

English edition

## Legislation

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<sup>(1)</sup> Text with EEA relevance

## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1011/2002  
of 10 June 2002  
imposing a definitive anti-dumping duty on imports of powdered activated carbon (PAC)  
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 <sup>(1)</sup>, and in particular Article 11(2) thereof,

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

Whereas:

**A. PREVIOUS INVESTIGATION**

- (1) By Regulation (EC) No 1006/96 of 3 June 1996 <sup>(2)</sup>, the Council imposed a definitive anti-dumping duty on imports of powdered activated carbon originating in the People's Republic of China.

**B. PRESENT INVESTIGATION**

- (2) Following the publication of a notice of impending expiry <sup>(3)</sup> of the anti-dumping measures in force, the Commission received a request for an expiry review lodged by the European Chemical Industry Council (CEFIC) on behalf of two producers, together representing a major proportion (more than 80 %) of the total Community production of powdered activated carbon (PAC). The request alleged that injurious dumping of imports originating in the People's Republic of China (China) would be likely to recur if the measures expired.
- (3) Having determined, after consulting the Advisory Committee, that sufficient evidence existed for the initiation of a review, the Commission initiated an invest-

igation <sup>(4)</sup> pursuant to Article 11(2) of Regulation (EC) No 384/96 (the basic Regulation).

- (4) The investigation into the likelihood of a continuation or recurrence of dumping and injury covered the period from 1 June 2000 to 31 May 2001 (IP). The examination of trends relevant for the assessment of a likelihood of a continuation or recurrence of injury covered the period from 1997 up to the end of the IP (analysis period).
- (5) The Commission officially advised the applicant Community producers, the exporters and exporting producers in China, importers/traders, users and suppliers, which were known to be concerned, of the initiation of the review. The Commission sent questionnaires to all these parties and to those who made themselves known within the time limit set in the Notice of initiation. The Commission also gave the parties directly concerned the opportunity to make their views known in writing and to request a hearing.
- (6) The Commission sent out 26 questionnaires to unrelated importers/traders and 49 questionnaires to exporters and exporting producers in China. Furthermore, due to the apparent high number of exporters and exporting producers of the product concerned in China, the Commission sent out a questionnaire asking specific information on average sales volume and prices of PAC (sample questionnaire) of each exporter and exporting producer concerned, in order to determine whether sampling was necessary. No answer was received from importers/traders, and one exporter in China replied to the sample questionnaire, but subsequently stopped cooperating.
- (7) The Commission also sent questionnaires to all other parties known to be concerned and received replies from the two Community producers on whose behalf the request for review was lodged and from two suppliers of raw materials and two users.

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

<sup>(2)</sup> OJ L 134, 5.6.1996, p. 20.

<sup>(3)</sup> OJ C 349, 6.12.2000, p. 5.

<sup>(4)</sup> Notice of initiation: OJ C 163, 6.6.2001, p. 7.

- (8) The Commission sought and verified all the information it deemed necessary for the purpose of the determination of the likelihood of continuation or recurrence of dumping and injury and for the determination of the Community interest. Verification visits were carried out at the premises of the following companies:

Producer in the analogue country United States of America:

— NORIT Americas Inc, Atlanta, Georgia;

Community producers:

— Norit NV, Netherlands,

— Ceca SA, France.

### C. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

- (9) The product under consideration is the same as in the original investigation, i.e. PAC currently classifiable within CN code ex 3802 10 00. It is a microporous form of carbon, obtained from a variety of raw material such as coal, peat, wood, lignite, olive stones or coconut shells, which are activated by means of steam or chemical process. PAC is a very fine powder. Activated carbons are also sold in granular forms (granulated activated carbon or GAC) which are not covered by the measures in force.
- (10) Subsequently to the imposition of definitive measures in 1996, certain difficulties appeared as to the distinction of activated carbon sold in powder from activated carbon sold in granular form. In this regard, it is important to note that both products are made of ensembles of particles of carbon whose size vary and there is no international standard in respect of PAC. Therefore, for the purpose of implementation of the measures, the Community Customs Code Committee defined PAC in the following way: 'powdered activated carbon consists of at least 90 percent by mass (% m/m) of particles with a size less than 0,5 mm'. The investigation confirmed the accuracy of this definition.
- (11) The general applications of PAC are: water treatment (potable process and waste water), gas and air purification, solvent recovery, decolourisation of sugar, vegetables oils and fats, deodorisation and purification of different products in the chemical (i.e. organic acids) or pharmaceutical (i.e. gastrointestinal capsule) or food industries (i.e. alcoholic and soft drinks).
- (12) As shown in the previous investigation, and as confirmed in the present investigation, it has been established that PAC produced and sold by the Community producers and PAC imported from China are in all respects identical and share therefore the same basic

physical and chemical characteristics. China is an economy in transition and, as mentioned in recital 18, normal value had to be established on the basis of information obtained in a market economy third country. According to the information available, PAC produced and sold in the market economy third country, the United States of America has the same basic physical and chemical characteristics as PAC produced in China and exported to the Community. Therefore, they are considered to be like products within the meaning of Article 1(4) of the basic Regulation.

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

#### 1. Preliminary remarks

- (13) In accordance with Article 11(2) of the basic Regulation, the purpose of an expiry review is to determine whether the expiry of the measures is likely to lead to a continuation or recurrence of dumping.
- (14) In this respect, the volumes exported to the Community during the IP were examined. It should be noted that since none of the Chinese exporters nor any importer in the Community cooperated during the present investigation, export data were established in accordance with Article 18 of the basic Regulation, i.e. on the basis of information available. Since the imposition of definitive anti-dumping duties in 1996, Community statistics are available for imports of PAC. These statistics have been confirmed by market research information submitted by the complainant Community producers. On this basis, and in the absence of any other more reliable information, these statistics were used. They showed that during the IP 993 tonnes of PAC were imported from China into the Community.
- (15) During the original IP, the import volume of Chinese PAC into the Community amounted to 4 008 tonnes, i.e. approximately 10 % of Community consumption. Imports dropped in 1996 after the imposition of the anti-dumping duty to 960 tonnes and remained relatively stable in the following years, reaching 842 tonnes in 1999, and 811 tonnes in 2000.
- (16) The market share of Chinese imports of PAC in the Community as recorded in Eurostat is less than 3 % but nonetheless significant, i.e. above the *de minimis* threshold of the basic Regulation<sup>(1)</sup>.

#### 2. Likelihood of continuation of dumping

- (17) In the context of the likelihood of a continuation of dumping, it was investigated whether dumping of exports from China was currently taking place. This was on the grounds that, if dumping was taking place now, this could be an important indication that dumping would be likely to continue in future, should the measures be allowed to expire.

<sup>(1)</sup> Article 5(7) and Article 9(3).

(a) *Analogue country*

(18) Since China is an economy in transition, normal value was determined on the basis of information obtained in an appropriate market economy third country selected in accordance with Article 2(7) of the basic Regulation.

(19) The United States of America were selected as an appropriate analogue country in the original proceeding. As indicated in the Notice of initiation, the Commission envisaged to use the United States of America as an appropriate analogue country also in the present proceeding. In this respect, the investigation revealed that the United States of America were the most appropriate analogue country for the following reasons:

The United States of America is one of the largest producing countries of PAC worldwide. Figures submitted by the cooperating producer in the United States of America and the Community producers behind the request for review showed that the production volume of both countries is comparable. Furthermore, as mentioned in recital 12 PAC produced and sold in the United States of America was found to be a like product to PAC produced in China and exported to the Community. Domestic sales made by the cooperating United States producer (in terms of volume) were representative when compared to the imports of PAC from China into the Community. Finally, the level of competition in the United States of America was found to be very high. In addition to the competition amongst several producers in the United States of America, there was also competition from imported PAC (mainly from China, Philippines and Sri Lanka), which could be imported without quantitative restrictions or import duties. The main United States producer of PAC was furthermore willing to cooperate.

(20) Given the above, and as no comments were received on the choice of the analogue country by any of the interested parties, the United States of America was consequently selected as the most appropriate analogue country.

(b) *Normal value*

(21) In accordance with Article 2(1) of the basic Regulation, it was considered whether domestic sales of PAC in the United States of America could, considering the price charged, be seen to be made in the ordinary course of trade. For so doing the Commission examined whether domestic sales were profitable. For this purpose the full cost of production per unit of each grade during the IP was compared to the average unit price of the sales transactions of each grade made during the same period. It was found that all sales were made at a profit. The investigation also revealed that all sales were made to independent customers. As a result the prices paid or payable for PAC by independent customers on the

United States domestic market in the ordinary course of trade were used to determine the normal value in accordance with Article 2(1) of the basic Regulation.

(c) *Export price*

(22) As already mentioned, neither the Chinese exporters nor exporting producers, nor any importer of PAC in the Community cooperated in this proceeding. Therefore, the export price was determined on the basis of facts available in accordance with Article 18 of the basic Regulation. As already mentioned in recital 14 of the present Regulation, and in the absence of any other more reliable information, this was done by reference to Eurostat.

(23) Data in Eurostat are recorded on a cif European Community frontier basis. These prices were brought to a fob basis by deducting ocean freight and insurance cost. The necessary information on these costs has been submitted by the Community industry and used in the calculations, in the absence of any other more reliable information.

(d) *Comparison*

(24) For the purpose of ensuring a fair comparison between normal value and export price, account was taken of differences in factors, which were found to affect prices and price comparability in accordance with Article 2(10) of the basic Regulation. In this regard, adjustments for differences in the level of trade, commissions, packing and inland transport costs were made.

(25) As far as the normal value is concerned, the weighted average inland transport cost and packing cost per unit were deducted from the domestic sales price. Inland transport cost included insurance, loading and unloading costs. Given the non cooperation of the Chinese exporters or exporting producers, and in the absence of any more reliable information, the same amount for inland transport and packing was deducted from the fob export price.

(26) As far as packing costs are concerned, evidence was submitted to the Commission by the complainant Community industry, which showed that at least some of the product exported to the Community was packed in bags while the normal value was established on an ex packaging costs basis. The export price was therefore adjusted downwards for an appropriate amount of packaging costs.

(27) Domestic sales in the United States of America were mainly made to end-users, while Chinese exports of PAC are, on the basis of information available, mainly made to traders/distributors. Therefore, the normal value was adjusted by a distributor discount applicable on the United States domestic market.

(28) Furthermore and according to evidence submitted by the Community industry, almost all export sales from China were made via export agencies, due to the requirement of export licences. Therefore, a commission fee of 1 % was deducted from the export price.

(e) *Dumping margin*

(29) The weighted average normal value and the weighted average export price of all grades were compared at the same level of trade, i.e. distributors/traders. The comparison showed that exports of PAC to the Community have been dumped at a substantial margin during the IP. The dumping margin was equal to the amount by which the normal value exceeded the prices for exports to the Community. The weighted average dumping margin exceeded 40 %.

**3. Development of imports should measures expire**

(30) It was also examined as to how imports of PAC from China would develop should measures expire. For that purpose the spare production capacity in China, export volume and the domestic market in China as well as the Chinese price behaviour to other third countries were examined. In the absence of cooperation from exporting producers, market research information submitted by the Community industry was used.

(a) *Production capacity, domestic market in China and export volume*

(31) The information available to the Commission showed that China, together with the United States, is the largest producer and exporter of activated carbons (granular and powdered) in the world. Actual production of activated carbons in China amounted to about 100 000 tonnes in 1998 according to a statistical industrial census, provided by the Community industry, of which 40 % or 40 000 tonnes in powder form. Production capacity was estimated at 140 000 tonnes during the same period based on the capacity of the most important Chinese producers representing 31 % of total Chinese capacity, of which at least half can be dedicated to the production of PAC, i.e. 70 000 tonnes. A spare capacity of approximately 30 000 tonnes was thus available in 1998 for producing PAC.

(32) On the basis of data available for prior years included in the abovementioned statistical industrial census, it was estimated that the annual growth rate of consumption, production and production capacity of PAC in China amounted to at least 5 %. On this basis spare capacities of PAC will reach up to 36 000 tonnes in 2003. Due to the specific situation on the domestic market (see the

following) the total spare capacity would be available for export.

(33) Furthermore, according to the abovementioned statistical industrial census, the Chinese domestic market was characterised by a significant oversupply resulting in unstable prices. Therefore, Chinese PAC producers turned increasingly to export markets, often the only possibility to maintain production at all. It is important to note that there were no export restrictions (other than export licences) of PAC in China. Given the situation on the Chinese domestic market, the significant spare capacities and the consequent need to explore export markets, it was considered likely that export prices would be on a low level and dumped.

(34) Main export markets for Chinese PAC were south-east Asia, Japan, the Republic of Korea, the United States of America and Europe. However, according to the evidence submitted by the Community industry, the additional need for imported PAC in the other third countries would be minimal and the capability to absorb further Chinese exports therefore almost negligible. Furthermore it should be noted that a number of potential export markets in the Asian region apply high customs tariffs for PAC, such as India and Indonesia.

(35) In contrast, should the anti-dumping duty be removed, the Community market would be able to absorb large quantities of Chinese PAC due to the significant Community consumption. In this respect, it should also be noted that Chinese exporters are still present on the Community market via related importers, which facilitates increased imports and distribution of PAC.

(36) In conclusion, should the measures be removed, it is likely that Chinese producers will increase their capacity utilisation, as the Community would become an attractive export market.

(b) *Price behaviour*

(37) An analysis of the price behaviour of Chinese exporters to other third countries, such as the United States of America and Japan revealed that exports of PAC to these countries were made at very low prices and were dumped when compared to the normal value established in this investigation. As regards the United States and according to the evidence provided by the Community industry, as well as the information provided by the cooperating producer in the United States of America, the level of dumping would exceed 40 %, while the dumping margin for exports to Japan would be over 90 %.

- (38) Considering the vast spare capacity available for exports and the export-driven Chinese PAC production, it is reasonable to assume that the dumping margins that could be practised in the Community, are likely to be at least at the same level as those to other major exporting markets of Chinese PAC, should anti-dumping measures lapse.

#### 4. Conclusion on the likelihood of a continuation of dumping

- (39) Imports of Chinese PAC during the IP were made above *de minimis* levels and were still dumped. It was established that dumping continued and that there is a strong likelihood that it would continue should measures be allowed to lapse. Moreover, it is likely that exports of Chinese PAC to the Community will significantly increase (and return to at least the levels found in the original IP) and that prices of these additional import quantities will in all likelihood be dumped at significant levels, should the anti-dumping measures lapse.

#### E. DEFINITION OF THE COMMUNITY INDUSTRY

- (40) The two Community producers on whose behalf the complaint was lodged cooperated in the investigation. They represented more than 80 % of the Community production of PAC and therefore constitute the Community industry within the meaning of Article 4(1) and Article 5(4) of the basic Regulation.

#### F. SITUATION OF THE COMMUNITY MARKET

##### 1. Community consumption

- (41) Apparent Community consumption of PAC was established on the basis of the sales volumes of the Community industry on the Community market, the information contained in the request for review concerning the other Community producers and Eurostat in relation to imports of PAC.
- (42) On this basis Community consumption was practically stable during the analysis period at slightly below 40 000 tonnes a year.

##### 2. Imports from China

###### (a) Volume, market share and prices

- (43) Based on information from Eurostat, volumes imported from China during the analysis period slightly increased but remained below 3 % of consumption, whilst their market share was above 10 % in the previous investigation.
- (44) In the analysis period, prices of imports from China increased by 28 %, mainly for two reasons. Firstly, because of the evolution of the euro/dollar exchange rate, especially between 1999 and 2000. Secondly, worldwide prices of coal went up as indicated by market research information.

