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Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 57/2001
of 12 January 2001
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 13 January 2001.

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

Done at Brussels, 12 January 2001.

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 12 January 2001 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	99,2
	204	38,7
	624	73,1
	999	70,3
0707 00 05	052	106,3
	628	150,8
	999	128,6
0709 90 70	052	93,7
	204	69,6
	999	81,7
0805 10 10, 0805 10 30, 0805 10 50	052	49,7
	204	52,7
	220	41,9
	999	48,1
0805 20 10	052	67,5
	204	84,9
	624	63,6
	999	72,0
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	82,1
	204	78,5
	624	81,1
	999	80,6
0805 30 10	052	67,9
	220	60,1
	600	62,1
	999	63,4
0808 10 20, 0808 10 50, 0808 10 90	060	38,1
	400	84,6
	404	83,8
	720	123,4
	728	73,8
	999	80,7
	052	189,0
0808 20 50	400	87,6
	999	138,3

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2032/2000 (OJ L 243, 28.9.2000, p. 14). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 58/2001**of 12 January 2001****fixing the maximum purchasing price for butter for the 20th invitation to tender carried out under the standing invitation to tender governed by Regulation (EC) No 2771/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 13 of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽³⁾, as last amended by Regulation (EC) No 2099/2000 ⁽⁴⁾, provides that, in the light of the tenders received for each invitation to tender, a maximum buying-in price is to be fixed in relation to the interven-

tion price applicable and that it may also be decided not to proceed with the invitation to tender.

- (2) As a result of the tenders received, the maximum buying-in price should be fixed as set out below.
- (3) 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

For the 20th invitation to tender issued under Regulation (EC) No 2771/1999, for which tenders had to be submitted not later than 9 January 2001, the maximum buying-in price is fixed at 295,38 EUR/100 kg.

Article 2

This Regulation shall enter into force on 13 January 2001.

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

Done at Brussels, 12 January 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 333, 24.12.1999, p. 11.

⁽⁴⁾ OJ L 249, 4.10.2000, p. 20.

COMMISSION REGULATION (EC) No 59/2001**of 12 January 2001****fixing the maximum aid for concentrated butter for the 239th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90**

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 10 thereof,

Whereas:

- (1) In accordance with Commission Regulation (EEC) No 429/90 of 20 February 1990 on the granting by invitation to tender of an aid for concentrated butter intended for direct consumption in the Community ⁽³⁾, as last amended by Regulation (EC) No 124/1999 ⁽⁴⁾, the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter; Article 6 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 % or a decision is to be taken to make no award; whereas the end-use security must be fixed accordingly.

- (2) In the light of the tenders received, the maximum aid should be fixed at the level specified below and the end-use security determined accordingly.
- (3) 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

For the 239th special invitation to tender under the standing invitation to tender opened by Regulation (EEC) No 429/90, the maximum aid and the amount of the end-use security shall be as follows:

- | | |
|---------------------|-----------------|
| — maximum aid: | EUR 117/100 kg |
| — end-use security: | EUR 129/100 kg. |

Article 2

This Regulation shall enter into force on 13 January 2001.

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

Done at Brussels, 12 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 45, 21.2.1990, p. 8.

⁽⁴⁾ OJ L 16, 21.1.1999, p. 19.

COMMISSION REGULATION (EC) No 60/2001
of 12 January 2001

fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 67th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

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 10 thereof,

Whereas:

(1) The intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽³⁾, as last amended by Regulation (EC) No 635/2000 ⁽⁴⁾, to sell by invitation to tender certain quantities of butter that they hold and to grant aid for cream, butter and concentrated butter. Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further stipulated that the price

or aid may vary according to the intended use of the butter, its fat content and the incorporation procedure, and that a decision may also be taken to make no award in response to the tenders submitted. The amount(s) of the processing securities must be fixed accordingly.

(2) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices and the maximum aid and processing securities applying for the 67th individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 13 January 2001.

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

Done at Brussels, 12 January 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁴⁾ OJ L 76, 25.3.2000, p. 9.

ANNEX

to the Commission Regulation of 12 January 2001 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 67th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter \geq 82 %	Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Processing security	Unaltered		—	—	—	—
	Concentrated		—	—	—	—
Maximum aid	Butter \geq 82 %		95	91	95	91
	Butter < 82 %		92	88	—	88
	Concentrated butter		117	113	117	113
	Cream		—	—	40	38
Processing security	Butter		105	—	105	—
	Concentrated butter		129	—	129	—
	Cream		—	—	44	—

COMMISSION REGULATION (EC) No 61/2001
of 12 January 2001
fixing the maximum export refund on wholly milled round grain rice in connection with the
invitation to tender issued in Regulation (EC) No 2281/2000

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1667/2000 ⁽²⁾, and in particular Article 13 ⁽³⁾ thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2281/2000 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2281/2000 is hereby fixed on the basis of the tenders submitted from 5 to 11 January 2001 at 215,00 EUR/t.

Article 2

This Regulation shall enter into force on 13 January 2001.

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

Done at Brussels, 12 January 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 193, 29.7.2000, p. 3.

⁽³⁾ OJ L 260, 14.10.2000, p. 7.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 62/2001**of 12 January 2001****fixing the maximum export refund on wholly milled medium grain and long grain A rice in connection with the invitation to tender issued in Regulation (EC) No 2282/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1667/2000 ⁽²⁾, and in particular Article 13 ⁽³⁾ thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2282/2000 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain European third countries pursuant to the invitation to tender issued in Regulation (EC) No 2282/2000 is hereby fixed on the basis of the tenders submitted from 5 to 11 January 2001 at 205,00 EUR/t.

Article 2

This Regulation shall enter into force on 13 January 2001.

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

Done at Brussels, 12 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 193, 29.7.2000, p. 3.

⁽³⁾ OJ L 260, 14.10.2000, p. 10.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 63/2001**of 12 January 2001****fixing the maximum export refund on wholly milled round grain, medium grain and long grain A rice in connection with the invitation to tender issued in Regulation (EC) No 2283/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1667/2000 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2283/2000 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled grain, medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2283/2000 is hereby fixed on the basis of the tenders submitted from 5 to 11 January 2001 at 224,00 EUR/t.

Article 2

This Regulation shall enter into force on 13 January 2001.

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

Done at Brussels, 12 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 193, 29.7.2000, p. 3.

⁽³⁾ OJ L 260, 14.10.2000, p. 13.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 64/2001**of 12 January 2001****fixing the maximum export refund on wholly milled long grain rice in connection with the invitation to tender issued in Regulation (EC) No 2284/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1667/2000 ⁽²⁾, and in particular Article 13 ⁽³⁾ thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2284/2000 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled long grain rice falling within CN code 1006 30 67 to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2284/2000 is hereby fixed on the basis of the tenders submitted from 5 to 11 January 2001 at 302,00 EUR/t.

Article 2

This Regulation shall enter into force on 13 January 2001.

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

Done at Brussels, 12 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 193, 29.7.2000, p. 3.

⁽³⁾ OJ L 260, 14.10.2000, p. 16.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 65/2001
of 12 January 2001
concerning tenders submitted in response to the invitation to tender for the export of husked long grain rice to the island of Réunion referred to in Regulation (EC) No 2285/2000

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1667/2000 ⁽²⁾, and in particular Article 10(1) thereof,

Having regard to Commission Regulation (EEC) No 2692/89 of 6 September 1989 laying down detailed rules for exports of rice to Réunion ⁽³⁾, as amended by Regulation (EC) No 1453/1999 ⁽⁴⁾, and in particular Article 9 (1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2285/2000 ⁽⁵⁾ opens an invitation to tender for the subsidy on rice exported to Réunion.
- (2) Article 9 of Regulation (EEC) No 2692/89 allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95

and on the basis of the tenders submitted, to make no award.

- (3) On the basis of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89, a maximum subsidy should not be fixed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders submitted from 8 to 11 January 2001 in response to the invitation to tender referred to in Regulation (EC) No 2285/2000 for the subsidy on exports to Réunion of husked long grain rice falling within CN code 1006 20 98.

Article 2

This Regulation shall enter into force on 13 January 2001.

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

Done at Brussels, 12 January 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 193, 29.7.2000, p. 3.

⁽³⁾ OJ L 261, 7.9.1989, p. 8.

⁽⁴⁾ OJ L 167, 2.7.1999, p. 19.

⁽⁵⁾ OJ L 260, 14.10.2000, p. 19.

COMMISSION REGULATION (EC) No 66/2001
of 12 January 2001
fixing the export refunds on beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, and in particular Article 33(12) thereof,

Whereas:

- (1) Article 33 of Regulation (EC) No 1254/1999 provides that the difference between prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EEC) No 32/82 ⁽²⁾, as last amended by Regulation (EC) No 744/2000 ⁽³⁾, Regulation (EEC) No 1964/82 ⁽⁴⁾, as last amended by Regulation (EC) No 2772/2000 ⁽⁵⁾, and Regulation (EEC) No 2388/84 ⁽⁶⁾, as last amended by Regulation (EEC) No 3661/92 ⁽⁷⁾, lay down the conditions for granting special export refunds on certain cuts of beef and veal and certain preserved beef and veal products.
- (3) It follows from applying those rules and criteria to the foreseeable situation on the market in beef and veal that the refund should be as set out below.
- (4) Given the current market situation in the Community and the possibilities of disposal in certain third countries in particular, export refunds should be granted, on the one hand, on bovine animals intended for slaughter of a live weight greater than 220 kilograms and less than 300 kilograms, and, on the other on adult bovine animals of a live weight of at least 300 kilograms.
- (5) Export refunds should be granted for certain destinations on some fresh or chilled meat listed in the Annex under CN code 0201, on some frozen meat listed in the Annex under CN code 0202, on some meat or offal listed in the Annex under CN code 0206 and on some other prepared or preserved meat or offal listed in the Annex under CN code 1602 50 10.
- (6) In view of the wide differences in products covered by CN codes 0201 20 90 9700 and 0202 20 90 9100 used for refund purposes, refunds should only be granted on cuts in which the weight of bone does not exceed one third.
- (7) In the case of meat of bovine animals, boned or boneless, salted and dried, there are traditional trade flows to Switzerland. To allow this trade to continue, the refund should be set to cover the difference between prices on the Swiss market and export prices in the Member States.
- (8) In the case of certain other cuts and preserves of meat or offal shown in the Annex under CN codes 1602 50 31 to 1602 50 80, the Community share of international trade may be maintained by granting a refund corresponding to that at present available.
- (9) In the case of other beef and veal products, a refund need not be fixed since the Community's share of world trade is not significant.
- (10) Commission Regulation (EEC) No 3846/87 ⁽⁸⁾, as last amended by Regulation (EC) No 2425/2000 ⁽⁹⁾, establishes the agricultural product nomenclature for the purposes of export refunds.
- (11) In order to simplify customs export formalities for operators, the refunds on all frozen cuts should be brought into line with those on fresh or chilled cuts other than those from adult male bovine animals.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 4, 8.1.1982, p. 11.

⁽³⁾ OJ L 89, 11.4.2000, p. 3.

⁽⁴⁾ OJ L 212, 21.7.1982, p. 48.

⁽⁵⁾ OJ L 321, 19.12.2000, p. 35.

⁽⁶⁾ OJ L 221, 18.8.1984, p. 28.

⁽⁷⁾ OJ L 370, 19.12.1992, p. 16.

⁽⁸⁾ OJ L 366, 24.12.1987, p. 1.

⁽⁹⁾ OJ L 279, 1.11.2000, p. 14.

- (12) Checks on products covered by CN code 1602 50 should be stepped up by making the granting of refunds on these products conditional on manufacture under the arrangements provided for in Article 4 of Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products ⁽¹⁾, as amended by Regulation (EEC) No 2026/83 ⁽²⁾.
- (13) Refunds on female animals should vary depending on their age in order to prevent abuses in the export of certain pure-bred breeding animals.
- (14) Opportunities exist for the export to certain third countries of heifers other than those intended for slaughter, but to prevent any abuse control criteria should be laid down to ensure that these animals are not more than 36 months old.
- (15) Under Article 6(2) of Regulation (EEC) No 1964/82, the special refund is to be reduced if the quantity of boned meat to be exported amounts to less than 95 %, but not less than 85 %, of the total weight of cuts produced by boning.
- (16) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

1. The list of products on which export refunds as referred to in Article 33 of Regulation (EC) No 1254/1999 are granted

and the amount thereof and the destinations shall be as set out in the Annex to this Regulation.

2. The products must meet the relevant health marking requirements of:

- Chapter XI of Annex I to Council Directive 64/433/EEC ⁽³⁾,
- Chapter VI of Annex I to Council Directive 94/65/EC ⁽⁴⁾,
- Chapter VI of Annex B to Council Directive 77/99/EEC ⁽⁵⁾.

Article 2

The grant of the refund for product code 0102 90 59 9000 of the nomenclature for export refunds and for exports to the third country 075 listed in the Annex to this Regulation shall be subject to presentation, when the customs formalities for export are completed, of the original and one copy of the veterinary certificate signed by an official veterinarian certifying that these are heifers of an age of not more than 36 months. The original of the certificate shall be returned to the exporter and the copy, certified as being in accordance with the regulations by the customs authorities, shall be attached to the application for payment of the refund.

Article 3

In the case referred to in the third subparagraph of Article 6(2) of Regulation (EEC) No 1964/82 the rate of the refund on products falling within CN code 0201 30 00 9100 shall be reduced by EUR 14,00/100 kg.

Article 4

This Regulation shall enter into force on 13 January 2001.

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

Done at Brussels, 12 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 62, 7.3.1980, p. 5.
⁽²⁾ OJ L 199, 22.7.1983, p. 12.

⁽³⁾ OJ L 121, 29.7.1964, p. 2012/64.
⁽⁴⁾ OJ L 368, 31.12.1994, p. 10.
⁽⁵⁾ OJ L 26, 31.1.1977, p. 85.

ANNEX

to the Commission Regulation of 12 January 2001 fixing export refunds on beef

Product code	Destination	Unit of measurement	Refunds (€)
0102 10 10 9120	A00	EUR/100 kg live weight	53,00
0102 10 10 9130	B02	EUR/100 kg live weight	15,50
	B03	EUR/100 kg live weight	9,50
	039	EUR/100 kg live weight	5,00
0102 10 30 9120	A00	EUR/100 kg live weight	53,00
0102 10 30 9130	B02	EUR/100 kg live weight	15,50
	B03	EUR/100 kg live weight	9,50
	039	EUR/100 kg live weight	5,00
0102 10 90 9120	A00	EUR/100 kg live weight	53,00
0102 90 41 9100	B02	EUR/100 kg live weight	41,00
0102 90 51 9000	B02	EUR/100 kg live weight	15,50
	B03	EUR/100 kg live weight	9,50
	039	EUR/100 kg live weight	5,00
0102 90 59 9000	B02	EUR/100 kg live weight	15,50
	B03	EUR/100 kg live weight	9,50
	039	EUR/100 kg live weight	5,00
	075 ⁽⁹⁾	EUR/100 kg live weight	41,00
0102 90 61 9000	B02	EUR/100 kg live weight	15,50
	B03	EUR/100 kg live weight	9,50
	039	EUR/100 kg live weight	5,00
0102 90 69 9000	B02	EUR/100 kg live weight	15,50
	B03	EUR/100 kg live weight	9,50
	039	EUR/100 kg live weight	5,00
0102 90 71 9000	B02	EUR/100 kg live weight	41,00
	B03	EUR/100 kg live weight	23,00
	039	EUR/100 kg live weight	14,00
0102 90 79 9000	B02	EUR/100 kg live weight	41,00
	B03	EUR/100 kg live weight	23,00
	039	EUR/100 kg live weight	14,00
0201 10 00 9110 ⁽¹⁾	B02	EUR/100 kg net weight	71,50
	B03	EUR/100 kg net weight	43,00
	039	EUR/100 kg net weight	23,50
0201 10 00 9120	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0201 10 00 9130 ⁽¹⁾	B02	EUR/100 kg net weight	97,00
	B03	EUR/100 kg net weight	56,50
	039	EUR/100 kg net weight	33,50
0201 10 00 9140	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	14,00
	039	EUR/100 kg net weight	16,00
0201 20 20 9110 ⁽¹⁾	B02	EUR/100 kg net weight	97,00
	B03	EUR/100 kg net weight	56,50
	039	EUR/100 kg net weight	33,50

