

English edition

Legislation

Contents

I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 769/2002 of 7 May 2002 imposing a definitive anti-dumping duty on imports of coumarin originating in the People's Republic of China** 1
- Commission Regulation (EC) No 770/2002 of 8 May 2002 establishing the standard import values for determining the entry price of certain fruit and vegetables 10
- Commission Regulation (EC) No 771/2002 of 8 May 2002 fixing the representative prices and the additional import duties for molasses in the sugar sector 12
- Commission Regulation (EC) No 772/2002 of 8 May 2002 fixing the export refunds on white sugar and raw sugar exported in its unaltered state 14
- Commission Regulation (EC) No 773/2002 of 8 May 2002 fixing the maximum export refund for white sugar for the 37th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1430/2001 16
- Commission Regulation (EC) No 774/2002 of 8 May 2002 opening public sales of wine alcohol for use as bioethanol in the European Community 17
- Commission Regulation (EC) No 775/2002 of 8 May 2002 amending Regulation (EC) No 537/2002 opening an invitation to tender for the reduction in the duty on maize imported into Portugal from third countries 21
- ★ **Commission Regulation (EC) No 776/2002 of 7 May 2002 establishing unit values for the determination of the customs value of certain perishable goods** 22
- ★ **Commission Regulation (EC) No 777/2002 of 7 May 2002 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards the granting of private storage aid for certain cheeses in the 2002/03 marketing year** 26

★ Commission Regulation (EC) No 778/2002 of 7 May 2002 amending Regulation (EC) No 2799/1999 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the grant of aid for skimmed milk and skimmed-milk powder intended for animal feed and the sale of such skimmed-milk powder	30
★ Commission Regulation (EC) No 779/2002 of 7 May 2002 amending Regulation (EC) No 2659/94 on detailed rules for the granting of private storage aid for Grana Padano, Parmigiano Reggiano and Provolone cheeses	31
★ Commission Regulation (EC) No 780/2002 of 8 May 2002 amending Regulation (EC) No 3063/93 laying down detailed rules for the application of Council Regulation (EEC) No 2019/93 with regard to the aid scheme for the production of honey of specific quality	32
Commission Regulation (EC) No 781/2002 of 8 May 2002 on the issue of import licences for high-quality fresh, chilled or frozen beef and veal	34
Commission Regulation (EC) No 782/2002 of 8 May 2002 fixing the import duties in the rice sector	35
Commission Regulation (EC) No 783/2002 of 8 May 2002 on the issue of system B export licences in the fruit and vegetables sector	38
Commission Regulation (EC) No 784/2002 of 8 May 2002 on the issuing of export licences for wine-sector products	39

II *Acts whose publication is not obligatory*

Conference of the Representatives of the Governments of the Member States

2002/351/EU:

★ Adoption of the budget of the Fund for the financing of the Convention on the future of the European Union for the financial year 2002	40
---	----

Council

2002/352/EC:

★ Council Decision of 25 April 2002 on the revision of the Common Manual	47
---	----

2002/353/EC:

★ Council Decision of 25 April 2002 on declassifying Part II of the Common Manual adopted by the Executive Committee established by the Convention implementing the Schengen Agreement of 14 June 1985	49
---	----

2002/354/EC:

★ Council Decision of 25 April 2002 on the adaptation of Part III of, and the creation of an Annex 16 to, the Common Consular Instructions	50
---	----

2002/355/Euratom:

★ Council Decision of 7 May 2002 on extension of the joint-undertaking status of Hochttemperatur-Kernkraftwerk GmbH (HKG)	53
--	----

2002/356/Euratom:

★ Council Decision of 7 May 2002 on the extension of the advantages conferred on the Joint Undertaking Hochttemperatur-Kernkraftwerk GmbH (HKG)	54
--	----

* Corrigendum to Commission Regulation (EC) No 679/2002 of 16 April 2002 amending Regulation (EC) No 21/2002 establishing the supply balances and Community aid for the outermost regions under Council Regulations (EC) No 1452/2001, (EC) No 1453/2001 and (EC) No 1454/2001 (OJ L 104 of 20.4.2002)	56
--	----

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 769/2002

of 7 May 2002

imposing a definitive anti-dumping duty on imports of coumarin originating in the People's Republic of China

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

A. PREVIOUS PROCEDURE AND EXISTING MEASURES

- (1) In March 1996, by Regulation No 600/96 ⁽²⁾ definitive anti-dumping measures were adopted with regard to imports of coumarin originating in the People's Republic of China. The measures imposed were in the form of a specific duty of ECU 3 479 per tonne.

B. PRESENT INVESTIGATION

1. Request for review

- (2) Following the publication of a notice of impending expiry ⁽³⁾ of the anti-dumping measures in force on imports of coumarin originating in the People's Republic of China ('country concerned' or 'the PRC'), the Commission has received a request for review pursuant to Article 11(2) of Regulation (EC) No 384/96 ('the basic Regulation').
- (3) The request was lodged on 4 January 2001 by the European Chemical Industry Council (CEFIC) ('the applicant') on behalf of the sole producer in the Community representing the totality of the Community production of coumarin.

- (4) The request for an expiry review was based on the grounds that injurious dumping of imports originating in the PRC would be likely to continue or to recur if measures were allowed to expire.

2. Notice of initiation

- (5) Having determined, after consultation of the Advisory Committee, that sufficient evidence existed for the initiation of an expiry review, the Commission initiated an investigation pursuant to Article 11(2) of the basic Regulation by a notice published in the *Official Journal of the European Communities* ⁽⁴⁾.

3. Period of investigation

- (6) The investigation period ('IP') for the examination of continuation or recurrence of dumping and injury covered the period from 1 January 2000 to 31 December 2000. The examination of trends relevant for the assessment of continuation or recurrence of injury covered the period from 1 January 1996 up to the end of the IP ('period under review').

4. Parties concerned by the investigation

- (7) The Commission officially advised the applicant Community producer, the exporting producers in the PRC and their representatives, the Chinese authorities and the importers, users and associations known to be concerned, of the initiation of the review. The Commission sent questionnaires to exporting producers, a producer in the United States (analogue country), the sole Community producer, importers, users and associations known to be concerned and to those parties who made themselves known within the time limit set in the notice of initiation of the review.
- (8) The Community producer, the analogue country producer, one importers' association, and five users replied to the questionnaires. With respect to the PRC no reply to the questionnaire was received.

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

⁽²⁾ OJ L 86, 4.4.1996, p. 1.

⁽³⁾ OJ C 271, 22.9.2000, p. 3.

⁽⁴⁾ OJ C 104, 4.4.2001, p. 5.

5. Verification of information received

- (9) The Commission sought and verified all information it deemed necessary for the purpose of a determination of the continuation or recurrence of dumping and injury and of the Community interest. The Commission also gave the parties directly concerned the opportunity to make their views known in writing and to request a hearing.
- (10) Verification visits were carried out at the premises of the following companies:

Community producer:

— Rhodia, (Lyon) France;

Importers:

— Quest International, (Ashford) United Kingdom;

Analogue country producer:

— Rhodia, (Cranbury NJ) USA.

C. PRODUCT CONCERNED AND LIKE PRODUCT

1. Product concerned

- (11) The product concerned is the same as in the original investigation, i.e. coumarin, a whitish crystalline powder with the characteristic odour of newly mown hay. Its main uses are as an aroma chemical and as a fixative in the preparation of fragrance compounds, such compounds being used in the production of detergents, cosmetics and fine fragrances.
- (12) Coumarin, which was originally a natural product obtained from tonka beans, is now produced synthetically. It can be obtained by a synthesis process starting from phenol to obtain salicylaldehyde (Perkin reaction) or by a synthesis from orthocresol (Raschig reaction). The main physical specification of coumarin is its purity, of which the melting point is the indicator. The standard quality coumarin marketed in the Community has a melting point varying between 68 °C and 70 °C which corresponds to 99 % purity.
- (13) The product concerned falls within CN code ex 2932 21 00.

2. Like product

- (14) As in the original investigation, coumarin produced and sold on the domestic market in the analogue country (USA) and that exported to the Community from the PRC as well as coumarin produced and sold by the Community industry in the Community market were found to have effectively identical physical characteristics and uses and are thus like products within the meaning of Article 1(4) of the basic Regulation.

D. LIKELIHOOD OF A CONTINUATION OF DUMPING OR RECURRENCE OF DUMPING

- (15) In accordance with Article 11(2) of the basic Regulation, it is necessary to examine whether the expiry of the measures would be likely to lead to a continuation of dumping.
- (16) In examining whether there is a likelihood of a continuation of dumping, it is necessary to verify whether dumping exists at present and whether any such dumping is likely to continue.

1. Preliminary remarks

- (17) The findings on dumping set out below should be viewed in the light of the fact that the Chinese exporting producers did not cooperate in the investigation and findings therefore had to be based on facts available, i.e. Eurostat data, Chinese export trade data and information contained in the complaint.

2. Current level of dumping

- (a) Analogue country
- (18) The existing measures provide for a single country-wide duty on all imports into the Community of coumarin from the PRC. In accordance with Article 11(9) of the basic Regulation, the Commission employed the same methodology as in the original investigation. Accordingly, normal value was determined on the basis of information obtained in a market economy third country (the 'analogue country').
- (19) The United States had served as an analogue country in the original investigation. In the notice of initiation of this expiry review it was therefore envisaged to again choose the United States as analogue country for the purpose of establishing normal value. Since it was also found that the original reasons for selecting the USA, i.e. the size of its domestic market, the openness of its market and its degree of access to basic materials, were still valid, the United States was considered to be an appropriate and not unreasonable choice of analogue country. Only one interested party objected to this choice of analogue country, in particular with regard to the difference in manufacturing the product, however they did not submit any alternative choice in due time. Therefore, since the United States producer which was contacted agreed to cooperate fully, and had sufficient representative domestic sales, the United States were, in accordance with Article 2(7) of the basic Regulation, considered to be an appropriate and not unreasonable choice of analogue country for establishing normal value in respect of the PRC for the product concerned.

(b) Normal value

(20) It was subsequently examined whether the domestic sales of the cooperating United States producer to independent customers could be considered to have been made in the ordinary course of trade, in accordance with Article 2(4) of the basic Regulation. It was found that the weighted average selling price of all sales during the investigation period was above the weighted average unit cost of production, and that the volume of individual sales transactions below unit cost of production was more than 20 % but less than 90 % of the sales being used to determine normal value; therefore only all the profitable domestic sales were regarded as having been made in the ordinary course of trade, and used for comparison. Normal value was therefore determined, as set out in Article 2(1) of the basic Regulation, on the basis of the price paid or payable, in the ordinary course of trade, by independent domestic customers of the cooperating United States producer during the investigation period.

(c) Export price

(21) As regards the exports to the Community, for which there was no cooperation from the Chinese exporting producers, findings had to be based on the facts available, in accordance with Article 18(1) of the basic Regulation. An average export price for all transactions was thus determined on the basis of Chinese export trade data.

(d) Comparison

(22) For the purpose of a fair comparison, and in accordance with Article 2(10) of the basic Regulation, due allowance in the form of adjustments was made for differences in respect of inland freight, handling and loading, transport and credit costs, which affected prices and price comparability.

(23) Concerning inland transport, the relevant adjustments were based on the analogue country's costs.

(e) Dumping margin

(24) In accordance with Article 2(11) of the basic Regulation, the weighted average normal value, on an ex-works basis, was compared to the weighted average export price on an ex-works Chinese basis, at the same level of trade.

(25) The above comparison showed the existence of very significant dumping. The dumping margin found was substantial and just below the level found in the original investigation (around 50 %).

(26) The investigation did not reveal any reason why this dumping would disappear if the measures were to be repealed. It was therefore concluded that there is a likelihood of continuation of dumping. However, given the low level of imports originating in the PRC during the IP, it was considered appropriate to examine whether there were a recurrence of dumping in increasing export volume should exhausting measures be repealed.

3. Development of imports from the PRC

(27) For the examination of a likelihood of recurrence of dumping the following factors were examined: existence of dumping, the evolution of production and capacity utilisation in the PRC, and the evolution of worldwide Chinese coumarin exports.

(a) Existence of dumping

(28) The dumping margin established in the initial investigation was high (more than 50 %, leading to a duty of ECU 3 479 per tonne). The investigation carried out under the present review indicates that dumping still persisted and was close to the level found in the initial investigation.

