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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 539/2001
of 15 March 2001**

listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 62, point (2)(b)(i) thereof,

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

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

Whereas:

- (1) Under Article 62, point (2)(b) of the Treaty, the Council is to adopt rules relating to visas for intended stays of no more than three months, and in that context it is required to determine the list of those third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement. Article 61 cites those lists among the flanking measures which are directly linked to the free movement of persons in an area of freedom, security and justice.
- (2) This Regulation follows on from the Schengen acquis in accordance with the Protocol integrating it into the framework of the European Union, hereinafter referred to as the 'Schengen Protocol'. It does not affect Member States' obligations deriving from the acquis as defined in Annex A to Decision 1999/435/EC of 20 May 1999 concerning the definition of the Schengen acquis for the purpose of determining, in conformity with the relevant provisions of the Treaty establishing the European Community and the Treaty on European Union, the legal basis for each of the provisions or decisions which constitute the acquis ⁽³⁾.
- (3) This Regulation constitutes the further development of those provisions in respect of which closer cooperation has been authorised under the Schengen Protocol and

falls within the area referred to in Article 1, point B, of Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis ⁽⁴⁾.

- (4) Pursuant to Article 1 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and to the Treaty establishing the European Community, Ireland and the United Kingdom are not participating in the adoption of this Regulation. Consequently and without prejudice to Article 4 of the aforementioned Protocol, the provisions of this Regulation apply neither to Ireland nor to the United Kingdom.
- (5) The determination of those third countries whose nationals are subject to the visa requirement, and those exempt from it, is governed by a considered, case-by-case assessment of a variety of criteria relating *inter alia* to illegal immigration, public policy and security, and to the European Union's external relations with third countries, consideration also being given to the implications of regional coherence and reciprocity. Provision should be made for a Community mechanism enabling this principle of reciprocity to be implemented if one of the third countries included in Annex II to this Regulation decides to make the nationals of one or more Member States subject to the visa obligation.
- (6) As the Agreement on the European Economic Area exempts nationals of Iceland, Liechtenstein and Norway from the visa requirement, these countries are not included in the list in Annex II hereto.

⁽¹⁾ OJ C 177 E, 27.6.2000, p. 66.

⁽²⁾ Opinion of 5 July 2000 (not yet published in the Official Journal).

⁽³⁾ OJ L 176, 10.7.1999, p. 1.

⁽⁴⁾ OJ L 176, 10.7.1999, p. 31.

- (7) As regards stateless persons and recognised refugees, without prejudice to obligations under international agreements signed by the Member States and in particular the European Agreement on the Abolition of Visas for Refugees, signed at Strasbourg on 20 April 1959, the decision as to the visa requirement or exemption should be based on the third country in which these persons reside and which issued their travel documents. However, given the differences in the national legislation applicable to stateless persons and to recognised refugees, Member States may decide whether these categories of persons shall be subject to the visa requirement, where the third country in which these persons reside and which issued their travel documents is a third country whose nationals are exempt from the visa requirement.
- (8) In specific cases where special visa rules are warranted, Member States may exempt certain categories of persons from the visa requirement or impose it on them in accordance with public international law or custom.
- (9) With a view to ensuring that the system is administered openly and that the persons concerned are informed, Member States should communicate to the other Member States and to the Commission the measures which they take pursuant to this Regulation. For the same reasons, that information should also be published in the *Official Journal of the European Communities*.
- (10) The conditions governing entry into the territory of the Member States or the issue of visas do not affect the rules currently governing recognition of the validity of travel documents.
- (11) In accordance with the principle of proportionality stated in Article 5 of the Treaty, enacting a Regulation listing the third countries whose nationals must be in possession of visas when crossing the external borders, and those whose nationals are exempt from that requirement, is both a necessary and an appropriate means of ensuring that the common visa rules operate efficiently.
- (12) This Regulation provides for full harmonisation as regards the third countries whose nationals are subject to the visa requirement for the crossing of Member States' external borders, and those whose nationals are exempt from that requirement. However, the application of the exemption from the visa requirement for nationals of certain third countries, which are listed in Annex II, will come into force only later. To that end, the Council will take a decision for each of those countries on the basis of reports drawn up by the Commission,

HAS ADOPTED THIS REGULATION:

Article 1

1. Nationals of third countries on the list in Annex I shall be required to be in possession of a visa when crossing the external borders of the Member States.
2. Without prejudice to Article 8(2), nationals of third countries on the list in Annex II shall be exempt from the requirement set out in paragraph 1, for stays of no more than three months in all.
3. Nationals of new third countries formerly part of countries on the lists in Annexes I and II shall be subject respectively to the provisions of paragraphs 1 and 2 unless and until the Council decides otherwise under the procedure laid down in the relevant provision of the Treaty.
4. The establishment by a third country on the list in Annex II of the visa requirement for nationals of a Member State shall give rise to the application of the following provisions, without prejudice to the provisions of any agreement which the Community may have concluded with that third country granting exemption from the visa requirement:
 - (a) the Member State may notify the Commission and the Council in writing of the fact that the third country has established the visa requirement;
 - (b) in the case of such notification, Member States' obligation to subject the nationals of the third country concerned to the visa requirement shall be established provisionally 30 days after notification unless the Council, acting by qualified majority beforehand, decides otherwise;
 - (c) provisional introduction of the visa requirement shall be published by the Council in the *Official Journal of the European Communities* before it takes effect;
 - (d) the Commission shall examine any request made by the Council or by a Member State that it submit a proposal to the Council amending the Annexes to this Regulation to include the third country concerned in Annex I and remove it from Annex II;
 - (e) if, prior to the adoption by the Council of such an amendment to the Annexes to this Regulation, the third country repeals its decision to establish the visa requirement, the Member State concerned shall immediately notify the Commission and the Council in writing accordingly;
 - (f) such notification shall be published by the Council in the *Official Journal of the European Communities*. The provisional introduction of the visa requirement for nationals of the third country concerned shall be repealed 7 days after the date of publication.

Article 2

For the purposes of this Regulation, 'visa' shall mean an authorisation issued by a Member State or a decision taken by such State which is required with a view to:

- entry for an intended stay in that Member State or in several Member States of no more than three months in total,
- entry for transit through the territory of that Member State or several Member States, except for transit at an airport.

Article 3

Without prejudice to obligations under the European Agreement on the Abolition of Visas for Refugees, signed at Strasbourg on 20 April 1959, recognised refugees and stateless persons:

- shall be subject to the visa requirement if the third country where they reside and which issued their travel document is one of the third countries listed in Annex I;
- may be exempted from the visa requirement if the third country where they reside and which issued their travel document is one of the third countries listed in Annex II.