Product code	Destination	Unit of measurement	Refunds (°)
0201 20 20 9120	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	14,00
	039	EUR/100 kg net weight	16,00
0201 20 30 9110 (1)	B02	EUR/100 kg net weight	71,50
	B03	EUR/100 kg net weight	43,00
	039	EUR/100 kg net weight	23,50
0201 20 30 9120	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0201 20 50 9110 (1)	B02	EUR/100 kg net weight	123,00
	B03	EUR/100 kg net weight	71,50
	039	EUR/100 kg net weight	41,00
0201 20 50 9120	B02	EUR/100 kg net weight	58,50
	B03	EUR/100 kg net weight	17,50
	039	EUR/100 kg net weight	19,50
0201 20 50 9130 (1)	B02	EUR/100 kg net weight	71,50
	B03	EUR/100 kg net weight	43,00
	039	EUR/100 kg net weight	23,50
0201 20 50 9140	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0201 20 90 9700	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0201 30 00 9050	400 (3)	EUR/100 kg net weight	23,50
	404 (4)	EUR/100 kg net weight	23,50
0201 30 00 9060 (6)	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	13,00
	039	EUR/100 kg net weight	15,00
	809, 822	EUR/100 kg net weight	37,00
0201 30 00 9100 (2) (6)	B02	EUR/100 kg net weight	172,00
	B03	EUR/100 kg net weight	102,00
	039	EUR/100 kg net weight	60,00
	809, 822	EUR/100 kg net weight	152,50
0201 30 00 9120 (2) (6)	B08	EUR/100 kg net weight	94,50
	B09	EUR/100 kg net weight	88,00
	B03	EUR/100 kg net weight	56,50
	039	EUR/100 kg net weight	33,00
	809, 822	EUR/100 kg net weight	83,50
0202 10 00 9100	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0202 10 00 9900	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	14,00
	039	EUR/100 kg net weight	16,00
0202 20 10 9000	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	14,00
	039	EUR/100 kg net weight	16,00
0202 20 30 9000	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50

Product code	Destination	Unit of measurement	Refunds (°)
0202 20 50 9100	B02	EUR/100 kg net weight	58,50
	B03	EUR/100 kg net weight	17,50
	039	EUR/100 kg net weight	19,50
0202 20 50 9900	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0202 20 90 9100	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0202 30 90 9100	400 ⁽³⁾	EUR/100 kg net weight	23,50
	404 ⁽⁴⁾	EUR/100 kg net weight	23,50
0202 30 90 9200 ⁽⁶⁾	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	13,00
	039	EUR/100 kg net weight	15,00
	809, 822	EUR/100 kg net weight	37,00
0206 10 95 9000	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	13,00
	039	EUR/100 kg net weight	15,00
	809, 822	EUR/100 kg net weight	37,00
0206 29 91 9000	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	13,00
	039	EUR/100 kg net weight	15,00
	809, 822	EUR/100 kg net weight	37,00
0210 20 90 9100	039	EUR/100 kg net weight	23,00
1602 50 10 9170 ⁽⁸⁾	B02	EUR/100 kg net weight	22,50
	B03	EUR/100 kg net weight	15,00
	039	EUR/100 kg net weight	17,50
1602 50 31 9125 ⁽⁵⁾	A00	EUR/100 kg net weight	88,50
1602 50 31 9325 ⁽⁵⁾	A00	EUR/100 kg net weight	79,00
1602 50 39 9125 ⁽⁵⁾	A00	EUR/100 kg net weight	88,50
1602 50 39 9325 ⁽⁵⁾	A00	EUR/100 kg net weight	79,00
1602 50 39 9425 ⁽⁵⁾	A00	EUR/100 kg net weight	30,00
1602 50 39 9525 ⁽⁵⁾	A00	EUR/100 kg net weight	30,00
1602 50 80 9535 ⁽⁸⁾	A00	EUR/100 kg net weight	17,50

⁽¹⁾ Entry under this subheading is subject to the submission of the certificate appearing in the Annex to amended Commission Regulation (EEC) No 32/82.

⁽²⁾ The refund is granted subject to compliance with the conditions laid down in amended Regulation (EEC) No 1964/82.

⁽³⁾ Carried out in accordance with amended Commission Regulation (EEC) No 2973/79 (OJ L 336, 29.12.1979, p. 44).

⁽⁴⁾ Carried out in accordance with amended Commission Regulation (EC) No 2051/96 (OJ L 274, 26.10.1996, p. 18).

⁽⁵⁾ OJ L 221, 18.8.1984, p. 28.

⁽⁶⁾ The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86 (OJ L 210, 1.8.1986, p. 39).

The term 'average content' refers to the sample quantity as defined in Article 2(1) of Regulation (EC) No 2457/97 (OJ L 340, 11.12.1997, p. 29). The sample is to be taken from that part of the consignment presenting the highest risk.

⁽⁷⁾ Article 33(10) of amended Regulation (EC) No 1254/1999 provides that no export refunds shall be granted on products imported from third countries and re-exported to third countries.

⁽⁸⁾ The refund is granted only on products manufactured under the arrangement provided for in Article 4 of amended Council Regulation (EEC) No 565/80.

⁽⁹⁾ The grant of the refund is subject to compliance with the conditions referred to in Article 2 of this Regulation.

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

The numeric destination codes are set out in Regulation (EC) No 2032/2000 (OJ L 243, 28.9.2000, p. 14).

The other destinations are defined as follows:

B02: B08 and B09

B03: Ceuta, Melilla, Iceland, Norway, Faroe Islands, Andorra, Gibraltar, Vatican, Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovakia, Hungary, Romania, Bulgaria, Albania, Slovenia, Croatia, Bosnia and Herzegovina, Yugoslavia, Former Yugoslav Republic of Macedonia, the communes of Livigno and Campione d'Italia, Helgoland, Greenland, Cyprus, stores and provisions (destinations referred to in Articles 36 and 45, and if appropriate in Article 44, of Commission Regulation (EC) No 800/1999, as amended)

B08: Malta, Turkey, Ukraine, Belarus, Moldova, Russia, Georgia, Armenia, Azerbaijan, Kazakhstan, Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan, Morocco, Algeria, Tunisia, Libya, Egypt, Lebanon, Syria, Iraq, Iran, Israel, West Bank/Gaza Strip, Jordan, Saudi Arabia, Kuwait, Bahrain, Qatar, United Arab Emirates, Oman, Yemen, Pakistan, Sri Lanka, Myanmar (Burma), Thailand, Vietnam, Indonesia, Philippines, China, North Korea, Hong Kong

B09: Sudan, Mauritania, Mali, Burkina Faso, Niger, Chad, Cape Verde, Senegal, Gambia, Guinea-Bissau, Guinea, Sierra Leone, Liberia, Côte d'Ivoire, Ghana, Togo, Benin, Nigeria, Cameroon, Central African Republic, Equatorial Guinea, São Tomé and Príncipe, Gabon, Congo (Republic), Congo (Democratic Republic), Rwanda, Burundi, Saint Helena and dependencies, Angola, Ethiopia, Eritrea, Djibouti, Somalia, Uganda, Tanzania, Seychelles and dependencies, British Indian Ocean Territory, Mozambique, Mauritius, Comoros, Mayotte, Zambia, Malawi, South Africa, Lesotho.

COMMISSION REGULATION (EC) No 67/2001

of 12 January 2001

fixing the maximum buying-in price and the quantities of beef to be bought in under the 259th partial invitation to tender as a general intervention measure pursuant to Regulation (EEC) No 1627/89

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, and in particular Article 17(8) thereof,

Whereas:

(1) Commission Regulation (EC) No 562/2000 of 15 March 2000 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 as regards the buying-in of beef ⁽²⁾, as last amended by Regulation (EC) No 2734/2000 ⁽³⁾, lays down buying standards. Pursuant to the above Regulation, an invitation to tender was opened under Article 1(1) of Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying-in of beef by invitation to tender ⁽⁴⁾, as last amended by Regulation (EC) No 27/2001 ⁽⁵⁾.

(2) Article 13(1) of Regulation (EC) No 562/2000 lays down that a maximum buying-in price is to be fixed for quality R3, where appropriate, under each partial invitation to tender in the light of tenders received while Article 13(2) of that Regulation states that a decision may be taken to make no award. In accordance with Article 36 of that Regulation, only tenders quoting prices not exceeding the maximum buying-in price and not exceeding the average national or regional market price, plus the amount referred to in Article 6(2) of Regulation (EC) No 2734/2000 are to be accepted.

(3) Once tenders submitted in respect of the 259th partial invitation to tender have been considered pursuant to Article 47(8) of Regulation (EC) No 1254/1999, and taking account of the requirements for reasonable support of the market and the seasonal trend in slaughtering and prices, the maximum buying-in price and the quantities which may be bought in should be fixed for category A and no award made for category C.

(4) As the quantities offered at present exceed the quantities which may be bought in, a reducing coefficient should therefore be applied in accordance with Article 13(3) of Regulation (EC) No 562/2000.

(5) Article 7 of Regulation (EC) No 2734/2000 also opens buying-in of carcasses and half-carcasses of store cattle and lays down special rules in addition to those laid down for the buying-in of other products.

(6) In the light of developments, this Regulation should enter into force immediately.

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

HAS ADOPTED THIS REGULATION:

Article 1

Under the 259th partial invitation to tender opened pursuant to Regulation (EEC) No 1627/89:

(a) for category A:

- the maximum buying-in price shall be EUR 246,00/100 kg of carcasses or half-carcasses of quality R3,
- the maximum quantity of carcasses and half-carcasses accepted shall be 11 590 t,
- the quantities offered at a price of EUR 221,50 or more shall be multiplied by a coefficient of 50 % in accordance with Article 13(3) of Regulation (EC) No 562/2000;

(b) for category C no award shall be made;

(c) for carcasses and half-carcasses of store cattle as referred to in Article 7 of Regulation (EC) No 2734/2000:

- the maximum buying-in price shall be EUR 382,00/100 kg of carcasses or half-carcasses,
- the maximum quantity of carcasses and half-carcasses shall be 70 t.

Article 2

This Regulation shall enter into force on 15 January 2001.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 68, 16.3.2000, p. 22.

⁽³⁾ OJ L 316, 15.12.2000, p. 45, Regulation as amended by Regulation (EC) No 3/2001 (OJ L 1, 4.1.2000, p. 6).

⁽⁴⁾ OJ L 159, 10.6.1989, p. 36.

⁽⁵⁾ OJ L 3, 6.1.2001, p. 14.

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

Done at Brussels, 12 January 2001.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 68/2001
of 12 January 2001
on the application of Articles 87 and 88 of the EC Treaty to training aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

this Regulation, since its contents are replaced by this Regulation.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 of the Treaty establishing the European Community to certain categories of horizontal State aid ⁽¹⁾, and in particular point (a)(iv) of Article 1(1) thereof,

Having published a draft of this Regulation ⁽²⁾,

Having consulted the Advisory Committee on State Aid,

Whereas:

- (1) Regulation (EC) No 994/98 empowers the Commission to declare, in accordance with Article 87 of the Treaty, that under certain conditions training aid is compatible with the common market and not subject to the notification requirement of Article 88(3) of the Treaty.
- (2) The Commission has applied Articles 87 and 88 of the Treaty to training aid in numerous decisions and has also stated its policy, most recently in the Community framework on training aid ⁽³⁾. In the light of the Commission's considerable experience in applying those Articles to training aid, it is appropriate, with a view to ensuring efficient supervision and simplifying administration without weakening Commission monitoring, that the Commission should make use of the powers conferred by Regulation (EC) No 994/98.
- (3) In order to establish a transparent and coherent policy for all sectors, it is appropriate that the scope of this Regulation be as broad as possible and include the agricultural sector, fisheries and aquaculture.
- (4) This Regulation is without prejudice to the possibility for Member States to notify training aid. Such notifications will be assessed by the Commission in particular in the light of the criteria set out in this Regulation, or in accordance with the applicable Community guidelines and frameworks, if such guidelines and frameworks exist. This is currently the case for activities relating to the production, processing and marketing of products listed in Annex I to the Treaty and for the sector of maritime transport. The framework on training aid should be abolished from the date of entry into force of

- (5) For reasons of transparency, it should be recalled that in accordance with the second subparagraph of Article 51(1), of Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations ⁽⁴⁾, Articles 87 to 89 of the Treaty do not apply to financial contributions provided by the Member States for measures subject to Community support for training according to Article 9 of the said Regulation.

- (6) For reasons of transparency it should be underlined that this Regulation should only apply to training measures which constitute State aid within the meaning of Article 87(1) of the Treaty. Many training measures are not caught by that Article, but constitute general measures because they are open to all enterprises in all sectors without discrimination and without discretionary power for the authorities applying the measure, e.g. general tax incentive schemes, such as automatic tax credits, open to all firms investing in employee training. Other training measures do not fall within the scope of Article 87(1) of the Treaty because they directly benefit people everywhere and do not grant an advantage to certain enterprises or sectors. Examples are: schooling and initial training (such as apprenticeships and day-release schemes); the training or re-training of unemployed people, including traineeships in enterprises; measures directly targeted at workers or even at certain categories of workers, affording them the opportunity of receiving training unconnected with the firm or industry in which they work (for example the 'learning account'). On the other hand, it should be recalled that contributions from sectoral funds, if they are made compulsory by the State, are not considered as private resources, but constitute State resources within the meaning of Article 87(1) of the Treaty.

- (7) This Regulation should exempt any aid that meets all the relevant requirements of this Regulation, and any aid scheme, provided that any aid that could be granted under such scheme meets all the relevant requirements of this Regulation. With a view to ensuring efficient supervision and simplifying administration without weakening Commission monitoring, aid schemes and individual grants, outside any aid scheme, should contain an express reference to this Regulation.

⁽¹⁾ OJ L 142, 14.5.1998, p. 1.

⁽²⁾ OJ C 89, 28.3.2000, p. 8.

⁽³⁾ OJ C 343, 11.11.1998, p. 10.

⁽⁴⁾ OJ L 160, 26.6.1999, p. 80.

- (8) In order to eliminate differences that might give rise to distortions of competition, in order to facilitate coordination between different Community and national initiatives concerning small and medium-sized enterprises, and for reasons of administrative clarity and legal certainty, the definition of 'small and medium-sized enterprises' used in this Regulation should be that laid down in Commission Recommendation 96/280/EC of 3 April 1996 concerning the definition of small and medium-sized enterprises⁽¹⁾.
- (9) In order to determine whether or not aid is compatible with the common market pursuant to this Regulation, it is necessary to take into consideration the aid intensity and thus the aid amount expressed as a grant equivalent. Calculation of the grant equivalent of aid payable in several instalments, and calculation of aid in the form of a soft loan, require the use of market interest rates prevailing at the time of grant. With a view to a uniform, transparent and simple application of the State aid rules, the market rates for the purposes of this Regulation should be deemed to be the reference rates, provided that, in the case of a soft loan, the loan is backed by normal security and does not involve abnormal risk. The reference rates should be those which are periodically fixed by the Commission on the basis of objective criteria and published in the *Official Journal of the European Communities* and on the Internet.
- (10) Training usually has positive external effects for society as a whole since it increases the pool of skilled workers from which other firms may draw, improves the competitiveness of Community industry and plays an important role in employment strategy. In view of the fact that enterprises in the Community generally underinvest in the training of their workers, State aid might help to correct this market imperfection and therefore can be considered under certain conditions to be compatible with the common market and therefore exempted from prior notification.
- (11) In order to ensure that State aid is limited to the minimum necessary to obtain the Community objective which market forces alone would not make possible, the permissible intensities of exempted aid should be modulated according to the type of training provided, the size of the enterprise and its geographical location.
- (12) General training provides transferable qualifications and substantially improves the employability of the trained worker. Aid for this purpose has less distortive effects on competition, so that higher intensities of aid can be considered compatible with the common market and exempted from prior notification. Specific training, on the other hand, which mainly benefits the enterprise, involves a greater risk of distortion of competition so that the intensity of aid which can be considered compatible and exempted from prior notification should be much lower.
- (13) In view of the handicaps with which SMEs are confronted and the higher relative costs that they have to bear when they invest in the training of their workers, the intensities of aid exempted by this Regulation should be increased for SMEs.
- (14) In assisted areas under Article 87(3)(a) and (c) of the Treaty, training has a relatively greater external impact, since there is a substantial underinvestment in training in those regions and a higher unemployment rate. Consequently, the intensities of aid exempted by this Regulation should be increased for those areas.
- (15) The characteristics of training in the maritime transport sector justify a specific approach for that sector.
- (16) It is appropriate that large amounts of aid remain subject to an individual assessment by the Commission before they are put into effect. Accordingly, aid amounts exceeding a fixed amount, which should be set at EUR 1 000 000, are excluded from the exemption provided for in this Regulation and remain subject to the requirements of Article 88(3) of the Treaty.
- (17) This Regulation should not exempt aid cumulated with other State aid, including aid granted by national, regional and local authorities, or with Community assistance, in relation to the same eligible costs when such cumulation exceeds the thresholds fixed in this Regulation.
- (18) In order to ensure transparency and effective monitoring in accordance with Article 3 of Regulation (EC) No 994/98, it is appropriate to establish a standard format in which Member States should provide the Commission with summary information whenever, in pursuance of this Regulation, an aid scheme is implemented or an individual aid outside such schemes is granted, with a view to publication in the *Official Journal of the European Communities*. For the same reasons, it is appropriate to establish rules concerning the records that Member States should keep regarding the aid exempted by this Regulation. For the purposes of the annual reports to be submitted to the Commission by Member States, it is appropriate for the Commission to establish its specific requirements, including, in view of the wide availability of the necessary technology, information in computerised form.

⁽¹⁾ OJ L 107, 30.4.1996, p. 4.

- (19) Having regard to the Commission's experience and in particular the frequency with which it is generally necessary to revise State aid policy, it is appropriate to limit the period of application of this Regulation. Should this Regulation expire without being extended, aid schemes already exempted by this Regulation should continue to be exempted for six months,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation applies to aid in all sectors, including the activities relating to the production, processing and marketing of products listed in Annex I of the Treaty.