(b) Evolution of production and capacity utilisation in the PRC

(29) According to the information available, production capacity in the PRC is high, and could be even increased in a very short time due to the nature of the product and the production process. The information shows that the Chinese production capacity is about 1 900 tonnes (representing 40 % of the world wide capacity with seven producers, and 18 potential producers ready to re-enter in the markets. This is much larger than the entire EC consumption of 700 tonnes.

(30) Consequently, the enormous availability of unused production capacity (between 50 % and 60 % of production capacity) gives Chinese exporting producers a very high degree of flexibility in the production process. These producers are therefore able to quickly increase production and direct it to any export market, including, were the measures to be repealed, the Community market.

(c) Evolution of Chinese exports to third countries

1. General trend of exports

(31) On the basis of Chinese export statistics, Chinese price behaviour on their other export markets shows that Chinese exporters' prices in those markets are on average 11 % lower than the prices offered in the Community, and even 16 % in certain third country markets, such as Hong Kong and India.

2. *Possible deflection of Chinese exports due to the introduction of restrictions in third countries*

(32) The USA imposed anti-dumping duties on import of coumarin from the PRC in 1995 and maintained the duties in May 2000 pursuant to an expiry review. The USA duties range from 31,02 % to 160,80 %.

(33) This shows that there is pressure on Chinese exporting producers to find alternative export markets. Should the Community repeal the current anti-dumping measures, exports to the Community market would be an attractive option for Chinese exporting producers.

3. *Chinese exports to representative export markets*

(34) It is important to note that, after the Council imposed anti-dumping duties in 1995, exporting producers in the PRC were not able to penetrate other export markets or to expand the exports in the other existing markets.

(d) *Conclusion*

(35) The investigation has shown that the quantities imported into the Community from the PRC during the investigation period were dumped.

(36) The investigation has also shown that the volume of Chinese coumarin exports to the Community would in all probability reach substantial levels if the current measures were to be repealed. This conclusion was arrived at in view of the substantial spare capacity available in the PRC, and in view of the pressure on Chinese exporting producers to find alternative export markets to the USA and to other export markets. All this illustrates the strong continued interest of Chinese exporting producers in selling to the Community.

(37) It was also concluded that such substantially increased exports to the Community would most likely be made at dumped prices. This is demonstrated by the low prices found for Chinese exports to other main third country markets.

(38) In summary, it is most probable that imports to the Community from the PRC will resume in significant quantities and at significantly dumped prices, should measures be repealed.

E. DEFINITION OF THE COMMUNITY INDUSTRY

(39) The company represented by the applicant was the only producer of coumarin in the Community during the investigation period.

(40) During the IP, the Community producer imported coumarin from a country other than the PRC. The purpose of such imports was to compensate shortages of the product concerned from the producer's Community production due to technical reasons. These imports represented a minor part of the total sales volume by the producer in the Community. Thus, despite these sales of imported coumarin, the primary activity of the company remained in the Community and the import of this producer did not affect its status as Community producer. This Community producer is therefore deemed to constitute the Community industry

within the meaning of Article 4(1) and Article 5(4) of the basic Regulation.

F. ANALYSIS OF THE SITUATION IN THE COMMUNITY MARKET

1. Community consumption ⁽¹⁾

(41) Community consumption was established on the basis of the sales volumes of the Community industry on the Community market as reported in the questionnaire reply, the import volumes into the Community from the country concerned and all other third countries, on the basis of Eurostat.

(42) On this basis, the apparent consumption of coumarin increased by 92 % during the period under review. The most significant increase took place between 1996 and 1997, i.e. + 82 %. However, this should be seen in the light of large volumes of coumarin which were imported, mainly from the PRC, in 1994 and 1995, i.e. before the imposition of the anti-dumping measures. These large imported volumes have been stocked and then sold/used in 1996 thus reducing artificially the demand for coumarin this year and consequently the apparent consumption. In 1997, total import volumes went back to a level comparable with the one in 1993.

2. Imports from the country concerned

(a) *Volume and market share*

(43) With respect to the volume of the Chinese imports, it drastically decreased over the period under review, i.e. - 89 %, in particular between 1996 and 1998, i.e. - 87 %. This coincided with the imposition of the anti-dumping measures and the emergence of other countries that increased their exports to the Community. In this respect, it would appear that certain imports from Japan were in fact of Chinese origin thereby circumventing the measures. This can be noticed in particular as from 1997 when imports from Japan suddenly surged. Afterwards, given that the USA took action to prevent such circumvention activities on the US market, the Japanese exporter concerned also ceased its exports to the EC and imports from Japan as reported by Eurostat on the Community market have steadily decreased until the end of the IP.

⁽¹⁾ For confidentiality reasons, given that one single Community producer constitutes the Community industry, the figures contained in this Regulation will be indexed or only given approximately.

(44) The market share of the imports from the PRC decreased by 25 percentage points during the period under review and were to be found between 1,5 and 3 %.

(b) Prices

(45) After the imposition of the measures in 1995, the average cif prices of the imports concerned, as reported by Eurostat, increased by 23 %, between 1996 and the IP, but remained below the average cif prices of all other imports during the period under review, and also below the Community industry's prices.

3. Economic situation of the Community industry

(a) Production

(46) The Community industry's production doubled between 1996 and the IP. A significant increase took place between 1996 and 1997. Subsequently, production slightly decreased until 1999 and went up again between 1999 and the IP.

(b) Capacity and capacity utilisation

(47) The total production capacity of the Community industry increased by 29 % over the period under review. The increase is due to an upgrade of the existing installation made in 1999.

(48) Capacity utilisation increased by 56 % between 1996 and the IP. The increase was particularly marked between 1996 and 1997 as well as between 1999 and the IP.

(c) Sales in the Community

(49) The sales volume of the Community industry significantly increased during the period under review. It trebled between 1996 and the IP. This development was made possible at a time when production doubled, because exports decreased in the same time. The sales increase was most remarkable between 1996 and 1997 even though the sales steadily increased between 1997 and the IP. However, as already explained under recital 42, the demand on the Community market was particularly low in 1996, thus distorting the comparison. Taking 1997 as a basis of comparison, the increase of the sales volume of the Community industry between 1997 and the IP is 41 %. Several reasons explain this evolution, such as the imposition of the anti-dumping measures in 1995 and the decrease of imports from certain third countries as already mentioned in recital 43.

(d) Stocks

(50) The Community industry's end of year stocks decreased by 8 % during the period under review. They firstly increased between 1996 and 1997, and then decreased until 1999 before raising again between 1999 and the IP.

(e) Market share

(51) The market share of the Community industry rose by 27 percentage points during the period under review. This increase was especially marked between 1996 and 1998 when market share gained 20 percentage points. Afterwards, market share slightly decreased in 1999 and regained around 12 percentage points between 1999 and the IP.

(f) Prices

(52) The Community producer's average net sales price decreased by 14 % between 1996 and the IP. The fall was particularly marked between 1996 and 1997 and then between the 1999 and the IP.

(53) This can be explained partly by the price level of the Chinese products which, as already mentioned under recital 45, remained below the average cif prices of all other imports during the period under review. Even though the import volume remained relatively low during the IP, the investigation has shown that price offers by the Chinese exporters have continued to be made at low prices. In addition, the price pressure of imports from Japan cannot be considered negligible during the period under review, even if volumes have decreased since 1997. However, this evolution should also be seen in the light of the efforts made by the Community producer to improve the efficiency of the production process. The increase of the production capacity, coupled with the effect of the anti-dumping measures, permitted the Community producer to increase the volume sold and thus to reduce the unit cost of goods sold.

(g) Profitability

(54) The weighted average profitability of the Community industry markedly improved during the period under review since it passed from a significant loss in 1996 to a profit which ranged between 5 % and 10 % in the IP. This increase, which was particularly marked between 1998 and the IP, should be seen in the light of the upgrade of the capacity already mentioned under recital 47, which permitted the Community industry to significantly reduce its costs of production.

(h) Cash flow and ability to raise capital

- (55) The development of the cash flow generated by the Community industry in relation to sales of coumarin is very similar to that of the profitability since it passed from a negative to a positive figure as from 1999.
- (56) The investigation established that the Community industry was not experiencing difficulties in its ability to raise capital. However, this is not considered as a meaningful indicator given that the Community industry is a large group whose coumarin production represents a relatively small part of the total production, and that the ability to raise capital is closely linked to the performance of the whole group.

(i) Employment, productivity and wages

- (57) Employment of the Community industry slightly increased during the period under review and gained 9 % between 1996 and the IP. The productivity of the Community industry's workforce, measured as production volume per person employed, markedly increased during the same period, improving by more than 80 %. The wages as a whole increased by 27 % between 1996 and the IP, thus leading to an increase of the average wage per employee by 16 % between 1996 and the IP.

(j) Investment and return on investment

- (58) The level of investments significantly increased between 1996 and 1999 and went down again in the IP. The investigation showed that most of this capital expenditure was related to the upgrade of the capacity already mentioned under recital 47, as well as to the maintenance of the equipment.
- (59) The return on investment, expressed as the relation between the net profits of the Community industry and the net book value of its investments, followed very closely the profitability trend since it turned out to be positive as from 1999 and gained 23 percentage points between 1996 and the IP.

(k) Growth

- (60) As mentioned above, while Community consumption almost doubled during the period under review, the sales volume and the market share of the Community industry followed an even more marked trend. The Community industry could therefore fully benefit from the growth of the market.

(l) Magnitude of the dumping margin

- (61) As concerns the impact on the Community industry of the magnitude of the dumping margin found (see recital 28), given the low volume of imports during the IP, this cannot have an impact.

4. Conclusion

- (62) The imposition of the anti-dumping measures on imports of coumarin originating from the PRC had a positive impact on the Community industry, which could recover from its weakened economic situation. All injury indicators except sales prices developed positively. However, this trend should also be seen in the light of the efforts made by the Community industry in order to improve its efficiency and to reduce its cost of production. Finally, it should be noted that such improvement only permitted the Community industry to get back to the situation prevailing just before the dumping practice started.

G. LIKELIHOOD OF RECURRENCE OF INJURY**1. Likelihood of recurrence of injury**

- (63) With regard to the likely effect on the Community industry of the expiry of the measures in force, the following factors were considered, in line with the elements summarised in recitals 35 to 38.
- (64) There are clear indications that imports originating in the PRC will continue at dumped prices. Moreover, there is a likelihood that import volumes would increase significantly given that the Chinese exporting producers have the potential to raise their production and export volume in view of their large unused production capacity. In addition, even though the world coumarin consumption is forecast to slightly increase in the next three years, it is unlikely to absorb the unused Chinese capacity.
- (65) Having regard to the Chinese exporters' export price behaviour on third country markets which are around 10 % lower than on the Community market, namely Hong Kong, India, Japan and Singapore, it is likely that the Chinese exporting producers will adopt an aggressive price behaviour in the Community in order to regain their lost market shares. Indeed, these low prices on third countries markets show that Chinese exporters consider it to be in their interest to sell at such prices. This in turn would lead to a recurrence of injury in terms of decreasing sales prices of the Community industry and decreasing sales volumes as well as the consequent negative impact on profitability.
- (66) The Community market is also likely to be attractive for the Chinese exporters. On the one hand, it is recalled that the Community market absorbed 46 % of the Chinese exports in 1995, i.e. before the imposition of the measures currently in force, compared to 10 % in 1999.

- (67) On the other hand, the comparison between the total Chinese exports on the world market, and the Chinese exports on the Community market during the same period, shows that Chinese exporters did not manage to find new markets that would be likely to replace their sales in the EC. Indeed, the strong decrease of the Chinese exports to the Community market between 1995 and 1999 (363 tonnes) was only compensated by an increase of Chinese exports to other third countries of around 100 tonnes.
- (68) In addition, as the Community market and the US market stand for around 50 % of the world consumption of coumarin and given that the USA have imposed anti-dumping measures on imports of coumarin from the PRC, it is very likely that, should the measures be repealed, the Community market would be attractive for exporters from the PRC.
- (69) One importers' association argued that the existence of capacity in the PRC does not imply in itself likely recurrence of injury.
- (70) In relation to this particular point, it is recalled that this investigation should evaluate the likelihood of recurrence of dumping and injury in case the measures are removed. Even if the existence of large production capacity in the PRC does not in itself mean that injurious dumping will recur, this is nevertheless a meaningful indicator that should be taken into consideration. This indicator, when combined with the analysis of the Chinese exporters' behaviour on other third markets and the ongoing dumping found, constitutes an indicator of the likely behaviour of the exporters in case the measures are repealed and thus the likely effect thereof.
- (71) On the basis of the above, it is concluded that, should the measures be repealed, there is a likelihood of a recurrence of injury from imports of coumarin from the PRC.

