinis 26, GR-14342 New Philadelphia, Athens, Greece;

GTA My Bicycle S.A.S., Viale Stazione 55, I-35029 Pontelongo, Italy;

Kynast GmbH, Artlandstr. 55, D-49610 Quakenbrück, Germany;

Love Bike Srl, Strada Valle Maira 135/3, I-12020 Roccabruna, Italy;

Paul Lange & Co., Hofener Straße 114, D-70372 Stuttgart, Germany;

PRO-FIT Sportprodukte GmbH, Biaser Str. 29, D-39261 Zerbst, Germany;

Rex Industri AB, Box 303, S-301 08 Halmstad, Sweden;

SBB srl, Via Cuneo 121A, I-12020 Cervasca, Italy;

SPDAD Lda, Rua do Pinhal — lote 9-12, P-4470 Maia, Portugal;

Shivati Bicycles BV, Straelseweg 27a, NL-5911 CL Venlo, The Netherlands;

Shock Blaze Srl, Via Vittorio Veneto 29/31, I-31020 S. Martino di Colle Umberto, Italy;

Starway, c/o Madame Nadine Breion, Mandataire Judiciaire auprès des Tribunaux de la Cour d'Appel d'Orléans, 25, rue Nationale, 37000 Tours, France;

Teikotec Bike-Trading GmbH, Robert-Bosch-Str. 6, D-56727 Mayen, Germany;

TRIX SAS, Via Montesuello, 45, I-25015 Desenzano del Garda, Italy;

United Bicycles Assembly NV, Oude Bunders 2030, B-3630 Maasmechelen, Belgium;

VILAR Indústrias Metalúrgicas SA, Rua Central do Ribeiro 512, P-4745 Alvarelhos, Portugal.

Done at Brussels, 16 July 2002.

For the Commission

Pascal LAMY

Member of the Commission

COMMISSION DECISION
of 23 July 2002
concerning protection measures relating to avian influenza in Chile

(notified under document number C(2002) 2832)

(Text with EEA relevance)

(2002/607/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽¹⁾, and in particular Article 22(1) and (5) thereof,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽²⁾, as last amended by Directive 96/43/EC ⁽³⁾, and in particular Article 18(1), (5) and (6) thereof,

Whereas:

- (1) Chile has confirmed two outbreaks of highly pathogenic avian influenza on 2 July 2002 in poultry flocks in region V of Chile.
- (2) According to the provisions of Directives 97/78/EC and 91/496/EEC measures shall be taken if, in the territory of a third country, a disease referred to in Council Directive 82/894/EEC of 21 December 1982 on the notification of animal diseases within the Community ⁽⁴⁾, as last amended by Commission Decision 2000/556/EC ⁽⁵⁾, or other diseases or any other phenomenon or circumstance liable to present a serious threat to animal or public health manifests itself or spreads.
- (3) Directive 82/894/EEC lists certain contagious animal diseases, such as avian influenza, which present a risk to the Community herd, notably by their spread as a result of trade and imports.
- (4) Chile has immediately informed the Commission about the outbreaks and the disease control measures taken.
- (5) Chilean veterinary services have stopped certifying as of 21 June 2002 for exports of live poultry and hatching

eggs, live ratites and hatching eggs and fresh meat of poultry, ratites, wild and farmed feathered game, poultry meat preparations and poultrymeat products destined for the European Union in accordance with EU requirements.

- (6) However, one Member State has taken safeguard measures by banning all imports of live poultry, poultrymeat and poultrymeat products from Chile into its national territory including consignments on their way from Chile certified before 21 June 2002.
- (7) These consignments of fresh poultrymeat on their way from Chile to Europe can be accepted for importation as the Chilean authorities have given sufficient guarantees regarding the risk of disease introduction through these goods.
- (8) To harmonise the measures taken by Member States and for reasons of clarity and transparency, it is appropriate to temporarily suspend, in line with the action taken by Chile, the exportation of live poultry and hatching eggs, live ratites and hatching eggs and fresh meat of poultry, ratites, wild and farmed feathered game, poultrymeat preparations and poultrymeat products meat preparations consisting of or containing meat of the before mentioned species from Chile to the European Union.
- (9) Commission Decision 97/222/EC ⁽⁶⁾, as last amended by Decision 2002/184/EC ⁽⁷⁾, lays down the list of third countries from which Member States may authorise the importation of meat products and establishes treatment regimes in order to lower the risk of disease transmission via such products. The treatment that has to be applied to the product depends on the health status of the country of origin in relation to the species the meat is obtained from; therefore it is necessary to restrict imports of poultry meat products originating in Chile to those treated to a temperature of at least 70 °C.

⁽¹⁾ OJ L 24, 31.1.1998, p. 9.

⁽²⁾ OJ L 268, 24.9.1991, p. 56.

⁽³⁾ OJ L 162, 1.7.1996, p. 1.

⁽⁴⁾ OJ L 378, 31.12.1982, p. 58.

⁽⁵⁾ OJ L 235, 19.9.2000, p. 27.

⁽⁶⁾ OJ L 98, 4.4.1997, p. 39.

⁽⁷⁾ OJ L 61, 2.3.2002, p. 61.

- (10) For the purpose of this Decision meat of poultry, farmed and wild feathered game and ratites refers to meat for human consumption and excludes raw material for the manufacture of animal feedingstuffs and pharmaceutical or technical products for channelled imports.
- (11) The provisions of this Decision shall be reviewed in the light of the disease evolution and further information received from the Chilean authorities.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Member States shall prohibit the importation from the territory of Chile of live poultry and hatching eggs thereof, live ratites and hatching eggs thereof, fresh meat of poultry, ratites, farmed and wild feathered game, poultrymeat products and meat preparations consisting or containing meat of the abovementioned species except for raw material fulfilling the requirements of Chapter 10 of Annex I to Council Directive 92/118/EEC ⁽¹⁾, as last amended by Decision 2001/7/EC ⁽²⁾.

Article 2

By derogation from Article 1 Member States shall authorise the importation of consignments of fresh meat of poultry, ratites, farmed and wild feathered game, poultrymeat products and poultrymeat preparations consisting or containing meat of the beforementioned species, which have already left Chile and are on their way to the European Union, if the meat was obtained from animals slaughtered before 21 June 2002 and they are accompanied by certificates which have been signed before 21 June 2002.

Article 3

By derogation from Article 1 Member States shall authorise the importation of poultrymeat products, when the poultrymeat contained in the meat product has undergone a specific treatment referred to under B, C or D in part IV of the Annex to Commission Decision 97/222/EC.

Article 4

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

Article 5

This Decision shall be reviewed in the light of the evolution of the disease before 20 September 2002.

Article 6

This Decision shall apply from 27 July 2002.

Article 7

This Decision shall apply until 1 January 2003.

Article 8

This Decision is addressed to the Member States.

Done at Brussels, 23 July 2002.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 62, 15.3.1993, p. 49.

⁽²⁾ OJ L 2, 5.1.2001, p. 27.