Article 2

Definitions

For the purpose of this Regulation:

- (a) 'aid' shall mean any measure fulfilling all the criteria laid down in Article 87(1) of the Treaty;
- (b) 'small and medium-sized enterprises' shall mean enterprises as defined in Annex I;
- (c) 'large enterprises' shall mean enterprises not coming under the definition of SME in Annex I;
- (d) 'specific training' shall mean training involving tuition directly and principally applicable to the employee's present or future position in the assisted firm and providing qualifications which are not or only to a limited extent transferable to other firms or fields of work;
- (e) 'general training' shall mean training involving tuition which is not applicable only or principally to the employee's present or future position in the assisted firm, but which provides qualifications that are largely transferable to other firms or fields of work and thereby substantially improve the employability of the employee. Training shall be considered 'general' if, for example,
- it is jointly organised by different independent enterprises, or if employees of different enterprises may avail themselves of the training,
 - it is recognised, certified or validated by public authorities or bodies or by other bodies or institutions on which a Member State or the Community has conferred the necessary powers.
- (f) 'aid intensity' shall mean the gross aid amount expressed as a percentage of the project's eligible costs. All figures used shall be taken before any deduction for direct taxation. Where aid is awarded in a form other than a grant, the aid

amount shall be the grant equivalent of the aid. Aid payable in several instalments shall be discounted to its value at the time of granting. The interest rate to be used for discounting purposes and for calculating the aid amount in a soft loan shall be the reference rate applicable at the time of grant;

(g) 'disadvantaged worker' shall mean:

- any young person under 25 who has not previously obtained his first regular paid employment,
- any person with serious disabilities which result from physical, mental or psychological impairments and yet capable of entering the labour market,
- any migrant worker who moves or has moved within the Community or becomes resident in the Community to take up work and who needs professional and/or language training,
- any person wishing to re-enter working life after a break of at least three years, and particularly any person who gave up work on account of the difficulty of reconciling his working life and family life, for the first six months after recruitment,
- any person older than 45 who has not attained an upper secondary educational qualification or its equivalent,
- any long-term unemployed person, i.e. any person who was without work for 12 consecutive months, for the first six months after recruitment.

Article 3

Conditions for exemption

1. Individual aid outside any scheme, fulfilling all the conditions of this Regulation, shall be compatible with the common market within the meaning of Article 87(3) of the Treaty and shall be exempt from the notification requirement of Article 88(3) of the Treaty provided that it contains an express reference to this Regulation, by citing its title and publication reference in the *Official Journal of the European Communities*.
2. Aid schemes fulfilling all the conditions of this Regulation shall be compatible with the common market within the meaning of Article 87(3) of the Treaty and shall be exempt from the notification requirement of Article 88(3) of the Treaty provided that:
 - (a) any aid that could be awarded under such scheme fulfils all the conditions of this Regulation;
 - (b) the scheme contains an express reference to this Regulation, by citing its title and publication reference in the *Official Journal of the European Communities*.

3. Aid granted under the schemes referred to in paragraph 2 shall be compatible with the common market within the meaning of Article 87(3) of the Treaty and shall be exempt from the notification requirement of Article 88(3) of the Treaty provided that the aid granted directly fulfils all the conditions of this Regulation.

Article 4

Exempted training aid

1. Aid schemes and individual aid for training must fulfil the conditions laid down in paragraphs 2 to 7.

2. Where the aid is granted for specific training, its intensity shall not exceed 25 % for large enterprises and 35 % for small and medium-sized enterprises.

These intensities shall be increased by five percentage points for enterprises in areas which qualify for regional aid pursuant to Article 87(3)(c) of the Treaty and by 10 percentage points for enterprises in areas which qualify for regional aid pursuant to Article 87(3)(a) of the Treaty.

3. Where the aid is granted for general training, its intensity shall not exceed 50 % for large enterprises and 70 % for small and medium-sized enterprises.

These intensities shall be increased by five percentage points for enterprises in areas which qualify for regional aid pursuant to Article 87(3)(c) of the Treaty and by 10 percentage points for enterprises in areas which qualify for regional aid pursuant to Article 87(3)(a) of the Treaty.

4. The maximum intensities referred to in paragraphs 2 and 3 shall be increased by 10 percentage points if the training is given to disadvantaged workers.

5. In cases where the aid project involves both specific and general training components which cannot be separated for the calculation of the aid intensity, and in cases where the specific or general character of the training aid project cannot be established, the intensities applicable to specific training pursuant to paragraph 2 shall apply.

6. Where the aid is granted in the maritime transport sector, it may reach an intensity of 100 %, whether the training project concerns specific or general training, provided that the following conditions are met:

- (a) the trainee shall not be an active member of the crew but shall be supernumerary on board, and
- (b) the training shall be carried out on board ships entered on Community registers.

7. The eligible costs of a training aid project shall be:

- (a) trainers' personnel costs,
- (b) trainers' and trainees' travel expenses,
- (c) other current expenses such as materials and supplies,
- (d) depreciation of tools and equipment, to the extent that they are used exclusively for the training project,
- (e) cost of guidance and counselling services with regard to the training project,
- (f) trainees' personnel costs up to the amount of the total of the other eligible costs referred to in (a) to (e). Only the hours during which the trainees actually participate in the training, after deduction of any productive hours or of their equivalent, may be taken into account.

The eligible costs shall be supported by documentary evidence, which shall be transparent and itemised.

Article 5

Large individual aid grants

The exemption shall not apply if the amount of aid granted to one enterprise for a single training project exceeds EUR 1 000 000.

Article 6

Cumulation

1. The aid ceilings fixed in Articles 4 and 5 shall apply regardless of whether the support for the project is financed entirely from State resources or is partly financed by the Community.

2. Aid exempted by this Regulation shall not be cumulated with any other State aid within the meaning of Article 87(1) of the Treaty, or with other Community funding, in relation to the same eligible costs, if such cumulation would result in an aid intensity exceeding that fixed by this Regulation.

Article 7

Transparency and monitoring

1. On implementation of an aid scheme, or grant of individual aid outside any scheme, exempted by this Regulation, Member States shall, within 20 working days, forward to the Commission, with a view to its publication in the *Official Journal of the European Communities*, a summary of the information regarding such aid scheme or individual aid according to the model laid down in Annex II.

2. Member States shall maintain detailed records regarding the aid schemes exempted by this Regulation, the individual aid granted under those schemes, and the individual aid exempted by this Regulation that is granted outside any existing aid scheme. Such records shall contain all information necessary to establish that the conditions for exemption, as laid down in this Regulation, are fulfilled. Member States shall keep a record regarding an individual aid for 10 years from the date on which it was granted, and regarding an aid scheme, for 10 years from the date on which the last individual aid was granted under such scheme. On written request, the Member State concerned shall provide the Commission, within a period of 20 working days or such longer period as may be fixed in the request, with all the information which the Commission considers necessary to assess whether the conditions of this Regulation have been complied with.

3. Member States shall compile a report on the application of this Regulation in respect of each whole or part calendar year during which this Regulation applies, in the form laid down in Annex III, also in computerised form. Member States shall provide the Commission with such report no later than three months after the expiry of the period to which the report relates.

Article 8

Entry into force and period of validity

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

It shall remain in force until 31 December 2006.

2. At the end of the period of validity of this Regulation, aid schemes exempted under this Regulation shall remain exempted during an adjustment period of six months.

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

Done at Brussels, 12 January 2001.

For the Commission
Mario MONTI
Member of the Commission

ANNEX I

Definition of small and medium-sized enterprises

(extract from Commission Recommendation 96/280/EC of 3 April 1996 concerning the definition of small and medium-sized enterprises (OJ L 107, 30.4.1996, p. 4))

'Article 1

1. Small and medium-sized enterprises, hereinafter referred to as "SMEs", are defined as enterprises which:
 - have fewer than 250 employees, and
 - have either,
 - an annual turnover not exceeding EUR 40 million, or
 - an annual balance-sheet total not exceeding EUR 27 million,
 - conform to the criterion of independence as defined in paragraph 3.
 2. Where it is necessary to distinguish between small and medium-sized enterprises, the "small enterprise" is defined as an enterprise which:
 - has fewer than 50 employees and
 - has either,
 - an annual turnover not exceeding EUR 7 million, or
 - an annual balance-sheet total not exceeding EUR 5 million,
 - conforms to the criterion of independence as defined in paragraph 3.
 3. Independent enterprises are those which are not owned as to 25 % or more of the capital or the voting rights by one enterprise, or jointly by several enterprises, falling outside the definitions of an SME or a small enterprise, whichever may apply. This threshold may be exceeded in the following two cases:
 - if the enterprise is held by public investment corporations, venture capital companies or institutional investors, provided no control is exercised either individually or jointly,
 - if the capital is spread in such a way that it is not possible to determine by whom it is held and if the enterprise declares that it can legitimately presume that it is not owned as to 25 % or more by one enterprise, or jointly by several enterprises, falling outside the definitions of an SME or a small enterprise, whichever may apply.
 4. In calculating the thresholds referred to in paragraphs 1 and 2, it is therefore necessary to cumulate the relevant figures for the beneficiary enterprise and for all the enterprises that it directly or indirectly controls through possession of 25 % or more of the capital or of the voting rights.
 5. Where it is necessary to distinguish microenterprises from other SMEs, these are defined as enterprises having fewer than 10 employees.
 6. Where, at the final balance-sheet date, an enterprise exceeds or falls below the employee thresholds or financial ceilings, this is to result in its acquiring or losing the status of "SME", "medium-sized enterprise", "small enterprise" or "microenterprise" only if the phenomenon is repeated over two consecutive financial years.
 7. The number of persons employed corresponds to the number of annual working units (AWU), that is to say, the number of full-time workers employed during one year with part-time and seasonal workers being fractions of AWU. The reference year to be considered is that of the last approved accounting period.
 8. The turnover and balance-sheet total thresholds are those of the last approved 12-month accounting period. In the case of newly established enterprises whose accounts have not yet been approved, the thresholds to apply shall be derived from a reliable estimate made in the course of the financial year.'
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ANNEX II

Form of summary information to be provided whenever an aid scheme exempted by this Regulation is implemented and whenever an individual aid exempted by this Regulation is granted outside any aid scheme

Summary information on State aid granted in conformity with Commission Regulation (EC) No 68/2001	
Summary information to be filled in	Explanatory remarks
Member State	
Region	Indicate the name of the region if the aid is granted by a subcentral authority
Title of aid scheme or name of company receiving an individual aid	Indicate the name of the aid scheme or in the case of individual aid, the name of the beneficiary. In the latter case, no subsequent annual report is necessary!
Legal basis	Indicate the precise national legal reference for the aid scheme or for the individual aid
Annual expenditure planned under the scheme or overall amount of individual aid granted to the company	Amounts are to be given in euro or, if applicable, national currency. In the case of an aid scheme: indicate the annual overall amount of the budget appropriation(s) or the estimated tax loss per year for all aid instruments contained in the scheme. In the case of an individual aid award: indicate the overall aid amount/tax loss. If appropriate, indicate also for how many years the aid will be paid in instalments or over how many years tax losses will be incurred. For guarantees in both cases, indicate the (maximum) amount of loans guaranteed
Maximum aid intensity	Indicate the maximum aid intensity or the maximum aid amount per eligible item
Date of implementation	Indicate the date from which aid may be granted under the scheme or when the individual aid is granted
Duration of scheme or individual aid award	Indicate the date (year and month) until which aid may be granted under the scheme or in the case of an individual aid and if appropriate the expected date (year and month) of the last instalment to be paid
Objective of aid	In the case of training aid, indicate whether the training is specific or general. In the case of general training, documentary evidence (e.g. description of the contents of the training) must be attached regarding the qualification of the training as general

Summary information to be filled in	Explanatory remarks
<p>Economic sector(s) concerned</p> <p><input type="checkbox"/> All sectors</p> <p>or</p> <p><input type="checkbox"/> Agriculture</p> <p><input type="checkbox"/> Fisheries and Aquaculture</p> <p><input type="checkbox"/> Coalmining</p> <p><input type="checkbox"/> All manufacturing</p> <p>or</p> <p><input type="checkbox"/> Steel</p> <p><input type="checkbox"/> Shipbuilding</p> <p><input type="checkbox"/> Synthetic fibres</p> <p><input type="checkbox"/> Motor vehicles</p> <p><input type="checkbox"/> Other manufacturing</p> <p><input type="checkbox"/> All services</p> <p>or</p> <p><input type="checkbox"/> Maritime transport services</p> <p><input type="checkbox"/> Other transport services</p> <p><input type="checkbox"/> Financial services</p> <p><input type="checkbox"/> Other services</p> <p>Remarks:</p>	<p>Choose from the list, where relevant</p>
Name and address of the granting authority	
Other information	

ANNEX III

Form of the periodic report to be provided to the Commission**Annual reporting format on aid schemes exempted under a group exemption regulation adopted pursuant to Article 1 of Council Regulation (EC) No 994/98**

Member States are required to use the format below for their reporting obligations to the Commission under group exemption regulations adopted on the basis of Council Regulation (EC) No 994/98.

The reports should also be provided in computerised form.

Information required for all aid schemes exempted under group exemption regulations adopted pursuant to Article 1 of Council Regulation (EC) No 994/98

1. Title of aid scheme
2. Commission exemption regulation applicable
3. Expenditure

Separate figures have to be provided for each aid instrument within a scheme or individual aid (e.g. grant, soft loans, etc). The figures have to be expressed in euro or, if applicable, national currency. In the case of tax expenditure, annual tax losses have to be reported. If precise figures are not available, such losses may be estimated.

These expenditure figures should be provided on the following basis:

for the year under review indicate separately for each aid instrument within the scheme (e.g. grant, soft loan, guarantee, etc.):

- 3.1. amounts committed, (estimated) tax losses or other revenue forgone, data on guarantees, etc. for new assisted projects. In the case of guarantee schemes, the total amount of new guarantees handed out should be provided;
- 3.2. actual payments, (estimated) tax losses or other revenue forgone, data on guarantees, etc. for new and current projects. In the case of guarantee schemes, the following should be provided: total amount of outstanding guarantees, premium income, recoveries, indemnities paid out, operating result of the scheme under the year under review;
- 3.3. number of new assisted projects;
- 3.4. estimated overall number of jobs created or maintained by new projects (if appropriate);
- 3.5. estimated overall amount of investment aided by new projects;
- 3.6. regional breakdown of amounts under point 3.1 either by regions defined at NUTS ⁽¹⁾ level 2 or below or by Article 87(3)(a) regions, Article 87(3)(c) regions and non-assisted regions;
- 3.7. sectorial breakdown of amounts under point 3.1. by beneficiaries' sectors of activity (if more than one sector is covered, indicate the share of each):

- agriculture
- fisheries and/or aquaculture
- coalmining
- manufacturing
 - of which:
 - steel
 - shipbuilding
 - synthetic fibres
 - motor vehicles
 - other manufacturing (please specify)

⁽¹⁾ NUTS is the nomenclature of territorial units for statistical purposes in the EC.

- services
 - of which:
 - maritime transport services
 - other transport services
 - financial services
 - other services (please specify)
- other sectors (please specify)

4. Other information and remarks

COMMISSION REGULATION (EC) No 69/2001
of 12 January 2001
on the application of Articles 87 and 88 of the EC Treaty to *de minimis* aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 of the Treaty establishing the European Community to certain categories of horizontal State aid ⁽¹⁾, and in particular Article 2 thereof,

Having published a draft of this Regulation ⁽²⁾,

Having consulted the Advisory Committee on State aid,

Whereas:

- (1) Regulation (EC) No 994/98 empowers the Commission to set out in a regulation a threshold under which aid measures are deemed not to meet all the criteria of Article 87(1) of the Treaty and therefore do not fall under the notification procedure provided for in Article 88(3) of the Treaty.
- (2) The Commission has applied Articles 87 and 88 of the Treaty and in particular clarified, in numerous decisions, the notion of aid within the meaning of Article 87(1) of the Treaty. The Commission has also stated its policy with regard to a *de minimis* ceiling, under which Article 87(1) can be considered not to apply, most recently in the notice on the *de minimis* rule for State aid ⁽³⁾. In the light of this experience and with a view to increasing transparency and legal certainty, it is appropriate that the *de minimis* rule be laid down in a Regulation.
- (3) In view of the special rules which apply in the sectors of agriculture, fisheries and aquaculture, and transport, and of the risk that even small amounts of aid could fulfil the criteria of Article 87(1) of the Treaty in those sectors, it is appropriate that this Regulation should not apply to those sectors.
- (4) In the light of the World Trade Organisation (WTO) Agreement on Subsidies and Countervailing Measures ⁽⁴⁾, this Regulation should not exempt export aid or aid favouring domestic over imported products. Aid towards the cost of participating in trade fairs, or of studies or consultancy services needed for the launch of a new or existing product on a new market does not normally constitute export aid.
- (5) In the light of the Commission's experience, it can be established that aid not exceeding a ceiling of EUR 100 000 over any period of three years does not affect trade between Member States and/or does not distort or threaten to distort competition and therefore does not fall under Article 87(1) of the Treaty. The relevant period of three years has a mobile character, so that for each new grant of *de minimis* aid, the total amount of *de minimis* aid granted during the previous three years needs to be determined. The *de minimis* aid should be considered to be granted at the moment the legal right to receive the aid is conferred to the beneficiary. The *de minimis* rule is without prejudice to the possibility that enterprises receive, also for the same project, State aid authorised by the Commission or covered by a group exemption Regulation.
- (6) For the purpose of transparency, equal treatment and the correct application of the *de minimis* ceiling, it is appropriate that Member States should apply the same method of calculation. In order to facilitate this calculation and in accordance with the present practice of application of the *de minimis* rule, it is appropriate that aid amounts not taking the form of a cash grant should be converted into their gross grant equivalent. Calculation of the grant equivalent of aid payable in several instalments, and calculation of aid in the form of a soft loan, require the use of market interest rates prevailing at the time of grant. With a view to a uniform, transparent and simple application of the State aid rules, the market rates for the purposes of this Regulation should be deemed to be the reference rates, provided that, in the case of a soft loan, the loan is backed by normal security and does not involve abnormal risk. The reference rates should be those which are periodically fixed by the Commission on the basis of objective criteria and published in the *Official Journal of the European Communities* and on the Internet.
- (7) The Commission has a duty to ensure that State aid rules are respected and in particular that aid granted under the *de minimis* rules adheres to the conditions thereof. In accordance with the cooperation principle laid down in Article 10 of the Treaty, Member States should facilitate the achievement of this task by establishing the necessary machinery in order to ensure that the total amount of aid, granted to the same beneficiary under the *de minimis* rule, does not exceed the ceiling of EUR 100 000 over a period of three years. To that end, it is appropriate that Member States, when granting a *de minimis* aid, should inform the enterprise concerned of

⁽¹⁾ OJ L 142, 14.5.1998, p. 1.