Imports from China	1997	1998	1999	2000	IP
Volume (tonnes)	818	647	842	811	993
Indexed	100	79	103	99	121
Price (EUR/tonne)	832	834	863	1 089	1 067
Indexed	100	100	104	131	128

###### (b) Price behaviour of imports

- (45) Even after the imposition of an anti-dumping duty in 1996, prices of PAC originating in China remained lower than the Community industry's prices. The difference with Community industry's prices was 15 % during the IP. This differential was established on the basis of average sales prices (ex-works) of the Community industry, Chinese import prices being derived from Eurostat and adjusted for post importation cost, customs and anti-dumping duties.

#### 3. Economic situation of the Community industry

##### (a) Preliminary remarks

- (46) As the Community industry is constituted by two companies, in order to protect confidentiality, the information concerning the Community industry had to be indexed, while market shares for all market participants have been rounded.



*(b) Production, capacity and capacity utilisation rates*

- (47) The Community industry's production of PAC decreased by 5 % in the analysis period to just over 30 000 tonnes. The total production capacity of the Community industry, from 1998 to the IP, was stable at around 35 000 tonnes, with a high utilisation rate.

*(c) Sales in the Community and market share*

- (48) The sales volumes of the Community industry decreased by 11 % between 1997 and 1999. It increased slightly in 2000 and in the IP but remained 6 % below its 1997 level. As consumption was practically stable, market share showed the same trend as sales. Overall, it fell in the analysis period by 7 percentage points to reach approximately 60 % in the IP.

Sales in tonnes	1997	1998	1999	2000	IP
Indexed	100	91	89	92	94

*(d) Stocks*

- (49) In the analysis period, the Community industry's year end stocks of PAC increased by 15 % as sales decreased and the equipment was continuously run in order to avoid furnace reignition costs that are very high.

*(e) Sales prices in the Community*

- (50) The Community industry's average net sales prices increased by 7 % in the analysis period. In 1999 and 2000 prices were higher than in the IP.

Prices of PAC	1997	1998	1999	2000	IP
Indexed	100	103	111	110	107

*(f) Profitability and return on investment*

- (51) After having registered losses of 10 % in 1993, the IP of the previous investigation, the Community industry returned to profits in 1997. With the exception of 2000 for which profits were satisfactory thanks to the combination of a high level of price and fairly low unit costs, however the profit level achieved by the Community industry never exceeded 6 %. Return on investments was stable and positive during the analysis period.

Profitability	1997	1998	1999	2000	IP
Indexed	100	94	85	198	131

*(g) Cash flow*

- (52) The Community industry proved to be cash generative throughout the period, with a similar trend to the one of profitability.

*(h) Ability to raise capital*

- (53) No specific problem to raise capital or obtain loans was experienced by the Community industry during the analysis period.

*(i) Employment and wages*

- (54) Employment in the Community industry decreased by 9 % in the analysis period to less than 350 persons while total labour costs increased by 11 % (an increase by around 20 % per employee).

(j) *Investment*

- (55) During the analysis period, the Community industry made sustained investment to increase its productivity and rationalise its production process. The sums invested each year were fairly stable.

(k) *Productivity*

- (56) The Community industry's productivity based upon tonnes produced per person employed for the production and sales of PAC increased by 7 % in the analysis period.

(l) *Magnitude of dumping and recovery from past dumping*

- (57) As concerns the impact on the situation of the Community industry of the magnitude of the actual margin of dumping found during the IP, it should be noted that the margin found for China is significant. Due to the existence of anti-dumping measures however, the Community industry could recover from past dumping.

#### 4. Export activity of the Community industry

- (58) The Community industry's exports of PAC slightly increased over the analysis period, and represent somewhat more than a third of total production.

#### 5. Import volumes and prices from other third countries

- (59) The total import volumes of PAC from third countries other than China decreased during the analysis period from about 7 600 tonnes in 1997 to 5 400 tonnes in the IP, corresponding to market shares of around 20 % and 15 % respectively. The major exporters to the Community have been the United States of America, Malaysia and Indonesia. While imports from the United States of America have halved, imports from these latter countries increased from about 1 100 tonnes in 1997 to 1 900 tonnes in the IP. Average import prices from Malaysia and Indonesia were lower than those of the Community industry and in the same range as prices of imports originating in China.

#### 6. Sales of other Community producers

- (60) Other Community producers of PAC are mainly processors of GAC not subject to anti-dumping measures. In the analysis period, they started to import more GAC from China to grind it into PAC. They, thus, were able to gain market share from 10 % in 1997 to more than 20 % in the IP. This competition, however, did not prevent the Community industry to sell its PAC at a price allowing a reasonable profitability.

#### 7. Conclusion

- (61) The measures have enabled the Community industry to return to profitability and have alleviated the price pressure exerted by the dumped imports originating in China. However, the Community industry continued to lose market share especially as other Community producers started to sell PAC made from GAC originating in China. Thus, while its financial situation is satisfactory, its market position remains fragile.

#### G. LIKELIHOOD OF RECURRENCE OF INJURY

- (62) It is recalled that in recital 39 it was concluded that the expiry of the measures would be likely to lead to a significant increase of dumped imports from China into the Community.
- (63) Indeed, should the measures lapse, it is likely that considerable volumes will be shipped to the Community market at very low prices which significantly undercut the Community industry's prices. The current price differential of 15 % between the imported product and the Community industry's product (see recital 45) could increase to exceed 30 % (the amount of duty in relation to current import prices), if the measure were allowed to expire. It should be noted that the current Chinese export price to the Community (on a cif basis) is in line with Chinese export prices to other third countries.

- (64) It is estimated that at least 10 000 tonnes of PAC originating in China could be exported to the Community as soon as the duty has lapsed. This would represent more than a fourth of the Community market. As in this type of industry there are high fixed costs and very high re-ignition costs in case of production stoppage, the arrival of such a quantity of dumped imports would immediately cause a severe price depression on the market as the Community industry would first try to maintain its market share rather than reduce its production. This would in turn completely erode the Community industry's profitability and the industry would return to losses similar to those experienced in 1993. In the medium term the Community industry could be forced out of the market as there is no more room for significant gains in productivity which would allow it to operate at lower unit costs.
- (65) The above should be seen in the following context. The situation of the Community Industry has undoubtedly improved (although this industry is still fragile). For instance, the Community industry recorded losses of 10,8 % in the original IP which have been turned into a profit of about 6 %. The likely impact of increased imports made at dumped prices set out in the preceding paragraph is also confirmed when looking at the main changes which occurred in the market between the original IP and the current IP.
- During the current IP, the market share of imports from China was significantly lower than during the original IP.
  - The price differential between the Community prices and prices of the Chinese imports has been significantly reduced due to the existence of the duty.
  - During the current IP there were low-priced imports from Indonesia and Malaysia but the quantities still remained considerably below the levels found for China in the original IP. It is also recalled that imports from Malaysia were already present on the Community market during the original IP.
  - The market share of producers in the Community, which are not part of the Community industry, has increased.

On this basis, it is concluded that the main change which led to an improvement of the situation of the Community industry, was the restoration of a level playing field vis-à-vis imports of PAC from China. Therefore, the positive situation of the Community industry would quickly deteriorate should Chinese exporting producers again have the possibility to dump on the Community market at significantly increased quantities.

- (66) On the basis of the above, it is concluded that, should the measures be allowed to expire, there is a likelihood of recurrence of injury.

## H. COMMUNITY INTEREST

### 1. Preliminary remark

- (67) In accordance with Article 21 of the basic Regulation it was examined whether a prolongation of the existing anti-dumping measures would be against the interest of the Community as a whole. The determination of Community interest was based on an appreciation of all the various interests involved, i.e. those of the Community industry, other Community producers, the importers/traders as well as the users and suppliers of the product under consideration.
- (68) 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 present investigation is a review, thus analysing a situation in which anti-dumping measures have already been in place, which would allow the assessment of any undue negative impact of the current anti-dumping measures on the parties concerned.

- (69) On this basis it was examined whether, despite the conclusion on the benefit of the measures for the Community industry and on the likelihood of a recurrence of injurious dumping should measures expire, 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. Interests of the Community industry**

- (70) The Community industry has proven to be a structurally viable industry, able to adapt to the changing conditions on the market. This was confirmed in particular by the positive development of its situation at a time when effective competition had been restored after the imposition of anti-dumping measures on imports originating in China and by the industry's investment in state of the art production capacity. However, it can be concluded that, without the continuation of anti-dumping measures, its situation will in all likelihood severely deteriorate.

## **3. Interests of other producers**

- (71) Taking into account the likely quantities and prices of Chinese PAC likely to be exported to the Community if measures were allowed to lapse, other producers of PAC, including from granular activated carbon originating in China, would also see their market share and economic situation deteriorate.

## **4. Interests of unrelated importers/traders**

- (72) The Commission sent out questionnaires to 26 unrelated importers/traders. No answer was received.
- (73) In these circumstances it was concluded that the continuation of measures would not affect the unrelated importers/traders.

## **5. Interests of users**

- (74) The Commission sent out questionnaires to 42 users. Two incomplete answers were received from which it was evident that PAC had a very small impact on costs (less than 0,1 %).

## **6. Interests of suppliers**

- (75) The Commission sent out questionnaires to 11 suppliers of raw materials to PAC producers to which only two answers were received. The replies were positive to keeping the measures in place as that would mean continued secured sales in the Community.

## **7. Conclusion**

- (76) Given the above, it is concluded that there are no compelling reasons, on the grounds of Community interest, against the prolongation of the anti-dumping measures.

## **I. ANTI-DUMPING MEASURES**

- (77) All parties were informed of the essential facts and considerations on the basis of which it is intended to recommend the maintenance of existing measures. They were also granted a period to make representations subsequent to this disclosure. No comments were received.
- (78) It follows from the above that, as provided for by Article 11(2) of the basic Regulation, the anti-dumping measures applicable to imports of PAC originating in China, imposed by Regulation (EC) No 1006/96, should be maintained,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. A definitive anti-dumping duty is hereby imposed on imports of powdered activated carbon falling within CN code ex 3802 10 00 (TARIC code 3802 10 00\*20) originating in the People's Republic of China.
2. The amount of the definitive anti-dumping duty shall be EUR 323 per tonne (net weight).

*Article 2*

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

*Article 3*

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

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

Done at Luxembourg, 10 June 2002.

*For the Council*  
*The President*

J. PIQUÉ I CAMPS

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**COUNCIL REGULATION (EC) No 1012/2002**

**of 10 June 2002**

**amending Regulation (EC) No 2334/97 imposing a definitive anti-dumping duty on certain imports of flat pallets of wood originating in the Republic of Poland and collecting definitively the provisional duty imposed**

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 <sup>(1)</sup>, and in particular Article 8(9) and Article 9(4) thereof,

Having regard to Council Regulation (EC) No 2334/97 <sup>(2)</sup>, and in particular Article 4(1) and (2) thereof,

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

Whereas:

**A. PREVIOUS PROCEDURE**

(1) The Council, by Regulation (EC) No 2334/97, imposed definitive anti-dumping duties on certain imports of flat pallets of wood falling within CN code ex 4415 20 20 originating in the Republic of Poland and accepted undertakings offered by certain producers in connection with these imports. Sampling was applied to Polish producers/exporters and individual duties ranging from 4,0 % to 10,6 % were imposed on the companies in the sample, while a weighted average duty of 6,3 % was imposed on other cooperating companies not included in the sample. A duty of 10,6 % was imposed on companies which either did not make themselves known or did not cooperate in the investigation. The producers from whom undertakings were accepted were exempted from anti-dumping duties with regard to imports of one specific pallet type, the EUR-pallet, which is the only pallet type covered by the undertakings.

(2) Article 4(1) of Regulation (EC) No 2334/97 stipulates that where any party provides sufficient evidence to the Commission that:

- it did not export to the Community or produce the wooden pallets described in Article 1(1) of that Regulation during the investigation period,
- it is not related to any of the producers or exporters in Poland which are subject to the anti-dumping duties imposed by that Regulation,

— it has actually exported to the Community the goods concerned after the investigation period, or it has entered into any irrevocable contractual obligation to export a significant quantity to the Community,

then that Regulation can be amended by granting the party in question the duty rate applicable to cooperating producers who were not in the sample, i.e. 6,3 %. Exporting producers meeting the criteria of Article 4(1) and thus subject to the weighted average duty of 6,3 % are listed in Annex I to Regulation (EC) No 2334/97.

(3) Article 4(2) of Regulation (EC) No 2334/97 provides furthermore that any party meeting the criteria set out in Article 4(1) thereof can also be exempted from the payment of the anti-dumping duty if an undertaking with regard to the so-called EUR-pallets is accepted from such a party. Exporting producers from which such an undertaking is accepted are listed in Annex II to Regulation (EC) No 2334/97.

(4) The Council, by Regulations (EC) No 2079/98 <sup>(3)</sup>, (EC) No 2048/1999 <sup>(4)</sup>, (EC) No 1521/2000 <sup>(5)</sup> and (EC) No 1678/2001 <sup>(6)</sup> amended Annexes I and II to Regulation (EC) No 2334/97.

**B. ACCEPTANCE OF UNDERTAKING**

(5) One Polish exporting producer, P.P.H. 'Astra' Sp. z o.o., Nawojowa, which received the weighted average duty of 6,3 %, has also offered an undertaking with regard to EUR-pallets which was accepted by Commission Decision 2002/380/EC <sup>(7)</sup>. Consequently, this company should be added to Annex II to Regulation (EC) No 2334/97.

**C. FAILURE TO COMPLY WITH THE UNDERTAKING**

(6) The following six Polish exporting producers from which the Commission accepted undertakings have violated the undertaking by not respecting the minimum price specified therein:

- P.W. 'Intur-kfs' Sp. z o.o., Inowroclaw (TARIC additional code 8662),
- Z.P.H.U. 'Miroslaw Przybylek', Klonowa (TARIC additional code 8574),

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

<sup>(2)</sup> OJ L 324, 27.11.1997, p. 1. Regulation as last amended by Regulation (EC) No 1678/2001 (OJ L 227, 23.8.2001, p. 22).

<sup>(3)</sup> OJ L 266, 1.10.1998, p. 1.

<sup>(4)</sup> OJ L 255, 30.9.1999, p. 1.

<sup>(5)</sup> OJ L 175, 14.7.2000, p. 1.

<sup>(6)</sup> OJ L 227, 23.8.2001, p. 22.

<sup>(7)</sup> OJ L 135, 23.5.2002, p. 24.

- Import-Export 'Elko' Sp. z o.o., Kalisz (TARIC additional code 8532),
- 'Drewpal' sp. j., Blizanow (TARIC additional code 8534),
- 'D&M&D' Sp. z o.o., Blizanow (TARIC additional code 8566),
- 'CMC' Sp. z o.o., Andrychow, Inwald (TARIC additional code 8528).

The Commission therefore informed these six exporting producers that it was intended to remove their names from the list of companies from which an undertaking was accepted. These exporting producers commented on the breaches pointed out by the Commission and were granted a hearing where so requested. However, none of these exporting producers put forward any arguments which put into question the finding of a violation of the undertaking.

- (7) In order to prevent CMC Sp. z o.o.-Andrychow continuing to benefit from an exemption from the anti-dumping duties by simply channelling its exports through its related company, the Commission considered it appropriate to withdraw its acceptance of the undertaking given by the following exporter/producer and to impose definitive anti-dumping duties:

- P.P.H.U. 'Zbigniew Marek', Andrychow (TARIC additional code A113).

- (8) As breaches of the undertakings have been found to have occurred, acceptance of the undertakings has been withdrawn by Commission Decision 2002/380/EC. Definitive anti-dumping duties should therefore be imposed forthwith against the six companies mentioned in recital 6, as well as against the related company mentioned in recital 7 with regard to their exports of the EUR-pallets.

#### D. AMENDMENT OF ANNEX II TO REGULATION (EC) No 2334/97

- (9) In view of all the above, Annex II to Regulation (EC) No 2334/97 which lists the companies from which undertakings have been accepted should be amended accordingly. The exporting producers which are no longer subject to undertakings shall be subject to the appro-

priate duty provided for in Article 1(2) of Regulation (EC) No 2334/97.

