

English edition

Legislation

Contents

- I Acts whose publication is obligatory
- Commission Regulation (EC) No 2863/2000 of 28 December 2000 establishing the standard import values for determining the entry price of certain fruit and vegetables 1
- * Commission Regulation (EC) No 2864/2000 of 27 December 2000 amending Regulation (EC) No 2809/2000 laying down detailed rules for the application, for cereals sector products, of Regulations (EC) No 2290/2000, (EC) No 2433/2000, (EC) No 2434/2000 and (EC) No 2435/2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products originating in the Republic of Bulgaria, the Czech Republic, the Slovak Republic and Romania respectively and amending Regulation (EC) No 1218/96 3
- * Commission Regulation (EC) No 2865/2000 of 27 December 2000 amending Regulation (EC) No 1899/97 setting rules of application in the poultrymeat and egg sectors for the arrangements covered by Council Regulation (EC) No 3066/95, (EC) No 1727/2000, (EC) No 2290/2000, (EC) No 2433/2000, (EC) No 2434/2000 and (EC) No 2435/2000 and repealing Regulations (EEC) No 2699/93 and (EC) No 1559/94 6
- * Commission Regulation (EC) No 2866/2000 of 27 December 2000 amending Regulation (EC) No 1898/97 laying down rules of application in the pigmeat sector for the arrangements covered by Council Regulations (EC) No 1727/2000 and (EC) No 3066/95 and repealing Regulations (EEC) No 2698/93 and (EC) No 1590/94 and amending Regulation (EC) No 2332/2000 determining the extent to which applications lodged in October 2000 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 9
- * Commission Regulation (EC) No 2867/2000 of 27 December 2000 amending Regulation (EC) No 2305/95 establishing detailed rules for application in the pigmeat sector of the arrangements provided for in the free trade agreements between the Community, of the one part, and Estonia, Latvia and Lithuania, of the other part and amending Regulation (EC) No 2333/2000 establishing the quantity of certain pigmeat products available for the first quarter of 2001 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 14

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(Continued overleaf)

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

<p>★ Commission Regulation (EC) No 2868/2000 of 27 December 2000 amending Regulation (EC) No 571/97 establishing detailed rules for the application in the pigmeat sector of the Interim Agreement on trade and trade-related measures between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and the Republic of Slovenia, of the other part</p>	17
<p>Commission Regulation (EC) No 2869/2000 of 28 December 2000 on the issuing of a standing invitation to tender for the resale on the internal market of 250 000 tonnes of common wheat from the 1999 harvest held by the French intervention agency</p>	19
<p>★ Commission Regulation (EC) No 2870/2000 of 19 December 2000 laying down Community reference methods for the analysis of spirits drinks</p>	20
<p>★ Commission Regulation (EC) No 2871/2000 of 28 December 2000 adapting to scientific and technical progress Council Regulation (EEC) No 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation ⁽¹⁾</p>	47
<p>★ Commission Regulation (EC) No 2872/2000 of 28 December 2000 amending Regulation (EEC) No 1859/93 on the application of the system of import licences for garlic imported from third countries</p>	49
<p>★ Commission Regulation (EC) No 2873/2000 of 28 December 2000 opening a tariff quota for the import of certain goods originating in Norway resulting from the processing of agricultural products covered by the Annex to Council Regulation (EC) No 3448/93</p>	50
<p>★ Commission Regulation (EC) No 2874/2000 of 28 December 2000 on the authorisation of transfers between the quantitative limits of textiles and clothing products originating in the People's Republic of China</p>	52
<p>★ Commission Regulation (EC) No 2875/2000 of 28 December 2000 opening a tariff quota for the import of certain goods originating in Iceland resulting from the processing of agricultural products covered by the Annex to Council Regulation (EC) No 3448/93</p>	53
<p>★ Commission Regulation (EC) No 2876/2000 of 28 December 2000 opening a Community tariff quota for certain goods originating from Turkey (2001)</p>	55
<p>★ Commission Regulation (EC) No 2877/2000 of 28 December 2000 amending Regulation (EEC) No 1481/86 on the determination of prices of fresh or chilled lamb carcasses on representative Community markets and the survey of prices of certain other qualities of sheep carcasses in the Community</p>	57
<p>★ Commission Regulation (EC) No 2878/2000 of 28 December 2000 amending Annex IV to Council Regulation (EC) No 517/94 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Community import rules</p>	60
<p>★ Commission Regulation (EC) No 2879/2000 of 28 December 2000 laying down detailed rules for applying Council Regulation (EC) No 2702/1999 on measures to provide information on, and to promote, agricultural products in third countries</p>	63

⁽¹⁾ Text with EEA relevance

* Commission Regulation (EC) No 2880/2000 of 27 December 2000 setting the intervention threshold for tomatoes for the 2001 marketing year	70
* Commission Regulation (EC) No 2881/2000 of 27 December 2000 derogating from Regulation (EEC) No 1859/93 on the application of the system of import licences for garlic imported from third countries	71
* Commission Regulation (EC) No 2882/2000 of 27 December 2000 amending Regulation (EC) No 2331/97 on special conditions for granting export refunds on certain pigmeat products	72
* Commission Regulation (EC) No 2883/2000 of 27 December 2000 amending Regulation (EC) No 1555/96 on rules of application for additional import duties on fruit and vegetables	74
* Commission Regulation (EC) No 2884/2000 of 27 December 2000 amending Regulation (EC) No 174/1999 laying down special detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk products	76
* Commission Regulation (EC) No 2885/2000 of 27 December 2000 fixing the definitive aid on certain grain legumes for the 2000/01 marketing year	78
* Commission Regulation (EC) No 2886/2000 of 27 December 2000 derogating from Article 31(10) of Council Regulation (EC) No 1255/1999 on the common organisation of the market in milk and milk products as regards proof of arrival at destination in the case of differentiated refunds and laying down detailed rules for the application of the lowest export refund rate for certain milk products	79
* Directive 2000/77/EC of the European Parliament and of the Council of 14 December 2000 amending Council Directive 95/53/EC fixing the principles governing the organisation of official inspections in the field of animal nutrition ...	81

II Acts whose publication is not obligatory

Council

2000/819/EC:

* Council Decision of 20 December 2000 on a multiannual programme for enterprise and entrepreneurship, and in particular for small and medium-sized enterprises (SMEs) (2001-2005)	84
--	----

Corrigenda

* Corrigendum to Council Regulation (EC) No 2764/2000 of 14 December 2000 fixing for the 2001 fishing year the guide prices for the fishery products listed in Annexes I and II and the Community producer price for the fishery products listed in Annex III to Regulation (EC) No 104/2000 (OJ L 321 of 19.12.2000)	92
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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2863/2000
of 28 December 2000
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 29 December 2000.

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

Done at Brussels, 28 December 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 28 December 2000 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	98,9
	204	76,2
	624	92,0
	999	89,0
0707 00 05	052	104,3
	628	146,6
	999	125,4
0709 90 70	052	86,6
	204	47,0
	999	66,8
0805 10 10, 0805 10 30, 0805 10 50	052	46,6
	204	43,7
	388	32,2
	999	40,8
0805 20 10	052	50,1
	204	83,7
	999	66,9
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	71,6
	624	105,6
	999	88,6
	999	66,6
0805 30 10	052	70,6
	220	62,5
	600	66,7
	999	66,6
	999	66,6
0808 10 20, 0808 10 50, 0808 10 90	400	83,2
	404	89,4
	720	108,3
	999	93,6
0808 20 50	064	71,4
	400	84,5
	999	78,0

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2543/1999 (OJ L 307, 2.12.1999, p. 46). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 2864/2000

of 27 December 2000

amending Regulation (EC) No 2809/2000 laying down detailed rules for the application, for cereals sector products, of Regulations (EC) No 2290/2000, (EC) No 2433/2000, (EC) No 2434/2000 and (EC) No 2435/2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products originating in the Republic of Bulgaria, the Czech Republic, the Slovak Republic and Romania respectively and amending Regulation (EC) No 1218/96

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2851/2000 of 22 December 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with the Republic of Poland ⁽¹⁾, and in particular Article 1(4) thereof,

Whereas

- (1) In accordance with Regulation (EC) No 2851/2000, the European Community has undertaken to establish for each marketing year from 1 July 2000 an import tariff quota at a zero rate of duty for 400 000 tonnes of common wheat (serial number 09.4831) originating in the Republic of Poland. For the 2000/01 marketing year that quota is limited to 200 000 tonnes. That quantity is to be imported between 1 January and 30 June 2001.
- (2) To ensure that imports of the cereals sector products covered by that tariff quota are orderly and not speculative, they should be made subject to the issue of import licences. The licences will be issued, within the quantities set, at the request of the interested parties after a period of reflection and subject, where appropriate, to the fixing of a reduction coefficient in respect of the quantities applied for.
- (3) To ensure the proper management of these quotas, deadlines for lodging licence applications should be laid down and, notwithstanding Articles 8 and 19 of Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽²⁾, the information to be included in the application and licences should be specified.
- (4) To take account of delivery conditions, the import licences should be valid from the day of their issue until the end of the month following that in which they are issued.
- (5) To ensure efficient management of the quota, the import licences should not be transferable and the import licence security should be fixed at a relatively high level, notwithstanding Article 10 of Commission Regulation

(EC) No 1162/95 ⁽³⁾, as last amended by Regulation (EC) No 2110/2000 ⁽⁴⁾.

- (6) For the same reasons rapid two-way communication must be established between the Commission and the Member States regarding the quantities applied for and imported.
- (7) Commission Regulation (EC) No 2809/2000 ⁽⁵⁾ laying down detailed rules for the application of imports under the tariff quotas for products originating in the Czech Republic, the Slovak Republic and Romania lays down such provisions. That Regulation should therefore be adapted to make it applicable to the quota opened for the Republic of Poland.
- (8) Commission Regulation (EC) No 1218/96 ⁽⁶⁾, as last amended by Regulation (EC) No 2511/2000 ⁽⁷⁾, lays down detailed rules applying to the import of certain cereals originating in the Republic of Poland under quotas opened by Council Regulation (EC) No 3066/95 ⁽⁸⁾, as last amended by Regulation (EC) No 2435/98 ⁽⁹⁾. As these provisions are no longer necessary, Regulation (EC) No 1218/96 should be repealed.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2809/2000 is amended as follows:

1. The title is replaced by the following:

'Regulation (EC) No 2809/2000 laying down detailed rules for the application, for cereals sector products, of Regulations (EC) No 2290/2000, (EC) No 2433/2000, (EC) No 2434/2000, (EC) No 2435/2000 and (EC) No 2851/2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products originating in the Republic of Bulgaria, the Czech Republic, the Slovak Republic, Romania and the Republic of Poland respectively and repealing Regulation (EC) No 1218/96'.

⁽³⁾ OJ L 117, 24.5.1995, p. 2.

⁽⁴⁾ OJ L 250, 5.10.2000, p. 23.

⁽⁵⁾ OJ L 326, 22.12.2000, p. 16.

⁽⁶⁾ OJ L 161, 29.6.1996, p. 51.

⁽⁷⁾ OJ L 289, 16.11.2000, p. 18.

⁽⁸⁾ OJ L 328, 30.12.1995, p. 31.

⁽⁹⁾ OJ L 303, 13.11.1998, p. 1.

⁽¹⁾ OJ L 332, 28.12.2000, p. 7.

⁽²⁾ OJ L 152, 24.6.2000, p. 1.

2. Article 2 is replaced by the following:

'Article 2

Imports of the products listed in Annex I to this Regulation originating in the Czech Republic, the Slovak Republic, the Republic of Romania and the Republic of Poland and qualifying for partial or total exemption from import duty for the quantity and at the rate of reduction or duty level specified therein shall be subject to the presentation of an import licence issued in accordance with this Regulation.'

3. Article 10 is replaced by the following:

'Article 10

Regulation (EC) No 1218/96 is repealed.'

4. Annex I is replaced by the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 2001.

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

Done at Brussels, 27 December 2000.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

ANNEX I

(MFN = most favoured nation)

Country of origin	CN code	Serial number of the quota	Description	Rate of duty applicable	Annual quantity from 1.7.2000 to 30.6.2001 (tonnes)	Annual increase in quantities from 1.7.2001 (tonnes)
Czech Republic	ex 1003 00 90	09.4617	Barley, for the production of malt	20 % of MFN	34 250	0
	1101 00	09.4618	Wheat flour	20 % of MFN	16 875	0
	1107 10 99	09.4619	Malt, not roasted, other than of wheat	Free	45 250	0
Slovak Republic	ex 1003 00 90	09.4617	Barley, for the production of malt	20 % of MFN	17 000	0
	1101 00	09.4618	Wheat flour	20 % of MFN	16 875	0
	1107 10 99	09.4619	Malt, not roasted, other than of wheat	Free	18 125	0
Republic of Romania	1001 90 91 1001 90 99	09.4759	Common wheat	Free	25 000	2 500
Republic of Poland	1001 90	09.4831	Common wheat	Free	200 000 ⁽¹⁾ ⁽²⁾	40 000

⁽¹⁾ The basic quantity for the annual increases is 400 000 tonnes.

⁽²⁾ The quantity of 200 000 tonnes applies from 1.1.2001 to 30.6.2001.'

COMMISSION REGULATION (EC) No 2865/2000**of 27 December 2000****amending Regulation (EC) No 1899/97 setting rules of application in the poultrymeat and egg sectors for the arrangements covered by Council Regulation (EC) No 3066/95, (EC) No 1727/2000, (EC) No 2290/2000, (EC) No 2433/2000, (EC) No 2434/2000 and (EC) No 2435/2000 and repealing Regulations (EEC) No 2699/93 and (EC) No 1559/94**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2851/2000 of 22 December 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with the Republic of Poland and repealing Council Regulation (EC) No 3066/95⁽¹⁾, and in particular Article 1(4) thereof,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs⁽²⁾, as last amended by Regulation (EC) No 1516/96⁽³⁾, and in particular Article 22 thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat⁽⁴⁾, as last amended by Commission Regulation (EC) No 2916/95⁽⁵⁾, and in particular Article 22 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1899/97 of 29 September 1997 setting rules of application in the poultrymeat and egg sectors for the arrangements covered by Council Regulations (EC) No 1727/2000, (EC) No 3066/95, (EC) No 2290/2000, (EC) No 2433/2000, (EC) No 2434/2000 and (EC) No 2435/2000 and repealing Regulations (EEC) No 2699/93 and (EC) No 1559/94⁽⁶⁾, as last amended by Regulation (EC) No 2704/2000⁽⁷⁾, lays down the rules for applying the arrangements provided for in the Europe Agreements in the poultrymeat and egg sectors. It requires amendment as a result of the provisions on poultrymeat and egg products adopted by Regulation (EC) No 2851/2000 as regards Poland.
- (2) To restrict any trade problems which may arise during a transitional period as a result of the simultaneous existence of two different management methods for certain

tariff quotas in the poultrymeat sector — management by quarterly import licences and management according to the 'first come, first served' principle in accordance with Articles 308a, 308b and 308c of Commission Regulation (EEC) No 2454/93⁽⁸⁾, as last amended by Regulation (EC) No 2787/2000⁽⁹⁾, — importers should be offered the opportunity to cancel licences and have the relevant securities released.

- (3) A deadline should be set for cancellation applications to allow a reasonable period for importers to submit them.
- (4) This Regulation should be applied from 1 January 2001 in parallel with Regulation (EC) No 2851/2000.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1899/97 is amended as follows:

1. The title of the Regulation is replaced by the following:

'[...] laying down rules for the application in the poultrymeat and egg sectors of the arrangements under the Europe Agreements with central and eastern European countries 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 2699/93 and (EC) No 1559/94.'

2. In Article 1, the first paragraph is replaced by the following:

'All imports into the Community under the arrangements provided for by 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 of products covered by Annex I to this Regulation shall be subject to presentation of an import licence.'

⁽¹⁾ OJ L 332, 28.12.2000, p. 7.⁽²⁾ OJ L 282, 1.11.1975, p. 49.⁽³⁾ OJ L 189, 30.7.1996, p. 99.⁽⁴⁾ OJ L 282, 1.11.1975, p. 77.⁽⁵⁾ OJ L 305, 19.12.1995, p. 49.⁽⁶⁾ OJ L 267, 30.9.1997, p. 67.⁽⁷⁾ OJ L 311, 12.12.2000, p. 27.⁽⁸⁾ OJ L 253, 11.10.1993, p. 1.⁽⁹⁾ OJ L 330, 27.12.2000, p. 1.

3. Article 2 is replaced by the following text:

'Article 2

The quantities referred to in Article 1 shall be staggered as follows for each period specified in Annex I:

- 1 July to 30 September: 25 %,
- 1 October to 31 December: 25 %,
- 1 January to 31 March: 25 %,
- 1 April to 30 June: 25 %.'

4. Part B of Annex I is replaced by Annex I to this Regulation.

Article 2

The quantities available for applications in the period 1 January to 31 March 2001 are fixed in Annex II to this Regulation.

Article 3

1. For import licences issued under Regulation (EC) No 1899/97 for groups 12, 14, 15 and 16 as referred to in Part B of Annex I to Regulation (EC) No 1899/97 as it was prior to the entry into force of this Regulation which were applied for between 1 and 10 July 2000 and between 1 and 10 October 2000, holders may, before 31 March 2001, request cancellation of the licences and release of the securities.

2. Member States shall inform the Commission before the end of the following month of the monthly volume of cancelled licences for each of the above groups, specifying the period of the applications.

Article 4

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

It shall apply from 1 January 2001.

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

Done at Brussels, 27 December 2000.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

B. Products originating in Poland

Duty applicable: 20 % of MFN

Serial No	Group No	CN code	Annual quantity from 1.7.2000 to 30.6.2001 (tonnes)	Annual increase from 1.7.2001 (tonnes)
09.4816	17	0407 00 11 0407 00 19 0407 00 30	1 875	—
09.4825	18	0408 91 80 0408 99 80	375 (*)	—

(*) In dried egg equivalent (100 kg liquid or frozen egg = 25,7 kg dried egg).'

ANNEX II

Group	Total quantity available for the period 1 January to 31 March 2001 (tonnes)
10	1 782,30
11	436,55
17	1 406,25
18	281,25
25	4 761,13
26	237,99
27	2 062,50
34	2 343,75
35	187,50
36	937,50
40	525,00

**COMMISSION REGULATION (EC) No 2866/2000
of 27 December 2000**

amending Regulation (EC) No 1898/97 laying down rules of application in the pigmeat sector for the arrangements covered by Council Regulations (EC) No 1727/2000 and (EC) No 3066/95 and repealing Regulations (EEC) No 2698/93 and (EC) No 1590/94 and amending Regulation (EC) No 2332/2000 determining the extent to which applications lodged in October 2000 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 Council Regulation (EC) No 2290/2000 of 9 October 2000, establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with the Republic of Bulgaria ⁽¹⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2433/2000 of 17 October 2000, establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with the Czech Republic ⁽²⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2434/2000 of 17 October 2000, establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with the Slovak Republic ⁽³⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2435/2000 of 17 October 2000, establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Romania ⁽⁴⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2851/2000 of 22 December 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for

in the Europe Agreement with the Republic of Poland and repealing Council Regulation (EC) 3066/95 ⁽⁵⁾, and in particular Article 1(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1898/97 ⁽⁶⁾, as last amended by Regulation (EC) No 2072/2000 ⁽⁷⁾, lays down rules of application in the pigmeat sector for the arrangements in the Europe Agreements. It should be amended in line with the provisions on pigmeat products in Regulations (EC) No 2290/2000, (EC) No 2433/2000, (EC) No 2434/2000, (EC) No 2435/2000 and (EC) No 2851/2000.
- (2) Repayment of import duties on products listed in Parts C, D and E of Annex I to Regulation (EC) No 1898/97 as they existed before entry into force of this Regulation and imported under licences used from 1 July 2000 falls within the scope of Articles 878 to 898 of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽⁸⁾, as last amended by Regulation (EC) No 2787/2000 ⁽⁹⁾.
- (3) The provisions in this Regulation for Bulgaria, the Czech Republic, the Slovak Republic and Romania should be applied in parallel with Regulations (EC) No 2290/2000, (EC) No 2433/2000, (EC) No 2434/2000 and (EC) No 2435/2000 from 1 July 2000. The provisions in this Regulation for Poland should be applied in parallel with Regulation (EC) No 2851/2000 from 1 January 2001.
- (4) Commission Regulation (EC) No 2332/2000 ⁽¹⁰⁾ determines the quantities, pursuant to Regulation (EC) No 1898/97, available for the period 1 January to 31 March 2001. It should be amended in line with the new annual quantities given in Annex I to this Regulation.

⁽¹⁾ OJ L 262, 17.10.2000, p. 1.

⁽²⁾ OJ L 280, 4.11.2000, p. 1.

⁽³⁾ OJ L 280, 4.11.2000, p. 9.

⁽⁴⁾ OJ L 280, 4.11.2000, p. 17.

⁽⁵⁾ OJ L 332, 28.12.2000, p. 7.

⁽⁶⁾ OJ L 267, 30.9.1997, p. 58.

⁽⁷⁾ OJ L 246, 30.9.2000, p. 34.

⁽⁸⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁹⁾ OJ L 330, 27.12.2000, p. 1.

⁽¹⁰⁾ OJ L 269, 21.10.2000, p. 11.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1898/97 is amended as follows:

1. The title is replaced by the following text:
'laying down rules of application, in the pigmeat sector for the arrangements covered 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.'
2. The first paragraph of Article 1 is replaced by the following text:

'All imports into the Community under the arrangements laid down in Regulations (EC) No 1727/2000, 2290/2000, (EC) No 2433/2000, (EC) No 2434/2000, (EC) No 2435/2000 and (EC) No 2851/2000 of products covered by group Nos 1, 2, 3, 4, H1, 7, 8, 9, T1, T2, T3, S1, S2, B1, 15, 16 and 17 provided for in Annex I to this Regulation shall be subject to presentation of an import licence.'

3. Parts B, C, D, E and F of Annex I are replaced by Annex I to this Regulation.

Article 2

Annex II of Regulation (EC) No 2332/2000 is replaced by Annex II to this Regulation.

Article 3

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

It shall apply with effect from 1 July 2000. However, for imports from the Republic of Poland, Articles 1 and 2 are applicable from 1 January 2001.