⁽²⁾ OJ C 89, 28.3.2000, p. 6.

⁽³⁾ OJ C 68, 6.3.1996, p. 9.

⁽⁴⁾ OJ L 336, 23.12.1994, p. 156.

the *de minimis* character of the aid, receive full information about other *de minimis* aid received during the last three years and carefully check that the *de minimis* ceiling will not be exceeded by the new *de minimis* aid. Alternatively respect of the ceiling may also be ensured by means of a central register.

- (8) Having regard to the Commission's experience and in particular the frequency with which it is generally necessary to revise State aid policy, it is appropriate to limit the period of application of this Regulation. Should this Regulation expire without being extended, Member States should have an adjustment period of six months with regard to *de minimis* aid schemes which were covered by this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation applies to aid granted to enterprises in all sectors, with the exception of:

- (a) the transport sector and the activities linked to the production, processing or marketing of products listed in Annex I to the Treaty;
- (b) aid to export-related activities, namely aid directly linked to the quantities exported, to the establishment and operation of a distribution network or to other current expenditure linked to the export activity;
- (c) aid contingent upon the use of domestic over imported goods.

Article 2

De minimis aid

1. Aid measures shall be deemed not to meet all the criteria of Article 87(1) of the Treaty and shall therefore not fall under the notification requirement of Article 88(3) of the Treaty, if they fulfil the conditions laid down in paragraphs 2 and 3.

2. The total *de minimis* aid granted to any one enterprise shall not exceed EUR 100 000 over any period of three years. This ceiling shall apply irrespective of the form of the aid or the objective pursued.

3. The ceiling in paragraph 2 shall be expressed as a cash grant. All figures used shall be gross, that is, before any deduction for direct taxation. Where aid is awarded in a form other

than a grant, the aid amount shall be the gross grant equivalent of the aid.

Aid payable in several instalments shall be discounted to its value at the moment of its being granted. The interest rate to be used for discounting purposes and to calculate the aid amount in a soft loan shall be the reference rate applicable at the time of grant.

Article 3

Cumulation and monitoring

1. Where a Member State grants *de minimis* aid to an enterprise, it shall inform the enterprise about the *de minimis* character of the aid and obtain from the enterprise concerned full information about other *de minimis* aid received during the previous three years.

The Member State may only grant the new *de minimis* aid after having checked that this will not raise the total amount of *de minimis* aid received during the relevant period of three years to a level above the ceiling set out in Article 2(2).

2. Where a Member State has set up a central register of *de minimis* aid containing complete information on all *de minimis* aid granted by any authority within that Member State, the requirement in the first subparagraph of paragraph 1 no longer applies from the moment the register covers a period of three years.

3. Member States shall record and compile all the information regarding the application of this Regulation. Such records shall contain all information necessary to demonstrate that the conditions of this Regulation have been respected. Records regarding an individual *de minimis* aid shall be maintained for 10 years from the date on which it was granted and regarding a *de minimis* aid scheme, for 10 years from the date on which the last individual aid was granted under such scheme. On written request the Member State concerned shall provide the Commission, within a period of 20 working days, or such longer period as may be fixed in the request, with all the information that the Commission considers necessary for assessing whether the conditions of this Regulation have been complied with, in particular the total amount of *de minimis* aid received by any enterprise.

Article 4

Entry into force and period of validity

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

It shall remain in force until 31 December 2006.

2. At the end of the period of validity of this Regulation, *de minimis* aid schemes falling under this Regulation shall continue to benefit from it during an adjustment period of six months.

During the adjustment period, these schemes may continue to be applied under the conditions of this Regulation.

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

Done at Brussels, 12 January 2001.

For the Commission
Mario MONTI
Member of the Commission

COMMISSION REGULATION (EC) No 70/2001
of 12 January 2001
on the application of Articles 87 and 88 of the EC Treaty to State aid to small and medium-sized enterprises

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

the Commission should make use of the powers conferred by Regulation (EC) No 994/98.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 of the Treaty establishing the European Community to certain categories of horizontal State aid ⁽¹⁾, and in particular points (a)(i) and (b) of Article 1(1) thereof,

- (4) This Regulation is without prejudice to the possibility for Member States of notifying aid to small and medium-sized enterprises. Such notifications will be assessed by the Commission in particular in the light of the criteria set out in this Regulation. The guidelines on State aid for small and medium-sized enterprises should be abolished from the date of entry into force of this Regulation, since their contents are replaced by this Regulation.

Having published a draft of this Regulation ⁽²⁾,

Having consulted the Advisory Committee on State Aid,

Whereas:

(1) Regulation (EC) No 994/98 empowers the Commission to declare, in accordance with Article 87 of the Treaty, that under certain conditions aid to small and medium-sized enterprises is compatible with the common market and not subject to the notification requirement of Article 88(3) of the Treaty.

- (5) Small and medium-sized enterprises play a decisive role in job creation and, more generally, act as a factor of social stability and economic drive. However, their development may be limited by market imperfections. They often have difficulties in obtaining capital or credit, given the risk-shy nature of certain financial markets and the limited guarantees that they may be able to offer. Their limited resources may also restrict their access to information, notably regarding new technology and potential markets. Having regard to those considerations, the purpose of the aid exempted by this Regulation should be to facilitate the development of the economic activities of small and medium-sized enterprises, provided that such aid does not adversely affect trading conditions to an extent contrary to the common interest.

(2) Regulation (EC) No 994/98 also empowers the Commission to declare, in accordance with Article 87 of the Treaty, that aid that complies with the map approved by the Commission for each Member State for the grant of regional aid is compatible with the common market and is not subject to the notification requirement of Article 88(3) of the Treaty.

(3) The Commission has applied Articles 87 and 88 of the Treaty to small and medium-sized enterprises in and outside assisted areas in numerous decisions and has also stated its policy, most recently in the Community guidelines on State aid for small and medium-sized enterprises ⁽³⁾ and in the guidelines on national regional aid ⁽⁴⁾. In the light of the Commission's considerable experience in applying those Articles to small and medium-sized enterprises and in the light of the general texts relating to small and medium-sized enterprises and to regional aid issued by the Commission on the basis of those provisions, it is appropriate, with a view to ensuring efficient supervision and simplifying administration without weakening Commission monitoring, that

- (6) This Regulation should exempt any aid that meets all the relevant requirements of this Regulation, and any aid scheme, provided that any aid that could be granted under such scheme meets all the relevant requirements of this Regulation. With a view to ensuring efficient supervision and simplifying administration without weakening Commission monitoring, aid schemes and individual grants outside any aid scheme should contain an express reference to this Regulation.

- (7) This Regulation should apply without prejudice to special rules in regulations and directives concerning State aid in certain sectors, such as currently exist for shipbuilding, and should not apply to agriculture and fisheries and aquaculture.

⁽¹⁾ OJ L 142, 14.5.1998, p. 1.

⁽²⁾ OJ C 89, 28.3.2000, p. 15.

⁽³⁾ OJ C 213, 23.7.1996, p. 4.

⁽⁴⁾ OJ C 74, 10.3.1998, p. 9.

- (8) In order to eliminate differences that might give rise to distortions of competition, in order to facilitate coordination between different Community and national initiatives concerning small and medium-sized enterprises, and for reasons of administrative clarity and legal certainty, the definition of 'small and medium-sized enterprises' used in this Regulation should be that laid down in Commission Recommendation 96/280/EC of 3 April 1996 concerning the definition of small and medium-sized enterprises⁽⁵⁾. That definition was also used in the Community guidelines on State aid for small and medium-sized enterprises⁽⁶⁾.
- (9) In accordance with the established practice of the Commission, and with a view to better ensuring that aid is proportionate and limited to the amount necessary, thresholds should be expressed in terms of aid intensities in relation to a set of eligible costs, rather than in terms of maximum aid amounts.
- (10) In order to determine whether or not aid is compatible with the common market pursuant to this Regulation, it is necessary to take into consideration the aid intensity and thus the aid amount expressed as a grant equivalent. The calculation of the grant equivalent of aid payable in several instalments and aid in the form of a soft loan requires the use of market interest rates prevailing at the time of grant. With a view to a uniform, transparent, and simple application of the State aid rules, the market rates for the purposes of this Regulation should be deemed to be the reference rates, provided that, in the case of a soft loan, the loan is backed by normal security and does not involve abnormal risk. The reference rates should be those which are periodically fixed by the Commission on the basis of objective criteria and published in the *Official Journal of the European Communities* and on the Internet.
- (11) Having regard to the differences between small enterprises and medium-sized enterprises, different ceilings of aid intensity should be set for small enterprises and for medium-sized enterprises.
- (12) The ceilings of aid intensity should be fixed, in the light of the Commission's experience, at a level that strikes the appropriate balance between minimising distortions of competition in the aided sector and the objective of facilitating the development of the economic activities of small and medium-sized enterprises.
- (13) It is appropriate to establish further conditions that should be fulfilled by any aid scheme or individual aid exempted by this Regulation. Having regard to Article 87(3)(c) of the Treaty, such aid should not normally have the sole effect of continuously or periodically reducing the operating costs which the beneficiary would normally have to bear, and should be proportionate to the handicaps that have to be overcome in order to secure the socioeconomic benefits deemed to be in the Community interest. It is therefore appropriate to limit the scope of this Regulation to aid granted in relation to certain tangible and intangible investments, certain services supplied to beneficiaries and certain other activities. In the light of Community overcapacity in the transport sector, with the exception of railway rolling stock, eligible investment costs for enterprises having their main economic activity in the transport sector should not include transport means and equipment.
- (14) This Regulation should exempt aid to small and medium-sized enterprises regardless of location. Investment and job creation can contribute to the economic development of less favoured regions in the Community. Small and medium-sized enterprises in those regions suffer from both the structural disadvantage of the location and the difficulties deriving from their size. It is therefore appropriate that small and medium-sized enterprises in assisted regions should benefit from higher ceilings.
- (15) In order not to favour the capital factor of an investment over the labour factor, provision should be made for the possibility of measuring aid to investment on the basis of either the costs of the investment or the costs of new employment linked to the carrying-out of the investment project.
- (16) In the light of the World Trade Organisation (WTO) Agreement on Subsidies and Countervailing Measures⁽⁷⁾, this Regulation should not exempt export aid or aid favouring domestic over imported products. Aid towards the costs of participation in trade fairs or of studies or consultancy services needed for the launch of a new or existing product on a new market does not normally constitute export aid.
- (17) Having regard to the need to strike the appropriate balance between minimising distortions of competition in the aided sector and the objectives of this Regulation, it should not exempt individual aid grants which exceed a fixed maximum amount, whether or not made under an aid scheme exempted by this Regulation.

⁽⁵⁾ OJ L 107, 30.4.1996, p. 4.

⁽⁶⁾ See footnote 3.

⁽⁷⁾ OJ L 336, 23.12.1994, p. 156.

- (18) In order to ensure that the aid is necessary and acts as an incentive to develop certain activities, this Regulation should not exempt aid for activities in which the beneficiary would already engage under market conditions alone.
- (19) This Regulation should not exempt aid cumulated with other State aid, including aid granted by national, regional or local authorities, or with Community assistance, in relation to the same eligible costs, when such cumulation exceeds the thresholds fixed in this Regulation.
- (20) In order to ensure transparency and effective monitoring, in accordance with Article 3 of Regulation (EC) No 994/98, it is appropriate to establish a standard format in which Member States should provide the Commission with summary information whenever, in pursuance of this Regulation, an aid scheme is implemented or an individual aid outside such schemes is granted, with a view to publication in the *Official Journal of the European Communities*. For the same reasons, it is appropriate to establish rules concerning the records that Member States should keep regarding the aid exempted by this Regulation. For the purposes of the annual report to be submitted to the Commission by Member States, it is appropriate for the Commission to establish its specific requirements, including, in view of the wide availability of the necessary technology, information in computerised form.
- (21) Having regard to the Commission's experience in this area, and in particular the frequency with which it is generally necessary to revise State aid policy, it is appropriate to limit the period of application of this Regulation. Should this Regulation expire without being extended, aid schemes already exempted by this Regulation should continue to be exempted for six months,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

1. Without prejudice to special Community Regulations or Directives under the EC Treaty governing the granting of State aid in specific sectors, whether more or less restrictive than this Regulation, this Regulation applies to aid granted to small and medium-sized enterprises in all sectors.

2. This Regulation shall not apply:

- (a) to activities linked to the production, processing or marketing of products listed in Annex I to the Treaty;
- (b) to aid to export-related activities, namely aid directly linked to the quantities exported, to the establishment and operation of a distribution network or to other current expenditure linked to the export activity;
- (c) to aid contingent upon the use of domestic over imported goods.

Article 2

Definitions

For the purpose of this Regulation:

- (a) 'aid' shall mean any measure fulfilling all the criteria laid down in Article 87(1) of the Treaty;
- (b) 'small and medium-sized enterprises' shall mean enterprises as defined in Annex I;
- (c) 'investment in tangible assets' shall mean an investment in fixed physical assets relating to the creation of a new establishment, the extension of an existing establishment, or the engagement in an activity involving a fundamental change in the product or production process of an existing establishment (in particular through rationalisation, diversification or modernisation). An investment in fixed assets undertaken in the form of the takeover of an establishment which has closed or which would have closed had it not been purchased shall also be regarded as tangible investment;
- (d) 'investment in intangible assets' shall mean investment in transfer of technology by the acquisition of patent rights, licences, know-how or unpatented technical knowledge;
- (e) 'gross aid intensity' shall mean the aid amount expressed as a percentage of the project's eligible costs. All figures used shall be taken before any deduction for direct taxation. Where aid is awarded in a form other than a grant, the aid amount shall be the grant equivalent of the aid. Aid payable in several instalments shall be discounted to its value at the moment of granting. The interest rate to be used for discounting purposes and for calculating the aid amount in a soft loan shall be the reference rate applicable at the time of grant;
- (f) 'net aid intensity' shall mean the aid amount net of tax expressed as a percentage of the project's eligible costs;
- (g) 'number of employees' shall mean the number of annual labour units (ALU), namely the number of persons employed full time in one year, part-time and seasonal work being ALU fractions.

Article 3

Conditions for exemption

1. Individual aid outside any scheme, fulfilling all the conditions of this Regulation, shall be compatible with the common market within the meaning of Article 87(3) of the Treaty and shall be exempt from the notification requirement of Article 88(3) of the Treaty provided that it contains an express reference to this Regulation, by citing its title and publication reference in the *Official Journal of the European Communities*.

2. Aid schemes fulfilling all the conditions of this Regulation shall be compatible with the common market within the meaning of Article 87(3) of the Treaty and shall be exempt from the notification requirement of Article 88(3) of the Treaty provided that:

- (a) any aid that could be awarded under such scheme fulfils all the conditions of this Regulation;
- (b) the scheme contains an express reference to this Regulation, by citing its title and publication reference in the *Official Journal of the European Communities*.

3. Aid granted under the schemes referred to in paragraph 2 shall be compatible with the common market within the meaning of Article 87(3) of the Treaty and shall be exempt from the notification requirement of Article 88(3) of the Treaty provided that the aid granted directly fulfils all the conditions of this Regulation.

Article 4

Investment

1. Aid for investment in tangible and intangible assets inside or outside the Community shall be compatible with the common market within the meaning of Article 87(3) of the Treaty and shall be exempt from the notification requirement of Article 88(3) of the Treaty if it fulfils the conditions of paragraphs 2 to 6.

2. The gross aid intensity shall not exceed:

- (a) 15 % in the case of small enterprises;
- (b) 7,5 % in the case of medium-sized enterprises.

