

English edition

## Legislation

### Contents

#### I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 1107/2002 of 25 June 2002 amending Regulation (EC) No 92/2002 imposing a definitive anti-dumping duty and collecting definitively the provisional anti-dumping duty imposed on imports of urea originating in Belarus, Bulgaria, Croatia, Estonia, Libya, Lithuania, Romania and the Ukraine** ..... 1
- Commission Regulation (EC) No 1108/2002 of 26 June 2002 establishing the standard import values for determining the entry price of certain fruit and vegetables ..... 3
- Commission Regulation (EC) No 1109/2002 of 26 June 2002 fixing export refunds on nuts ..... 5
- Commission Regulation (EC) No 1110/2002 of 26 June 2002 fixing export refunds on fruit and vegetables ..... 8
- Commission Regulation (EC) No 1111/2002 of 26 June 2002 setting export refunds on products processed from fruit and vegetables other than those granted for added sugar ... 11
- ★ **Commission Regulation (EC) No 1112/2002 of 20 June 2002 laying down the detailed rules for the implementation of the fourth stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC <sup>(1)</sup>** ..... 14
- ★ **Commission Regulation (EC) No 1113/2002 of 26 June 2002 amending Regulation (EC) No 1788/2001 laying down detailed rules for implementing the provisions concerning the certificate of inspection for imports from third countries under Article 11 of Council Regulation (EEC) No 2092/91** ..... 31
- Commission Regulation (EC) No 1114/2002 of 26 June 2002 determining the extent to which applications lodged in June 2002 for import licences under the regime provided for by tariff quotas for certain products in the pigmeat sector for the period 1 July to 30 September 2002 can be accepted ..... 32

Commission Regulation (EC) No 1115/2002 of 26 June 2002 determining the extent to which applications lodged in June 2002 for import licences for certain pigmeat sector products under the regime provided for by Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products can be accepted .....	34
Commission Regulation (EC) No 1116/2002 of 26 June 2002 determining the extent to which applications lodged in June 2002 for import licences for certain pigmeat products under the regime provided for by the Agreements concluded by the Community with the Republic of Poland, the Republic of Hungary, the Czech Republic, Slovakia, Bulgaria and Romania can be accepted .....	36
Commission Regulation (EC) No 1117/2002 of 26 June 2002 establishing the quantity of certain pigmeat products available for the fourth quarter of 2002 under the arrangements provided for by the free trade agreements between the Community, of the one part, and Latvia, Lithuania and Estonia, of the other part .....	38
Commission Regulation (EC) No 1118/2002 of 26 June 2002 determining the extent to which applications lodged in June 2002 for import licences for certain pigmeat products under the regime provided for by the Agreement concluded by the Community with Slovenia can be accepted .....	40
Commission Regulation (EC) No 1119/2002 of 26 June 2002 fixing the production refund for olive oil used in the manufacture of certain preserved foods .....	42
<b>* Directive 2002/47/EC of the European Parliament and of the Council of 6 June 2002 on financial collateral arrangements .....</b>	<b>43</b>

---

II Acts whose publication is not obligatory

**Commission**

2002/498/EC:

<b>* Commission Decision of 5 June 2002 accepting an undertaking in connection with the anti-dumping proceeding concerning imports of urea originating, <i>inter alia</i>, in Lithuania .....</b>	<b>51</b>
---	-----------

2002/499/EC:

<b>* Commission Decision of 26 June 2002 authorising derogations from certain provisions of Council Directive 2000/29/EC in respect of naturally or artificially dwarfed plants of <i>Chamaecyparis Spach</i>, <i>Juniperus L.</i> and <i>Pinus L.</i>, originating in the Republic of Korea (notified under document number C(2002) 2251) .....</b>	<b>53</b>
--	-----------

---

**Corrigenda**

<b>* Corrigendum to Council Directive 1999/36/EC of 29 April 1999 on transportable pressure equipment (OJ L 138 of 1.6.1999) .....</b>	<b>58</b>
<b>* Corrigendum to Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever (OJ L 316 of 1.12.2001) .....</b>	<b>59</b>

## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1107/2002****of 25 June 2002****amending Regulation (EC) No 92/2002 imposing a definitive anti-dumping duty and collecting definitively the provisional anti-dumping duty imposed on imports of urea originating in Belarus, Bulgaria, Croatia, Estonia, Libya, Lithuania, Romania and the Ukraine**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/1996 of 22 December 1995 on protection against dumped imports from countries not members of the European Community <sup>(1)</sup>, and in particular Articles 8 and 9 thereof,

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

Whereas:

**A. PROCEDURE**

(1) The Council, by Regulation (EC) No 92/2002 <sup>(2)</sup>, imposed definitive anti-dumping duties on imports of urea originating in Belarus, Bulgaria, Croatia, Estonia, Libya, Lithuania, Romania and the Ukraine, and exempted a Bulgarian exporting producer from the said duties as an undertaking had been accepted by the Commission from the company concerned.

(2) Joint Stock Company Achema, in connection with the anti-dumping proceeding concerning imports of urea originating, *inter alia*, in Lithuania offered an acceptable

undertaking prior to the publication of the definitive findings but at a stage when it was administratively impossible to include its acceptance in the definitive Regulation.

(3) The Commission, by Decision No 2002/498/EC <sup>(3)</sup>, accepted the undertaking offer by Joint Stock Company Achema. The reasons for accepting this undertaking are set out in this Decision. The Council recognises that the revisions introduced to the undertaking offer eliminate the injurious effect of dumping and seriously limit any risk of circumvention in the form of cross-compensation with other products.

(4) In view of the acceptance of the undertaking offer it is necessary to amend Regulation (EC) No 92/2002 accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 92/2002 is hereby amended as follows:

1. In Article 1(2), the row concerning Lithuania shall be replaced by the following:

Country of origin	Produced by	Definitive anti-dumping duty (EUR/t)	TARIC additional code
Lithuania	All companies	10,05	A999'

2. In Article 2(1), the table shall be replaced by the following:

'Country	Company	TARIC additional code
Bulgaria	Chimco AD, Shose az Mezdra, 3037 Vratza	A272
Lithuania	Joint Stock Company Achema, Taurostos 26, 5005 Jonava	A375'

<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 17, 19.1.2002, p. 1.

<sup>(3)</sup> See page 51 of this Official Journal.

*Article 2*

This Regulation shall enter into force 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, 25 June 2002.

*For the Council*  
*The President*  
J. MATAS I PALOU

---

**COMMISSION REGULATION (EC) No 1108/2002**  
**of 26 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 27 June 2002.

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

Done at Brussels, 26 June 2002.

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

<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 26 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	62,4
	070	98,8
	999	80,6
0707 00 05	052	87,6
	999	87,6
0709 90 70	052	75,0
	999	75,0
0805 50 10	388	66,8
	528	56,0
	999	61,4
0808 10 20, 0808 10 50, 0808 10 90	388	82,3
	400	104,1
	404	93,9
	508	79,6
	512	85,5
	524	58,8
	528	71,0
	720	157,0
	804	102,1
	999	92,7
	0809 10 00	052
999		236,3
0809 20 95	052	429,4
	064	270,8
	066	210,0
	068	230,5
	400	367,0
	999	301,5

<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 1109/2002**  
**of 26 June 2002**  
**fixing export refunds on nuts**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 911/2001 <sup>(2)</sup>, and in particular Article 35(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1961/2001 <sup>(3)</sup> lays down detailed rules on export refunds on fruit and vegetables.
- (2) Article 35(1) of Regulation (EC) No 2200/96 provides that, to the extent necessary for economically significant quantities of the products listed in that Article to be exported, the difference between the international market prices for those products and their prices in the Community may be covered by export refunds.
- (3) Article 35(4) of Regulation (EC) No 2200/96 provides that refunds must be fixed in the light of the existing situation or the outlook for fruit and vegetable prices on the Community market and supplies available on the one hand, and prices on the international market on the other hand. Account must also be taken of the costs referred to in Article 35(4)(b) of that Regulation and of the economic aspect of the exports planned.
- (4) Pursuant to Article 35(1) of Regulation (EC) No 2200/96, refunds are to be set with due regard to the limits resulting from agreements concluded in accordance with Article 300 of the Treaty.
- (5) In accordance with Article 35(5) of Regulation (EC) No 2200/96, prices on the Community market are to be established in the light of the most favourable prices from the export standpoint. International trade prices are to be established in the light of the prices referred to in the second subparagraph of that paragraph.
- (6) The international trade situation or the special requirements of certain markets may call for the refund on a given product to vary according to its destination.
- (7) Shelled almonds, hazelnuts and walnuts in shell can currently be exported in economically significant quantities.
- (8) Compared with other fruit and vegetables, nuts are relatively easy to store. Export refunds can accordingly be fixed for longer periods with a view to rational management of the arrangements.
- (9) The application of the abovementioned rules to the present and forecast market situation, and in particular to fruit and vegetable prices in the Community and international trade, gives the refund rates set out in the Annex hereto.
- (10) Pursuant to Article 35(2) of Regulation (EC) No 2200/96, the resources available should be used as efficiently as possible while avoiding discrimination between traders. Therefore, care should be taken not to disturb the trade flows previously induced by the refund arrangements. For those reasons and because of the seasonal nature of exports of fruit and vegetables, quotas should be fixed for each product.
- (11) Commission Regulation (EEC) No 3846/87 <sup>(4)</sup>, as last amended by Regulation (EC) No 1007/2002 <sup>(5)</sup>, establishes an agricultural product nomenclature for export refunds.
- (12) Commission Regulation (EC) No 1291/2000 <sup>(6)</sup>, as amended by Regulation (EC) No 2299/2001 <sup>(7)</sup>, lays down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products.
- (13) Owing to the market situation, in order to make the most efficient use of the resources available and given the structure of Community exports, the most appropriate method should be selected for export refunds on certain products and certain destinations and consequently refunds under the A 1, A 2 and A 3 licence arrangements referred to in Article 1 of Regulation (EC) No 1961/2001 should not be fixed simultaneously for the export period in question.
- (14) The quantities laid down for the various products should be distributed in accordance with the different systems for the grant of the refund, taking account in particular of their perishability.
- (15) The measures provided for in this Regulation are in accordance with the Management Committee for Fresh Fruit and Vegetables,

<sup>(1)</sup> OJ L 297, 21.11.1996, p. 1.

<sup>(2)</sup> OJ L 129, 11.5.2001, p. 3.

<sup>(3)</sup> OJ L 268, 9.10.2001, p. 8.

<sup>(4)</sup> OJ L 366, 24.12.1987, p. 1.

<sup>(5)</sup> OJ L 153, 13.6.2002, p. 8.

<sup>(6)</sup> OJ L 152, 24.6.2000, p. 1.

<sup>(7)</sup> OJ L 308, 27.11.2001, p. 19.

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The export refunds on nuts shall be as set out in the Annex hereto.
2. Quantities covered by licences issued for food aid as referred to in Article 16 of Regulation (EC) No 1291/2000 shall not count against the eligible quantities covered by the Annex.

3. Without prejudice to the application of Article 5(6) of Regulation (EC) No 1961/2001, the term of validity of A 1 licences shall be three months.

*Article 2*

This Regulation shall enter into force on 27 June 2002.

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

Done at Brussels, 26 June 2002.

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

---



## ANNEX

## to Commission Regulation of 26 June 2002 fixing the export refunds on nuts

Product code	Destination	System Application periods	
		A1 27.6.2002 to 7.1.2003	
		Refund amount (EUR/t net weight)	Scheduled quantity (t)
0802 12 90 9000	F00	45	1 426
0802 21 00 9000	F00	53	569
0802 22 00 9000	F00	103	3 929
0802 31 00 9000	F00	66	588

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:

F00: All destinations except for Estonia.

**COMMISSION REGULATION (EC) No 1110/2002**  
**of 26 June 2002**  
**fixing export refunds on fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 545/2002 <sup>(2)</sup>, and in particular Article 35(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1961/2001 <sup>(3)</sup> lays down detailed rules on export refunds on fruit and vegetables.
- (2) Article 35(1) of Regulation (EC) No 2200/96, provides that, to the extent necessary for economically significant quantities of the products listed in that Article to be exported, the difference between the international market prices for those products and their prices in the Community may be covered by export refunds.
- (3) Article 35(4) of Regulation (EC) No 2200/96 provides that refunds must be fixed in the light of the existing situation or the outlook for fruit and vegetable prices on the Community market and supplies available on the one hand, and prices on the international market on the other hand. Account must also be taken of the costs referred to in Article 35(4)(b) of that Regulation and of the economic aspect of the exports planned.
- (4) Pursuant to Article 35(1) of Regulation (EC) No 2200/96, refunds are to be set with due regard to the limits resulting from agreements concluded in accordance with Article 300 of the Treaty.
- (5) In accordance with Article 35(5) of Regulation (EC) No 2200/96, prices on the Community market are to be established in the light of the most favourable prices from the export standpoint. International trade prices are to be established in the light of the prices referred to in the second subparagraph of that paragraph.

- (6) The international trade situation or the special requirements of certain markets may call for the refund on a given product to vary according to its destination.
- (7) Tomatoes, lemons, oranges, table grapes, apples and peaches of classes Extra, I and II of the common trading standards can currently be exported in economically significant quantities.
- (8) The application of the abovementioned rules to the present and forecast market situation, and in particular to fruit and vegetable prices in the Community and international trade, gives the refund rates set out in the Annex hereto.
- (9) Pursuant to Article 35(2) of Regulation (EC) No 2200/96, the resources available should be used as efficiently as possible while avoiding discrimination between traders. Therefore, care should be taken not to disturb the trade flows previously induced by the refund arrangements. For those reasons and because of the seasonal nature of exports of fruit and vegetables, quotas should be fixed for each product.
- (10) Commission Regulation (EEC) No 3846/87 <sup>(4)</sup>, as last amended by Regulation (EC) No 1007/2002 <sup>(5)</sup>, establishes an agricultural product nomenclature for export refunds.
- (11) Commission Regulation (EEC) No 1291/2000 <sup>(6)</sup>, as amended by Regulation (EC) No 2299/2001 <sup>(7)</sup>, lays down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products.
- (12) Owing to the market situation, in order to make the most efficient use of the resources available and given the structure of Community exports, the most appropriate method should be selected for export refunds on certain products and certain destinations and consequently refunds under the A 1, A 2 and A 3 licence arrangements referred to in Article 1 of Regulation (EC) No 1961/2001 should not be fixed simultaneously for the export period in question.