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

Done at Brussels, 27 December 2000.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

B. Products originating in Poland

Order No	Group No	CN code	Description (1)	Applicable duty (% of MFN)	Annual quantity from 1.7.2000 to 30.6.2001 (tonnes)	Annual increase as from 1.7.2001 (tonnes)	Special provisions
09.4806	7	1601 00 ex 1602 1602 41 1602 42 1602 49	Sausages and similar products of meat, meat offal or blood; food preparations based on these products Other prepared or preserved meat, meat offal or blood, of swine: — Hams and cuts thereof — Shoulders and cuts thereof — Other, including mixtures	free	16 000	1 600	(2)
09.4820	8	0103 92 19	Live domestic pigs	20	1 750	0	
09.4809	9	ex 0203 ex 0210 0210 11 0210 12 0210 19	Meat of domestic swine, fresh, chilled, or frozen Meat of swine: — Ham, shoulders and cuts thereof, with bone in — Bellies and cuts thereof — Other	free	30 000	3 000	(2) (3) (2)

C. Products originating in the Czech Republic

Order No	Group No	CN code	Description (1)	Applicable duty (% of MFN)	Annual quantity from 1.7.2000 to 30.6.2001 (tonnes)	Annual increase as from 1.7.2001 (tonnes)	Special provisions
09.4625	T1	0103 91 10 0103 92 19	Live domestic pigs	20	1 500	0	
09.4626	T2	ex 0203 0210 11 to 0210 19	Meat of domestic swine, fresh, chilled or frozen Meat of swine, salted, in brine, dried or smoked	free	10 000	1 500	(2) (3) (2)
09.4629	T3	1601 00 1602 41 to 1602 49	Sausages and similar products Prepared or preserved meat of swine	free	2 300	690	(2)

D. Products originating in the Slovak Republic

Order No	Group No	CN code	Description ⁽¹⁾	Applicable duty (% of MFN)	Annual quantity from 1.7.2000 to 30.6.2001 (tonnes)	Annual increase as from 1.7.2001 (tonnes)	Special provisions
09.4632	S1	ex 0203	Meat of domestic swine, fresh, chilled or frozen	free	2 000	300	(²) (³)
		0210 11 to 0210 19	Meat of swine, salted, in brine, dried or smoked				(²)
09.4634	S2	1601 00 1602 41 to 1602 49	Sausages and similar products Prepared or preserved meat of swine	free	200	50	(²)

E. Products originating in Bulgaria

Order No	Group No	CN code	Description ⁽¹⁾	Applicable duty (% of MFN)	Annual quantity from 1.7.2000 to 30.6.2001 (tonnes)	Annual increase as from 1.7.2001 (tonnes)	Special provisions
09.4671	B1	ex 0203	Meat of domestic swine, fresh, chilled or frozen	free	1 500	500	(²) (³)
		0210 11	Meat of swine, salted, in brine, dried or smoked				
		0210 12					
		0210 19					
		1601 00	Sausages and similar products				
1602 41	Prepared or preserved meat, meat offal or blood of swine						
1602 42							
1602 49							

F. Products originating in Romania

Order No	Group No	CN code	Description ⁽¹⁾	Applicable duty (% of MFN)	Annual quantity from 1.7.2000 to 30.6.2001 (tonnes)	Annual increase as from 1.7.2001 (tonnes)	Special provisions
09.4751	15	1601 00 91 1601 00 99	Sausages, other than of liver	20	1 125	0	
09.4752	16	1602 41 10 1602 42 10 1602 49 11 1602 49 13 1602 49 15 1602 49 19 1602 49 30 1602 49 50	Preserved meat of domestic swine	20	2 125	0	
09.4756	17	ex 0203	Meat of domestic swine, fresh, chilled or frozen	20	15 625	0	(³)

(¹) Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording of the description of the products is to be considered as having no more than indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN code. Where ex CN codes are indicated, the preferential scheme is to be determined by application to the CN code and corresponding description taken together.

(²) This concession is only applicable to products not benefiting from any kind of export subsidies.

(³) Excluding tenderloin presented alone.

ANNEX II

'ANNEX II

(tonnes)

Group No	Total quantity available for the period 1 January to 31 March 2001
1	4 092,5
2	374,7
3	740,0
4	21 014,8
H1	1 800,0
7	10 128,6
8	1 312,5
9	22 500,0
T1	1 125,0
T2	7 470,0
T3	1 725,0
S1	1 500,0
S2	150,0
B1	1 125,0
15	843,8
16	1 566,9
17	11 718,8'

COMMISSION REGULATION (EC) No 2867/2000
of 27 December 2000

amending Regulation (EC) No 2305/95 establishing detailed rules for application in the pigmeat sector of the arrangements provided for in the free trade agreements between the Community, of the one part, and Estonia, Latvia and Lithuania, of the other part and amending Regulation (EC) No 2333/2000 establishing the quantity of certain pigmeat products available for the first quarter of 2001 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 Council Regulation (EC) No 2341/2000 of 17 October 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Latvia ⁽¹⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2766/2000 of 14 December 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Lithuania ⁽²⁾, and in particular Article 1(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2305/95 ⁽³⁾, as last amended by Regulation (EC) No 1430/2000 ⁽⁴⁾, lays down rules for application in the pigmeat sector of the arrangements laid down in these Agreements. It should be amended in line with the provisions on pigmeat products adopted by Council Regulations (EC) No 2341/2000 and (EC) No 2766/2000.
- (2) Commission Regulation (EC) No 2333/2000 ⁽⁵⁾ determines the quantities, pursuant to Regulation (EC) No 2305/95, available for the period 1 January to 31 March

2001. It should be amended in line with the new annual quantities given in Annex I to this Regulation.

- (3) The provisions in this Regulation for Latvia should be applied from 1 July 2000 in parallel with Regulation (EC) No 2341/2000. The provisions in this Regulation for Lithuania should be applied in parallel with Regulation (EC) No 2766/2000 from 1 January 2001.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Pigmeat,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I.A and I.B to Regulation (EC) No 2305/95 are replaced by Annex I to this Regulation.

Article 2

The Annex to Regulation (EC) No 2333/2000 is replaced by Annex II to this Regulation.

Article 3

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

It shall apply with effect from 1 July 2000. However, for imports from Lithuania, Articles 1 and 2 are applicable from 1 January 2001.

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

Done at Brussels, 27 December 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 271, 24.10.2000, p. 7.

⁽²⁾ OJ L 321, 19.12.2000, p. 8.

⁽³⁾ OJ L 233, 30.9.1995, p. 45.

⁽⁴⁾ OJ L 161, 1.7.2000, p. 51.

⁽⁵⁾ OJ L 269, 21.10.2000, p. 13.

ANNEX I

'A. Products originating in Lithuania

Group No	Order No	CN code	Applicable duty 1.7.2000 to 31.12.2000 (% of MFN)	Quantity for the period 1.7.2000 to 31.12.2000 (tonnes)	Applicable duty 1.1.2001 to 30.6.2001 (% of MFN)	Quantity for the period 1.1.2001 to 30.6.2001 (tonnes)	Applicable duty as from 1.7.2001 (% of MFN)	Annual quantity from 1.7.2001 until 30.6.2002	Annual increase as from 1.7.2002
18	09.4542	ex 0203 ⁽¹⁾ ⁽²⁾ ⁽³⁾ Meat of domestic swine, fresh, chilled or frozen	20	625	Free	750	Free	1 650	150
L1	09.4569	1601 00 ⁽³⁾ Sausages and similar products of meat, meat offal or blood 1602 41-49 ⁽³⁾ Other prepared or preserved meat, meat offal or blood of swine			Free	150	Free	330	30

⁽¹⁾ Excluding tenderloin presented alone.

⁽²⁾ Except CN codes 0203 11 90, 0203 12 90, 0203 19 90, 0203 21 90, 0203 22 90, 0203 29 90.

⁽³⁾ This concession is only applicable to products not benefiting from export refunds.

B. Products originating in Latvia

Reduction of 100 % in Common Customs Tariff duty

(in tonnes)

Group No	Order No	CN code	1.7.2000 to 30.6.2001	Annual increase as from 1.7.2001
19	09.4540	ex 0203 ⁽¹⁾ ⁽²⁾ ⁽³⁾ Meat of domestic swine, fresh, chilled or frozen	1 250	125
20	09.4564	1601 00 ⁽³⁾ Sausages and similar products of meat, meat offal or blood 1602 41-49 ⁽³⁾ Other prepared or preserved meat, meat offal or blood of swine	150	15

⁽¹⁾ Excluding tenderloin presented alone.

⁽²⁾ Except CN codes NC 0203 11 90, 0203 12 90, 0203 19 90, 0203 21 90, 0203 22 90, 0203 29 90.

⁽³⁾ This concession is only applicable to products not benefiting from export refunds.

ANNEX II

'ANNEX

(tonnes)

Group No	Total quantity available for the period 1 January to 31 March 2001
18	1 000,0
L1	75,0
19	937,5
20	112,5
21	937,5
22	450,0'

**COMMISSION REGULATION (EC) No 2868/2000
of 27 December 2000**

amending Regulation (EC) No 571/97 establishing detailed rules for the application in the pigmeat sector of the Interim Agreement on trade and trade-related measures between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and the Republic of Slovenia, of the other part

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

meat sectors it is necessary to review the level of security set in Regulation (EC) No 571/97.

Having regard to the Treaty establishing the European Community,

(5) Application of this Regulation from 1 July 2000 in parallel with Regulation (EC) No 2475/2000 is required.

Having regard to Council Regulation (EC) No 2475/2000 of 7 November 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe agreement with Slovenia ⁽¹⁾, and in particular Article 1(3) thereof,

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

HAS ADOPTED THIS REGULATION:

Whereas:

Article 1

(1) Commission Regulation (EC) No 571/97 ⁽²⁾ lays down rules of application in the pigmeat sector for the arrangements in the Interim Agreement on trade and trade-related measures between European Communities and the Republic of Slovenia. It should be amended in line with the provisions on pigmeat products in Regulation (EC) No 2475/2000.

Regulation (EC) No 571/97 is amended as follows:

1. Paragraph 3 of Article 4 is replaced by the following:

'A security of EUR 20 per 100 kg shall be lodged for import licence applications for all products referred to in Article 1.'

(2) Repayment of import duties on products listed in Annex I to Regulation (EC) No 571/97 as it existed before entry into force of this Regulation and imported under licences used from 1 July 2000 falls within the scope of Articles 878 to 898 of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾, as last amended by Regulation (EC) No 2787/2000 ⁽⁴⁾.

2. Article 5 is replaced by the following:

'For the purposes of Article 21(2) of Regulation (EEC) No 3719/88 import licences shall be valid for 150 days from their actual date of issue.

However, licences shall not be valid beyond 31 December of the year of issue.

Licences shall not be transferable.'

(3) In order to ensure proper management of the quantities it is necessary to set a final date for the validity of licences at the end of each quota year.

3. Annex I is replaced by the Annex to this Regulation.

(4) In order to facilitate trade of pigmeat and to harmonise the levels of securities for import licences within the

Article 2

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

It shall apply with effect from 1 July 2000.

⁽¹⁾ OJ L 286, 11.11.2000, p. 15.

⁽²⁾ OJ L 85, 27.3.1997, p. 56.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁴⁾ OJ L 330, 27.12.2000, p. 1.

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

Done at Brussels, 27 December 2000.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

ANNEX I

Reductions to the Common Customs Tariff duty

Order No	Group No	CN code	Description ⁽¹⁾	Applicable duty (% of MFN)	Annual quantity for 2000 (tonnes)	Annual quantity for 2001 (tonnes)	Annual quantity for successive years (tonnes)	Special provisions
09.4113	23	0210 11 31	Domestic swine hams and cuts thereof, with bone in, dried or smoked	Free	200	400	400	(²)
09.4089	24	ex 1601 00 91 ex 1601 00 99	Sausages and similar products, of meat, offal or blood; other than poultry	20	130	140	150	
09.4114	25	0210 19 81	Dried or smoked boneless domestic swine meat	Free	75	150	150	(²)
09.4120	26	ex 1601 00	Sausages and similar products, of meat, offal or blood; of poultry	Free	500	1 000	1 000	(²)

(¹) Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording of the description of the products is to be considered as having no more than indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN code. Where ex CN codes are indicated, the preferential scheme is to be determined by application to the CN code and corresponding description taken together.

(²) For year 2000 the concession applies from 1 July 2000 on.

COMMISSION REGULATION (EC) No 2869/2000**of 28 December 2000****on the issuing of a standing invitation to tender for the resale on the internal market of 250 000 tonnes of common wheat from the 1999 harvest held by the French intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1666/2000⁽²⁾, and in particular Article 5 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2131/93⁽³⁾, as last amended by Regulation (EC) No 1630/2000⁽⁴⁾, lays down the procedure and conditions for the disposal of cereals held by the intervention agencies.
- (2) In the present market situation, a standing invitation to tender for the resale on the internal market of 250 000 tonnes of common wheat from the 1999 harvest held by the French intervention agency should be issued.
- (3) The Management Committee for Cereals has not delivered an opinion within the time set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The French intervention agency shall issue pursuant to Regulation (EEC) No 2131/93 a standing invitation to tender for the

resale on the internal market of 250 000 tonnes of common wheat from the 1999 harvest held by it.

Article 2

1. The final date for the submission of tenders for the first partial invitation to tender shall be 9 January 2001.
2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 27 February 2001.
3. Tenders must be lodged with the French intervention agency at the following address:

Office national interprofessionnel des céréales
21, avenue Bosquet
F-75326 Paris
Telex OFBLE 200490/OFIDM 203662
Fax (33-1) 44 18 20 80

Article 3

Not later than Tuesday of the week following the final date for the submission of tenders, the French intervention agency shall notify the Commission of the quantities and average prices of the various lots sold.

Article 4

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

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

Done at Brussels, 28 December 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 191, 31.7.1993, p. 76.

⁽⁴⁾ OJ L 187, 26.7.2000, p. 24.

COMMISSION REGULATION (EC) No 2870/2000
of 19 December 2000
laying down Community reference methods for the analysis of spirits drinks

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks ⁽¹⁾, as amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 4(8) thereof,

Whereas:

- (1) Article 4(8) of Regulation (EEC) No 1576/89 provides for the adoption of methods to be used for analysing spirit drinks. Reference methods should be used to ensure compliance with Regulation (EEC) No 1576/89 and Commission Regulation (EEC) No 1014/90 of 24 April 1990 laying down detailed implementing rules on the definition, description and presentation of spirit drinks ⁽²⁾, as last amended by Regulation (EC) No 2140/98 ⁽³⁾, when any official control takes place or in the event of a dispute.
- (2) As far as possible, it would be useful to adopt and describe as Community analytical reference methods generally recognised methods.
- (3) In order to take account of scientific advances and of differences in the equipment of official laboratories, the use of methods based on principles of measurement other than the reference methods described in the Annex hereto should be permitted under the responsibility of the laboratory director, where those methods offer adequate guarantees as regards results and in particular meet the criteria set in the Annex to Council Directive 85/591/EEC of 20 December 1985 concerning the introduction of Community methods of sampling and analysis for the monitoring of foodstuffs intended for human consumption ⁽⁴⁾ and if it can be shown that the variation in the accuracy, repeatability and reproducibility of the results obtained is within the limits of those obtained using the reference methods described in this Regulation. If that condition is met, the use of other analytical methods should be allowed. However, it is important to specify that in cases of dispute other methods may not replace reference methods.

- (4) The measures provided for in this Regulation are in accordance with the opinion of the Implementation Committee for Spirit Drinks,

HAS ADOPTED THIS REGULATION:

Article 1

The Community reference methods for the analysis of spirits drinks to ensure compliance with Regulation (EEC) No 1576/89 and Regulation (EEC) No 1014/90:

- when any official control takes place, or
- in the event of a dispute,

shall be those set out in the Annex hereto.

Article 2

Notwithstanding the first indent of Article 1, other analytical methods shall be permitted, under the responsibility of the director of the laboratory, on condition that the accuracy and precision (repeatability and reproducibility) of the methods are at least equivalent to those of the relevant reference analytical methods given in the Annex.

Article 3

Where Community analytical reference methods are not laid down for the detection and quantification of substances contained in a particular spirit drink, the following methods shall be used:

- (a) analytical methods which are validated to internationally recognised procedures and in particular meet the criteria set in the Annex to Directive 85/591/EEC;
- (b) analytical methods conforming to the recommended standards of the International Organisation for Standardisation (ISO);
- (c) analytical methods recognised by the General Assembly of the International Vine and Wine Office (OIV) and published by that Office;
- (d) in the absence of a method as indicated at (a), (b) or (c), by reason of its accuracy, repeatability and reproducibility:
 - an analytical method approved by the Member State concerned,
 - where necessary, any other suitable analytical method.

⁽¹⁾ OJ L 160, 12.6.1989, p. 1.

⁽²⁾ OJ L 105, 25.4.1990, p. 9.

⁽³⁾ OJ L 270, 7.10.1998, p. 9.

⁽⁴⁾ OJ L 372, 31.12.1985, p. 50.

Article 4

For the purposes of this Regulation:

- (a) 'repeatability limit': shall be the value less than or equal to which the absolute difference between two test results obtained under the repeatability conditions (same operator, same apparatus, same laboratory and a short interval of time) may be expected to be with a probability of 95 % {ISO 3534-1};
- (b) 'reproducibility limit': shall be the value less than or equal to which the absolute difference between two test results obtained under the reproducibility conditions (different

operators, different apparatus and different laboratories), may be expected to be with a probability of 95 % {ISO 3534-1};

- (c) 'accuracy': shall be the closeness of agreement between a test result and the accepted reference value {ISO 3534-1}.

Article 5

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

It shall apply from 1 January 2001.

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

Done at Brussels, 19 December 2000.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

DESCRIPTION OF ANALYTICAL REFERENCE METHODS

- I. Determination of alcoholic strength by volume
 - Appendix I: Preparation of distillate
 - Appendix II: Measurement of density of distillate
 - Method A = pycnometry
 - Method B = electronic densimetry
 - Method C = densimetry using hydrostatic balance
 - II. Determination of total dry extract by gravimetry
 - III. Determination of volatile substances and methanol
 - III.1. General remarks
 - III.2. Volatile congeners: aldehydes, higher alcohols, ethyl acetate and methanol (gas chromatography)
 - III.3. Volatile acidity (p.m.)
 - IV. Hydrocyanic acid (p.m.)
 - V. Anethole (p.m.)
 - VI. Glycyrrhizic acid (p.m.)
 - VII. Chalcones (p.m.)
 - VIII. Total sugars (p.m.)
 - IX. Egg yolk (p.m.)
-

I. DETERMINATION OF ALCOHOLIC STRENGTH BY VOLUME OF SPIRIT DRINKS

Introduction

The reference method includes two Appendices:

Appendix I: Preparation of distillate

Appendix II: Measurement of density of distillate

1. Scope

The method is suitable for the determination of the real alcoholic strength by volume of spirit drinks.

2. Normative References

ISO 3696:1987: Water for analytical laboratory use — Specifications and test methods.

3. Terms and Definitions

3.1. Reference temperature:

The reference temperature for the determination of alcoholic strength by volume, density and specific gravity of spirit drinks is 20 °C.

Note 1: The term 'at t °C' is reserved for all determinations (of density or alcoholic strength by volume) expressed at a temperature other than the reference temperature of 20 °C.

3.2. Density:

The density is the mass per unit volume in vacuo of spirit drinks at 20 °C. It is expressed in kilograms per cubic metre and its symbol is $\rho_{20\text{ °C}}$ or ρ_{20} .

3.3. Specific gravity:

The specific gravity is the ratio, expressed as a decimal number, of the density of spirit drinks at 20 °C to the density of water at the same temperature. It is denoted by the symbol $d_{20\text{ °C}/20\text{ °C}}$ or $d_{20/20}$ or simply d when there is no possibility of confusion. The characteristic that was measured must be specified on the assay certificate using the above-defined symbols only.

Note 2: It is possible to obtain the specific gravity from the density ρ_{20} at 20 °C:

$$\rho_{20} = 998,203 \times d_{20/20} \text{ or } d_{20/20} = \rho_{20}/998,203$$

where 998,203 is the density of water at 20 °C.

3.4. Real alcoholic strength by volume:

The real alcoholic strength by volume of spirit drinks is equal to the number of litres of ethyl alcohol contained in 100 l of a water-alcohol mixture having the same density as the alcohol or spirit after distillation. The reference values for alcoholic strength by volume (% vol) at 20 °C versus density at 20 °C for different water-alcohol mixtures that are to be used are those given in the international table adopted by the International Legal Metrology Organisation in its Recommendation No 22.

The general equation relating the alcoholic strength by volume and density of a water-alcohol mixture at a given temperature is given on page 40 in Chapter 3 'Alcoholic strength by volume' of the Annex to Commission Regulation (EEC) No 2676/90 (OJ L 272, 3.10.1990, p. 1) or in the manual of analysis methods of the OIV (1994) (p. 17).

Note 3: For liqueurs and crèmes for which it is very difficult to measure volume accurately the sample must be weighed and the alcoholic strength is calculated first by mass.

Conversion formula:

$$\text{alcoholic strength by volume (\% vol)} = \frac{\text{ASM (\% mass)} \times P_{20} \text{ (sample)}}{P_{20} \text{ (alcohol)}}$$

where ASM = alcoholic strength by mass,

$$\rho_{20} \text{ (alcohol)} = 789,24 \text{ kg/m}^3$$

4. Principle

Following distillation, the alcoholic strength by volume of the distillate is determined by pycnometry, electronic densimetry, or densimetry using a hydrostatic balance.

APPENDIX I: PREPARATION OF DISTILLATE

1. Scope

The method is suitable for the preparation of distillates to be used to determine the real alcoholic strength by volume of spirit drinks.

2. Principle

The spirits are distilled to separate the ethyl alcohol and other volatile compounds from the extractive matter (substances which do not distil).

3. Reagents and Materials

- 3.1. Anti-bumping granules.
- 3.2. Concentrated antifoam emulsion (for crème liqueurs).

4. Apparatus and equipment

Usual laboratory apparatus and in particular the following.

- 4.1. Water bath capable of being maintained at 10 °C to 15 °C.
Water bath capable of being maintained at 20 °C ($\pm 0,2$ °C).
- 4.2. Class A volumetric flasks, 100 ml and 200 ml, that have been certified to 0,1 % and 0,15 % respectively.
- 4.3. Distillation apparatus:
 - 4.3.1. General requirements

The distillation apparatus must meet the following specifications:

- the number of joints must be no more than the strict minimum needed to ensure the system is leak-tight,
- inclusion of a device designed to prevent priming (entrainment of the boiling liquid by the vapour) and to regularise the distillation rate of alcohol-rich vapours,
- rapid and complete condensation of the alcohol vapours,
- collection of the first distillation fractions in an aqueous medium.

The heat source must be used with a suitable heat-diffuser to prevent any pyrogenic reaction involving the extractive matter.

- 4.3.2. An example of a suitable distillation apparatus is shown in Figure 1 and includes the following parts:
 - round-bottomed flask, 1 litre, with a standardised ground-glass joint,
 - rectifying column at least 20-cm high (a Vigreux column, for example),
 - elbow connector with an approximately 10-cm-long straight-rimmed condenser (a West-type condenser) fitted vertically,
 - cooling coil, 40-cm long,
 - drawn-out tube, taking the distillate to the bottom of a graduated collecting flask containing a small amount of water.

Note: The apparatus described above is intended for a sample of least 200 ml. However, a smaller sample size (100 ml) can be distilled by using a smaller distillation flask, provided a splashhead or some other device to prevent entrainment is used.

5. Storage of test samples

Samples are stored at room temperature prior to analysis.

6. Procedure

Preliminary remark:

Distillation may also be by the procedure published by IUPAC (1968).

- 6.1. Distillation apparatus verification.

The apparatus used must be capable of the following:

The distillation of 200 ml of a water-alcohol solution with known concentration close to 50 % vol must not cause a loss of alcohol of more than 0,1 % vol.