Article 4

1. A Member State may provide for exceptions from the visa requirement provided for by Article 1(1) or from the exemption from the visa requirement provided for by Article 1(2) as regards:

- (a) holders of diplomatic passports, official-duty passports and other official passports;
- (b) civilian air and sea crew;
- (c) the flight crew and attendants on emergency or rescue flights and other helpers in the event of disaster or accident;
- (d) the civilian crew of ships navigating in international waters;
- (e) the holders of laissez-passer issued by some intergovernmental international organisations to their officials.

2. A Member State may exempt from the visa requirement a school pupil having the nationality of a third country listed in Annex I who resides in a third country listed in Annex II and is travelling in the context of a school excursion as a member of a group of school pupils accompanied by a teacher from the school in question.

3. A Member State may provide for exceptions from the exemption from the visa requirement provided for in Article 1(2) as regards persons carrying out a paid activity during their stay.

Article 5

1. Within 10 working days of the entry into force of this Regulation, Member States shall communicate to the other Member States and the Commission the measures they have taken pursuant to Article 3, second indent and Article 4. Any further changes to those measures shall be similarly communicated within five working days.

2. The Commission shall publish the measures communicated pursuant to paragraph 1 in the *Official Journal of the European Communities* for information.

Article 6

This Regulation shall not affect the competence of Member States with regard to the recognition of States and territorial units and passports, travel and identity documents issued by their authorities.

Article 7

1. Council Regulation (EC) No 574/1999⁽¹⁾ shall be replaced by this Regulation.

2. The final versions of the Common Consular Instruction (CCI) and of the Common Manual (CM), as they result from the Decision of the Schengen Executive Committee of 28 April 1999 (SCH/Com-ex(99) 13) shall be amended as follows:

1. the heading of Annex 1, part I of the CCI and of Annex 5, part I of the CM, shall be replaced by the following:

'Common list of third countries the nationals of which are subject to the visa requirement imposed by Regulation (EC) No 539/2001';

2. the list in Annex 1, part I of the CCI and in Annex 5, part I of the CM shall be replaced by the list in Annex I to this Regulation;

3. the heading of Annex 1, part II of the CCI and of Annex 5, part II of the CM shall be replaced by the following:

'Common list of third countries the nationals of which are exempted from the visa requirement by Regulation (EC) No 539/2001';

4. the list in Annex 1, part II of the CCI and in Annex 5, part II of the CM shall be replaced by the list in Annex II to this Regulation;

5. part III of Annex 1 to the CCI and part III of Annex 5 of the CM shall be deleted.

3. The decisions of the Schengen Executive Committee of 15 December 1997 (SCH/Com-ex(97)32) and of 16 December 1998 (SCH/Com-ex(98)53, rev.2) shall be repealed.

Article 8

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

2. However, for nationals of the country in Annex II marked with an asterisk, the date of entry into force of Article 1(2) shall be decided on subsequently by the Council, acting in accordance with Article 67(3) of the Treaty, on the basis of the report referred to in the following subparagraph.

To this end, the Commission shall request the country concerned to indicate which undertakings it is prepared to enter into on illegal immigration and illegal residence, including the repatriation of persons from that country who are illegally resident, and report thereon to the Council. The Commission shall submit to the Council a first report, accompanied by any useful recommendations, no later than 30 June 2001.

⁽¹⁾ OJ L 72, 18.3.1999, p. 2.

Pending adoption by the Council of the act embodying the abovementioned decision, the requirement laid down in Article 1(1) shall be applicable to nationals of that country. Articles 2 to 6 of this Regulation shall apply in full.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaty establishing the European Community.

Done at Brussels, 15 March 2001.

For the Council

The President

M-I. KLINGVALL

ANNEX I

Common list referred to in Article 1(1)

1. STATES

Afghanistan	Gabon
Albania	Gambia
Algeria	Georgia
Angola	Ghana
Antigua and Barbuda	Grenada
Armenia	Guinea
Azerbaijan	Guinea-Bissau
Bahamas	Guyana
Bahrain	Haiti
Bangladesh	India
Barbados	Indonesia
Belarus	Iran
Belize	Iraq
Benin	Jamaica
Bhutan	Jordan
Bosnia and Herzegovina	Kazakhstan
Botswana	Kenya
Burkina Faso	Kiribati
Burma/Myanmar	Kuwait
Burundi	Kyrgyzstan
Cambodia	Laos
Cameroon	Lebanon
Cape Verde	Lesotho
Central African Republic	Liberia
Chad	Libya
China	Madagascar
Colombia	Malawi
Congo	Maldives
Côte d'Ivoire	Mali
Cuba	Marshall Islands
Democratic Republic of the Congo	Mauritania
Djibouti	Mauritius
Dominica	Micronesia
Dominican Republic	Moldova
Egypt	Mongolia
Equatorial Guinea	Morocco
Eritrea	Mozambique
Ethiopia	Namibia
Federal Republic of Yugoslavia (Serbia-Montenegro)	Nauru
Fiji	Nepal
Former Yugoslav Republic of Macedonia	Niger

Nigeria	Surinam
North Korea	Swaziland
Northern Marianas	Syria
Oman	Tajikistan
Pakistan	Tanzania
Palau	Thailand
Papua New Guinea	The Comoros
Peru	Togo
Philippines	Tonga
Qatar	Trinidad and Tobago
Russia	Tunisia
Rwanda	Turkey
Saint Kitts and Nevis	Turkmenistan
Saint Lucia	Tuvalu
Saint Vincent and the Grenadines	Uganda
São Tomé and Príncipe	Ukraine
Saudi Arabia	United Arab Emirates
Senegal	Uzbekistan
Seychelles	Vanuatu
Sierra Leone	Vietnam
Solomon Islands	Western Samoa
Somalia	Yemen
South Africa	Zambia
Sri Lanka	Zimbabwe
Sudan	

2. ENTITIES AND TERRITORIAL AUTHORITIES THAT ARE NOT RECOGNISED AS STATES BY AT LEAST ONE MEMBER STATE

East Timor
Palestinian Authority
Taiwan

ANNEX II

Common list referred to in Article 1(2)

1. STATES

Andorra	Lithuania
Argentina	Malaysia
Australia	Malta
Bolivia	Mexico
Brazil	Monaco
Brunei	New Zealand
Bulgaria	Nicaragua
Canada	Panama
Chile	Paraguay
Costa Rica	Poland
Croatia	Romania (*)
Cyprus	Salvador
Czech Republic	San Marino
Ecuador	Singapore
Estonia	Slovakia
Guatemala	Slovenia
Holy See	South Korea
Honduras	Switzerland
Hungary	United States of America
Israel	Uruguay
Japan	Venezuela
Latvia	

2. SPECIAL ADMINISTRATIVE REGIONS OF THE PEOPLE'S REPUBLIC OF CHINA

- Hong Kong SAR ⁽¹⁾
- Macao SAR ⁽²⁾

⁽¹⁾ The visa requirement exemption applies only to holders of a 'Hong Kong Special Administrative Region' passport.