H. COMMUNITY INTEREST

1. Introduction

- (72) According to Article 21 of the basic Regulation, the Commission examined whether a prolongation of the existing anti-dumping measures would be against the interest of the Community as a whole. The determination of the Community interest was based on an appreciation of all the various interests involved, i.e. those of the Community industry, the importers/traders as well as the users of the product under consideration. In order to assess the likely impact of maintaining or not maintaining the measures, the Commission requested information from all interested parties mentioned above.
- (73) It should be recalled that, in the previous investigation, the adoption of measures was considered not to be against the interest of the Community. Furthermore, the fact that the present investigation is a review, thus analysing a situation in which anti-dumping measures

have already been in place, would allow the assessment of any undue negative impact on the parties concerned by the current anti-dumping measures.

- (74) On this basis it was examined whether, despite the conclusions on the likelihood of a recurrence of injurious dumping, compelling reasons existed which would lead to the conclusion that it is not in the Community interest to maintain measures in this particular case.

2. Interest of the Community industry

- (75) It is considered that, should the anti-dumping measures imposed in the previous investigation be repealed, injurious dumping is likely to recur and that the situation of the Community industry, which improved during the period under review, would deteriorate.

3. Interest of importers

- (76) From the 26 questionnaires sent, only one reply was received by the Commission services from an importers' association.
- (77) This association argued that the anti-dumping measures led to the exclusion of both the Chinese and other third country's producers from the Community market, thus leading to a dependence of the users on the sole Community producer.
- (78) First of all, it should be recalled that the coumarin world market is very concentrated with only a few producers the most important of whom, in terms of capacity, are located in China and in the Community. Therefore, any market share lost by one of these two countries producer is likely to be regained by the other. However, it is recalled that the purpose of the anti-dumping measures is not to restrict supply, but to re-establish fair competition on the Community market and that coumarin originating in the PRC can still be imported in the Community market. In addition, it should be noted that, during the IP, around 25 % of all imports of coumarin was imported from countries other than China, notably from Japan and India, thus showing that alternative sources of supply continue to exist. Furthermore, in view of the low level of cooperation and the fact that importers generally deal with a wide range of chemical products, of which coumarin is only one, it was concluded that any possible negative impact of the continuation of measures on importers would not be a compelling reason not to impose the continuation of measures.

4. Interest of users

- (79) Questionnaires and/or information were received from five users (out of the 23 questionnaires sent).

(80) One of these companies is clearly in favour of the continuation of the measures while another does not expect any change for its business should the measures be removed or maintained. This latter company also underlined the fact that it would not be in the industry's interest that the Community producer stops production in case of recurrence of dumped imports.

(81) Two users, of which only one imported the product concerned from the country concerned during the period under review, were against the continuation of the measures, but both stated in their responses to the questionnaire that they both do not expect any effect on their business, should the measures be removed or maintained.

(82) One other user was also against the prolongation of the measures. This user argued that the competition by Chinese exporters is indispensable in order to guarantee the security of supply at competitive prices. Should competitive prices not be guaranteed, this user may consider moving part of its fragrance compounding to the PRC resulting in job losses in the Community. However, given that coumarin represents about 1,5 % of the total cost of production of this user, it is considered unlikely that a transfer of the production of certain compounds outside the Community would occur simply as a result of the continuation of the existing anti-dumping measures, especially since such transfer has not occurred during the five years the measures have been in force.

(83) The same user also mentioned the production difficulties suffered by the Community producer resulting in significant delivery delays. Although the Community producer faced production difficulties during the period under review, these were due to particular circumstances that are unlikely to recur on a regular basis, amongst which, the upgrade of the existing installation mentioned under recital 47. In addition, the impact of delivery problems on users was found to be minor since, as mentioned under recital 40, the Community producer was able to import the like product to compensate for the shortage of its production of the product concerned.

(84) On the basis of the above, and in view of the low level of cooperation, which in itself appears to confirm that users did not suffer any substantial negative effect on their economic situation as a result of the measures currently in force, the impact on users was considered not to constitute a compelling reason against the continuation of the measures, as a possible negative effect on users is unlikely to offset the positive effect on the Community industry.

5. Competition aspects

(85) Several interested parties argued that the current measures have led to the elimination of Chinese coumarin on the Community market, leading to a monopoly position of the Community industry. The prolongation of the measures would thus be against the interest of the Community.

(86) As already mentioned under recital 51, the Community industry increased its market share and thus can benefit from a strong position on the Community market. However, the current investigation also established that the effect of the measures was to permit the Community industry to recover that share of the Community market which it held before the Chinese dumping practices began.

(87) Moreover, it should be noted that the world market for coumarin is characterised by operation of only a few producers. In such a situation, competition aspects have to be followed with particular care, given that the effect of the measures on these suppliers can have a considerable importance. However, the investigation has found no indication as to any anti-competitive practices of the Community producer. In this context, it should be underlined that its sales prices decreased over the period under review. Furthermore, several alternative sources of supply still exist since coumarin is or can be imported from several countries amongst which are Japan and India which still hold non-negligible shares of the Community market.

(88) On the basis of the above, it has been concluded that any competition-related concerns were considered not to constitute a compelling reason against the continuation of the measures.

6. Conclusion on Community interest

(89) Given the above, it was concluded that there are no compelling reasons of Community interest against the continuation of the measures.

I. ANTI-DUMPING MEASURES

(90) All parties concerned were informed of the essential facts and considerations on the basis of which it was intended to recommend the maintenance of the existing anti-dumping duty in respect of imports of coumarin originating in the PRC. They were also granted a period within which to make representations subsequent to this disclosure. No comments were received which were of a nature to change the above conclusions.

(91) It follows from the above that the anti-dumping measures currently in force with regard to imports of coumarin originating in the People's Republic of China should be maintained,

(TARIC code 2932 21 00 10) originating in the People's Republic of China.

2. The rate of the duty is set at EUR 3 479 per tonne.

Article 2

HAS ADOPTED THIS REGULATION:

Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 1

Article 3

1. A definitive anti-dumping duty is hereby imposed on imports of coumarin falling within CN code ex 2932 21 00

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, 7 May 2002.

For the Council

The President

R. DE RATO Y FIGAREDO

COMMISSION REGULATION (EC) No 770/2002
of 8 May 2002
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 9 May 2002.

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

Done at Brussels, 8 May 2002.

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

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 8 May 2002 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	124,8
	204	45,8
	212	101,5
	999	90,7
0707 00 05	052	123,2
	220	151,4
	999	137,3
0709 10 00	624	101,0
	999	101,0
0709 90 70	052	85,6
	999	85,6
0805 10 10, 0805 10 30, 0805 10 50	052	80,5
	204	48,1
	212	53,4
	220	80,1
	600	53,9
	624	77,5
	999	65,6
0805 50 10	052	35,5
	388	58,7
	528	81,3
	999	58,5
0808 10 20, 0808 10 50, 0808 10 90	060	22,2
	388	92,1
	400	125,9
	404	103,7
	508	75,5
	512	92,2
	524	72,9
	528	81,2
	720	127,3
	804	111,3
	999	90,4

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 771/2002**of 8 May 2002****fixing the representative prices and the additional import duties for molasses in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 9 May 2002.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 141, 24.6.1995, p. 12.

⁽⁴⁾ OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 8 May 2002.

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

ANNEX

to the Commission Regulation of 8 May 2002 fixing the representative prices and additional import duties to imports of molasses in the sugar sector

(in EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	8,46	—	0
1703 90 00 ⁽¹⁾	13,08	—	0

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

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

COMMISSION REGULATION (EC) No 772/2002**of 8 May 2002****fixing the export refunds on white sugar and raw sugar exported in its unaltered state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 9 May 2002.

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

Done at Brussels, 8 May 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 214, 8.9.1995, p. 16.

ANNEX

to the Commission Regulation of 8 May 2002 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	A00	EUR/100 kg	40,56 ⁽¹⁾
1701 11 90 9910	A00	EUR/100 kg	40,54 ⁽¹⁾
1701 11 90 9950	A00	EUR/100 kg	⁽²⁾
1701 12 90 9100	A00	EUR/100 kg	40,56 ⁽¹⁾
1701 12 90 9910	A00	EUR/100 kg	40,54 ⁽¹⁾
1701 12 90 9950	A00	EUR/100 kg	⁽²⁾
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,4409
1701 99 10 9100	A00	EUR/100 kg	44,09
1701 99 10 9910	A00	EUR/100 kg	44,07
1701 99 10 9950	A00	EUR/100 kg	44,07
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,4409

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

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

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

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

COMMISSION REGULATION (EC) No 773/2002**of 8 May 2002****fixing the maximum export refund for white sugar for the 37th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1430/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

- (3) Following an examination of the tenders submitted in response to the 37th partial invitation to tender, the provisions set out in Article 1 should be adopted.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

For the 37th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1430/2001 the maximum amount of the export refund is fixed at 47,093 EUR/100 kg.

Article 2

This Regulation shall enter into force on 9 May 2002.

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

Done at Brussels, 8 May 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 192, 14.7.2001, p. 3.

COMMISSION REGULATION (EC) No 774/2002
of 8 May 2002
opening public sales of wine alcohol for use as bioethanol in the European Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 2585/2001 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1623/2000 of 25 July 2000 laying down detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms ⁽³⁾, as last amended by Regulation (EC) No 720/2002 ⁽⁴⁾, and in particular Article 92 thereof,

Whereas:

- (1) Regulation (EC) No 1623/2000 lays down, *inter alia*, the detailed rules for disposing of stocks of alcohol obtained from distillation under Articles 27, 28 and 30 of Regulation (EC) No 1493/1999 and held by the intervention agencies.
- (2) Public sales of wine alcohol for use in the fuel sector in the Community should be organised with a view to reducing Community stocks of wine alcohol and to some extent ensuring supplies to firms approved under Article 92 of Regulation (EC) No 1623/2000. Community stocks of wine alcohol held by the Member States come from distillation under Articles 35, 36 and 39 of Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organisation of the market in wine ⁽⁵⁾, as last amended by Regulation (EC) No 1677/1999 ⁽⁶⁾, and under Articles 27, 28 and 30 of Regulation (EC) No 1493/1999.
- (3) In accordance with Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽⁷⁾, the selling price and securities must be expressed, and payments made, in euro.
- (4) Given that there are risks of fraud by substitution of alcohol, it would appear necessary to reinforce checks on the final destination of the alcohol, allowing the intervention agencies to call on the help of international control agencies and to check the alcohol sold by means of nuclear magnetic resonance analyses.

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

HAS ADOPTED THIS REGULATION:

Article 1

Three lots of alcohol (references 12/2002 EC, 13/2002 EC and 14/2002 EC) comprising 300 000 hectolitres, 50 000 hectolitres and 30 000 hectolitres respectively at 100 % vol are hereby put up for public sale for use in the fuel sector within the Community. The alcohol has been obtained from distillation as provided for in Article 35 of Regulation (EEC) No 822/87 and Articles 27 and 30 of Regulation (EC) No 1493/1999 and is held by the Spanish and Italian intervention agencies.

Article 2

The location and references of the vats making up the lots, the quantity of alcohol in each vat, the alcoholic strength and the characteristics of the alcohol are as set out in the Annex hereto. The lots shall be awarded to the three firms approved under Article 92 of Regulation (EC) No 1623/2000.

Article 3

All communications concerning this public sale shall be sent to the following Commission department:

Commission of the European Communities
 Directorate-General for Agriculture, Unit D-4
 Rue de la Loi/Wetstraat 200
 B-1049 Brussels
 Fax: (32-2) 295 92 52
 e-mail address: agri-d4@cec.eu.int

Article 4

The public sales shall take place in accordance with Articles 92, 93, 94, 95, 96, 98, 100 and 101 of Regulation (EC) No 1623/2000 and Article 2 of Regulation (EC) No 2799/98.