3. Where the investment takes place in areas which qualify for regional aid, the aid intensity shall not exceed the ceiling of regional investment aid determined in the map approved by the Commission for each Member State by more than:

- (a) 10 percentage points gross in areas covered by Article 87(3)(c), provided that the total net aid intensity does not exceed 30 %; or
- (b) 15 percentage points gross in areas covered by Article 87(3)(a), provided that the total net aid intensity does not exceed 75 %.

The higher regional aid ceilings shall only apply if the aid is granted under the condition that the investment is maintained in the recipient region for at least five years and that the beneficiary's contribution to its financing is at least 25 %.

4. The ceilings fixed in paragraphs 2 and 3 shall apply to intensity of the aid calculated either as a percentage of the investment's eligible costs or as a percentage of the wage costs of employment created by the carrying-out of an investment (aid to job creation) or a combination thereof, provided the aid does not exceed the most favourable amount resulting from the application of either calculation.

5. In cases where the aid is calculated on the basis of the investment's costs, the eligible costs of tangible investment shall be the costs relating to investment in land, buildings, machinery and equipment. In the transport sector, except for railway rolling stock, transport means and transport equipment shall not be included in the eligible costs. The eligible costs of intangible investment shall be the costs of acquisition of the technology.

6. In cases where the aid is calculated on the basis of jobs created, the amount of the aid shall be expressed as a percentage of the wage costs over a period of two years relating to the employment created under the following conditions:

- (a) job creation shall be linked to the carrying-out of a project of investment in tangible or intangible assets. Jobs shall be created within three years of the investment's completion;
- (b) the investment project shall lead to a net increase in the number of employees in the establishment concerned, compared with the average over the previous twelve months; and
- (c) the employment created shall be maintained during a minimum period of five years.

Article 5

Consultancy and other services and activities

Aid to small and medium-sized enterprises that fulfil the following conditions shall be compatible with the common market within the meaning of Article 87(3) of the Treaty and shall be exempt from the notification requirement of Article 88(3) of the Treaty:

- (a) for services provided by outside consultants, the gross aid shall not exceed 50 % of the costs of such services. The services concerned shall not be a continuous or periodic activity nor relate to the enterprise's usual operating expenditure, such as routine tax consultancy services, regular legal services, or advertising;

- (b) for participation in fairs and exhibitions, the gross aid shall not exceed 50 % of the additional costs incurred for renting, setting up and running the stand. This exemption shall only apply to the first participation of an enterprise in a particular fair or exhibition.

Article 6

Large individual aid grants

This Regulation shall not exempt an individual aid grant where one of the following thresholds is met:

- (a) the total eligible costs of the whole project are at least EUR 25 000 000 and
- (i) in areas which do not qualify for regional aid, the gross aid intensity is at least 50 % of the ceilings laid down in Article 4(2);
 - (ii) in areas which qualify for regional aid, the net aid intensity is at least 50 % of the net aid ceiling as determined in the regional aid map for the area concerned; or
- (b) the total gross aid amount is at least EUR 15 000 000.

Article 7

Necessity for the aid

This Regulation shall only exempt aid if, before work on the aided project is started:

- either an application for aid has been submitted to the Member State by the beneficiary, or
- the Member State has adopted legal provisions establishing a legal right to aid according to objective criteria and without further exercise of discretion by the Member State.

Article 8

Cumulation

1. The aid ceilings fixed in Articles 4, 5 and 6 shall apply regardless of whether the support for the aided project is financed entirely from State resources or is partly financed by the Community.

2. Aid exempted by this Regulation shall not be cumulated with any other State aid within the meaning of Article 87(1) of the Treaty, or with other Community funding, in relation to the same eligible costs, if such cumulation would result in an aid intensity exceeding that fixed by this Regulation.

Article 9

Transparency and monitoring

1. On implementation of an aid scheme, or grant of individual aid outside any scheme, exempted by this Regulation, Member States shall, within 20 working days, forward to the Commission, with a view to its publication in the *Official Journal of the European Communities*, a summary of the information regarding such aid scheme or individual aid in the form laid down in Annex II.

2. Member States shall maintain detailed records regarding the aid schemes exempted by this Regulation, the individual aid granted under those schemes, and the individual aid exempted by this Regulation that is granted outside any existing aid scheme. Such records shall contain all information necessary to establish that the conditions for exemption, as laid down in this Regulation, are fulfilled, including information on the status of the company as an SME. Member States shall keep a record regarding an individual aid for 10 years from the date on which it was granted, and regarding an aid scheme, for 10 years from the date on which the last individual aid was granted under such scheme. On written request, the Member State concerned shall provide the Commission, within a period of 20 working days or such longer period as may be fixed in the request, with all the information which the Commission considers necessary to assess whether the conditions of this Regulation have been complied with.

3. Member States shall compile a report on the application of this Regulation in respect of each whole or part calendar year during which this Regulation applies, in the form laid down in Annex III, also in computerised form. Member States shall provide the Commission with such report no later than three months after the expiry of the period to which the report relates.

Article 10

Entry into force and period of validity

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

It shall remain in force until 31 December 2006.

2. At the end of the period of validity of this Regulation, aid schemes exempted under this Regulation shall remain exempted during an adjustment period of six months.

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

Done at Brussels, 12 January 2001.

For the Commission
Mario MONTI
Member of the Commission

ANNEX I

Definition of small and medium-sized enterprises

(extract from the Commission Recommendation 96/280/EC of 3 April 1996 concerning the definition of small and medium-sized enterprises (OJ L 107, 30.4.1996, p. 4))

Article 1

1. Small and medium-sized enterprises, hereinafter referred to as "SMEs", are defined as enterprises which:
 - have fewer than 250 employees, and
 - have either,
 - an annual turnover not exceeding EUR 40 million, or
 - an annual balance-sheet total not exceeding EUR 27 million,
 - conform to the criterion of independence as defined in paragraph 3.
 2. Where it is necessary to distinguish between small and medium-sized enterprises, the "small enterprise" is defined as an enterprise which:
 - has fewer than 50 employees and
 - has either,
 - an annual turnover not exceeding EUR 7 million, or
 - an annual balance-sheet total not exceeding EUR 5 million,
 - conforms to the criterion of independence as defined in paragraph 3.
 3. Independent enterprises are those which are not owned as to 25 % or more of the capital or the voting rights by one enterprise, or jointly by several enterprises, falling outside the definitions of an SME or a small enterprise, whichever may apply. This threshold may be exceeded in the following two cases:
 - if the enterprise is held by public investment corporations, venture capital companies or institutional investors, provided no control is exercised either individually or jointly,
 - if the capital is spread in such a way that it is not possible to determine by whom it is held and if the enterprise declares that it can legitimately presume that it is not owned as to 25 % or more by one enterprise, or jointly by several enterprises, falling outside the definitions of an SME or a small enterprise, whichever may apply.
 4. In calculating the thresholds referred to in paragraphs 1 and 2, it is therefore necessary to cumulate the relevant figures for the beneficiary enterprise and for all the enterprises that it directly or indirectly controls through possession of 25 % or more of the capital or of the voting rights.
 5. Where it is necessary to distinguish microenterprises from other SMEs, these are defined as enterprises having fewer than 10 employees.
 6. Where, at the final balance sheet date, an enterprise exceeds or falls below the employee thresholds or financial ceilings, this is to result in its acquiring or losing the status of "SME", "medium-sized enterprise", "small enterprise" or "microenterprise" only if the phenomenon is repeated over two consecutive financial years.
 7. The number of persons employed corresponds to the number of annual working units (AWU), that is to say, the number of full-time workers employed during one year with part-time and seasonal workers being fractions of AWU. The reference year to be considered is that of the last approved accounting period.
 8. The turnover and balance sheet total thresholds are those of the last approved 12-month accounting period. In the case of newly-established enterprises whose accounts have not yet been approved, the thresholds to apply shall be derived from a reliable estimate made in the course of the financial year.'
-

ANNEX II

Form of summary information to be provided whenever an aid scheme exempted by this Regulation is implemented and whenever an individual aid exempted by this Regulation is granted outside any aid scheme

Summary information on State aid granted in conformity with Commission Regulation (EC) No 70/2001	
Summary information to be filled in	Explanatory remarks
Member state	
Region	Indicate the name of the region if the aid is granted by a subcentral authority
Title of aid scheme or name of company receiving an individual aid	Indicate the name of the aid scheme or in case of individual aid, the name of the beneficiary. In the latter case, no subsequent annual report is necessary!
Legal basis	Indicate the precise national legal reference for the aid scheme or for the individual aid
Annual expenditure planned under the scheme or overall amount of individual aid granted to the company	Amounts are to be given in euro or, if applicable, national currency. In case of an aid scheme: indicate the annual overall amount of the budget appropriation(s) or the estimated tax loss per year for all aid instruments contained in the scheme. In case of an individual aid award: indicate the overall aid amount/tax loss. If appropriate, indicate also for how many years the aid will be paid in instalments or over how many years tax losses will be incurred. For guarantees in both cases, indicate the (maximum) amount of loans guaranteed
Maximum aid intensity	Indicate the maximum aid intensity or the maximum aid amount per eligible item
Date of implementation	Indicate the date from which aid may be granted under the scheme or when the individual aid is granted
Duration of scheme or individual aid award	Indicate the date (year and month) until which aid may be granted under the scheme or in case of an individual aid and if appropriate the expected date (year and month) of the last instalment to be paid
Objective of aid	It is understood that the primary objective is aid to SME. This field gives the opportunity to indicate further (secondary) objectives pursued (e.g. small enterprises only or SME; investment aid/consultancy)

Summary information to be filled in	Explanatory remarks
<p>Economic Sector(s) concerned</p> <p><input type="checkbox"/> All sectors</p> <p>or</p> <p><input type="checkbox"/> Coalmining</p> <p><input type="checkbox"/> All manufacturing</p> <p>or</p> <p><input type="checkbox"/> Steel</p> <p><input type="checkbox"/> Shipbuilding</p> <p><input type="checkbox"/> Synthetic fibres</p> <p><input type="checkbox"/> Motor vehicles</p> <p><input type="checkbox"/> Other manufacturing</p> <p><input type="checkbox"/> All services</p> <p>or</p> <p><input type="checkbox"/> Transport services</p> <p><input type="checkbox"/> Financial services</p> <p><input type="checkbox"/> Other services</p> <p>Remarks:</p>	Choose from the list, where relevant
Name and address of the granting authority	
Other information	

ANNEX III

Form of the periodic report to be provided to the Commission**Annual reporting format on aid schemes exempted under a group exemption regulation adopted pursuant to Article 1 of Council Regulation (EC) No 994/98**

Member States are required to use the format below for their reporting obligations to the Commission under group exemption regulations adopted on the basis of Council Regulation (EC) No 994/98.

The reports should also be provided in computerised form.

Information required for all aid schemes exempted under group exemption regulations adopted pursuant to Article 1 of Council Regulation (EC) No 994/98

1. Title of aid scheme
2. Commission exemption regulation applicable
3. Expenditure

Separate figures have to be provided for each aid instrument within a scheme or individual aid (e.g. grant, soft loans, etc.) The figures have to be expressed in euro or, if applicable, national currency. In the case of tax expenditure, annual tax losses have to be reported. If precise figures are not available, such losses may be estimated.

These expenditure figures should be provided on the following basis.

For the year under review indicate separately for each aid instrument within the scheme (e.g. grant, soft loan, guarantee, etc.):

- 3.1. amounts committed, (estimated) tax losses or other revenue forgone, data on guarantees, etc. for new assisted projects. In the case of guarantee schemes, the total amount of new guarantees handed out should be provided;
- 3.2. actual payments, (estimated) tax losses or other revenue forgone, data on guarantees, etc. for new and current projects. In the case of guarantee schemes, the following should be provided: total amount of outstanding guarantees, premium income, recoveries, indemnities paid out, operating result of the scheme under the year under review;
- 3.3. number of new assisted projects;
- 3.4. estimated overall number of jobs created or maintained by new projects (if appropriate);
- 3.5. estimated overall amount of investment aided by new projects;
- 3.6. Regional breakdown of amounts under point 3.1 either by regions defined at NUTS ⁽¹⁾ level 2 or below or by Article 87(3)(a) regions, Article 87(3)(c) regions and non-assisted regions;
- 3.7. Sectorial breakdown of amounts under point 3.1. by beneficiaries' sectors of activity (if more than one sector is covered, indicate the share of each):

coalmining

manufacturing

of which:

steel

shipbuilding

synthetic fibres

motor vehicles

other manufacturing (please specify)

services

of which:

transport services

financial services

other services (please specify)

other sectors (please specify)

4. Other information and remarks.

⁽¹⁾ NUTS is the nomenclature of territorial units for statistical purposes in the Community.

COMMISSION REGULATION (EC) No 71/2001**of 12 January 2001****fixing, for December 2000, the specific exchange rate for the amount of the reimbursement of storage costs in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 1527/2000 ⁽²⁾,

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽³⁾,

Having regard to Commission Regulation (EEC) No 1713/93 of 30 June 1993 establishing special detailed rules for applying the agricultural conversion rate in the sugar sector ⁽⁴⁾, as last amended by Regulation (EC) No 1642/1999 ⁽⁵⁾, and in particular Article 1(3) thereof,

Whereas:

- (1) Article 1(2) of Regulation (EEC) No 1713/93 provides that the amount of the reimbursement of storage costs referred to in Article 8 of Regulation (EC) No 2038/1999 is to be converted into national currency using a specific agricultural conversion rate equal to the average, calculated *pro rata temporis*, of the agricultural conversion rates applicable during the month of storage. That specific rate must be fixed each month for the previous month. However, in the case of the reimbursable

amounts applying from 1 January 1999, as a result of the introduction of the agrimonetary arrangements for the euro from that date, the fixing of the conversion rate should be limited to the specific exchange rates prevailing between the euro and the national currencies of the Member States that have not adopted the single currency.

- (2) Application of these provisions will lead to the fixing, for December 2000, of the specific exchange rate for the amount of the reimbursement of storage costs in the various national currencies as indicated in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The specific exchange rate to be used for converting the amount of the reimbursement of the storage costs referred to in Article 8 of Regulation (EC) No 2038/1999 into national currency for December 2000 shall be as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 13 January 2001.

It shall apply with effect from 1 December 2000.

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

Done at Brussels, 12 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 349, 24.12.1998, p. 1.

⁽⁴⁾ OJ L 159, 1.7.1993, p. 94.

⁽⁵⁾ OJ L 195, 28.7.1999, p. 3.

ANNEX

to the Commission Regulation of 12 January 2001 fixing, for December 2000, the exchange rate for the amount of the reimbursement of storage costs in the sugar sector

Specific exchange rate		
EUR 1 =	7,45834	Danish kroner
	340,698	Greek drachma
	8,68177	Swedish kroner
	0,614545	Pound sterling

COMMISSION REGULATION (EC) No 72/2001
of 12 January 2001
amending representative prices and additional duties for the import of certain products in the
sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 1527/2000 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽³⁾, as last amended by Regulation (EC) No 624/98 ⁽⁴⁾, and in particular the second subparagraph of Article 1(2), and Article 3(1) thereof,

Whereas:

- (1) The amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation

(EC) No 1411/2000 ⁽⁵⁾, as last amended by Regulation (EC) No 2762/2000 ⁽⁶⁾.

- (2) It follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 13 January 2001.

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

Done at Brussels, 12 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 141, 24.6.1995, p. 16.

⁽⁴⁾ OJ L 85, 20.3.1998, p. 5.

⁽⁵⁾ OJ L 161, 1.7.2000, p. 22.

⁽⁶⁾ OJ L 318, 16.12.2000, p. 31.

ANNEX

to the Commission Regulation of 12 January 2001 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(EUR)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	26,41	3,36
1701 11 90 ⁽¹⁾	26,41	8,33
1701 12 10 ⁽¹⁾	26,41	3,23
1701 12 90 ⁽¹⁾	26,41	7,90
1701 91 00 ⁽²⁾	25,45	12,59
1701 99 10 ⁽²⁾	25,45	7,99
1701 99 90 ⁽²⁾	25,45	7,99
1702 90 99 ⁽³⁾	0,25	0,40

⁽¹⁾ For the standard quality as defined in Article 1 of amended Council Regulation (EEC) No 431/68 (OJ L 89, 10.4.1968, p. 3).

⁽²⁾ For the standard quality as defined in Article 1 of Council Regulation (EEC) No 793/72 (OJ L 94, 21.4.1972, p. 1).

⁽³⁾ By 1 % sucrose content.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 17 July 2000

on the conclusion of the Agreements in the form of an Exchange of Letters between the European Community and, of the one part, Barbados, Belize, the Republic of the Congo, Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Suriname, Saint Kitts and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia and the Republic of Zimbabwe and, of the other part, the Republic of India on the guaranteed prices for cane sugar for the 1999/2000 delivery period

(2001/34/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 133, in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Article 1

Having regard to the proposal from the Commission,

Whereas:

(1) Implementation of Protocol 8 on ACP Sugar annexed to the Fourth ACP-EC Convention⁽¹⁾, which has become Protocol 3 from 1 March 2000 under Article 3 of Decision 1/2000 of the ACP-EC Committee of Ambassadors⁽²⁾, and of the Agreement between the European Economic Community and the Republic of India on cane sugar⁽³⁾ is carried out, in accordance with Article 1(2) of each, within the framework of the management of the common organisation of the sugar market.