- (10) Any claim requesting the application of these individual company anti-dumping duty rates (e.g. following a change in the name of the entity or following the setting up of new production or sales entities) should be addressed to the Commission forthwith<sup>(1)</sup> with all relevant information, in particular any modification in the company's activities linked to production, domestic and export sales associated with e.g. that name change or that change in the production and sales entities. The Commission, if appropriate, will, after consultation of the Advisory Committee, amend the Regulation accordingly by updating the list of companies benefiting from individual duty rates,

HAS ADOPTED THIS REGULATION:

#### Article 1

Annex II to Regulation (EC) No 2334/97 shall be replaced by the Annex shown in the Annex to this Regulation.

#### Article 2

1. Definitive anti-dumping duties are hereby imposed on imports of EUR-pallets falling within CN code ex 4415 20 20 (TARIC code: 4415 20 20\*10) originating in the Republic of Poland and exported by the following companies:

- P.W. 'Intur-kfs' Sp. z o.o., Inowroclaw,
- Z.P.H.U. 'Miroslaw Przybylek', Klonowa,
- Import-Export 'Elko' Sp. z o.o., Kalisz,
- 'Drewpal' sp. j., Blizanow,
- 'D&M&D' Sp. z o.o., Blizanow,
- 'CMC' Sp. z o.o., Andrychow, Inwald,
- P.P.H.U. 'Zbigniew Marek', Andrychow.

2. The rate of the anti-dumping duty applicable to the net, free-at-Community frontier prices, before duty, on EUR-pallets, shall be as follows:

Name of the company	Anti-dumping rate	TARIC code
P.W. 'Intur-kfs' Sp. z o.o., Inowroclaw	9,7 %	8016
Z.P.H.U. 'Miroslaw Przybylek', Klonowa	6,3 %	8019
Import-Export 'Elko' Sp. z o.o., Kalisz	6,3 %	8019
'Drewpal' sp. j., Blizanow	6,3 %	8019
'D&M&D' Sp. z o.o., Blizanow	6,3 %	8019
'CMC' Sp. z o.o., Andrychow, Inwald	6,3 %	8019
P.P.H.U. 'Zbigniew Marek', Andrychow	6,3 %	8019

<sup>(1)</sup> Commission of the European Commission, Directorate-General for Trade, Terv 00/13, B-1049 Brussels, Belgium.

*Article 3*

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 Luxembourg, 10 June 2002.

*For the Council*  
*The President*  
J. PIQUÉ I CAMPS

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## ANNEX

## 'ANNEX II

Manufacturer	Additional TARIC code
1. "Baumann Palety" Sp.zo.o., Barczewo	8570
2. E. Dziurny — C. Nowak S.C., Snietnica	8571
3. F.P.H. "Tina" S.C., Katowice	8572
4. Firma "Sabelmar" S.C., Konczyce Male	8573
5. "Kross-Pol" Sp.zo.o., Kolobrzeg	8576
6. P.P.H. "GKT" S.C., Bilgoraj	8584
7. P.P.H. "Unikat", Aleksandrow IV 697	8586
8. P.P.H.U. "Adapol" S.C., Wolomin	8587
9. P.P.H.U. "Alpa" Sp.zo.o., Dobrzyca	8588
10. P.P.U.H. "Alwa" Sp.zo.o., Slawno	8589
11. P.P.H.U. "Palimex" Sp.zo.o., Wloszakowice	8590
12. P.P.U.H. "SMS" — St. Mrozowicz, Suleczyno	8591
13. P.T.H. "Mirex", Kolobrzeg	8597
14. P.W. "Peteco" Sp.zo.o., Warszawa	8690
15. "Paletex" Produkcja Palet, Roman Panasiuk, Warszawa	8691
16. Produkcja Palet "A. Adamus", Kuznia Grabowska	8692
17. P.P.H. Zygmunt Skibinski, Kowal	8693
18. "Scanproduct" S.A., Czarny Dujanec	8715
19. "Transdrewneks" Sp.zo.o., Grudziadz-Owczarki	8716
20. W.Z.P.U.M. "Euro-Tech", Rakszawa	8725
21. Z.P.H. "Palettenwerk" — K. Kozik, Jordanow	8726
22. Zaklad Przerobu Drewna S.C., Drawsko Pomorskie	8745
23. Z.P.H.U. "Sek-Pol" Sp.zo.o., Tarnobrzeg	8526
24. "Euro-Mega-Plus" Sp.zo.o., Kielce	8527
25. Wyrob, Sprzedaz, Skup Palet, Josef Kolodziejczyk, Aleksandrow IV 704	8529
26. Firma Produkcyjno Transportowa Marian Gerka, Brodnica	8530
27. Z.P.H.U. "Drewnex" Mamos, Luczak, Mamos s.j., Cekow	8531
28. P.P.H.U. "Probox", Import-Export, Kalisz	8533
29. Zaman S.C., Radom	8535
30. "Marimpex", Pulawy	8537
31. "AVEN" Sp.zo.o., Kostrzyn	8558

Manufacturer	Additional TARIC code
32. P.P.H.U. "Eurex" BIS, Godynice	8538
33. ENKEL S.C., Pulawy	8540
34. Produkcja Stolarska Posrednictwo Export-Import, W.i.T. HENSOLDT, Lebork	8541
35. P.P.U.H. "DREWPOL", Braszewice	8834
36. PTN Krukłanki Sp.zo.o., Krukłanki	8556
37. WEDAM S.C., Stezyca	8557
38. Import-Export Jan Sibinski, Czajkowiec	8559
39. P.P.H.U. "Alk", Bierzwnik	8561
40. "Empol" S.C., Jastrzebniki 37	8560
41. Euro-Handels Sp.zo.o., Szczecin	8440
42. P.P.H. "Paletex" Sibinski Jaroslaw, Czajkowiec	8441
43. Firma "KIKO" S.C., Poznan	8443
44. "Enkel" Waldemar Wnuk, Pulawy	8444
45. Firma Borkowski S.C. Export-Import, Grabow n. Prosna	8446
46. "Bilusa" Sp.zo.o., Klodawa	8484
47. P.P.U.H. PAL-POL S.C., Prabuty	8485
48. Firma "A.C.S." S.C., Kamien	8486
49. "SMT" Sp.zo.o., Miastko	8562
50. Firma Transdrewneks Gadzala Antoni, Torun	8563
51. "Palko" Sp.zo.o., Sedziszow	8565
52. P.P.H. "Vector", Kalisz	8567
53. P.P.H.U. "ELMA" S.C., Sobieseki	A109
54. P.P.H. SWENDEX S.C., Lublin	A110
55. Pomorski Serwis Paletowy Sp.zo.o., Kobylnica	A114
56. "EMI" S.C., Bilgoraj	A124
57. P.P.H.U. ROMAX Import-Eksport, Wroclaw	A133
58. P.P.D.B. "Lesnik" S.C., Krosno	A259
59. "EUROPAL" S.C., Brzeziny	A260
60. P.P.U.H. "CENTROPAL" EKSPORT-IMPORT, Czajkowiec	A261
61. Energomontaz Polnoc Serwis Sp.zo.o., Swierze Gorne	A262
62. P.P.H. "BOM'S" S-ka zo.o., Suwalki	A263
63. P.P.H. "Astra" Sp.zo.o., Nawojowa	A378'

**COMMISSION REGULATION (EC) No 1013/2002**  
**of 13 June 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1498/98 <sup>(2)</sup>, 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 14 June 2002.

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

Done at Brussels, 13 June 2002.

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

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<sup>(1)</sup> OJ L 337, 24.12.1994, p. 66.

<sup>(2)</sup> OJ L 198, 15.7.1998, p. 4.

## ANNEX

**to the Commission Regulation of 13 June 2002 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	65,3
	999	65,3
0707 00 05	052	89,0
	096	4,3
	220	135,3
	628	156,8
	999	96,4
0709 90 70	052	77,9
	999	77,9
0805 50 10	388	84,0
	512	61,2
	528	60,6
	999	68,6
0808 10 20, 0808 10 50, 0808 10 90	388	82,1
	400	116,8
	404	109,0
	508	88,4
	512	97,1
	524	64,1
	528	68,8
	720	150,9
	804	103,5
	999	97,9
	0809 10 00	052
624		247,7
999		218,7
0809 20 95	052	310,1
	094	300,3
	400	245,7
	999	285,4

<sup>(1)</sup> 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 1014/2002****of 13 June 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 <sup>(1)</sup>, as amended by Commission Regulation (EC) No 680/2002 <sup>(2)</sup>,

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 <sup>(3)</sup>, 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 <sup>(4)</sup>. 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 14 June 2002.

<sup>(1)</sup> OJ L 178, 30.6.2001, p. 1.

<sup>(2)</sup> OJ L 104, 20.4.2002, p. 26.

<sup>(3)</sup> OJ L 141, 24.6.1995, p. 12.

<sup>(4)</sup> 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, 13 June 2002.

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

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ANNEX

**to the Commission Regulation of 13 June 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 <sup>(2)</sup>
1703 10 00 <sup>(1)</sup>	8,25	—	0
1703 90 00 <sup>(1)</sup>	12,48	—	0

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

<sup>(2)</sup> 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 1015/2002****of 13 June 2002****altering the export refunds on white sugar and raw sugar exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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 <sup>(1)</sup>, as amended by Commission Regulation (EC) No 680/2002 <sup>(2)</sup>, and in particular the third subparagraph of Article 27(5) thereof,

Whereas:

- (1) The refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 967/2002 <sup>(3)</sup>.
- (2) It follows from applying the detailed rules contained in Regulation (EC) No 967/2002 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

*Article 1*

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 967/2002 are hereby altered to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 14 June 2002.

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

Done at Brussels, 13 June 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 178, 30.6.2001, p. 1.

<sup>(2)</sup> OJ L 104, 20.4.2002, p. 26.

<sup>(3)</sup> OJ L 149, 7.6.2002, p. 13.

## ANNEX

**to the Commission Regulation of 13 June 2002 altering the export refunds on white sugar and raw sugar exported in its unaltered state**

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	A00	EUR/100 kg	40,32 <sup>(1)</sup>
1701 11 90 9910	A00	EUR/100 kg	40,98 <sup>(1)</sup>
1701 11 90 9950	A00	EUR/100 kg	<sup>(2)</sup>
1701 12 90 9100	A00	EUR/100 kg	40,32 <sup>(1)</sup>
1701 12 90 9910	A00	EUR/100 kg	40,98 <sup>(1)</sup>
1701 12 90 9950	A00	EUR/100 kg	<sup>(2)</sup>
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,4383
1701 99 10 9100	A00	EUR/100 kg	43,83
1701 99 10 9910	A00	EUR/100 kg	44,55
1701 99 10 9950	A00	EUR/100 kg	44,55
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,4383

<sup>(1)</sup> 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.

<sup>(2)</sup> 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 1016/2002  
of 13 June 2002**

**fixing the maximum export refund for white sugar for the 42nd 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 <sup>(1)</sup>, as amended by Commission Regulation (EC) No 680/2002 <sup>(2)</sup>, 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 <sup>(3)</sup>, as amended by Regulation (EC) No 693/2002 <sup>(4)</sup>, 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 42nd 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 42nd 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 47,566 EUR/100 kg.

*Article 2*

This Regulation shall enter into force on 14 June 2002.

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

Done at Brussels, 13 June 2002.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

<sup>(1)</sup> OJ L 178, 30.6.2001, p. 1.

<sup>(2)</sup> OJ L 104, 20.4.2002, p. 26.

<sup>(3)</sup> OJ L 192, 14.7.2001, p. 3.

<sup>(4)</sup> OJ L 107, 24.4.2002, p. 5.

**COMMISSION REGULATION (EC) No 1017/2002**  
**of 13 June 2002**  
**concerning the classification of certain goods in the Combined Nomenclature**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 796/2002<sup>(2)</sup>, and in particular Article 9 thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column 1 of the table annexed to this Regulation should be classified under the CN code(s) indicated in column 2, by virtue of the reasons set out in column 3.
- (4) It is appropriate that, subject to the measures in force in the Community relating to double checking systems and to prior and retrospective Community surveillance of textile products on importation into the Community, binding tariff information issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature and which does

not conform to the provisions of this Regulation, can continue to be invoked for a period of 60 days by the holder, under the provisions in Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code<sup>(3)</sup>, as last amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council<sup>(4)</sup>.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

In the table in the Annex, the goods described in column 1 shall be classified, in the Combined Nomenclature, in the corresponding CN codes indicated in column 2.

*Article 2*

Subject to the measures in force in the Community relating to double checking systems and to prior and retrospective Community surveillance of textile products on importation into the Community, binding tariff information issued by the customs authorities of Member States which does not conform to the provisions of this Regulation, can continue to be invoked for a period of 60 days, under the provisions of Article 12(6) of Regulation (EEC) No 2913/92.

*Article 3*

This Regulation shall enter into force on the 20th 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, 13 June 2002.

*For the Commission*  
Frederik BOLKESTEIN  
*Member of the Commission*

<sup>(1)</sup> OJ L 256, 7.9.1987, p. 1.  
<sup>(2)</sup> OJ L 128, 15.5.2002, p. 8.

<sup>(3)</sup> OJ L 302, 19.10.1992, p. 1.  
<sup>(4)</sup> OJ L 311, 12.12.2000, p. 17.

## ANNEX

Description	CN code	Reasons
(1)	(2)	(3)
<p>1. Thin knitted non-run interlock wiper of 100 % polyester measuring approximately 21 cm × 21 cm. All four edges are heat sealed.</p> <p>(Cleaning cloth)</p> <p>(See photograph No 620 (*))</p>	6307 10 10	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 7(c) to Section XI, Note 1 to Chapter 63 and by the wording of CN codes 6307, 6307 10 and 6307 10 10.</p> <p>Due to the fact that the edges are heat sealed, the article is considered to be made-up. See also the HS Explanatory Notes to Section XI, General, (II), 'Made up articles', point 3.</p> <p>See also the HS Explanatory Note to heading 6307, point 1.</p>
<p>2. A woven, five-pointed star, containing metalised and other yarns, stuffed with a synthetic material and measuring approximately 8 cm × 8 cm. There is a loop of hanging made from a metalised thread on one of the points.</p> <p>(Other made up article — article for decoration)</p> <p>(See photograph No 623 (*))</p>	6307 90 99	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, notes 7(a) and (e) to Section XI, Note 1 to Chapter 63 and by the wording of CN codes 6307, 6307 90 and 6307 90 99.</p> <p>Taking into account the general appearance of this article, it can be used throughout the whole year and not exclusively or essentially at Christmas. Classification under heading 9505 is therefore excluded.</p>

(\* ) The photographs are purely for illustration.



## COMMISSION REGULATION (EC) No 1018/2002

of 13 June 2002

**supplementing the Annex to Regulation (EC) No 2400/96 on the entry of certain names in the Register of protected designations of origin and protected geographical indications provided for in Council Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (Fagiolo di Sorana)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 2796/2000<sup>(2)</sup>, and in particular Article 6(3) and (4) thereof,

Whereas:

- (1) In accordance with Article 5 of Regulation (EEC) No 2081/92, Italy has sent the Commission an application for the registration of the name 'Fagiolo di Sorana' as a protected geographical indication.
- (2) In accordance with Article 6(1) of that Regulation, the application has been found to meet all the requirements laid down therein and in particular to contain all the information required in accordance with Article 4 thereof.
- (3) No statement of objection under Article 7 of Regulation (EEC) No 2081/92 has been received by the Commission in respect of the name given in the Annex hereto following its publication in the *Official Journal of the European Communities*<sup>(3)</sup>.