- 6.2. Spirit drinks with alcoholic strength below 50 % vol.
- Measure out 200 ml of the spirit into a volumetric flask.
- Record the temperature of this liquid, or maintain at standard temperature (20 °C).
- Pour the sample into the round-bottomed flask of the distillation apparatus and rinse the volumetric flask with three aliquots each of approximately 20 ml of distilled water. Add each rinse water aliquot to the contents of the distillation flask.
- Note: This 60-ml dilution is sufficient for spirits containing less than 250 g of dry extract per litre. Otherwise, to prevent pyrolysis, the volume of rinse water must be at least 70 ml if the dry extract concentration is 300 g/l, 85 ml for 400 g/l dry extract, and 100 ml for 500 g/l dry extract (some fruit liqueurs or crèmes). Adjust these volumes proportionally for different sample volumes.
- Add a few anti-bumping granules (3.1) (and antifoam for crème liqueurs).
- Pour 20 ml of distilled water into the original 200 ml volumetric flask that will be used to hold the distillate. This flask must then be placed in a cold water bath (4.1) (10 to 15 °C for aniseed-flavoured spirit drinks).
- Distil, avoiding entrainment and charring, occasionally agitating the contents of the flask, until the level of distillate is a few millimetres below the calibration mark of the volumetric flask.
- When the temperature of this distillate has been brought down to within 0,5 °C of the liquid's initial temperature, make up to the mark with distilled water and mix thoroughly.
- This distillate is used for the determination of alcoholic strength by volume (Appendix II)
- 6.3. Spirit drinks with alcoholic strength above 50 % vol.
- Measure out 100 ml of the spirit drink into a 100-ml volumetric flask and pour into the round bottomed flask of the distillation apparatus.
- Rinse the volumetric flask several times with distilled water and add the washings to the contents of the round-bottomed distillation flask. Use enough water to bring the flask's contents up to approximately 230 ml.
- Pour 20 ml of distilled water into a 200-ml volumetric flask that will be used to hold the distillate. This flask must then be placed in a cold water bath (4.1) (10 to 15 °C for aniseed-flavoured spirits).
- Distil, agitating the contents occasionally, until the level of distillate is a few millimetres below the calibration mark of the 200-ml volumetric flask.
- When the temperature of this distillate has been brought down to within 0,5 °C of the liquid's initial temperature, make up to the mark with distilled water and mix thoroughly.
- This distillate is used for the determination of alcoholic strength by volume (Appendix II)
- Note: The alcoholic strength by volume of the spirit drink is twice the alcoholic strength of the distillate.

APPENDIX II: MEASUREMENT OF DENSITY OF DISTILLATE

METHOD A: DETERMINATION OF REAL ALCOHOLIC STRENGTH BY VOLUME OF SPIRIT DRINKS — MEASUREMENT BY PYCNOMETRY**A.1. Principle**

The alcoholic strength by volume is obtained from the density of the distillate measured by pycnometry.

A.2. Reagents and materials

During the analysis, unless otherwise is stated, use only reagents of recognised analytical grade and water of at least grade 3 as defined in ISO 3696:1987.

A.2.1. Sodium chloride solution (2 % w/v)

To prepare 1 litre, weigh out 20 g of sodium chloride and dissolve to 1 litre using water.

A.3. Apparatus and Equipment

Usual laboratory apparatus and in particular the following:

A.3.1. Analytical balance capable of reading 0,1 mg.**A.3.2. Thermometer, with ground glass joint, calibrated in tenths of a degree from 10 to 30 °C. This thermometer must be certified or checked against a certified thermometer.****A.3.3. Pyrex-glass pycnometer of approximately 100 ml capacity fitted with a removable ground-glass thermometer (A.3.2). The pycnometer has a side tube 25 mm in length and 1 mm (maximum) in internal diameter ending in a conical ground joint. Other pycnometers as described in ISO 3507, e.g. 50 ml may be used if appropriate.****A.3.4. A tare bottle of the same external volume (to within 1 ml) as the pycnometer and with a mass equal to the mass of the pycnometer filled with a liquid of density 1,01 (sodium chloride solution A.2.1).****A.3.5. Thermally insulated jacket that fits the body of the pycnometer exactly.**

Note 1: The method for determining the densities *in vacuo* of spirits calls for the use of a twin-pan balance, a pycnometer and a tare bottle of the same outside external volume to cancel out the effect of air buoyancy at any given moment. This simple technique may be applied using a single-pan balance provided that the tare bottle is weighed again to monitor changes in air buoyancy over time.

A.4. Procedure

Preliminary remarks:

The following procedure is described for the use of 100-ml pycnometer for determination of the alcoholic strength; this gives the best accuracy. However, it is also possible to use a smaller pycnometer, for example 50 ml.

A.4.1. Calibration of pycnometer

The pycnometer is calibrated by determining the following parameters:

- tare of the empty pycnometer,
- volume of the pycnometer at 20 °C,
- mass of the water-filled pycnometer at 20 °C.

A.4.1.1. Calibration using a single-pan balance:

Determine:

- the mass of the clean, dry pycnometer (P),
- the mass of the water-filled pycnometer at t °C (P1),
- the mass of the tare bottle (T0).

A.4.1.1.1. Weigh the clean, dry pycnometer (P).

A.4.1.1.2. Fill the pycnometer carefully with distilled water at ambient temperature and fit the thermometer.

Carefully wipe the pycnometer dry and place it in the thermally-insulated jacket. Agitate by inverting the container until the thermometer's temperature reading is constant.

Set the pycnometer flush with the upper rim of the side tube. Read the temperature t °C carefully and if necessary correct for any inaccuracies in the temperature scale.

Weigh the water-filled pycnometer (P1).

A.4.1.1.3. Weigh the tare bottle (T0).

A.4.1.1.4. Calculation

— Tare of the empty pycnometer = $P - m$
 where m is the mass of air in the pycnometer.
 $m = 0,0012 \times (P1 - P)$

Note 2: 0,0012 is the density of dry air at 20 °C at a pressure of 760 mm Hg

— Volume of the pycnometer at 20 °C:

$$V_{20^{\circ}\text{C}} = [P1 - (P - m)] \times F_t,1$$

where F_t is the factor for temperature t °C taken from Table I of Chapter 1 'Density and specific gravity' of the Annex to Regulation (EEC) No 2676/90 (p. 10).

$V_{20^{\circ}\text{C}}$ must be known to the nearest 0,001 ml.

— Mass of water in the pycnometer at 20 °C:

$$M_{20^{\circ}\text{C}} = V_{20^{\circ}\text{C}} \times 0,998203$$

where 0,998203 is the density of water at 20 °C.

Note 3: If necessary, the value 0,99715 of the density in air can be used and the alcoholic strength calculated with reference to the corresponding density in HM Customs and Excise tables in air.

A.4.1.2. Calibration method using a twin-pan balance:

A.4.1.2.1. Place the tare bottle on the left-hand pan and the clean, dry pycnometer with its collecting stopper on the right-hand pan. Balance them by placing weights on the pycnometer side: p grams.

A.4.1.2.2. Fill the pycnometer carefully with distilled water at ambient temperature and fit the thermometer; carefully wipe the pycnometer dry and place it in the thermally insulated jacket; agitate by inverting the container until the thermometer's temperature reading is constant.

Accurately adjust the level to the upper rim of the side tube. Clean the side tube, fit the collecting stopper; read the temperature t °C carefully and if necessary correct for any inaccuracies in the temperature scale.

Weigh the water-filled pycnometer, with p' the weight in grams making up the equilibrium.

A.4.1.2.3. Calculation

— Tare of the empty pycnometer = $p + m$
 where m is the mass of air in the pycnometer.
 $m = 0,0012 \times (p - p')$

— Volume of the pycnometer at 20 °C:

$$V_{20^{\circ}\text{C}} = (p + m - p') \times F_t,1$$

where F_t is the factor for temperature t °C taken from Table I of Chapter 1 'Density and specific gravity' of the Annex to Regulation (EEC) No 2676/90 (p. 10).

$V_{20^{\circ}\text{C}}$ must be known to the nearest 0,001 ml.

— Mass of water in the pycnometer at 20 °C:

$$M_{20^{\circ}\text{C}} = V_{20^{\circ}\text{C}} \times 0,998203$$

where 0,998203 is the density of water at 20 °C.

A.4.2. Determination of alcoholic strength of test sample

A.4.2.1. Using a single-pan balance.

A.4.2.1.1. Weigh the tare bottle, weight T1.

A.4.2.1.2. Weigh the pycnometer with the prepared distillate (see Appendix I), P2 is its weight at t °C.

A.4.2.1.3. Calculation

$$\text{— } dT = T1 - T0$$

$$\text{— Mass of empty pycnometer at moment of measuring} \\ = P - m + dT$$

$$\text{— Mass of the liquid in the pycnometer at } t \text{ } ^\circ\text{C} \\ = P2 - (P - m + dT)$$

$$\text{— Density at } t \text{ } ^\circ\text{C in g/ml}$$

$$\text{— } P_{t^\circ\text{C}} = [P2 - (P - m + dT)]/V_{20^\circ\text{C}}$$

— Express the density at t °C in kilograms per m³ by multiplying $\rho_{t^\circ\text{C}}$ by 1 000, the value being known as ρ_t .

— Correct ρ_t to 20 using the table of densities ρ_T for water-alcohol mixtures (Table II of Appendix II to the OIV's manual of analysis methods (1994), pp. 17-29).

In the table find the horizontal line corresponding to temperature T in whole degrees immediately below t °C, the smallest density above ρ_t . Use the table difference found below that density to calculate the density ρ_t of the spirit at that temperature T in whole degrees.

— Using the whole temperature line, calculate the difference between density ρ' in the table immediately above ρ_t and the calculated density ρ_t . Divide that difference by the table difference found to the right of density ρ' . The quotient provides the decimal portion of the alcoholic strength while the integer of the alcoholic strength is found at the top of the column in which density ρ' is found (Dt, the alcoholic strength).

Note 4: Alternatively keep the pycnometer in a water bath maintained at 20 °C ($\pm 0,2$ °C) when making up to the mark.

A.4.2.1.4. Result

Using the density ρ_{20} calculate the real alcoholic strength using the alcoholic strength tables identified below:

The table giving the value of the alcoholic strength by volume (% vol) at 20 °C as a function of the density at 20 °C of water-alcohol mixtures is the international table adopted by the International Legal Metrology Organisation in its Recommendation No 22.

A.4.2.2. Method using a single-pan balance

A.4.2.2.1. Weigh the pycnometer with the distillate prepared (see part I), p'' is mass at t °C.

A.4.2.2.2. Calculation

$$\text{— Mass of the liquid in the pycnometer at } t \text{ } ^\circ\text{C} \\ = p + m - p''$$

$$\text{— Density at } t \text{ } ^\circ\text{C in g/ml}$$

$$P_{t^\circ\text{C}} = (p + m - p'')/V_{20^\circ\text{C}}$$

— Express the density at t °C in kilograms per m³ and carry out the temperature correction in order to calculate the alcoholic strength at 20 °C, as indicated above for use of the single-pan balance.

A.5. **Method performance characteristics (precision)**

A.5.1. Statistical results of the interlaboratory test

The following data were obtained from an international method performance study carried out to internationally agreed procedures [1] [2].

Year of interlaboratory test	1997
Number of laboratories	20
Number of samples	6

Samples	A	B	C	D	E	F
Number of laboratories retained after eliminating outliers	19	20	17	19	19	17
Number of outliers (laboratories)	1	—	2	1	1	3
Number of accepted results	38	40	34	38	38	34
Mean value (\bar{x}) % vol	23,77	40,04	40,29	39,20	42,24	57,03
	26,51 (*)			42,93 (*)	45,73 (*)	63,03 (*)
Repeatability standard (S_r) % vol	0,106	0,176	0,072	0,103	0,171	0,190
Repeatability relative standard deviation (RSD_r) (%)	0,42	0,44	0,18	0,25	0,39	0,32
Repeatability limit (r) in % vol	0,30	0,49	0,20	0,29	0,48	0,53
Reproductibility standard deviation (S_R) % vol	0,131	0,236	0,154	0,233	0,238	0,322
Reproductibility relative standard deviation (RSD_R) (%)	0,52	0,59	0,38	0,57	0,54	0,53
Reproductibility limit (R) in % vol	0,37	0,66	0,43	0,65	0,67	0,90

Sample types

A Fruit liqueur; split level (*).

B Brandy; blind duplicates.

C Whisky; blind duplicates.

D Grappa; split level (*).

E Aquavit; split level (*).

F Rum; split level (*).

**METHOD B: DETERMINATION OF REAL ALCOHOLIC STRENGTH BY VOLUME OF SPIRIT DRINKS
— MEASUREMENT BY ELECTRONIC DENSIMETRY (BASED ON THE RESONANT FREQUENCY
OSCILLATION OF A SAMPLE IN AN OSCILLATION CELL)**

B.1. Principle

The liquid's density is determined by electronic measurement of the oscillations of a vibrating U-tube. To perform this measurement, the sample is added to an oscillating system, whose specific oscillation frequency is thus modified by the added mass.

B.2. Reagents and materials

During the analysis, unless otherwise is stated, use only reagents of recognised analytical grade and water of at least grade 3 as defined in ISO 3696:1987.

B.2.1. Acetone (CAS 666-52-4) or absolute alcohol

B.2.2. Dry air.

B.3. Apparatus and equipment

Usual laboratory apparatus and in particular the following:

B.3.1. Digital display densimeter

Electronic densimeter for performing such measurements must be capable of expressing density in g/ml to 5 decimal places.

Note 1: The densimeter should be placed on a perfectly stable stand that is insulated from all vibrations.

B.3.2. Temperature regulation

The densimeter's performance is valid only if the measuring cell is connected to a built-in temperature regulator that can achieve the same temperature stability of $\pm 0,02$ °C or better.

Note 2: The precise setting and monitoring of the temperature in the measuring cell are very important, for an error of 0,1 °C can lead to a variation in density of the order of 0,1 kg/m³.

B.3.3. Sample injection syringes or auto sampler.

B.4. Procedure**B.4.1. Calibration of the densimeter**

The apparatus must be calibrated according to the instrument manufacturer's instructions when it is first put into service. It must be recalibrated regularly and checked against a certified reference standard or an internal laboratory reference solution based on a certified reference standard.

B.4.2. Determination of sample density

B.4.2.1. If required prior to measurement clean and dry the cell with acetone or absolute alcohol and dry air. Rinse the cell with the sample.

B.4.2.2. Inject the sample into the cell (using a syringe or autosampler) so that the cell is completely filled. During the filling operation make sure that all air bubbles are completely eliminated. The sample must be homogeneous and must not contain any solid particles. Any suspended matter should be removed by filtration prior to analysis.

B.4.2.3. Once the reading has stabilised, record the density ρ_{20} or the alcoholic strength displayed by the densimeter.

B.4.3. Result

When the density ρ_{20} is used, calculate the real alcoholic strength using the alcoholic strength tables identified below:

The table giving the value of the alcoholic strength by volume (% vol) at 20 °C as a function of the density at 20 °C of water-alcohol mixtures is the international table adopted by the International Legal Metrology Organisation in its Recommendation No 22.

B.5. Method performance characteristics (precision)**B.5.1. Statistical results of the interlaboratory test**

The following data were obtained from an international method performance study carried out to internationally agreed procedures [1] [2].

Year of interlaboratory test	1997
Number of laboratories	16
Number of samples	6

Samples	A	B	C	D	E	F
Number of laboratories retained after eliminating outliers	11	13	15	16	14	13
Number of outliers (laboratories)	2	3	1	—	1	2
Number of accepted results	22	26	30	32	28	26
Mean value (\bar{x}) % vol	23,81	40,12	40,35	39,27	42,39	56,99
	26,52 (*)			43,10 (*)	45,91 (*)	63,31 (*)
Repeatability standard deviation (S_p) % vol	0,044	0,046	0,027	0,079	0,172	0,144
Repeatability relative standard deviation (RSD_p) (%)	0,17	0,12	0,07	0,19	0,39	0,24
Repeatability limit (r) % vol	0,12	0,13	0,08	0,22	0,48	0,40
Reproducibility standard deviation (S_R) % vol	0,054	0,069	0,083	0,141	0,197	0,205
Reproducibility relative standard deviation (RSD_R) (%)	0,21	0,17	0,21	0,34	0,45	0,34
Reproducibility limit (R) % vol	0,15	0,19	0,23	0,40	0,55	0,58

Sample types

A Fruit liqueur; split level (*).

B Brandy; blind duplicates.

C Whisky; blind duplicates.

D Grappa; split level (*).

E Aquavit; split level (*).

F Rum; split level (*).

**METHOD C: DETERMINATION OF REAL ALCOHOLIC STRENGTH BY VOLUME OF SPIRIT DRINKS —
MEASUREMENT BY DENSIMETRY USING HYDROSTATIC BALANCE**

C.1. Principle

The alcoholic strength of spirits can be measured by densimetry using a hydrostatic balance based on Archimedes' principle according to which a body immersed in a liquid receives a vertical upward thrust from the liquid equal to the weight of liquid displaced.

C.2. Reagents and materials

During the analysis, unless otherwise is stated, use only reagents of recognised analytical grade and water of at least grade 3 as defined in ISO 3696:1987.

C.2.1. Float cleaning solution (sodium hydroxide, 30 % w/v)

To prepare 100 ml, weigh 30 g of sodium hydroxide and make up to volume using 96 % volume ethanol.

C.3. Apparatus and Equipment

Usual laboratory apparatus and in particular the following:

C.3.1. Single-pan hydrostatic balance with a sensitivity of 1 mg.

C.3.2. Float with a volume of at least 20 ml, specially adapted to the balance, suspended with a thread of diameter not exceeding 0,1 mm.

C.3.3. Measuring cylinder bearing a level mark. The float must be capable of being contained completely within the volume of the cylinder located below the mark; the surface of the liquid may only be penetrated by the supporting thread. The measuring cylinder must have an internal diameter at least 6 mm larger than that of the float.

C.3.4. Thermometer (or temperature-measuring probe) graduated in degrees and tenths of a degree from 10 to 40 °C, calibrated to 0,05 °C.

C.3.5. Weights, calibrated by a recognised certifying body.

Note 1: Use of a twin-pan balance is also possible; the principle is described in Chapter 1 'Density and specific gravity' of the Annex to Regulation (EEC) No 2676/90 (p. 7).

C.4. Procedure

The float and measuring cylinder must be cleaned between each measurement with distilled water, dried with soft laboratory paper which does not shed fibres and rinsed with the solution whose density is to be determined. Measurements must be made as soon as the apparatus has reached stability so as to restrict alcohol loss by evaporation.

C.4.1. Calibration of the balance

Although balances usually have an internal calibration system, the hydrostatic balance must be capable of calibration with weights checked by an official certifying body.

C.4.2. Calibration of the float

C.4.2.1. Fill the measuring cylinder to the mark with double-distilled water (or water of equivalent purity, e.g. microfiltered water with a conductivity of 18,2 MΩ/cm) at a temperature between 15 and 25 °C but preferably at 20 °C.

C.4.2.2. Immerse the float and the thermometer, stir, read off the density of the liquid from the apparatus and, if necessary, correct the reading so that it is equal to that of the water at measurement temperature.

C.4.3. Control using a water-alcohol solution

C.4.3.1. Fill the measuring cylinder to the mark with a water-alcohol mixture of known strength at a temperature between 15 and 25 °C but preferably at 20 °C.

C.4.3.2. Immerse the float and the thermometer, stir, read off the density of the liquid (or the alcoholic strength if this is possible) from the apparatus. The alcoholic strength thus established should be equal to the previously determined alcoholic strength.

Note 2: This solution of known alcoholic strength can also be used to calibrate the float instead of double-distilled water.

- C.4.4. Measurement of the density of a distillate (or of its alcoholic strength if the apparatus allows)
- C.4.4.1. Pour the test sample into the measuring cylinder up to the graduation mark.
- C.4.4.2. Immerse the float and the thermometer, stir, read off the density of the liquid (or the alcoholic strength if this is possible) from the apparatus. Note the temperature if the density is measured at t °C (ρ_t).
- C.4.4.3. Correct ρ_t to 20 using the table of densities ρ_T for water-alcohol mixtures (Table II of Annex II to the OIV's Manual of analysis methods (1994), pp. 17-29).
- C.4.5. Cleaning of float and measuring cylinder
- C.4.5.1. Immerse the float in the float cleaning solution in the measuring cylinder.
- C.4.5.2. Allow to soak for one hour spinning the float periodically.
- C.4.5.3. Rinse with copious amounts of tap water followed by distilled water.
- C.4.5.4. Dry with soft laboratory paper which does not shed fibres.
- Carry out this procedure when the float is first used and then regularly as required.

C.4.6. Result

Using the density ρ_{20} calculate the real alcoholic strength using the alcoholic strength tables identified below.

The table giving the value of the alcoholic strength by volume (% vol) at 20 °C as a function of the density at 20 °C of water-alcohol mixtures is the international table adopted by the International Legal Metrology Organisation in its Recommendation No 22.

C.5. **Method performance characteristics (precision)**

C.5.1. Statistical results of the interlaboratory test

The following data were obtained from an international method performance study carried out to internationally agreed procedures [1] [2].

Year of interlaboratory test	1997
Number of laboratories	12
Number of samples	6

Samples	A	B	C	D	E	F
Number of laboratories retained after eliminating outliers	12	10	11	12	11	9
Number of outliers (laboratories)	—	2	1	—	1	2
Number of accepted results	24	20	22	24	22	18
Mean value (\bar{x}) % vol	23,80	40,09	40,29	39,26	42,38	57,16
	26,51 (*)			43,09 (*)	45,89 (*)	63,44 (*)
Repeatability standard deviation (S_p) % vol	0,048	0,065	0,042	0,099	0,094	0,106
Repeatability relative standard deviation (RSD _p) (%)	0,19	0,16	0,10	0,24	0,21	0,18
Repeatability limit (r) % vol	0,13	0,18	0,12	0,28	0,26	0,30
Reproducibility standard deviation (S_R) % vol	0,060	0,076	0,073	0,118	0,103	0,125
Reproducibility relative standard deviation (RSD _R) (%)	0,24	0,19	0,18	0,29	0,23	0,21
Reproducibility limit (R) % vol	0,17	0,21	0,20	0,33	0,29	0,35

Sample types

- A Fruit liqueur; split level (*).
 B Brandy; blind duplicates.
 C Whisky; blind duplicates.
 D Grappa; split level (*).
 E Aquavit; split level (*).
 F Rum; split level (*).

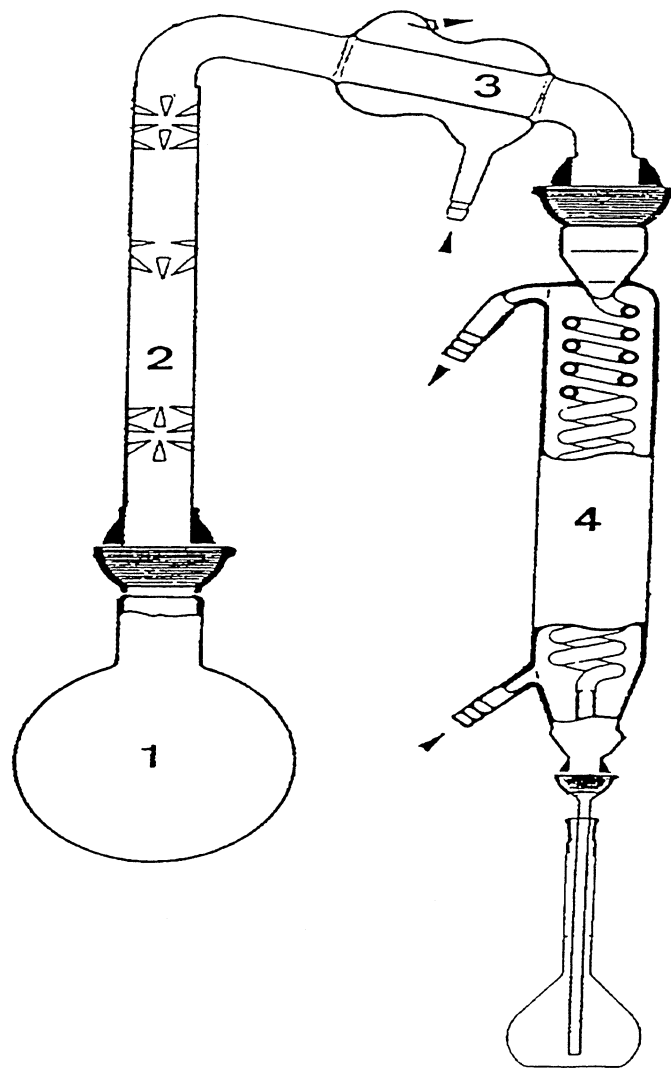


Figure 1. Distillation apparatus for measuring the real alcoholic strength by volume of spirits

1. 1-litre round-bottomed flask with standardised spherical ground-glass joint.
2. 20-cm Vigreux rectifying column.
3. 10-cm straight-rimmed West condenser.
4. 40-cm cooling coil.