⁽²⁾ The visa requirement exemption applies only to holders of a 'Região Administrativa Especial de Macau' passport.

^(*) See Article 8(2).

COMMISSION REGULATION (EC) No 540/2001
of 20 March 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 21 March 2001.

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

Done at Brussels, 20 March 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 20 March 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	104,8	
	204	50,4	
	212	117,6	
	999	90,9	
0707 00 05	052	148,6	
	999	148,6	
0709 10 00	220	255,0	
	999	255,0	
0709 90 70	052	126,3	
	204	140,4	
	999	133,3	
0805 10 10, 0805 10 30, 0805 10 50	052	72,6	
	204	48,4	
	212	55,7	
	220	58,8	
	624	63,6	
	999	59,8	
0805 30 10	600	60,6	
	999	60,6	
0808 10 20, 0808 10 50, 0808 10 90	039	91,2	
	388	90,7	
	400	84,1	
	404	77,8	
	508	91,7	
	512	84,2	
	528	91,5	
	720	106,2	
	728	105,3	
	999	91,4	
	0808 20 50	388	70,5
		512	75,3
		528	75,1
999		73,6	

(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 541/2001
of 20 March 2001
on the supply of cereals as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security ⁽¹⁾, and in particular Article 24(1)(b) thereof,

Whereas:

- (1) The abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage.
- (2) Following the taking of a number of decisions on the allocation of food aid, the Commission has allocated cereals to certain beneficiaries.
- (3) It is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied

under Council Regulation (EC) No 1292/96 as Community food aid ⁽²⁾. It is necessary to specify the time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Cereals shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 20 March 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOT A

1. **Action No:** 46/00
2. **Beneficiary** ⁽²⁾: Eritrea
3. **Beneficiary's representative:** Eritrean Relief and Refugees Commission, Asmara, Eritrea Mr Ibrahim Said, Director-General of Relief and Logistics; tel. (291-1) 18 22 22; fax 18 29 70
4. **Country of destination:** Eritrea
5. **Product to be mobilised:** common wheat
6. **Total quantity (tonnes net):** 15 000
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁵⁾: see OJ C 312, 31.10.2000, p. 1 (A.1)
9. **Packaging** ⁽⁷⁾: see OJ C 267, 13.9.1996, p. 1 (1.0 A1.c, 2.c and B.3)
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (II.A(3))
 - Language to be used for the markings: English
 - Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage:** ⁽⁸⁾: free at destination
13. **Alternative delivery stage:** free at port of shipment — fob stowed
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** Warehouse of Eritrean Relief and Refugees Commission, Asmara
 - port or warehouse of transit: Massawa
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 3.6.2001
 - second deadline: 17.6.2001
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: 23.4-6.5.2001
 - second deadline: 7-20.5.2001
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 4.4.2001
 - second deadline: 18.4.2001
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; tlx 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund** ⁽⁴⁾: refund applicable on 15.3.2001, fixed by Commission Regulation (EC) No 380/2001 (OJ L 55, 24.2.2001, p. 57)

LOT B

1. **Action No:** 52/00
2. **Beneficiary** ⁽²⁾: EuronAid, PO Box 12, 2501 CA Den Haag, Netherlands; tel. (31-70) 33 05 767; fax 36 41 701; telex 30960 EURON NL
3. **Beneficiary's representative:** to be designated by the beneficiary
4. **Country of destination:** Eritrea
5. **Product to be mobilised:** common wheat
6. **Total quantity (tonnes net):** 7 950
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁵⁾: see OJ C 312, 31.10.2000, p. 1(A.1)
9. **Packaging** ⁽⁷⁾: see OJ C 267, 13.9.1996, p. 1 (1.0 A 1.c, 2.c and B.3)
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (II.A(3))
 - Language to be used for the markings: English
 - Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage:** ⁽⁸⁾: free at port of landing — landed
13. **Alternative delivery stage:** free at port of shipment — fob stowed
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** Massawa
16. **Place of destination:**
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 27.5.2001
 - second deadline: 10.6.2001
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: 23.4-6.5.2001
 - second deadline: 7-20.5.2001
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 4.4.2001
 - second deadline: 18.4.2001
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; tlx 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund** ⁽⁴⁾: refund applicable on 15.3.2001, fixed by Commission Regulation (EC) No 380/2001 (OJ L 55, 24.2.2001, p. 57)

Notes:

- (¹) Supplementary information: Torben Vestergaard (tel. (32-2) 299 30 50; fax (32-2) 296 20 05).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EC) No 259/98 (OJ L 25, 31.1.1998, p. 39), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that indicated in point 22 of this Annex.
The supplier's attention is drawn to the last subparagraph of Article 4(1) of the above Regulation.
The photocopy of the export licence shall be sent as soon as the export declaration has been accepted on fax (32-2) 296 20 05.
- (⁵) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
— phytosanitary certificate.
- (⁶) Notwithstanding OJ C 114 of 29 April 1991, point II.A(3)(c) or II.B(3)(c) is replaced by the following: 'the words "European Community"'.
(⁷) Since the goods may be rebagged, the supplier must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
(⁸) In addition to the provisions of Article 14(3) of the Regulation (EC) No 2519/97, vessels chartered shall not appear on any of the four most recent quaternary lists of detained vessels as published by the Paris Memorandum of Understanding on Port State Control (Council Directive 95/21/EC (OJ L 157, 7.7.1995, p. 1)).
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COMMISSION REGULATION (EC) No 542/2001
of 20 March 2001
on the supply of vegetable oil as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security ⁽¹⁾, and in particular Article 24(1)(b) thereof,

Whereas:

- (1) The abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage.
- (2) Following the taking of a number of decisions on the allocation of food aid, the Commission has allocated vegetable oil to certain beneficiaries.
- (3) It is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied under Council Regulation (EC) No 1292/96 as Community food aid ⁽²⁾. It is necessary to specify the

time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Vegetable oil shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The supply shall cover the mobilisation of vegetable oil produced in the Community. Mobilisation may not involve a product manufactured and/or packaged under inward processing arrangements.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 20 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOTS A, B, C, D, E