<sup>(1)</sup> OJ L 297, 21.11.1996, p. 1.

<sup>(2)</sup> OJ L 84, 28.3.2002, p. 1.

<sup>(3)</sup> OJ L 268, 9.10.2001, p. 8.

<sup>(4)</sup> OJ L 366, 24.12.1987, p. 1.

<sup>(5)</sup> OJ L 153, 13.6.2002, p. 8.

<sup>(6)</sup> OJ L 152, 24.6.2000, p. 1.

<sup>(7)</sup> OJ L 308, 27.11.2001, p. 19.

(13) The quantities laid down for the various products should be distributed in accordance with the different systems for the grant of the refund, taking account in particular of their perishability.

(14) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The export refunds on fruit and vegetables shall be as set out in the Annex hereto.

2. Quantities covered by licences issued for food aid as referred to in Article 16 of Regulation (EC) No 1291/2000 shall not count against the eligible quantities covered by the Annex.

*Article 2*

This Regulation shall enter into force on 27 June 2002.

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

Done at Brussels, 26 June 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

---

## ANNEX

## to Commission Regulation of 26 June 2002 fixing the export refunds on fruit and vegetables

Product code	Destination	System			
		A1 Application periods 27.6 to 9.9.2002		B Application periods 1.7 to 16.9.2002	
		Refund amount (EUR/t net weight)	Scheduled quantity (t)	Indicative refund amount (EUR/t net weight)	Scheduled quantity (t)
0702 00 00 9100	F08	14		14	3 478
0805 10 10 9100 0805 10 30 9100 0805 10 50 9100	F00	26		26	1 229
0805 50 10 9100	F00	15		15	0
0806 10 10 9100	F00	23		23	13 255
0808 10 20 9100 0808 10 50 9100 0808 10 90 9100	F04, F09	15		15	5 159
0809 30 10 9100 0809 30 90 9100	F03	27		27	19 415

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:

F00 All destinations except Estonia.

F03 All destinations except Switzerland and Estonia.

F04 Sri Lanka, Hong Kong SAR, Singapore, Malaysia, Indonesia, Thailand, Taiwan, Papua-New Guinea, Laos, Cambodia, Vietnam, Uruguay, Paraguay, Argentina, Mexico, Costa Rica and Japan.

F08 All destinations except Slovakia, Latvia, Lithuania, Bulgaria and Estonia.

F09 Norway, Iceland, Greenland, Faeroe Islands, Poland, Hungary, Romania, Albania, Bosnia and Herzegovina, Croatia, Slovenia, Former Yugoslav Republic of Macedonia, Federal Republic of Yugoslavia (Serbia and Montenegro), Malta, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, destinations referred to in Article 36 of Commission Regulation (EC) No 800/1999, African countries and territories except South Africa, countries of the Arabian Peninsula (Saudi Arabia, Bahrain, Qatar, Oman, United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm al Qalwain, Ras al Khaimah, Fujairah), Kuwait, Yemen), Syria, Iran, Jordan, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador and Colombia.

## COMMISSION REGULATION (EC) No 1111/2002

of 26 June 2002

**setting export refunds on products processed from fruit and vegetables other than those granted for added sugar**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

sulting from agreements concluded in accordance with Article 300 of the Treaty.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the market in products processed from fruit and vegetables <sup>(1)</sup>, as last amended by Regulation (EC) No 2699/2000 <sup>(2)</sup>, and in particular Article 16(3),

Whereas:

- (1) Commission Regulation (EC) No 1429/95 <sup>(3)</sup>, as last amended by Regulation (EC) No 1962/2001 <sup>(4)</sup>, sets implementing rules for export refunds on products processed from fruit and vegetables.
- (2) Article 16(1) of Regulation (EC) No 2201/96 states that, to the extent necessary to permit exports in economically significant quantities of the products referred to in Article 1(1)(a) of that Regulation, on the basis of prices for those products in international trade, the difference between those prices and prices in the Community may be covered by export refunds; Article 18(4) of Regulation (EC) No 2201/96 provides that, if the refund on sugar incorporated into the products listed in Article 1(1) is insufficient to allow export of the products, the refund fixed in accordance with Article 17 is to be applicable to those products.
- (3) Article 17(2) of Regulation (EC) No 2201/96 states that refunds must be fixed with regard to the existing situation and outlook for prices for products processed from fruit and vegetables on the Community market and supply availability, on the one hand, and prices in international trade on the other hand. Account must also be taken of the costs indicated at (b) in that paragraph and of the economic aspect of the envisaged exports.
- (4) Refunds are, pursuant to Article 16(1) of Regulation (EC) No 2201/96, to be set with due regard to the limits re-

- (5) Article 17(3) of Regulation (EC) No 2201/96 states that prices on the Community market are to be determined taking account of those most favourable from the exportation standpoint; whereas international trade prices are to be determined account taken of the prices indicated in the second subparagraph of that paragraph.
- (6) The international trade situation or the special requirements of certain markets may make it necessary to vary the refund on a given product depending on the destination of that product.
- (7) Economically significant exports can be made at the present time of provisionally preserved cherries, peeled tomatoes, preserved cherries, prepared hazelnuts and some orange juices.
- (8) Application of the rules mentioned above to the present and forecast market situation, in particular to prices of products processed from fruit and vegetables in the Community and in international trade, leads to the refund rates set in the Annex hereto.
- (9) Pursuant to Article 16(2) of Regulation (EC) No 2201/96, the most efficient possible use should be made of the resources available without creating discrimination between traders. Therefore, care should be taken not to disturb the trade flows previously induced by the refund arrangements.
- (10) Commission Regulation (EEC) No 3846/87 <sup>(5)</sup>, as last amended by Regulation (EC) No 1007/2002 <sup>(6)</sup>, establishes an agricultural product nomenclature for export refunds.
- (11) Commission Regulation (EC) No 1291/2000 <sup>(7)</sup>, as amended by Regulation (EC) No 2299/2001 <sup>(8)</sup>, lays down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products.

<sup>(1)</sup> OJ L 297, 21.11.1996, p. 29.

<sup>(2)</sup> OJ L 311, 12.12.2000, p. 9.

<sup>(3)</sup> OJ L 141, 24.6.1995, p. 28.

<sup>(4)</sup> OJ L 268, 9.10.2001, p. 19.

<sup>(5)</sup> OJ L 366, 24.12.1987, p. 1.

<sup>(6)</sup> OJ L 153, 13.6.2002, p. 8.

<sup>(7)</sup> OJ L 152, 24.6.2000, p. 1.

<sup>(8)</sup> OJ L 308, 27.11.2001, p. 19.

(12) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

2. Quantities for which licences are issued in the context of food aid, as referred to in Article 16 of Regulation (EC) No 1291/2000 shall not count against the eligible quantities referred to in the first paragraph.

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The export refund rates in the processed fruit and vegetables sector shall be those fixed in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 27 June 2002.

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

Done at Brussels, 26 June 2002.

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

---

## ANNEX

**to the Commission Regulation of 26 June 2002 setting export refunds on products processed from fruit and vegetables other than those granted for added sugar**

Product code	Destination code	Licence issuing period: July to October 2002	
		Period for submission of applications: from 27 June to 24 October 2002	
		Refund rate (EUR/t net)	Quantities provided (in t)
0812 10 00 9100	F06	50	2 853
2002 10 10 9100	F10	45	42 477
2006 00 31 9000 2006 00 99 9100	F06	153	287
2008 19 19 9100 2008 19 99 9100	F00	59	344
2009 11 99 9110 2009 12 00 9111 2009 19 98 9112	F00	5	300
2009 11 99 9150 2009 19 98 9150	F00	29	301

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:

F00: All destinations except for Estonia,

F06: All destinations except the countries of North America and Estonia,

F10: All other destinations except the United States of America, Slovakia, Latvia, Bulgaria, Lithuania and Estonia.

## COMMISSION REGULATION (EC) No 1112/2002

of 20 June 2002

## laying down the detailed rules for the implementation of the fourth stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market <sup>(1)</sup>, as last amended by Commission Directive 2002/48/EC <sup>(2)</sup>, and in particular Article 8(2) second subparagraph thereof,

Whereas:

- (1) The Commission is to undertake a programme of work for the gradual examination of active substances that were on the market two years after the date of notification of Directive 91/414/EEC. The first stage of this programme was laid down by Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC concerning the placing of plant protection products on the market <sup>(3)</sup>, as last amended by Commission Regulation (EC) No 2266/2000 <sup>(4)</sup>. This first stage is ongoing. The second and third stages of work were laid down by Commission Regulation (EC) No 451/2000 of 28 February 2000 laying down the detailed rules for the implementation of the second and third stages of the work programme referred to in Article 8(2) of Council Directive 91/414/EEC <sup>(5)</sup>, and are also ongoing.
- (2) A fourth stage of work should be provided for all the existing active substances not covered by the first, second and third stages of the programme. For certain categories of active substances, it is desirable to indicate which particular active substances or under which conditions of use they should be included in the fourth stage of the programme.
- (3) A notification procedure should be provided by which interested producers can inform the Commission of their interest in securing the inclusion of an active substance in Annex I of Directive 91/414/EEC and of their undertaking to submit all the required information for a proper evaluation of, and decision on, that active substance in the light of the criteria for inclusion set out in Article 5 of the Directive. Such information would permit further prioritisation of the work programme and enable

decisions to be taken on whether these substances should stay on the market after 25 July 2003 pending the outcome of the evaluation on whether their use may be expected to satisfy the requirements of Article 5 of Directive 91/414/EEC.

- (4) It is necessary to define the obligations of notifiers with regard to the formats, periods and recipient authorities for the information to be submitted. Different levels of notification are appropriate for different categories of active substances. For certain categories of active substances, data requirements and evaluation criteria are developed. Therefore, it should be required that the interested producers provide detailed information relating to the current stage of completeness of their dossiers and on the endpoints and undertake to provide a full data package within a set deadline. For the remaining active substances the interested producers should provide basic information in order to identify adequately the active substance and its uses and also undertake to provide a data package within a set deadline.
- (5) Notification should not be a prerequisite for the possibility after inclusion of the active substance in Annex I to Directive 91/414/EEC to place plant protection products on the market subject to the provisions of Article 13 of the Directive.
- (6) The procedures established in this Regulation should not prejudice procedures and actions to be undertaken in the framework of other Community legislation, in particular, under Council Directive 79/117/EEC of 21 December 1978 prohibiting the placing on the market and use of plant protection products containing certain active substances <sup>(6)</sup>, as last amended by Commission Directive 91/188/EEC <sup>(7)</sup>, where information becomes available to the Commission showing that its requirements may be satisfied.
- (7) The Commission will, subject to the conclusions of the progress report on the programme of work to the European Parliament and the Council, referred to in the third subparagraph of Article 8(2) of Directive 91/414/EEC, adopt further detailed regulatory provisions permitting the finalisation as soon as possible of the evaluation and decision making of active substances for which the provisions of the present Regulation concerning notification are satisfied.

<sup>(1)</sup> OJ L 230, 9.8.1991, p. 1.

<sup>(2)</sup> OJ L 148, 6.6.2002, p. 19.

<sup>(3)</sup> OJ L 366, 15.12.1992, p. 10.

<sup>(4)</sup> OJ L 259, 13.10.2000, p. 27.

<sup>(5)</sup> OJ L 55, 29.2.2000, p. 25.

<sup>(6)</sup> OJ L 33, 8.2.1979, p. 36.

<sup>(7)</sup> OJ L 92, 13.4.1991, p. 42.



- (8) The fourth subparagraph of Article 8(2) of Directive 91/414/EEC provides for a Commission Decision not to include in Annex I active substances in cases where the requirements of Article 5 of the Directive are not satisfied or the requisite information and data have not been submitted within the prescribed time period and for Member States to withdraw authorisations of plant protection products containing such active substances. However, it may in particular cases and in the light of detailed reasons provided by Member States, be appropriate to delay such withdrawal for certain uses which are essential and for which there is no alternative to protect efficiently plants or plant products, so as to allow the development of alternatives replacing the use of withdrawn products. The necessity to re-examine these provisions will have to be demonstrated on a case-by-case basis.
- (9) Where, for a particular active substance, the requirements of the present Regulation concerning notification are not satisfied, interested parties are not prevented from seeking inclusion of such active substances in Annex I of Directive 91/414/EEC, through the procedures of Article 6(2) of Directive 91/414/EEC, at a later date.
- (10) It is appropriate for manufacturers to bear the costs of the evaluation needed to demonstrate that their products are safe to market and therefore a fee has to be paid to the authority designated by the Commission to examine the notifications for the active substances.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

#### CHAPTER 1

#### GENERAL PROVISIONS AND DEFINITIONS

##### Article 1

##### Scope

1. This Regulation lays down detailed rules for the initial implementation of the fourth stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC concerning the placing of plant protection products on the market, hereinafter referred to as the 'Directive'.
2. The initial implementation of this fourth stage concerns the notification of the active substances referred to in Annexes I and II to this Regulation with a view to their possible inclusion in a subsequent priority list of active substances with a view to their possible inclusion in Annex I to the Directive. Article 6(2), Article 6(3) and the second subparagraph of Article 6(4) of the Directive shall not apply to a substance listed or referred to in Annexes I and II as long as the procedures provided in this Regulation with regard to these substances have not been finalised.

3. This Regulation shall apply without prejudice to:

- (a) reviews by Member States in particular pursuant to renewals of authorisations in accordance with Article 4(4) of the Directive;
- (b) reviews by the Commission pursuant to Article 5(5) of the Directive;
- (c) assessments carried out under Directive 79/117/EEC.

##### Article 2

##### Definitions

The following definitions shall apply for the purposes of this Regulation:

- (a) 'Producer' means:
  - for active substances produced within the Community, the manufacturer or a person established within the Community designated by the manufacturer as his/her sole representative for the purpose of compliance with this Regulation,
  - for active substances produced outside the Community, the person established within the Community and designated by the manufacturer as his/her sole representative within the Community for the purpose of compliance with this Regulation,
  - for active substances for which a joint notification or joint dossier is submitted, the association of producers established within the Community and designated by the producers referred to in the first or second indent for the purpose of compliance with this Regulation.
- (b) 'Manufacturer' means the person who manufactures the active substance on his/her own or who contracts out to another party the manufacturing of the active substance on its behalf.
- (c) 'Committee' means the Standing Committee on the Food Chain and Animal Health, established by Article 19 of the Directive.