II. DETERMINATION OF TOTAL DRY EXTRACT OF SPIRIT DRINKS BY GRAVIMETRY

1. Scope

Regulation (EEC) No 1576/89 provides for this method only for aquavit for which the dry extract is limited to 15 g/l.

2. Normative References

ISO 3696:1987: Water for analytical laboratory use — Specifications and test methods.

3. Definition

The total dry extract or total dry matter includes all matter that is non-volatile under specified physical conditions.

4. Principle

Weighing of the residue left by evaporation of the spirit on a boiling water bath and drying in a drying oven.

5. Apparatus and Equipment

5.1. Flat-bottomed cylindrical evaporating dish 55 mm in diameter.

5.2. Boiling water bath.

5.3. 25 ml pipette, class A.

5.4. Drying oven.

5.5. Desiccator.

5.6. Analytical balance accurate to 0,1 mg.

6. Sampling and samples

Samples are stored at room temperature prior to analysis.

7. Procedure

7.1. Pipette 25 ml of the spirit containing less than 15 g/l dry matter into a previously weighed flat-bottomed cylindrical evaporating dish 55 mm in diameter. During the first hour of evaporation the evaporating dish is placed on the lid of a boiling water bath so that the liquid will not boil, as this could lead to losses through splattering. Leave one more hour directly in contact with the steam of the boiling water bath.

7.2. Complete the drying by placing the evaporating dish in a drying oven at $105\text{ °C} \pm 3\text{ °C}$ for two hours. Allow the evaporating dish to cool in a desiccator and weigh the evaporating dish and its contents.

8. Calculation

The mass of the residue multiplied by 40 is equal to the dry extract contained in the spirit and it must be expressed in g/l to one decimal place.

9. Method performance characteristics (precision)

9.1. Statistical results of the interlaboratory test

The following data were obtained from an international method performance study carried out to internationally agreed procedures [1] [2].

Year of interlaboratory test	1997
Number of laboratories	10
Number of samples	4

Samples	A	B	C	D
Number of laboratories retained after eliminating outliers	9	9	8	9
Number of outliers (laboratories)	1	1	2	—
Number of accepted results	18	18	16	18
Mean value (\bar{x}) g/l	9,0	9,1	10,0	11,8
		7,8	9,4	11,1
Repeatabilities standard deviation (S_r) g/l	0,075	0,441	0,028	0,123
Repeatabilities relative standard deviation (RSD_r) (%)	0,8	5,2	0,3	1,1
Repeatabilities limit (r) g/l	0,2	1,2	0,1	0,3
Reproducibility standard deviation (S_R) g/l	0,148	0,451	0,058	0,210
Reproducibility relative standard deviation (RSD_R) (%)	1,6	5,3	0,6	1,8
Reproducibility limit (R) g/l	0,4	1,3	0,2	0,6

Sample types

A Brandy; blind duplications.

B Rum; split levels.

C Grappa; split levels.

D Aquavit; split levels.

III. DETERMINATION OF VOLATILE SUBSTANCES AND METHANOL OF SPIRIT DRINKS

III.1. GENERAL REMARKS

1. Definitions

Regulation (EEC) No 1576/89 sets minimum levels of volatile compounds other than ethanol and methanol for a series of spirit drinks (rum, spirits of viticultural origin, fruit spirits, etc.). For this series of drinks only, these levels are conventionally considered to be equivalent to the sum of the concentrations of:

1. volatile acids expressed as acetic acid;
2. aldehydes expressed as ethanal by the sum of ethanal (acetaldehyde) and the ethanal fraction contained in 1,1-diethoxyethane (acetal);
3. the following higher alcohols: propan-1-ol, butan-1-ol, butan-2-ol, 2-methylpropan-1-ol, assayed by individual alcohol and 2-methylbutan-1-ol, and 3-methylbutan-1-ol assayed as individual alcohol or the sum of the two;
4. ethyl acetate.

The following are the conventional methods for measuring volatile compounds:

- the volatile acids by means of volatile acidity,
- the aldehydes (ethanal and acetal), ethyl acetate and the alcohols by means of gas chromatography (GPC).

2. Gas chromatographic analysis of volatile compounds

Gas chromatographic assays of volatile compounds other than those set out above may prove particularly interesting as a means of determining both the origin of the raw material used in the distillation and the actual conditions of distillation.

Some spirits contain other volatile components, such as aromatic compounds, which are characteristic of the raw materials used to obtain the alcohol, of the aroma of the spirit drink and of the special features of the preparation of the spirit. These compounds are important for evaluating the requirements set out in Regulation (EEC) No 1576/89.

III.2. GAS CHROMATOGRAPHIC DETERMINATION OF VOLATILE CONGENERS: ALDEHYDES, HIGHER ALCOHOLS, ETHYL ACETATE AND METHANOL

1. Scope

This method is suitable for use for the determination of 1,1-diethoxyethane (acetal), 2-methylbutan-1-ol (active amyl alcohol), 3-methylbutan-1-ol (isoamyl alcohol), methanol (methyl alcohol), ethyl ethanoate (ethyl acetate), butan-1-ol (n-butanol), butan-2-ol (sec-butanol), 2-methylpropan-1-ol (isobutyl alcohol), propan-1-ol (n-propanol) and ethanal (acetaldehyde) in spirit drinks using gas chromatography. The method uses an internal standard, for example pentan-3-ol. The concentrations of the analytes are expressed as grams per 100 litres of absolute alcohol; the alcoholic strength of the product must be determined prior to analysis. The spirit drinks that can be analysed using this method include whisky, brandy, rum, wine spirit, fruit spirit and grape marc spirit.

2. Normative References

ISO 3696:1987: Water for analytical laboratory use — Specifications and test methods.

3. Definition

Congeners are volatile substances formed along with ethanol during fermentation, distillation and maturation of spirit drinks.

4. Principle

Congeners in spirit drinks are determined by direct injection of the spirit drink, or appropriately diluted spirit drink, into a gas chromatography (GC) system. A suitable internal standard is added to the spirit drink prior to injection. The congeners are separated by temperature programming on a suitable column and are detected using a flame ionisation detector (FID). The concentration of each congener is determined with respect to the internal standard from response factors, which are obtained during calibration under the same chromatographic conditions as those of the spirit drink analysis.

5. Reagents and materials

Unless otherwise stated, use only reagents of a purity greater than 97 %, purchased from an ISO-accredited supplier with a certificate of purity, free from other congeners at test dilution (this may be confirmed by injection of individual congener standards at the test dilution using GC conditions as in 6.4) and only water of at least grade 3 as defined in ISO 3696. Acetal and acetaldehyde must be stored in the dark at < 5 °C, all other reagents may be stored at room temperature.

- 5.1. Ethanol absolute (CAS 64-17-5).
- 5.2. Methanol (CAS 67-56-1).
- 5.3. Propan-1-ol (CAS 71-23-8).
- 5.4. 2-methylpropan-1-ol (CAS 78-33-1).
- 5.5. Acceptable internal standards: pentan-3-ol (CAS 584-02-1), pentan-1-ol (CAS 71-41-0), 4-methylpentan-1-ol (CAS 626-89-1) or methyl nonanoate (CAS 1731-84-6).
- 5.6. 2-methylbutan-1-ol (CAS 137-32-6).
- 5.7. 3-methylbutan-1-ol (CAS 123-51-3).
- 5.8. Ethyl acetate (CAS 141-78-6).
- 5.9. Butan-1-ol (CAS 71-36-3).
- 5.10. Butan-2-ol (CAS 78-92-2).
- 5.11. Acetaldehyde (CAS 75-07-0).
- 5.12. Acetal (CAS 105-57-7).
- 5.13. 40 % v/v ethanol solution

To prepare 400 ml/l ethanol solution pour 400 ml ethanol (5.1) into a 1-litre volumetric flask, make up to volume with distilled water and mix.

- 5.14. Preparation and storage of standard solutions (procedure used for the validated method).

All standard solutions must be stored at < 5 °C and be prepared freshly on a monthly basis. Masses of components and solutions should be recorded to the nearest 0,1 mg.

- 5.14.1. Standard solution — A

Pipette the following reagents into a 100-ml volumetric flask, containing approximately 60-ml ethanol solution (5.13) to minimise component evaporation, make up to volume with ethanol solution (5.13) and mix thoroughly. Record the weight of the flask, each component added and the total final weight of contents.

Component	Volume (ml)
Methanol (5.2)	3,0
Propan-1-ol (5.3)	3,0
2-methylpropan-1-ol (5.4)	3,0
2-methylbutan-1-ol (5.6)	3,0
3-methylbutan-1-ol (5.7)	3,0
Ethyl acetate (5.8)	3,0
Butan-1-ol (5.9)	3,0
Butan-2-ol (5.10)	3,0
Acetaldehyde (5.11)	3,0
Acetal (5.12)	3,0

Note 1: It is preferable to add acetal and acetaldehyde last in order to minimise losses through evaporation.

5.14.2. Standard solution — B

Pipette 3 ml of pentan-3-ol, or other suitable internal standard, (5.5) into a 100-ml volumetric flask, containing approximately 80 ml ethanol solution (5.13), make up to volume with ethanol solution (5.13) and mix thoroughly.

Record the weight of the flask, the weight of pentan-3-ol or other internal standard added and the total final weight of contents.

5.14.3. Standard solution — C

Pipette 1 ml solution A (5.14.1) and 1 ml solution B (5.14.2) into a 100-ml volumetric flask containing approximately 80 ml ethanol solution (5.13), make up to volume with ethanol solution (5.13) and mix thoroughly.

Record the weight of the flask, each component added and the total final weight of contents.

5.14.4. Standard solution — D

In order to maintain analytical continuity, prepare a quality control standard using the previously prepared standard A (5.14.1). Pipette 1 ml solution A (5.14.1) into a 100-ml volumetric flask containing approximately 80 ml ethanol solution (5.13), make up to volume with ethanol solution (5.13) and mix thoroughly.

Record the weight of the flask, each component added and the total final weight of contents.

5.14.5. Standard solution — E

Pipette 10 ml solution B (5.14.2) into a 100-ml volumetric flask containing approximately 80 ml ethanol solution (5.13), make up to volume with ethanol solution (5.13) and mix thoroughly.

Record the weight of the flask, each component added and the total final weight of contents.

5.14.6. Standard solutions used to check the linearity of response of FID

Into separate 100-ml volumetric flasks, containing approximately 80 ml ethanol (5.13), pipette 0, 0,1, 0,5, 1,0, 2,0 ml solution A (5.14.1) and 1 ml solution B (5.14.2), make up to volume with ethanol solution (5.13) and mix thoroughly.

Record the weight of the flask, each component added and the total final weight of contents.

5.14.7. QC standard solution

Pipette 9 ml standard solution D (5.14.4) and 1 ml of standard solution E (5.14.5) into a weighing vessel and mix thoroughly.

Record the weight of the flask, each component added and the total final weight of contents.

6. Apparatus and equipment

6.1. Apparatus capable of measuring the density and alcoholic strength.

6.2. Analytical balance, capable of measuring to four decimal places.

6.3. A temperature programmed gas chromatograph fitted with a flame ionisation detector and integrator or other data handling system capable of measuring peak areas or peak heights.

6.4. Gas chromatographic column(s), capable of separating the analytes such that the minimum resolution between the individual components (other than 2-methylbutan-1-ol and 3-methylbutan-1-ol) is at least 1.3.

Note 2: The following columns and GC conditions are suitable examples:

1. A retention gap 1 m × 0,32 mm i.d. connected to a CP-WAX 57 CB column 50 m × 0,32 mm i.d. 0,2 µm film thickness (stabilised polyethylene glycol) followed by a Carbowax 400 column 50 m × 0,32 mm i.d. 0,2 µm film thickness. (Columns are connected using press-fit connectors.)

Carrier gas and pressure:	Helium (135 kPa)
Column temperature:	35 °C for 17 min., 35 to 70 °C at 12 °C/min., hold at 70 °C for 25 min.
Injector temperature:	150 °C
Detector temperature:	250 °C
Injection volume:	1 µl, split 20 to 100:1

2. A retention gap 1 m × 0,32 mm i.d. connected to a CP-WAX 57 CB column 50 m × 0,32 mm i.d. 0,2 µm film thickness (stabilised polyethylene glycol). (Retention gap is connected using a press-fit connector.)

Carrier gas and pressure:	Helium (65 kPa)
Column temperature:	35 °C for 10 min., 35 to 110 °C at 5 °C/min., 110 to 190 °C at 30 °C/min., hold at 190 °C for 2 min.
Injector temperature:	260 °C
Detector temperature:	300 °C
Injection volume:	1 µl, split 55:1

3. A packed column (5 % CW 20M, Carboapak B), 2 m × 2 mm i.d.

Column temperature:	65 °C for 4 min., 65 to 140 °C at 10 °C/min., hold at 140 °C for 5 min., 140 to 150 °C at 5 °C/min., hold at 150 °C for 3 min.
Injector temperature:	65 °C
Detector temperature:	200 °C
Injection volume:	1 µl

7. Sampling and samples.

7.1. Laboratory sample

On receipt, the alcoholic strength of each sample is measured (6.1).

8. Procedure (used for the validated method)

8.1. Test portion

8.1.1. Weigh an appropriate sealed weighing vessel and record the weight.

8.1.2. Pipette 9 ml laboratory sample into the vessel and record the weight (M_{SAMPLE}).

8.1.3. Add 1 ml of standard solution E (5.14.5) and record the weight (M_{IS}).

8.1.4. Shake the test material vigorously (at least 20 inversions). Samples must be stored at less than 5 °C prior to analysis in order to minimise any volatile losses.

8.2. Blank test

8.2.1. Using a four decimal place balance (6.2), weigh an appropriate sealed weighing vessel and record the weight.

8.2.2. Pipette 9 ml 400 ml/l ethanol solution (5.13) into the vessel and record the weight.

8.2.3. Add 1 ml of standard solution E (5.14.5) and record the weight.

8.2.4. Shake the test material vigorously (at least 20 inversions). Samples must be stored at less than 5 °C prior to analysis in order to minimise any volatile losses.

8.3. Preliminary test

Inject standard solution C (5.14.3) to ensure that all of the analytes are separated with a minimum resolution of 1.3 (except 2-methylbutan-1-ol and 3-methylbutan-1-ol).

8.4. Calibration

The calibration should be checked using the following procedure. Ensure that the response is linear by successively analysing in triplicate each of the linearity standard solutions (5.14.6) containing internal standard (IS). From the integrator peak areas or peak heights for each injection calculate the ratio R for each congener and plot a graph of R versus the concentration ratio of congener to internal standard (IS), C. A linear plot should be obtained, with a correlation coefficient of at least 0,99.

$$R = \frac{\text{Peak area or height of congener}}{\text{Peak area or height of IS}}$$

$$C = \frac{\text{Concentration of congener } (\mu\text{g / g})}{\text{Concentration of IS } (\mu\text{g / g})}$$

8.5. Determination

Inject standard solution C (5.14.3) and 2 QC standard solutions (5.14.7). Follow with unknown samples (prepared according to 8.1 and 8.2) inserting one QC standard every 10 samples to ensure analytical stability. Inject one standard solution C (5.14.3) after every 5 samples.

9. Calculation

An automated system of data handling can be used, provided the data can be checked using the principles described in the method below.

Measure either peak areas or peak heights for congener and internal standard peaks.

9.1. Response factor calculation.

From the chromatogram of the injection of standard solution C (5.14.3), calculate response factors for each congener using equation (1).

$$(1) \text{ Response factor} = \frac{\text{Peak area or height IS}}{\text{Peak area or height congener}} \times \frac{\text{Conc. congener } (\mu\text{g / g})}{\text{Conc. IS } (\mu\text{g / g})}$$

where:

IS = Internal Standard

Conc. congener = concentration of congener in solution C (5.14.3)

Conc. IS = concentration of internal standard in solution C (5.14.3).

9.1.2. Sample analysis

Using equation (2) below, calculate the concentration of each congener in the samples.

(2) Congener concentrations, ($\mu\text{g/g}$) =

$$\frac{\text{Peak area or height congener}}{\text{Peak area or height IS}} \times \frac{M_{\text{IS}} (\text{g})}{M_{\text{SAMPLE}} (\text{g})} \times \text{Conc. IS } (\mu\text{g / g}) \times \text{RF}$$

where:

M_{SAMPLE} = weight of sample (8.1.2);

M_{IS} = weight of internal standard (8.1.3);

Conc. IS = concentration of internal standard in solution E (5.14.5);

RF = response factor calculated using equation 1.

9.1.3. Quality control standard solution analysis

Using equation (3) below, calculate the percentage recovery of the target value for each congener in the quality control standards (5.14.7):

$$(3) \% \text{ recovery of QC sample} = \frac{\text{concentration of analyte in QC standard}}{\text{concentration of analyte in solution D}} \times 100$$

The concentration of the analyte in the QC standard is calculated using equations (1) and (2) above.

9.2. Final presentation of results

Results are converted from μg to g per 100 litres absolute alcohol for samples using equation (4):

(4) Concentration in g per 100 litres absolute alcohol =

$$\text{Conc } (\mu\text{g} / \text{g}) \times \rho \times 10 / (\text{strength } (\% \text{ vol}) \times 1\,000)$$

where ρ = density in kg/m^3 .

Results are quoted to 3 significant figures and a maximum of one decimal place e.g. 11,4 g per 100 l absolute alcohol.

10. Quality assurance and control (used for the validated method)

Using equation (2) above, calculate the concentration of each congener in the quality control standard solutions prepared by following the procedure as in 8.1.1 to 8.1.4. Using equation (3), calculate the percentage recovery of the target value. If the analysed results are within $\pm 10\%$ of their theoretical values for each congener, analysis may proceed. If not, an investigation should be made to find the cause of the inaccuracy and remedial action taken as appropriate.

11. Method performance characteristics (precision)

Statistical results of the interlaboratory test: the following tables give the values for the following compounds: ethanal, ethyl acetate, acetal, total ethanal, methanol, butan-2-ol, propan-1-ol, butan-1-ol, 2-methyl-propan-1-ol, 2 methyl-butan-1-ol, 3 methyl-butan-1-ol.

The following data were obtained from an international method performance study carried out to internationally agreed procedures.

Year of interlaboratory test	1997
Number of laboratories	32
Number of samples	5
Analyte	ethanal

Samples	A	B	C	D	E
Number of laboratories retained after eliminating outliers	28	26	27	27	28
Number of outliers (laboratories)	2	4	3	3	2
Number of accepted results	56	52	54	54	56
Mean value (\bar{x}) $\mu\text{g}/\text{g}$	63,4	71,67	130,4	38,4	28,6
				13,8 (*)	52,2 (*)
Repeatability standard deviation (S_r) $\mu\text{g}/\text{g}$	3,3	1,9	6,8	4,1	3,6
Repeatability relative standard deviation (RSD_r) (%)	5,2	2,6	5,2	15,8	8,9
Repeatability limit (r) $\mu\text{g}/\text{g}$	9,3	5,3	19,1	11,6	10,1
Reproducibility standard deviation (S_R) $\mu\text{g}/\text{g}$	12	14	22	6,8	8,9
Reproducibility relative standard deviation (RSD_R) (%)	18,9	19,4	17,1	26,2	22,2
Reproducibility limit (R) $\mu\text{g}/\text{g}$	33,5	38,9	62,4	19,1	25,1

Sample types

A Brandy; blind duplicates.

B Kirsch; blind duplicates.

C Grappa; blind duplicates.

D Whisky; split levels (*).

E Rum; split levels (*).

Year of interlaboratory test	1997
Number of laboratories	32
Number of samples	5
Analyte	ethyl acetate

Samples	A	B	C	D	E
Number of laboratories retained after eliminating outliers	24	24	25	24	24
Number of outliers (laboratories)	2	2	1	2	2
Number of accepted results	48	48	50	48	48
Mean value (\bar{x}) $\mu\text{g/g}$	96,8	1 046	120,3	112,5 91,8 (*)	99,1 117,0 (*)
Repeatability standard deviation (S_r) $\mu\text{g/g}$	2,2	15	2,6	2,1	2,6
Repeatability relative standard deviation (RSD_r) (%)	2,3	1,4	2,1	2,0	2,4
Repeatability limit (r) $\mu\text{g/g}$	6,2	40,7	7,2	5,8	7,3
Reproducibility standard deviation (S_R) $\mu\text{g/g}$	6,4	79	8,2	6,2	7,1
Reproducibility relative standard deviation (RSD_R) (%)	6,6	7,6	6,8	6,2	6,6
Reproducibility limit (R) $\mu\text{g/g}$	17,9	221,9	22,9	17,5	20,0

Sample types

A Brandy; blind duplicates.

B Kirsch; blind duplicates.

C Grappa; blind duplicates.

D Whisky; split levels (*).

E Rum; split levels (*).

Year of interlaboratory test	1997
Number of laboratories	32
Number of samples	5
Analyte	acetal

Samples	A	B	C	D	E
Number of laboratories retained after eliminating outliers	20	21	22	17	21
Number of outliers (laboratories)	4	3	2	4	3
Number of accepted results	40	42	44	34	42
Mean value (\bar{x}) $\mu\text{g/g}$	35,04	36,46	68,5	20,36 6,60 (*)	15,1 28,3 (*)
Repeatability standard deviation (S_r) $\mu\text{g/g}$	0,58	0,84	1,6	0,82	1,9
Repeatability relative standard deviation (RSD_r) (%)	1,7	2,3	2,3	6,1	8,7
Repeatability limit (r) $\mu\text{g/g}$	1,6	2,4	4,4	2,3	5,3
Reproducibility standard deviation (S_R) $\mu\text{g/g}$	4,2	4,4	8,9	1,4	3,1
Reproducibility relative standard deviation (RSD_R) (%)	12,1	12,0	13,0	10,7	14,2
Reproducibility limit (R) $\mu\text{g/g}$	11,8	12,2	25,0	4,0	8,7

Sample types

A Brandy; blind duplicates.

B Kirsch; blind duplicates.

C Grappa; blind duplicates.

D Whisky; split levels (*).

E Rum; split levels (*).

Year of interlaboratory test	1997
Number of laboratories	32
Number of samples	5
Analyte	total ethanal

Samples	A	B	C	D	E
Number of laboratories retained after eliminating outliers	23	19	22	21	22
Number of outliers (laboratories)	1	5	2	3	2
Number of accepted results	46	38	44	42	44
Mean value (\bar{x}) $\mu\text{g/g}$	76,5	85,3	156,5	45,4	32,7
				15,8 (*)	61,8 (*)
Repeatability standard deviation (S_r) $\mu\text{g/g}$	3,5	1,3	6,5	4,4	3,6
Repeatability relative standard deviation (RSD_r) (%)	4,6	1,5	4,2	14,2	7,6
Repeatability limit (r) $\mu\text{g/g}$	9,8	3,5	18,3	12,2	10,0
Reproducibility standard deviation (S_R) $\mu\text{g/g}$	13	15	24,1	7,3	9,0
Reproducibility relative standard deviation (RSD_R) (%)	16,4	17,5	15,4	23,7	19,1
Reproducibility limit (R) $\mu\text{g/g}$	35,2	41,8	67,4	20,3	25,2

Sample types

A Brandy; blind duplicates.