Article 5

The price of the alcohol for public sale shall be EUR 19 per hectolitre of alcohol at 100 % vol.

⁽¹⁾ OJ L 179, 14.7.1999, p. 1.
⁽²⁾ OJ L 345, 29.12.2001, p. 10.
⁽³⁾ OJ L 194, 31.7.2000, p. 45.
⁽⁴⁾ OJ L 112, 27.4.2002, p. 3.
⁽⁵⁾ OJ L 84, 27.3.1987, p. 1.
⁽⁶⁾ OJ L 199, 30.7.1999, p. 8.
⁽⁷⁾ OJ L 349, 24.12.1998, p. 1.

Article 6

The performance security shall be EUR 30 per hectolitre of alcohol at 100 % vol. Unless a standing guarantee is provided, before removing any alcohol and by the day of issue of the removal order at the latest, the firms awarded the lots shall lodge a performance security with the intervention agency concerned to ensure that the alcohol in question is used as bioethanol in the fuel sector.

Article 7

Against payment of EUR 10 per litre and within 30 days of the publication of the notice of public sale, the firms approved under Article 92 of Regulation (EC) No 1623/2000 may obtain samples of the alcohol put up for sale from the intervention agency concerned. After that date, samples may be obtained in accordance with Article 98(2) and (3) of Regulation (EC) No 1623/2000. Samples issued to the approved firms shall amount to not more than five litres per vat.

Article 8

The intervention agencies in the Member States in which the alcohol put up for sale is stored shall carry out appropriate checks to verify the nature of the alcohol at the time of end-use. To that end, they may:

- apply, *mutatis mutandis*, the provisions of Article 102 of Regulation (EC) No 1623/2000,
- carry out checks on samples using nuclear magnetic resonance to verify the nature of the alcohol at the time of end-use.

The costs shall be borne by the companies to which the alcohol is sold.

Article 9

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, 8 May 2002.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

PUBLIC SALES OF WINE ALCOHOL FOR USE AS BIOETHANOL IN THE EUROPEAN COMMUNITY

Nos 12/2002 EC, 13/2002 EC and 14/2002 EC

I. Place of storage, quantity and characteristics of the alcohol put up for sale

Member State and lot number	Location	Vat numbers	Quantity (hectolitres of alcohol at 100 % vol)	Article of Regulations (EEC) No 822/87 and (EC) No 1493/1999	Type of alcohol	Firms approved under Article 92 of Regulation (EC) No 1623/2000
SPAIN Lot No EC 12/2002	Tarancón	A-6	24 149	35	raw	Ecocarburantes españoles SA
	Tarancón	B-8	24 201	35	raw	
	Tarancón	C-1	26 008	30	raw	
	Tarancón	C-2	25 960	30	raw	
	Tarancón	D-1	26 053	30	raw	
	Tarancón	D-2	25 972	27	raw	
	Tarancón	D-3	25 297	30	raw	
	Tarancón	D-4	14 225	30	raw	
	Tomelloso	1	46 535	27	raw	
	Tomelloso	2	9 267	30	raw	
	Tomelloso	3	18 937	30	raw	
	Tomelloso	4	18 575	30	raw	
	Tomelloso	5	20	35	raw	
	Tomelloso	5	14 801	27	raw	
		Total		300 000,00		
ITALY Lot No EC 13/2002	Bertolino — Partinico (PA)		12 000	35 + 27	raw	Sekab (Svensk Etanol kemi AB)
	Caviro — Faenza (RA)		24 000	35 + 27	raw	
	Mazzari — S. Agata S. Santerno (RA)		4 000	35 + 27	raw	
	Di Lorenzo — Pontenuovo di Torgiano (PG)		10 000	35 + 27	raw	
		Total		50 000,00		
ITALY Lot No EC 14/2002	Bonollo — Paduni-Anagni (FR)		9 600	35 + 27	raw	Primalco Oy
	Bonollo — Paduni-Anagni (FR)		3 578	35	potable alcohol	
	Caviro — Faenza (RA)		6 122	35 + 27	raw	
	Mazzari — S. Agata S. Santerno (RA)		10 700	35 + 27	raw	
		Total		30 000,00		

II. The address of the Spanish intervention agency is:

FEGA, Beneficencia 8, E-28004 Madrid (Tel. (34) 91 347 65 00; Telex: 23427 FEGA; Fax: (34) 91 521 98 32).

III. The address of the Italian intervention agency is:

AGEA, via Palestro 81, I-00185 Roma (Tel. (39-06) 49 49 991; Telex: 62 00 64/62 06 17/62 03 31; Fax: (39-06) 445 39 40/445 46 93).

COMMISSION REGULATION (EC) No 775/2002
of 8 May 2002
amending Regulation (EC) No 537/2002 opening an invitation to tender for the reduction in the
duty on maize imported into Portugal from third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Pursuant to the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations, the Community has undertaken to import a certain quantity of maize into Portugal.
- (2) Commission Regulation (EC) No 1839/95 of 26 July 1995 laying down detailed rules for the application of tariff quotas for imports of maize and sorghum into Spain and imports of maize into Portugal⁽³⁾, as last amended by Regulation (EC) No 2235/2000⁽⁴⁾, lays down the rules governing the administration of those special arrangements. This Regulation lays down the special additional detailed rules necessary for implementing the invitation to tender, in particular those relating to the lodging and release of the security to be lodged by operators to ensure compliance with their

obligations and, in particular, the obligation to process or use the imported product on the Portuguese market.

- (3) Commission Regulation (EC) No 537/2002⁽⁵⁾ opened an invitation to tender for the reduction in the duty on maize imported into Portugal from third countries. The last partial invitation to tender pursuant to Regulation (EC) No 537/2002 should be postponed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1(2) of Regulation (EC) No 537/2002 is replaced by the following:

‘2. The invitation to tender shall be open until 6 June 2002. During that period, weekly invitations shall be issued with quantities and closing dates as shown in the notice of invitation to tender.’

Article 2

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, 8 May 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 177, 28.7.1995, p. 4.

⁽⁴⁾ OJ L 256, 10.10.2000, p. 13.

⁽⁵⁾ OJ L 82, 26.3.2002, p. 3.

COMMISSION REGULATION (EC) No 776/2002**of 7 May 2002****establishing unit values for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾, as last amended by Regulation (EC) No 444/2002 ⁽⁴⁾, and in particular Article 173(1) thereof,

Whereas:

- (1) Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation.

- (2) The result of applying the rules and criteria laid down in the abovementioned Articles to the elements communicated to the Commission in accordance with Article 173(2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 173(1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 10 May 2002.

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

Done at Brussels, 7 May 2002.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

⁽²⁾ OJ L 311, 12.12.2000, p. 17.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁴⁾ OJ L 68, 12.3.2002, p. 11.

ANNEX

Code	Description	Amount of unit values per 100 kg			
	Species, varieties, CN code	EUR	DKK	SEK	GBP
1.10	New potatoes 0701 90 50	45,08	335,13	417,69	27,92
1.30	Onions (other than seed) 0703 10 19	45,79	340,36	424,20	28,35
1.40	Garlic 0703 20 00	183,35	1 362,90	1 698,62	113,53
1.50	Leeks ex 0703 90 00	80,00	594,67	741,16	49,54
1.60	Cauliflowers 0704 10 00	55,28	410,92	512,14	34,23
1.80	White cabbages and red cabbages 0704 90 10	76,21	566,50	706,05	47,19
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> L. <i>convar. botrytis</i> (L.) <i>Alef</i> var. <i>italica</i> Plenck) ex 0704 90 90	61,43	456,63	569,12	38,04
1.100	Chinese cabbage ex 0704 90 90	59,96	445,69	555,48	37,13
1.110	Cabbage lettuce (head lettuce) 0705 11 00	90,36	671,68	837,14	55,95
1.130	Carrots ex 0706 10 00	68,26	507,40	632,39	42,27
1.140	Radishes ex 0706 90 90	132,46	984,63	1 227,18	82,02
1.160	Peas (<i>Pisum sativum</i>) 0708 10 00	435,17	3 234,77	4 031,60	269,46
1.170	Beans:				
1.170.1	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 00	146,42	1 088,40	1 356,51	90,66
1.170.2	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 00	83,75	622,55	775,90	51,86
1.180	Broad beans ex 0708 90 00	157,74	1 172,54	1 461,38	97,67
1.190	Globe artichokes 0709 10 00	—	—	—	—
1.200	Asparagus:				
1.200.1	— green ex 0709 20 00	499,01	3 709,34	4 623,08	308,99
1.200.2	— other ex 0709 20 00	391,59	2 910,87	3 627,92	242,47
1.210	Aubergines (eggplants) 0709 30 00	137,03	1 018,60	1 269,51	84,85

Code	Description	Amount of unit values per 100 kg			
	Species, varieties, CN code	EUR	DKK	SEK	GBP
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	97,46	724,46	902,92	60,35
1.230	Chantarelles 0709 51 30	744,83	5 536,62	6 900,48	461,20
1.240	Sweet peppers 0709 60 10	174,30	1 295,67	1 614,84	107,93
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	89,20	663,06	826,40	55,23
2.10	Chestnuts (<i>Castanea</i> spp.), fresh ex 0802 40 00	176,48	1 311,85	1 635,00	109,28
2.30	Pineapples, fresh ex 0804 30 00	80,31	596,96	744,02	49,73
2.40	Avocados, fresh ex 0804 40 00	121,16	900,66	1 122,52	75,02
2.50	Guavas and mangoes, fresh ex 0804 50 00	115,50	858,59	1 070,09	71,52
2.60	Sweet oranges, fresh:				
2.60.1	— Sanguines and semi-sanguines 0805 10 10	—	—	—	—
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins 0805 10 30	—	—	—	—
2.60.3	— Others 0805 10 50	—	—	—	—
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkins and similar citrus hybrids, fresh:				
2.70.1	— Clementines ex 0805 20 10	67,99	505,40	629,89	42,10
2.70.2	— Monreales and satsumas ex 0805 20 30	88,12	655,02	816,37	54,56
2.70.3	— Mandarines and wilkins ex 0805 20 50	99,90	742,60	925,52	61,86
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	50,35	374,26	466,45	31,18
2.85	Limes (<i>Citrus aurantifolia</i> , <i>Citrus latifolia</i>), fresh ex 0805 30 90 ex 0805 90 00	135,05	1 003,87	1 251,15	83,62
2.90	Grapefruit, fresh:				
2.90.1	— white ex 0805 40 00	63,14	469,32	584,93	39,09
2.90.2	— pink ex 0805 40 00	62,24	462,63	576,59	38,54

Code	Description	Amount of unit values per 100 kg			
	Species, varieties, CN code	EUR	DKK	SEK	GBP
2.100	Table grapes 0806 10 10	185,39	1 378,05	1 717,51	114,79
2.110	Water melons 0807 11 00	58,51	434,93	542,07	36,23
2.120	Melons (other than water melons):				
2.120.1	— Amarillo, cuper, honey dew (including cantalene), ontentiente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	102,82	764,29	952,57	63,67
2.120.2	— Other ex 0807 19 00	121,24	901,23	1 123,23	75,07
2.140	Pears				
2.140.1	Pears — nashi (<i>Pyrus pyrifolia</i>), Pears — Ya (<i>Pyrus bretschneideri</i>) ex 0808 20 50	193,62	1 439,25	1 793,79	119,89
2.140.2	Other ex 0808 20 50	69,78	518,67	646,43	43,20
2.150	Apricots ex 0809 10 00	406,68	3 023,02	3 767,69	251,82
2.160	Cherries 0809 20 95 0809 20 05	576,44	4 284,91	5 340,43	356,93
2.170	Peaches 0809 30 90	260,11	1 933,51	2 409,80	161,06
2.180	Nectarines ex 0809 30 10	254,71	1 893,39	2 359,80	157,72
2.190	Plums 0809 40 05	150,50	1 118,75	1 394,33	93,19
2.200	Strawberries 0810 10 00	131,51	977,57	1 218,37	81,43
2.205	Raspberries 0810 20 10	848,90	6 310,21	7 864,63	525,64
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	614,33	4 566,56	5 691,46	380,39
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 00	115,55	858,90	1 070,47	71,55
2.230	Pomegranates ex 0810 90 85	338,27	2 514,50	3 133,90	209,46
2.240	Khakis (including sharon fruit) ex 0810 90 85	325,29	2 418,01	3 013,65	201,42
2.250	Lychees ex 0810 90 30	483,14	3 591,34	4 476,01	299,16

COMMISSION REGULATION (EC) No 777/2002**of 7 May 2002****laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards the granting of private storage aid for certain cheeses in the 2002/03 marketing year**

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 10 thereof,

Purpose

This Regulation lays down the detailed rules for the application of Regulation (EC) No 1255/1999 as regards the granting, under Article 9 of that Regulation, of private storage aid for certain cheeses (hereinafter referred to as 'aid') in the 2002/03 marketing year.