##### Article 3

##### Member State authority

1. Member States shall allocate responsibility for the implementation of their obligations under the programme of work referred to in Article 8(2) of the Directive to an authority or authorities.
2. In each Member State one national authority, referred to in Annex VI, shall coordinate and ensure all necessary contacts with producers, other Member States and the Commission pursuant to this Regulation. Each Member State shall inform the Commission and the designated coordinating national authority of each other Member State of any modifications to the communicated details concerning the designated coordinating national authority.

## CHAPTER 2

**FOURTH STAGE OF THE PROGRAMME OF WORK***Article 4***Basic notification**

1. Any producer wishing to secure the inclusion of an active substance referred to in Annex I to this Regulation, in Annex I to the Directive shall so notify to the body referred to in Annex V. The Commission will regularly follow up the tasks mentioned in Annex V entrusted to the body designated in that Annex. In accordance with the procedure laid down in Article 19 of the Directive it may be decided to designate another body where it would appear that the tasks are not adequately performed.

2. Notification must be submitted for each active substance separately within three months of the date of entry into force of this Regulation in accordance with the model notification as shown in part 1 of Annex III hereto including a written commitment to present a dossier.

3. Any producer who has not notified any given active substance referred to in paragraph 1 within the deadline referred to in paragraph 2 or whose notification was rejected in accordance with the provisions of Article 6 will be permitted to participate in the review programme only collectively with one or more notifiers of the active substance (including a Member State which has notified in accordance with Article 6(2)), whose notification was accepted in accordance with Article 6, in submitting a joint dossier.

*Article 5***Full notification**

1. Any producer wishing to secure the inclusion of an active substance referred to in Annex II to this Regulation, in Annex I to the Directive shall so notify to the body designated in Annex V.

2. Notification must be submitted for each active substance separately, as follows:

- (a) within three months of the date of entry into force of this Regulation, a first notification, in accordance with the model notification as shown in Annex III, part 1 hereto, and
- (b) within six months of the date of entry into force of this Regulation, a second notification, in accordance with the model notification as shown in Annex III, part 2 hereto, including a written commitment to present a complete dossier.

3. Any producer who has not notified any given active substance referred to in paragraph 1 within the deadline referred to in paragraph 2 or whose notification was rejected in accordance with the provisions of Article 6 will be permitted to participate in the review programme only collectively with one or more notifiers of the active substance, including a Member State which has notified in accordance with Article 6(2), whose

notification was accepted in accordance with Article 6, in submitting a joint dossier.

*Article 6***Examination of basic notifications and full notifications**

1. The Commission shall, within two months after the deadline referred to in Article 4(2) and Article 5(2)(a), inform the Committee on the notifications submitted before the deadline.

2. For any active substance for which no producer has submitted a notification, a Member State may declare its interest in securing the inclusion of that active substance in Annex I to the Directive by notifying the body designated in Annex V in accordance with Article 4 or 5. Such notifications must be submitted as soon as possible, and no later than three months after the Commission has informed the Member States that no notification was submitted for that substance. A Member State submitting a notification shall thereafter be treated as the producer for the purposes of the evaluation of the active substance concerned.

3. The Commission shall, at the latest six months after the deadlines referred to in Article 4(2) and Article 5(2), inform the Committee on the admissibility of the notifications received taking into account the criteria referred to in Annex IV, parts 1 and 2.

4. Detailed provisions concerning the submission of dossiers, the deadline(s) for their submission and the fee regime for the active substances for which an admissible notification was received shall be established by the Commission in a Regulation to be adopted in accordance with the second subparagraph of Article 8(2) of the Directive.

5. The Commission shall decide, as provided for in the fourth subparagraph of Article 8(2) of the Directive, not to include in Annex I to the Directive active substances referred to in Annex I or II to this Regulation for which no admissible notification has been submitted within the established time limit. The decision shall state the reasons for the non-inclusion. Member States shall withdraw authorisations of plant protection products containing these active substances within the period prescribed in the Decision.

## CHAPTER 3

**FEES***Article 7***Fees for the notification for the fourth stage of the work programme**

1. Any producer submitting a notification in accordance with the provisions of Article 4 shall at the time of the submission of its notification pay a fee of EUR 750 for each active substance to the body designated in Annex V. The fee shall be used to finance exclusively the costs actually incurred for the tasks referred to in Annex V.

2. Any producer submitting a notification in accordance with the provisions of Article 5(2)(a) shall at the time of the submission of its notification pay a fee of EUR 5 000 for each active substance to the body designated in Annex V. The fee shall be used to finance exclusively the costs actually incurred for the tasks referred to in Annex V.

#### CHAPTER 4

#### FINAL PROVISION

##### *Article 8*

#### **Temporary measures**

In a decision to phase out an active substance for which no admissible notification has been submitted, pursuant to fourth subparagraph of Article 8(2) of Directive 91/414/EC the Commission may, where additional technical evidence has been provided by a Member State demonstrating an essential need for further use of that substance and the absence of any effective alternative, prescribe a phasing out period which is sufficiently long to enable suitable alternatives to be developed.

##### *Article 9*

#### **Entry into force**

This Regulation shall enter into force on 1 August 2002.

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

Done at Brussels, 20 June 2002.

*For the Commission*

David BYRNE

*Member of the Commission*

---

## ANNEX I

**Active substances covered by the basic notification for the fourth stage of the work programme provided for in Article 8(2) of the Directive**

All active substances (including any variants thereof such as salts, esters or amines) that were on the market before 25 July 1993 except those which are covered by:

- Regulation (EEC) No 3600/92,
- Regulation (EC) No 451/2000,
- Annex II to this Regulation,

Notwithstanding the above exceptions, substances which were previously considered to be covered by Directive 98/8/EC of the European Parliament and of the Council<sup>(1)</sup> but which, following clarification of the scope of the Directive, are now considered to fall within the scope of Directive 91/414/EEC and were included in Regulation (EC) No 451/2000, may be notified under Article 4. This applies in particular to substances authorised as disinfectants i.e. products applied indirectly (for example for the disinfection or the disinfestation of empty store rooms or other structures and articles like greenhouses, growing houses, containers, boxes, sacks, barrels etc.) where the purpose of the use is to destroy organisms exclusively and specifically harmful to plants or plant products and after the treatment only plants or plants products will be grown or stored in the treated structures.

All substances belonging to the following categories have to be notified even if they are not mentioned in the table further below:

- active substances of which the use is authorised in human foodstuffs or animal feeding stuffs in accordance with EU-legislation,
- active substances which are plant extracts,
- active substances which are animal products or derived thereof by simple processing,
- active substances, which are or will be exclusively used as attractants or repellants (including pheromones). Active substances, which are or will be exclusively used in traps and/or dispensers, in conformity with Council Regulation (EEC) No 2092/91<sup>(2)</sup> concerning organic farming.

In particular all substances listed in, or falling within a category listed in the following table, should be notified in accordance with Article 5:

(4E-7Z)-4,7-Tridecadien-1-yl-acetate	1,7-Dioxaspiro-5,5-undecan
(4Z-9Z)-7,9-Dodecadien-1-ol	1-Decanol
(7Z-11Z)-7,11-Hexadien-1-yl- acetate	2-Phenylphenol (incl. Sodium salt)
(E)-10-Dodecenyl acetate	2-Propanol
(E)-11-Tetradecenyl acetate	3,7-Dimethyl-2,6-octadien-1-ol
(E)-7-(Z)-9-Dodecadienyl acetate	3,7-Dimethyl-2,6-octadienal
(E,E)-8,10-Dodecadien-1-ol	4-chloro-3-methylphenol
(E/Z)-8-Dodecenyl acetate	5-Decen-1-ol
(Z)-11-Hexadecanole	5-Decen-1-yl acetate
(Z)-11-Tetradecen-1-yl-acetate	6-Benzyladenine
(Z)-13-Octadecanole	7,8-Epoxi-2-methyl-octadecane
(Z)-3-Methyl-6-isopropenyl-3,4- decadien-1yl	7-Methyl-3-methylene-7-octene-1-yl-propionate
(Z)-3-Methyl-6-isopropenyl-9-decen-1-yl acetate	Acetic acid
(Z)-5-Dodecen-1-yl acetate	Acridinic bases
(Z)-7-Tetradecanole	Alkyldimethylbenzyl ammonium chloride
(Z)-7-Tetradecenal	Alkyldimethylethylbenzyl ammonium chloride
(Z)-8-Dodecenol	Aluminium ammonium sulfate
(Z)-8-Dodecenyl acetate	Aluminium sulphate
(Z)-9-Dodecenyl acetate	Amino acids
(Z)-9-Hexadecenal	Ammonium carbonate
(Z)-9-Tetradecenyl acetate	Ammonium hydroxide
(Z)-9-Tricosene	Ammonium sulphate
(Z,E)-11-Tetradecadien-1-yl acetate	Anthraquinone
(Z,Z) Octadienyl acetate	Azadirachtin
	Barium nitrate

<sup>(1)</sup> OJ L 123, 24.4.1998, p. 1.

<sup>(2)</sup> OJ L 198, 22.7.1991, p. 1.

Biphenyl	Lauryldimethylbenzylammonium chloride
Bone oil	Lecithin
Boric acid	Lime phosphate
Calcium carbide	Lime sulphur
Calcium carbonate	Methyl nonyl ketone
Calcium chloride	Methyl-trans-6-nonenoate
Calcium hydroxide	Naphtalene
Calcium oxide	1-Naphtylacetamide
Carbon dioxide	1-Naphtylacetic acid
Chlorhydrate of poly(imino imido biguanidine)	2-Naphtyloxyacetamide
Chlorophylline	2-Naphtyloxyacetic acid
Choline chloride	Naphtylacetic acid ethylester
cis-7,trans-11-hexadecadienyl acetate	Nicotine
cis-Zeatin	Nitrogen
Citronellol	Octyldecyldimethyl ammonium chloride
Cystein	Onion extract
Denathonium benzoate	Oxyquinoline
Didecyl-dimethylammonium chloride	Papaine
Diocyl-dimethyl ammonium chloride	Paraffin oil
Dodecyl alcohol	p-Cresyl acetate
EDTA and salts thereof	Pepper
Ethanol	Petroleum oils
Ethoxyquin	Pherodim
Farnesol	Phosphoric acid
Fatty acids including esters and salts such as (1):	Phoxim
— Decanoic acid	Plant oils such as (2):
— Ethylhexanoate	— Coconut oil
— Ethyloleate	— Daphne oil
— Fatty acid potassium salt	— Etheric oils
— Pelargonic acid	— Eucalyptus oil
Fatty alcohols	— Maize oil
Folic acid	— Olive oil
Formaldehyde	— Peanut oil
Formic acid	— Pinus oil
Garlic extract	— Rape seed oil
Gelatine	— Soya oil
Gibberellic acid	— Sunflower seed oil
Gibberellin	Potassium permanganate
Glutaraldehyde	Potassium sorbate
Grease (bands, fruit trees)	Pronumone
Hydrogen peroxide	Propionic acid
Hydrolysed proteins	Pyrethrins
Indolyacetic acid	Quartz sand
Indolybutyric acid	Quassia
Iron sulphate	Quaternary ammonium compounds
Kieselgur (Diatomaceous earth)	Quinoline derivatives
Lactic acid	Repellants (by smell) of animal or plant origin
Lauryldimethylbenzylammonium bromide	Resins and polymers
	Rock powder

(1) Each fatty acid has to be notified separately but not their variants.

(2) Each plant oil has to be notified separately.

---

Rotenone	Sodium o-benzyl-p-chlorphenoxide
Sea-algae extract	Sodium ortho phenyl phenol
Seaweed	Sodium propionate
Sebacic acid	Sodium p-t-amylphenoxide
Serricornin	Sodium tetraborate
Silicates (sodium and potassium)	Soybean extract
Silver iodide	Soybeanoil, epoxyated
Sodium P-toluenesulphon-chloramide	Sulphur and Sulphur dioxide
Sodium carbonate	Sulphuric acid
Sodium chloride	Tar oils
Sodium hydrogen carbonate	trans-6-Nonen-1-ol
Sodium hydroxide	trans-9-Dodecyl acetate
Sodium hypochlorite	Trimedlure
Sodium lauryl sulfate	Urea
Sodium metabisulphite	Waxes

---

## ANNEX II

All active substances (including any variants thereof such as salts, esters or amines) covered by the full notification for the fourth stage of the work programme provided for in Article 8(2) of the Directive.

Active substances (including any variants thereof) that were on the market before 25 July 1993 which:

1. are microorganisms including viruses, including the following:

*Aschersonia aleyrodis*

*Agrotis segetum granulosis virus*

*Bacillus sphaericus*

*Bacillus thuringiensis* including: (\*)

— subspecies *aizawai*

— subspecies *israelensis*

— subspecies *kurstaki*

— subspecies *tenebrionis*

*Beauveria bassiana*

*Beauveria brongniartii* (syn. *B. tenella*)

*Cydia pomonella granulosis virus*

*Mamestra brassica nuclear polyhedrosis virus*

*Metarhizium anisopliae*

*Neodiprion sertifer nuclear polyhedrosis virus*

*Phlebiopsis gigantea*

*Streptomyces griseoviridis*

Tomato mosaic virus

*Trichoderma harzianum*

*Trichoderma polysporum*

*Trichoderma viride*

*Verticillium dahliae* Kleb.

*Verticillium lecanii*

2. are used as rodenticides (products applied in plant growing areas (agricultural field, greenhouse, forest) to protect plants or plant products temporarily stored in the plant growing areas in the open without using storage facilities), including the following:

Brodifacoum

Bromadiolone

Bromethalin

Calciferol

Calcium phosphate

Chloralose

Chlorophacinone

Cholecalciferol

Coumachlor

Coumafuryl

Coumatetralyl

Crimidine

p-Dichlorobenzene

Difenacoum

Difethialone

Diphacinone

Ethanethiol

Flocumafen

(\*) Each subspecies has to be notified separately.