(4) The name should therefore be entered in the Register of protected designations of origin and protected geographical indications and hence be protected throughout the Community as a protected geographical indication.

(5) The Annex hereto supplements the Annex to Commission Regulation (EC) No 2400/96<sup>(4)</sup>, as last amended by Regulation (EC) No 564/2002<sup>(5)</sup>,

HAS ADOPTED THIS REGULATION:

*Article 1*

The name in the Annex hereto is hereby added to the Annex to Regulation (EC) No 2400/96 and entered as a protected geographical indication (PGI) in the Register of protected designations of origin and protected geographical indications provided for in Article 6(3) of Regulation (EEC) No 2081/92.

*Article 2*

This Regulation shall enter into force on the 20th 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, 13 June 2002.

For the Commission

Franz FISCHLER

Member of the Commission

<sup>(1)</sup> OJ L 208, 24.7.1992, p. 1.

<sup>(2)</sup> OJ L 324, 21.12.2000, p. 26.

<sup>(3)</sup> OJ C 179, 23.6.2001, p. 32.

<sup>(4)</sup> OJ L 327, 17.12.1996, p. 11.

<sup>(5)</sup> OJ L 86, 3.4.2002, p. 7.

## ANNEX

**PRODUCTS LISTED IN ANNEX I TO THE EC TREATY, INTENDED FOR HUMAN CONSUMPTION****Fruit, vegetables and cereals**

ITALY

— Fagiolo di Sorana (PGI)  
  

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**COMMISSION REGULATION (EC) No 1019/2002**  
**of 13 June 2002**  
**on marketing standards for olive oil**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats <sup>(1)</sup>, as last amended by Regulation (EC) No 1513/2001 <sup>(2)</sup>, and in particular Article 35a thereof,

Whereas:

- (1) Olive oil has certain properties, in particular organoleptic and nutritional properties, which, taking into account its production costs, allow it access to a relatively high-price market compared with most other vegetable fats. In view of this market situation, new marketing standards should be laid down for olive oil containing, in particular, specific labelling rules supplementing those laid down in Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs <sup>(3)</sup>, as amended by Commission Directive 2001/101/EC <sup>(4)</sup>, and in particular the rules laid down in Article 2 thereof.
- (2) To guarantee the authenticity of the olive oils sold, packaging for the retail trade should be small and have an adequate closing system. However, the Member States should be allowed to authorise larger packaging for collective establishments.
- (3) Besides the compulsory descriptions for the various categories of olive oil provided for in Article 35 of Regulation No 136/66/EEC, consumers should be informed about the types of olive oil offered.
- (4) As a result of agricultural traditions and local extraction and blending practices directly marketable virgin olive

oils may be of quite different taste and quality depending on their geographical origin. This may result in price differences within the same category that disturb the market. There are no substantial differences linked to origin in other categories of edible olive oil, and so indicating the designation of origin on the immediate packaging of such oil may lead consumers to believe that quality differences do exist. In order not to distort the market in edible olive oils, Community standards should therefore be established for designations of origin, which should be restricted to extra virgin and virgin olive oils which satisfy precise conditions. The aim is a system involving the compulsory designation of origin for those categories of olive oil. However, since no arrangements exist for tracing and checking all quantities of olive oil in circulation, it is not possible to introduce such a system at present, and optional arrangements will therefore have to be introduced for extra virgin and virgin olive oils.

- (5) Existing trade marks including geographical references may continue to be used provided they have been officially registered in the past in accordance with the first Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks <sup>(5)</sup>, as amended by Decision 92/10/EEC <sup>(6)</sup>, or Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark <sup>(7)</sup>, as amended by Regulation (EC) No 3288/94 <sup>(8)</sup>.
- (6) A regional designation of origin may be covered by a protected designation of origin (PDO) or a protected geographical indication (PGI) under Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs <sup>(9)</sup>, as last amended by Commission Regulation (EC) No 2796/2000 <sup>(10)</sup>. Designations indicating a regional origin should be reserved for PDOs or PGIs so as to avoid confusion among consumers potentially leading to market disturbances. In the case of imported olive oils, the rules on non-preferential origin provided for in Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code <sup>(11)</sup>, as last amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council <sup>(12)</sup>, must be complied with.

<sup>(1)</sup> OJ L 172, 30.9.1966, p. 3025/66.

<sup>(2)</sup> OJ L 201, 26.7.2001, p. 4.

<sup>(3)</sup> OJ L 109, 6.5.2000, p. 29.

<sup>(4)</sup> OJ L 310, 28.11.2001, p. 19.

<sup>(5)</sup> OJ L 40, 11.2.1989, p. 1.

<sup>(6)</sup> OJ L 6, 11.1.1992, p. 35.

<sup>(7)</sup> OJ L 11, 14.1.1994, p. 1.

<sup>(8)</sup> OJ L 349, 31.12.1994, p. 83.

<sup>(9)</sup> OJ L 208, 24.7.1992, p. 1.

<sup>(10)</sup> OJ L 324, 21.12.2000, p. 26.

<sup>(11)</sup> OJ L 302, 19.10.1992, p. 1.

<sup>(12)</sup> OJ L 311, 12.12.2000, p. 17.

- (7) If the designation of origin of virgin olive oil refers to the Community or a Member State, it should be borne in mind that not only the olives used but also the extraction techniques and practices influence the quality and taste of the oil. The designation of origin must thus refer to the geographical area in which the olive oil was obtained, which is generally the area in which the oil was extracted from the olives. However, in certain cases the oil is extracted at a place that is not the same as that where the olives were harvested and this information should be stated on the packaging or labels attached to the packaging to ensure that consumers are not misled and the market in olive oil is not disturbed.
- (8) In the Community and the Member States a major proportion of the virgin olive oil marketed is composed of blends of olive oils, thereby guaranteeing constant quality and the typical organoleptic characteristics expected by the market. The typical characteristics of the virgin olive oil in the areas concerned are guaranteed despite, or sometimes because of, the addition of a small proportion of olive oil originating in another area. In order to permit regular market supplies in accordance with traditional trade flows and taking account of the fluctuations in production volumes specific to olive-growing, therefore, the designation of origin mentioning the Community or a Member State should be maintained when the product is a blend containing a small proportion of olive oil from other areas. However, consumers must be informed in such cases that the product does not originate in its entirety in the zone covered by the designation of origin.
- (9) Under Directive 2000/13/EC, indications shown on the labelling may not mislead the purchaser, particularly as to the characteristics of the olive oil concerned, or by attributing to it properties which it does not possess, or by suggesting that it possesses special characteristics when in fact most oils possess such characteristics. Certain commonly used, optional indications that are specific to olive oil also require harmonised rules to precisely define such claims and ensure that their accuracy can be verified. Accordingly, the concepts of 'cold pressing' and 'cold extraction' should correspond to a technically defined traditional production method. Organoleptic properties must be based on objective findings. Reference to acidity in isolation wrongly suggests a scale of absolute quality which is misleading for consumers since this factor represents a qualitative value only in relation to the other characteristics of the olive oil concerned. Consequently, in view of the proliferation of certain indications and of their economic significance objective criteria for their uses should be established in order to introduce clarity into the olive oil market.
- (10) Steps should be taken to ensure that foodstuffs containing olive oil do not take advantage of consumers by highlighting the reputation of olive oil without clearly specifying the real composition of the product. The percentage of olive oil and certain indications specific to products consisting exclusively of a blend of vegetable oils must therefore be clearly shown on the labelling. In addition, account must be taken of the special provisions laid down in certain regulations specific to olive oil products.
- (11) The names of the categories of olive oil correspond to physico-chemical and organoleptic characteristics which are set out in the Annex to Regulation No 136/66/EEC and in Commission Regulation (EEC) No 2568/91 of 11 July 1991 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis <sup>(1)</sup>, as last amended by Regulation (EC) No 796/2002 <sup>(2)</sup>. All other indications appearing on the labelling must be corroborated by objective elements in order to ensure that consumers are not misled and that competition on the markets in the oils concerned is not distorted.
- (12) Within the framework of the system of checks laid down in Article 35a(2) of Regulation No 136/66/EEC, the Member States must specify the evidence to be provided and the financial penalties incurred in the case of the different terms that can be used on labelling. Without ruling out any possibilities a priori, such evidence could include established facts, results of analyses or reliable recordings, and administrative or accounting information.
- (13) Since checks on undertakings responsible for labelling must be made in the Member State in which they are established, there must be a procedure for administrative cooperation between the Commission and the Member States where the oil is marketed.
- (14) In order to evaluate the arrangements provided for in this Regulation, the Member States concerned must report on the circumstances and difficulties encountered.
- (15) To allow a period for adjustment to the new standards and the creation of the means needed to apply them, the period of application of Commission Regulation (EC) No 2815/98 of 22 December 1998 concerning marketing standards for olive oil <sup>(3)</sup>, as last amended by Regulation (EC) No 2152/2001 <sup>(4)</sup>, should be extended and the application of this Regulation should be deferred.
- (16) The Management Committee for Oils and Fats has not delivered an opinion within the time limit set by its chairman,

<sup>(1)</sup> OJ L 248, 5.9.1991, p. 1.

<sup>(2)</sup> OJ L 128, 15.5.2002, p. 8.

<sup>(3)</sup> OJ L 349, 24.12.1998, p. 56.

<sup>(4)</sup> OJ L 288, 1.11.2001, p. 36.



HAS ADOPTED THIS REGULATION:

#### Article 1

1. Without prejudice to Directive 2000/13/EC, this Regulation lays down specific standards for retail-stage marketing of the olive oils and olive-pomace oils referred to in points 1(a) and (b), 3 and 6 of the Annex to Regulation No 136/66/EEC.

2. For the purposes of this Regulation, retail stage means the sale to the final consumer of oil as referred to in paragraph 1, presented in the natural state or incorporated in a foodstuff.

#### Article 2

Oils as referred to in Article 1(1) shall be presented to the final consumer in packaging of a maximum capacity of five litres. Such packaging shall be fitted with an opening system that can no longer be sealed after the first time it is opened and shall be labelled in accordance with Articles 3 to 6.

However, in the case of oils intended for consumption in restaurants, hospitals, canteens and other similar collective establishments, the Member States may set a maximum capacity exceeding five litres for packaging depending on the type of establishment concerned.

#### Article 3

The labelling of oils as referred to in Article 1(1) shall bear, in clear and indelible lettering, in addition to the trade description in accordance with Article 35 of Regulation No 136/66/EEC, the following information on the category of oil:

(a) extra virgin olive oil:

'superior category olive oil obtained directly from olives and solely by mechanical means;'

(b) virgin olive oil:

'olive oil obtained directly from olives and solely by mechanical means;'

(c) olive oil composed of refined olive oils and virgin olive oils:

'oil comprising exclusively olive oils that have undergone refining and oils obtained directly from olives;'

(d) olive-pomace oil:

'oil comprising exclusively oils obtained by treating the product obtained after the extraction of olive oil and oils obtained directly from olives,'

or

'oil comprising exclusively oils obtained by processing olive pomace oil and oils obtained directly from olives.'

#### Article 4

1. Only extra virgin and virgin olive oil as defined in points 1(a) and (b) of the Annex to Regulation No 136/66/EEC may bear a designation of origin on the labelling, under the conditions provided for in paragraphs 2 to 6.

For the purposes of this Regulation, 'designation of origin' means reference to a geographical area on the packaging or the label attached to the packaging.

2. Designations of origin may indicate a regional origin for products benefiting from a protected designation of origin or a protected geographical indication under Regulation (EEC) No 2081/92. Such designations are covered by that Regulation.

In other cases the designation of origin consists of reference to a Member State, the Community or a third country.

3. The names of brands or firms whose registration was applied for no later than 31 December 1998 under Directive 89/104/EEC or no later than 31 May 2002 under Regulation (EC) No 40/94 shall not be considered to be designations of origin covered by this Regulation.

4. In the case of import from a third country, the designation of origin shall be determined in accordance with Articles 22 to 26 of Regulation (EEC) No 2913/92.

5. The designation of origin mentioning a Member State or the Community shall correspond to the geographical area in which the olives concerned were harvested or in which the mill where the oil was extracted from the olives is situated.

If the olives have been harvested in a Member State or third country other than that in which the mill where the oil was extracted from the olives is situated, the designation of origin shall contain the following wording: '(extra) virgin olive oil obtained in (the Community or the name of the Member State concerned) from olives harvested in (the Community or the name of the Member State or country concerned)'.

6. In the case of blends of extra virgin olive oils or virgin olive oils in which more than 75 % originated, within the meaning of the first subparagraph of paragraph 5 of this Article, in the same Member State or in the Community, the main origin may be designated followed by an indication of the minimum percentage (75 % or more) which is actually from the main place of origin.

#### Article 5

Among the optional indications which may appear on the labelling of oil as referred to in Article 1(1), those laid down in this Article shall comply with the following respective requirements:

(a) the indication 'first cold pressing' may appear only for virgin or extra virgin olive oils obtained at a temperature below 27 °C from a first mechanical pressing of the olive paste by a traditional extraction system using hydraulic presses;



- (b) the indication 'cold extraction' may appear only for virgin or extra virgin olive oils obtained at a temperature below 27 °C by percolation or centrifugation of the olive paste;
- (c) indications of organoleptic properties may appear only if they are based on the results of a method of analysis provided for in Regulation (EEC) No 2568/91;
- (d) indication of the acidity or maximum acidity may appear only if it is accompanied by an indication, in lettering of the same size and in the same visual field, of the peroxide value, the wax content and the ultraviolet absorption, determined in accordance with Regulation (EEC) No 2568/91.

#### Article 6

1. Where the presence of oils as referred to in Article 1(1) in a blend of olive oil and other vegetable oils is highlighted on the labelling elsewhere than in the list of ingredients, using words, images or graphics, the blend concerned must bear the following trade description: 'Blend of vegetable oils (or the specific names of the vegetable oils concerned) and olive oil', directly followed by the percentage of olive oil in the blend.

The presence of olive oil may be highlighted by images or graphics on the labelling of a blend as referred to in the first subparagraph only where it accounts for more than 50 % of the blend concerned.

2. With the exception of the cases referred to by the regulations specific to certain products containing olive oil, where the presence of olive oil in a foodstuff, other than those referred to in paragraph 1, is highlighted on the labelling elsewhere than in the list of ingredients, using words, images or graphics, the trade description of the foodstuff shall be directly followed by the percentage of olive oil relative to the total net weight of the foodstuff.

The percentage of added olive oil relative to the total net weight of the foodstuff may be replaced by the percentage of added olive oil relative to the total weight of fats, adding the words percentage of fats.

3. Where olive-pomace oil is present, paragraphs 1 and 2 shall apply, *mutatis mutandis*, with the words 'olive-pomace oil' replacing 'olive oil'.

#### Article 7

At the request of the Member State in which the address of the manufacturer, packer or seller appearing on the labelling is located, the party concerned shall supply documentation in support of the indications referred to in Articles 4, 5 and 6, based on one or more of the following elements:

- (a) factual elements or scientifically established facts,
- (b) results of analyses or automatic recordings taken on representative samples;
- (c) administrative or accounting information kept in accordance with Community and/or national rules.

The Member State concerned shall allow a tolerance between the indications referred to in Articles 4, 5 and 6 and appearing on the labelling, and the conclusions reached on the basis of the supporting documentation presented and/or comparative expert opinions, taking account of the accuracy and repeatability of the methods and the documentation concerned and, where applicable, the accuracy and repeatability of the comparative expert opinions.

#### Article 8

1. Each Member State shall forward the name and address of the body or bodies responsible for monitoring the application of this Regulation to the Commission, which shall inform the other Member States and any interested parties who so request.