Whereas:

(1) Under Article 9 of Regulation (EC) No 1255/1999 private storage aid may be granted for long-keeping cheeses and for cheeses which are manufactured from sheep's and/or goat's milk and require at least six months to mature, if for those cheeses price developments and the stock situation indicate a serious imbalance of the market which may be eliminated or reduced by seasonal storage. The seasonal nature of the production of certain long-keeping cheeses and Pecorino Romano, Kefalotyri and Kasserri cheese is aggravated by the fact that the seasonality of consumption is the inverse of the seasonality of production. The fragmented production of such cheeses further aggravates the consequences of that seasonality. Therefore, provision should be made for recourse to seasonal storage in respect of a quantity corresponding to the difference between summer and winter production.

*Article 2***Definitions**

For the purposes of this Regulation, the following definitions shall apply:

- (2) The types of cheeses eligible for aid and the maximum quantities which may benefit from it should be laid down, as well as the duration of the contracts in relation to the real requirements of the market and the keeping qualities of the cheeses in question.
- (3) It is necessary to specify the terms of the storage contract and the measures to enable the cheese covered by a contract to be identified and subjected to checks. The amount of aid shall be fixed with reference to storage costs and the balance to be maintained between cheeses for which aid is granted and other cheeses coming on the market.
- (4) Detailed rules should also be laid down regarding documentation, accounting and the frequency and nature of checks. In this connection, it should be laid down that the Member States may provide that the costs of controls be fully or in part charged to the contractor.
- (5) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

- (a) 'storage lot' means a quantity of cheese weighing at least two tonnes, of the same type and taken into storage in a single storage depot on a single day;
- (b) 'day of commencement of contractual storage' means the day following that of entry into storage;
- (c) 'last day of contractual storage' means the day before that of removal from storage.

*Article 3***Cheeses eligible for aid**

1. Aid shall be granted in respect of certain long-keeping cheeses and Pecorino Romano, Kefalotyri and Kasserri cheese under the terms laid down in the Annex.
2. The cheeses must have been manufactured in the Community and satisfy the following conditions:
- (a) be indelibly marked with an indication of the undertaking in which they were manufactured and of the day and month of manufacture; this may take the form of a code;
- (b) have undergone quality tests which establish their classification after maturing in the categories laid down in the Annex.

*Article 4***Storage contract**

1. Contracts relating to the private storage of cheese shall be concluded between the intervention agency of the Member State on whose territory the cheese is stored and natural or legal persons, hereinafter called 'contractors'.
2. Storage contracts shall be drawn up in writing on the basis of an application to draw up a contract.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

Applications must reach intervention agencies within no more than 30 days of the date of entry into store and may relate only to lots of cheese which have been fully taken into storage. Intervention agencies shall register their date of receipt.

If an application reaches the intervention agency within 10 working days following the deadline, a storage contract may still be concluded but the aid shall be reduced by 30 %.

3. Storage contracts shall be concluded for one or more storage lots and shall include, in particular, provisions concerning:

- (a) the quantity of cheese to which the contract applies;
- (b) the dates relating to the execution of the contract;
- (c) the amount of aid;
- (d) the identity of the storage depots.

4. Storage contracts shall be concluded within no more than 30 days of the date of registration of the application to draw up a contract.

5. The control measures, particularly those referred to in Article 7, shall be the subject of specifications drawn up by the intervention agency. The storage contract shall refer to these specifications.

Article 5

Entry into and removal from storage

1. The periods of entry into and removal from storage shall be as laid down in the Annex.
2. Removal from storage shall be in whole storage lots.
3. Where, at the end of the first 60 days of contractual storage, the deterioration in the quality of the cheese is greater than is normal in store, contractors may be authorised, once per storage lot, to replace the defective quantity, at their own expense.

If checks during storage or on removal reveal defective quantities, no aid may be paid for those quantities. In addition, the part of the lot which is still eligible for aid may not be less than two tonnes. The same rule shall apply where part of a lot is removed before the start of the period of removal from storage referred to in paragraph 1 or before expiry of the minimum storage period referred to in Article 8(2).

4. For the purpose of calculating the aid in the case referred to in the first subparagraph of paragraph 3, the first day of contractual storage shall be the day of commencement of contractual storage.

Article 6

Storage conditions

1. The Member State shall ensure that all the conditions granting entitlement to payment of the aid are fulfilled.
2. The contractor or, at the request of the Member State or with its authorisation, the person responsible for the storage depot, shall make available to the competent authority respon-

sible for inspection, any documentation permitting verification of the following particulars of products placed in private storage:

- (a) ownership at the time of placing in storage;
- (b) the origin and the date of manufacture of the cheeses;
- (c) the date of placing in storage;
- (d) presence in the storage depot and the address of the depot;
- (e) the date of removal from storage.

3. The contractor or, where applicable, the person responsible for the storage depot shall keep stock records available at the depot for each contract, covering:

- (a) the identification, by storage lot number, of the products placed in private storage;
- (b) the dates of entry into and removal from storage;
- (c) the number of cheeses and their weight by storage lot;
- (d) the location of the products in the storeroom.

4. Products stored must be easily identifiable, easily accessible and identified individually by contract. A special mark shall be affixed to stored cheeses.

Article 7

Checks

1. On entry into storage the competent agency shall conduct checks in particular to ensure that products stored are eligible for the aid and to prevent any possibility of substitution of products during storage under contract.
2. The competent agency shall make an unannounced check, by sampling, to ensure that the products are present in the storage depot. The sample concerned must be representative and must correspond to at least 10 % of the overall quantity under contract for a private storage aid measure.

Such checks must include, in addition to an examination of the accounts referred to in Article 6(3), a physical check of the weight and type of products and their identification. Such physical checks must relate to at least 5 % of the quantity subjected to the unannounced check.

3. At the end of the contractual storage period, the competent agency shall check to see that products are present. However, where the products are still in storage after expiry of the maximum contractual storage period, this check may be made when the products are removed from storage.

For the purposes of the check referred to in the first subparagraph, the contractor shall inform the competent authority, indicating the storage lots concerned, at least five working days before:

- (i) the expiry of the contractual storage period, or
- (ii) the start of the removal operations, where these take place during or after the contractual storage period.

The Member State may accept a shorter time limit than five working days.

4. A report shall be drawn up on the checks carried out pursuant to paragraphs 1, 2 and 3, specifying:

- (a) the date of the check,
- (b) its duration,
- (c) the operations carried out.

The report must be signed by the inspector responsible and countersigned by the contractor or, as the case may be, the person responsible for the store, and must be included in the payment dossier.

5. In the case of irregularities affecting at least 5 % of the quantities of products subjected to the checks, the latter shall be extended to a larger sample to be determined by the competent agency.

The Member States shall notify such cases to the Commission within four weeks.

6. The Member States may provide that the costs of controls are to be fully or in part charged to the contractor.

Article 8

Storage aid

1. The aid shall be as follows:
 - (a) EUR 35 per tonne for the fixed costs;
 - (b) EUR 0,35 per tonne per day of storage under contract for the warehousing costs;
 - (c) an amount per tonne per day of storage under contract for the financial costs, namely:
 - (i) EUR 0,36 for long-keeping cheeses;
 - (ii) EUR 0,46 for Pecorino Romano cheese;
 - (iii) EUR 0,51 for Kefalotyri and Kasserri cheese.
2. No aid shall be granted in respect of storage under contract for less than 60 days. The maximum aid payable shall

not exceed an amount corresponding to 180 days' storage under contract.

Where the contractor fails to comply with the time limit referred to in the second and third subparagraphs of Article 7(3), the aid shall be reduced by 15 % and shall be paid only in respect of the period for which the contractor supplies satisfactory proof to the competent agency that the cheeses have remained in contractual storage.

3. The aid shall be paid on application by the contractor, at the end of the contractual storage period, within 120 days of receipt of the application, provided that the checks referred to in Article 7(3) have been carried out and that the conditions for entitlement to the aid have been met.

However, if it has been necessary to commence an administrative inquiry into entitlement to the aid, payment shall not be made until entitlement has been recognised.

Article 9

Communication of information

The Member States shall notify the Commission by 15 January 2003 of the quantities of cheese for which storage contracts have been concluded.

Article 10

Entry into force

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

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

Done at Brussels, 7 May 2002.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Categories of cheeses	Quantities eligible for aid (tonnes)	Minimum age for cheeses	Period of entry into storage	Period of removal from storage
French long-keeping cheeses: — protected designation of origin for Beaufort and Comté cheeses — 'Label Rouge' for Emmental grand cru — class A or B for Emmental and Gruyère cheeses	16 000	10 days	15 May to 30 September 2002	1 October 2002 to 31 March 2003
German long-keeping cheeses: 'Markenkäse' or 'Klasse fein' Emmentaler/Bergkäse	1 000	10 days	15 May to 30 September 2002	1 October 2002 to 31 March 2003
Irish long-keeping cheeses: 'Special Grade'	900	10 days	15 May to 30 September 2002	1 October 2002 to 31 March 2003
Austrian long-keeping cheeses: '1. Güteklasse Emmentaler/Bergkäse/Alpkäse'	1 700	10 days	15 May to 30 September 2002	1 October 2002 to 31 March 2003
Finnish long-keeping cheeses: 'I luokka'	1 700	10 days	15 May to 30 September 2002	1 October 2002 to 31 March 2003
Swedish long-keeping cheeses: 'Västerbotten/Prästost/Svecia/Grevé'	1 700	10 days	15 May to 30 September 2002	1 October 2002 to 31 March 2003
'Pecorino Romano'	15 000	90 days and produced after 1 October 2001	15 May to 31 December 2002	before 31 March 2003
'Kefalotyri' and 'Kasseri' cheese made from ewes' or goats' milk or a mixture of the two	3 200	90 days and produced after 30 November 2001	15 May to 30 November 2002	before 31 March 2003

COMMISSION REGULATION (EC) No 778/2002**of 7 May 2002****amending Regulation (EC) No 2799/1999 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the grant of aid for skimmed milk and skimmed-milk powder intended for animal feed and the sale of such skimmed-milk powder**

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 Articles 10 and 15 thereof,

Whereas:

- (1) Commission Regulation (EC) No 2799/1999 ⁽³⁾, as last amended by Regulation (EC) No 213/2001 ⁽⁴⁾, is a recasting of Commission Regulation (EEC) No 1725/79 of 26 July 1979 on the rules for granting aid to skimmed milk processed into compound feedingstuffs and skimmed-milk powder intended for feed for calves ⁽⁵⁾. Under the terms of Article 1(3) of Regulation (EEC) No 1725/79 and in line with its practical application, mixtures intended for the manufacture of compound feedingstuffs contain skimmed-milk powder to which one or more ingredients listed in that paragraph may be added. In order to remove any doubt concerning the interpretation of Article 4 of Regulation

(EC) No 2799/1999, which lays down composition requirements for the mixtures, that practical application by the Member States should be confirmed and the Article should therefore be retroactively clarified.

- (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

In Article 4 of Regulation (EC) No 2799/1999, point (a) is replaced by the following:

‘(a) skimmed-milk powder and, as the case may be,’.

Article 2

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

It shall apply from 1 January 2000.

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

Done at Brussels, 7 May 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 340, 31.12.1999, p. 3.

⁽⁴⁾ OJ L 37, 7.2.2001, p. 1.

⁽⁵⁾ OJ L 199, 7.8.1979, p. 1.

COMMISSION REGULATION (EC) No 779/2002
of 7 May 2002
amending Regulation (EC) No 2659/94 on detailed rules for the granting of private storage aid for
Grana Padano, Parmigiano Reggiano and Provolone cheeses

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Commission Regulation (EC) No 509/2002 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

(1) Article 6(1) of Commission Regulation (EC) No 2659/94 ⁽³⁾, as last amended by Regulation (EC) No 990/2001 ⁽⁴⁾, lays down the amounts of private storage aid for Grana Padano, Parmigiano Reggiano and Provolone cheeses. Those amounts should be amended to take account of the development in storage costs and of market price forecasts.