1. **Action Nos:** 47/00 (A); 48/00 (B); 49/00 (C); 50/00 (D); 51/00 (E)
2. **Beneficiary** ⁽²⁾: UNRWA, Supply division, Amman Office, PO Box 140157, Amman - Jordan tlx 21170 UNRWA JO; tel. (962-6) 86 41 27; fax 586 41 27
3. **Beneficiary's representative:** UNRWA Field Supply and Transport Officer
A+E: PO Box 19149, Jerusalem, Israel (tel. (972-2) 589 05 55; tlx 26194 UNRWA IL; fax 581 65 64)
B: PO Box 947, Beirut, Lebanon (tel. (961-1) 840 461-7; telefax 603 683)
C: PO Box 4313, Damascus, Syria (tel. (963-11) 613 30 35; tlx 412006 UNRWA SY; fax 613 30 47)
D: PO Box 484, Amman, Jordan (tel. (962-6) 474 19 14/477 22 26; tlx 23402 UNRWA)FO JO; telefax 474 63 61)
4. **Country of destination:** A, E: Israel (A: Gaza; E: West Bank); B: Lebanon; C: Syria; D: Jordan
5. **Product to be mobilised:** refined sunflower oil
6. **Total quantity (tonnes net):** 939,6
7. **Number of lots:** 5 (A: 425,6 tonnes; B: 167,2 tonnes; C: 121,6 tonnes; D: 121,6 tonnes; E: 103,6 tonnes)
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾: see OJ C 312, 31.10.2000, p. 1 (D.2)
9. **Packaging** ⁽⁷⁾: see OJ C 267, 13.9.1996, p. 1 (10.7 A and B.3)
10. **Labelling or marking** ⁽⁵⁾ ⁽⁶⁾: see OJ C 114 29.4.1991, p. 1 (III.A.(3))
— language to be used for the markings: English
— supplementary markings: 'NOT FOR SALE'
lot D: 'Expiry date...' (date of manufacture plus 2 years)
11. **Method of mobilisation of the product:** mobilisation of refined sunflower oil produced in the Community.
The mobilisation may not involve a product manufactured and/or packaged under inward-processing arrangements.
12. **Specified delivery stage** ⁽⁸⁾: A, C, E: free at port of landing — FAS landed, container terminal
B and D: free at destination
13. **Alternative delivery stage:** free at port of shipment
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** A, E: Ashdod; C: Lattakia
16. **Place of destination:** UNRWA warehouse in Beirut (B) and Amman (D)
— port or warehouse of transit: —
— overland transport route: —
17. **Period or deadline of supply at the specified stage:**
— first deadline: A, B, C, E: 27.5.2001; D: 3.6.2001
— second deadline: A, B, C, E: 10.6.2001; D: 17.6.2001
18. **Period or deadline of supply at the alternative stage:**
— first deadline: 30.4-13.5.2001
— second deadline: 14-27.5.2001
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
— first deadline: 4.4.2001
— second deadline: 18.4.2001
20. **Amount of tendering guarantee:** EUR 15 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; tlx 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund:** —

Notes:

- (¹) Supplementary information: Torben Vestergaard (tel. (32-2) 299 30 50; fax (32-2) 296 20 05).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
— health certificate (including 'production date:...').
- (⁵) Notwithstanding OJ C 114, point III.A(3)(c) is replaced by the following: 'the words "European Community"'
- (⁶) Marking has to be done on the side surface of the barrels (minimum size of the European flag: 150 × 225 mm).
- (⁷) Shipment to take place in 20-foot containers: Lots A, C and E: the contracted shipping terms shall be considered full liner terms free port of landing container yard and is understood to cover 15 days — Saturdays, Sundays and official public and religious holidays excluded — free of container detention charges at the port of discharge taken from the day/time of the arrival of the vessel. The 15 day period should be clearly marked on the bill of lading. Bona fide detention charges levied in respect of container detention(s) in excess of the said 15 days as detailed above will be borne by UNRWA. UNRWA shall not pay/not be charged any container deposit fees.
- After take-over of the goods at the delivery stage, the recipient will bear all costs of shifting the containers for destuffing outside the port area and of returning them to the container yard.
- Ashdod: consignment to be stowed in 20-foot containers containing not more than 17 tonnes each, net.
- (⁸) In addition to the provisions of Article 14(3) of Regulation (EC) No 2519/97, vessels chartered shall not appear on any of the four most recent quarterly lists of detained vessels as published by the Paris Memorandum of Understanding on Port State Control (Council Directive 95/21/EC (OJ L 157, 7.7.1995, p. 1)).
- (⁹) Lot C: the health certificate and the certificate of origin must be signed and stamped by a Syrian Consulate, including the statement that consular fees and charges have been paid.
-

COMMISSION REGULATION (EC) No 543/2001
of 20 March 2001
on the supply of white sugar as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security ⁽¹⁾, and in particular Article 24(1)(b) thereof,

Whereas:

- (1) The abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage.
- (2) Following the taking of a number of decisions on the allocation of food aid, the Commission has allocated white sugar to certain beneficiaries.
- (3) It is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied

pursuant to Council Regulation (EC) No 1292/96 as Community food aid ⁽²⁾. It is necessary to specify the time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

White sugar shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 20 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOTS A, B, C, D, E