B Kirsch; blind duplicates.

C Grappa; blind duplicates.

D Whisky; split levels (*).

E Rum; split levels (*).

Year of interlaboratory test	1997
Number of laboratories	32
Number of samples	5
Analyte	Methanol

Samples	A	B	C	D	E
Number of laboratories retained after eliminating outliers	26	27	27	28	25
Number of outliers (laboratories)	4	3	3	1	4
Number of accepted results	52	54	54	56	50
Mean value (\bar{x}) $\mu\text{g/g}$	319,8	2 245	1 326	83,0	18,6
				61,5 (*)	28,9 (*)
Repeatability standard deviation (S_r) $\mu\text{g/g}$	4,4	27	22	1,5	1,3
Repeatability relative standard deviation (RSD_r) (%)	1,4	1,2	1,7	2,1	5,6
Repeatability limit (r) $\mu\text{g/g}$	12,3	74,4	62,5	4,3	3,8
Reproducibility standard deviation (S_R) $\mu\text{g/g}$	13	99	60	4,5	2,8
Reproducibility relative standard deviation (RSD_R) (%)	3,9	4,4	4,6	6,2	11,8
Reproducibility limit (R) $\mu\text{g/g}$	35,2	278,3	169,1	12,5	7,9

Sample types

A Brandy; blind duplicates.

B Kirsch; blind duplicates.

C Grappa; blind duplicates.

D Whisky; split levels (*).

E Rum; split levels (*).

Year of interlaboratory test	1997
Number of laboratories	32
Number of samples	4
Analyte	butan-2-ol

Samples	A	B	C	E
Number of laboratories retained after eliminating outliers	21	27	29	22
Number of outliers (laboratories)	4	3	1	3
Number of accepted results	42	54	58	44
Mean value (\bar{x}) $\mu\text{g/g}$	5,88	250,2	27,57	5,83 14,12 (*)
Repeatability standard deviation (S_r) $\mu\text{g/g}$	0,40	2,2	0,87	0,64
Repeatability relative standard deviation (RSD_r) (%)	6,8	0,9	3,2	6,4
Repeatability limit (r) $\mu\text{g/g}$	1,1	6,1	2,5	1,8
Reproducibility standard deviation (S_R) $\mu\text{g/g}$	0,89	13	3,2	0,87
Reproducibility relative standard deviation (RSD_R) (%)	15,2	5,1	11,5	8,7
Reproducibility limit (R) $\mu\text{g/g}$	2,5	35,5	8,9	2,4

Sample types

A Brandy; blind duplicates.

B Kirsch; blind duplicates.

C Grappa; blind duplicates.

E Rum; split levels (*).

Year of interlaboratory test	1997
Number of laboratories	32
Number of samples	5
Analyte	propan-1-ol

Samples	A	B	C	D	E
Number of laboratories retained after eliminating outliers	29	27	27	29	29
Number of outliers (laboratories)	2	4	3	2	2
Number of accepted results	58	54	54	58	58
Mean value (\bar{x}) $\mu\text{g/g}$	86,4	3 541	159,1	272,1 229,3 (*)	177,1 222,1 (*)
Repeatability standard deviation (S_r) $\mu\text{g/g}$	3,0	24	3,6	2,3	3,3
Repeatability relative standard deviation (RSD_r) (%)	3,4	0,7	2,3	0,9	1,6
Repeatability limit (r) $\mu\text{g/g}$	8,3	68,5	10,0	6,4	9,1
Reproducibility standard deviation (S_R) $\mu\text{g/g}$	5,3	150	6,5	9,0	8,1
Reproducibility relative standard deviation (RSD_R) (%)	6,1	4,1	4,1	3,6	4,1
Reproducibility limit (R) $\mu\text{g/g}$	14,8	407,2	18,2	25,2	22,7

Sample types

A Brandy; blind duplicates.

B Kirsch; blind duplicates.

C Grappa; blind duplicates.

D Whisky; split levels (*).

E Rum; split levels (*).

Year of interlaboratory test	1997
Number of laboratories	32
Number of samples	5
Analyte	propan-1-ol

Samples	A	B	C
Number of laboratories retained after eliminating outliers	20	22	22
Number of outliers (laboratories)	4	4	6
Number of accepted results	40	44	44
Mean value (\bar{x}) $\mu\text{g/g}$	3,79	5,57	7,54
Repeatability standard deviation (S_p) $\mu\text{g/g}$	0,43	0,20	0,43
Repeatability relative standard deviation (RSD_p) (%)	11,2	3,6	5,6
Repeatability limit (r) $\mu\text{g/g}$	1,1	0,6	1,2
Reproducibility standard deviation (S_R) $\mu\text{g/g}$	0,59	0,55	0,82
Reproducibility relative standard deviation (RSD_R) (%)	15,7	9,8	10,8
Reproducibility limit (R) $\mu\text{g/g}$	1,7	1,5	2,3

Sample types

A Brandy; blind duplicates.

B Kirsch; blind duplicates.

C Grappa; blind duplicates. (*)

Year of interlaboratory test	1997
Number of laboratories	32
Number of samples	5
Analyte	2-methylpropan-1-ol

Samples	A	B	C	D	E
Number of laboratories retained after eliminating outliers	28	31	30	26	25
Number of outliers (laboratories)	3	0	1	5	6
Number of accepted results	56	62	60	52	50
Mean value (\bar{x}) $\mu\text{g/g}$	174,2	111,7	185,0	291,0	115,99
				246,8 (*)	133,87 (*)
Repeatability standard deviation (S_p) $\mu\text{g/g}$	2,3	1,6	2,5	1,8	0,74
Repeatability relative standard deviation (RSD_p) (%)	1,3	1,4	1,3	0,7	0,6
Repeatability limit (r) $\mu\text{g/g}$	6,4	4,5	6,9	5,0	2,1
Reproducibility standard deviation (S_R) $\mu\text{g/g}$	8,9	8,9	9,7	6,0	6,2
Reproducibility relative standard deviation (RSD_R) (%)	5,1	8,0	5,2	2,2	5,0
Reproducibility limit (R) $\mu\text{g/g}$	24,9	24,9	27,2	16,9	17,4

Sample types

A Brandy; blind duplicates.

B Kirsch; blind duplicates.

C Grappa; blind duplicates.

D Whisky; split levels (*).

E Rum; split levels (*).

Year of interlaboratory test 1997
 Number of laboratories 32
 Number of samples 5
 Analyte 2-methyl-butan-1-ol

Samples	A	B	C	D	E
Number of laboratories retained after eliminating outliers	25	26	25	27	25
Number of outliers (laboratories)	3	2	3	1	2
Number of accepted results	50	52	50	54	50
Mean value (\bar{x}) $\mu\text{g/g}$	113,0	48,3	91,6	72,1	39,5
				45,2 (*)	61,5 (*)
Repeatability standard deviation (S_r) $\mu\text{g/g}$	2,1	1,5	1,7	2,3	2,3
Repeatability relative standard deviation (RSD_r) (%)	1,9	3,1	1,8	3,9	4,5
Repeatability limit (r) $\mu\text{g/g}$	6,0	4,2	4,7	6,4	6,3
Reproducibility standard deviation (S_R) $\mu\text{g/g}$	7,4	3,8	6,6	4,7	4,5
Reproducibility relative standard deviation (RSD_R) (%)	6,6	7,9	7,2	8,1	8,8
Reproducibility limit (R) $\mu\text{g/g}$	20,8	10,7	18,4	13,3	12,5

Sample types

A Brandy; blind duplicates.
 B Kirsch; blind duplicates.
 C Grappa; blind duplicates.
 D Whisky; split levels (*).
 E Rum; split levels (*).

Year of interlaboratory test 1997
 Number of laboratories 32
 Number of samples 5
 Analyte 3-methyl-butan-1-ol

Samples	A	B	C	D	E
Number of laboratories retained after eliminating outliers	23	23	24	27	21
Number of outliers (laboratories)	5	5	4	1	6
Number of accepted results	46	46	48	54	42
Mean value (\bar{x}) $\mu\text{g/g}$	459,4	242,7	288,4	142,2	212,3
				120,4 (*)	245,6 (*)
Repeatability standard deviation (S_r) $\mu\text{g/g}$	5,0	2,4	3,4	2,4	3,2
Repeatability relative standard deviation (RSD_r) (%)	1,1	1,0	1,2	1,8	1,4
Repeatability limit (r) $\mu\text{g/g}$	13,9	6,6	9,6	6,6	9,1
Reproducibility standard deviation (S_R) $\mu\text{g/g}$	29,8	13	21	8,5	6,7
Reproducibility relative standard deviation (RSD_R) (%)	6,5	5,2	7,3	6,5	2,9
Reproducibility limit (R) $\mu\text{g/g}$	83,4	35,4	58,8	23,8	18,7

Sample types

A Brandy; blind duplicates.
 B Kirsch; blind duplicates.
 C Grappa; blind duplicates.
 D Whisky; split levels (*).
 E Rum; split levels (*).

**COMMISSION REGULATION (EC) No 2871/2000
of 28 December 2000**

adapting to scientific and technical progress Council Regulation (EEC) No 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation ⁽¹⁾, as last amended by Commission Regulation (EC) No 1069/1999 ⁽²⁾, and in particular Article 11 thereof,

Whereas:

- (1) Regulation (EEC) No 3922/91 provides that the Commission shall make the amendments necessitated by scientific and technical progress to the common technical requirements and administrative procedures listed in Annex II thereto. Such amendments, particularly to improve safety requirements, are now appropriate.
- (2) JAR 1 — 'Definitions' has been amended to introduce a definition for microlight.
- (3) JAR 25 — 'Large Aeroplanes' has been modified to introduce updated requirements resulting from JAA/FAA harmonisation activities and in particular the requirements for accelerate stop distances and related performance.

- (4) JAR E — 'Engines' has been amended to introduce updated requirements resulting from JAA/FAA harmonisation activities as well as some editorial modifications.
- (5) JAR TSO — 'Technical standard orders' has been amended to introduce new TSOs and to revise other TSOs in line with modifications in other JARs.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Aviation Safety Regulations Committee ⁽³⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EEC) No 3922/91 is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 28 December 2000.

For the Commission
Loyola DE PALACIO
Vice-President

⁽¹⁾ OJ L 373, 31.12.1991, p. 4.
⁽²⁾ OJ L 130, 26.5.1999, p. 16.

⁽³⁾ Meeting of 10 November 2000.

ANNEX

'ANNEX II

List of codes in force containing the common technical requirements and administrative procedures referred to in Article 31. *General and procedures*

JAR 1 "Definitions and abbreviations" up to and including change 5, 15 July 1996 and amendments 1/97/1, 12 December 1997 and 1/99/1, 18 October 1999.

2. *Type certification of products and parts*

JAR-22 "Sailplanes and powered sailplanes" up to and including change 5, 28 October 1995.

JAR-25 "Large Aeroplanes" up to and including change 15, 1 October 2000.

JAR-AWO "All Weather Operations" up to and including change 2, 1 August 1996.

JAR-E "Engines" up to and including change 10, 15 August 1999.

JAR P "Propellers" up to and including change 7, 22 October 1987 and amendment P/96/1, 8 August 1996.

JAR-APU "Auxiliary Power Units" up to and including change 2, 26 September 1983 and amendments APU/92/1, 27 April 1992 and APU/96/1, 8 August 1996.

JAR-TSO "Technical standard orders" up to and including change 3, 28 April 1998 and amendment TSO/00/4, 1 September 2000.

JAR VLA "Very light aeroplanes" 1st Issue, 26 April 1990 and amendments VLA/91/1, 22 October 1991 and VLA/92/1, 1 January 1992.

JAR 145 "Approved maintenance organisations" as at 1 January 1992.'

COMMISSION REGULATION (EC) No 2872/2000
of 28 December 2000
amending Regulation (EEC) No 1859/93 on the application of the system of import licences for
garlic imported from third countries

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 ⁽¹⁾, as last amended by Regulation (EC) No 2699/2000 ⁽²⁾, and in particular Article 31(2) thereof,

Whereas:

- (1) The Annex to Commission Regulation (EC) No 544/97 of 25 March 1997 introducing certificates of origin for garlic imported from certain third countries ⁽³⁾, as last amended by Regulation (EC) No 2520/98 ⁽⁴⁾, contains a list of third countries. The release for free circulation of garlic from those countries is conditional on the presentation of a certificate of origin issued by the competent national authorities of those countries in accordance with Articles 55 to 65 of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽⁵⁾, as last amended by Regulation (EC) No 2787/2000 ⁽⁶⁾.
- (2) Articles 63, 64 and 65 of Regulation (EEC) No 2454/93 provide that the third countries concerned are to forward certain information necessary for setting up a procedure for administrative cooperation between the Community departments and the authorities in those countries.
- (3) Some of the countries listed in the Annex to Regulation (EC) No 544/97, namely Lebanon, the United Arab Emirates, Vietnam and Malaysia, have still not sent the Commission the information needed for setting up administrative cooperation as provided for in Articles 63, 64 and 65 of Regulation (EEC) No 2454/93.

- (4) Commission Regulation (EEC) No 1859/93 ⁽⁷⁾, as last amended by Regulation (EC) No 1662/94 ⁽⁸⁾, provides that garlic may be released for free circulation in the Community on presentation of import licences issued by the Member States concerned. No provisions of that Regulation prohibit the issuing of import licences for garlic originating in countries where the administrative cooperation procedure as referred to above has not yet been set up.
- (5) The result of the foregoing is a risk of fraud on import. The necessary measures must be taken to eliminate that risk.
- (6) 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

The following paragraph is hereby added to Article 3 of Regulation (EEC) No 1859/93:

'3. No licence may be issued for imports of products originating in any of the countries listed in the Annex to Regulation (EC) No 544/97 that have not sent the Commission the information necessary for setting up an administrative cooperation procedure in accordance with Articles 63, 64 and 65 of Regulation (EEC) No 2454/93. Such information shall be regarded as having been forwarded on the date of publication provided for in Article 3 of Regulation (EC) No 544/97.'

Article 2

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

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

Done at Brussels, 28 December 2000.

For the Commission
 Franz FISCHLER
 Member of the Commission

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 311, 12.12.2000, p. 9.

⁽³⁾ OJ L 84, 26.3.1997, p. 8.

⁽⁴⁾ OJ L 315, 25.11.1998, p. 10.

⁽⁵⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁶⁾ OJ L 330, 27.12.2000, p. 1.

⁽⁷⁾ OJ L 170, 13.7.1993, p. 10.

⁽⁸⁾ OJ L 176, 9.7.1994, p. 1.

COMMISSION REGULATION (EC) No 2873/2000
of 28 December 2000

opening a tariff quota for the import of certain goods originating in Norway resulting from the processing of agricultural products covered by the Annex to Council Regulation (EC) No 3448/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, as last amended by Commission Regulation (EC) No 2580/2000 ⁽²⁾, in particular Article 7(2) thereof,

Having regard to Council Decision 96/753/EC of 6 December 1996 on the conclusion of the Agreement in the form of an exchange of letters between the European Community and the Kingdom of Norway concerning Protocol No 2 to the Agreement between the European Economic Community and the Kingdom of Norway ⁽³⁾, in particular Article 2 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Common Customs Code ⁽⁴⁾, as last amended by Regulation (EC) No 2787/2000 ⁽⁵⁾, brought together in a single regulation the provisions governing the administration of tariff quota to be used in the chronological order of the dates of acceptance of the declaration relating to the release for free circulation.
- (2) It is necessary to open, for 2001, the quota provided for in paragraph 2 of point IV of the Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Norway concerning the

adaptation to Protocol No 2 to the Agreement between the European Economic Community and the Kingdom of Norway.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed agricultural products not listed in Annex I,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January to 31 December 2001, the goods from Norway which are listed in the Annex to this Regulation shall be subject to the duties recorded in that Annex within the limits of the annual quota indicated therein.

Article 2

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

Article 3

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

It shall be applicable from 5 January 2001.

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

Done at Brussels, 28 December 2000.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 318, 20.12.1993, p. 18.

⁽²⁾ OJ L 298, 25.11.2000, p. 5.

⁽³⁾ OJ L 345, 31.12.1996, p. 78.

⁽⁴⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁵⁾ OJ L 330, 27.12.2000, p. 1.

ANNEX

Order No	CN code	Description	Quota	Rate of duty applicable
09.0764	ex 1806 1806 20 1806 31 1806 32 1806 90	Chocolate and other food preparations containing cocoa except for cocoa powder with added sugar or other sweeteners falling within CN code 1806 10	5 500 tonnes	EUR 35,15/100 kg

COMMISSION REGULATION (EC) No 2874/2000
of 28 December 2000
on the authorisation of transfers between the quantitative limits of textiles and clothing products
originating in the People's Republic of China

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries ⁽¹⁾, as last amended by Commission Regulation (EC) No 2474/2000 ⁽²⁾, and in particular Article 7 thereof,

Whereas:

- (1) Article 5 of the Agreement between the Community and the People's Republic of China on trade in textiles products, initialled on 9 December 1988 ⁽³⁾ and as last amended and extended by the Agreement in the form of an Exchange of Letters, initialled on 15 May 2000 and Article 8 of the Agreement between the Community and the People's Republic of China initialled on 19 January 1995 on trade in textile products not covered by the MFA bilateral agreement ⁽⁴⁾ and as last amended by an Agreement in the form of an Exchange of Letters, initialled on 15 May 2000, provide that transfers may be agreed between quota years.
- (2) The People's Republic of China made a request on 13 November 2000.
- (3) The transfers requested by the People's Republic of China fall within the limits of the flexibility provisions referred to in Article 5 of the Agreement between the

Community and the People's Republic of China on trade in textiles products, initialled on 9 December 1988 and as set out in Annex VIII to Regulation (EEC) No 3030/93.

- (4) It is appropriate to grant the request.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Textiles Committee provided for in Article 17 of Regulation (EEC) No 3030/93,

HAS ADOPTED THIS REGULATION:

Article 1

Transfers between the quantitative limits for textile goods originating in the People's Republic of China are authorised for the quota year 2000 as detailed in the Annex to this Regulation.

Article 2

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

It shall apply to the quota year 2000.

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

Done at Brussels, 28 December 2000.

For the Commission

Pascal LAMY

Member of the Commission

ANNEX

Category 20/39: advance use of 91 970 kilograms from year 2001 quantitative limits.

⁽¹⁾ OJ L 275, 8.11.1993, p. 1.

⁽²⁾ OJ L 286, 11.11.2000, p. 1.

⁽³⁾ OJ L 367, 31.12.1988, p. 75.

⁽⁴⁾ OJ L 104, 6.5.1995, p. 1.

**COMMISSION REGULATION (EC) No 2875/2000
of 28 December 2000**

opening a tariff quota for the import of certain goods originating in Iceland resulting from the processing of agricultural products covered by the Annex to Council Regulation (EC) No 3448/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, as last amended by Commission Regulation (EC) No 2580/2000 ⁽²⁾, in particular Article 7(2) thereof,

Having regard to Council Decision 1999/492/EC of 21 June 1999 on the conclusion of an Agreement in the form of an exchange of letters between the European Community, of the one part, and the Republic of Iceland, of the other part, concerning Protocol No 2 to the Agreement between the European Economic Community and the Republic of Iceland ⁽³⁾, in particular Article 2 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽⁴⁾, as last amended by Regulation (EC) No 2787/2000 ⁽⁵⁾, consolidated the arrangements for managing the tariff quotas to be used in chronological order of the dates of acceptance of the declarations for release of free circulation.
- (2) It is necessary to open, for 2001, the quota provided for in paragraph 3 of point III of the Agreement in the form of an Exchange of Letters between the European Community, of the one part, and the Republic of

Iceland, of the other part, concerning Protocol No 2 to the Agreement between the European Economic Community and the the Republic of Iceland.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed products not listed in Annex I,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January to 31 December 2001, the goods from Iceland which are listed in the Annex to this Regulation shall be subject to the duties recorded in that Annex within the limits of the annual quota indicated therein.

Article 2

The Community tariff quota referred to in Article 1 shall be managed by the Commission in accordance with the provisions of Article 308a to 308c of Regulation (EEC) No 2454/93.

Article 3

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

It shall be applicable from 5 January 2001.

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

Done at Brussels, 28 December 2000.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 318, 20.12.1993, p. 18.

⁽²⁾ OJ L 298, 25.11.2000, p. 5.

⁽³⁾ OJ L 192, 24.7.1999, p. 47.

⁽⁴⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁵⁾ OJ L 330, 27.12.2000, p. 1.

ANNEX

Order No	CN code	Description	Quota	Rate of duty applicable
09.0799	1704 90 10	Sugar confectionery (including white chocolate), not containing cocoa, falling within CN code 1704 90	500 tonnes	50 % of the rate of duty for third countries ⁽¹⁾ with a maximum of EUR 35,15/100 kg
	1704 90 30			
	1704 90 51			
	1704 90 55			
	1704 90 61			
	1704 90 65			
	1704 90 71			
	1704 90 75			
	1704 90 81			
	1704 90 99			
	1806 32 10	Chocolate and other food preparations containing cocoa falling within CN codes 1806 32 and 1806 90		
	1806 32 90			
	1806 90 11			
	1806 90 19			
	1806 90 31			
	1806 90 39			
	1806 90 50			
	1806 90 60			
	1806 90 70			
	1806 90 90			
	1905 30 11	Sweet biscuits, waffles and wafers		
	1905 30 19			
	1905 30 30			
	1905 30 51			
	1905 30 59			
	1905 30 91			
	1905 30 99			

⁽¹⁾ Rate of duty for third countries: Rate consisting of the *ad valorem* duty plus, where appropriate, the agricultural element, limited to the maximum rate where provided for in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 2876/2000
of 28 December 2000
opening a Community tariff quota for certain goods originating from Turkey (2001)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, as last amended by Commission Regulation (EC) No 2580/2000 ⁽²⁾, in particular Article 7(2) thereof,

Having regard to Decision No 1/97 of the EC-Turkey Association Council of 29 April 1997 on the arrangements applicable to certain processed agricultural products ⁽³⁾, and in particular Article 1 thereof,

Whereas:

- (1) Decision No 1/97 of the EC-Turkey Association Council establishes, in order to encourage the development of trade in accordance with the objectives of the customs union, annual quotas in terms of value in respect of certain pasta products for the Community and certain processed agricultural products covered by Chapter 19 of the Combined Nomenclature for Turkey.
- (2) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Common Customs Code ⁽⁴⁾, as last amended by Regulation (EC) No 2787/2000 ⁽⁵⁾, consolidated the arrangements for managing the tariff quotas to be used in chronological order of the dates of acceptance of the declarations for release of free circulation.

- (3) the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed agricultural products listed in Annex I,

HAS ADOPTED THIS REGULATION:

Article 1

The Community tariff quota specified in the Annex to this Regulation shall be open from 1 January to 31 December 2001.

Admission to the benefit of this tariff quota shall be subject to the presentation of an A.TR. certificate in accordance with Decision No 1/96 of the EC-Turkey Customs Cooperation Committee of 20 May 1996 laying down detailed rules for the application of Decision No 1/95 of the EC-Turkey Association Council ⁽⁶⁾.