(2) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 6 of Regulation (EC) No 2659/94, paragraph 1 is replaced by the following:

- '1. The amount of private storage aid for cheese shall be as follows:
- (a) EUR 35 per tonne for the fixed costs;
 - (b) EUR 0,35 per tonne per day of storage under contract for the warehousing costs;
 - (c) an amount for the financial costs, in euro per tonne per day of storage under contract, as follows:
 - 0,48 for Grana Padano,
 - 0,69 for Parmigiano Reggiano,
 - 0,39 for Provolone.'

Article 2

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

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

Done at Brussels, 7 May 2002.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 284, 1.11.1994, p. 26.

⁽⁴⁾ OJ L 138, 22.5.2001, p. 11.

COMMISSION REGULATION (EC) No 780/2002

of 8 May 2002

amending Regulation (EC) No 3063/93 laying down detailed rules for the application of Council Regulation (EEC) No 2019/93 with regard to the aid scheme for the production of honey of specific quality

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2019/93 of 19 July 1993 introducing specific measures for the smaller Aegean islands concerning certain agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 442/2002 ⁽²⁾, and in particular Article 12(3) thereof,

Whereas:

- (1) Regulation (EEC) No 2019/93 introduces a scheme for the smaller Aegean islands of aid for hives for the production of honey of specific quality. Article 12 of that Regulation, as amended by Regulation (EC) No 442/2002, now refers to 'associations of beekeepers', so the terminology used in Commission Regulation (EC) No 3063/93 ⁽³⁾ should be amended.
- (2) To bring Regulation (EC) No 3063/93 up to date, the derogations for 1993 relating to the dates for aid applications and payment and for notification to the Commission of information on aid paid out, and to the percentage of aid applications checked on the spot should be deleted. The reference to the agricultural conversion rate should also be deleted.
- (3) Regulation (EC) No 3063/93 should be amended accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 3063/93 is amended as follows:

1. Article 1 is replaced by the following:

'Article 1

Aid for the production of quality honey specific to the smaller Aegean islands containing a large proportion of thyme honey shall be granted to associations of beekeepers

recognised by the competent authorities who undertake annual programmes of initiatives to improve the conditions under which quality honey is marketed and promoted.'

2. In Article 2(2), the first sentence is replaced by the following:

'The programmes shall be submitted by the associations of beekeepers to the Greek authority for approval.'

3. Article 3 is amended as follows:

- (a) the second subparagraph of paragraph 1 is deleted;
- (b) the first indent of paragraph 2 is replaced by the following:

— the name and address of the association of beekeepers, or the name, forename and address of the beekeeper;'

4. In Article 4, the second paragraph is deleted.

5. Article 5 is amended as follows:

- (a) in the first paragraph, the first and second indents are replaced by the following:

— the number of associations of beekeepers and the number of individual beekeepers who have submitted an aid application,

— the number of hives in respect of which aid has been applied for by associations of beekeepers and individual beekeepers respectively, and granted;'

- (b) the second paragraph is deleted.

6. In the first subparagraph of Article 6(2), the second sentence is deleted.

7. Article 8 is deleted.

Article 2

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

⁽¹⁾ OJ L 184, 27.7.1993, p. 1.

⁽²⁾ OJ L 68, 12.3.2002, p. 4.

⁽³⁾ OJ L 274, 6.11.1993, p. 5.

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

Done at Brussels, 8 May 2002.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 781/2002
of 8 May 2002
on the issue of import licences for high-quality fresh, chilled or frozen beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 936/97 of 27 May 1997 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat ⁽¹⁾, as last amended by Regulation (EC) No 361/2002 ⁽²⁾,

Whereas:

- (1) Regulation (EC) No 936/97 provides in Articles 4 and 5 the conditions for applications and for the issue of import licences for meat referred to in Article 2(f).
- (2) Article 2(f) of Regulation (EC) No 936/97 fixes the amount of high-quality fresh, chilled or frozen beef and veal originating in and imported from the United States of America and Canada which may be imported on special terms for the period 1 July 2001 to 30 June 2002 at 11 500 t.

- (3) It should be recalled that licences issued pursuant to this Regulation will, throughout the period of validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION:

Article 1

1. All applications for import licences from 1 to 5 May 2002 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 2(f) of Regulation (EC) No 936/97 shall be granted in full.
2. Applications for licences may be submitted, in accordance with Article 5 of Regulation (EC) No 936/97, during the first five days of June 2002 for 10 747,100 t.

Article 2

This Regulation shall enter into force on 11 May 2002.

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

Done at Brussels, 8 May 2002.

For the Commission

J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 137, 28.5.1997, p. 10.

⁽²⁾ OJ L 58, 28.2.2002, p. 5.

COMMISSION REGULATION (EC) No 782/2002
of 8 May 2002
fixing the import duties in the rice sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

the world market or on the Community import market for the product.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 13 May 2002.

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

Done at Brussels, 8 May 2002.

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

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 189, 30.7.1996, p. 71.

⁽⁴⁾ OJ L 351, 29.12.1998, p. 25.

ANNEX I

Import duties on rice and broken rice

(EUR/t)

CN code	Duties (€)				
	Third countries (except ACP and Bangladesh) (7)	ACP (1) (2) (3)	Bangladesh (4)	Basmati India and Pakistan (6)	Egypt (8)
1006 10 21	(7)	69,51	101,16		158,25
1006 10 23	(7)	69,51	101,16		158,25
1006 10 25	(7)	69,51	101,16		158,25
1006 10 27	(7)	69,51	101,16		158,25
1006 10 92	(7)	69,51	101,16		158,25
1006 10 94	(7)	69,51	101,16		158,25
1006 10 96	(7)	69,51	101,16		158,25
1006 10 98	(7)	69,51	101,16		158,25
1006 20 11	264,00	88,06	127,66		198,00
1006 20 13	264,00	88,06	127,66		198,00
1006 20 15	264,00	88,06	127,66		198,00
1006 20 17	264,00	88,06	127,66	14,00	198,00
1006 20 92	264,00	88,06	127,66		198,00
1006 20 94	264,00	88,06	127,66		198,00
1006 20 96	264,00	88,06	127,66		198,00
1006 20 98	264,00	88,06	127,66	14,00	198,00
1006 30 21	(7)	133,21	193,09		312,00
1006 30 23	(7)	133,21	193,09		312,00
1006 30 25	(7)	133,21	193,09		312,00
1006 30 27	(7)	133,21	193,09		312,00
1006 30 42	(7)	133,21	193,09		312,00
1006 30 44	(7)	133,21	193,09		312,00
1006 30 46	(7)	133,21	193,09		312,00
1006 30 48	(7)	133,21	193,09		312,00
1006 30 61	(7)	133,21	193,09		312,00
1006 30 63	(7)	133,21	193,09		312,00
1006 30 65	(7)	133,21	193,09		312,00
1006 30 67	(7)	133,21	193,09		312,00
1006 30 92	(7)	133,21	193,09		312,00
1006 30 94	(7)	133,21	193,09		312,00
1006 30 96	(7)	133,21	193,09		312,00
1006 30 98	(7)	133,21	193,09		312,00
1006 40 00	(7)	41,18	(7)		96,00

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

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

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

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

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

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

(7) Duties fixed in the Common Customs Tariff.

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

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	(¹)	264,00	416,00	264,00	416,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	231,66	256,99	295,89	286,55	—
(b) fob price (EUR/tonne)	—	—	—	263,01	253,67	—
(c) Sea freight (EUR/tonne)	—	—	—	32,88	32,88	—
(d) Source	—	USDA and operators	USDA and operators	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 783/2002
of 8 May 2002
on the issue of system B export licences in the fruit and vegetables sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

- (3) To avoid this situation, applications for system B licences for tomatoes exported after 8 May 2002 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for system B export licences for tomatoes submitted pursuant to Article 1 of Regulation (EC) No 226/2002, export declarations for which are accepted after 8 May 2002 and before 15 May 2002, are hereby rejected.

Article 2

This Regulation shall enter into force on 9 May 2002.

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

Done at Brussels, 8 May 2002.

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

⁽¹⁾ OJ L 268, 9.10.2001, p. 8.

⁽²⁾ OJ L 38, 8.2.2002, p. 8.

COMMISSION REGULATION (EC) No 784/2002
of 8 May 2002
on the issuing of export licences for wine-sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 883/2001 of 24 April 2001, laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 as regards trade with third countries in products in the wine sector ⁽¹⁾, as amended by Regulation (EC) No 885/2001 ⁽²⁾, and in particular Article 7 and Article 9(3) thereof,

Whereas:

- (1) Article 63(7) of Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽³⁾, as last amended by Regulation (EC) No 2585/2001 ⁽⁴⁾, limits the grant of export refunds for wine-sector products to the volumes and expenditure contained in the Agreement on Agriculture concluded during the Uruguay Round multilateral trade negotiations.
- (2) Article 9 of Regulation (EC) No 883/2001 lays down the conditions under which the Commission may take specific measures to prevent an overrun of the quantity laid down or the budget available under the said Agreement.
- (3) On the basis of information on export licence applications available to the Commission on 8 May 2002, quantities still available for the period until 30 June

2002, for zones (1) Africa and (3) Eastern Europe, referred to in Article 9(5) of Regulation (EC) No 883/2001, could be exceeded unless the issue of export licences with advance fixing of the refund is restricted. Therefore, a single percentage for the acceptance of applications submitted from 1 to 7 May 2002 should be applied and the submission of applications and the issue of licences suspended for these zones until 1 July 2002,

HAS ADOPTED THIS REGULATION:

Article 1

1. Export licences with advance fixing of the refund for wine-sector products for which applications are submitted from 1 to 7 May 2002 under Regulation (EC) No 883/2001 shall be issued for 37,07 % of the quantities requested for zone (1) Africa and at 6,63 % of the quantities requested for zone (3) Eastern Europe.

2. The issue of export licences for wine-sector products referred to in paragraph 1 for which applications are submitted from 8 May 2002 and the submission of export licence applications from 9 May 2002 for zones (1) Africa and (3) Eastern Europe shall be suspended until 1 July 2002.

Article 2

This Regulation shall enter into force on 9 May 2002.

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

Done at Brussels, 8 May 2002.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 128, 10.5.2001, p. 1.

⁽²⁾ OJ L 128, 10.5.2001, p. 54.

⁽³⁾ OJ L 179, 14.7.1999, p. 1.

⁽⁴⁾ OJ L 345, 29.12.2001, p. 10.

II

(Acts whose publication is not obligatory)

CONFERENCE OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES

ADOPTION

of the budget of the Fund for the financing of the Convention on the future of the European Union for the financial year 2002

(2002/351/EU)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE
MEMBER STATES, MEETING WITHIN THE COUNCIL,

Having regard to Decision 2002/176/EU of the Representatives of the Governments of the Member States, meeting within the Council, of 21 February 2002 setting up a Fund for the financing of the Convention on the future of the European Union and laying down the financial rules for its management ⁽¹⁾, and in particular Article 3 thereof,

Having regard to the proposal for the budget estimates of the Fund for the financing of the Convention on the future of the European Union for the financial year 2002 (hereinafter referred to as the 'Fund'), submitted by the Secretary-General of the Convention on the future of the European Union,

Having regard to the European Parliament's agreement of 10 April 2002 to the budget estimates of the Fund for the financial year 2002,

Having regard to the Council's agreement of 27 March 2002 to the budget estimates of the Fund for the financial year 2002,

Having regard to the Commission's agreement of 3 April 2002 to the budget estimates of the Fund for the financial year 2002,

Whereas the procedure laid down in Article 3 of Decision 2002/176/EU of the Representatives of the Governments of the Member States, meeting within the Council, of 21 February 2002 has thus been followed,

HAVE DECIDED AS FOLLOWS:

Sole Article

The budget of the Fund for the financing of the Convention on the future of the European Union for the financial year 2002 as set out in the Annex is hereby finally adopted.

Done at Brussels, 18 April 2002.

*For the Conference of the Representatives of
the Governments of the Member States*

The President

F. J. CONDE DE SARO

⁽¹⁾ OJ L 60, 1.3.2002, p. 56.