Fluoroacetamide

Isoval

Papaine

Phosphine and phosphine developing compounds such as:

- aluminium phosphide
- calcium phosphide
- magnesium phosphide
- zinc phosphide

Pyranocumarin

Scilliroside

Sodium cyanide

Sodium dimethylarsinate

Strychnine

Sulfaquinoxaline

Thallium sulphate

Thiourea

Tricalcium phosphate

3. are used on stored plants or plant products, including the following:

Cyanides such as:

- calcium cyanide
- hydrogen cyanide
- sodium cyanide

Phosphine and phosphine developing compounds such as:

- aluminium phosphide
  - magnesium phosphide
-



## ANNEX III

## PART 1

**Notification of an active substance according to Article 4 and Article 5(2)(a)***Model*

The notification must be made on paper and as a computer readable file (as made available by the body designated in Annex V).

The notification shall contain the following information:

REFERENCE NUMBER: .....

## 1. IDENTIFICATION DATA ON THE NOTIFIER

- 1.1. Manufacturer of the active substance as defined in Article 2(b) (name, address, including location of plant):
- 1.2. Name and address of the producer as defined in Article 2(a) including the name of the (natural) person responsible for the notification and further engagements resulting from this Regulation.
  - 1.2.1. (a) Telephone No:  
(b) Telefax No:  
(c) E-Mail Address:
  - 1.2.2. (a) Contact:  
(b) Alternative:

## 2. INFORMATION TO FACILITATE IDENTIFICATION

- 2.1. Common name (proposed or ISO-accepted where appropriate) specifying, where relevant, any variants thereof such as salts, esters or amines produced by the manufacturer. For microorganisms the species, and where relevant, subspecies name.
- 2.2. Chemical name (IUPAC and CAS nomenclature) (where appropriate).
- 2.3. CAS, CIPAC and EEC numbers (if available).
- 2.4. Empirical and structural formula, molecular mass (where appropriate).
- 2.5. Any other information considered necessary to facilitate identification, for example method of manufacture/extraction or origin of materials from which the substance is manufactured.
- 2.6. Specification of purity of the active substance in g/kg or g/l (as appropriate).
- 2.7. Classification and labelling of the active substance in accordance with the provisions of Council Directive 67/548/EEC (OJ L 196, 16.8.1967, p. 1) (health and environment effects).

## 3. FURTHER INFORMATION

- 3.1. For each Member State a list of crops/uses for which plant protection products containing the active substance are currently authorised or used.
- 3.2. Further information on the active substance as set out in Annex II to the Directive points 3.1 to 3.5.
- 3.3. Date and reference number of the most recent review of the active substance in a Member State of the European Union.
- 3.4. Date and reference number of the most recent review of the active substance in an OECD-country.

#### 4. UNDERTAKING

The notifier undertakes to submit to the designated coordinating authority of the designated rapporteur Member State the dossiers within the deadline provided for in the Regulation to be adopted according to Article 6(4) of this Regulation. Whenever the newly adopted Regulation mentions several notifiers for this active substance, the notifier agrees to make all reasonable efforts to present a single dossier collectively with the other notifiers.

The notifier undertakes to pay a fee as provided for in Article 7 at the time of the submission of the notification to the body designated in Annex V.

The notifier declares that he is aware that he will be charged a fee by Member States at the time of the submission of the full dossier for active substances covered by the Regulation meant in Article 6(4).

The notifier confirms that the above information is honest and correct.

The notifier declares that an authorisation by the manufacturer to act as his sole representative for the purpose of complying with this Regulation is enclosed if necessary.

Signature (of the person competent to act for the company mentioned under 1.1).

## PART 2

**Notification of an active substance according to Article 5(2)(b)***Model*

The notification must be made both on paper and as a computer readable file (as made available by the body designated in Annex V).

The notification shall contain the following information:

REFERENCE NUMBER: .....

**1. IDENTIFICATION DATA ON THE NOTIFIER**

- 1.1. Manufacturer of the active substance as defined in Article 2(b) (name, address, including location of plant):
- 1.2. Name and address of the producer as defined in Article 2(a) including the name of the (natural) person responsible for the notification and further engagements resulting from this Regulation.
  - 1.2.1. (a) Telephone No:
  - (b) Telefax No:
  - (c) E-Mail Address:
  - 1.2.2. (a) Contact:
  - (b) Alternative:

**2. INFORMATION TO FACILITATE IDENTIFICATION**

- 2.1. Common name (proposed or ISO-accepted where appropriate) specifying, where relevant, any variants thereof such as salts, esters or amines produced by the manufacturer. For microorganisms the species, and where relevant, subspecies name.
- 2.2. Chemical name (IUPAC and CAS nomenclature) (where appropriate).
- 2.3. CAS, CIPAC and EEC numbers (if available).
- 2.4. Empirical and structural formula, molecular mass (where appropriate).
- 2.5. Specification of purity of the active substance in g/kg or g/l (as appropriate).
- 2.6. Classification and labelling of the active substance in accordance with the provisions of Directive 67/548/EEC (health and environment effects).

**3. COMPLETENESS CHECK**

A completeness check has to be presented in the format recommended at the time of entry into force of this Regulation by the Commission in the framework of the Standing Committee on the Food Chain and Animal Health, for each point of Annex II and Annex III to the Directive relevant for the limited range of representative uses of the active substance for which the notifier intends to demonstrate, on the basis of the data that will be submitted, the acceptability in relation to the assessment of the criteria referred to in Article 5 of the Directive for one or more preparations.

The notifier has to identify these representative uses.

**4. LIST OF AVAILABLE STUDIES**

- A list of all studies available to the notifier and which will be submitted to the rapporteur Member States as part of the dossier.
  - A detailed provisional plan including engagements for the performance of further studies in order to complete the dossier.
  - A separate list of all the studies performed since 1 August 1994 (with the exception of studies on efficacy referred to in Annex III, section 6 of the Directive).
5. For each Member State a list of crops in which plant protection products containing the active substance are currently authorised.
  6. Date and reference of the most recent review of the active substance in a Member State of the European Union.
  7. Date and reference of the most recent review of the active substance in an OECD country.

## 8. LIST OF ENDPOINTS

A list of all the following endpoints has to be presented relevant for the limited range of uses of the active substance for which it has to be demonstrated by the notifier, on the basis of the data that will be submitted, that for one or more preparations the requirements of the Directive in relation to the criteria referred to in its Article 5 can be met.

The end points for rodenticides and products for use on stored plants or plant products are those set out in Regulation (EC) No 451/2000, Annex IV, Part 2, Section 2, point 8:

The end points for microorganisms are as follows:

## IDENTITY AND BIOLOGICAL PROPERTIES

Intended uses:	
Known or new organism:	
GMO:	
Taxonomy:	
Species, subspecies, strain:	
Identification / detection:	
Methods of analysis:	
Mode of action:	
Life cycle:	
Host specificity:	
Known opportunist:	
Toxin production:	
Resistance:	
Resting stages:	
Production control:	

## END POINTS AND RELATED INFORMATION

1. **Hazard evaluation**1.1. *Hazard to humans*

Pathogenicity:	
Infectivity:	
Toxicity:	
Irritation, Sensitisation:	
Genotoxicity:	
Medical reports:	
Formulation:	

1.2. *Hazard to the environment*

Impact on non-targets:	
Formulation:	

2. **Exposure assessment and risk evaluation**

2.1. *Operator exposure*

Application method:

--

Operator exposure models:

--

2.2. *Exposure of the environment*

Natural occurrence, background level:

--

Application method:

--

Post release control:

--

2.3. *Consumer exposure*

Residues:

--

3. **Formulation**

Technical specification:

--

Packaging:

--

9. **UNDERTAKING**

The notifier confirms that the information submitted in points 3 and 8 of the notification is based on studies which are available to the notifier and which will be submitted to the rapporteur Member State as part of the dossier.

The notifier undertakes to submit to the designated coordinating authority of the designated rapporteur Member State the dossiers within the deadline provided for in the Regulation to be adopted according to Article 6(4) of this Regulation. Whenever the newly adopted Regulation mentions several notifiers for this active substance, the notifier agrees to make all reasonable efforts to present a single dossier collectively with the other notifiers.

The notifier undertakes to pay a fee as provided for in Article 7 at the time of the submission of the notification to the body designated in Annex V.

The notifier declares that he is aware that he will be charged a fee by Member States at the time of the submission of the full dossier for active substances covered by the Regulation meant in Article 6(4).

The notifier confirms that the above information is honest and correct.

The notifier declares that an authorisation by the manufacturer to act as his sole representative for the purpose of complying with this Regulation is enclosed if necessary.

Signature (of the person competent to act for the company mentioned under 1.1).

\_\_\_\_\_

## ANNEX IV

## PART 1

**Criteria for the acceptance of notifications referred to in Article 4**

A notification will only be accepted if the following is satisfied:

1. it is presented within the time limit referred to in Article 4(2).
2. it is introduced by a notifier who is a producer as defined in Article 2(a) for an active substance as defined by the Directive and which are placed on the market and used for the purpose of plant protection.
3. it is presented in the format as provided for in Annex III, part 1.
4. a fee as referred to in Article 7(1) has been paid.

## PART 2

**Criteria for the acceptance of notifications referred to in Article 5**

A notification will only be accepted if the following is satisfied:

1. it is presented within the time limit referred to in Article 5(2).
  2. it is introduced by a notifier who is a producer as defined in Article 2(a) for an active substance as defined by the Directive and which are placed on the market and used for the purpose of plant protection.
  3. it is presented in the format as provided for in Annex III, part 2.
  4. it appears from the completeness check that the dossier currently available is sufficiently complete or a time plan to complete it is proposed.
  5. the list of endpoints is sufficiently complete.
  6. a fee as referred to in Article 7(2) has been paid.
-

## ANNEX V

**Designated body referred to in Articles 4 and 5**

The following body is designated to perform on behalf of the Commission the tasks referred to in Article 6:

Biologische Bundesanstalt für Land und Forstwirtschaft (RENDER 4), Messeweg 11-12 D-38104 Braunschweig (website: <http://www.bba.de/english/render/htm> or e-mail: [render@bba.de](mailto:render@bba.de)). The fee referred to in Article 7 has to be paid to:

account holder: Bundeskasse Halle

account No: 8000 10 20

BLZ 800 000 00, Landeszentralbank Halle

IBAN: DE 588 00 00 00 00 8000 10 20

BIC: ZBNS DE 21 800

(reference 'BBA-RENDER 4' mentioning the reference number of the notification).

This body will:

1. examine the notifications referred to in Articles 4 and 5;
2. prepare and make available to the notifiers the format of the notification referred to in Article 4(2) and Article 5(2);
3. examine the notifications and, if necessary, consult with experts from other Member States in the light of the acceptability criteria referred to in Annex IV;
4. report to the Commission at the latest within 3 months from the deadline referred to in Article 4(2) and Article 5(2) and on the acceptability of the notifications received;
5. make available to the Commission the notifications received;
6. make a detailed account available to the Commission;
7. if the total amount of fees paid by all notifiers exceeds the real cost of the examination and administrative treatment of all notifications, refund the balance to the notifiers in equal shares.

---

## ANNEX VI

## COORDINATING AUTHORITY IN THE MEMBER STATES

## AUSTRIA

Bundesamt und Forschungszentrum für Landwirtschaft  
Spargelfeldstraße 191  
A-1226 Vienna

## BELGIUM

Ministère des classes moyennes et de l'agriculture  
Service qualité des matières premières et analyses  
WTC 3, 8<sup>e</sup> étage  
Boulevard S. Bolivar 30  
B-1000 Brussels

## DENMARK

Ministry of Environment  
Danish Environmental Protection Agency  
Pesticide Division  
Strandgade 29  
DK-1401 Copenhagen K

## GERMANY

Biologische Bundesanstalt für Land- und Forstwirtschaft (BBA)  
Abteilung für Pflanzenschutzmittel und Anwendungstechnik (AP)  
Messeweg 11-12  
D-38104 Brunswick

## GREECE

Hellenic Republic  
Ministry of Agriculture  
General Directorate of Plant Produce  
Directorate of Plant Produce Protection  
Department of Pesticides  
3-5 Hippokratous Street  
GR-10164 Athens

## SPAIN

Ministerio de Agricultura, Pesca y Alimentación  
Dirección General de Agricultura  
Subdirección General de Medios de Producción Agrícolas  
C/ Ciudad de Barcelona, 118-120  
E-28007 Madrid

## FINLAND

Plant Production Inspection Centre  
Pesticide Division  
P.O. BOX 42  
FIN-00501 Helsinki

## FRANCE

Ministère de l'agriculture et de la pêche  
Direction générale de l'alimentation  
Sous-direction de la qualité et de la protection des végétaux  
251, rue de Vaugirard  
F-75732 Paris Cedex 15

## IRELAND

Pesticide Control Service  
Department of Agriculture, Food and Rural Development  
Abbotstown Laboratory Complex  
Abbotstown, Castleknock  
Dublin 15  
Ireland

## ITALY

Ministero della Sanità  
Dipartimento degli Alimenti, Nutrizione e Sanità Pubblica Veterinaria  
Ufficio XIV  
Piazza G. Marconi, 25  
I-00144 Rome

## LUXEMBOURG

Administration des services techniques de l'agriculture  
Service de la protection des végétaux  
Boîte postale 1904  
16, route d'Esch  
L-1019 Luxembourg

## NETHERLANDS

College voor de Toelating van Bestrijdingsmiddelen  
PO Box 217  
6700 AE Wageningen  
The Netherlands

## PORTUGAL

Direcção-Geral de Protecção das Culturas,  
Quinta do Marquês  
P-2780-155 Oeiras

## SWEDEN

National Chemicals Inspectorate  
P.O. Box 1384  
S-17127 Solna

## UNITED KINGDOM

Pesticides Safety Directorate  
Department for Environment, Food and Rural Affairs  
Mallard House,  
Kings Pool,  
3 Peasholme Green,  
York, YO1 7PX  
United Kingdom



**COMMISSION REGULATION (EC) No 1113/2002  
of 26 June 2002**

**amending Regulation (EC) No 1788/2001 laying down detailed rules for implementing the provisions concerning the certificate of inspection for imports from third countries under Article 11 of Council Regulation (EEC) No 2092/91**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 473/2002<sup>(2)</sup>, and in particular Article 11(3)(b) and (4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1788/2001<sup>(3)</sup> establishes a new certificate of inspection for imported products replacing the certificate established by Commission Regulation (EEC) No 3457/92<sup>(4)</sup> and foresees that the new certificate shall be applied from 1 July 2002 to products imported under the procedures established in Article 11(1) and 11(6) of Regulation (EEC) No 2092/91.
- (2) However, preparing for 1 July 2002, several Member States have encountered certain technical difficulties and doubts to implement Regulation (EC) No 1788/2001. For the sake of transparency and in order to avoid confusion, these problems must be solved prior to applying the new certificate.