1. **Action Nos:** 54/00 (A); 55/00 (B); 56/00 (C); 57/00 (D); 58/00 (E)
2. **Beneficiary** ⁽²⁾: UNRWA, Supply division, Amman Office, PO Box 140157, Amman - Jordan tlx 21170 UNRWA JO; tel. (962-6) 86 41 27; fax 586 41 27
3. **Beneficiary's representative:** UNRWA Field Supply and Transport Officer
A+E: PO Box 19149, Jerusalem, Israel (tel. (972-2) 589 05 55; tlx 26194 UNRWA IL; fax 581 65 64)
B: PO Box 947, Beirut, Lebanon (tel. (961-1) 840 461-7; telefax 603 683)
C: PO Box 4313, Damascus, Syria (tel. (963-11) 613 30 35; tlx 412006 UNRWA SY; fax 613 30 47)
D: PO Box 484, Amman, Jordan (tel. (962-6) 474 19 14/77 22 26; tlx 23402 UNRWAJFO JO; telefax: 474 63 61)
4. **Country of destination:** A and E: Israel (A: Gaza; E: West Bank); B: Lebanon; C: Syria; D: Jordan
5. **Product to be mobilised:** white sugar ('A' or 'B' sugar)
6. **Total quantity (tonnes net):** 1 900
7. **Number of lots:** 5 (A: 500 tonnes; B: 340 tonnes; C: 280 tonnes; D: 480 tonnes; E: 300 tonnes)
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁵⁾ ⁽⁹⁾: see OJ C 312, 31.10.2000, p. 1 (C1)
9. **Packaging** ⁽⁷⁾: see OJ C 267, 13.9.1996, p. 1 (11.2 A 1.b, 2.b and B.4)
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (V.A(3))
— Language to be used for the markings: English
— Supplementary markings: 'NOT FOR SALE'
11. **Method of mobilisation of the product:** The Community market
12. **Specified delivery stage** ⁽⁸⁾ ⁽¹¹⁾: A, C, E: free at port of landing — container terminal;
B and D: free at destination
13. **Alternative delivery stage:** free at port of shipment
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** A, and E: Ashdod; C: Lattakia
16. **Place of destination:** UNRWA warehouse in Beirut (B) and Amman (D)
— port or warehouse of transit: —
— overland transport route: —
17. **Period or deadline of supply at the specified stage:**
— first deadline: A, B, C, E: 20.5.2001; D: 27.5.2001
— second deadline: A, B, C, E: 3.6.2001; D: 10.6.2001
18. **Period or deadline of supply at the alternative stage:**
— first deadline: 23.4-6.5.2001
— second deadline: 7-20.5.2001
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
— first deadline: 4.4.2001
— second deadline: 18.4.2001
20. **Amount of tendering guarantee:** EUR 15 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; tlx 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund** ⁽⁴⁾: Refund applicable on 15.3.2001, fixed by Commission Regulation (EC) No 499/2001 (OJ L 73, 15.3.2001 p. 6)

Notes:

- (¹) Supplementary information: Torben Vestergaard (tel. (32-2) 299 30 50; fax (32-2) 296 20 05).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EC) No 259/98 (OJ L 25, 31.1.1998, p. 39), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that indicated in point 22 of this Annex.
The supplier's attention is drawn to the last subparagraph of Article 4(1) of the above Regulation. The photocopy of the export licence shall be sent as soon as the export declaration has been accepted (fax: (32-2) 296 20 05)).
- (⁵) The supplier shall supply to the beneficiary or its representative, on delivery, the following documents:
— health certificate (including 'production date:...').
- (⁶) Notwithstanding OJ C 114, point V.A(3)(c) is replaced by the following, 'the words "European Community"'
- (⁷) Since the goods may be rebagged, the supplier must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'
- (⁸) Shipment to take place in 20-foot containers: Lots A, C and E: The contracted shipping terms shall be considered full liner terms free port of landing container yard and is understood to cover 15 days — Saturdays, and official public and religious holidays excluded — free of container detention charges at the port of discharge taken from the day/time of the arrival of the vessel. The 15 day period should be clearly marked on the bill of lading. Bona fide detention charges levied in respect of container detention(s) in excess of the said 15 days as detailed above will be borne by UNRWA. UNRWA shall not pay/not be charged any container deposit fees.
After take-over of the goods at the delivery stage, the recipient will bear all costs of shifting the containers for destuffing outside the port area and of returning them to the container yard.
Ashdod: consignment to be stowed in 20-foot containers containing not more than 17 tonnes each, net.
- (⁹) Lot C: The health certificate and the certificate of origin must be signed and stamped by a Syrian Consulate, including the statement that consular fees and charges have been paid.
- (¹⁰) In addition to the provisions of Article 14(3) of Regulation (EC) No 2519/97, vessels chartered shall not appear on any of the four most recent quarterly lists of detained vessels as published by the Paris Memorandum of Understanding on Port State Control (Council Directive 95/21/EC, (OJ L 157, 7.7.1995, p. 1)).
-

**COMMISSION REGULATION (EC) No 544/2001
of 20 March 2001**

**laying down rules for the application of Council Regulation (EC) No 2200/96 as regards additional
financial assistance to operational funds**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 2826/2000 ⁽²⁾, and in particular Article 48 thereof,

Whereas:

- (1) Article 15(6) of Regulation (EC) No 2200/96 provides for Member States to be authorised to pay producer organisations national financial assistance in addition to the operational fund. Member States may request partial reimbursement by the Community of this additional assistance.
- (2) The way that aid is to be financed, as set out in Article 52 of Regulation (EC) No 2200/96, was amended with effect on 1 January 2000 by 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 ⁽³⁾. That aid is to be regarded in future as intervention intended to stabilise the agricultural market within the meaning of Article 1(2)(b) of Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy ⁽⁴⁾.
- (3) Under the circumstances, detailed rules should be laid down to bring the way of financing into line with this new situation. The provisions should relate in particular

to setting the level of Community assistance available at a comparative level to that previously available via the Community support framework.

- (4) As the provision of Article 56 of Regulation (EC) No 1257/1999 has been applied as from 1 January 2000, it is appropriate to apply the provisions of this Regulation to assistance paid for annual periods starting from said date.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

Expenditure referred to in the second subparagraph of Article 15(6) of Regulation (EC) No 2200/96 is financed by EAGGF Guarantee at a level of 50 % of the financial assistance granted to the producer organisation.

Article 2

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

It shall apply to aid paid in respect of annual periods commencing after 1 January 2000.

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

Done at Brussels, 20 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 328, 23.12.2000, p. 2.

⁽³⁾ OJ L 160, 26.6.1999, p. 80.

⁽⁴⁾ OJ L 160, 26.6.1999, p. 103.

**COMMISSION REGULATION (EC) No 545/2001
of 20 March 2001**

**amending Regulation (EC) No 1623/2000 laying down certain detailed rules for implementing
Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine with
regard to market mechanisms**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 2826/2000 ⁽²⁾, and in particular Article 33 thereof,

1. The second subparagraph of Article 46(4) of Regulation (EC) No 1623/2000 is replaced by the following:

‘In the case of producers who deliver wine and by-products of their own production for supervised experiments conducted by the Member States, the provisions referred to in Articles 45, 46 and 47 shall apply and aid shall be paid to the person authorised to conduct the experiment at a rate of EUR 0,277/% vol/hl.’