ANNEX

FUND
for the financing of
THE EUROPEAN CONVENTION

Budget for the financial year 2002

REVENUE

Title Chapter	Heading	Appropriations 2002
9	REVENUE	
90	CONTRIBUTIONS FROM THE INSTITUTIONS	4 000 000
99	MISCELLANEOUS REVENUE	p.m.
	Title 9 — Total	4 000 000
	GRAND TOTAL	4 000 000

TITLE 9**REVENUE****CHAPTER 90 — CONTRIBUTIONS FROM THE INSTITUTIONS**

Appropriations 2002
<hr/>
4 000 000
<hr/>

Contributions from the European Union institutions to the financing of the European Convention:

European Parliament	1 000 000
Council of the European Union	400 000
European Commission	2 600 000

CHAPTER 99 — MISCELLANEOUS REVENUE

Appropriations 2002
<hr/>
p.m.
<hr/>

EXPENDITURE
General summary of appropriations

Title Chapter	Heading	Appropriations 2002
1	EXPENDITURE RELATING TO THE MEMBERS AND STAFF OF THE CONVENTION	
11	DUTY TRAVEL OF THE CHAIRMAN AND VICE-CHAIRMEN	67 500
12	ACCOMMODATION AND SUBSISTENCE ALLOWANCES	271 250
13	REMUNERATION AND OTHER ALLOWANCES	375 000
14	MISSION EXPENSES	95 000
15	REPRESENTATION EXPENSES	150 000
	Title 1 — Total	958 750
2	MISCELLANEOUS OPERATING EXPENDITURE	
21	TRANSLATIONS	1 721 250
22	BROCHURES AND PUBLICATIONS	400 000
23	STUDIES, HEARINGS AND FORUM	350 000
24	INFRASTRUCTURE AND MISCELLANEOUS	200 000
	Title 2 — Total	2 671 250
10	OTHER EXPENDITURE	
100	CONTINGENCY RESERVE	370 000
	Title 10 — Total	370 000
	GRAND TOTAL	4 000 000

TITLE 1**EXPENDITURE RELATING TO MEMBERS AND STAFF OF THE CONVENTION****CHAPTER 11 — DUTY TRAVEL OF THE CHAIRMAN AND DEPUTY CHAIRMEN**

Appropriations 2002
67 500

Remarks

This appropriation is intended to cover the expenses incurred by the Chairman and Deputy Chairmen when travelling to their place of work in the Institutions for Praesidium and Convention meetings.

CHAPTER 12 — ACCOMMODATION AND SUBSISTENCE ALLOWANCES

Appropriations 2002
271 250

Remarks

This appropriation is intended to cover the expenditure incurred by the Chairman and Deputy Chairmen during Praesidium and Convention meetings.

CHAPTER 13 — REMUNERATIONS AND OTHER ALLOWANCES

Appropriations 2002
375 000

Remarks

This appropriation is intended to defray the costs incurred by the Secretary-General and the remuneration of Secretariat members not belonging to a Community institution.

CHAPTER 14 — MISSION EXPENSES

Appropriations 2002
95 000

Remarks

This appropriation is intended to cover the travel and subsistence expenses of the Chairman and the Deputy Chairmen and of Secretariat members not belonging to a Community institution.

CHAPTER 15 — REPRESENTATION EXPENSES

Appropriations 2002
150 000

Remarks

This appropriation is intended to cover representation expenses incurred in particular by Praesidium members in the performance of their duties.

TITLE 2**MISCELLANEOUS OPERATING EXPENDITURE****CHAPTER 21 — TRANSLATIONS**

Appropriations 2002
1 721 250

Remarks

This appropriation is intended to cover the translation of documents addressed to or issued by Convention members, which it would not be possible to translate in-house.

CHAPTER 22 — BROCHURES AND PUBLICATIONS

Appropriations 2002
400 000

Remarks

This appropriation is intended to cover the production of publications for large-scale distribution, which it would not be possible to produce in-house.

CHAPTER 23 — STUDIES, HEARINGS AND FORUM

Appropriations 2002
350 000

Remarks

This appropriation is intended to cover the cost of expert studies commissioned by the Convention and to defray the expenses of prominent figures consulted by the Convention.

CHAPTER 24 — INFRASTRUCTURE AND MISCELLANEOUS

Appropriations 2002
200 000

Remarks

This appropriation is intended to cover all expenditure other than the above which is not chargeable to an Institution, in particular expenditure incurred away from the Institutions (e.g. hire of cars, rooms, equipment).

TITLE 10**OTHER EXPENDITURE****CHAPTER 100 — CONTINGENCY RESERVE**

Appropriations 2002
370 000

COUNCIL

COUNCIL DECISION of 25 April 2002 on the revision of the Common Manual

(2002/352/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EC) No 790/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for carrying out border checks and surveillance ⁽¹⁾,

Having regard to the initiative of the Kingdom of Belgium and the Kingdom of Sweden,

Whereas:

- (1) It is necessary to repeal certain provisions of the Common Manual ⁽²⁾ which are superfluous for border control activities and to amend certain other provisions in order to take account of that repeal.
- (2) Member States have indicated to the General Secretariat of the Council that certain Annexes to the Common Manual consisting of lists of factual information, which must be provided by them in accordance with the rules that they currently apply, also no longer need to form part of the Common Manual.
- (3) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not participating in the adoption of this Decision and is not bound by it or subject to its application. Since this Decision aims to build upon the Schengen *acquis* under the provisions of Title IV of Part Three of the Treaty establishing the European Community, in accordance with Article 5 of the said Protocol, Denmark will decide within a period of six months after the Council has adopted this Decision whether it will transpose it into its national law.
- (4) As regards the Republic of Iceland and the Kingdom of Norway, this Decision constitutes a development of the provisions of the Schengen *acquis* falling within the area

referred to in Article 1, point A, of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* ⁽³⁾.

- (5) Pursuant to Articles 1 and 2 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and to the Treaty establishing the European Community, the abovementioned Member States are not participating in the adoption of this Decision and are therefore not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

1. Part I of the Common Manual is hereby amended as follows:

- (a) in point 1.2, the second sentence shall be replaced by the following:

‘The unauthorised crossing of external borders at places other than border crossing points or at times other than the fixed opening hours is punishable by the penalties provided for by national law.’;

- (b) point 1.3 shall be replaced by the following:

‘By way of exception, the following may cross external borders at places other than authorised crossing points and outside the fixed hours:

— persons in respect of whom provision is made for the appropriate permits under bilateral agreements on local border traffic, known in Italy as “local border traffic” or “excursion traffic”,

⁽¹⁾ OJ L 116, 26.4.2001, p. 5.

⁽²⁾ Referred to in Annex A to Council Decision 1999/435/EC, under SCH/Com-ex (99) 13 (OJ L 176, 10.7.1999, p. 1), declassified in part by Council Decision 2000/751/EC of 30 November 2000 (OJ L 303, 2.12.2000, p. 29) and last amended by Council Regulation (EC) No 334/2002 of 18 February 2002 (OJ L 53, 23.2.2002, p. 7).

⁽³⁾ OJ L 176, 10.7.1999, p. 31.

— seamen who go ashore in accordance with point 6.5.2.;

Article 2

(c) in point 1.3.1, the last sentence shall be repealed;

This Decision shall apply from 1 June 2002.

(d) point 1.3.3 shall be replaced by the following:

Article 3

‘Derogations from the provisions of point 1.2 in connection with local border traffic — known in Italy as “local border traffic” or “excursion traffic” — are granted in accordance with the bilateral agreements concluded by the Member States with bordering third States.’

This Decision is addressed to the Member States in accordance with the Treaty establishing the European Community.

Done at Luxembourg, 25 April 2002.

2. Annexes 2 and 3 of the Common Manual shall be deleted.

For the Council

The President

M. RAJOY BREY

COUNCIL DECISION
of 25 April 2002
on declassifying Part II of the Common Manual adopted by the Executive Committee established by
the Convention implementing the Schengen Agreement of 14 June 1985

(2002/353/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 207 thereof,

Whereas:

- (1) By its Decision of 14 December 1993 (SCH/Com-ex (93) 22 rev) and 23 June 1998 (SCH/Com-ex (98) 17), the Executive Committee established by the Convention implementing the Schengen Agreement of 14 June 1985, which was replaced by the Council pursuant to Article 2 of the Schengen Protocol, classified as 'Confidential' all the provisions of the Common Manual, a new version of which was adopted by the Decision of the said Executive Committee on 28 April 1999 (SCH/Com-ex (99) 13) ⁽¹⁾.
- (2) The Common Manual and the decisions of the Executive Committee on its classification form part of the Schengen *acquis* as defined by the Council in its Decision 1999/435/EC ⁽²⁾.
- (3) Part I and several Annexes of the Common Manual have been declassified under Council Decision 2000/751/EC ⁽³⁾.
- (4) Part II of the Common Manual should also be declassified.
- (5) It is appropriate to repeal the Executive Committee decisions (SCH/Com-ex (93) 22 rev) and (SCH/Com-ex (98) 17) in so far as they relate to the Common Consular Instructions and the Common Manual, so that future decisions on their classification may be taken in accordance with the rules on the classification of documents set out in Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations ⁽⁴⁾,

HAS DECIDED AS FOLLOWS:

Article 1

1. Part II of the Common Manual shall be declassified.
2. Annexes 14b, 6b and 6c of the Common Manual, corresponding to Annexes 5, 9 and 10 of the Common Consular Instructions, shall remain classified as confidential.

Article 2

Part II of the Common Manual shall be published in the *Official Journal of the European Communities*.

Article 3

1. The decisions of the Schengen Executive Committee of 14 December 1993 (SCH/Com-ex (93) 22 rev) and of 23 June 1998 (SCH/Com-ex (98) 17) shall be repealed in so far as they relate to the Common Consular Instructions and the Common Manual.
2. Future decisions on the classification of the Common Consular Instructions and the Common Manual shall be taken in accordance with the provisions of Decision 2001/264/EC.

Article 4

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

Done at Luxembourg, 25 April 2002.

For the Council

The President

M. RAJOY BREY

⁽¹⁾ The Common Manual as last amended by Council Decision 2002/352/EC (page 47 of this Official Journal).

⁽²⁾ OJ L 176, 10.7.1999, p. 1.

⁽³⁾ OJ L 303, 2.12.2000, p. 29.

⁽⁴⁾ OJ L 101, 11.4.2001, p. 1.

COUNCIL DECISION**of 25 April 2002****on the adaptation of Part III of, and the creation of an Annex 16 to, the Common Consular Instructions**

(2002/354/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EC) No 789/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for examining visa applications ⁽¹⁾,

Having regard to the initiative of the Kingdom of Belgium,

Whereas:

- (1) Harmonisation of visa policy entails in particular that the Schengen *acquis* should lay down rules concerning the procedures and conditions for issuing visas. It seems logical that the visa application form, which initiates the procedure for handling visa applications and also serves as the medium for verifying conditions for such handling, should take the form of a uniform document used by all the consular services of the Member States.
- (2) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not participating in the adoption of this Decision, and is not therefore bound by it or subject to its application. Given that this Decision aims to build upon the Schengen *acquis* under the provisions of Title IV of the Third Part of the Treaty establishing the European Community, Denmark will, in accordance with Article 5 of the said Protocol, decide within a period of six months after the Council has adopted this Decision whether it will transpose it into its national law.
- (3) As regards the Republic of Iceland and the Kingdom of Norway, this Decision constitutes a development of the provisions of the Schengen *acquis* falling within the area referred to in Article 1, point B, of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* ⁽²⁾.

- (4) In accordance with Articles 1 and 2 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and to the Treaty establishing the European Community, Ireland and the United Kingdom are not participating in the adoption of this Decision and are not therefore bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

The following sentence shall be added after the first sentence of Section 1 of Part III of the Common Consular Instructions (CCI):

'Applications for a uniform visa must be made using the harmonised form of which a specimen is given in Annex 16.'

Article 2

The specimen harmonised uniform-visa application form annexed to this Decision shall become Annex 16 to the CCI.

Article 3

This Decision shall apply as from 1 January 2003.

Article 4

This Decision is addressed to the Member States in accordance with the Treaty establishing the European Community.

Done at Luxembourg, 25 April 2002.