- (3) It is therefore advisable to postpone the date from which the new certificate established in Regulation (EC) No 1788/2001 shall apply.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 14 of Regulation (EEC) No 2092/91,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 1788/2001 is amended as follows:

1. In Article 8, the date of '1 July 2002' is replaced by '1 November 2002'.
2. In Article 9, the date of '1 July 2002' is replaced by '1 November 2002'.

*Article 2*

This Regulation shall enter into force on the seventh 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, 26 June 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 198, 22.7.1991, p. 1.

<sup>(2)</sup> OJ L 75, 16.3.2002, p. 21.

<sup>(3)</sup> OJ L 243, 13.9.2001, p. 3.

<sup>(4)</sup> OJ L 350, 1.12.1992, p. 56.

**COMMISSION REGULATION (EC) No 1114/2002  
of 26 June 2002**

**determining the extent to which applications lodged in June 2002 for import licences under the regime provided for by tariff quotas for certain products in the pigmeat sector for the period 1 July to 30 September 2002 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1486/95 of 28 June 1995 opening and providing for the administration of tariff quotas for certain products in the pigmeat sector <sup>(1)</sup>, as last amended by Regulation (EC) No 1006/2001 <sup>(2)</sup>, and in particular Article 5(5) thereof,

Whereas:

- (1) The applications for import licences lodged for the third quarter of 2002 are for quantities less than the quantities available and can therefore be met in full.
- (2) The surplus to be added to the quantity available for the following period should be determined,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Applications for import licences for the period 1 July to 30 September 2002 submitted pursuant to Regulation (EC) No 1486/95 shall be met as referred to in Annex I.
2. For the period 1 October to 31 December 2002, applications may be lodged pursuant to Regulation (EC) No 1486/95 for import licences for a total quantity as referred to in Annex II.

*Article 2*

This Regulation shall enter into force on 1 July 2002.

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

Done at Brussels, 26 June 2002.

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

<sup>(1)</sup> OJ L 145, 29.6.1995, p. 58.

<sup>(2)</sup> OJ L 140, 24.5.2001, p. 13.

## ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 July to 30 September 2002
G2	100
G3	100
G4	100
G5	100
G6	100
G7	100

## ANNEX II

(t)

Group No	Total quantity available for the period 1 October to 31 December 2002
G2	15 832,0
G3	2 109,0
G4	1 465,0
G5	3 050,0
G6	7 500,0
G7	1 787,5

**COMMISSION REGULATION (EC) No 1115/2002  
of 26 June 2002**

**determining the extent to which applications lodged in June 2002 for import licences for certain pigmeat sector products under the regime provided for by Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1432/94 of 22 June 1994 laying down detailed rules for the application in the pigmeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products <sup>(1)</sup>, as last amended by Regulation (EC) No 1006/2001 <sup>(2)</sup>, and in particular Article 4(4) thereof,

Whereas:

- (1) The quantity available for the fourth quarter of 2002 should be determined.
- (2) It is appropriate to draw the attention of operators to the fact that licences may only be used for products

which comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. For the period 1 October to 31 December 2002, applications may be lodged pursuant to Regulation (EC) No 1432/94 for import licences for a total quantity as referred to in the Annex.

2. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

*Article 2*

This Regulation shall enter into force on 1 July 2002.

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

Done at Brussels, 26 June 2002.

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

<sup>(1)</sup> OJ L 156, 23.6.1994, p. 14.

<sup>(2)</sup> OJ L 140, 24.5.2001, p. 13.

## ANNEX

(t)

Group No	Total quantity available for the period 1 October to 31 December 2002
1	6 904

## COMMISSION REGULATION (EC) No 1116/2002

of 26 June 2002

**determining the extent to which applications lodged in June 2002 for import licences for certain pigmeat products under the regime provided for by the Agreements concluded by the Community with the Republic of Poland, the Republic of Hungary, the Czech Republic, Slovakia, Bulgaria and Romania can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1898/97 of 29 September 1997 laying down detailed rules for the application in the pigmeat sector of the arrangements provided for by Council Regulations (EC) No 1727/2000, (EC) No 2290/2000, (EC) No 2433/2000, (EC) No 2434/2000, (EC) No 2435/2000 and (EC) No 2851/2000 and repealing Regulations (EEC) No 2698/93 and (EC) No 1590/94 <sup>(1)</sup>, as last amended by Regulation (EC) No 1006/2001 <sup>(2)</sup>, and in particular Article 4(5) thereof,

Whereas:

- (1) The applications for import licences lodged for the third quarter of 2002 are for quantities less than the quantities available and can therefore be met in full.
- (2) The surplus to be added to the quantity available for the following period should be determined.
- (3) It is appropriate to draw the attention of operators to the fact that licences may only be used for products

which comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Applications for import licences for the period 1 July to 30 September 2002 submitted pursuant to Regulation (EC) No 1898/97 shall be met as referred to in Annex I.
2. For the period 1 October to 31 December 2002, applications may be lodged pursuant to Regulation (EC) No 1898/97 for import licences for a total quantity as referred to in Annex II.
3. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

*Article 2*

This Regulation shall enter into force on 1 July 2002.

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

Done at Brussels, 26 June 2002.

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

<sup>(1)</sup> OJ L 267, 30.9.1997, p. 58.

<sup>(2)</sup> OJ L 140, 24.5.2001, p. 13.

## ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 July to 30 September 2002
1	100,0
2	100,0
3	100,0
4	100,0
H1	100,0
7	100,0
8	100,0
9	100,0
T1	100,0
T2	100,0
T3	100,0
S1	100,0
S2	100,0
B1	100,0
15	100,0
16	100,0
17	100,0

## ANNEX II

(t)

Group No	Total quantity available for the period 1 October to 31 December 2002
1	3 544,5
2	289,0
3	525,0
4	13 365,6
H1	1 380,0
7	7 790,5
8	875,0
9	16 278,0
T1	750,0
T2	6 125,0
T3	1 667,5
S1	1 225,0
S2	137,5
B1	1 125,0
15	562,5
16	1 062,5
17	7 812,5

**COMMISSION REGULATION (EC) No 1117/2002****of 26 June 2002****establishing the quantity of certain pigmeat products available for the fourth quarter of 2002 under the arrangements provided for by the free trade agreements between the Community, of the one part, and Latvia, Lithuania and Estonia, of the other part**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2305/95 of 29 September 1995 laying down detailed rules for the application in the pigmeat sector of the arrangements provided for in the free trade agreements between the Community, of the one part and Latvia, Lithuania and Estonia, of the other part <sup>(1)</sup>, as last amended by Regulation (EC) No 1006/2001 <sup>(2)</sup>, and in particular Article 4(4) thereof,

Whereas:

In order to ensure distribution of the quantities available, the quantities carried forward from the period 1 July to 30 Septem-

ber 2002 should be added to the quantities available for the period 1 October to 31 December 2002,

HAS ADOPTED THIS REGULATION:

*Article 1*

The quantity available for the period 1 October to 31 December 2002 pursuant to Regulation (EC) No 2305/95 is set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 July 2002.

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

Done at Brussels, 26 June 2002.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Agriculture Director-General*<sup>(1)</sup> OJ L 233, 30.9.1995, p. 45.<sup>(2)</sup> OJ L 140, 24.5.2001, p. 13.



## ANNEX

(t)

Group	Total quantity available for the period 1 October to 31 December 2002
18	900,0
L1	180,0
19	750,0
20	90,0
21	1 000,0
22	480,0

**COMMISSION REGULATION (EC) No 1118/2002****of 26 June 2002****determining the extent to which applications lodged in June 2002 for import licences for certain pigmeat products under the regime provided for by the Agreement concluded by the Community with Slovenia can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 571/97 of 26 March 1997 laying down detailed rules for the application in the pigmeat sector of the arrangements provided for in the Interim Agreement between the Community and Slovenia <sup>(1)</sup>, as last amended by Regulation (EC) No 1006/2001 <sup>(2)</sup>, and in particular Article 4(4) thereof,

Whereas:

- (1) The applications for import licences lodged for the third quarter of 2002 are for quantities less than the quantities available and can therefore be met in full.
- (2) The surplus to be added to the quantity available for the following period should be determined.
- (3) It is appropriate to draw the attention of operators to the fact that licences may only be used for products which comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Applications for import licences for the period 1 July to 30 September 2002 submitted pursuant to Regulation (EC) No 571/97 shall be met as referred to in Annex I.
2. For the period 1 October to 31 December 2002, applications may be lodged pursuant to Regulation (EC) No 571/97 for import licences for a total quantity as referred to in Annex II.
3. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

*Article 2*

This Regulation shall enter into force on 1 July 2002.

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

Done at Brussels, 26 June 2002.

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

<sup>(1)</sup> OJ L 85, 27.3.1997, p. 56.

<sup>(2)</sup> OJ L 140, 24.5.2001, p. 13.

## ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 July to 30 September 2002
23	100,00
24	100,00
25	100,00
26	100,00

## ANNEX II

(t)

Group No	Total quantity available for the period 1 October to 31 December 2002
23	377,4
24	139,3
25	120,0
26	777,3

**COMMISSION REGULATION (EC) No 1119/2002**  
**of 26 June 2002**  
**fixing the production refund for olive oil used in the manufacture of certain preserved foods**

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 20a thereof,

Whereas:

- (1) Article 20a of Regulation No 136/66/EEC provides for the granting of a production refund for olive oil used in the preserving industry. Under paragraph 6 of that Article, and without prejudice to paragraph 3 thereof, the Commission shall fix this refund every two months.
- (2) By virtue of Article 20a(2) of the abovementioned Regulation, the production refund must be fixed on the basis of the gap between prices on the world market and on the Community market, taking account of the import charge applicable to olive oil falling within CN subhead-

ing 1509 90 00 and the factors used for fixing the export refunds for those olive oils during the reference period. It is appropriate to take as a reference period the two-month period preceding the beginning of the term of validity of the production refund.

- (3) The application of the above criteria results in the refund being fixed as shown below,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the months of July and August 2002, the amount of the production refund referred to in Article 20a(2) of Regulation No 136/66/EEC shall be EUR 44,00/100 kg.

*Article 2*

This Regulation shall enter into force on 1 July 2002.

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

Done at Brussels, 26 June 2002.

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

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

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

**DIRECTIVE 2002/47/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**of 6 June 2002**  
**on financial collateral arrangements**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Central Bank <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty <sup>(4)</sup>,

Whereas:

- (1) Directive 98/26/EC of the European Parliament and of the Council of 19 May 1998 on settlement finality in payment and securities settlement systems <sup>(5)</sup> constituted a milestone in establishing a sound legal framework for payment and securities settlement systems. Implementation of that Directive has demonstrated the importance of limiting systemic risk inherent in such systems stemming from the different influence of several jurisdictions, and the benefits of common rules in relation to collateral constituted to such systems.
- (2) In its communication of 11 May 1999 to the European Parliament and to the Council on financial services: implementing the framework for financial markets: action plan, the Commission undertook, after consultation with market experts and national authorities, to work on further proposals for legislative action on collateral urging further progress in the field of collateral, beyond Directive 98/26/EC.
- (3) A Community regime should be created for the provision of securities and cash as collateral under both security interest and title transfer structures including repurchase agreements (repos). This will contribute to the integration and cost-efficiency of the financial market as well as to the stability of the financial system in the Community, thereby supporting the freedom to provide services and the free movement of capital in the single market in financial services. This Directive focuses on bilateral financial collateral arrangements.

- (4) This Directive is adopted in a European legal context which consists in particular of the said Directive 98/26/EC as well as Directive 2001/24/EC of the European Parliament and of the Council of 4 April 2001 on the reorganisation and winding up of credit institutions <sup>(6)</sup>, Directive 2001/17/EC of the European Parliament and of the Council of 19 March 2001 on the reorganisation and winding-up of insurance undertakings <sup>(7)</sup> and Council Regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings <sup>(8)</sup>. This Directive is in line with the general pattern of these previous legal acts and is not opposed to it. Indeed, this Directive complements these existing legal acts by dealing with further issues and going beyond them in connection with particular matters already dealt with by these legal acts.

- (5) In order to improve the legal certainty of financial collateral arrangements, Member States should ensure that certain provisions of insolvency law do not apply to such arrangements, in particular, those that would inhibit the effective realisation of financial collateral or cast doubt on the validity of current techniques such as bilateral close-out netting, the provision of additional collateral in the form of top-up collateral and substitution of collateral.

- (6) This Directive does not address rights which any person may have in respect of assets provided as financial collateral, and which arise otherwise than under the terms of the financial collateral arrangement and otherwise than on the basis of any legal provision or rule of law arising by reason of the commencement or continuation of winding-up proceedings or reorganisation measures, such as restitution arising from mistake, error or lack of capacity.

- (7) The principle in Directive 98/26/EC, whereby the law applicable to book entry securities provided as collateral is the law of the jurisdiction where the relevant register, account or centralised deposit system is located, should be extended in order to create legal certainty regarding the use of such securities held in a cross-border context and used as financial collateral under the scope of this Directive.

- (8) The *lex rei sitae* rule, according to which the applicable law for determining whether a financial collateral arrangement is properly perfected and therefore good

<sup>(1)</sup> OJ C 180 E, 26.6.2001, p. 312.

<sup>(2)</sup> OJ C 196, 12.7.2001, p. 10.

<sup>(3)</sup> OJ C 48, 21.2.2002, p. 1.

<sup>(4)</sup> Opinion of the European Parliament of 13 December 2001 (not yet published in the Official Journal), Council Common Position of 5 March 2002 (not yet published in the Official Journal) and Decision of the European Parliament of 15 May 2002.

<sup>(5)</sup> OJ L 166, 11.6.1998, p. 45.

<sup>(6)</sup> OJ L 125, 5.5.2001, p. 15.