(2) It is appropriate to approve the Agreements in the form of an Exchange of Letters between the Community and, of the one part, the States referred to in the Protocol and, of the other part, the Republic of India on the guaranteed prices for cane sugar for the 1999/2000 delivery period,

The Agreements in the form of an Exchange of Letters between the European Community and, of the one part, Barbados, Belize, the Republic of the Congo, Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Suriname, Saint Kitts and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia and the Republic of Zimbabwe and, of the other part, the Republic of India on the guaranteed prices for cane sugar for the 1999/2000 delivery period are hereby approved on behalf of the Community.

The text of the Agreements is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person empowered to sign the Agreements referred to in Article 1 in order to bind the Community.

⁽¹⁾ OJ L 229, 17.8.1991, p. 216.

⁽²⁾ OJ L 56, 1.3.2000, p. 47.

⁽³⁾ OJ L 190, 22.7.1975, p. 35.

Article 3

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

Done at Brussels, 17 July 2000.

For the Council
The President
J. GLAVANY

AGREEMENT

in the form of an Exchange of Letters between the European Community and Barbados, Belize, the Republic of the Congo, Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Suriname, Saint Kitts and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia and the Republic of Zimbabwe on the guaranteed prices for cane sugar for the 1999/2000 delivery period

A. Letter No 1

Brussels, 22 December 2000.

Sir,

The representatives of the ACP States referred to in Protocol 8 on ACP sugar annexed to the Fourth ACP-EC Convention, which has become Protocol 3 from 1 March 2000 under Article 3 of Decision 1/2000 of the ACP-EC Committee of Ambassadors, and of the Commission, acting on behalf of the European Community, have agreed, pursuant to the provisions of the said Protocol, on the following:

For the delivery period 1 July 1999 to 30 June 2000, the guaranteed prices referred to in Article 5(4) of the Protocol shall, for the purpose of intervention within the terms of Article 6 of the Protocol, be:

- (a) for raw sugar: EUR 52,37 per 100 kilograms;
- (b) for white sugar: EUR 64,65 per 100 kilograms.

These prices shall refer to sugar of standard quality as defined in Community legislation, unpacked, cif, free out of European ports of the Community. The introduction of these prices in no way prejudices the respective positions of the Contracting Parties in respect of the principles appertaining to the determination of the guaranteed prices.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between the Governments of the abovementioned ACP States and the Community.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of the Council of the European
Union*



B. Letter No 2

Brussels, 22 December 2000.

Sir,

I have the honour to acknowledge receipt of your letter of today which reads as follows:

'The representatives of the ACP States referred to in Protocol 8 on ACP sugar annexed to the Fourth ACP-EC Convention, which has become Protocol 3 from 1 March 2000 under Article 3 of Decision 1/2000 of the ACP-EC Committee of Ambassadors, and of the Commission, acting on behalf of the European Community, have agreed, pursuant to the provisions of the said Protocol, on the following:

For the delivery period 1 July 1999 to 30 June 2000, the guaranteed prices referred to in Article 5(4) of the Protocol shall, for the purpose of intervention within the terms of Article 6 of the Protocol, be:

- (a) for raw sugar: EUR 52,37 per 100 kilograms;
- (b) for white sugar: EUR 64,65 per 100 kilograms.

These prices shall refer to sugar of standard quality as defined in Community legislation, unpacked, cif, free out of European ports of the Community. The introduction of these prices in no way prejudices the respective positions of the Contracting Parties in respect of the principles appertaining to the determination of the guaranteed prices.

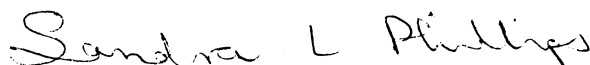
I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between the Governments of the abovementioned ACP States and the Community.'

I have the honour to confirm the agreement of the Governments of the ACP States referred to in this letter with the foregoing.

Please accept, Sir, the assurance of my highest consideration.

For the Governments of the ACP States referred to in Protocol 3

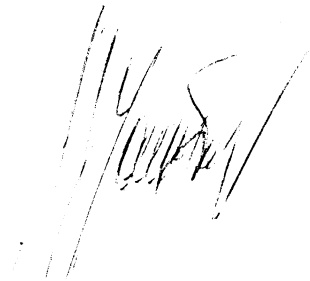
For the Government of Barbados



For the Government of Belize



Pour le gouvernement de la République du Congo



Pour le gouvernement de la République de Côte d'Ivoire



For the Government of the Sovereign Democratic Republic of Fiji



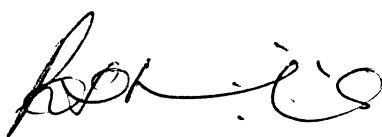
For the Government of the Cooperative Republic of Guyana



For the Government of Jamaica



For the Government of the Republic of Kenya



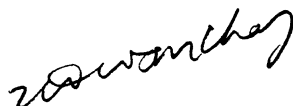
Pour le gouvernement de la République de Madagascar



For the Government of the Republic of Malawi



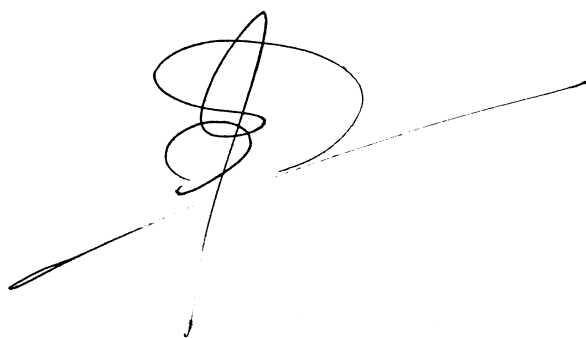
For the Government of the Republic of Mauritius



For the Government of Saint Kitts and Nevis



For the Government of the Republic of Suriname



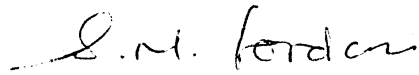
For the Government of the Kingdom of Swaziland



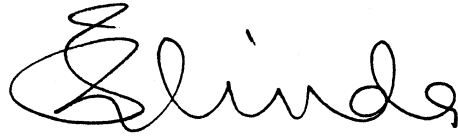
For the Government of the United Republic of Tanzania



For the Government of the Republic of Trinidad and Tobago



For the Government of the Republic of Uganda



For the Government of the Republic of Zambia



For the Government of the Republic of Zimbabwe



AGREEMENT**in the form of an Exchange of Letters between the European Community and the Republic of India
on the guaranteed prices for cane sugar for the 1999/2000 delivery period***A. Letter No 1*

Brussels, 13 November 2000.

Sir,

The Representatives of the Republic of India and of the Commission, acting on behalf of the European Community, have agreed within the framework of the negotiations provided for in Article 5(4) of the Agreement between the European Community and the Republic of India on cane sugar, on the following:

For the delivery period 1 July 1999 to 30 June 2000, the guaranteed prices referred to in Article 5(4) of the Agreement shall, for the purpose of intervention within the terms of Article 6 of the Agreement, be:

- (a) for raw sugar: EUR 52,37 per 100 kilograms;
- (b) for white sugar: EUR 64,65 per 100 kilograms.

These prices shall refer to sugar of standard quality as defined in Community legislation, unpacked, cif, free out of European ports of the Community. The introduction of these prices in no way prejudices the respective positions of the Contracting Parties in respect of the principles appertaining to the determination of the guaranteed prices.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between your Government and the Community.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the Council of the European Union



B. Letter No 2

Brussels, 13 November 2000

Sir,

I have the honour to acknowledge receipt of your letter of today which reads as follows:

'The Representatives of the Republic of India and of the Commission, acting on behalf of the European Community, have agreed within the framework of the negotiations provided for in Article 5(4) of the Agreement between the European Community and the Republic of India on cane sugar, on the following:

For the delivery period 1 July 1999 to 30 June 2000, the guaranteed prices referred to in Article 5(4) of the Agreement shall, for the purpose of intervention within the terms of Article 6 of the Agreement, be:

- (a) for raw sugar: EUR 52,37 per 100 kilograms;
- (b) for white sugar: EUR 64,65 per 100 kilograms.

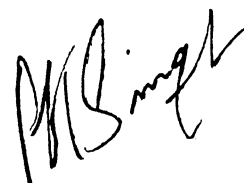
These prices shall refer to sugar of standard quality as defined in Community legislation, unpacked, cif, free out of European ports of the Community. The introduction of these prices in no way prejudices the respective positions of the Contracting Parties in respect of the principles appertaining to the determination of the guaranteed prices.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between your Government and the Community.'

I have the honour to confirm the agreement of my Government with the foregoing.

Please accept, Sir, the assurance of my highest consideration.

For the Government of the Republic of India



DECISION No 4/2000 OF THE EU-LITHUANIA ASSOCIATION COUNCIL
of 13 December 2000
adopting the terms and conditions for the participation of the Republic of Lithuania in the 'Youth'
Community action programme

(2001/35/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Lithuania, of the other part ⁽¹⁾, and in particular Article 110 thereof,

Whereas:

- (1) According to Article 110 of the Europe Agreement and Annex XX thereto, Lithuania may participate in Community framework programmes, specific programmes, projects or other actions in the fields of, *inter alia*, youth.
- (2) According to the same Article, the terms and conditions for the participation of Lithuania in these activities shall be decided upon by the Association Council.
- (3) Following Decision No 2/98 of 30 October 1998 of the Association Council between the European Communities and their Member States, of the one part, and the Republic of Lithuania, of the other part ⁽²⁾, Lithuania has been participating in the Youth for Europe programme since 1 November 1998, and has expressed the wish to participate in the new Youth programme,

HAS DECIDED AS FOLLOWS:

Article 1

Lithuania shall participate in the 'Youth' Community action programme (hereinafter called 'Youth programme') according to the terms and conditions set out in Annexes I and II, which shall form an integral part of this Decision.

Article 2

This Decision shall apply for the duration of the Youth programme, starting on 1 January 2000.

Article 3

This Decision shall enter into force on the day of its adoption by the Association Council.

Done at Brussels, 13 December 2000.

For the Association Council
The President
H. VÉDRINE

⁽¹⁾ OJ L 51, 20.2.1998, p. 3.

⁽²⁾ OJ L 307, 17.11.1998, p. 15.

ANNEX I

Terms and conditions for the participation of the Republic of Lithuania in the Youth programme

1. Lithuania will participate in the activities of the Youth programme (hereinafter called 'the Programme') in conformity, unless otherwise provided for in this Decision, with the objectives, criteria, procedures and deadlines as defined in Decision No 1031/2000/EC of the European Parliament and of the Council of 13 April 2000 establishing the 'Youth' Community action programme ⁽¹⁾.
2. In accordance with the terms of Article 5 of Decision No 1031/2000/EC and with the provisions relating to the responsibilities of the Member States and of the Commission concerning the Youth National Agencies adopted by the Commission, Lithuania shall establish the appropriate structure for the coordinated management of the implementation of the programme actions at national level, and take the measures needed to ensure the adequate funding of this Agency, which will receive programme grants for its activities. Lithuania will take all other necessary steps for the efficient running of the Programme at national level.
3. To participate in the Programme, Lithuania will pay each year a contribution to the general budget of the European Union according to the procedures described in Annex II.

If necessary in order to take into account programme developments, or the evolution of Lithuania's absorption capacity, the Association Committee is entitled to adapt this contribution, so as to avoid budgetary imbalance in the implementation of the programmes.

4. The terms and conditions for the submission, assessment and selection of applications related to eligible institutions, organisations and individuals of Lithuania will be the same as those applicable to eligible institutions, organisations and individuals of the Community.

Lithuanian experts may be taken into consideration by the Commission when appointing independent experts according to the relevant provisions of Decision No 1031/2000/EC to assist it in the project evaluation.

5. With a view to ensuring the Community dimension of the Programme, to be eligible for Community financial support, projects and activities will have to include at least a partner from one of the Member States of the Community.
6. For the actions to be managed on a decentralised basis, as well as for financial support to the activities of the National Agency set up in accordance with point 2, funds will be allocated to Lithuania on the basis of the annual programme budget breakdown decided at Community level and Lithuania's contribution to the programme. The maximal amount of financial support for the activities of the National Agency will not exceed 50 % of the budget for the National Agency's work programme.
7. The Member States of the Community and Lithuania will make every effort, within the framework of existing provisions, to facilitate the free movement and residence of young people and other eligible persons moving between Lithuania and the Member States of the Community for the purpose of participating in activities covered by this Decision.
8. Activities covered by this Decision shall be exempt from imposition by Lithuania of indirect taxes, customs duties, prohibitions and restrictions on imports and exports in respect of goods and services intended for use under such activities.
9. Without prejudice to the responsibilities of the Commission of the European Communities and the Court of Auditors of the European Communities in relation to the monitoring and evaluation of the programme pursuant to Article 13 of Decision No 1031/2000/EC, the participation of Lithuania in the Programme will be continuously monitored on a partnership basis involving the Commission of the European Communities and Lithuania. Lithuania will submit to the Commission relevant reports and take part in other specific activities set out by the Community in that context.
10. In conformity with the Community's Financial Regulations, contractual arrangements concluded with, or by, entities of Lithuania shall provide for controls and audits to be carried out by, or under the authority of, the Commission and the Court of Auditors. As far as financial audits are concerned, they may be carried out with the purpose of controlling such entities' income and expenditures, related to the contractual obligations towards the Community. In a spirit of cooperation and mutual interest, the relevant authorities of Lithuania shall provide any reasonable and feasible assistance as may be necessary or helpful under the circumstances to perform such controls and audits.

The provisions relating to the responsibilities of the Member States and of the Commission concerning the Youth National Agencies adopted by the Commission will apply to the relations between Lithuania, the Commission and the Lithuanian National Agency. In the event of irregularity, negligence or fraud imputable to the Lithuanian National Agency, the Lithuanian authorities shall be responsible for the funds not recovered.

⁽¹⁾ OJ L 117, 18.5.2000, p. 1.

11. Without prejudice to the procedures referred to in Article 8 of Decision No 1031/2000/EC, representatives of Lithuania will participate as observers in the Programme Committee, for the points which concern them. This committee shall meet without the presence of representatives of Lithuania for the rest of the points, as well as when voting takes place.
12. The language to be used in contacts of any sort with the Commission, as regards the application process, contracts, reports to be submitted and other administrative arrangements for the programmes, will be any one of the official languages of the Community.
13. The Community and Lithuania may terminate activities under this Decision at any time upon twelve months' notice in writing. Projects and activities in progress at the time of termination shall continue until their completion under the conditions laid down in this Decision.

ANNEX II

Financial contribution of the Republic of Lithuania to the Youth programme

1. The financial contribution to be paid by Lithuania to the budget of the European Union to participate in the Programme in 2000 will be EUR 699 000.

The contribution to be paid by Lithuania for the following years of the Programme will be decided by the Association Council in the course of the year 2000.

2. Lithuania will pay the contribution mentioned above partly from the Lithuanian national budget and partly from Lithuania's PHARE National Programme. Subject to a PHARE separate programming procedure, the requested PHARE funds will be transferred to Lithuania by means of a separate Financing Memorandum. Together with the part coming from Lithuania's State budget, these funds will constitute Lithuania's national contribution, out of which it will make payments in response to annual calls for funds from the Commission.
3. PHARE funds will be requested according to the following schedule:
 - EUR 340 000 for the contribution to the Programme in 2000,
 - the remaining part of Lithuania's contribution will be covered from the Lithuanian State budget.
4. The Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽¹⁾ will apply, notably to the management of Lithuania's contribution.

Travel costs and subsistence costs incurred by representatives and experts of Lithuania for the purposes of taking part as observers in the work of the committee referred to in point 11 of Annex I, or other meetings related to the implementation of the Programme shall be reimbursed by the Commission on the same basis as and in accordance with the procedures currently in force for non-governmental experts of the Member States of the European Union.

5. After the entry into force of this Decision and at the beginning of each following year, the Commission will send to Lithuania a call for funds corresponding to its contribution to the Programme.

This contribution shall be expressed in euros and paid into a euro bank account of the Commission.

Lithuania will pay its contribution according to the call for funds:

- by 1 May for the part financed from its national budget, provided that the call for funds is sent by the Commission before 1 April, or at the latest one month after the call for funds is sent if later,
- by 1 May for the part financed from PHARE, provided that the corresponding amounts have been sent to Lithuania by this time, or at the latest in a period of 30 days after these funds have been sent to Lithuania.

Any delay in the payment of the contribution shall give rise to the payment of interest by Lithuania on the outstanding amount from the due date. The interest rate corresponds to the rate applied by the European Central Bank, on the due date, for its operations in euros, increased by 1,5 percentage points.

⁽¹⁾ OJ L 356, 31.12.1977, p. 1. Regulation as last amended by Regulation (EC, ECSC, Euratom) No 2779/98 (OJ L 347, 23.12.1998, p. 3).