2. The Member State in which the address of the manufacturer, packer or seller appearing on the labelling is located shall, pursuant to a verification request, take samples before the end of the month following that of the request and verify the truth of the indications on the labelling concerned. This request may be sent by:

- (a) the competent Commission departments;
  - (b) an operators' organisation approved by that Member State in accordance with Article 4a of Council Regulation (EC) No 1638/98 <sup>(1)</sup>;
  - (c) the control body of another Member State.
3. Requests as referred to in paragraph 2 shall be accompanied by all information needed for the requested verification, and in particular:
- (a) the date of sampling or purchase of the oil in question;
  - (b) the name or business name and address of the undertaking where the sample was taken or where the oil concerned was purchased;
  - (c) the number of batches concerned;
  - (d) a copy of all labels appearing on the packaging of the oil concerned;
  - (e) the results of analysis or of the other comparative expert opinions indicating the methods used and the name and address of the laboratory or expert concerned;
  - (f) where applicable, the name of the supplier of the oil in question as declared by the marketing outlet.

4. Before the end of the third month following that of the request referred to in paragraph 2, the Member State concerned shall inform the requester of the reference number allocated to it and of the action taken.

#### Article 9

1. The Member States shall take the necessary measures, including as regards the system of penalties to ensure compliance with this Regulation.

<sup>(1)</sup> OJ L 210, 28.7.1998, p. 32.

The Member States shall communicate to the Commission the measures taken to that end no later than 31 December 2002, and of the amendments to those measures before the end of the month following that in which they are adopted.

2. For the purpose of verifying indications as referred to in Articles 5 and 6, the Member States concerned may introduce arrangements for approving establishments whose packaging facilities are situated in their territory. Such approval shall be compulsory for the indications referred to in Article 4.

Approval shall be granted and alphanumeric identification allocated to any establishment so requesting which meets the following conditions:

- (a) possesses packaging facilities;
- (b) undertakes to collect and keep the supporting documentation required by the Member State under Article 7;
- (c) has a storage system which make it possible to check the provenance of oils bearing a designation of origin, to the satisfaction of the Member State concerned.

The label shall, where applicable, bear the alphanumeric identification of the approved packaging plant.

3. Member States may continue to consider approved establishments approved for the packaging of designated-origin oils under Regulation (EC) No 2815/98 which meet the requirements for approval for the 2001/02 marketing year.

#### Article 10

The Member States concerned shall forward to the Commission no later than 31 March each year, a report containing the following information for the previous year:

- (a) requests for verifications received in accordance with Article 8(2);

- (b) verifications undertaken and those commenced in previous marketing years and still underway;
- (c) the follow-up to the verifications carried out and the penalties applied.

The report shall present this information by year in which verification was undertaken and by category of infringement. Where applicable, it shall stipulate any specific difficulties encountered and proposed improvements to controls.

#### Article 11

In Article 7 of Regulation (EC) No 2815/98, the date '30 June 2002' is replaced by '31 October 2002'.

#### Article 12

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

2. It shall apply from 1 November 2002, except in the case of products that have been lawfully manufactured and labelled in the European Community or lawfully imported into the European Community and released for free circulation before 1 August 2002.

Article 11 shall apply from 1 July 2002.

Articles 3, 5 and 6 shall apply from 1 November 2003.

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

Done at Brussels, 13 June 2002.

For the Commission

Franz FISCHLER

Member of the Commission

**COMMISSION REGULATION (EC) No 1020/2002  
of 13 June 2002**

**amending Regulation (EEC) No 2958/93 laying down detailed rules for the application of Council Regulation (EEC) No 2019/93 as regards the specific arrangements for the supply of certain agricultural products**

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 442/2002 <sup>(2)</sup>, and in particular Article 3a thereof,

Whereas:

- (1) Regulation (EEC) No 2019/93 has been substantially amended by Regulation (EC) No 442/2002. It is therefore necessary to adapt the detailed rules for the application of that Regulation laid down by Commission Regulation (EEC) No 2958/93 <sup>(3)</sup>, as last amended by Regulation (EC) No 1802/95 <sup>(4)</sup>.
- (2) The amounts of the aid granted for the supply to islands of groups A and B should be adapted to the new monetary system. The aid for consignments to the islands in group A should be increased in order to make it more attractive for traders. Furthermore, an additional aid should be granted to cover costs of re-loading and transport from islands of transit or loading to islands of final destination belonging to group A or group B where direct shipment from the mainland is not possible or regular.
- (3) Monitoring of operations qualifying under the specific supply arrangements requires prohibiting the transfer of the rights and obligations conferred on the holder of the certificate. The period for presentation of the proof of utilisation of the aid certificate should be increased to allow traders time to fulfil their obligation.
- (4) One of the objectives of the administration of the specific supply arrangements is to ensure that the benefits are actually passed on to the stage at which the products destined for the end-users are placed on the market. To that end, national authorities should be permitted to verify margins and prices applied by traders.
- (5) Regulation (EEC) No 2019/93 stipulates that products covered by the specific supply arrangements may not be re-exported to third countries or re-dispatched to the rest of the Community. However, it provides for derogations for traditional exports or traditional shipments to the

rest of the Community of processed products. Detailed rules should be laid down for checking how those derogations are used.

- (6) It is therefore necessary to amend Regulation (EEC) No 2019/93 accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinions of all the Management Committees concerned,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 2958/93 is hereby amended as follows:

1. Article 1 is amended as follows:

(a) Paragraph 1 is replaced by the following:

‘1. The flat-rate aid referred to in Article 3(1) of Regulation (EEC) No 2019/93 is hereby fixed, for all products referred to in the Annex to that Regulation, at:

- EUR 22/tonne for consignments to the islands in group A referred to in Annex I to this Regulation,
- EUR 36/tonne for consignments to the islands in group B referred to in Annex II to this Regulation.

In addition, EUR 9/tonne shall be granted to cover re-loading and transport costs from islands of transit or loading to islands of final destination belonging to group A or group B where direct shipment from the mainland is not possible or regular.’

(b) Paragraph 2 is deleted.

(c) Paragraph 10 is replaced by the following:

‘10. Proof of utilisation of the aid certificate shall be furnished within two months following expiry of the period of validity of the certificate, except in cases of *force majeure*.’

2. Article 2 is replaced by the following:

‘Article 2

Certificates shall not be transferable.’

3. Article 3 is amended as follows:

(a) Paragraph 1 is deleted.

<sup>(1)</sup> OJ L 184, 27.7.1993, p. 1.

<sup>(2)</sup> OJ L 68, 12.3.2002, p. 4.

<sup>(3)</sup> OJ L 267, 28.10.1993, p. 4.

<sup>(4)</sup> OJ L 174, 26.7.1995, p. 27.

(b) Paragraph 2 is replaced by the following:

'2. The Greek authorities shall take all appropriate steps to check that the benefits derived from the grant of the aid are passed on to the end user. In doing so they may assess the trading margins and prices applied by the various traders concerned.

These measures, and any amendments made, shall be notified to the Commission.'

4. Article 4 is replaced by the following:

*'Article 4*

1. Traditional exports and traditional dispatches to the rest of the Community of processed products containing raw materials that have benefited from the specific supply arrangements are permitted within the limits of annual quantities to be determined by the Commission in accordance with the procedure referred to in Article 13a(2) of Regulation (EEC) No 2019/93. The competent authorities shall take the necessary steps to ensure that those operations do not exceed the annual quantities laid down.

2. The competent authorities shall authorise the export or dispatch to the rest of the Community of quantities of processed products other than those referred to in paragraph 1 only where it is attested that the products concerned do not contain raw materials introduced under the specific supply arrangements.

The competent authorities shall carry out the necessary checks to ensure the accuracy of the attestations referred to in the first subparagraph and shall recover, where appropriate, the aid granted under the specific supply arrangements.

3. For the purpose of paragraphs 1 and 2, dispatch of products to destinations outside Group A islands or outside Group B islands shall constitute dispatch to the rest of the Community.'

5. Article 5 is replaced by the following:

*'Article 5*

The Greek authorities shall notify the Commission no later than the last day of each month of the following data relating to the previous month but two, by product:

- the quantities for which aid certificates were applied for broken down by recipient island-group,
- the number of cases of non-utilisation of aid certificates and the quantities involved broken down by recipient island-group,
- any quantities exported after processing in the context of the traditional exports broken down by destination,
- any quantities dispatched after processing in the context of the traditional dispatches broken down by destination.'

6. Article 6 is deleted.

7. Annex II is replaced by the text set out in the Annex to this Regulation.

*Article 2*

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

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

Done at Brussels, 13 June 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

## ANNEX

## 'ANNEX II

List of islands and "nomos" belonging to Group B:

(Article 1)

- nomos of Dodekanisa (Dodecanese),
  - nomos of Khios,
  - nomos of Lesvos (Lesbos),
  - nomos of Samos,
  - islands of the nomos of Kiklades not included in Group A,
  - island of Gavdos.'
-

**COMMISSION REGULATION (EC) No 1021/2002**  
**of 13 June 2002**  
**concerning tenders notified in response to the invitation to tender for the export of barley issued**  
**in Regulation (EC) No 901/2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) An invitation to tender for the refund for the export of barley to all third countries except the United States of America, Canada, Estonia and Latvia was opened pursuant to Commission Regulation (EC) No 901/2002 <sup>(5)</sup>.

(2) Article 7 of Regulation (EC) No 1501/95, allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 and on the basis of the tenders notified, to make no award.

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

No action shall be taken on the tenders notified from 7 to 13 June 2002 in response to the invitation to tender for the refund for the export of barley issued in Regulation (EC) No 901/2002.

*Article 2*

This Regulation shall enter into force on 14 June 2002.

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

Done at Brussels, 13 June 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 1.

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7.

<sup>(4)</sup> OJ L 89, 29.3.2001, p. 16.

<sup>(5)</sup> OJ L 127, 9.5.2002, p. 11.

**COMMISSION REGULATION (EC) No 1022/2002****of 13 June 2002****fixing the maximum export refund on oats in connection with the invitation to tender issued in Regulation (EC) No 1789/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>,Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>, as last amended by Regulation (EC) No 602/2001 <sup>(4)</sup>,Having regard to Commission Regulation (EC) No 1789/2001 of 12 September 2001 on a special intervention measure for cereals in Finland and Sweden <sup>(5)</sup>, and in particular Article 8 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland or Sweden to all third countries was opened pursuant to Regulation (EC) No 1789/2001.
- (2) Article 8 of Regulation (EC) No 1789/2001 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in

Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For tenders notified from 7 to 13 June 2002, pursuant to the invitation to tender issued in Regulation (EC) No 1789/2001, the maximum refund on exportation of oats shall be EUR 3,95/t.

*Article 2*

This Regulation shall enter into force on 14 June 2002.

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

Done at Brussels, 13 June 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.<sup>(2)</sup> OJ L 193, 29.7.2000, p. 1.<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7.<sup>(4)</sup> OJ L 89, 29.3.2001, p. 16.<sup>(5)</sup> OJ L 243, 13.9.2001, p. 15.



**COMMISSION REGULATION (EC) No 1023/2002****of 13 June 2002****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 899/2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) An invitation to tender for the refund on exportation of common wheat to all third countries with the exclusion of Poland, Estonia, Lithuania and Latvia was opened pursuant to Commission Regulation (EC) No 899/2002 <sup>(5)</sup>.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For tenders notified from 7 to 13 June 2002, pursuant to the invitation to tender issued in Regulation (EC) No 899/2002, the maximum refund on exportation of common wheat shall be EUR 5,00/t.

*Article 2*

This Regulation shall enter into force on 14 June 2002.

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

Done at Brussels, 13 June 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 1.

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7.

<sup>(4)</sup> OJ L 89, 29.3.2001, p. 16.

<sup>(5)</sup> OJ L 142, 31.5.2002, p. 11.



**COMMISSION REGULATION (EC) No 1024/2002  
of 13 June 2002**

**fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 537/2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on maize imported into Portugal was opened pursuant to Commission Regulation (EC) No 537/2002 <sup>(3)</sup>, as last amended by Regulation (EC) No 981/2002 <sup>(4)</sup>.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 1839/95 <sup>(5)</sup>, as last amended by Regulation (EC) No 2235/2000 <sup>(6)</sup>, the Commission, acting under the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, may decide to fix maximum reduction in the import duty. In fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty.

(3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For tenders notified from 7 to 13 June 2002, pursuant to the invitation to tender issued in Regulation (EC) No 537/2002, the maximum reduction in the duty on maize imported shall be 38,93 EUR/t and be valid for a total maximum quantity of 20 000 t.

*Article 2*

This Regulation shall enter into force on 14 June 2002.

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

Done at Brussels, 13 June 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 1.

<sup>(3)</sup> OJ L 82, 26.3.2002, p. 3.

<sup>(4)</sup> OJ L 150, 8.6.2002, p. 44.

<sup>(5)</sup> OJ L 177, 28.7.1995, p. 4.

<sup>(6)</sup> OJ L 256, 10.10.2000, p. 13.

**COMMISSION REGULATION (EC) No 1025/2002**  
**of 13 June 2002**  
**fixing the export refunds on milk and milk products**

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 <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 509/2002 <sup>(2)</sup>, and in particular Article 31(3) thereof,

Whereas:

(1) Article 31 of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund within the limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

(2) Regulation (EC) No 1255/1999 provides that when the refunds on the products listed in Article 1 of the above-mentioned Regulation, exported in the natural state, are being fixed, account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organisation of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the limits resulting from agreements concluded in accordance with Article 300 of the Treaty, and
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports.

(3) Article 31(5) of Regulation (EC) No 1255/1999 provides that when prices within the Community are being determined account should be taken of the ruling prices

which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices.

(4) Article 31(3) of Regulation (EC) No 1255/1999 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of the abovementioned Regulation according to destination.

(5) Article 31(3) of Regulation (EC) No 1255/1999 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; the amount of the refund may, however, remain at the same level for more than four weeks.

(6) In accordance with Article 16 of Commission Regulation (EC) No 174/1999 of 26 January 1999 on specific detailed rules for the application of Council Regulation (EC) No 804/68 as regards export licences and export refunds on milk and milk products <sup>(3)</sup>, as last amended by Regulation (EC) No 787/2002 <sup>(4)</sup>, the refund granted for milk products containing added sugar is equal to the sum of the two components; one is intended to take account of the quantity of milk products and is calculated by multiplying the basic amount by the milk products content in the product concerned; the other is intended to take account of the quantity of added sucrose and is calculated by multiplying the sucrose content of the entire product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1(1)(d) of Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector <sup>(5)</sup>, as amended by Commission Regulation (EC) No 680/2002 <sup>(6)</sup>, however, this second component is applied only if the added sucrose has been produced using sugar beet or cane harvested in the Community.

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 48.

<sup>(2)</sup> OJ L 79, 22.3.2002, p. 15.

<sup>(3)</sup> OJ L 20, 27.1.1999, p. 8.

<sup>(4)</sup> OJ L 127, 14.5.2002, p. 6.

<sup>(5)</sup> OJ L 178, 30.6.2001, p. 1.

<sup>(6)</sup> OJ L 104, 20.4.2002, p. 26.

- (7) Commission Regulation (EEC) No 896/84 <sup>(1)</sup>, as last amended by Regulation (EEC) No 222/88 <sup>(2)</sup>, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; those provisions provide for the possibility of varying refunds according to the date of manufacture of the products.
- (8) For the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account.
- (9) It follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation.
- (10) 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*

The export refunds referred to in Article 31 of Regulation (EC) No 1255/1999 on products exported in the natural state shall be as set out in the Annex.

*Article 2*

This Regulation shall enter into force on 14 June 2002.

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

Done at Brussels, 13 June 2002.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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<sup>(1)</sup> OJ L 91, 1.4.1984, p. 71.

<sup>(2)</sup> OJ L 28, 1.2.1988, p. 1.