<sup>(7)</sup> OJ L 110, 20.4.2001, p. 28.

<sup>(8)</sup> OJ L 160, 30.6.2000, p. 1.

against third parties is the law of the country where the financial collateral is located, is currently recognised by all Member States. Without affecting the application of this Directive to directly-held securities, the location of book entry securities provided as financial collateral and held through one or more intermediaries should be determined. If the collateral taker has a valid and effective collateral arrangement according to the governing law of the country in which the relevant account is maintained, then the validity against any competing title or interest and the enforceability of the collateral should be governed solely by the law of that country, thus preventing legal uncertainty as a result of other unforeseen legislation.

- (9) In order to limit the administrative burdens for parties using financial collateral under the scope of this Directive, the only perfection requirement which national law may impose in respect of financial collateral should be that the financial collateral is delivered, transferred, held, registered or otherwise designated so as to be in the possession or under the control of the collateral taker or of a person acting on the collateral taker's behalf while not excluding collateral techniques where the collateral provider is allowed to substitute collateral or to withdraw excess collateral.
- (10) For the same reasons, the creation, validity, perfection, enforceability or admissibility in evidence of a financial collateral arrangement, or the provision of financial collateral under a financial collateral arrangement, should not be made dependent on the performance of any formal act such as the execution of any document in a specific form or in a particular manner, the making of any filing with an official or public body or registration in a public register, advertisement in a newspaper or journal, in an official register or publication or in any other matter, notification to a public officer or the provision of evidence in a particular form as to the date of execution of a document or instrument, the amount of the relevant financial obligations or any other matter. This Directive must however provide a balance between market efficiency and the safety of the parties to the arrangement and third parties, thereby avoiding *inter alia* the risk of fraud. This balance should be achieved through the scope of this Directive covering only those financial collateral arrangements which provide for some form of dispossession, i.e. the provision of the financial collateral, and where the provision of the financial collateral can be evidenced in writing or in a durable medium, ensuring thereby the traceability of that collateral. For the purpose of this Directive, acts required under the law of a Member State as conditions for transferring or creating a security interest on financial instruments, other than book entry securities, such as endorsement in the case of instruments to order, or

recording on the issuer's register in the case of registered instruments, should not be considered as formal acts.

- (11) Moreover, this Directive should protect only financial collateral arrangements which can be evidenced. Such evidence can be given in writing or in any other legally enforceable manner provided by the law which is applicable to the financial collateral arrangement.
- (12) The simplification of the use of financial collateral through the limitation of administrative burdens promotes the efficiency of the cross-border operations of the European Central Bank and the national central banks of Member States participating in the economic and monetary union, necessary for the implementation of the common monetary policy. Furthermore, the provision of limited protection of financial collateral arrangements from some rules of insolvency law in addition supports the wider aspect of the common monetary policy, where the participants in the money market balance the overall amount of liquidity in the market among themselves, by cross-border transactions backed by collateral.
- (13) This Directive seeks to protect the validity of financial collateral arrangements which are based upon the transfer of the full ownership of the financial collateral, such as by eliminating the so-called re-characterisation of such financial collateral arrangements (including repurchase agreements) as security interests.
- (14) The enforceability of bilateral close-out netting should be protected, not only as an enforcement mechanism for title transfer financial collateral arrangements including repurchase agreements but more widely, where close-out netting forms part of a financial collateral arrangement. Sound risk management practices commonly used in the financial market should be protected by enabling participants to manage and reduce their credit exposures arising from all kinds of financial transactions on a net basis, where the credit exposure is calculated by combining the estimated current exposures under all outstanding transactions with a counterparty, setting off reciprocal items to produce a single aggregated amount that is compared with the current value of the collateral.
- (15) This Directive should be without prejudice to any restrictions or requirements under national law on bringing into account claims, on obligations to set-off, or on netting, for example relating to their reciprocity or the fact that they have been concluded prior to when the collateral taker knew or ought to have known of the commencement (or of any mandatory legal act leading to the commencement) of winding-up proceedings or reorganisation measures in respect of the collateral provider.

- (16) The sound market practice favoured by regulators whereby participants in the financial market use top-up financial collateral arrangements to manage and limit their credit risk to each other by mark-to-market calculations of the current market value of the credit exposure and the value of the financial collateral and accordingly ask for top-up financial collateral or return the surplus of financial collateral should be protected against certain automatic avoidance rules. The same applies to the possibility of substituting for assets provided as financial collateral other assets of the same value. The intention is merely that the provision of top-up or substitution financial collateral cannot be questioned on the sole basis that the relevant financial obligations existed before that financial collateral was provided, or that the financial collateral was provided during a prescribed period. However, this does not prejudice the possibility of questioning under national law the financial collateral arrangement and the provision of financial collateral as part of the initial provision, top-up or substitution of financial collateral, for example where this has been intentionally done to the detriment of the other creditors (this covers *inter alia* actions based on fraud or similar avoidance rules which may apply in a prescribed period).
- (17) This Directive provides for rapid and non-formalistic enforcement procedures in order to safeguard financial stability and limit contagion effects in case of a default of a party to a financial collateral arrangement. However, this Directive balances the latter objectives with the protection of the collateral provider and third parties by explicitly confirming the possibility for Member States to keep or introduce in their national legislation an *a posteriori* control which the Courts can exercise in relation to the realisation or valuation of financial collateral and the calculation of the relevant financial obligations. Such control should allow for the judicial authorities to verify that the realisation or valuation has been conducted in a commercially reasonable manner.
- (18) It should be possible to provide cash as collateral under both title transfer and secured structures respectively protected by the recognition of netting or by the pledge of cash collateral. Cash refers only to money which is represented by a credit to an account, or similar claims on repayment of money (such as money market deposits), thus explicitly excluding banknotes.
- (19) This Directive provides for a right of use in case of security financial collateral arrangements, which increases liquidity in the financial market stemming from such reuse of 'pledged' securities. This reuse however should be without prejudice to national legislation about separation of assets and unfair treatment of creditors.
- (20) This Directive does not prejudice the operation and effect of the contractual terms of financial instruments provided as financial collateral, such as rights and obligations and other conditions contained in the terms of issue and any other rights and obligations and other conditions which apply between the issuers and holders of such instruments.
- (21) This Act complies with the fundamental rights and follows the principles laid down in particular in the Charter of Fundamental Rights of the European Union.
- (22) Since the objective of the proposed action, namely to create a minimum regime relating to the use of financial collateral, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective,

HAVE ADOPTED THIS DIRECTIVE:

#### Article 1

#### Subject matter and scope

1. This Directive lays down a Community regime applicable to financial collateral arrangements which satisfy the requirements set out in paragraphs 2 and 5 and to financial collateral in accordance with the conditions set out in paragraphs 4 and 5.
2. The collateral taker and the collateral provider must each belong to one of the following categories:
  - (a) a public authority (excluding publicly guaranteed undertakings unless they fall under points (b) to (e)) including:
    - (i) public sector bodies of Member States charged with or intervening in the management of public debt, and
    - (ii) public sector bodies of Member States authorised to hold accounts for customers;
  - (b) a central bank, the European Central Bank, the Bank for International Settlements, a multilateral development bank as defined in Article 1(19) of Directive 2000/12/EC of the European Parliament and of the Council of 20 March 2000 relating to the taking up and pursuit of the business of credit institutions<sup>(1)</sup>, the International Monetary Fund and the European Investment Bank;

<sup>(1)</sup> OJ L 126, 26.5.2000, p. 1. Directive as amended by Directive 2000/28/EC (OJ L 275, 27.10.2000, p. 37).

(c) a financial institution subject to prudential supervision including:

(i) a credit institution as defined in Article 1(1) of Directive 2000/12/EC, including the institutions listed in Article 2(3) of that Directive;

(ii) an investment firm as defined in Article 1(2) of Council Directive 93/22/EEC of 10 May 1993 on investment services in the securities field <sup>(1)</sup>;

(iii) a financial institution as defined in Article 1(5) of Directive 2000/12/EC;

(iv) an insurance undertaking as defined in Article 1(a) of Council Directive 92/49/EEC of 18 June 1992 on the coordination of laws, regulations and administrative provisions relating to direct insurance other than life assurance <sup>(2)</sup> and a life assurance undertaking as defined in Article 1(a) of Council Directive 92/96/EEC of 10 November 1992 on the coordination of laws, regulations and administrative provisions relating to direct life assurance <sup>(3)</sup>;

(v) an undertaking for collective investment in transferable securities (UCITS) as defined in Article 1(2) of Council Directive 85/611/EEC of 20 December 1985 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) <sup>(4)</sup>;

(vi) a management company as defined in Article 1a(2) of Directive 85/611/EEC;

(d) a central counterparty, settlement agent or clearing house, as defined respectively in Article 2(c), (d) and (e) of Directive 98/26/EC, including similar institutions regulated under national law acting in the futures, options and derivatives markets to the extent not covered by that Directive, and a person, other than a natural person, who acts in a trust or representative capacity on behalf of any one or more persons that includes any bondholders or holders of other forms of securitised debt or any institution as defined in points (a) to (d);

(e) a person other than a natural person, including unincorporated firms and partnerships, provided that the other party is an institution as defined in points (a) to (d).

3. Member States may exclude from the scope of this Directive financial collateral arrangements where one of the parties is a person mentioned in paragraph 2(e).

<sup>(1)</sup> OJ L 141, 11.6.1993, p. 27. Directive as last amended by Directive 2000/64/EC of the European Parliament and of the Council (OJ L 290, 17.11.2000, p. 27).

<sup>(2)</sup> OJ L 228, 11.8.1992, p. 1. Directive as last amended by Directive 2000/64/EC of the European Parliament and of the Council.

<sup>(3)</sup> OJ L 360, 9.12.1992, p. 1. Directive as last amended by Directive 2000/64/EC of the European Parliament and of the Council.

<sup>(4)</sup> OJ L 375, 31.12.1985, p. 3. Directive as last amended by Directive 2001/108/EC of the European Parliament and of the Council. (OJ L 41, 13.2.2002, p. 35).

If they make use of this option Member States shall inform the Commission which shall inform the other Member States thereof.

4. (a) The financial collateral to be provided must consist of cash or financial instruments.

(b) Member States may exclude from the scope of this Directive financial collateral consisting of the collateral provider's own shares, shares in affiliated undertakings within the meaning of seventh Council Directive 83/349/EEC of 13 June 1983 on consolidated accounts <sup>(5)</sup>, and shares in undertakings whose exclusive purpose is to own means of production that are essential for the collateral provider's business or to own real property.

5. This Directive applies to financial collateral once it has been provided and if that provision can be evidenced in writing.

The evidencing of the provision of financial collateral must allow for the identification of the financial collateral to which it applies. For this purpose, it is sufficient to prove that the book entry securities collateral has been credited to, or forms a credit in, the relevant account and that the cash collateral has been credited to, or forms a credit in, a designated account.

This Directive applies to financial collateral arrangements if that arrangement can be evidenced in writing or in a legally equivalent manner.

## Article 2

### Definitions

1. For the purpose of this Directive:

(a) 'financial collateral arrangement' means a title transfer financial collateral arrangement or a security financial collateral arrangement whether or not these are covered by a master agreement or general terms and conditions;

(b) 'title transfer financial collateral arrangement' means an arrangement, including repurchase agreements, under which a collateral provider transfers full ownership of financial collateral to a collateral taker for the purpose of securing or otherwise covering the performance of relevant financial obligations;

(c) 'security financial collateral arrangement' means an arrangement under which a collateral provider provides financial collateral by way of security in favour of, or to, a collateral taker, and where the full ownership of the financial collateral remains with the collateral provider when the security right is established;

<sup>(5)</sup> OJ L 193, 18.7.1983, p. 1. Directive as last amended by Directive 2001/65/EC of the European Parliament and of the Council (OJ L 283, 27.10.2001, p. 28).



- (d) 'cash' means money credited to an account in any currency, or similar claims for the repayment of money, such as money market deposits;
- (e) 'financial instruments' means shares in companies and other securities equivalent to shares in companies and bonds and other forms of debt instruments if these are negotiable on the capital market, and any other securities which are normally dealt in and which give the right to acquire any such shares, bonds or other securities by subscription, purchase or exchange or which give rise to a cash settlement (excluding instruments of payment), including units in collective investment undertakings, money market instruments and claims relating to or rights in or in respect of any of the foregoing;
- (f) 'relevant financial obligations' means the obligations which are secured by a financial collateral arrangement and which give a right to cash settlement and/or delivery of financial instruments.

Relevant financial obligations may consist of or include:

- (i) present or future, actual or contingent or prospective obligations (including such obligations arising under a master agreement or similar arrangement);
- (ii) obligations owed to the collateral taker by a person other than the collateral provider; or
- (iii) obligations of a specified class or kind arising from time to time;
- (g) 'book entry securities collateral' means financial collateral provided under a financial collateral arrangement which consists of financial instruments, title to which is evidenced by entries in a register or account maintained by or on behalf of an intermediary;
- (h) 'relevant account' means in relation to book entry securities collateral which is subject to a financial collateral arrangement, the register or account — which may be maintained by the collateral taker — in which the entries are made by which that book entry securities collateral is provided to the collateral taker;
- (i) 'equivalent collateral':
- (i) in relation to cash, means a payment of the same amount and in the same currency;
- (ii) in relation to financial instruments, means financial instruments of the same issuer or debtor, forming part of the same issue or class and of the same nominal amount, currency and description or, where a financial collateral arrangement provides for the transfer of other assets following the occurrence of any event relating to or affecting any financial instruments provided as financial collateral, those other assets;
- (j) 'winding-up proceedings' means collective proceedings involving realisation of the assets and distribution of the proceeds among the creditors, shareholders or members as appropriate, which involve any intervention by adminis-

trative or judicial authorities, including where the collective proceedings are terminated by a composition or other analogous measure, whether or not they are founded on insolvency or are voluntary or compulsory;

- (k) 'reorganisation measures' means measures which involve any intervention by administrative or judicial authorities which are intended to preserve or restore the financial situation and which affect pre-existing rights of third parties, including but not limited to measures involving a suspension of payments, suspension of enforcement measures or reduction of claims;
- (l) 'enforcement event' means an event of default or any similar event as agreed between the parties on the occurrence of which, under the terms of a financial collateral arrangement or by operation of law, the collateral taker is entitled to realise or appropriate financial collateral or a close-out netting provision comes into effect;
- (m) 'right of use' means the right of the collateral taker to use and dispose of financial collateral provided under a security financial collateral arrangement as the owner of it in accordance with the terms of the security financial collateral arrangement;
- (n) 'close-out netting provision' means a provision of a financial collateral arrangement, or of an arrangement of which a financial collateral arrangement forms part, or, in the absence of any such provision, any statutory rule by which, on the occurrence of an enforcement event, whether through the operation of netting or set-off or otherwise:
- (i) the obligations of the parties are accelerated so as to be immediately due and expressed as an obligation to pay an amount representing their estimated current value, or are terminated and replaced by an obligation to pay such an amount; and/or
- (ii) an account is taken of what is due from each party to the other in respect of such obligations, and a net sum equal to the balance of the account is payable by the party from whom the larger amount is due to the other party.