Article 2

The Community tariff quota referred to in Article 1 shall be managed by the Commission in accordance with the provisions of Article 308a to c of Regulation (EEC) No 2454/93.

Article 3

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

It shall be applicable from 5 January 2001.

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

Done at Brussels, 28 December 2000.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 318, 20.12.1993, p. 18.

⁽²⁾ OJ L 298, 25.11.2000, p. 5.

⁽³⁾ OJ L 126, 17.5.1997, p. 26.

⁽⁴⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁵⁾ OJ L 330, 27.12.2000, p. 1.

⁽⁶⁾ OJ L 200, 9.8.1996, p. 14.

ANNEX

Order No	CN code	Description of goods	Quota volume	Rate of duty applicable
09.0205	1902 11 00 1902 19	Pasta, whether or not cooked or otherwise prepared, excluding stuffed pasta	EUR 2,5 million	EUR 10,67/100 kg net

**COMMISSION REGULATION (EC) No 2877/2000
of 28 December 2000**

amending Regulation (EEC) No 1481/86 on the determination of prices of fresh or chilled lamb carcasses on representative Community markets and the survey of prices of certain other qualities of sheep carcasses in the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2467/98 of 3 November 1998 on the common organisation of the market in sheepmeat and goatmeat ⁽¹⁾, as amended by Regulation (EC) No 1669/2000 ⁽²⁾, and in particular Article 4(5) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 1481/86 ⁽³⁾, as last amended by Regulation (EC) No 2733/1999 ⁽⁴⁾, lays down the rules for the determination of prices of fresh or chilled lamb carcasses on representative Community markets and the survey of prices of certain other qualities of sheep carcasses in the Community.
- (2) In Annex I to this Regulation, the coefficients used for calculating the EU's average price of sheep carcasses is based on the weighting average of national average prices on the representative markets of the Community and should be adjusted in the light of the figures available with regard to sheep production. This is so because Member States do change in many cases their share on EU total production from year to year.
- (3) In Annex II to this Regulation, the weighting coefficients used for the determination of prices recorded on the representative markets in the Member States should be adjusted in order to reflect the relative importance of the regional markets and product categories in the calculation of the national average representative price. The

reason for that modification is that the importance of individual regional markets and product categories within a Member State may change from year to year.

- (4) In Annex III to this Regulation, the names and definitions of product categories should be updated in line with the changing trends on the regional markets.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sheep and Goats,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1481/86 is hereby amended as follows:

1. Annex I is replaced by Annex I to this Regulation.
2. In Annex II, paragraphs C, H and L are replaced by Annex II to this Regulation.
3. In Annex III, paragraph H is replaced by Annex III to this Regulation.

Article 2

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

It shall apply from the beginning of the 2001 marketing year.

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

Done at Brussels, 28 December 2000.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 312, 20.11.1998, p. 1.

⁽²⁾ OJ L 193, 29.7.2000, p. 8.

⁽³⁾ OJ L 130, 16.5.1986, p. 12.

⁽⁴⁾ OJ L 328, 22.12.1999, p. 43.

ANNEX I

ANNEX I

**COEFFICIENTS TO BE USED IN CALCULATING THE PRICE RECORDED ON THE REPRESENTATIVE
COMMUNITY MARKETS**

Belgium	0,34 %
Denmark	0,15 %
Germany	4,11 %
Greece	7,38 %
Spain	21,54 %
France	12,79 %
Ireland	8,34 %
Italy	4,63 %
Luxembourg	—
Netherlands	1,77 %
Austria	0,63 %
Portugal	2,05 %
Finland	0,10 %
Sweden	0,33 %
Great Britain	32,56 %
Northern Ireland	3,28 %

ANNEX II

'C. FEDERAL REPUBLIC OF GERMANY**1. Representative markets***Weighting coefficients*

The prices recorded in each Bundesland are to be weighted by means of coefficients which are variable each week and reflect the relative importance of the number of animals slaughtered in each Bundesland compared to the total in the Federal Republic of Germany.

2. Categories*Weighting coefficients*

Lammfleisch	100 %
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'H. ITALY**1. Representative markets***Weighting coefficients*

Roma	26 %
Foggia	16 %
Bari	16 %
Napoli	15 %
Messina	12 %
Ferrara	6 %
Macomer	5 %
Campobasso	4 %

2. Categories*Weighting coefficients*

Agnelli da macello	100 %
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'L. NORTHERN IRELAND**1. Representative markets***Weighting coefficients*

(a) Live markets:	
Ballymoney	20 %
Allams, Belfast	20 %
Markethill	10 %
Omagh	10 %
(b) Seurop Grid	
	40 %

ANNEX III

'H. ITALY

Agnelli da macello:	Slaughter's lambs, male and female, aged less than 12 months old and with carcass weight of between 12 and 16 kilograms and carcasses of such lambs.'
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**COMMISSION REGULATION (EC) No 2878/2000
of 28 December 2000**

amending Annex IV to Council Regulation (EC) No 517/94 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Community import rules

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 517/94 of 7 March 1994 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Community import rules ⁽¹⁾, as last amended by Commission Regulation (EC) No 7/2000 ⁽²⁾, and in particular Article 5 in conjunction with Article 25(4) thereof,

Whereas:

- (1) The quantitative restrictions applicable to textile and clothing imports originating in North Korea are listed in Annex IV to Regulation (EC) No 517/94.
- (2) The Commission has been requested by certain economic operators to increase the volumes of certain quantitative restrictions for imports of textile products originating in North Korea in order to satisfy certain market requirements.
- (3) It is necessary to strike a certain balance between providing the requisite protection for the relevant sector of the Community industry concerned and maintaining an acceptable level of trade with North Korea, bearing in mind the various interests of the parties concerned.
- (4) An analysis of the situation in the Community industry concerned shows that the increase of the level of certain

quotas for North Korea will not prejudice the above-mentioned objective.

- (5) The Commission therefore considers it appropriate to adapt accordingly the level of some of the quantitative restrictions applied in respect of North Korea, taking also into account the request received from the economic operators.
- (6) Annex IV to Regulation (EC) No 517/94 should therefore be adapted.
- (7) It is desirable that this Regulation enters into force the day after its publication in order to allow operators to benefit from it as soon as possible.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Textiles Committee, as defined by Regulation (EC) No 517/94,

HAS ADOPTED THIS REGULATION:

Article 1

Annex IV to Regulation (EC) No 517/94 is hereby replaced by the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 28 December 2000.

For the Commission

Pascal LAMY

Member of the Commission

⁽¹⁾ OJ L 67, 10.3.1994, p. 1.

⁽²⁾ OJ L 2, 5.1.2000, p. 51.

ANNEX

'ANNEX IV

ANNUAL COMMUNITY QUANTITATIVE LIMITS REFERRED TO IN ARTICLE 3(1)

North Korea

Category	Unit	Restraint level
1	tonnes	128
2	tonnes	145
3	tonnes	49
4	1 000 pieces	285
5	1 000 pieces	185
6	1 000 pieces	216
7	1 000 pieces	93
8	1 000 pieces	302
9	tonnes	71
12	1 000 pairs	1 290
13	1 000 pieces	1 509
14	1 000 pieces	154
15	1 000 pieces	173
16	1 000 pieces	88
17	1 000 pieces	61
18	tonnes	61
19	1 000 pieces	411
20	tonnes	142
21	1 000 pieces	3 411
24	1 000 pieces	263
26	1 000 pieces	173
27	1 000 pieces	286
28	1 000 pieces	285
29	1 000 pieces	120

Category	Unit	Restraint level
31	1 000 pieces	293
36	tonnes	91
37	tonnes	356
39	tonnes	51
59	tonnes	466
61	tonnes	40
68	tonnes	120
69	1 000 pieces	184
70	1 000 pieces	270
73	1 000 pieces	149
74	1 000 pieces	133
75	1 000 pieces	39
76	tonnes	120
77	tonnes	14
78	tonnes	184
83	tonnes	54
87	tonnes	5
109	tonnes	10
117	tonnes	51
118	tonnes	23
142	tonnes	10
151A	tonnes	10
151B	tonnes	10
161	tonnes	152'

**COMMISSION REGULATION (EC) No 2879/2000
of 28 December 2000**

laying down detailed rules for applying Council Regulation (EC) No 2702/1999 on measures to provide information on, and to promote, agricultural products in third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2702/1999 of 14 December 1999 on measures to provide information on, and to promote, agricultural products in third countries ⁽¹⁾, and in particular Article 11 thereof,

Whereas:

- (1) Detailed rules should be laid down for applying the measures to provide information on, and to promote, agricultural products and secondarily foodstuffs in third countries.
- (2) In the interests of sound management, the frequency at which lists of products and markets eligible under the abovementioned measures are to be drawn up should be specified.
- (3) In order to prevent any risk of distortion of competition, guidelines should be drawn up on the way the specific origin of products covered by promotion and information campaigns is to be referred to.
- (4) The procedure for presenting programmes and selecting implementing bodies should be determined with a view to ensuring the broadest possible competition and free movement of services.
- (5) Criteria governing the selection of programmes by the Member States and their approval by the Commission should be established with a view to ensuring that the Community rules are complied with and that the measures to be implemented are effective, in particular in the light of Council Directive 92/50/EEC of 18 June 1992 relating to the coordination of procedures for the award of public service contracts ⁽²⁾, as last amended by European Parliament and Council Directive 97/52/EC of 13 October 1997 amending Directives 92/50/EEC, 93/36/EEC and 93/37/EEC concerning the coordination of procedures for the award of public service contracts, public supply contracts and public works contracts respectively ⁽³⁾.
- (6) The same rules should be applied to measures to be implemented by the international organisations referred to in Article 6 of Regulation (EC) No 2702/1999.
- (7) With a view to ensuring that the Community measures are effective, the Member States must ensure that the programmes approved are consistent with, and complement, their national and regional programmes.
- (8) To that end, preferential criteria must be laid down for selecting programmes so as to optimise their impact.
- (9) In the case of programmes of interest to more than one Member State, provision must be made for measures to ensure that the Member States concerned cooperate in submitting and scrutinising programmes.
- (10) The consequences must be spelled out for cases where a programme is rejected for a lack of part-financing by a Member State and the second subparagraph of Article 9(3) of Regulation (EC) No 2702/1999 does not apply.
- (11) Detailed rules must be laid down on the way the Monitoring Group provided for in Article 8(3) of Regulation (EC) No 2702/1999 is to operate.
- (12) The checks to be carried out by the Member States in respect of programmes managed directly by them are to be determined.
- (13) Detailed rules on the Community's financial contribution must be laid down in the interests of sound financial management.
- (14) The various arrangements to ensure that the commitments entered into are fulfilled must be laid down in contracts to be concluded between the parties concerned and the competent national authorities within a reasonable time limit on the basis of standard contracts supplied by the Commission.
- (15) With a view to the proper performance of the contracts, contractors must lodge a security equal to 15 % of the Community contribution in favour of the competent authority. To the same end, a security must be lodged where an advance payment is applied for.
- (16) The primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85 ⁽⁴⁾, as last amended by Regulation (EC) No 1932/1999 ⁽⁵⁾, must be defined.
- (17) With a view to budget management requirements, a penalty must be laid down for failure to submit, or late submission of, intermediate payment applications and for late payment by the Member States.

⁽¹⁾ OJ L 327, 21.12.1999, p. 7.

⁽²⁾ OJ L 209, 24.7.1992, p. 1.

⁽³⁾ OJ L 328, 28.11.1997, p. 1.

⁽⁴⁾ OJ L 205, 3.8.1985, p. 5.

⁽⁵⁾ OJ L 240, 10.9.1999, p. 11.

- (18) In the interests of sound financial management and in order to avoid any danger that payments to be made take up the whole of the Community financial contribution and leave no balance to pay, provision should be made for the advance and the various intermediate payments not to exceed 80 % of the Community contribution. To the same end, applications for payment of the balance must reach the competent authorities within a specified time limit.
- (19) The Member States must monitor the implementation of the measures covered by this Regulation and the Commission must be kept informed of the results thereof. In the interests of sound financial management, provision should be made for the Member States to cooperate where measures are implemented in a Member State other than that in which the competent authority signing the contract is established.
- (20) The period of application of this Regulation should be the same as that laid down in Article 15 of Regulation (EC) No 2702/1999.
- (21) The measures provided for in this Regulation are in accordance with the opinion of the Joint Meeting of Management Committees — Promotion of Agricultural Products,

HAS ADOPTED THIS REGULATION:

Article 1

In accordance with Articles 7(1) and 9(4) of Regulation (EC) No 2702/1999, 'programme' means a coherent set of measures of a scope that is sufficient to contribute towards improving information on, and sales of, the products concerned.

Article 2

1. The promotion and/or information message passed on to consumers and other target groups must be based on the intrinsic qualities and/or characteristics of the product concerned.

2. Promotion and/or information measures may not encourage the consumption of a product on grounds of its specific origin.

Any reference to the origin of products must be secondary to the central message of the campaign.

3. However, the origin of a product may be indicated in the case of a designation under Community rules or a feature of a typical product needed to illustrate the promotion or information campaign.

Article 3

The lists of products and markets referred to, respectively, in Articles 3 and 4 of Regulation (EC) No 2702/1999 shall be

drawn up by 31 December at the latest every second year. The first lists shall be as set out in the Annex hereto.

Article 4

Where Article 6 of Regulation (EC) No 2702/1999 is applied, the international organisations referred to in that Article shall present the Commission before 1 October each year with programmes as referred to in Article 9(4) of that Regulation containing the measures planned for the following year.

The conditions governing the granting and payment of the Community contribution shall be laid down in an agreement on assistance concluded between the Community and the international organisation concerned.

Article 5

Programmes as referred to in Article 7(1) of Regulation (EC) No 2702/1999 shall be implemented over a period of at least one year to not more than three years from the date on which the relevant contract takes effect.

Article 6

1. In the case of programmes as referred to in Article 7(1) of Regulation (EC) No 2702/1999 that are of interest to more than one Member State, preference shall be given to those covering a group of products and placing particular emphasis on the quality, nutritional and food safety aspects of the Community products.

2. In the case of programmes of interest to a single Member State or concerning a single product, preference shall be given to those that emphasise the Community interest in particular in terms of the quality, nutritional value, safety and representativeness of the products they cover.

Article 7

1. With a view to the implementation of measures contained in programmes as referred to in Article 5, the trade or intertrade organisations in the Community that are representative of the sector(s) concerned shall submit programmes in response to calls for proposals issued by the Member States concerned. Such programmes shall comply with the specifications stipulating exclusion, selection and award criteria and published to that end by the Member States concerned.

2. The Member States shall take the necessary steps to ensure that the authorities awarding contracts concerning them enforce Directive 92/50/EEC.

The abovementioned Directive shall apply to measures as referred to in Article 6 of Regulation (EC) No 2702/1999.

3. Where a promotion programme of interest to more than one Member State is planned, the Member States concerned shall cooperate in drawing up compatible specifications and calls for proposals.

4. In response to such calls for proposals, the organisations as referred to in paragraph 1 shall draw up information and promotion programmes, where appropriate in cooperation with an implementing body that they have selected by a competitive procedure checked by the Member State. Such programmes may be presented by trade or intertrade organisations of Community scope or originating in one or more Member States.

5. The individual Member States shall see to it that any national or regional measures they undertake are in agreement with measures part-financed under Regulation (EC) No 2702/1999 and that programmes presented complement national and regional campaigns.

6. The Member State(s) concerned shall check the suitability of the programmes and the compliance of the programmes and the proposed implementing bodies with Community rules and with their own specifications. They shall also verify that the programmes offer value for money. In particular, they shall check programmes against the following criteria:

- consistency between the strategies proposed and the objectives set,
- the merit of the proposed measures,
- their likely impact and success in increasing demand for the products concerned,
- assurances that the proposing organisations are effective and representative,
- assurances that the proposed implementing body is effective and has the required technical capacity.

7. After examining the programmes presented and without prejudice to the second subparagraph of Article 9(3) of Regulation (EC) No 2702/1999, the Member State(s) concerned shall undertake to contribute to the financing of the selected programmes.

In the case of programmes of interest to more than one Member State and proposed in response to a joint call for proposals, the Member States concerned shall cooperate in selecting the programmes and shall undertake to contribute to their financing in accordance with the second sentence of Article 10(2).

Article 8

In cases where a Member State makes no financial contribution and the second subparagraph of Article 9(3) of Regulation (EC) No 2702/1999 is not applied, the trade or intertrade organisation of that Member State shall be excluded from the programme.

Article 9

1. No later than 30 April each year and in the first instance 15 May 2001, the Member States shall send the Commission the list of programmes and implementing bodies they have

selected and a copy of each programme. In the case of programmes of interest to more than one Member State, this notification shall be carried out by common accord of the Member States concerned.

2. The Commission shall examine the programmes presented to ensure that they comply with Community rules and meet the criteria referred to in Article 7(6).

Where the Commission finds that a programme does not comply with Community rules or fails to meet the criteria referred to in Article 7(6), it shall immediately notify the Member State(s) concerned that all or part of that programme is ineligible.

3. After evaluating the programmes, where necessary with the help of one or more technical assistants as referred to in Article 8(1) of Regulation (EC) No 2702/1999, and, where applicable, after consulting the Standing Group on the Promotion of Agricultural Products of the Advisory Committee on Agricultural Product Health and Safety, the Commission shall take a decision by 30 September at the latest on the programmes presented and their implementing bodies in accordance with the procedure laid down in Article 11 of Regulation (EC) No 2702/1999.

4. The proposing trade or intertrade organisations shall be responsible for the proper implementation of the programmes selected.

Article 10

1. The Community's financial contribution to measures as referred to in Article 9(1)(b) of Regulation (EC) No 2702/1999 shall amount to:

- (a) 50 % of the actual cost of measures under programmes lasting one year;
- (b) 60 % of the actual cost of measures during the first year and 40 % during the second year under programmes lasting two years, up to a total Community contribution not exceeding 50 % of the total cost of the programme;
- (c) 60 % of the actual cost of measures during the first year, 50 % during the second year and 40 % during the third year under programmes lasting three years, up to a total Community contribution not exceeding 50 % of the total cost of the programme.

This financial contribution shall be paid to Member States as referred to in Article 8(4) of Regulation (EC) No 2702/1999.

2. The Member States' financial contributions to measures as referred to in Article 9(2) of Regulation (EC) No 2702/1999 shall amount to 20 % of their actual cost. Where more than one Member State contributes to the financing, the share to be paid by each shall be proportionate to the financial contribution of the proposing organisation established in its territory.

Article 11

1. Under the procedure for selecting programmes referred to in Article 7(1) of Regulation (EC) No 2702/1999, as soon as the Member States concerned have been notified of the Commission's decision to approve promotion programmes, they shall inform the individual organisations concerned whether or not their applications have been accepted.

2. The Member States shall conclude contracts with the selected organisations within 30 calendar days of notification of the Commission's decision. Beyond that deadline, no contracts may be concluded without prior authorisation from the Commission.

The Member States shall use standard contracts supplied by the Commission.

3. Contracts may not be concluded by the two parties until a performance security equal to 15 % of the maximum financial contribution from the Community and the Member State(s) concerned has been lodged in order to ensure satisfactory performance of the contract. Performance securities shall be lodged in accordance with Title III of Regulation (EEC) No 2220/85.

However, where the contractor is a body governed by public law or acts under the supervision of such a body, the competent authority of the Member State may accept a written guarantee from the supervisory body covering an amount equal to the percentage specified in the first subparagraph, provided that that body undertakes to ensure that:

- the obligations entered into are properly discharged, and
- the sums received are used properly to discharge the obligations entered into.

Proof that the performance security has been lodged must reach the Member State within the time limit laid down in the first subparagraph of paragraph 2.

Performance securities shall be released within the time limit and on the terms laid down in Article 13 of this Regulation for payment of the balance.

4. The primary requirement within the meaning of Article 20 of Regulation (EEC) No 2220/85 shall be the implementation of the measures covered by the contract.

5. The Member State shall immediately send the Commission a copy of the contract and proof that the performance security has been lodged. It shall also send a copy of the contract concluded by the selected organisation with the implementing body.

The latter contract shall contain the provision that the implementing body must submit to the checks provided for in Article 14.

Article 12

1. Within 30 calendar days of signing of the contract, the contractor may submit an application for an advance payment to the Member State, together with the security provided for in

paragraph 3. Beyond that date, no applications for an advance payment may be made.

The advance payment may amount to no more than 30 % of the sum of the contribution from the Community and the Member State(s) concerned.

2. The Member State shall pay the advance within 30 calendar days of submission of the application for advance payment. Where payment is made late, Article 4 of Commission Regulation (EC) No 296/96 ⁽¹⁾ shall apply.

3. The advance shall be paid on condition that the contractor lodges a security equal to 110 % of that advance in favour of the Member State in accordance with Title III of Regulation (EEC) No 2220/85.

However, if the contractor is a body governed by public law or acts under the supervision of such a body, the competent authority may accept a written guarantee from the supervisory body covering an amount equal to the percentage specified in the first subparagraph, provided that that body undertakes to pay the amount covered by its guarantee should entitlement to the advance paid not be established.

Article 13

1. Applications for intermediate payments of the Community and Member States' contributions shall be submitted before the end of the calendar month following the month in which each period of 90 calendar days calculated from the date of signing of the contract expires. Such applications shall cover the expenditure incurred during the quarter concerned and shall be accompanied by a summary financial statement, the relevant supporting documents and an interim report on the implementation of the contract. Where no expenditure has been incurred during the quarter concerned, a statement to that effect shall be submitted within the same time limit as for applications for intermediate payments.

Except in cases of *force majeure*, where an application for intermediate payment and the relevant documents are submitted late, the payment shall be reduced by 3 % for each whole month by which it is overdue.

Intermediate payments and the advance payment referred to in Article 12(1) taken together may not exceed 80 % of the total financial contribution from the Community and the Member States concerned. Once that percentage is reached, no more intermediate payment applications may be submitted.

2. Applications for payment of the balance shall be submitted within four months of completion of the measures covered by the contract.

To be considered as duly submitted, applications must be accompanied by:

- (a) a summary financial statement showing all expenditure schedules and incurred and all relevant supporting documents relating to the expenditure;
- (b) a summary of the work carried out (report on operations);

⁽¹⁾ OJ L 39, 17.2.1996, p. 5.

(c) an internal report, drawn up by the contractor, evaluating the results obtained, as ascertainable at the date of the report, and the use that can be made of them.

Except in cases of *force majeure*, where an application for payment of the balance is submitted late, the balance shall be reduced by 3 % for each month by which it is overdue.

3. The balance shall not be paid until the documents referred to in paragraph 2 have been checked.

Where the primary requirement referred to in Article 11(4) is not satisfied in full, the balance payable shall be reduced proportionately.

4. The security referred to in Article 12(3) shall be released on condition that definitive entitlement to the advance paid has been established.

5. The Member State shall make the payments referred to in the previous paragraphs within 60 calendar days of receipt of the application for payment. However, that period may be interrupted at any time during the 60 days after the application for payment is first recorded as received, by notifying the contractor concerned that the application is not admissible either because the amount is not due or because the supporting documents required for all additional applications have not been supplied or because the Member State sees the need for further information or checks. The payment period shall start running again from the date of receipt of the information requested, which must be forwarded within 30 calendar days. Except in cases of *force majeure*, where the above payments are made late, the amount reimbursed to the Member State shall be reduced in accordance with Article 4 of Regulation (EC) No 296/96.