## ANNEX

## to the Commission Regulation of 13 June 2002 fixing the export refunds on milk and milk products

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0401 10 10 9000	970	EUR/100 kg	2,458	0402 29 91 9000	A02	EUR/kg	1,0852
0401 10 90 9000	970	EUR/100 kg	2,458	0402 29 99 9100	A02	EUR/kg	1,0852
0401 20 11 9100	970	EUR/100 kg	2,458	0402 29 99 9500	A02	EUR/kg	1,1804
0401 20 11 9500	970	EUR/100 kg	3,798	0402 91 11 9370	A02	EUR/100 kg	6,804
0401 20 19 9100	970	EUR/100 kg	2,458	0402 91 19 9370	A02	EUR/100 kg	6,804
0401 20 19 9500	970	EUR/100 kg	3,798	0402 91 31 9300	A02	EUR/100 kg	8,058
0401 20 91 9000	970	EUR/100 kg	4,806	0402 91 39 9300	A02	EUR/100 kg	8,058
0401 20 99 9000	970	EUR/100 kg	4,806	0402 91 99 9000	A02	EUR/100 kg	43,93
0401 30 11 9400	970	EUR/100 kg	11,09	0402 99 11 9350	A02	EUR/kg	0,1734
0401 30 11 9700	970	EUR/100 kg	16,66	0402 99 19 9350	A02	EUR/kg	0,1734
0401 30 19 9700	970	EUR/100 kg	16,66	0402 99 31 9150	A02	EUR/kg	0,1816
0401 30 31 9100	A02	EUR/100 kg	40,46	0402 99 31 9300	A02	EUR/kg	0,2629
0401 30 31 9400	A02	EUR/100 kg	63,20	0402 99 31 9500	A02	EUR/kg	0,4530
0401 30 31 9700	A02	EUR/100 kg	69,70	0402 99 39 9150	A02	EUR/kg	0,1816
0401 30 39 9100	A02	EUR/100 kg	40,46	0403 90 11 9000	A02	EUR/100 kg	70,50
0401 30 39 9400	A02	EUR/100 kg	63,20	0403 90 13 9200	A02	EUR/100 kg	70,50
0401 30 39 9700	A02	EUR/100 kg	69,70	0403 90 13 9300	A02	EUR/100 kg	94,30
0401 30 91 9100	A02	EUR/100 kg	79,43	0403 90 13 9500	A02	EUR/100 kg	99,18
0401 30 91 9500	A02	EUR/100 kg	116,74	0403 90 13 9900	A02	EUR/100 kg	106,84
0401 30 99 9100	A02	EUR/100 kg	79,43	0403 90 19 9000	A02	EUR/100 kg	107,40
0401 30 99 9500	A02	EUR/100 kg	116,74	0403 90 33 9400	A02	EUR/kg	0,9430
0402 10 11 9000	A02	EUR/100 kg	71,50	0403 90 33 9900	A02	EUR/kg	1,0684
0402 10 19 9000	A02	EUR/100 kg	71,50	0403 90 51 9100	970	EUR/100 kg	2,458
0402 10 91 9000	A02	EUR/kg	0,7150	0403 90 59 9170	970	EUR/100 kg	16,66
0402 10 99 9000	A02	EUR/kg	0,7150	0403 90 59 9310	A02	EUR/100 kg	40,46
0402 21 11 9200	A02	EUR/100 kg	71,50	0403 90 59 9340	A02	EUR/100 kg	59,20
0402 21 11 9300	A02	EUR/100 kg	94,86	0403 90 59 9370	A02	EUR/100 kg	59,20
0402 21 11 9500	A02	EUR/100 kg	100,14	0403 90 59 9510	A02	EUR/100 kg	59,20
0402 21 11 9900	A02	EUR/100 kg	107,80	0404 90 21 9120	A02	EUR/100 kg	61,00
0402 21 17 9000	A02	EUR/100 kg	71,50	0404 90 21 9160	A02	EUR/100 kg	71,50
0402 21 19 9300	A02	EUR/100 kg	94,86	0404 90 23 9120	A02	EUR/100 kg	71,50
0402 21 19 9500	A02	EUR/100 kg	100,14	0404 90 23 9130	A02	EUR/100 kg	94,86
0402 21 19 9900	A02	EUR/100 kg	107,80	0404 90 23 9140	A02	EUR/100 kg	100,14
0402 21 91 9100	A02	EUR/100 kg	108,52	0404 90 23 9150	A02	EUR/100 kg	107,80
0402 21 91 9200	A02	EUR/100 kg	109,40	0404 90 29 9110	A02	EUR/100 kg	108,57
0402 21 91 9350	A02	EUR/100 kg	110,46	0404 90 29 9115	A02	EUR/100 kg	109,39
0402 21 91 9500	A02	EUR/100 kg	120,86	0404 90 29 9125	A02	EUR/100 kg	110,52
0402 21 99 9100	A02	EUR/100 kg	108,52	0404 90 29 9140	A02	EUR/100 kg	120,92
0402 21 99 9200	A02	EUR/100 kg	109,40	0404 90 81 9100	A02	EUR/kg	0,7150
0402 21 99 9300	A02	EUR/100 kg	110,46	0404 90 83 9110	A02	EUR/kg	0,7150
0402 21 99 9400	A02	EUR/100 kg	118,04	0404 90 83 9130	A02	EUR/kg	0,9486
0402 21 99 9500	A02	EUR/100 kg	120,86	0404 90 83 9150	A02	EUR/kg	1,0014
0402 21 99 9600	A02	EUR/100 kg	131,12	0404 90 83 9170	A02	EUR/kg	1,0780
0402 21 99 9700	A02	EUR/100 kg	136,79	0404 90 83 9936	A02	EUR/kg	0,1734
0402 21 99 9900	A02	EUR/100 kg	143,49	0405 10 11 9500	L05	EUR/100 kg	170,73
0402 29 15 9200	A02	EUR/kg	0,7150	0405 10 11 9700	L05	EUR/100 kg	175,00
0402 29 15 9300	A02	EUR/kg	0,9488	0405 10 19 9500	L05	EUR/100 kg	170,73
0402 29 15 9500	A02	EUR/kg	1,0017	0405 10 19 9700	L05	EUR/100 kg	175,00
0402 29 15 9900	A02	EUR/kg	1,0780	0405 10 30 9100	L05	EUR/100 kg	170,73
0402 29 19 9300	A02	EUR/kg	0,9488	0405 10 30 9300	L05	EUR/100 kg	175,00
0402 29 19 9500	A02	EUR/kg	1,0017	0405 10 30 9700	L05	EUR/100 kg	175,00
0402 29 19 9900	A02	EUR/kg	1,0780	0405 10 50 9300	L05	EUR/100 kg	175,00

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0405 10 50 9500	L05	EUR/100 kg	170,73	0406 10 20 9850	L03	EUR/100 kg	—
0405 10 50 9700	L05	EUR/100 kg	175,00		A24	EUR/100 kg	31,15
0405 10 90 9000	L05	EUR/100 kg	181,41		L04	EUR/100 kg	31,15
0405 20 90 9500	L05	EUR/100 kg	160,07		400	EUR/100 kg	—
0405 20 90 9700	L05	EUR/100 kg	166,47		A01	EUR/100 kg	31,15
0405 90 10 9000	L05	EUR/100 kg	222,36	0406 10 20 9870	A00	EUR/100 kg	—
0405 90 90 9000	L05	EUR/100 kg	175,00	0406 10 20 9900	A00	EUR/100 kg	—
0406 10 20 9100	A00	EUR/100 kg	—	0406 20 90 9100	A00	EUR/100 kg	—
0406 10 20 9230	L03	EUR/100 kg	—	0406 20 90 9913	L03	EUR/100 kg	—
	A24	EUR/100 kg	36,83		A24	EUR/100 kg	57,44
	L04	EUR/100 kg	36,83		L04	EUR/100 kg	57,44
	400	EUR/100 kg	—		400	EUR/100 kg	16,18
	A01	EUR/100 kg	36,83		A01	EUR/100 kg	57,44
0406 10 20 9290	L03	EUR/100 kg	—	0406 20 90 9915	L03	EUR/100 kg	—
	A24	EUR/100 kg	34,26		A24	EUR/100 kg	75,82
	L04	EUR/100 kg	34,26		L04	EUR/100 kg	75,82
	400	EUR/100 kg	—		400	EUR/100 kg	21,56
	A01	EUR/100 kg	34,26		A01	EUR/100 kg	75,82
0406 10 20 9300	L03	EUR/100 kg	—	0406 20 90 9917	L03	EUR/100 kg	—
	A24	EUR/100 kg	15,04		A24	EUR/100 kg	80,56
	L04	EUR/100 kg	15,04		L04	EUR/100 kg	80,56
	400	EUR/100 kg	—		400	EUR/100 kg	22,92
	A01	EUR/100 kg	15,04		A01	EUR/100 kg	80,56
0406 10 20 9610	L03	EUR/100 kg	—	0406 20 90 9919	L03	EUR/100 kg	—
	A24	EUR/100 kg	49,96		A24	EUR/100 kg	90,03
	L04	EUR/100 kg	49,96		L04	EUR/100 kg	90,03
	400	EUR/100 kg	—		400	EUR/100 kg	25,57
	A01	EUR/100 kg	49,96		A01	EUR/100 kg	90,03
0406 10 20 9620	L03	EUR/100 kg	—	0406 20 90 9990	A00	EUR/100 kg	—
	A24	EUR/100 kg	50,67	0406 30 31 9710	L03	EUR/100 kg	—
	L04	EUR/100 kg	50,67		A24	EUR/100 kg	14,18
	400	EUR/100 kg	—		L04	EUR/100 kg	7,57
	A01	EUR/100 kg	50,67		400	EUR/100 kg	—
0406 10 20 9630	L03	EUR/100 kg	—		A01	EUR/100 kg	14,18
	A24	EUR/100 kg	56,56	0406 30 31 9730	L03	EUR/100 kg	—
	L04	EUR/100 kg	56,56		A24	EUR/100 kg	20,80
	400	EUR/100 kg	—		L04	EUR/100 kg	11,09
	A01	EUR/100 kg	56,56		400	EUR/100 kg	—
0406 10 20 9640	L03	EUR/100 kg	—		A01	EUR/100 kg	20,80
	A24	EUR/100 kg	83,12	0406 30 31 9910	L03	EUR/100 kg	—
	L04	EUR/100 kg	83,12		A24	EUR/100 kg	14,18
	400	EUR/100 kg	—		L04	EUR/100 kg	7,57
	A01	EUR/100 kg	83,12		400	EUR/100 kg	—
0406 10 20 9650	L03	EUR/100 kg	—		A01	EUR/100 kg	14,18
	A24	EUR/100 kg	69,26	0406 30 31 9930	L03	EUR/100 kg	—
	L04	EUR/100 kg	69,26		A24	EUR/100 kg	20,80
	400	EUR/100 kg	—		L04	EUR/100 kg	11,09
	A01	EUR/100 kg	69,26		400	EUR/100 kg	—
0406 10 20 9660	A00	EUR/100 kg	—		A01	EUR/100 kg	20,80
0406 10 20 9830	L03	EUR/100 kg	—	0406 30 31 9950	L03	EUR/100 kg	—
	A24	EUR/100 kg	25,69		A24	EUR/100 kg	30,26
	L04	EUR/100 kg	25,69		L04	EUR/100 kg	16,13
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	25,69		A01	EUR/100 kg	30,26

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 30 39 9500	L03	EUR/100 kg	—	0406 90 23 9900	400	EUR/100 kg	22,78
	A24	EUR/100 kg	20,80		A01	EUR/100 kg	114,90
	L04	EUR/100 kg	11,09		L03	EUR/100 kg	—
	400	EUR/100 kg	—		A24	EUR/100 kg	101,58
0406 30 39 9700	A01	EUR/100 kg	20,80	L04	EUR/100 kg	88,33	
	L03	EUR/100 kg	—	400	EUR/100 kg	—	
	A24	EUR/100 kg	30,26	A01	EUR/100 kg	101,58	
	L04	EUR/100 kg	16,13	0406 90 25 9900	L03	EUR/100 kg	—
400	EUR/100 kg	—	A24		EUR/100 kg	100,49	
A01	EUR/100 kg	30,26	L04		EUR/100 kg	87,75	
0406 30 39 9930	L03	EUR/100 kg	—		400	EUR/100 kg	—
	A24	EUR/100 kg	30,26	A01	EUR/100 kg	100,49	
	L04	EUR/100 kg	16,13	0406 90 27 9900	L03	EUR/100 kg	—
	400	EUR/100 kg	—		A24	EUR/100 kg	91,01
A01	EUR/100 kg	30,26	L04		EUR/100 kg	79,48	
0406 30 39 9950	L03	EUR/100 kg	—		400	EUR/100 kg	—
	A24	EUR/100 kg	34,21	A01	EUR/100 kg	91,01	
	L04	EUR/100 kg	18,25	0406 90 31 9119	L03	EUR/100 kg	—
	400	EUR/100 kg	—		A24	EUR/100 kg	83,78
A01	EUR/100 kg	34,21	L04		EUR/100 kg	73,04	
0406 30 90 9000	L03	EUR/100 kg	—		400	EUR/100 kg	13,06
	A24	EUR/100 kg	35,89	A01	EUR/100 kg	83,78	
	L04	EUR/100 kg	19,14	0406 90 33 9119	L03	EUR/100 kg	—
	400	EUR/100 kg	—		A24	EUR/100 kg	83,78
A01	EUR/100 kg	35,89	L04		EUR/100 kg	73,04	
0406 40 50 9000	L03	EUR/100 kg	—		400	EUR/100 kg	13,06
	A24	EUR/100 kg	87,98	A01	EUR/100 kg	83,78	
	L04	EUR/100 kg	87,98	0406 90 33 9919	L03	EUR/100 kg	—
	400	EUR/100 kg	—		A24	EUR/100 kg	76,83
A01	EUR/100 kg	87,98	L04		EUR/100 kg	66,76	
0406 40 90 9000	L03	EUR/100 kg	—		400	EUR/100 kg	—
	A24	EUR/100 kg	90,34	A01	EUR/100 kg	76,83	
	L04	EUR/100 kg	90,34	0406 90 33 9951	L03	EUR/100 kg	—
	400	EUR/100 kg	—		A24	EUR/100 kg	76,89
A01	EUR/100 kg	90,34	L04		EUR/100 kg	67,42	
0406 90 13 9000	L03	EUR/100 kg	—		400	EUR/100 kg	—
	A24	EUR/100 kg	113,75	A01	EUR/100 kg	76,89	
	L04	EUR/100 kg	99,34	0406 90 35 9190	L03	EUR/100 kg	—
	400	EUR/100 kg	30,81		A24	EUR/100 kg	118,83
A01	EUR/100 kg	113,75	L04		EUR/100 kg	103,33	
0406 90 15 9100	L03	EUR/100 kg	—		400	EUR/100 kg	31,42
	A24	EUR/100 kg	117,54	A01	EUR/100 kg	118,83	
	L04	EUR/100 kg	102,65	0406 90 35 9990	L03	EUR/100 kg	—
	400	EUR/100 kg	31,76		A24	EUR/100 kg	118,83
A01	EUR/100 kg	117,54	L04		EUR/100 kg	103,33	
0406 90 17 9100	L03	EUR/100 kg	—		400	EUR/100 kg	20,54
	A24	EUR/100 kg	117,54	A01	EUR/100 kg	118,83	
	L04	EUR/100 kg	102,65	0406 90 37 9000	L03	EUR/100 kg	—
	400	EUR/100 kg	31,76		A24	EUR/100 kg	113,75
A01	EUR/100 kg	117,54	L04		EUR/100 kg	99,34	
0406 90 21 9900	L03	EUR/100 kg	—		400	EUR/100 kg	30,81
	A24	EUR/100 kg	114,90	A01	EUR/100 kg	113,75	
	L04	EUR/100 kg	100,59				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund	
0406 90 61 9000	L03	EUR/100 kg	—	0406 90 78 9500	A24	EUR/100 kg	103,59	
	A24	EUR/100 kg	126,72		L04	EUR/100 kg	90,69	
	L04	EUR/100 kg	109,48		400	EUR/100 kg	—	
	400	EUR/100 kg	29,24		A01	EUR/100 kg	103,59	
	A01	EUR/100 kg	126,72		L03	EUR/100 kg	—	
0406 90 63 9100	L03	EUR/100 kg	—	0406 90 79 9900	A24	EUR/100 kg	102,01	
	A24	EUR/100 kg	125,66		L04	EUR/100 kg	89,84	
	L04	EUR/100 kg	108,91		400	EUR/100 kg	—	
	400	EUR/100 kg	32,71		A01	EUR/100 kg	102,01	
	A01	EUR/100 kg	125,66		L03	EUR/100 kg	—	
0406 90 63 9900	L03	EUR/100 kg	—	0406 90 81 9900	A24	EUR/100 kg	84,33	
	A24	EUR/100 kg	121,38		L04	EUR/100 kg	73,34	
	L04	EUR/100 kg	104,70		400	EUR/100 kg	—	
	400	EUR/100 kg	25,02		A01	EUR/100 kg	84,33	
	A01	EUR/100 kg	121,38		L03	EUR/100 kg	—	
0406 90 69 9100	A00	EUR/100 kg	—	0406 90 85 9930	A24	EUR/100 kg	106,18	
0406 90 69 9910	L03	EUR/100 kg	—		L04	EUR/100 kg	92,71	
	A24	EUR/100 kg	121,38		400	EUR/100 kg	24,34	
	L04	EUR/100 kg	104,70		A01	EUR/100 kg	106,18	
	400	EUR/100 kg	25,02		L03	EUR/100 kg	—	
	A01	EUR/100 kg	121,38	A24	EUR/100 kg	115,25		
0406 90 73 9900	L03	EUR/100 kg	—	0406 90 85 9970	L04	EUR/100 kg	100,13	
	A24	EUR/100 kg	104,50		400	EUR/100 kg	30,33	
	L04	EUR/100 kg	91,18		A01	EUR/100 kg	115,25	
	400	EUR/100 kg	26,93		L03	EUR/100 kg	—	
	A01	EUR/100 kg	104,50		A24	EUR/100 kg	105,64	
0406 90 75 9900	L03	EUR/100 kg	—	0406 90 85 9999	L04	EUR/100 kg	91,79	
	A24	EUR/100 kg	105,64		400	EUR/100 kg	26,54	
	L04	EUR/100 kg	91,79		A01	EUR/100 kg	105,64	
	400	EUR/100 kg	11,36		A00	EUR/100 kg	—	
	A01	EUR/100 kg	105,64		0406 90 86 9100	A00	EUR/100 kg	—
0406 90 76 9300	L03	EUR/100 kg	—	0406 90 86 9200		L03	EUR/100 kg	—
	A24	EUR/100 kg	94,79			A24	EUR/100 kg	99,94
	L04	EUR/100 kg	82,78			L04	EUR/100 kg	84,23
	400	EUR/100 kg	—			400	EUR/100 kg	17,68
	A01	EUR/100 kg	94,79		A01	EUR/100 kg	99,94	
0406 90 76 9400	L03	EUR/100 kg	—	0406 90 86 9300	L03	EUR/100 kg	—	
	A24	EUR/100 kg	106,18		A24	EUR/100 kg	100,99	
	L04	EUR/100 kg	92,71		L04	EUR/100 kg	85,45	
	400	EUR/100 kg	11,83		400	EUR/100 kg	19,38	
	A01	EUR/100 kg	106,18		A01	EUR/100 kg	100,99	
0406 90 76 9500	L03	EUR/100 kg	—	0406 90 86 9400	L03	EUR/100 kg	—	
	A24	EUR/100 kg	100,14		A24	EUR/100 kg	106,18	
	L04	EUR/100 kg	88,21		L04	EUR/100 kg	90,78	
	400	EUR/100 kg	11,83		400	EUR/100 kg	21,93	
	A01	EUR/100 kg	100,14		A01	EUR/100 kg	106,18	
0406 90 78 9100	L03	EUR/100 kg	—	0406 90 86 9900	L03	EUR/100 kg	—	
	A24	EUR/100 kg	99,96		A24	EUR/100 kg	115,25	
	L04	EUR/100 kg	85,54		L04	EUR/100 kg	100,13	
	400	EUR/100 kg	—		400	EUR/100 kg	25,67	
	A01	EUR/100 kg	99,96		A01	EUR/100 kg	115,25	
0406 90 78 9300	L03	EUR/100 kg	—					