2. References in this Directive to financial collateral being 'provided', or to the 'provision' of financial collateral, are to the financial collateral being delivered, transferred, held, registered or otherwise designated so as to be in the possession or under the control of the collateral taker or of a person acting on the collateral taker's behalf. Any right of substitution or to withdraw excess financial collateral in favour of the collateral provider shall not prejudice the financial collateral having been provided to the collateral taker as mentioned in this Directive.

3. References in this Directive to 'writing' include recording by electronic means and any other durable medium.

*Article 3***Formal requirements**

1. Member States shall not require that the creation, validity, perfection, enforceability or admissibility in evidence of a financial collateral arrangement or the provision of financial collateral under a financial collateral arrangement be dependent on the performance of any formal act.
2. Paragraph 1 is without prejudice to the application of this Directive to financial collateral only once it has been provided and if that provision can be evidenced in writing and where the financial collateral arrangement can be evidenced in writing or in a legally equivalent manner.

*Article 4***Enforcement of financial collateral arrangements**

1. Member States shall ensure that on the occurrence of an enforcement event, the collateral taker shall be able to realise in the following manners, any financial collateral provided under, and subject to the terms agreed in, a security financial collateral arrangement:
  - (a) financial instruments by sale or appropriation and by setting off their value against, or applying their value in discharge of, the relevant financial obligations;
  - (b) cash by setting off the amount against or applying it in discharge of the relevant financial obligations.
2. Appropriation is possible only if:
  - (a) this has been agreed by the parties in the security financial collateral arrangement; and
  - (b) the parties have agreed in the security financial collateral arrangement on the valuation of the financial instruments.
3. Member States which do not allow appropriation on 27 June 2002 are not obliged to recognise it.

If they make use of this option, Member States shall inform the Commission which in turn shall inform the other Member States thereof.

4. The manners of realising the financial collateral referred to in paragraph 1 shall, subject to the terms agreed in the security financial collateral arrangement, be without any requirement to the effect that:
  - (a) prior notice of the intention to realise must have been given;
  - (b) the terms of the realisation be approved by any court, public officer or other person;
  - (c) the realisation be conducted by public auction or in any other prescribed manner; or

- (d) any additional time period must have elapsed.

5. Member States shall ensure that a financial collateral arrangement can take effect in accordance with its terms notwithstanding the commencement or continuation of winding-up proceedings or reorganisation measures in respect of the collateral provider or collateral taker.

6. This Article and Articles 5, 6 and 7 shall be without prejudice to any requirements under national law to the effect that the realisation or valuation of financial collateral and the calculation of the relevant financial obligations must be conducted in a commercially reasonable manner.

*Article 5***Right of use of financial collateral under security financial collateral arrangements**

1. If and to the extent that the terms of a security financial collateral arrangement so provide, Member States shall ensure that the collateral taker is entitled to exercise a right of use in relation to financial collateral provided under the security financial collateral arrangement.
2. Where a collateral taker exercises a right of use, he thereby incurs an obligation to transfer equivalent collateral to replace the original financial collateral at the latest on the due date for the performance of the relevant financial obligations covered by the security financial collateral arrangement.

Alternatively, the collateral taker shall, on the due date for the performance of the relevant financial obligations, either transfer equivalent collateral, or, if and to the extent that the terms of a security financial collateral arrangement so provide, set off the value of the equivalent collateral against or apply it in discharge of the relevant financial obligations.

3. The equivalent collateral transferred in discharge of an obligation as described in paragraph 2, first subparagraph, shall be subject to the same security financial collateral agreement to which the original financial collateral was subject and shall be treated as having been provided under the security financial collateral arrangement at the same time as the original financial collateral was first provided.

4. Member States shall ensure that the use of financial collateral by the collateral taker according to this Article does not render invalid or unenforceable the rights of the collateral taker under the security financial collateral arrangement in relation to the financial collateral transferred by the collateral taker in discharge of an obligation as described in paragraph 2, first subparagraph.

5. If an enforcement event occurs while an obligation as described in paragraph 2 first subparagraph remains outstanding, the obligation may be the subject of a close-out netting provision.

*Article 6***Recognition of title transfer financial collateral arrangements**

1. Member States shall ensure that a title transfer financial collateral arrangement can take effect in accordance with its terms.
2. If an enforcement event occurs while any obligation of the collateral taker to transfer equivalent collateral under a title transfer financial collateral arrangement remains outstanding, the obligation may be the subject of a close-out netting provision.

*Article 7***Recognition of close-out netting provisions**

1. Member States shall ensure that a close-out netting provision can take effect in accordance with its terms:
  - (a) notwithstanding the commencement or continuation of winding-up proceedings or reorganisation measures in respect of the collateral provider and/or the collateral taker; and/or
  - (b) notwithstanding any purported assignment, judicial or other attachment or other disposition of or in respect of such rights.
2. Member States shall ensure that the operation of a close-out netting provision may not be subject to any of the requirements that are mentioned in Article 4(4), unless otherwise agreed by the parties.

*Article 8***Certain insolvency provisions disapplied**

1. Member States shall ensure that a financial collateral arrangement, as well as the provision of financial collateral under such arrangement, may not be declared invalid or void or be reversed on the sole basis that the financial collateral arrangement has come into existence, or the financial collateral has been provided:
  - (a) on the day of the commencement of winding-up proceedings or reorganisation measures, but prior to the order or decree making that commencement; or
  - (b) in a prescribed period prior to, and defined by reference to, the commencement of such proceedings or measures or by reference to the making of any order or decree or the taking of any other action or occurrence of any other event in the course of such proceedings or measures.
2. Member States shall ensure that where a financial collateral arrangement or a relevant financial obligation has come into existence, or financial collateral has been provided on the day of, but after the moment of the commencement of,

winding-up proceedings or reorganisation measures, it shall be legally enforceable and binding on third parties if the collateral taker can prove that he was not aware, nor should have been aware, of the commencement of such proceedings or measures.

3. Where a financial collateral arrangement contains:
  - (a) an obligation to provide financial collateral or additional financial collateral in order to take account of changes in the value of the financial collateral or in the amount of the relevant financial obligations, or
  - (b) a right to withdraw financial collateral on providing, by way of substitution or exchange, financial collateral of substantially the same value,

Member States shall ensure that the provision of financial collateral, additional financial collateral or substitute or replacement financial collateral under such an obligation or right shall not be treated as invalid or reversed or declared void on the sole basis that:

- (i) such provision was made on the day of the commencement of winding-up proceedings or reorganisation measures, but prior to the order or decree making that commencement or in a prescribed period prior to, and defined by reference to, the commencement of winding-up proceedings or reorganisation measures or by reference to the making of any order or decree or the taking of any other action or occurrence of any other event in the course of such proceedings or measures; and/or
- (ii) the relevant financial obligations were incurred prior to the date of the provision of the financial collateral, additional financial collateral or substitute or replacement financial collateral.

4. Without prejudice to paragraphs 1, 2 and 3, this Directive leaves unaffected the general rules of national insolvency law in relation to the avoidance of transactions entered into during the prescribed period referred to in paragraph 1(b) and in paragraph 3(i).

*Article 9***Conflict of laws**

1. Any question with respect to any of the matters specified in paragraph 2 arising in relation to book entry securities collateral shall be governed by the law of the country in which the relevant account is maintained. The reference to the law of a country is a reference to its domestic law, disregarding any rule under which, in deciding the relevant question, reference should be made to the law of another country.
2. The matters referred to in paragraph 1 are:
  - (a) the legal nature and proprietary effects of book entry securities collateral;

- (b) the requirements for perfecting a financial collateral arrangement relating to book entry securities collateral and the provision of book entry securities collateral under such an arrangement, and more generally the completion of the steps necessary to render such an arrangement and provision effective against third parties;
- (c) whether a person's title to or interest in such book entry securities collateral is overridden by or subordinated to a competing title or interest, or a good faith acquisition has occurred;
- (d) the steps required for the realisation of book entry securities collateral following the occurrence of an enforcement event.

*Article 10*

**Report by the Commission**

Not later than 27 December 2006, the Commission shall present a report to the European Parliament and the Council on the application of this Directive, in particular on the application of Article 1(3), Article 4(3) and Article 5, accompanied where appropriate by proposals for its revision.

*Article 11*

**Implementation**

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this

Directive by 27 December 2003 at the latest. They shall forthwith inform the Commission thereof.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

*Article 12*

**Entry into force**

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

*Article 13*

**Addressees**

This Directive is addressed to the Member States.

Done at Brussels, 6 June 2002.

*For the European Parliament*

*The President*

P. COX

*For the Council*

*The President*

A. M. BIRULÉS Y BERTRÁN

---

## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 5 June 2002

accepting an undertaking in connection with the anti-dumping proceeding concerning imports of urea originating, *inter alia*, in Lithuania

(2002/498/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/1996<sup>(1)</sup> of 22 December 1995 on protection against dumped imports from countries not members of the European Community, as last amended by Council Regulation (EC) No 2238/2000<sup>(2)</sup>, and in particular Articles 8 and 9 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

- (1) The Commission, by Regulation (EC) No 1497/2001<sup>(3)</sup> (the provisional Regulation) imposed a provisional anti-dumping duty on imports of urea originating in Belarus, Bulgaria, Croatia, Estonia, Libya, Lithuania, Romania and the Ukraine, and accepted an undertaking offered by an exporting producer in Bulgaria.
- (2) The Council, by Regulation (EC) No 92/2002<sup>(4)</sup> (the definitive Regulation), imposed definitive anti-dumping duties on imports of urea originating in Belarus, Bulgaria, Croatia, Estonia, Libya, Lithuania, Romania and the Ukraine and exempted a Bulgarian exporting producer from the said duties as an undertaking had been accepted by the Commission from the company concerned.
- (3) During the investigation, prior to the imposition of provisional measures, the only Lithuanian exporting producer of the product concerned, Joint Stock Company Achema (Achema) had offered an undertaking, which could not be accepted by the Commission for the reasons set out in detail in recital 237 of the provisional Regulation.

- (4) Following disclosure of the facts and considerations on the basis of which it was intended to recommend the imposition of definitive duties, Achema presented to the Commission services within the deadlines stipulated, a revised offer for a price undertaking. This undertaking offer could not be accepted due to the fact that Achema also sold other fertilisers to the Community. The existence of sales of other fertilisers rendered the commitment to respect minimum prices for urea easy to circumvent by means of compensation with sales of those fertilisers at lower prices.

- (5) Subsequently, Achema submitted a substantially revised undertaking offer. It is considered that the revised offer would not only eliminate the injurious effect of dumping but also seriously limit any risk of circumvention in the form of cross-compensation with other products since, in addition to the minimum price set for urea, the company offered to respect a precise price level for the other fertilisers that it also exports to the Community. The company also accepted to respect the remaining formal requirements and reporting obligations usually stipulated in undertakings for all fertilisers exported to the Community.

- (6) This final, acceptable, offer of a price undertaking was made by Achema prior to the publication of the definitive findings, but at such a late stage in the proceeding that it was administratively impossible to include its acceptance in the definitive Regulation. Exceptionally, and particularly taking account of the company's efforts throughout the proceeding to offer an undertaking which would overcome the Commission's concerns regarding the risk of circumvention and the elimination of injury, it is considered appropriate to accept the undertaking notwithstanding the fact that it was made after the period during which representations must be made pursuant to Article 20(5) of the Basic Regulation.

<sup>(1)</sup> OJ L 56, 6.3.1996, p. 1.

<sup>(2)</sup> OJ L 257, 11.10.2000, p. 2.

<sup>(3)</sup> OJ L 197, 21.7.2001, p. 4.

<sup>(4)</sup> OJ L 17, 19.1.2002, p. 1.

- (7) The Community industry was informed of this revised offer and maintained its position that due to the general conditions in the fertiliser market which is characterised by significant price variations, any undertaking in the form of a minimum price would be inefficient and would undermine the anti-dumping measures imposed. It should be noted that although certain price variations have been observed on the urea market, these were not sufficient as to render any undertaking inefficient. This was also confirmed by the fact that an undertaking from a Bulgarian exporting producer concerned by the investigation which led to the imposition of definitive duties (the original investigation) had already been in place for several months and there were no indications that this undertaking has been inefficient. There is therefore no reason to believe that the undertaking offered by Achema would be inefficient.
- (8) The Community industry also opposed to the acceptance of an undertaking so soon after the imposition of a definitive specific anti-dumping duty. It further alleged that the final undertaking proposal did not differ substantially from the previously refused offer made by the company, where it proposed to follow market prices for the other fertilisers exported to the Community.
- (9) For the reasons explained in recitals 5 and 6, these arguments had to be rejected.
- (10) Finally, the Community industry claimed that other products were produced by Achema which could be used for cross-compensation. In this respect it should be noted that the undertaking offer contains a clause for 'the Company', i.e. Achema and any of its related companies, not to enter into compensatory arrangements in any form with its unrelated customers. Furthermore, under the proposed form of the undertaking the risk of cross-compensation is already limited.
- (11) Finally, the Community industry claimed that accepting an undertaking from certain exporters would constitute an unjustified discrimination vis-à-vis other exporters concerned by the original investigation from which an undertaking had not been accepted.
- (12) In this regard, it should be noted that each undertaking offer has to be examined on its own merits on the basis of the criteria laid down in Article 8 of Council Regulation (EC) No 384/96 on protection against dumped imports from countries not members of the European

Community. Thus, undertaking offers can only be accepted in cases where they eliminate the injurious dumping and allow effective monitoring. This was the case for Achema and for the Bulgarian company but not for the remaining companies which offered undertakings.