COMMISSION

COMMISSION DECISION of 22 December 2000

laying down special conditions governing imports of fishery products originating in Jamaica

(notified under document number C(2000) 4077)

(Text with EEA relevance)

(2001/36/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products ⁽¹⁾, as last amended by Directive 97/79/EC ⁽²⁾, and in particular Article 11 thereof,

Whereas:

- (1) A Commission expert has conducted an inspection visit to Jamaica to verify the conditions under which fishery products are produced, stored and dispatched to the Community.
- (2) The provisions of legislation of Jamaica on health inspection and monitoring of fishery products may be considered equivalent to those laid down in Directive 91/493/EEC.
- (3) In Jamaica the Veterinary Services Division (VSD) of the Ministry of Agriculture is capable of effectively verifying the application of the laws in force.
- (4) The procedure for obtaining the health certificate referred to in Article 11(4)(a) of Directive 91/493/EEC must also cover the definition of a model certificate, the minimum requirements regarding the language(s) in which it must be drafted and the grade of the person empowered to sign it.
- (5) Pursuant to Article 11(4)(b) of Directive 91/493/EEC, a mark should be affixed to packages of fishery products giving the name of the third country and the approval/registration number of the establishment, factory vessel, coldstore or freezer vessel of origin.

- (6) Pursuant to Article 11(4)(c) of Directive 91/493/EEC a list of approved establishments, factory vessels, or coldstores must be drawn up, and a list of freezer vessels equipped in accordance with the points 1 to 7 of Annex II to Directive 92/48/EEC ⁽³⁾ must also be drawn up. These lists must be drawn up on the basis of a communication from the VSD to the Commission. It is therefore for the VSD to ensure compliance with the provisions laid down to that end in Article 11(4) of Directive 91/493/EEC.
- (7) Following the guarantees provided by the VSD as regards the frozen marine gastropods which Jamaica wishes to export to the Community, the Commission has adopted Decision 2001/37/EC of 22 December 2000 laying down special conditions for the import of marine gastropods originating in Jamaica ⁽⁴⁾.
- (8) Pursuant to Article 3(4)(b) of Directive 91/493/EEC in addition to the requirements of Directive 91/492/EEC frozen marine gastropods shall satisfy those of Directive 91/493/EEC. For this purpose, the production areas from which the marine gastropods may be harvested and exported to the Community have been laid down by Decision 2001/37/EC, and the list of establishments from which the imports should be authorised and the model of health certificate which should accompany the imports of frozen marine gastropods should be laid down.
- (9) The VSD has provided official assurances regarding compliance with the rules set out in Chapter V of the Annex to Directive 91/493/EEC and regarding the fulfilment of requirements equivalent to those laid down by that Directive.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

⁽¹⁾ OJ L 268, 24.9.1991, p. 15.

⁽²⁾ OJ L 24, 30.1.1998, p. 31.

⁽³⁾ OJ L 187, 7.7.1992, p. 41.

⁽⁴⁾ See page 64 of this Official Journal.

HAS ADOPTED THIS DECISION:

Article 1

The Veterinary Services Division (VSD) of the Ministry of Agriculture shall be the competent authority in Jamaica for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.

Article 2

Fishery and aquaculture products originating in Jamaica must meet the following conditions:

1. Each consignment must be accompanied by a numbered original health certificate, duly completed, signed, dated and comprising a single sheet in accordance with the model in Annex A hereto;
2. The products must come from approved establishments, factory vessels, cold stores or registered freezer vessels listed in Annex B hereto;
3. Except in the case of frozen fishery products in bulk and intended for the manufacture of preserved foods, all packages must bear the word 'JAMAICA' and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin in indelible letters.

Article 3

1. Certificates as referred to in Article 2(1) must be drawn up in at least one official language of the Member State where the checks are carried out.
2. Certificates must bear the name, capacity and signature of the representative of the VSD and the latter's official stamp in a colour different from that of other endorsements.

Article 4

This Decision shall come into effect 60 days after its publication in the *Official Journal of the European Communities*.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 22 December 2000.

For the Commission

David BYRNE

Member of the Commission

ANNEX A

HEALTH CERTIFICATE

for fishery and aquaculture products originating in JAMAICA and intended for export to the European Community, including frozen marine gastropods but excluding bivalve molluscs, echinoderms and tunicates in whatever form

Reference No:

Country of dispatch: JAMAICA

Competent authority: Veterinary Services Division (VSD) of the Ministry of Agriculture

I. Details identifying the fishery products

- Description of fishery/aquaculture products ⁽¹⁾:
- Species (scientific name):
- Presentation of product and type of treatment ⁽²⁾:
- Code number (where available):
- Type of packaging:
- Number of packages:
- Net weight:
- Requisite storage and transport temperature:

II. Origin of products

Name(s) and official approval/registration number(s) of establishment(s), factory vessel(s), or cold store(s) approved or freezer vessel(s) registered by the VSD for export to the EC:

.....
.....

III. Destination of products

The products are dispatched

from:
(place of dispatch)

to:
(country and place of destination)

by the following means of transport:

Name and address of dispatcher:.....
.....

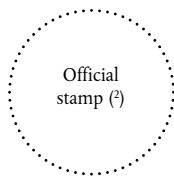
Name of consignee and address at place of destination:
.....

⁽¹⁾ Delete where applicable.
⁽²⁾ Live, refrigerated, frozen, salted, smoked, preserved.

IV. Health attestation

- The official inspector hereby certifies that the fishery or aquaculture products specified above:
 1. were caught and handled on board vessels in accordance with the health rules laid down by Directive 92/48/EEC;
 2. were landed, handled and where appropriate packaged, prepared, processed, frozen, thawed and stored hygienically in compliance with the requirements laid down in Chapters II, III and IV of the Annex to Directive 91/493/EEC;
 3. have undergone health controls in accordance with Chapter V of the Annex to Directive 91/493/EEC;
 4. are packaged, marked, stored and transported in accordance with Chapters VI, VII and VIII of the Annex to Directive 91/493/EEC;
 5. do not come from toxic species or species containing biotoxins;
 6. have satisfactorily undergone the organoleptic, parasitological, chemical and microbiological checks laid down for certain categories of fishery products by Directive 91/493/EEC and in the implementing decisions thereto;
 7. in addition, where the fishery products are frozen or processed marine gastropods they were obtained from the approved production areas laid down in the Annex to the Commission Decision 2001/37/EC of 22 December 2000 laying down special conditions for the import of marine gastropods originating in Jamaica ⁽¹⁾.
- The undersigned official inspector hereby declares that he is aware of the provisions of Directives 91/492/EEC, 91/493/EEC, 92/48/EEC and Decisions 2001/36/EC and 2001/37/EC.

Done at , on
(Place) (Date)



.....
.....
Signature of official inspector (2)
(Name in capital letters, capacity and qualifications of person signing)

⁽¹⁾ See page 64 of this Official Journal.
⁽²⁾ The colour of the stamp and signature must be different from that of the other particulars in the certificate.

ANNEX B

LIST OF ESTABLISHMENTS AND VESSELS

Approval No	Name	City Region	Category
VSDJ/DYC-007	DYC Fishing Ltd	Kingston	PP
VSDJ/JAL-003	Jamaica Aquaculture Ltd	Barton Isles, St. Elizabeth	PP
VSDJ/TRE-009	Tonrick Enterprise Ltd	Yallahs, St. Thomas	PP
VSDJ/LK-040	Lady Kim (Stanley Mohammed)	Lionel Town Clarendon	ZV

PP: Processing plant.

ZV: Freezer vessel.

COMMISSION DECISION

of 22 December 2000

laying down special conditions for the import of marine gastropods originating in Jamaica

(notified under document number C(2000) 4080)

(Text with EEA relevance)

(2001/37/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

purification centres and public health control and production monitoring.

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/492/EEC of 15 July 1991 laying down the health conditions for the production and the placing on the market of bivalve molluscs ⁽¹⁾, as last amended by Directive 97/79/EC ⁽²⁾, and in particular Article 9(3)(b) thereof,

Whereas:

- (1) A Commission expert has conducted an inspection visit to Jamaica to verify the conditions under which the marine gastropods are produced, stored and dispatched to the Community.
- (2) Pursuant to Article 1 of Directive 91/492/EEC, with exception of the provisions on purification, this Directive applies to echinoderms, tunicates and marine gastropods.
- (3) The provisions of legislation of Jamaica make the Veterinary Services Division (VSD) of the Ministry of Agriculture responsible for inspecting the health of marine gastropods and for monitoring the hygiene and sanitary conditions of production. The same legislation empowers VSD to authorise or prohibit the harvesting of the marine gastropods from certain zones.
- (4) VSD and its laboratories are capable of effectively verifying the application of the laws in force in Jamaica
- (5) The competent authorities of Jamaica have undertaken to communicate regularly and quickly to the Commission data on the presence of plankton containing toxins in the harvesting zones.
- (6) The competent authorities of Jamaica have provided official assurances regarding compliance with the requirements specified in Chapter V of the Annex to Directive 91/492/EC and with requirements equivalent to those prescribed in that Directive for the classification of production and relaying zones, approval of dispatch and

- (7) Pursuant to Article 9(3)(b)(ii) of Directive 91/492/EEC the demarcation of the production areas from which marine gastropods may be harvested and imported should be laid down. These demarcations must be drawn up on the basis of a communication from the VSD to the Commission. It is therefore for the VSD to ensure compliance with the provisions laid down to that end in Article 9(3) of Directive 91/492/EEC. The VSD should notify to the Commission any possible changes in the approval of production areas.

- (8) Jamaica is eligible for inclusion in the list of third countries fulfilling the conditions of equivalence referred to in Article 9(3)(a) of Directive 91/492/EEC, as regards marine gastropods.

- (9) Jamaica wishes to export to the Community frozen marine gastropods therefore, pursuant to Article 3(4)(b), in addition to the requirements of Directive 91/492/EEC they shall satisfy those of Directive 91/493/EEC. For this purpose, the production areas from which marine gastropods may be harvested and exported to the Community should be designated. Furthermore the list of establishments from which the imports should be authorised and the model of health certificate which should accompany the imports have been laid down by Commission Decision 2001/36/EC of 22 December 2000 laying down special conditions governing imports of fishery products originating in Jamaica ⁽³⁾.

- (10) The special import conditions should apply without prejudice to decisions taken pursuant to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products ⁽⁴⁾, as last amended by Directive 98/45/EC ⁽⁵⁾.

- (11) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

⁽¹⁾ OJ L 268, 24.9.1991, p. 1.

⁽²⁾ OJ L 24, 30.1.1998, p. 31.

⁽³⁾ See page 59 of this Official Journal.

⁽⁴⁾ OJ L 46, 19.2.1991, p. 1.

⁽⁵⁾ OJ L 189, 3.7.1998, p. 12.

HAS ADOPTED THIS DECISION:

Article 3

This Decision shall come into effect 60 days after its publication in the *Official Journal of the European Communities*.

Article 1

The Veterinary Services Division (VSD) of the Ministry of Agriculture shall be the competent authority in Jamaica for verifying and certifying that marine gastropods fulfil the requirements of Directive 91/492/EEC.

Article 4

This Decision is addressed to the Member States.

Article 2

Marine gastropods originating in Jamaica and intended for human consumption must originate in the authorised production areas listed in the Annex hereto.

Done at Brussels, 22 December 2000.

For the Commission

David BYRNE

Member of the Commission

ANNEX

Number	Name	Location		Category
		Latitude	Longitude	
1	Pedro Bank	16° 56'	77° 53'	A
		17° 08'	77° 53'	
		16° 46'	78° 20'	
		17° 14'	78° 20'	
2	Pedro Bank	16° 46'	78° 20'	A
		17° 14'	78° 20'	
		16° 56'	78° 40'	
		17° 32'	78° 40'	
3	Pedro Bank	16° 56'	77° 53'	A
		17° 08'	77° 53'	
4	Pedro Bank	16° 56'	78° 40'	A
		17° 11'	78° 40'	
		16° 46'	78° 52'	
		17° 14'	78° 52'	
5	Pedro Bank	17° 36'	78° 52'	A
		17° 14'	78° 52'	
		17° 11'	78° 40'	
		17° 32'	78° 40'	

COMMISSION DECISION

of 22 December 2000

amending Decision 97/20/EC establishing the list of third countries fulfilling the equivalence conditions for the production and placing on the market of bivalve molluscs, echinoderms, tunicates and marine gastropods

(notified under document number C(2000) 4083)

(Text with EEA relevance)

(2001/38/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/492/EEC of 15 July 1991 laying down the health conditions for the production and the placing on the market of live bivalve molluscs ⁽¹⁾, as last amended by Directive 97/79/EC ⁽²⁾, and in particular Article 9(3)(b) thereof,

Whereas:

- (1) Commission Decision 97/20/EC ⁽³⁾, as last amended by Decision 2000/332/EC ⁽⁴⁾, establishes the list of third countries from which imports of bivalve molluscs, echinoderms, tunicates and marine gastropods in whatever form are authorised for human consumption.
- (2) Commission Decision 2001/37/EC ⁽⁵⁾ lays down special conditions for the import of marine gastropods originating in Jamaica and Commission Decision 2001/36/EC ⁽⁶⁾ lays down the special conditions governing imports of fishery products originating in Jamaica including frozen marine gastropods, therefore Decision 97/20/EC should be amended to include Jamaica in part I of the list.

- (3) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 97/20/EC is replaced by the Annex to this Decision.

Article 2

This Decision shall come into effect 60 days after its publication in the *Official Journal of the European Communities*.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 22 December 2000.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 268, 24.9.1991, p. 1.

⁽²⁾ OJ L 24, 30.1.1998, p. 31.

⁽³⁾ OJ L 6, 10.1.1997, p. 46.

⁽⁴⁾ OJ L 114, 13.5.2000, p. 40.

⁽⁵⁾ See page 64 of this Official Journal.

⁽⁶⁾ See page 59 of this Official Journal.

ANNEX

List of third countries from which imports of bivalve molluscs, echinoderms, tunicates and marine gastropods in whatever form for human consumption are authorised

I. Third countries which have been the subject of a specific decision based on Directive 91/492/EEC:

AU AUSTRALIA
CL CHILE
JM JAMAICA (only for marine gastropods)
KR SOUTH KOREA
MA MOROCCO
PE PERU
TN TUNISIA
TR TURKEY
VN SOCIALIST REPUBLIC OF VIETNAM

II. Third countries, which may be the subject of a provisional decision, based on Decision 95/408/EC:

CA CANADA
FO FAEROE ISLANDS
GL GREENLAND
NZ NEW ZEALAND
TH THAILAND (only for products sterilised or heat-treated under the conditions laid down in Commission Decision 93/25/EEC)
US UNITED STATES OF AMERICA

COMMISSION DECISION

of 22 December 2000

laying down special conditions governing imports of fishery products originating in the Czech Republic

(notified under document number C(2000) 4085)

(Text with EEA relevance)

(2001/39/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products ⁽¹⁾, as last amended by Directive 97/79/EC ⁽²⁾, and in particular Article 11 thereof,

Whereas:

- (1) A Commission expert has conducted an inspection visit to the Czech Republic to verify the conditions under which fishery products are produced, stored and dispatched to the Community.
- (2) The provisions of legislation of the Czech Republic on health inspection and monitoring of fishery products may be considered equivalent to those laid down in Directive 91/493/EEC.
- (3) In the Czech Republic the State Veterinary Administration (SVA) is capable of effectively verifying the application of the laws in force.
- (4) The procedure for obtaining the health certificate referred to in Article 11(4)(a) of Directive 91/493/EEC must also cover the definition of a model certificate, the minimum requirements regarding the language(s) in which it must be drafted and the grade of the person empowered to sign it.
- (5) Pursuant to Article 11(4)(b) of Directive 91/493/EEC, a mark should be affixed to packages of fishery products giving the name of the third country and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin.
- (6) Pursuant to Article 11(4)(c) of Directive 91/493/EEC a list of approval establishments, factory vessels, or cold stores must be drawn up, and a list of freezer vessels equipped in accordance with points 1 to 7 of Annex II to Directive 92/48/EEC ⁽³⁾ must be also drawn up. These limits must be drawn up on the basis of a communication from the SVA to the Commission. It is therefore for the SVA to ensure compliance with the provisions laid down to that end in Article 11(4) of Directive 91/493/EEC.

- (7) The SVA has provided official assurances regarding compliance with the rules set out in Chapter V of the Annex to Directive 91/493/EEC and regarding the fulfilment of requirements equivalent to those laid down by that Directive.
- (8) The imports of fishery products from the Czech Republic are mainly constituted of live freshwater fish (mainly carp) from fish farms intended for direct human consumption or for direct processing, it is necessary to provide specific import conditions and certification requirement to prevent the introduction of disease affecting aquaculture animals which could be introduced in the Community when importing live animals for human consumption.
- (9) The special import conditions should apply without prejudice to Decisions taken pursuant to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products ⁽⁴⁾, as last amended by Directive 98/45/EC ⁽⁵⁾.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The State Veterinary Administration (SVA) shall be the competent authority in the Czech Republic for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.

Article 2

1. Notwithstanding the provisions designed to protect animal health, fishery and aquaculture products originating in the Czech Republic must meet the following conditions.

- 1.1. Each consignment must be accompanied by a numbered original health certificate, duly completed, signed, dated and comprising a single sheet in accordance with the model in Annex A hereto.

⁽¹⁾ OJ L 268, 24.9.1991, p. 15.

⁽²⁾ OJ L 24, 30.1.1998, p. 31.

⁽³⁾ OJ L 187, 7.7.1992, p. 41.

⁽⁴⁾ OJ L 46, 19.2.1991, p. 1.

⁽⁵⁾ OJ L 189, 3.7.1998, p. 12.