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 87 9100	A00	EUR/100 kg	—		400	EUR/100 kg	—
0406 90 87 9200	L03	EUR/100 kg	—		A01	EUR/100 kg	44,61
	A24	EUR/100 kg	83,27	0406 90 87 9973	L03	EUR/100 kg	—
	L04	EUR/100 kg	70,20		A24	EUR/100 kg	102,38
	400	EUR/100 kg	15,81		L04	EUR/100 kg	89,40
	A01	EUR/100 kg	83,27		400	EUR/100 kg	15,39
0406 90 87 9300	L03	EUR/100 kg	—		A01	EUR/100 kg	102,38
	A24	EUR/100 kg	92,76	0406 90 87 9974	L03	EUR/100 kg	—
	L04	EUR/100 kg	78,46		A24	EUR/100 kg	110,64
	400	EUR/100 kg	17,85		L04	EUR/100 kg	97,03
	A01	EUR/100 kg	92,76		400	EUR/100 kg	15,39
0406 90 87 9400	L03	EUR/100 kg	—		A01	EUR/100 kg	110,64
	A24	EUR/100 kg	94,16	0406 90 87 9975	L03	EUR/100 kg	—
	L04	EUR/100 kg	80,51		A24	EUR/100 kg	111,87
	400	EUR/100 kg	19,55		L04	EUR/100 kg	98,97
	A01	EUR/100 kg	94,16		400	EUR/100 kg	20,40
0406 90 87 9951	L03	EUR/100 kg	—		A01	EUR/100 kg	111,87
	A24	EUR/100 kg	104,28	0406 90 87 9979	L03	EUR/100 kg	—
	L04	EUR/100 kg	91,06		A24	EUR/100 kg	101,58
	400	EUR/100 kg	27,03		L04	EUR/100 kg	88,33
	A01	EUR/100 kg	104,28		400	EUR/100 kg	15,39
0406 90 87 9971	L03	EUR/100 kg	—		A01	EUR/100 kg	101,58
	A24	EUR/100 kg	104,28	0406 90 88 9100	A00	EUR/100 kg	—
	L04	EUR/100 kg	91,06	0406 90 88 9300	L03	EUR/100 kg	—
	400	EUR/100 kg	21,93		A24	EUR/100 kg	81,63
	A01	EUR/100 kg	104,28		L04	EUR/100 kg	69,31
0406 90 87 9972	A24	EUR/100 kg	44,61		400	EUR/100 kg	19,38
	L03	EUR/100 kg	—		A01	EUR/100 kg	81,63
	L04	EUR/100 kg	38,79				

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).

The other destinations are defined as follows:

L03 Ceuta, Melilla, Iceland, Norway, Switzerland, Liechtenstein, Andorra, Gibraltar, Holy See (often referred to as Vatican City), Malta, Turkey, Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovakia, Hungary, Romania, Bulgaria, Canada, Cyprus, Australia and New Zealand,

L04 Albania, Slovenia, Croatia, Bosnia and Herzegovina, Yugoslavia and the Former Yugoslav Republic of Macedonia,

L05 all destinations except Poland and the United States of America.

970 includes the exports referred to in Articles 36(1)(a) and (c) and 44(1)(a) and (b) of Commission Regulation (EC) No 800/1999 (OJ L 102, 17.4.1999, p. 11) and exports under contracts with armed forces stationed on the territory of a Member State which do not come under its flag.



**COMMISSION REGULATION (EC) No 1026/2002**  
**of 13 June 2002**  
**amending the rates of the refunds applicable to certain milk products exported in the form of**  
**goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the markets in the milk and milk products sector <sup>(1)</sup>, as last amended by Regulation (EC) No 509/2002 <sup>(2)</sup>, and in particular Article 31(3) thereof,

Whereas:

- (1) The rates of the refunds applicable from 1 June 2002 to the products listed in the Annex, exported in the form of goods not covered by Annex I to the Treaty, were fixed by Commission Regulation (EC) No 931/2002 <sup>(3)</sup>.

- (2) It follows from applying the rules and criteria contained in Regulation (EC) No 931/2002 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The rates of refund fixed by Regulation (EC) No 931/2002 are hereby altered as shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 14 June 2002.

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

Done at Brussels, 13 June 2002.

*For the Commission*

Erkki LIIKANEN

*Member of the Commission*

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<sup>(1)</sup> OJ L 160, 26.6.1999, p. 48.

<sup>(2)</sup> OJ L 79, 22.3.2002, p. 15.

<sup>(3)</sup> OJ L 144, 1.6.2002, p. 18.

## ANNEX

**to the Commission Regulation of 13 June 2002 amending the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty**

(EUR/100 kg)

CN code	Description	Rate of refund
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2): (a) On exportation of goods of CN code 3501 (b) On exportation of other goods	— 71,50
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3): (a) Where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 2571/97 are exported (b) On exportation of other goods	81,45 107,80
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6): (a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 2571/97 are exported (b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat (c) On exportation of other goods	90,00 182,25 175,00

## COMMISSION REGULATION (EC) No 1027/2002

of 13 June 2002

## fixing the rates of the refunds applicable to certain cereal and rice-products exported in the form of goods not covered by Annex I to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000<sup>(2)</sup>, and in particular Article 13(3) thereof,

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

Whereas:

- (1) Article 13(1) of Regulation (EEC) No 1766/92 and Article 13(1) of Regulation (EC) No 3072/95 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds<sup>(5)</sup>, as last amended by Regulation (EC) No 595/2002<sup>(6)</sup>, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 as appropriate.
- (3) In accordance with the first subparagraph of Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.
- (4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

- (5) Now that a settlement has been reached between the European Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC<sup>(7)</sup>, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.
- (6) Pursuant to Article 4(3) and (5) of Regulation (EC) No 1520/2000 provides that a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Council Regulation (EEC) No 1722/93<sup>(8)</sup>, as last amended by Commission Regulation (EC) No 1786/2001<sup>(9)</sup>, for the basic product in question, used during the assumed period of manufacture of the goods.
- (7) Spirituous beverages are considered less sensitive to the price of the cereals used in their manufacture. However, Protocol 19 of the Act of Accession of the United Kingdom, Ireland and Denmark stipulates that the necessary measures must be decided to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals. Accordingly, it is necessary to adapt the refund rate applying to cereals exported in the form of spirituous beverages.
- (8) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.
- (9) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1(1) of Regulation (EC) No 3072/95, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to amended Regulation (EC) No 3072/95 respectively, are hereby fixed as shown in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 14 June 2002.

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 1.

<sup>(3)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(4)</sup> OJ L 62, 5.3.2002, p. 27.

<sup>(5)</sup> OJ L 177, 15.7.2000, p. 1.

<sup>(6)</sup> OJ L 91, 6.4.2002, p. 5.

<sup>(7)</sup> OJ L 275, 29.9.1987, p. 36.

<sup>(8)</sup> OJ L 159, 1.7.1993, p. 112.

<sup>(9)</sup> OJ L 242, 12.9.2001, p. 3.

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

Done at Brussels, 13 June 2002.

*For the Commission*  
Erkki LIIKANEN  
*Member of the Commission*

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## ANNEX

**to the Commission Regulation of 13 June 2002 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty**

		(EUR/100 kg)	
CN code	Description of products <sup>(1)</sup>	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in other cases	— —	— —
1001 90 99	Common wheat and meslin: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in other cases: – – where Article 4(5) of Regulation (EC) No 1520/2000 applies <sup>(2)</sup> – – where goods falling within subheading 2208 <sup>(3)</sup> are exported – – in other cases	— — — —	— — — —
1002 00 00	Rye	2,442	2,442
1003 00 90	Barley – where goods falling within subheading 2208 <sup>(3)</sup> are exported – in other cases	— —	— —
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of: – starch: – – where Article 4(5) of Regulation (EC) No 1520/2000 applies <sup>(2)</sup> – – where goods falling within subheading 2208 <sup>(3)</sup> are exported – – in other cases – glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 <sup>(4)</sup> : – – where Article 4(5) of Regulation (EC) No 1520/2000 applies <sup>(2)</sup> – – where goods falling within subheading 2208 <sup>(3)</sup> are exported – – in other cases – where goods falling within subheading 2208 <sup>(3)</sup> are exported – other (including unprocessed)  Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize: – where Article 4(5) of Regulation (EC) No 1520/2000 applies <sup>(2)</sup> – – where goods falling within subheading 2208 <sup>(3)</sup> are exported – in other cases	2,545 0,704 2,545  1,909 0,528 1,909 0,704 2,545  2,545 0,704 2,545	2,545 0,704 2,545  1,909 0,528 1,909 0,704 2,545  2,545 0,704 2,545

(EUR/100 kg)

CN code	Description of products <sup>(1)</sup>	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly-milled rice:		
	– round grain	8,000	8,000
	– medium grain	8,000	8,000
	– long grain	8,000	8,000
1006 40 00	Broken rice	2,000	2,000
1007 00 90	Sorghum	—	—

<sup>(1)</sup> As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E of amended Commission Regulation (EC) No 1520/2000 shall be applied (OJ L 177, 15.7.2000, p. 1).

<sup>(2)</sup> The goods concerned fall under CN code 3505 10 50.

<sup>(3)</sup> Goods listed in Annex B of Council Regulation (EEC) No 1766/92 or referred to in Article 2 of Regulation (EEC) No 2825/93.

<sup>(4)</sup> For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

**COMMISSION REGULATION (EC) No 1028/2002**  
**of 13 June 2002**  
**fixing the corrective amount applicable to the refund on cereals**

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 organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>, and in particular Article 13(8) thereof,

Whereas:

- (1) Article 13(8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>, as last amended by Regulation (EC) No 602/2001 <sup>(4)</sup>, allows for the fixing of a corrective amount for the products listed in Article 1(1)(c) of Regulation (EEC) No 1766/92. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) The world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination.
- (4) The corrective amount must be fixed at the same time as the refund and according to the same procedure; it may be altered in the period between fixings.
- (5) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The corrective amount referred to in Article 1(1)(a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance except for malt shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 14 June 2002.

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

Done at Brussels, 13 June 2002.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 1.

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7.

<sup>(4)</sup> OJ L 89, 29.3.2001, p. 16.

## ANNEX

## to the Commission Regulation of 13 June 2002 fixing the corrective amount applicable to the refund on cereals

(EUR/t)

Product code	Destination	Current 6	1st period 7	2nd period 8	3rd period 9	4th period 10	5th period 11	6th period 12
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	—	—	—	—	—	—	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	C01	—	0	-0,93	-1,86	-2,79	—	—
1002 00 00 9000	C03	-10,00	-10,00	-10,00	-10,00	-10,00	—	—
	C04	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	C08	-30,00	-30,00	-30,00	-30,00	-30,00	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	C04	0	0	-0,93	-1,86	-2,79	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	A00	0	-0,93	-1,86	-1,86	0,00	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	C01	0	0	-1,27	-2,55	-3,82	—	—
1101 00 15 9130	C01	0	0	-1,19	-2,38	-3,57	—	—
1101 00 15 9150	C01	0	0	-1,10	-2,19	-3,29	—	—
1101 00 15 9170	C01	0	0	-1,01	-2,03	-3,04	—	—
1101 00 15 9180	C01	0	0	-0,95	-1,90	-2,85	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	C01	0	0	0	0	0	—	—
1102 10 00 9700	C01	0	0	0	0	0	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	C04	0	0	-1,40	-2,79	-4,18	—	—
1103 11 10 9400	C04	0	0	-1,25	-2,49	-3,74	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	C04	0	0	-1,27	-2,55	-3,82	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

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).