6. Performance securities as provided for in Article 11(3) must remain valid until the balance is paid and shall be released by means of a letter of discharge issued by the competent authority.

7. Within 30 calendar days of receipt, the Member State shall send the Commission:

- the quarterly reports on implementation of the contract,
- the summaries referred to in paragraph 2(a) and (b), and
- the internal evaluation report.

8. After the balance has been paid, the Member State shall send the Commission a financial statement detailing the expenditure incurred under the contract.

It shall also certify that in the light of checks carried out all the expenditure may be considered eligible under the terms of the contract.

9. Any securities forfeit and penalties imposed shall be deducted from the expenditure part-financed by the Community and declared to the EAGGF Guarantee Section.

Article 14

1. In particular by means of technical, administrative and accounting checks at the premises of the contractor and the implementing body, the Member States shall take the steps necessary to verify that:

- (a) the information and supporting documents supplied are accurate, and
- (b) all the obligations laid down in the contract have been fulfilled.

Without prejudice to Council Regulation (EEC) No 595/91⁽¹⁾, the Member States shall inform the Commission at the earliest opportunity of any irregularities detected during checks.

2. The Member State concerned shall determine the most appropriate way of checking on the measures covered by this Regulation and shall notify the Commission thereof.

3. In the case of programmes proposed by organisations operating in more than one Member State, the Member States concerned shall take the necessary steps to coordinate their checks and shall inform the Commission thereof.

4. The Commission may take part at any time in the verifications and checks provided for in paragraphs 2 and 3. To that end, the competent authorities of the Member States shall notify the Commission in good time of verifications and checks planned.

It may also carry out any additional checks it considers necessary.

5. The Monitoring Group provided for in Article 8(3) of Regulation (EC) No 2702/1999 shall meet regularly to monitor progress in implementation of the various programmes.

To that end, the Monitoring Group shall be informed of the timetable for the planned measures under each programme, the programme implementation reports and the results of the checks carried out in accordance with Articles 13 and 14.

The Monitoring Group shall be chaired by a representative of the Member State concerned; where programmes are proposed by organisations operating in more than one Member State, it shall be chaired by a representative designated by the Member States concerned.

⁽¹⁾ OJ L 67, 14.3.1991, p. 11.

Article 15

1. Where undue payments are made, the beneficiary shall repay the amounts concerned plus interest calculated on the basis of the time elapsing between payment and repayment by the beneficiary.

The interest rate applicable shall be that applied by the European Monetary Institute to its operations in euro on the date of the undue payment, as published in the 'C' series of the *Official Journal of the European Communities*, plus three percentage points.

2. Amounts recovered and the relevant interest shall be paid to the paying agencies and departments and deducted by them from the expenditure financed by the European Agricultural Guidance and Guarantee Fund in proportion to the Community financial contribution.

Article 16

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

It shall apply until 31 December 2004.

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

Done at Brussels, 28 December 2000.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

List of third-country markets where promotion measures may be carried out

- Switzerland
- Norway
- Central and Eastern Europe
- Russia
- Japan
- China
- South Korea
- South-East Asia
- India
- Middle East
- North Africa
- Republic of South Africa
- North America
- Latin America
- Australia and New Zealand

List of products which may be covered by promotion measures in third countries

- Fresh, chilled and frozen beef, veal and pigmeat; food preparations based on these products
 - Quality poultrymeat
 - Cheese and yoghurt
 - Olive oil and table olives
 - Quality wines psr, table wines with a geographical indication
 - Spirit drinks with a geographical indication or a reserved traditional description
 - Fresh and processed fruit and vegetables
 - Products processed from cereals and rice
-

COMMISSION REGULATION (EC) No 2880/2000
of 27 December 2000
setting the intervention threshold for tomatoes for the 2001 marketing year

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 ⁽¹⁾, as last amended by Regulation (EC) No 2699/2000 ⁽²⁾, and in particular Article 27(1) and (2) thereof,

Whereas:

- (1) Article 27(1) of Regulation (EC) No 2200/96 provides for the possibility of setting an intervention threshold if the market in a product listed in Annex II thereto is suffering or at risk of suffering from widespread structural imbalances giving, or liable to give rise to too large a volume of withdrawals. Such a development would be likely to cause budget problems for the Community.
- (2) An intervention threshold was fixed for tomatoes for the 2000 marketing year in Commission Regulation (EC) No 2715/1999 ⁽³⁾. Since the conditions laid down in the abovementioned Article 27 continue to be met for that product, a new threshold should be set for the 2001 marketing year equal to that set for the 2000 marketing year, and the period to be taken into account for the assessment of the overrun of the threshold should also be determined.
- (3) Pursuant to the abovementioned Article 27, an overrun of the intervention threshold results in a reduction in the Community withdrawal compensation in the marketing year following the year in which the threshold is exceeded. The consequences of such an overrun should

be determined and a reduction in proportion to the size of the overrun fixed, but restricted to a certain percentage.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The intervention threshold for tomatoes for the 2001 marketing year shall be 360 000 tonnes.
2. The overrun of the intervention threshold laid down in paragraph 1 shall be assessed on the basis of withdrawals effected between 1 November 2000 and 31 October 2001.

Article 2

If the quantity subject to withdrawals during the period set in Article 1(2) exceeds the threshold set in Article 1(1), the Community withdrawal compensation set in Annex V to Regulation (EC) No 2200/96 for the following marketing year shall be reduced in proportion to the size of the overrun based on the production used to calculate the relevant threshold.

Article 3

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

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

Done at Brussels, 27 December 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 311, 12.12.2000, p. 9.

⁽³⁾ OJ L 327, 21.12.1999, p. 34.

COMMISSION REGULATION (EC) No 2881/2000
of 27 December 2000
derogating from Regulation (EEC) No 1859/93 on the application of the system of import licences
for garlic imported from third countries

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 ⁽¹⁾, as last amended by Regulation (EC) No 2699/2000 ⁽²⁾, and in particular Article 31(2) thereof,

Whereas:

- (1) The Annex to Commission Regulation (EC) No 1104/2000 ⁽³⁾ lays down periods for the submission of applications for import licences for garlic originating in China.
- (2) Commission Regulation (EEC) No 1859/93 ⁽⁴⁾, as amended by Regulation (EC) No 1662/94 ⁽⁵⁾, stipulates that import licences are to be valid for 40 days from their date of issue as defined in Article 3(2) of that Regulation. Since the period for submitting import licence applications for garlic originating in China for December 2000 and January 2001 is longer, the term of

validity of licences issued for that period should be extended where the applicants so request.

- (3) 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

Notwithstanding Article 2(2) of Regulation (EEC) No 1859/93, the competent national authorities may extend the term of validity of import licences for garlic originating in China issued for the period December 2000 to January 2001 as referred to in the Annex to Regulation (EC) No 1104/2000 to 80 days from their date of issue where the holder of the licence concerned so requests.

Article 2

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

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

Done at Brussels, 27 December 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 311, 12.12.2000, p. 9.

⁽³⁾ OJ L 125, 26.5.2000, p. 21.

⁽⁴⁾ OJ L 170, 13.7.1993, p. 10.

⁽⁵⁾ OJ L 176, 9.7.1994, p. 1.

COMMISSION REGULATION (EC) No 2882/2000
of 27 December 2000
amending Regulation (EC) No 2331/97 on special conditions for granting export refunds on certain
pigmeat products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat ⁽¹⁾, as last amended by Regulation (EC) No 1365/2000 ⁽²⁾, and in particular Article 13(12) and Article 22 thereof,

Whereas:

- (1) Commission Regulation (EC) No 2331/97 ⁽³⁾, as amended by Regulation (EC) No 739/98 ⁽⁴⁾, lays down quality criteria to be met for the granting of export refunds on certain pigmeat products.
- (2) Commission Regulation (EEC) No 3846/87, of 17 December 1987 establishing an agricultural product nomenclature for export refunds ⁽⁵⁾, as last amended by Regulation (EC) No 2425/2000 ⁽⁶⁾, lists the pigmeat products on which export refunds may be granted.
- (3) The product codes listed in Annex I to Regulation (EC) No 2331/97 must be brought into line with recent amendments to Regulation (EEC) No 3846/87 and

higher quality criteria must be set for products covered by CN code 1601 00 91 not containing poultrymeat in order to use the available resources more efficiently.

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

HAS ADOPTED THIS REGULATION:

Article 1

The entries relating to CN code 1601 00 91 in Annex I to Regulation (EC) No 2331/97 are hereby replaced by those set out in the Annex hereto.

Article 2

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

It shall apply from 1 January 2001.

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

Done at Brussels, 27 December 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 1.

⁽²⁾ OJ L 156, 29.6.2000, p. 5.

⁽³⁾ OJ L 323, 26.11.1997, p. 19.

⁽⁴⁾ OJ L 102, 2.4.1998, p. 22.

⁽⁵⁾ OJ L 366, 24.12.1987, p. 1.

⁽⁶⁾ OJ L 279, 1.11.2000, p. 14.

ANNEX

CN code	Description	Product code	Conditions
1601 00	Sausages and similar products, of meat, meat offal or blood; food preparations based on these products:		
	– Other:		
1601 00 91	-- Sausages, dry or for spreading, uncooked		
	-- Not containing poultry meat or offal	1601 00 91 9120	(a) protein content by weight: minimum 16 % of net weight (b) no addition of extraneous water (c) proteins other than animal proteins are prohibited
	-- Other	1601 00 91 9190	(a) protein content by weight: minimum 12 % of net weight (b) no addition of extraneous water (c) proteins other than animal proteins are prohibited

COMMISSION REGULATION (EC) No 2883/2000
of 27 December 2000
amending Regulation (EC) No 1555/96 on rules of application for additional import duties 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 ⁽¹⁾, as last amended by Regulation (EC) No 2699/2000 ⁽²⁾, and in particular Article 33(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1555/96 ⁽³⁾, as last amended by Regulation (EC) No 2713/2000 ⁽⁴⁾, provides for surveillance of imports of the products listed in the Annex thereto. That surveillance is to be carried out in accordance with the rules on the surveillance of preferential imports laid down in Article 308d of Commission Regulation (EEC) No 2454/93 ⁽⁵⁾, as last amended by Regulation (EC) No 1602/2000 ⁽⁶⁾.
- (2) For the purposes of Article 5(4) of the Agreement on Agriculture ⁽⁷⁾ concluded during the Uruguay Round of multilateral trade negotiations and in the light of the

latest data available for 1997, 1998 and 1999, the trigger levels for additional duties on courgettes, clementines, mandarins and similar citrus hybrids, lemons, apples and pears should be amended.

- (3) 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

The Annex to Regulation (EC) No 1555/96 is replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 2001.

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

Done at Brussels, 27 December 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.
⁽²⁾ OJ L 311, 12.12.2000, p. 9.
⁽³⁾ OJ L 193, 3.8.1996, p. 1.
⁽⁴⁾ OJ L 313, 13.12.2000, p. 5.
⁽⁵⁾ OJ L 253, 11.10.1993, p. 1.
⁽⁶⁾ OJ L 188, 26.7.2000, p. 1.
⁽⁷⁾ OJ L 336, 23.12.1994, p. 22.

ANNEX

ANNEX

Without prejudice to the rules for the interpretation of the Combined Nomenclature, the description of the products is deemed to be indicative only. The scope of the additional duties for the purposes of this Annex is determined by the scope of the CN codes as they exist at the time of the adoption of this Regulation. Where "ex" appears before the CN code, the scope of the additional duties is determined both by the scope of the CN code and the corresponding trigger period.

Serial No	CN code	Description	Trigger period	Trigger level (tonnes)
78.0015	ex 0702 00 00	Tomatoes	— 1 October to 31 March	501 111
78.0020			— 1 April to 30 September	639 884
78.0065	ex 0707 00 05	Cucumbers	— 1 May to 31 October	22 411
78.0075			— 1 November to 30 April	11 658
78.0085	ex 0709 10 00	Artichokes	— 1 November to 30 June	661
78.0100	0709 90 70	Courgettes	— 1 January to 31 December	9 867
78.0110	ex 0805 10 10 ex 0805 10 30 ex 0805 10 50	Oranges	— 1 December to 31 May	372 855
78.0120	ex 0805 20 10	Clementines	— 1 November to end of February	289 518
78.0130	ex 0805 20 30 ex 0805 20 50 ex 0805 20 70 ex 0805 20 90	Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids	— 1 November to end of February	117 200
78.0155	ex 0805 30 10	Lemons	— 1 June to 31 December	290 151
78.0160			— 1 January to 31 May	14 586
78.0170	ex 0806 10 10	Table grapes	— 21 July to 20 November	256 320
78.0175	ex 0808 10 20 ex 0808 10 50 ex 0808 10 90	Apples	— 1 January to 31 August	1 052 182
78.0180			— 1 September to 31 December	588 285
78.0220	ex 0808 20 50	Pears	— 1 January to 30 April	269 823
78.0235			— 1 July to 31 December	96 939
78.0250	ex 0809 10 00	Apricots	— 1 June to 31 July	2 236
78.0265	ex 0809 20 95	Cherries, other than sour cherries	— 21 May to 10 August	20 048
78.0270	ex 0809 30	Peaches, including nectarines	— 11 June to 30 September	349 940
78.0280	ex 0809 40 05	Plums	— 11 June to 30 September	41 539'

**COMMISSION REGULATION (EC) No 2884/2000
of 27 December 2000**

**amending Regulation (EC) No 174/1999 laying down special detailed rules for the application of
Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of
milk and milk products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 31(14) thereof,

The following Article 20b is inserted in Regulation (EC) No 174/1999:

'Article 20b

Whereas:

- (1) Council Regulation (EC) No 2851/2000 ⁽³⁾ establishes certain concessions in the form of Community tariff quotas for certain agricultural products and provides for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Poland. One of those concessions results in a differentiation of refunds from 1 January 2001 for certain products falling within CN code 0405 as a result of the abolition of refunds on those products exported to Poland.
- (2) The Polish authorities have undertaken to ensure that only consignments of Community butter on which no refund has been granted are allowed for import into Poland. To that end, an article should be inserted in Commission Regulation (EC) No 174/1999 of 26 January 1999 laying down special detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk products ⁽⁴⁾, as last amended by Regulation (EC) No 2357/2000 ⁽⁵⁾, providing for the obligation to present a certified copy of the export licence, including specific information guaranteeing that no export refund has been granted on the products referred to. To establish a link between the products imported and those indicated on the export licence, operators are required, on import into Poland, to present a certified copy of the export declaration bearing specific information referring to the export licence.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

1. The following provisions shall apply to exports to Poland of products falling within CN code 0405 referred to in Article 1(e) of Regulation (EC) No 1255/1999.

2. Exports as referred to in paragraph 1 shall be subject to the presentation to the competent authorities of Poland of a certified copy of the export licence issued in accordance with this Article and a duly endorsed copy of the export declaration for each consignment. The goods shall not have been exported previously to another third country.

3. Licence applications and licences shall contain:

- (a) in box 7, the words "Poland";
- (b) in box 15, a description of the goods in accordance with the Combined Nomenclature;
- (c) in box 16, the eight-figure Combined Nomenclature code and the quantity in kilograms for each product referred to in box 15;
- (d) in boxes 17 and 18, the total quantity of the products referred to in box 16;
- (e) in box 20, the words "Butter for export to Poland. Article 20b of Regulation (EC) No 174/1999";
- (f) in box 22, the words "no export refund";
- (g) licences shall be valid only for the products and quantities thus specified.

4. Licences issued under this Article shall carry with them an obligation to export to the destination indicated in box 7.

5. Licences shall be issued immediately after applications are lodged. At the request of the party concerned, a certified copy of the endorsed licence shall be issued.

6. Issue of licences shall not be subject to the lodging of a security.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 332, 28.12.2000, p. 7.

⁽⁴⁾ OJ L 20, 27.1.1999, p. 8.

⁽⁵⁾ OJ L 272, 25.10.2000, p. 6.

7. Notwithstanding Article 9 of Commission Regulation (EC) No 1291/2000 (*), licences shall not be transferable.

8. Licences shall be valid from their date of issue within the meaning of Article 23(1) of Regulation (EC) No 1291/2000 until the following 30 June.

9. By the end of February, for the previous year, the competent authorities of the Member States shall notify the Commission of the number of licences issued and the

quantity of butter involved, broken down by Combined Nomenclature code.

10. Chapter I shall not apply.

(*) OJ L 152, 24.6.2000, p. 1.'

Article 2

This Regulation shall enter into force on 1 January 2001.

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

Done at Brussels, 27 December 2000.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 2885/2000**of 27 December 2000****fixing the definitive aid on certain grain legumes for the 2000/01 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1577/96 of 30 July 1996 introducing a specific measure in respect of certain grain legumes ⁽¹⁾, as last amended by Regulation (EC) No 811/2000 ⁽²⁾, and in particular Article 6 thereof,

Whereas:

- (1) Article 6(1) of Regulation (EC) No 1577/96 provides that the Commission is to determine the overrun in the maximum guaranteed area and to fix the definitive aid for the marketing year in question. Article 3 of this Regulation divides the maximum guaranteed area between lentils and chickpeas on the one hand and vetches on the other hand, allowing the unused balance of one maximum guaranteed area to be reallocated to the other maximum guaranteed area before an overrun is determined.
- (2) The maximum guaranteed area for lentils and chickpeas referred to in Article 3 of Regulation (EC) No 1577/96 was not exceeded in 2000/01, whereas the maximum

guaranteed area for vetches, increased by the unused balance of the maximum guaranteed area for lentils and chickpeas, was exceeded by 3,42 % in 2000/01. The aid provided for in Article 2(2) of Regulation (EC) No 1577/96 should be reduced proportionately for vetches for the marketing year in question.

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

HAS ADOPTED THIS REGULATION:

Article 1

The definitive aid for certain grain legumes for the 2000/01 marketing year shall be EUR 181,00 per hectare for lentils and chickpeas and EUR 175,02 per hectare for vetches.

Article 2

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

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

Done at Brussels, 27 December 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 206, 16.8.1996, p. 4.

⁽²⁾ OJ L 100, 20.4.2000, p. 1.

**COMMISSION REGULATION (EC) No 2886/2000
of 27 December 2000**

derogating from Article 31(10) of Council Regulation (EC) No 1255/1999 on the common organisation of the market in milk and milk products as regards proof of arrival at destination in the case of differentiated refunds and laying down detailed rules for the application of the lowest export refund rate for certain milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 31(10) and (14) thereof,

Whereas:

- (1) The third indent of Article 31(10) of Regulation (EC) No 1255/1999 stipulates that in the case of differentiated refunds the refund is to be paid on presentation of proof that the products have reached the destination indicated on the licence or another destination for which a refund was fixed. Exceptions to that rule are possible provided that conditions are laid down offering equivalent guarantees.
- (2) In the event that export refunds are differentiated according to destination, Article 18(1) and (2) of Commission Regulation (EC) No 800/1999 of 15 April 1999 laying down common detailed rules for the application of the system of export refunds on agricultural products ⁽³⁾, as amended by Regulation (EC) No 1557/2000 ⁽⁴⁾, stipulates that part of the refund, calculated using the lowest rate for the refund, is to be paid on application by the exporter once proof is furnished that the product has left the customs territory of the Community.
- (3) Under special arrangements with certain third countries, the refund rate applicable to the export of certain milk products to those countries may be lower, in some cases by a large amount, than the refund normally applied. It is also possible that no refund may be fixed so that no lowest rate of the refund can be fixed either.
- (4) Council Regulation (EC) No 2851/2000 ⁽⁵⁾ establishes certain concessions in the form of Community tariff quotas for certain agricultural products and provides for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for

in the Europe Agreement with Poland. One of those concessions results in a differentiation of refunds from 1 January 2001 for certain products falling within CN code 0405 as a result of the abolition of refunds on those products exported to Poland.

- (5) Article 20b of Commission Regulation (EC) No 174/1999 of 26 January 1999 laying down special detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk products ⁽⁶⁾, as last amended by Regulation (EC) No 2884/2000 ⁽⁷⁾, provides for the obligation for operators to present to the competent authorities, on importation into Poland of certain products falling within CN code 0405, a certified copy of the export licence and the relevant export declaration. The export licence must include specific information guaranteeing that no export refund has been granted on the products in question. The Polish authorities have undertaken to ensure that Article 20b of Regulation (EC) No 174/1999 is complied with.
- (6) Those special arrangements must therefore be taken into account when applying the above provisions of Regulations (EC) No 1255/1999 and (EC) No 800/1999 so that exporters are not burdened with unnecessary costs in their trade with third countries. To that end, when the lowest refund rate is determined, no account is to be taken of the rates fixed under the conditions and for the particular destination in question.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

By derogation from the third indent of Article 31(10) of Regulation (EC) No 1255/1999, proof of arrival at destination shall not be required for the products falling within CN code 0405 referred to in Article 1(e) of Regulation (EC) No 1255/1999.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 102, 17.4.1999, p. 11.

⁽⁴⁾ OJ L 179, 18.7.2000, p. 6.

⁽⁵⁾ OJ L 332, 28.12.2000, p. 7.

⁽⁶⁾ OJ L 20, 27.1.1999, p. 8.

⁽⁷⁾ See page 76 of this Official Journal.

Article 2

The fact that no refund is fixed on the products falling within CN code 0405 referred to in Article 1(e) of Regulation (EC) No 1255/1999 and intended for Poland shall not be taken into account in determining the lowest refund rate within the meaning of Article 18(2) of Regulation (EC) No 800/1999.

Article 3

This Regulation shall enter into force on 1 January 2001.

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

Done at Brussels, 27 December 2000.

For the Commission
Franz FISCHLER
Member of the Commission

**DIRECTIVE 2000/77/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 14 December 2000**

amending Council Directive 95/53/EC fixing the principles governing the organisation of official inspections in the field of animal nutrition

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 152(4) thereof,

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

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

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾, in the light of the joint text approved on 11 October 2000 by the Conciliation Committee,

Whereas:

- (1) Council Directive 95/53/EC of 25 October 1995 ⁽⁴⁾ lays down the principles in accordance with which official inspections must be carried out in the field of animal nutrition. Experience has shown that, where appropriate, there should be the possibility of defining those principles more precisely at Community level in order to establish a reliable harmonised procedure and to introduce the new inspection system for products from third countries used in animal nutrition.
- (2) In order to adequately protect human and animal health and the environment, Commission and Member State experts should be able to carry out on-the-spot inspections not only in the Community but also in third countries, in particular following the appearance in a third country of any problem likely to affect the health of animal feedingstuffs put into circulation in the Community.
- (3) The Commission should furthermore be given the possibility of, where necessary, sending experts to carry out on-the-spot inspections in the Community to check that Community rules are being applied and, where appropriate, adopting Community measures.
- (4) For the same reason, a system of protective measures should be laid down. Under that system the Commission must be able to act by adopting measures appropriate to the situation.
- (5) By Directive 95/53/EC, the Council laid down the principle of organising annual, coordinated Community

inspection programmes based on a recommendation from the Commission.

- (6) In particular cases justified on human or animal health grounds, the inspections carried out by and in the Member States should be stepped up. To ensure that the inspections and checks are uniformly and effectively applied across the Community in such cases, the Commission should be given responsibility for adopting specific coordinated inspection programmes.
- (7) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁵⁾.
- (8) Council Directive 95/53/EC should be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 95/53/EC is hereby amended as follows:

1. the following paragraph shall be added to Article 5:

'Where appropriate, detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 23.'

2. the following paragraph shall be added to Article 7:

'Where appropriate, detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 23.'