- 1.2. The products must come from approved establishments, factory vessels, cold stores or registered freezer vessels listed in Annex B hereto.
 - 1.3. Except in the case of frozen fishery products in bulk and intended for the manufacture of preserved foods, all packages must bear the words 'CZECH REPUBLIC' and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin in indelible letters.
 - 1.4. Additionally, each container of live fish must bear a label containing the following statement. 'Only for direct human consumption or direct processing. Shall not be reimmersed in Community waters'.
2. Member States shall ensure that live fish imported from the Czech Republic are not reimmersed in Community waters.

Article 3

1. Certificates as referred to in Article 2(1) must be drawn up in at least one official language of the Member State where the checks are carried out.

2. Certificate must bear the name, capacity and signature of the representative of the SVA and the latter's official stamp in a colour different from that of other endorsements.

Article 4

This Decision shall come into effect 60 days after its publication in the *Official Journal of the European Communities*.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 22 December 2000.

For the Commission

David BYRNE

Member of the Commission

ANNEX A

HEALTH CERTIFICATE

for fishery and aquaculture products originating in the CZECH REPUBLIC and intended for export to the European Community, excluding bivalve molluscs, echinoderms, tunicates and marine gastropods in whatever form

Reference No:

Country of dispatch: CZECH REPUBLIC

Competent authority: State Veterinary Administration (SVA)

I. Details identifying the fishery products

- Description of fishery/aquaculture products ⁽¹⁾:
- species (scientific name):
- presentation of product and type of treatment ⁽²⁾:
- Code number (where available):
- Type of packaging:
- Number of packages:
- Net weight:
- Requisite storage and transport temperature:

II. Origin of products

Name(s) and official approval/registration number(s) of establishment(s), factory vessel(s), or cold store(s) approved or freezer vessel(s) registered by the SVA for export to the EC:

.....

.....

.....

III. Destination of products

The products are dispatched

from:
(place of dispatch)

to:
(country and place of destination)

by the following means of transport:

Name and address of dispatcher:

.....

Name of consignee and address at place of destination:

.....

⁽¹⁾ Delete where applicable.
⁽²⁾ Live, refrigerated, frozen, salted, smoked, preserved.

IV. Health attestation

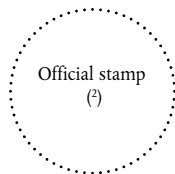
- The official inspector hereby certifies that the fishery or aquaculture products specified above:
 1. were caught and handled on board vessels in accordance with the health rules laid down by Directive 92/48/EEC;
 2. were landed, handled and where appropriate packaged, prepared, processed, frozen, thawed and stored hygienically in compliance with the requirements laid down in Chapters II, III and IV of the Annex to Directive 91/493/EEC;
 3. have undergone health controls in accordance with Chapter V of the Annex to Directive 91/493/EEC;
 4. are packaged, marked, stored and transported in accordance with Chapters VI, VII and VIII of the Annex to Directive 91/493/EEC;
 5. do not come from toxic species or species containing biotoxins;
 6. have satisfactorily undergone the organoleptic, parasitological, chemical and microbiological checks laid down for certain categories of fishery products by Directive 91/493/EEC and in the implementing decisions thereto.
- The undersigned official inspector hereby declares that he is aware of the provisions of Directives 91/493/EEC and 92/48/EEC and Decision 2001/39/EC.

V. Animal health attestation ⁽¹⁾

The official inspector hereby certifies that the live fish or aquaculture animals specified above:

1. are intended only for direct human consumption or direct processing and cannot be released in open waters in the Community;
2. these animals did not show clinical signs of disease on the day of loading.

Done at , on
(Place) (Date)



.....
Signature of official inspector ⁽²⁾

.....
(Name in capital letters, capacity and qualifications of person signing)

⁽¹⁾ Only for live fish or aquaculture animals intended for direct human consumption or direct processing.
⁽²⁾ The colour of the stamp and signature must be different from that of the other particulars in the certificate.

ANNEX B

LIST OF ESTABLISHMENTS AND VESSELS

Approval No	Name	City Region	Category
CZ 425	Rybárství Trebon a.s.	TREBON JINDRICHUV HRADEC	PP
CZ 429	Rybárství Telc, a.s.	TELC JIHLAVA	PP
CZ 430	Ing. Savo Mardesic-Antun Mardesic	PRAHA 4	PP
CZ 433	Rybníkářství Pohorelice, a.s.	POHORELICE BRECLAV	PP
CZ 435	Zpracovna ryb Klatovy-Tajanov	KLATOVY KLATOVY	PP
CZ 438	Lísno s.r.o., Konopiste	BENESOV BENESOV	PP
CZ 1001	Blatenská ryba s.r.o.	BLATNA STRAKONICE	PP
CZ 1002	Rybníkářství Hluboká a.s.	HLUBOKA N. VLTAVOU CESKE BUDEJOVICE	PP
CZ 1003	Rybárství Tábor a.s.	TABOR TABOR	PP
CZ 1004	Rybárství Trebon a.s.	TREBON JINDRICHUV HRADEC	PP
CZ 1005	Klatovské rybárství a.s.	KLATOVY KLATOVY	PP
CZ 1006	Ceské rybárství s.r.o. Mariánské Lázně	MARIÁNSKÉ LÁZNE CHEB	PP
CZ 1007	Rybárství Chlumeck nad Cidl. A.s.	CHLUMEC NAD. CIDL. HRADEC KRÁLOVÉ	PP
CZ 1008	Rybníkářství Pohorelice a.s.	POHORELICE BRECLAV	PP
CZ 1009	Rybárství Telc a.s.	TELC JIHLAVA	PP
CZ 1010	Rybárství Velké Mezířící a.s.	VELKE MEZIRICI ZDAR NAD SAZAVOU	PP
CZ 1013	Výzkumný ústav rybářský a hydrobiologický Jihočeské university se sídlem ve Vodnanech	VODNANY STRAKONICE	PP
CZ 1014	Skolní rybárství SRS Protivín	PROTIVIN PÍSEK	PP
CZ 1015	Lísno s.r.o., Konopiste	KONOPISTE BENESOV	PP

Approval No	Name	City Region	Category
CZ 1016	Jeroným Colloredo-Mansfeld, Lesní a rybářská správa Zbiroh	ZBIROH ROKYCANY	PP
CZ 1017	Kinského rybářství s.r.o.	ZDAR N. SAZAVOU ZDAR N. SAZAVOU	PP
CZ 1018	Lesy a rybníky města Českých Budějovic s.r.o.	CESKE BUDEJOVICE CESKE BUDEJOVICE	PP
CZ 1020	Stici líhen s.r.o.	TABOR TABOR	PP
CZ 1023	Petrusz zdar s.r.o. rybářství Nové Hradý	NOVE HRADY V JIZ. CECHACH CESKE BUDEJOVICE	PP
CZ 1024	Krystof Jaroslav Kolowrat Krabowský	OPOCNO RYCHNOV N.K.	PP
CZ 1025	Ing. Dalibor Vojkovský, Rybářství Tylov	KRNOV BRUNTAL	PP
CZ 1028	Chov ryb Jistebník s.r.o.	JISTEBNIK NOVÝ JICIN	PP
CZ 1029	Ing. Vladislav Kubec KF Holýšov	HOLYSOV PELHRIMOV	PP
CZ 1030	Městské lesy	DOMAZLICE DOMAZLICE	PP
CZ 1032	Rybářství Lnáře s.r.o.	LNARE STRAKONICE	PP
CZ 1033	Rybářství Kardasova Recice, s.r.o.	KAPLICE CESKÝ KRUMLOV	PP
CZ 1036	Rybářství Ruzicka s.r.o.	ZDAR N. SAZAVOU ZDAR N. SAZAVOU	PP
CZ 1038	Městské hospodářství Vodnany, s.r.o.	VODNANY STRAKONICE	PP
CZ 1039	Karel Schwarzenbergh, Lesní správa Orlik nad Vltavou	CIMELICE PÍSEK	PP
CZ 1040	Svarc-chov ryb na oteplené vode	VELKA BYSTRICE OLOMOUC	PP
CZ 1042	Rybářství Hodonín s.r.o.	HODONÍN HODONÍN	PP
CZ 1043	Sticí líhen ESOX, s.r.o.	TABOR TABOR	PP
CZ 1044	Josef Vanek	LIBOVA TABOR	PP
CZ 1045	Sofisch-Trading, s.r.o.	SOBESLAV TABOR	PP
CZ 1046	Salmo, Zdenek Masat	TABOR TABOR	PP

Approval No	Name	City Region	Category
CZ 1047	Rybárství Litomyšl, s.r.o.	LITOMYSL SVITAVY	PP
CZ 1048	Pálava Pasohlávky, s.r.o.	PASOHLAVKY BRECLAV	PP
CZ 1050	Nieslanik a syn, Chov a prodej ryb	JABLUNKOV FRYDEK-MISTEK	PP
CZ 1052	Státní rybárství s.p. Hluboká n. Vltavou	HAVLOVICE CHRUDIM	PP
CZ 1053	Krsek Václav, Chov lososovitých ryb	KUNVALD USTI NAD ORLICI	PP
CZ 1054	Rybárství a chov drubeze, Zdenek Horák	NOVA DEDINA OLOMOUC	PP
CZ 1055	Rantep Jeseník, s.r.o.	JESENIK JESENIK	PP
CZ 1057	Ceský rybárský svaz, MO Nový Bor	NOVY BOR CESKA LIPA	PP
CZ 1058	Dvur Lnár, s.r.o.	LNARE STRAKONICE	PP
CZ 1060	Ing. Ivan Jaros, Rybníkářství	JINDRICHUV HRADEC JINDRICHUV HRADEC	PP
CZ 1062	Rybarství Jindrichuv Hradec, s.r.o.	KAMENICE NAD LIPOU PELHRIMOV	PP
CZ 1063	Rybníční hospodářství, s.r.o.	LÁZNE BOHDANEC PARDUBICE	PP
CZ 1065	Ing. Joachimsthal Martin	ZIROVNICE PELHRIMOV	PP
CZ 1066	Alcedor, s.r.o.	CESKE BUDEJOVICE CESKE BUDEJOVICE	PP
CZ 1067	Pavel Duda	TABOR TABOR	PP
CZ 1068	Rybarství Vysociny, v.o.s.	CHOTEBOR HAVLICKUV BROD	PP
CZ 3003	Fjord Bohemia, spol. s.r.o.	PRAHA 9 PRAHA	PP
CZ 3651	Lesy Hluboká n. Vltavou, a.s.	HLUBOKA N. VLTAVOU CESKE BUDEJOVICE	PP

PP: Processing plant.

COMMISSION DECISION
of 22 December 2000
amending Decision 97/296/EC drawing up the list of third countries from which the import of
fishery products is authorised for human consumption

(notified under document number C(2000) 4086)

(Text with EEA relevance)

(2001/40/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 95/408/EC of 22 June 1995 on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorised to import certain products of animal origin, fishery products or live bivalve molluscs ⁽¹⁾, as last amended by Decision 98/603/EC ⁽²⁾, and in particular Article 2(2) thereof,

Whereas:

- (1) Commission Decision 97/296/EC ⁽³⁾, as last amended by Decision 2000/674/EC ⁽⁴⁾, lists the countries and territories from which importation of fishery products for human consumption is authorised. Part I of the Annex lists the names of the countries and territories covered by a specific Decision and part II names those qualifying under Article 2(2) of Decision 95/408/EC.
- (2) Commission Decisions 2001/36/EC ⁽⁵⁾ and 2001/39/EC ⁽⁶⁾ set specific import conditions for fishery and aquaculture products originating in Jamaica and the Czech Republic, respectively. Jamaica and the Czech Republic should therefore be added to part I of the Annex.
- (3) Given the seriousness of the deficiencies observed during an inspection visit to St Vincent and the Grenadines, imports of fishery products from this country should

not be authorised and, therefore, this country shall be deleted from the list of the Annex.

- (4) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to this Decision replaces the Annex to Decision 97/296/EC.

Article 2

This Decision shall come into effect 60 days after its publication in the *Official Journal of the European Communities*.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 22 December 2000.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 243, 11.10.1995, p. 17.

⁽²⁾ OJ L 289, 28.10.1998, p. 36.

⁽³⁾ OJ L 122, 14.5.1997, p. 21.

⁽⁴⁾ OJ L 280, 4.11.2000, p. 59.

⁽⁵⁾ See page 59 of this Official Journal.

⁽⁶⁾ See page 68 of this Official Journal.

ANNEX

LIST OF COUNTRIES AND TERRITORIES FROM WHICH IMPORTATION OF FISHERY PRODUCTS IN ANY FORM INTENDED FOR HUMAN CONSUMPTION IS AUTHORISED

I. Countries and territories covered by a specific decision under Council Directive 91/493/EEC

AL — ALBANIA	MG — MADAGASCAR
AR — ARGENTINA	MR — MAURITANIA
AU — AUSTRALIA	MU — MAURITIUS
BD — BANGLADESH	MV — MALDIVES
BR — BRAZIL	MX — MEXICO
CA — CANADA	MY — MALAYSIA
CI — CÔTE D'IVOIRE	NA — NAMIBIA
CL — CHILE	NG — NIGERIA
CN — CHINA	NZ — NEW ZEALAND
CO — COLOMBIA	OM — OMAN
CU — CUBA	PA — PANAMA
CZ — CZECH REPUBLIC	PE — PERU
EC — ECUADOR	PH — PHILIPPINES
EE — ESTONIA	PK — PAKISTAN
FK — FALKLAND ISLANDS	PL — POLAND
FO — FAROE ISLANDS	RU — RUSSIA
GH — GHANA	SC — SEYCHELLES
GM — GAMBIA	SG — SINGAPORE
GT — GUATEMALA	SN — SENEGAL
ID — INDONESIA	TH — THAILAND
IN — INDIA	TN — TUNISIA
IR — IRAN	TW — TAIWAN
JM — JAMAICA	TZ — TANZANIA
JP — JAPAN	UY — URUGUAY
KR — SOUTH KOREA	VE — VENEZUELA
LT — LITHUANIA	VN — VIETNAM
LV — LATVIA	YE — YEMEN
MA — MOROCCO	ZA — SOUTH AFRICA

II. Countries and territories meeting the terms of Article 2(2) of Council Decision 95/408/EC

AG — ANTIGUA AND BARBUDA ⁽¹⁾	DZ — ALGERIA
AN — NETHERLANDS ANTILLES	ER — ERITREA
AO — ANGOLA	FJ — FIJI
AZ — AZERBAIJAN ⁽²⁾	GA — GABON
BJ — BENIN	GD — GRENADA
BS — BAHAMAS	GL — GREENLAND
BY — BELARUS	GN — GUINEA CONAKRY
BZ — BELIZE	HK — HONG KONG
CH — SWITZERLAND	HN — HONDURAS
CM — CAMEROON	HR — CROATIA
CR — COSTA RICA	HU — HUNGARY ⁽³⁾
CY — CYPRUS	IL — ISRAEL

⁽¹⁾ Authorised only for imports of fresh fish.

⁽²⁾ Authorised only for imports of caviar.

⁽³⁾ Authorised only for import of live animals intended for direct human consumption.

KE — KENYA	RO — ROMANIA
LK — SRI LANKA	SB — SOLOMON ISLANDS
MM — MYANMAR	SH — ST HELENA
MT — MALTA	SI — SLOVENIA
MZ — MOZAMBIQUE	SR — SURINAME
NC — NEW CALEDONIA	TG — TOGO
NI — NICARAGUA	TR — TURKEY
PF — FRENCH POLYNESIA	UG — UGANDA
PG — PAPUA NEW GUINEA	US — UNITED STATES OF AMERICA
PM — SAINT PIERRE AND MIQUELON	ZW — ZIMBABWE

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 2388/2000 of 13 October 2000 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

(Official Journal of the European Communities L 264 of 18 October 2000)

On page 186, text of CN code 2501 00 51 (column 2):

After 'Denatured', add footnote number '(?)'.

At the end of the text, replace footnote number '(?)' by number '(!)'.

At the bottom of the page, footnote number (!) should read:

'Entry under this subheading is subject to conditions laid down in the relevant Community provisions (see Articles 291 to 300 of Commission Regulation (EEC) No 2454/93 (OJ L 253, 11.10.1993, p. 71) and subsequent amendments).'

On page 734, CN code 0808 20 50, last two lines, column 2:

for: '35,4'

read: '35,7'.

On page 749, CN code 2204 30 96, 'Not less than EUR 195,4 but less than EUR 199,7', in column 3:

for: '17,4'

read: '17'.

Corrigendum to Commission Regulation (EC) No 2907/2000 of 28 December 2000 opening tariff quotas for the year 2001 for imports into the European Community of products originating in the Czech Republic, Slovak Republic, Romania, Hungary and Bulgaria

(Official Journal of the European Communities L 336 of 30 December 2000)

On page 58, in Article 3:

for: 'It shall apply with effect from 5 January 2001',

read: 'It shall apply with effect from 1 January 2001'.

Corrigendum to Commission Regulation (EC) No 7/2001 of 4 January 2001 establishing the standard import values for determining the entry price of certain fruit and vegetables

(Official Journal of the European Communities L 2 of 5 January 2001)

On page 7 in the Annex, under the column headed 'CN code':

for: '0707 10 00',

read: '0709 10 00'.