Whereas:

(1) Article 46(4) of Commission Regulation (EC) No 1623/2000 ⁽³⁾, as last amended by Regulation (EC) No 2786/2000 ⁽⁴⁾, lays down certain detailed implementing rules on the delivery of by-products of wine-making for experiments. These rules are not sufficiently clear and their wording needs to be amended accordingly.

2. The second and third indents of the first subparagraph of Article 64(3) of Regulation (EC) No 1623/2000 are replaced by the following:

‘— for at least six months and at most 12 months in the period running from 1 December of the wine year concerned until 30 November of the following year.

(2) Article 64(3) of Regulation (EC) No 1623/2000 lays down certain detailed implementing rules on the storage aid for alcohol resulting from the distillation referred to in Article 29 of Regulation (EC) No 1493/1999. These rules are not sufficiently clear and their wording needs to be amended accordingly.

However, for the 2000/01 wine year, secondary aid may be paid against aid applications submitted during the period running from 1 December 2000 until 30 May 2001 and for at least six months and at most 12 months.’

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

Article 2

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

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

Done at Brussels, 20 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 179, 14.7.1999, p. 1.

⁽²⁾ OJ L 328, 23.12.2000, p. 2.

⁽³⁾ OJ L 194, 31.7.2000, p. 45.

⁽⁴⁾ OJ L 323, 20.12.2000, p. 4.

**COMMISSION REGULATION (EC) No 546/2001
of 20 March 2001**

amending Regulation (EC) No 180/2001 derogating from the rules for the application of Council Regulation (EC) No 1251/1999 with regard to set-aside as a result of the adverse weather conditions in some Community regions

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1251/1999 of 17 May 1999 establishing a support system for producers of certain arable crops ⁽¹⁾, as last amended by Regulation (EC) No 1672/2000 ⁽²⁾, and in particular Article 9 thereof,

Whereas:

- (1) Eligibility for the area aid under the general scheme referred to in Article 2(3) of Regulation (EC) No 1251/1999 is subject to an obligation to set land aside.
- (2) The detailed rules of application fixed by Commission Regulation (EC) No 2316/1999 ⁽³⁾, as last amended by Regulation (EC) No 2860/2000 ⁽⁴⁾, stipulate that the set-aside period must begin no later than 15 January and that no agricultural production is authorised on the land set aside.
- (3) As a result of adverse weather conditions, Commission Regulation (EC) No 180/2001 ⁽⁵⁾ derogating from Regulation (EC) No 2316/1999 authorises producers to harvest certain crops no later than 28 February 2001 and to harvest potatoes and beet no later than 31 March 2001, without this affecting recognition of the lands in

question as properly set aside, provided that they prove that the applicable conditions have been complied with.

- (4) In view of the persistent rain in some Community regions, this derogation until 31 March should be extended to all crops which should normally be harvested before the beginning of January.
- (5) 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 second indent of Article 1 of Regulation (EC) No 180/2001 is replaced by:

‘— harvesting, where done, was done no later than 31 March 2001.’.

Article 2

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

It shall apply from 15 January 2001.

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

Done at Brussels, 20 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 1.

⁽²⁾ OJ L 193, 29.7.2000, p. 13.

⁽³⁾ OJ L 280, 30.10.1999, p. 43.

⁽⁴⁾ OJ L 332, 28.12.2000, p. 63.

⁽⁵⁾ OJ L 27, 30.1.2001, p. 15.

**COMMISSION REGULATION (EC) No 547/2001
of 20 March 2001**

applying a reduction coefficient to refund certificates for goods not covered by Annex I to the Treaty, as provided for by Article 8(5) of Regulation (EC) No 1520/2000

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty and the criteria for fixing the amount of such refunds ⁽³⁾, as amended by Regulation (EC) No 2390/2000 ⁽⁴⁾, and in particular Article 8(5),

Whereas:

- (1) The total amount of applications for refund certificates valid from 1 April 2001 exceeds the maximum referred to in Article 8(4) of Regulation (EC) No 1520/2000.

- (2) A reduction coefficient shall be calculated on the basis of Article 8(3) and (4) of Regulation (EC) No 1520/2000. Such coefficient should therefore be applied to amounts requested in the form of refund certificates valid from 1 April 2001 as established in Article 8(6) of Regulation (EC) No 1520/2000,

HAS ADOPTED THIS REGULATION:

Article 1

The amounts for applications of refund certificates valid from 1 April 2001 are subject to a reduction coefficient of 0,22.

Article 2

This Regulation shall enter into force on 21 March 2001.

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

Done at Brussels, 20 March 2001.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 318, 20.12.1993, p. 18.

⁽²⁾ OJ L 298, 25.11.2000, p. 5.

⁽³⁾ OJ L 177, 15.7.2000, p. 1.

⁽⁴⁾ OJ L 276, 28.10.2000, p. 3.

COMMISSION REGULATION (EC) No 548/2001
of 20 March 2001
fixing the export refunds on poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat ⁽¹⁾, as last amended by Commission Regulation (EC) No 2916/95 ⁽²⁾, and in particular Article 8(3) thereof,

Whereas:

- (1) Article 8 of Regulation (EEC) No 2777/75 provides that the difference between prices on the world market for the products listed in Article 1(1) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) It follows from applying these rules and criteria to the present situation on the market in poultrymeat that the refund should be fixed at an amount which would permit Community participation in world trade and

would also take account of the nature of these exports and their importance at the present time.

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

HAS ADOPTED THIS REGULATION:

Article 1

The list of product codes for which, when they are exported, the export refund referred to in Article 8 of Regulation (EEC) No 2777/75 is granted, and the amount of that refund shall be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 21 March 2001.

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

Done at Brussels, 20 March 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 77.

⁽²⁾ OJ L 305, 19.12.1995, p. 49.

ANNEX

to the Commission Regulation of 20 March 2001 fixing the export refunds on poultrymeat

Product code	Destination	Unit of measurement	Amount of refund
0207 12 10 9900	V01	EUR/100 kg	20,00
0207 12 90 9190	V01	EUR/100 kg	20,00
0207 12 90 9990	V01	EUR/100 kg	20,00

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

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

The other destinations are defined as follows:

V01 Angola, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, the United Arab Emirates, Jordan, Yemen, Lebanon, Iraq, Iran.

COMMISSION REGULATION (EC) No 549/2001
of 20 March 2001
fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending
Regulation (EC) No 1484/95

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EC) No 1516/96 ⁽²⁾, and in particular Article 5(4) thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽³⁾, as last amended by Commission Regulation (EC) No 2916/95 ⁽⁴⁾, and in particular Article 5(4) thereof,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin ⁽⁵⁾, as last amended by Regulation (EC) No 2916/95, and in particular Article 3(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95 ⁽⁶⁾, as last amended by Regulation (EC) No 296/2001 ⁽⁷⁾, fixes detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin.