3. the following Articles shall be inserted:

'Article 9a

1. Where a problem likely to pose a serious risk to human or animal health or the environment appears or spreads on the territory of a third country, the Commission, on its own initiative or at the request of a Member State, shall immediately depending on the gravity of the situation take the following measures, in accordance with the procedure laid down in Article 23a:

- suspend imports of products from all or part of the third country concerned or from one or more specific production establishments and, where appropriate, any third country of transit and/or

⁽¹⁾ OJ C 346, 14.11.1998, p. 9.

⁽²⁾ OJ C 138, 18.5.1999, p. 17.

⁽³⁾ Opinion of the European Parliament of 16 December 1998 (OJ C 98, 9.4.1999, p. 150), Council Common Position of 15 November 1999 (OJ C 17, 20.1.2000, p. 8) and Decision of the European Parliament of 11 April 2000 (not yet published in the Official Journal). Decision of the Council of 20 November 2000 and Decision of the European Parliament of 14 December 2000.

⁽⁴⁾ OJ L 265, 8.11.1995, p. 17. Directive as amended by Council Directive 1999/20/EC (OJ L 80, 25.3.1999, p. 20).

⁽⁵⁾ OJ L 184, 17.7.1999, p. 23.

— lay down special conditions for products intended for import from all or part of the third country concerned.

2. However, in emergencies, the Commission may provisionally adopt the measures referred to in paragraph 1 after informing the Member States. It shall submit the matter to the Standing Committee for Feedingstuffs within ten working days for its opinion, in accordance with the procedure laid down in Article 23a, with a view to the extension, amendment or repeal of those measures. For such time as the measures adopted by the Commission have not been replaced by another legal act, they shall continue to apply.

3. Where a Member State officially informs the Commission of the need to take protective measures and where the Commission has not acted in accordance with paragraph 1, that Member State may adopt temporary protective measures with regard to imports. Where a Member State adopts temporary protective measures, it shall immediately inform the other Member States and the Commission. The Commission shall submit the matter to the Standing Committee for Feedingstuffs within ten working days in accordance with the procedure laid down in Article 23 with a view to the extension, amendment or repeal of the national temporary protective measures.

Article 9b

1. Where necessary, on-the-spot inspections may be carried out by Commission and Member State experts in third countries to verify whether guarantees, offered by those countries, regarding the conditions for the production and putting into circulation of products can be considered as at least equivalent to those required in the Community.

2. The inspections referred to in paragraph 1 shall be carried out on behalf of the Community, which shall bear the costs thereof.

3. The Commission shall inform the Member States of the results of the inspections referred to in paragraph 1.

4. Where necessary, detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 23.;

4. the title of Chapter IV shall be replaced by the following:

'GENERAL PROVISIONS AND INSPECTIONS';

5. the following Article shall be inserted:

'Article 17a

1. Without prejudice to Article 15, and insofar as necessary for the uniform application of the requirements of this Directive, Commission and Member State experts may carry out on-the-spot inspections, in cooperation with the competent national authorities, to verify that the provisions of this Directive, and in particular Articles 4, 5, 7, 11 and 12, are being applied.

The Commission shall appoint Member State experts on a proposal from the Member States.

2. The Member State on whose territory an inspection is carried out shall afford the Commission and Member State experts full assistance to carry out their duties.

3. The outcome of the inspections made shall be discussed with the competent authority of the Member State concerned before a final report is drawn up and circulated.

The Commission shall inform the Member States and the European Parliament of the results of inspections carried out.

4. Where the Commission or a Member State considers that the results of an inspection justify it, these shall be examined in the Standing Committee for Feedingstuffs. The Commission shall adopt any necessary decisions in accordance with the procedure laid down in Article 23.

5. The Commission shall monitor the situation and amend or repeal the decisions referred to in paragraph 4 in accordance with the procedure laid down in Article 23.

6. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 23.'

6. the following paragraph shall be added to Article 22:

'4. Without prejudice to paragraphs 1, 2 and 3, where the protection of human or animal health or the environment requires the prompt introduction of limited, specific, coordinated programmes of inspections at Community level, the Commission shall take the necessary measures in accordance with the procedure laid down in Article 23.

These programmes shall in particular serve in situations provoked by a specific incident.'

7. Article 23 shall be replaced by the following:

'Article 23

1. The Commission shall be assisted by the Standing Committee for Feedingstuffs (hereinafter referred to as "the Committee").

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be 3 months.

3. The Committee shall adopt its rules of procedure.;

8. the following Article shall be inserted:

'Article 23a

1. The Commission shall be assisted by the Standing Committee for Feedingstuffs (hereinafter referred to as "the Committee").

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be 15 days.

3. The Committee shall adopt its rules of procedure.'

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive at the latest on 29 December 2001.

They shall forthwith inform the Commission thereof.

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

3. Member States shall communicate to the Commission the text of the main provisions of national law they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 14 December 2000.

For the European Parliament

The President

N. FONTAINE

For the Council

The President

D. GILLOT

II

(Acts whose publication is not obligatory)

COUNCIL

**COUNCIL DECISION
of 20 December 2000**

on a multiannual programme for enterprise and entrepreneurship, and in particular for small and medium-sized enterprises (SMEs) (2001-2005)

(2000/819/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 157(3) thereof,

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

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

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

Having regard to the Opinion of the Committee of the Regions ⁽⁴⁾,

Whereas:

- (1) The importance of enterprise and entrepreneurship for the achievement of Community objectives and the difficulties faced by enterprises and entrepreneurs have been the subject of a number of communications, Decisions and reports, and most recently of the Commission Communication of 26 April 2000 on 'enterprise policy in the knowledge-driven economy'. These have identified major areas for action at Community level.
- (2) Small and medium-sized enterprises (SMEs) make a significant contribution in terms of competitiveness, research, innovation, skills and employment and face particular problems.
- (3) Action is required to help overcome these difficulties. A series of Programmes, particularly the Third Multiannual Programme for Small and Medium-sized Enterprises (SMEs) in the European Union (1997-2000), adopted by

Council Decision 97/15/EC ⁽⁵⁾, which expires on 31 December 2000, have provided a framework for such action.

- (4) On 29 June 1999, the Commission reported in its Communication to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on the external evaluation of the said programme.
- (5) It is necessary to adopt a further programme for the period beginning 1 January 2001 and to ensure that enterprise policy is endowed with sufficient resources to attain its objectives.
- (6) On 9 November 1999, the Council approved a report on the integration of sustainable development in the enterprise policy of the European Union. Account should be taken of sustainable development when defining and implementing the measures to be adopted under this programme.
- (7) On 20 June 2000, the Santa Maria da Feira European Council approved the European Charter for Small Enterprises and requested its full implementation in particular as part of the proposals for the Multiannual Programme for Enterprise and Entrepreneurship. Measures by the Union to promote SMEs should take account of the objectives set out in the Charter.
- (8) Similar actions have been launched in the framework of the OECD, and in particular with the Charter on policies concerning SMEs adopted by the OECD Ministers for Industry in Bologna on 15 June 2000.

⁽¹⁾ OJ C 311, 31.10.2000, p. 180.

⁽²⁾ Opinion delivered on 26 October 2000 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 29 November 2000 (not yet published in the Official Journal).

⁽⁴⁾ Opinion delivered on 21 September 2000 (not yet published in the Official Journal).

⁽⁵⁾ OJ L 6, 10.1.1997, p. 25.

- (9) On 7 November 2000, the Council emphasised the need to improve significantly the financing of innovative companies and to redirect financial instruments towards support for new business start-ups, high-tech firms and micro-enterprises.
- (10) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾.
- (11) This Decision constitutes the legal basis for specific complementary measures which are not part of other Community policies and which cannot be better carried out at Member State level.
- (12) The Agreement on the European Economic Area (EEA) concluded with the EFTA/EEA countries and the additional protocols to the Association Agreements concluded with the countries of Central and Eastern Europe provide for participation of those countries in Community programmes. Provision should also be made for participation by Cyprus, Malta and Turkey in the framework of the Association Agreements concluded with those countries. Participation by other countries could be considered when agreements and procedures so allow.
- (13) A financial reference, within the meaning of point 34 of the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure ⁽²⁾, is included in this Decision for the whole duration of the programme, although this will not affect the powers of the budget authority as defined by the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

A programme for Community policy for enterprise and entrepreneurship, in particular for small and medium-sized enterprises (SMEs), hereinafter referred to as 'this programme', is hereby adopted for a period of five years from 1 January 2001.

Article 2

1. This programme shall have the following objectives:
- (a) to enhance the growth and competitiveness of business in a knowledge-based internationalised economy;
- (b) to promote entrepreneurship;
- (c) to simplify and improve the administrative and regulatory framework for business so that research, innovation and business creation in particular can flourish;

- (d) to improve the financial environment for business, especially SMEs;
- (e) to give business easier access to Community support services, programmes and networks and to improve the coordination of these facilities.

2. These objectives shall be implemented mainly via the areas of action described in Annex I.

3. Furthermore, by its very nature, this programme shall be used as a means of progressing towards the objectives set by the European Charter for Small Enterprises.

Article 3

1. The Commission shall be assisted by the Enterprise Programme Management Committee, (hereinafter referred to as the 'Committee').

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

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

3. The Committee shall adopt its Rules of Procedure.

Article 4

1. The measures and actions necessary for implementing this programme relating to the matters referred to below shall be adopted in accordance with the management procedure referred to in Article 3(2):

- the annual working programme and the corresponding budget allocations;
- the criteria and content of invitations to tender exceeding EUR 100 000;
- the performance indicators for evaluating the actions needed to achieve the objectives set out in Article 2.

2. The Committee shall, moreover, be kept regularly informed of any other question concerning this programme, in particular of the annual implementation report and the evaluation reports mentioned in Article 5(1).

Article 5

1. The Commission shall evaluate the implementation of this programme and shall submit to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions:

- every two years, an evaluation report on progress made in taking account, in a coordinated manner,
 - of enterprise policy in Community policies and programmes as a whole,
 - of the implementation of the European Charter for Small Enterprises,
- an external evaluation report by the end of December 2004.

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

⁽²⁾ OJ L 172, 18.6.1999, p. 1.

2. These reports shall examine whether the objectives of this programme have been achieved. They shall undertake a cost-benefit analysis of the measures and actions implemented, particularly on the basis of the performance indicators referred to in the third indent of Article 4(1).

Article 6

This programme shall be open to the participation of:

- the EFTA/EEA countries in accordance with the conditions established in the EEA agreement;
- the associated central and eastern European countries (CEEC) in accordance with the conditions established in the Europe Agreements, in the additional protocols thereto and in the decisions of the respective Association Councils;
- Cyprus, funded by additional appropriations in accordance with procedures to be agreed with that country;
- Malta and Turkey, funded by additional appropriations, in accordance with the provisions of the Treaty;

— other countries, when agreements and procedures so allow.

Article 7

1. The financial reference amount for the implementation of this programme shall be EUR 450 million.
2. The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.

Article 8

This Decision shall take effect on 1 January 2001 and shall cover the period to 31 December 2005.

Article 9

This Decision is addressed to the Member States.

Done at Brussels, 20 December 2000.

For the Council

The President

J.-C. GAYSSOT

ANNEX I

DESCRIPTION OF THE AREAS OF ACTION

The areas of action will principally be based on identifying and exchanging best practice in accordance with the new Best Procedure described in the Commission communication of 26 April 2000, while taking account of the needs of SMEs, and will be aimed at:

1. Enhancing growth and the competitiveness of business in a knowledge-based, internationalised economy:

This programme will foster, in particular, measures to:

- enhance competitiveness and innovation;
- assist the free movement of goods and market access;
- prepare enterprises for facing globalisation and, in particular, promote the participation of SMEs in the process of standardisation and its implementation;
- provide an adequate range of skills geared to the needs of small businesses;
- develop the use of new information and communications technologies;
- encourage innovative practices;
- foster the integration of sustainable development.

2. Promoting entrepreneurship:

This programme will aim, in particular, at:

- assisting the creation and transfer of businesses;
- developing training in entrepreneurship;
- fostering the enterprise culture throughout society;
- identifying and promoting specific policies in favour of SMEs.

3. Simplifying and improving the administrative and regulatory environment for business, in particular to promote research, innovation and business creation:

The following will be sought in particular:

- further development of the business impact assessment system for proposed Community legislation;
- better regulation and a simpler administrative environment in general.

4. Improving the financial environment for business, especially SMEs:

In response to the conclusions of the Lisbon European Council of 23 and 24 March 2000, this programme will foster in particular:

- (a) measures to improve the financial environment for business, especially SMEs. These measures, arrangements for the operation of which are set out on an indicative basis in Annex II, are as follows:

- (i) *the Start-up Scheme of the European Technology Facility (ETF), operated by the European Investment Fund (EIF).*

The ETF Start-up Scheme will support the establishment and financing of SMEs in their start-up phase:

- by investing in relevant specialised venture capital funds, particularly in seed funds, smaller funds, funds operating regionally or funds focused on specific sectors or technologies, or venture capital funds financing the exploitation of R&D results, e.g. funds linked to research centres and science parks which in turn provide risk capital for SMEs. This scheme will reinforce upstream the ETF established by the European Investment Bank (EIB) in cooperation with the EIF by adopting an investment policy involving a higher risk-profile, both as regards intermediary funds and their investment policies.

The EIF will select, make and manage the investments into the venture-capital funds, where appropriate working with national schemes. The detailed terms and conditions for implementing the ETF start-up facility, including its monitoring and control, will be laid down in a cooperation agreement between the Commission and the EIF which takes account of the indicative outline in Annex II.

- by supporting the establishment and development of business incubators and associated follow-up programmes ('mentoring schemes').

(ii) *the SME Guarantee Facility, operated by the EIF*

The SME Guarantee Facility will provide cross-guarantees or, where appropriate, co-guarantees for guarantee schemes operating in Member States, and direct guarantees in the case of the EIB or any other appropriate financial intermediary, its losses from the relevant guarantees being covered by the general budget of the European Union.

This will enable market failures to be remedied in the following areas:

- loans for SMEs with growth potential, in order to reduce the particular difficulties they face because of the high risk which they represent (e.g. small or newly-established companies);
- microcredit, in order to encourage financial institutions to play a greater part in that area by offering loans of a smaller amount which involve proportionately higher unit handling costs for borrowers with insufficient guarantees;
- own-funds investments in SMEs with growth potential, including investments by local or regional funds which provide seed capital and/or capital in the start-up phase, in order to reduce the particular difficulties which SMEs face because of their weak financial structure;
- exploitation by small undertakings of the new possibilities presented by the Internet and e-commerce - guaranteed loans could cover IT equipment, software and training in order to help such undertakings modernise themselves in these areas and make them more competitive.

As well as guarantees or cross-guarantees, additional aid to financial intermediaries could be envisaged, particularly with regard to microcredit. Such aid is intended to partially offset the high administrative costs inherent in such activities.

The budgetary allocation will cover the full cost of the facility, including EIF's guarantee losses and any other eligible costs or expenses of the facility. The cost of the facility to the general budget of the European Union will be capped so that it does not under any circumstances exceed the budgetary allocations made available to the EIF under this facility; there will be no contingent liability on the budget.

The detailed terms and conditions for implementing the SME guarantee facility, including its monitoring and control, will be laid down in a cooperation agreement between the Commission and the EIF which takes account of the indicative outline in Annex II.

(iii) *Seed Capital Action, operated by the EIF*

The Seed Capital action aims to stimulate the supply of capital for the creation of innovative new businesses with growth and job creation potential, including those in the traditional economy, through support for seed funds, incubators or similar organisations in which the EIF participates - either from its own resources or on its mandate - from their early years onwards.

(iv) *Joint European Venture*

This programme aims to use the commitments effected up until 31 December 2000 for the benefit of undertakings planning to enter into a transnational partnership. The maximum contribution per project is EUR 100 000.

These financial measures might be adapted in the light of future Council decisions. These financing facilities will have to be implemented in close collaboration with the Member States.

- (b) use of the euro by business;
- (c) measures to encourage proximity financing, and in particular to develop networks of Business Angels;
- (d) promoting a Community-wide network for seed capital funds and their managers and stimulating an exchange of best practices and training;
- (e) the organisation of Round Tables of bankers and SMEs.

5. Giving business easier access to Community support services, programmes and networks and improving the coordination of these facilities:

This programme will, in particular, develop actions to:

- foster access for enterprises to Community programmes and ensure better coordination particularly with the fifth framework programme for research, technological development and demonstration activities (FPRD),
- improve the operation, cooperation and coordination of Community networks, in particular the Euro Info Centres and the Euro Info Correspondence Centres. In carrying out these activities, the Commission may have recourse to technical assistance organisations or experts, the financing of which may be provided for within the overall financial framework of this programme,
- promote the organisation of Europartnership business cooperation events,
- make use of the report entitled 'European Observatory for SMEs'.

ANNEX II

COMMUNITY FINANCIAL INSTRUMENTS

I. Indicative outline of the implementation of the ETF Start-up Scheme

A. Introduction

The ETF Start-up will be operated by the EIF on a trust basis.

B. Intermediaries

With regard to venture capital activities, the intermediaries will be selected in conformity with best business and market practice in a fair and transparent manner in order to avoid any distortion of competition, having regard to the aim of working through a wide range of specialised funds.

With regard to the implementation of additional action to promote business incubators, the EIF will rely on the experience acquired by Member States in that area.

C. Maximum investment

The maximum aggregate investment in an intermediary venture capital fund will be 25 % of the total equity capital held by the relevant fund, or 50 % in exceptional cases such as new funds which are likely to have a particularly strong catalytic role in the development of venture capital markets for a specific technology or in a specific region. No commitment in a single venture capital fund will exceed EUR 10 million other than in exceptional, duly substantiated cases; commitments will not in any case exceed EUR 15 million. The intermediary venture capital funds will comply with established market practices with regard to portfolio diversification.

D. Investment *pari passu*

The investment made by the ETF start-up in the intermediary funds will rank *pari passu* with other equity investors. Any exception to this rule must be subject to the opinion of the Committee referred to in Article 3.

E. Life of the facility

The ETF Start-up scheme is established as a long-term facility that will usually take 5 to 12 year positions in venture capital funds. In any case, investments will not exceed 16 years from the time of signature of the cooperation agreement between the Commission and the EIF referred to in Annex I.

F. Realisation of investments

As most of the investments to be made under the ETF Start-up scheme will be in unquoted, illiquid entities, the realisation of those investments will be based on the distribution of the proceeds received by the intermediary funds from the sale of their investments in SMEs.

G. Reinvestment of proceeds from realised investments

Proceeds from reimbursements effected by the EIF funds may be reinvested during the first four years following 20 December 2000. This period may be extended by up to three years, subject to a satisfactory evaluation of the facility having been made 48 months after 20 December 2000.

H. Trust account

A separate trust account will be set up within the EIF to hold budgetary funds underpinning the scheme. This account will be interest-bearing; interest earned will be added to the resources of the facility. The investments made by the EIF under the ETF Start-up scheme and the EIF's management fees and other eligible expenses will be debited from, and the proceeds from realised investments will be credited to, the Trust Account. At the end of the fourth year following 20 December 2000 or, provided that the reinvestment period of the scheme is extended, after the end of the extended reinvestment period, any balances on the Trust Account, other than funds committed and not yet drawn down/invested and funds reasonably required to cover eligible costs and expenses, such as the EIF's management fee, will be returned to the general budget of the European Union.

I. Court of Auditors

Appropriate arrangements will be made to allow the Court of Auditors to exercise its mission and to verify the regularity of the use of the funds.

II. Indicative outline of the implementation of the SME Guarantee Facility

A. Introduction

The SME Guarantee Facility will be operated by the EIF on a trust basis.

B. Intermediaries

Intermediaries are chosen from among the guarantee schemes operating in the Member States within the public or private sector, including mutual guarantee schemes, the EIB or any other appropriate financial institution. Intermediaries will be selected in conformity with best business and market practice in a fair and transparent manner, having regard to:

- (a) the effect on the volume of financing (loans, investments) made available to SMEs, and/or
- (b) the effect on the access to finance by SMEs, and/or
- (c) the effect on risk-taking in SME financing by the intermediary concerned.

C. Eligible SME lending

The financial criteria governing the eligibility of SME financing for guarantees under the SME Guarantee Facility will be determined individually for each intermediary on the basis of their activities, with the aim of reaching as many SMEs as possible. These rules will reflect market conditions and practices in the relevant territory.

The guarantees and cross-guarantees will mainly be available to cover financing for SMEs with up to 100 employees (with priority given to SMEs with up to 50 employees in respect of specific activities to promote the use of the Internet and e-commerce by small undertakings). Particular attention will be given to financing for the acquisition of intangible assets.

D. EIF guarantees

The guarantees given by the EIF will relate to individual financing in a specific portfolio of transactions. The guarantees issued by the EIF will cover a part of the risk taken by the financial intermediary in the underlying financing portfolio.

E. EIF's capped maximum cumulative losses

The EIF's obligation to pay its share of financing losses to the intermediary will continue until the cumulative amount of payments made to cover losses from a specific financing portfolio, reduced where appropriate by the cumulative amount of corresponding loss recoveries, together with other revenue, reaches a pre-agreed amount, after which the EIF's guarantee is automatically cancelled.

F. EIF *pari passu* with intermediary

The guarantees given by the EIF will usually rank *pari passu* with the guarantees or where appropriate with the financing given by the intermediary.

G. Trust Account

A trust account will be set up within the EIF to hold the budgetary funds underpinning the scheme. This account will be interest bearing; interest earned will be added to the resources of the facility.

H. EIF's right to withdraw funds from the Trust Account

The EIF will have the right to debit the Trust Account for payments to meet its obligations for the maximum cumulative losses under the guarantee facility, and, subject to agreement by the Commission, any other eligible costs, for example its management fees, eligible legal fees and promotional expenses of the scheme.

I. Loss recoveries and other revenue payable to the Trust Account

Any moneys recovered from loan losses for which payment has been made under guarantees called, together with any other revenue, will be credited to the Trust Account.

J. Duration of the Scheme

It is envisaged that the individual SME guarantees will have a maturity of up to 10 years. Any amount outstanding on the Trust Account at the time of expiry of the outstanding guarantees will be repaid to the general budget of the European Union.

K. Court of Auditors

Appropriate arrangements will be made to allow the Court of Auditors to exercise its mission and to verify the regularity of the use of the funds.

III. Indicative outline of the implementation of the Seed Capital Action**A. Introduction**

The Seed Capital action will be operated by the EIF.

B. Court of Auditors

Appropriate arrangements will be made to allow the Court of Auditors to exercise its mission and to verify the regularity of use of the funds.

IV. Joint European Venture

Experience has shown that this scheme needs to be simplified in order to enable SMEs' requests for financial contributions to be dealt with quickly by the financial intermediaries and Commission departments and to ensure that Community resources are used correctly. Furthermore, the Commission is currently examining the possibility of adapting the eligibility criteria in order to respond more effectively to the needs of SMEs with regard to cross-border investments, including those in applicant States.

CORRIGENDA

Corrigendum to Council Regulation (EC) No 2764/2000 of 14 December 2000 fixing for the 2001 fishing year the guide prices for the fishery products listed in Annexes I and II and the Community producer price for the fishery products listed in Annex III to Regulation (EC) No 104/2000

(Official Journal of the European Communities L 321 of 19 December 2000)

On page 3, in the Annex, Species '14. Plaice (*Pleuronectes platessa*)', from 1.1.2001 to 30.4.2001, in the 'Guide price' column:

for: '1 152'.

read: '1 052'.