For the Council

The President

M. RAJOY BREY

⁽¹⁾ OJ L 116, 26.4.2001, p. 2.

⁽²⁾ OJ L 176, 10.7.1999, p. 31.

ANNEX

'ANNEX 16

Stamp of Embassy or Consulate

Photo

Application for Schengen Visa

This application form is free

1. Surname(s) (family name(s))		For Embassy/Consulate use only Date application: File handled by: Supporting documents: <input type="checkbox"/> Valid passport <input type="checkbox"/> Financial means <input type="checkbox"/> Invitation <input type="checkbox"/> Means of transport <input type="checkbox"/> Health insurance <input type="checkbox"/> Other:
2. Surname(s) at birth (earlier family name(s))		
3. First names (given names)		
4. Date of birth (year-month-day)	5. ID-number (optional)	
6. Place and country of birth		
7. Current nationality/ies	8. Original nationality (nationality at birth)	
9. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	10. Marital status: <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Separated <input type="checkbox"/> Divorced <input type="checkbox"/> Widow(er) <input type="checkbox"/> Other	
11. Father's name	12. Mother's name	
13. Type of passport: <input type="checkbox"/> National passport <input type="checkbox"/> Diplomatic passport <input type="checkbox"/> Service passport <input type="checkbox"/> Travel document (1951 Convention) <input type="checkbox"/> Alien's passport <input type="checkbox"/> Seaman's passport <input type="checkbox"/> Other travel document (please specify):		
14. Number of passport	15. Issued by	
16. Date of issue	17. Valid until	
18. If you reside in a country other than your country of origin, have you permission to return to that country? <input type="checkbox"/> No <input type="checkbox"/> Yes, (number and validity)		
*19. Current occupation		Visa <input type="checkbox"/> Refused <input type="checkbox"/> Granted
*20. Employer and employer's address and telephone number. For students, name and address of school.		Characteristics of Visa: <input type="checkbox"/> LTV <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> D + C Number of entries: <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> Multiple Valid from To Valid for:
21. Main destination	22. Type of Visa: <input type="checkbox"/> Airport transit <input type="checkbox"/> Transit <input type="checkbox"/> Short stay <input type="checkbox"/> Long stay	
23. Visa <input type="checkbox"/> Individual <input type="checkbox"/> Collective		
24. Number of entries requested <input type="checkbox"/> Single entry <input type="checkbox"/> Two entries <input type="checkbox"/> Multiple entries	25. Duration of stay Visa is requested for: ___ days	
26. Other visas (issued during the past three years) and their period of validity		
27. In the case of transit, have you an entry permit for the final country of destination? <input type="checkbox"/> No <input type="checkbox"/> Yes, valid until: _____ Issuing authority: _____		
*28. Previous stays in this or other Schengen States		

* The questions marked with * do not have to be answered by family members of EU or EEA citizens (spouse, child or dependent ascendant). Family members of EU or EEA citizens have to present documents to prove this relationship.

29. Purpose of travel <input type="checkbox"/> Tourism <input type="checkbox"/> Business <input type="checkbox"/> Visit to Family or Friends <input type="checkbox"/> Cultural/Sports <input type="checkbox"/> Official <input type="checkbox"/> Medical reasons <input type="checkbox"/> Other (please specify):		For Embassy/Consulate use only
*30. Date of arrival	*31. Date of departure	
*32. Border of first entry or transit route	*33. Means of transport	
*34. Name of host or company in the Schengen States and contact person in host company. If not applicable, give name of hotel or temporary address in the Schengen States		
Name		Telephone and telefax
Full address		E-mail address
*35. Who is paying for your cost of travelling and for your costs of living during your stay? <input type="checkbox"/> Myself <input type="checkbox"/> Host person/s <input type="checkbox"/> Host company (State who and how and present corresponding documentation):		
*36. Means of support during your stay <input type="checkbox"/> Cash <input type="checkbox"/> Travellers' cheques <input type="checkbox"/> Credit cards <input type="checkbox"/> Accommodation <input type="checkbox"/> Other: <input type="checkbox"/> Travel and/or health insurance. Valid until:		
37. Spouse's family name		38. Spouse's family name at birth
39. Spouse's first name	40. Spouse's date of birth	41. Spouse's place of birth
42. Children (Applications must be submitted separately for each passport)		
Name	First name	Date of birth
1.		
2.		
3.		
43. Personal data of the EU or EEA citizen you depend on. This question should be answered only by family members of EU or EEA citizens.		
Name		First Name
Date of Birth	Nationality	Number of passport
Family relationship:		of an EU or EEA citizen
44. I am aware of and consent to the following: any personal data concerning me which appear on this visa application form will be supplied to the relevant authorities in the Schengen States and processed by those authorities, if necessary, for the purposes of a decision on my visa application. Such data may be input into, and stored in, databases accessible to the relevant authorities in the various Schengen States. At my express request, the consular authority processing my application will inform me of the manner in which I may exercise my right to check the personal data concerning me and have them altered or deleted, in particular, should they be inaccurate, in accordance with the national law of the State concerned. I declare that to the best of my knowledge all particulars supplied by me are correct and complete. I am aware that any false statements will lead to my application being rejected or to the annulment of a visa already granted and may also render me liable to prosecution under the law of the Schengen State which deals with the application. I undertake to leave the territory of the Schengen States upon the expiry of the visa, if granted. I have been informed that possession of a visa is only one of the prerequisites for entry into the European territory of the Schengen States. The mere fact that a visa has been granted to me does not mean that I will be entitled to compensation if I fail to comply with the relevant provisions of Article 5.1 of the Schengen Implementing Convention and am thus refused entry. The prerequisites for entry will be checked again on entry into the European territory of the Schengen States.		
45. Applicant's home address		46. Telephone number
47. Place and date		48. Signature (for minors, signature of custodian/guardian) ¹

COUNCIL DECISION
of 7 May 2002
on extension of the joint-undertaking status of Hochtemperatur-Kernkraftwerk GmbH (HKG)

(2002/355/Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 49 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) By Decision 74/295/Euratom ⁽¹⁾, the Council established Hochtemperatur-Kernkraftwerk GmbH (hereinafter referred to as 'HKG') as a joint undertaking for a period of 25 years as from 1 January 1974.
- (2) The objectives of HKG were to construct, equip and operate a nuclear power station with a capacity of approximately 300 MWe at Uentrop (Unna district) in the Federal Republic of Germany.
- (3) After being in operation from 1987 to 1988, the nuclear power station was finally shut down on 1 September 1989 as a result of technical and economic difficulties.
- (4) Since that date the objective of HKG has been to implement a programme for decommissioning the nuclear power station up to the safe enclosure stage and, thereafter, to carry out a programme of surveillance of the enclosed nuclear installations.
- (5) By Decision 92/547/Euratom of 16 November 1992 extending the status of Kernkraftwerklingen GmbH as a joint undertaking ⁽²⁾, the Council recognised that there was no equivalent to these programmes in the Community, that implementation thereof was important and that they provided useful experience for the nuclear industry and the future development of nuclear energy in the Community.
- (6) In order to achieve its objective, HKG requested extension of its joint-undertaking status with effect from 1 January 1999.

- (7) Extension of its joint-undertaking status should enable HKG to complete its decommissioning and surveillance programmes, notably by lightening the financial burden.
- (8) Arrangements for financing HKG's activities have been agreed between the Federal Republic of Germany, the Land of North Rhine-Westphalia, HKG and its members for the period up to 31 December 2009.
- (9) HKG's joint-undertaking status should therefore be extended for the same period,

HAS ADOPTED THIS DECISION:

Article 1

1. The joint-undertaking status, within the meaning of the Treaty, granted to Hochtemperatur-Kernkraftwerk GmbH (HKG) is hereby extended for eleven years with effect from 1 January 1999.
2. The objective of HKG shall be to implement a programme for decommissioning the nuclear power station located at Uentrop (Unna district) in the Federal Republic of Germany, up to the safe enclosure stage and, thereafter, to carry out a programme of surveillance of the enclosed nuclear installations.

Article 2

This Decision is addressed to the Member States and to HKG.

Done at Brussels, 7 May 2002.

For the Council

The President

R. DE RATO Y FIGAREDO

⁽¹⁾ OJ L 165, 20.6.1974, p. 7.

⁽²⁾ OJ L 352, 2.12.1992, p. 9.

COUNCIL DECISION

of 7 May 2002

on the extension of the advantages conferred on the Joint Undertaking Hochtemperatur-Kernkraftwerk GmbH (HKG)

(2002/356/Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 48 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) By Decision 74/295/Euratom ⁽¹⁾, the Council established Hochtemperatur-Kernkraftwerk GmbH (HKG) as a joint undertaking, within the meaning of the Treaty, for a period of 25 years as from 1 January 1974.
- (2) By Decision 2002/355/Euratom ⁽²⁾ the Council extended the Joint Undertaking status granted to HKG for eleven years with effect from 1 January 1999.
- (3) By its Decision 74/296/Euratom ⁽³⁾ and that of 16 November 1992 the Council conferred on HKG a number of advantages listed in Annex III to the Treaty, for a period of 25 years as from 1 January 1974.
- (4) By letters of 25 November 1998, 15 March 1999 and 13 June 2000, HKG requested extension of its tax advantages for the new period for which it had been granted Joint Undertaking status.
- (5) HKG's current objective is to implement a programme for decommissioning the nuclear power station up to the safe enclosure stage and, thereafter, to carry out a programme of surveillance of the enclosed nuclear installations.
- (6) There is no equivalent to these programmes in the Community since, to date, no high-temperature reactor has been shut down definitively in the Community.
- (7) Implementation of these programmes is therefore important since they provide useful experience for the development of the nuclear industry in the Community, notably as regards the decommissioning of nuclear installations.
- (8) HKG should be assisted with implementing the programme for decommissioning the nuclear power station up to the safe enclosure stage and the

programme of surveillance of the enclosed nuclear installations, by lightening the financial burden.

(9) Arrangements for financing HKG's activities have been agreed between the Federal Government, the Land of North Rhine-Westphalia, HKG and its members for the period up to 31 December 2009.

(10) The advantages conferred on HKG should therefore be extended for the same period as the extension of its Joint Undertaking status, that is until 31 December 2009,

HAS ADOPTED THIS DECISION:

Article 1

Member States hereby extend for eleven years with effect from 1 January 1999 the following advantages listed in Annex III to the Treaty conferred on the Joint Undertaking Hochtemperatur-Kernkraftwerk GmbH (HKG):

1. under paragraph 4 of the said Annex, the exemption from the Grunderwerbsteuer (tax on the acquisition of immovable property);
2. under paragraph 5 of the said Annex:
 - the exemption from Grundsteuer (land tax),
 - the exemption from that part of the profits tax which is levied, pursuant to Article 8, point 1 of the Gewerbesteuer-gesetz (trade tax law), on the interest due on long-term debt.

Article 2

The advantages listed in Article 1 shall be conferred on HKG subject to the condition that the Commission has access to all the industrial, technical and economic information, including that relating to safety, acquired by HKG in the course of implementation of the programme for decommissioning the nuclear power station up to the safe enclosure stage and of the programme of surveillance of the enclosed nuclear installations. This obligation shall extend to all the information which HKG is entitled to pass on in accordance with the contracts concluded with it. The Commission shall determine which information must be communicated to it, as well as the manner in which such communication shall be made, and shall ensure that this information is disseminated.

⁽¹⁾ OJ L 165, 20.6.1974, p. 7.

⁽²⁾ See page 53 of this Official Journal.

⁽³⁾ OJ L 165, 20.6.1974, p. 14.

Article 3

This Decision is addressed to the Member States and to HKG.

Done at Brussels, 7 May 2002.

For the Council

The President

R. DE RATO Y FIGAREDO

CORRIGENDA**Corrigendum to Commission Regulation (EC) No 679/2002 of 16 April 2002 amending Regulation (EC) No 21/2002 establishing the supply balances and Community aid for the outermost regions under Council Regulations (EC) No 1452/2001, (EC) No 1453/2001 and (EC) No 1454/2001**

(Official Journal of the European Communities L 104 of 20 April 2002)

On page 20, Annex VII, for product code '0402 91 19 9310' in the column 'Aid amounts':

for: '(*)',

read: '4,50'.

On page 25, Annex VIII, in the column 'CN code':

for: '0207 14 20 9990',

read: '0207 14 20 9900'.