- (2) It results from regular monitoring of the information providing the basis for the verification of the import prices in the poultrymeat and egg sectors and for egg albumin that the representative prices for imports of certain products should be amended taking into account variations of prices according to origin. Therefore, representative prices should be published.
- (3) It is necessary to apply this amendment as soon as possible, given the situation on the market.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1484/95 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 21 March 2001.

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

Done at Brussels, 20 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 49.

⁽²⁾ OJ L 189, 30.7.1996, p. 99.

⁽³⁾ OJ L 282, 1.11.1975, p. 77.

⁽⁴⁾ OJ L 305, 19.12.1995, p. 49.

⁽⁵⁾ OJ L 282, 1.11.1975, p. 104.

⁽⁶⁾ OJ L 145, 29.6.1995, p. 47.

⁽⁷⁾ OJ L 43, 14.2.2001, p. 16.

ANNEX

to the Commission Regulation of 20 March 2001 fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95

'ANNEX I

CN code	Description	Representative price EUR/100 kg	Security referred to in Article 3(3) EUR/100 kg	Origin (¹)
0207 14 10	Boneless cuts of fowl of the species <i>Gallus domesticus</i> , frozen	295,7	1	01
0207 14 70	Other parts of chicken, frozen	280,0	1	01

(¹) Origin of imports:
01 Brazil.'

**COMMISSION REGULATION (EC) No 550/2001
of 20 March 2001**

determining the world market price for ungin­ned cotton and the rate for the aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 on cotton, as last amended by Council Regulation (EC) No 1553/95 ⁽¹⁾,

Having regard to Council Regulation (EC) No 1554/95 of 29 June 1995 ⁽²⁾ laying down general rules for the system of aid for cotton and repealing Regulation (EEC) No 2169/81, as last amended by Regulation (EC) No 1419/98 ⁽³⁾, and in particular Articles 3, 4 and 5 thereof,

Whereas:

- (1) Article 3 of Regulation (EC) No 1554/95 requires a world market price for ungin­ned cotton to be periodically determined from the world market price determined for ginned cotton, using the historical relationship between the two prices as specified in Article 1(2) of Commission Regulation (EEC) No 1201/89 of 3 May 1989 laying down rules for implementing the system of aid for cotton ⁽⁴⁾, as last amended by Regulation (EC) No 1624/1999 ⁽⁵⁾. If it cannot be determined in this way it is to be based on the last price determined.
- (2) Article 4 of Regulation (EC) No 1554/95 requires the world market price for ginned cotton to be determined for a product of specific characteristics using the most favourable offers and quotations on the world market of those considered representative of the real market trend. To this end an average is to be calculated of offers and quotations on one or more European exchanges for a cif product to a North European port from the supplier countries considered most representative as regards international trade. These rules for determination of the world market price for ginned cotton provide for adjust-

ments to reflect differences in product quality and the nature of offers and quotations. These adjustments are specified in Article 2 of Regulation (EEC) No 1201/89.

- (3) Application of the above rules gives the world market price for ungin­ned cotton indicated hereunder.
- (4) The second subparagraph of Article 5(3a) of Regulation (EC) No 1554/95 stipulates that the advance payment rate for the aid is to be the guide price less the world market price and less a further amount calculated by the formula applicable when the guaranteed maximum quantity is based on the revised production estimate for ungin­ned cotton plus at least 7,5 %. Commission Regulation (EC) No 2714/2000 ⁽⁶⁾ fixes the revised production estimate for the 2000/2001 marketing year, and the relevant percentage increase. The application of this method results in the fixing of the advance payment rate for each Member State at the levels set out below,

HAS ADOPTED THIS REGULATION:

Article 1

1. The world market price for ungin­ned cotton as indicated in Article 3 of Regulation (EC) No 1554/95 is set at 32,200 EUR/100 kg.
2. The advance payment of the aid referred to in Article 5(3a), second subparagraph, of Regulation (EC) No 1554/95 is fixed at:
 - 59,537 EUR/100 kg in Spain,
 - 35,088 EUR/100 kg in Greece,
 - 74,100 EUR/100 kg in other Member States.

Article 2

This Regulation shall enter into force on 21 March 2001.

⁽¹⁾ OJ L 148, 30.6.1995, p. 45.

⁽²⁾ OJ L 148, 30.6.1995, p. 48.

⁽³⁾ OJ L 190, 4.7.1998, p. 4.

⁽⁴⁾ OJ L 123, 4.5.1989, p. 23.

⁽⁵⁾ OJ L 192, 24.7.1999, p. 39.

⁽⁶⁾ OJ L 313, 13.12.2000, p. 7.

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

Done at Brussels, 20 March 2001.

For the Commission
Franz FISCHLER
Member of the Commission

II

(Acts whose publication is not obligatory)

COUNCIL

**COUNCIL DECISION
of 19 March 2001
amending the Council Rules of Procedure**

(2001/216/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and in particular Article 207(3) thereof,
Whereas it is appropriate to amend Article 24 of the Council Rules of Procedure ⁽¹⁾,

HAS DECIDED AS FOLLOWS:

Sole Article

As from 13 March 2001, Article 24 of the Council Rules of Procedure shall be replaced by the following:

'Article 24

Security

The rules on security shall be adopted by the Council acting by a qualified majority.'

Done at Brussels, 19 March 2001.

*For the Council
The President
A. LINDH*

⁽¹⁾ OJ L 149, 23.6.2000, p. 21.