The other destinations are as follows:

C01 All destinations except for Poland, Lithuania, Estonia and Latvia,

C03 Poland, Czech Republic, Slovak Republic, Hungary, Norway, Faroe Islands, Iceland, Russia, Belarus, Bosnia and Herzegovina, Croatia, Slovenia, former Republic of Yugoslavia with the exception of Slovenia, Croatia and Bosnia and Herzegovina, Albania, Romania, Bulgaria, Armenia, Georgia, Azerbaijan, Moldova, Ukraine, Kazakhstan, Kyrgyzstan, Uzbekistan, Tajikistan, Turkmenistan, Morocco, Algeria, Tunisia, Libya, Egypt, Malta, Cyprus and Turkey,

C04 All destinations except for Lithuania, Estonia and Latvia,

C08 All destinations except for Algeria, Saudi Arabia, Bahrain, Cyprus, Egypt, United Arab Emirates, Malta, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Morocco, Mauritania, Oman, Qatar, Syria, Tunisia and Yemen.



## COMMISSION REGULATION (EC) No 1029/2002

of 13 June 2002

## fixing the export refunds on products processed from cereals and rice

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 organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000<sup>(2)</sup>, and in particular Article 13(3) thereof,

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

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 and Article 13 of Regulation (EC) No 3072/95 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund.
- (2) Article 13 of Regulation (EC) No 3072/95 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other. The same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market.
- (3) Article 4 of Commission Regulation (EC) No 1518/95<sup>(5)</sup>, as amended by Regulation (EC) No 2993/95<sup>(6)</sup>, on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated.
- (4) The refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of

the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product.

- (5) There is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products. For certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time.
- (6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (7) The refund must be fixed once a month. It may be altered in the intervening period.
- (8) Certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinized starch, no export refund is to be granted.
- (9) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1(1)(d) of Regulation (EEC) No 1766/92 and in Article 1(1)(c) of Regulation (EC) No 3072/95 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 14 June 2002.

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 1.

<sup>(3)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(4)</sup> OJ L 62, 5.3.2002, p. 27.

<sup>(5)</sup> OJ L 147, 30.6.1995, p. 55.

<sup>(6)</sup> OJ L 312, 23.12.1995, p. 25.

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

Done at Brussels, 13 June 2002.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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## ANNEX

## to the Commission Regulation of 13 June 2002 fixing the export refunds on products processed from cereals and rice

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 <sup>(1)</sup>	C11	EUR/t	35,63	1104 23 10 9100	C10	EUR/t	38,18
1102 20 10 9400 <sup>(1)</sup>	C11	EUR/t	30,54	1104 23 10 9300	C10	EUR/t	29,27
1102 20 90 9200 <sup>(1)</sup>	C11	EUR/t	30,54	1104 29 11 9000	C13	EUR/t	0,00
1102 90 10 9100	C12	EUR/t	0,00	1104 29 51 9000	C13	EUR/t	0,00
1102 90 10 9900	C12	EUR/t	0,00	1104 29 55 9000	C13	EUR/t	0,00
1102 90 30 9100	C01	EUR/t	0,00	1104 30 10 9000	C13	EUR/t	0,00
1103 19 40 9100	C06	EUR/t	0,00	1104 30 90 9000	C10	EUR/t	6,36
1103 13 10 9100 <sup>(1)</sup>	C10	EUR/t	45,81	1107 10 11 9000	C13	EUR/t	0,00
1103 13 10 9300 <sup>(1)</sup>	C10	EUR/t	35,63	1107 10 91 9000	C13	EUR/t	0,00
1103 13 10 9500 <sup>(1)</sup>	C10	EUR/t	30,54	1108 11 00 9200	C10	EUR/t	0,00
1103 13 90 9100 <sup>(1)</sup>	C10	EUR/t	30,54	1108 11 00 9300	C10	EUR/t	0,00
1103 19 10 9000	C06	EUR/t	24,42	1108 12 00 9200	C10	EUR/t	40,72
1103 19 30 9100	C10	EUR/t	0,00	1108 12 00 9300	C10	EUR/t	40,72
1103 20 60 9000	C06	EUR/t	0,00	1108 13 00 9200	C10	EUR/t	40,72
1103 20 20 9000	C10	EUR/t	0,00	1108 13 00 9300	C10	EUR/t	40,72
1104 19 69 9100	C10	EUR/t	0,00	1108 19 10 9200	C10	EUR/t	30,40
1104 12 90 9100	C13	EUR/t	0,00	1108 19 10 9300	C10	EUR/t	30,40
1104 12 90 9300	C13	EUR/t	0,00	1109 00 00 9100	C10	EUR/t	0,00
1104 19 10 9000	C13	EUR/t	0,00	1702 30 51 9000 <sup>(2)</sup>	C10	EUR/t	39,89
1104 19 50 9110	C10	EUR/t	40,72	1702 30 59 9000 <sup>(2)</sup>	C10	EUR/t	30,54
1104 19 50 9130	C10	EUR/t	33,09	1702 30 91 9000	C10	EUR/t	39,89
1104 29 01 9100	C10	EUR/t	0,00	1702 30 99 9000	C10	EUR/t	30,54
1104 29 03 9100	C10	EUR/t	0,00	1702 40 90 9000	C10	EUR/t	30,54
1104 29 05 9100	C10	EUR/t	0,00	1702 90 50 9100	C10	EUR/t	39,89
1104 29 05 9300	C10	EUR/t	0,00	1702 90 50 9900	C10	EUR/t	30,54
1104 22 20 9100	C13	EUR/t	0,00	1702 90 75 9000	C10	EUR/t	41,80
1104 22 30 9100	C13	EUR/t	0,00	1702 90 79 9000	C10	EUR/t	29,01
				2106 90 55 9000	C10	EUR/t	30,54

<sup>(1)</sup> No refund shall be granted on products given a heat treatment resulting in pregelatinisation of the starch.

<sup>(2)</sup> Refunds are granted in accordance with Council Regulation (EEC) No 2730/75 (OJ L 281, 1.11.1975, p. 20), amended.

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

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

The other destinations are as follows:

C01: All destinations except for Estonia, Latvia, Lithuania and Poland,

C06: All destinations except for Estonia, Latvia and Lithuania,

C10: All destinations except for Estonia,

C11: All destinations except for Estonia and Poland,

C12: All destinations except for Estonia, Latvia and Poland,

C13: All destinations except for Estonia and Lithuania.

## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 12 June 2002

on a temporary experiment with regard to increasing the maximum weight of a lot of certain fodder plant seeds under Council Directive 66/401/EEC

(notified under document number C(2002) 2078)

(Text with EEA relevance)

(2002/454/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed <sup>(1)</sup>, as last amended by Directive 2001/64/EC <sup>(2)</sup>, and in particular Article 13a thereof,

*Article 1*

The purpose of this Decision is to organise a temporary experiment at Community level, in accordance with the conditions set out in the Annex, in order to assess whether the maximum weight of a lot laid down in Annex III to Directive 66/401/EEC may be increased in respect of seed of the category 'certified seed' of the species of grasses listed in Article 2 of that Directive.

Whereas:

- (1) Directive 66/401/EEC provides for the maximum weight of a lot in the context of seed testing.
- (2) Changes in seed marketing practices, in particular methods of transporting seed including bulk shipment, suggest that an increase in the maximum prescribed lot weight for seed of grasses may be desirable.
- (3) Current international practice, namely the derogatory experiment on maximum lot size of gramineae seed, as adopted by the Council of the Organisation for Economic Cooperation and Development on 28 September 2000, and the experiment on herbage seed lot size, approved at the ordinary meeting of the International Seed Testing Association of 21 June 2001, permits procedures whereby the maximum weight of a lot may be increased for certain species, including grasses.
- (4) It is therefore appropriate to organise a temporary experiment under specified conditions on increasing the maximum weight of a lot of grasses.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

*Article 2*

1. Any Member State may participate in the experiment.
2. Member States that decide to participate in the experiment shall inform the Commission accordingly.
3. With effect of the date on which a Member State has informed the Commission pursuant to paragraph 2, this Member State is released, for the purpose of the experiment, from the obligation laid down in Article 7(2) of Directive 66/401/EEC in respect of the maximum weight of a lot for grass species listed in Annex III, column 2, for the species listed in column 1 under the heading 'GRAMINEAE'. However, it shall apply a maximum weight of 25 tonnes instead, and comply, in addition to the other conditions laid down in Directive 66/401/EEC, with those laid down in the Annex to this Decision.

<sup>(1)</sup> OJ L25, 11.7.1966, p. 2298/66.

<sup>(2)</sup> OJ L 234, 1.9.2001, p. 60.

*Article 3*

The experiment shall end on 1 June 2003. Member States may decide to cease participation in the experiment at an earlier date.

*Article 4*

Member States shall present progress reports on the results of the experiment to the Commission and to the other Member States by 30 November 2002 and by 31 March 2003.

*Article 5*

This Decision is addressed to the Member States.

Done at Brussels, 12 June 2002.

*For the Commission*

David BYRNE

*Member of the Commission*

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*ANNEX*

The conditions referred to in Article 1 are as follows:

- (a) a heterogeneity test shall have been carried out on each lot and the lot shall have been found to satisfy the condition of homogeneity;
  - (b) the official label prescribed under Directive 66/401/EEC shall bear the number of this Decision after the words 'EC rules and standards';
  - (c) where a Member State participates in the experiment, samples supplied by that Member State for Community comparative trials shall derive from seed lots officially certified under the terms of this experiment; and
  - (d) the certification authority shall monitor the experiment.
-

**COMMISSION DECISION**  
**of 13 June 2002**  
**amending Decision 2001/881/EC as regards the list of border inspection posts agreed for veterinary**  
**checks on animals and animal products from third countries**

(notified under document number C(2002) 2113)

(Text with EEA relevance)

(2002/455/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries <sup>(1)</sup>, and in particular Article 6(2) thereof,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC, and 90/675/EEC <sup>(2)</sup>, as last amended by Directive 96/43/EC <sup>(3)</sup>, and in particular Article 6(4) thereof,

Whereas:

- (1) Commission Decision 2001/881/EC <sup>(4)</sup> draws up a list of border inspection posts approved for veterinary checks of live animals and animal products from third countries.
- (2) At the request of the United Kingdom authorities, and following a Community inspection, a border inspection post at the port of Peterhead must be added to the list.
- (3) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

*Article 1*

In the Annex to Decision 2001/881/EC, the list of border inspection posts for the United Kingdom is amended by the addition of the following entry:

1	2	3	4	5
'Peterhead	0730699	P	HC-T(FR) (1)(2)(3)'	

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 13 June 2002.

For the Commission  
David BYRNE  
Member of the Commission

<sup>(1)</sup> OJ L 24, 30.1.1998, p. 9.

<sup>(2)</sup> OJ L 268, 24.9.1991, p. 56.

<sup>(3)</sup> OJ L 162, 1.7.1996, p. 1.

<sup>(4)</sup> OJ L 326, 11.12.2001, p. 44.

## COMMISSION DECISION

of 13 June 2002

**amending Decision 92/452/EEC establishing lists of embryo collection teams approved in third countries for export of bovine embryos to the Community, as regards Hungary**

(notified under document number C(2002) 2117)

(Text with EEA relevance)

(2002/456/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/556/EEC of 25 September 1989 on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species <sup>(1)</sup>, as last amended by Commission Decision 94/113/EC <sup>(2)</sup>, and in particular Article 8 thereof,

Whereas:

- (1) The competent veterinary services of Hungary have forwarded a request for the addition to the list established by Commission Decision 92/452/EEC <sup>(3)</sup>, as last amended by Decision 2002/252/EC <sup>(4)</sup>, of a team officially approved in their territory for the export of embryos of domestic animals of the bovine species to the Community.
- (2) Guarantees regarding compliance with the requirements specified in Article 8 of Directive 89/556/EEC have been provided to the Commission by the competent veterinary services of Hungary. The collection team concerned has been officially approved in Hungary for exports to the Community.
- (3) Decision 92/452/EEC should therefore be amended accordingly.
- (4) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

*Article 1*

In the Annex to Decision 92/452/EEC, a new row is added for Hungary:

'HU	HUNGRÍA / UNGARN / UNGARN / OYTTAPIA / HUNGARY / HONGRIE / UNGHERIA / HONGARIJE / HUNGRIA / UNKARI / UNGERN	HU-001E		EMBRIÓ KFT Bagoly Dűlő 1/3 H-7635 Pécs	Dr Kispál Zoltán Dr Majoros Tibor
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*Article 2*

This Decision shall apply as from the 20th day following that of its publication in the *Official Journal of the European Communities*.

<sup>(1)</sup> OJ L 302, 19.10.1989, p. 1.

<sup>(2)</sup> OJ L 53, 24.2.1994, p. 23.

<sup>(3)</sup> OJ L 250, 29.8.1992, p. 40.

<sup>(4)</sup> OJ L 86, 3.4.2002, p. 42.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 13 June 2002.

*For the Commission*

David BYRNE

*Member of the Commission*

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

**COUNCIL COMMON POSITION**  
**of 13 June 2002**  
**amending and extending Common Position 2001/357/CFSP concerning restrictive measures against**  
**Liberia**

(2002/457/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 7 May 2001 the Council adopted Common Position 2001/357/CFSP<sup>(1)</sup> concerning restrictive measures against Liberia so as to implement Resolution 1343 (2001) setting out measures to be imposed against Liberia, adopted on 7 March 2001 by the United Nations Security Council, hereinafter referred to as UNSCR 1343 (2001).
- (2) On 7 May 2002 the United Nations Security Council adopted UNSCR 1408 (2002) whereby the measures imposed against Liberia by UNSCR 1343 (2001) are amended and extended until 7 May 2003.
- (3) UNSCR 1408 (2002) calls upon the Government of Liberia to establish an effective Certificate of Origin regime for Liberian rough diamonds that is transparent and internationally verifiable, and provides that when such an effective and internationally verifiable regime is ready to become fully operational, rough diamonds controlled by the Government of Liberia through the Certificate of Origin regime shall be exempted from the import prohibition imposed by UNSCR 1343 (2001).
- (4) Action by the Community is needed in order to implement certain measures,

HAS ADOPTED THIS COMMON POSITION:

*Article 1*

Common Position 2001/357/CFSP is hereby extended until 7 May 2003 unless the Council decides otherwise in accordance with any future relevant United Nations Security Council Resolutions.

*Article 2*

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

It shall be applicable from 7 May 2002.

*Article 3*

This Common Position shall be published in the Official Journal.

Done at Luxembourg, 13 June 2002.

*For the Council*  
*The President*  
M. RAJOY BREY

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<sup>(1)</sup> OJ L 126, 8.5.2001, p. 1.

**CORRIGENDA****Corrigendum to Commission Regulation (EC) No 563/2002 of 2 April 2002 amending Regulation (EC) No 466/2001 setting maximum levels for certain contaminants in foodstuffs**

*(Official Journal of the European Communities L 86 of 3 April 2002)*

On page 5, Article 1(2) is replaced by the following:

- '2. Section 1 of Annex 1 is replaced by the text in the Annex to this Regulation'.

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**Rättelser till kommissionens förordning (EG) nr 637/2002 av den 12 april 2002 om omfördelning av de under 2001 icke utnyttjade mängderna kvantitativa kvoter för vissa produkter med ursprung i Folkrepubliken Kina**

*(Europeiska gemenskapernas officiella tidning L 96 av den 13 april 2002)*

På sidorna 11 och 12 i bilagorna I och II skall "preliminära siffror" strykas.

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