- (13) Consequently, none of the arguments brought forward by the Community industry alter the Commission's conclusion that the undertaking offered by Achema eliminates the injurious effect of dumping and seriously limits any risk of circumvention in the form of cross-compensation with other products.

#### B. UNDERTAKING

- (14) In view of the foregoing, the Commission considers that the undertaking offered by Achema can be accepted since it eliminates the injurious effects of dumping. Moreover, the regular and detailed reports which the company undertook to provide to the Commission will allow effective monitoring. In addition, the price commitments the company undertook allow the Commission to conclude that the risk of circumvention of the undertaking will be adequately limited,

HAS ADOPTED THIS DECISION:

#### Article 1

The undertaking offered in accordance with Article 8(2) of Regulation (EC) No 384/96 by joint stock company, Achema, Lithuania (TARIC additional code A375), in the framework of the anti-dumping proceedings concerning imports of urea originating, *inter alia*, in Lithuania is hereby accepted.

#### Article 2

This Decision takes effect on the day following that of its publication in the *Official Journal of the European Communities*.

Done at Brussels, 5 June 2002.

For the Commission

Pascal LAMY

Member of the Commission

## COMMISSION DECISION

of 26 June 2002

**authorising derogations from certain provisions of Council Directive 2000/29/EC in respect of naturally or artificially dwarfed plants of *Chamaecyparis Spach*, *Juniperus L.* and *Pinus L.*, originating in the Republic of Korea**

(notified under document number C(2002) 2251)

(2002/499/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

## Article 1

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community <sup>(1)</sup>, as last amended by Commission Directive 2002/36/EC <sup>(2)</sup>, and in particular Article 15(1) thereof,

The Member States are hereby authorised to provide for derogations from Article 4(1) of Directive 2000/29/EC, with regard to the prohibitions referred to in Part A, point 1 of Annex III to that Directive for plants of *Chamaecyparis Spach*, *Juniperus L.* and *Pinus L.*, other than fruits and seeds, originating in the Republic of Korea.

Having regard to the request made by the United Kingdom,

In order to qualify for these derogations, plants of *Chamaecyparis Spach*, *Juniperus L.* and *Pinus L.*, other than fruits and seeds, shall satisfy, in addition to the requirements laid down in Annex I, Annex II and in part A, Section I, point 43 of Annex IV to Directive 2000/29/EC, the conditions set out in the Annex to this Decision.

Whereas:

(1) Under Directive 2000/29/EC, plants of *Chamaecyparis Spach*, *Juniperus L.* and *Pinus L.*, other than fruits and seeds, originating in non-European countries, must not in principle be introduced into the Community. However, Directive 2000/29/EC permits derogations from this rule, provided that it is established that there is no risk of introduction of harmful organisms.

## Article 2

Member States shall provide the Commission and the other Member States, before 1 August 2005, with the information on quantities imported prior to that date pursuant to this Decision and with a detailed technical report of the examination and/or tests carried out on these plants during the quarantine period referred to in point 10 of the Annex.

(2) Following a mission of the Food and Veterinary Office of the Commission and exchange of information between the Commission and the Republic of Korea, the Commission has established that on the basis of available information there is no risk of spreading harmful organisms with the import of naturally or artificially dwarfed plants of *Chamaecyparis Spach*, *Juniperus L.* and *Pinus L.*, provided that specific conditions are satisfied.

Any Member State, other than that of importation, in which the plants are introduced, shall also provide the Commission and the other Member States, before 1 August 2005, with a detailed technical report of the examination and/or tests carried out on these plants introduced prior to that date during the quarantine period referred to in point 10 of the Annex.

(3) A derogation from certain provisions of Directive 2000/29/EC should therefore be authorised for a limited period, subject to specific conditions.

## Article 3

Member States shall notify the Commission and the other Member States of all cases of consignments introduced into their territory pursuant to this Decision which were subsequently found not to comply with the conditions laid down herein.

(4) The authorisation pursuant to this Decision should be terminated if it is established that the specific conditions are not sufficient to prevent the introduction of harmful organisms or have not been complied with.

## Article 4

Member States may apply the derogations mentioned in Article 1 to *Pinus* and *Chamaecyparis* plants imported into the Community in the period from 1 June 2004 to 31 December 2005, and to *Juniperus* plants imported into the Community in the period from 1 November 2004 to 31 March 2005.

(5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

<sup>(1)</sup> OJ L 169, 10.7.2000, p. 1.

<sup>(2)</sup> OJ L 116, 3.5.2002, p. 16.

*Article 5*

This Decision shall apply from 1 July 2002.

*Article 6*

This Decision is addressed to the Member States.

Done at Brussels, 26 June 2002.

*For the Commission*

David BYRNE

*Member of the Commission*

---



## ANNEX

**Specific conditions applying to plants, originating in the Republic of Korea, benefiting from the derogation provided for in Article 1 of this Decision**

1. The plants shall be naturally or artificially dwarfed plants of the genus *Chamaecyparis* Spach, genus *Juniperus* L., or in the case of the genus *Pinus* L. either entirely of the species *Pinus parviflora* Sieb. & Zucc. (*Pinus pentaphylla* Mayr), or that species grafted on a rootstock of a *Pinus* species other than *Pinus parviflora* Sieb. & Zucc. In the latter case, the rootstock shall not bear any shoots.
2. The total number of plants shall not exceed quantities which have been determined by the importing Member State, having regard to available quarantine facilities.
3. Prior to export to the European Community, the plants shall have been grown, held and trained for at least two consecutive years in officially registered nurseries, which are subject to an officially supervised control regime. The annual lists of the registered nurseries shall be made available to the Commission, at the latest by 1 March 2004. These lists shall be immediately transmitted to the Member States. They shall include the number of plants grown in each of these nurseries, as far as they are deemed suitable for dispatch to the Community, under the conditions laid down in this Decision.
4. For *Juniperus* plants, the plants of the genera *Chaenomeles* Lindl., *Crataegus* L., *Cydonia* Mill., *Juniperus* L., *Malus* Mill., *Photinia* Ldl. and *Pyrus* L., which have been grown in the two last years prior to dispatch in the abovementioned naturally or artificially dwarfed plants nurseries and their immediate vicinity, shall have been officially inspected at least six times a year at appropriate intervals for the presence of harmful organisms of concern. For *Chamaecyparis* and *Pinus* plants, the plants of the genus *Chamaecyparis* Spach and of the genus *Pinus* L., which have been grown in the abovementioned naturally or artificially dwarfed plants nurseries and their immediate vicinity, shall have been officially inspected at least six times a year at appropriate intervals, for the presence of harmful organisms of concern.

The harmful organisms of concern are:

- (a) for *Juniperus* plants,
  - *Aschistonyx eppoi* Inouye,
  - *Gymnosporangium asiaticum* Miyabe ex Yamada and *G. yamadae* Miyabe ex Yamada,
  - *Oligonychus perditus* Pritchard et Baker,
  - *Popillia japonica* Newman,
  - any other harmful organism which is not known to occur in the Community;
- (b) for *Chamaecyparis* plants,
  - *Popillia japonica* Newman,
  - any other harmful organism which is not known to occur in the Community;
- (c) for *Pinus* plants,
  - *Bursaphelenchus xylophilus* (Steiner & Buehrer) Nickle et al.,
  - *Cercoseptoria pini-densiflorae* (Hori & Nambu) Deighton,
  - *Coleosporium phellodendri* Komr,
  - *Coleosporium asterum* (Dietel) Sydow,
  - *Coleosporium eupatorii* Arthur,
  - *Cronartium quercuum* (Berk.) Miyabe ex Shirai,
  - *Dendrolimus spectabilis* Butler,
  - *Monochamus* spp. (non European),
  - *Popillia japonica* Newman,
  - *Thecodiplosis japonensis* Uchida & Inouye,
  - any other harmful organism which is not known to occur in the Community.

The plants shall have been found free, in these inspections, from the harmful organisms abovementioned. Infested plants shall be removed. The remaining plants shall be effectively treated.

5. Any detection of harmful organisms of concern specified in point 4 in the inspections carried out pursuant to point 4 shall be officially recorded, and the records shall be kept available to the Commission, upon its request. Any detection of any of the harmful organisms, which are specified in point 4, shall disqualify the nursery from its status under point 3. The Commission shall be informed immediately thereof. In such case, the registration can be renewed only in the following year.
6. The plants intended for the Community shall at least during the period referred to in point 3:
  - (a) be potted, at least during the same period, in pots which are placed either on shelves at least 50 cm above ground or onto flooring, impenetrable for nematodes, which is well maintained and free from debris;

- (b) be found free, in the inspections referred to in point 4, from the harmful organisms of concern specified in point 4 and not be affected by the measures referred to in point 5;
  - (c) if they belong to the genus *Pinus* L. and in the case of grafting on a rootstock of a *Pinus* species other than *Pinus parviflora* Sieb. & Zucc., have a rootstock derived from sources officially approved as healthy material;
  - (d) be made recognisable with a marking, exclusive for each individual plant and notified to the official plant protection organisation of the Republic of Korea, enabling the identification of the registered nursery and the year of potting.
7. The official plant protection organisation of the Republic of Korea shall ensure the identifiability of the plants from the time of their removal from the nursery until the time of loading for export, through sealing of transport vehicles or appropriate alternatives.
8. The plants and the adhering or associated growing medium (hereinafter referred to as 'the material') shall be accompanied by a phytosanitary certificate issued in the Republic of Korea in accordance with Article 7 of Directive 2000/29/EC, on the basis of the examination laid down in Article 6 of that Directive relating to the conditions laid down therein, in particular freedom from harmful organisms of concern, as well as to the requirements specified in points 1 to 7.

The certificate shall indicate:

- (a) the name or the names of the registered nursery or nurseries;
  - (b) the markings referred to in point 6, as far as they enable identification of the registered nursery and the year of potting;
  - (c) the specification of the last treatment applied, prior to dispatch;
  - (d) under 'Additional Declaration', the statement 'This consignment meets the conditions laid down in Decision 2002/499/EC'.
9. Prior to introduction into a Member State, the importer shall notify each introduction sufficiently in advance to the responsible official bodies referred to in Directive 2000/29/EC, in the Member State concerned, indicating:
- (a) the type of material;
  - (b) the quantity;
  - (c) the declared date of import;
  - (d) the officially approved site where the plants will be held under the post-entry quarantine referred to in point 10.

The importers shall be officially informed, prior to the introduction, of the conditions laid down in points 1 to 12.

10. The material shall be subject, before it is released, to official post-entry quarantine for a period of not less than three months of active growth in the case of *Pinus* and *Chamaecyparis* plants and for a period including the active growth season from 1 April until 30 June in the case of *Juniperus* plants and must be found free, during this quarantine period, from any harmful organisms of concern. Particular attention shall be given to preserve for each plant the marking referred to in point 6(d).
11. The post-entry quarantine referred to in point 10 shall:
- (a) be supervised by the responsible official bodies of the Member State concerned and executed by officially approved and trained staff, with the possible assistance of the experts referred to in Article 21 of Directive 2000/29/EC under the procedure laid down therein;
  - (b) be performed at an officially approved site provided with appropriate facilities sufficient to contain harmful organisms and maintain the material in such a way as to eliminate any risk of spreading harmful organisms;
  - (c) be performed for each item of material:
    - (i) by visual examination upon arrival and at regular intervals thereafter, having regard to the type of material and its state of development during the quarantine period, for harmful organisms or symptoms caused by any harmful organism;
    - (ii) by appropriate testing of any symptom observed in the visual examination in order to identify the harmful organisms having caused such symptoms.
12. Any lot in which material which has not been found free, during the post-entry quarantine referred to in point 10, from harmful organisms of concern shall be immediately destroyed under official supervision.
13. Member States shall notify, to the Commission and to the other Member States, any contamination by harmful organisms in question which has been confirmed during the post-entry quarantine referred to in point 10. In such case, the relevant Korean nursery shall be disqualified from its status under point 3. The Commission shall inform immediately Korea thereof.

14. Any material which has been subjected to the post-entry quarantine referred to in point 10 in the importing Member State and has been found free, during that quarantine period, from harmful organisms of concern and which has been maintained under appropriate conditions may be moved within the Community only when a plant passport referred to in Article 10 of Directive 2000/29/EC has been issued in accordance with the relevant provisions of that Directive and has been attached to the material, to its packaging or to the vehicles transporting the material.

The plant passport referred to in the first subparagraph shall indicate the name of the country of origin.

---

**CORRIGENDA****Corrigendum to Council Directive 1999/36/EC of 29 April 1999 on transportable pressure equipment**

(Official Journal of the European Communities L 138 of 1 June 1999)

On page 36 in Annex IV, Part I, Module B1:

point 5, first paragraph:

- *for*: '... EC type-examination ...',
- *read*: '... EC design-examination ...';

point 5, third paragraph:

- *for*: '... EC type-examination ...',
- *read*: '... EC design-examination ...';

point 6, first and last sentences:

- *for*: '... EC type-examination ...',
- *read*: '... EC design-examination ...';

and point 7, second paragraph:

- *for*: '... EC type-examination ...',
  - *read*: '... EC design-examination ...'.
-

**Corrigendum to Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever**

*(Official Journal of the European Communities L 316 of 1 December 2001)*

On page 17, second subparagraph of Article 17(4):

*for:* '... before 1 January 2003 ...';

*read:* '... before 1 May 2003 ...';

on page 21, first subparagraph of Article 28(1), first and second lines:

*for:* '... listed in Annex VII, Part A, are hereby repealed as from 1 July 2002, ...';

*read:* '... listed in Annex VIII, Part A, are hereby repealed as from 1 November 2002, ...';

and in the last line:

*for:* '... Annex VII, Part B,';

*read:* '... Annex VIII, Part B...';

in the second subparagraph of Article 28(1):

*for:* '... the correlation table set out in Annex VIII,';

*read:* '... the correlation table set out in Annex IX,';

in Article 29(2), second subparagraph:

*for:* '... before 1 October 2002, ...';

*read:* '... before 1 February 2003, ...';

in Article 29(3), second subparagraph:

*for:* '... before 1 January 2003, ...';

*read:* '... before 1 May 2003, ...'.

---