COMMISSION

COMMISSION DECISION

of 13 December 2000

authorising the United Kingdom to grant aid to the coal industry, covering the period from 17 April to 31 December 2000

(notified under document number C(2000) 4056)

(Only the English text is authentic)

(Text with EEA relevance)

(2001/217/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 3632/93/ECSC of 28 December 1993 establishing Community rules for State aid to the coal industry⁽¹⁾, and in particular Article 2(1) and Article 9 thereof,

Having regard to Commission Decision 2001/114/ECSC final of 15 November 2000, approving the modernisation, rationalisation and restructuring plan for the United Kingdom coal industry, covering the period from 17 April 2000 to 23 July 2002⁽²⁾,

Whereas:

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- (1) By letter of 15 November 2000, the United Kingdom notified the Commission, in accordance with Article 9(1) of Decision No 3632/93/ECSC, of financial aid which it proposed to grant the coal industry for the year 2000, and more specifically for the period from 17 April to 31 December 2000.
- (2) In the light of the information submitted by the United Kingdom, the Commission is required to take a decision, pursuant to Decision No 3632/93/ECSC, on the following financial measure:
 - aid amounting to GBP 17,462 million to cover operating losses at the Longannet Mine production unit of the company Mining (Scotland) Ltd for the period from 17 April to 31 December 2000.
- (3) The financial measures envisaged by the United Kingdom for the abovementioned plant are covered by Article 1 of Decision No 3632/93/ECSC, and the

II

Commission must therefore take a decision on them pursuant to Article 9(4) of that Decision. The Commission's approval is subject to the measures complying with the general objectives and criteria laid down in Article 2 and with the specific criteria set out in Article 3 of that Decision, and to their being compatible with the proper functioning of the common market. In addition, in its assessment the Commission checks, in accordance with Article 9(6) of the Decision, whether the measures are in conformity with the plan for the modernisation, rationalisation and restructuring of the United Kingdom coal industry which was approved by the Commission by its Decision of 15 November 2000.

- (4) The sum of GBP 17,462 million which the United Kingdom is proposing to grant the Longannet Mine production unit under Article 3 of Decision No 3632/93/ECSC is intended to cover part of the difference between the production cost of coal and its selling price, freely agreed between the contracting parties in the light of the prevailing conditions on the world market for coal of similar quality from third countries.

- (5) According to the information communicated by the United Kingdom, the sum proposed is intended to allow the production unit which receives it to improve its economic viability by reducing its production costs. At constant 1999 prices, production costs were GBP 43 per tonne coal equivalent (tce) in 1998, and should fall to GBP 35 per tce in 2002. In addition, the economic viability of the plant should continue to improve beyond 2002, as production costs at constant 1999 prices should settle at GBP 31 per tce in 2004.

⁽¹⁾ OJ L 329, 30.12.1993, p. 12.

⁽²⁾ OJ L 43, 14.2.2001, p. 27.

- (6) At the request of the British authorities, a technical report was drawn up by an independent expert, to assess whether the provisions contained in the restructuring plan submitted by Longannet Mine would enable the production unit to improve its economic viability, and more specifically, to achieve the objectives set out in the preceding paragraph. In drawing up this report, the expert took into account the geological and technical conditions in which the plant operates, and above all the quality of the coal which it produces.

The report concluded that the Longannet Mine restructuring plan was coherent and realistic, and should allow the plant to achieve its estimated production costs.

- (7) According to the modernisation, rationalisation and restructuring plan adopted by the United Kingdom, to which the Decision of 15 November 2000 refers, the economic viability of a production unit shows potential for improvement if production costs are forecast not to exceed GBP 1,15 per GJ ⁽¹⁾ in 2002. A unit may still be eligible for aid even if forecast costs exceed this ceiling, as long as it can demonstrate that it will be able to sell the coal it produces, by virtue of, *inter alia*, its very good quality, at a higher price than the standard price obtained by other producers, and will thus be able to cover its higher costs. This is the case with Longannet Mine, where forecast production costs for 2002 should be entirely covered by forecast revenues, even though the costs are slightly above the ceiling that was fixed. The coal produced at Longannet is of superior quality, in particular thanks to its low sulphur content, and should therefore command a very attractive price.
- (8) For these reasons, the United Kingdom considers that the restructuring plan presented by Longannet Mine will lead to an improvement in the unit's economic viability. The forecast reduction in production costs, together with the level of anticipated revenues, should enable the plant to operate as from 2002 without any further public subsidy.

According to the company's financial forecasts, Longannet Mine should receive very little, if any, public aid during the year 2002. It is also estimated that production costs should continue to fall beyond that date, leading to a further reduction of GBP 4 per tce by 2004.

III

- (9) In accordance with Article 3(2) of Decision No 3632/93/ECSC, the aid which the United Kingdom proposes to grant Longannet mine is intended to improve the plant's economic viability by reducing its production

costs. The purpose of the aid is to make the plant more competitive, so that by 2002 it will be able to continue operations without any public subsidy.

In addition, the plan put forward by the company, and in particular the temporary nature of the financial support required by the proposed restructuring, will allow degression of aids to be achieved, in accordance with the first indent of Article 2(1) of the Decision.

- (10) In accordance with the first indent of Article 3(1) of Decision No 3632/93/ECSC, the aid per tonne as notified does not exceed the difference between production costs and anticipated revenues, as calculated on the basis of the financial information provided for the period covered by the aid, that is, from 17 April to 31 December 2000.

The Commission notes that Mining (Scotland) Ltd's auditors have declared that the financial data notified by the United Kingdom relating to the three financial years covering the period from 1 April 1997 to 31 March 2000 fairly represent the company's accounts. The auditors also stated that the forecasts had been drawn up using the accounting standards that were in use in March 2000.

- (11) In addition, according to the information notified by the United Kingdom it appears that the amount of operating aid per tonne should not cause delivered prices for Community coal to be lower than those for coal of a similar quality from third countries, in accordance with the third indent of Article 3(1) of Decision No 3632/93/ECSC.

- (12) In notifying to the Commission the modernisation, rationalisation and restructuring plan which was the subject of the Commission Decision of 15 November 2000, the United Kingdom authorities also indicated that an overall budget forecast, covering the proposed aid for Longannet Mine, was entered in the public budgets, in accordance with Article 2(2) of Decision No 3632/93/ECSC.

- (13) In the light of the above and on the basis of the information provided by the United Kingdom, the proposed aid for Longannet Mine for the period from 17 April to 31 December 2000 is compatible with Decision No 3632/93/ECSC, and in particular with Articles 2 and 3 of that Decision.

⁽¹⁾ 1 tce = 29,302 GJ.

IV

- (14) In accordance with the second indent of Article 3(1) and Article (9)(2) and (3) of Decision No 3632/93/ECSC, the Commission has to check that the aid authorised is used only for the purposes stipulated in Article 3 of the Decision. At the latest by 30 September 2001, the United Kingdom is required to send notification of the amounts of aid actually paid during the year 2000 and to declare any corrections made to the amounts originally notified. Any information needed to check that the criteria laid down in the relevant article have been met has to be provided along with this annual breakdown.
- (15) The United Kingdom is required to justify any deviations from the modernisation, rationalisation and restructuring plan which was the subject of the Commission Decision of 15 November 2000, and also from the economic and financial forecasts notified to the Commission on 15 November 2000. In particular, should it turn out that the conditions laid down in Article 3(2) of Decision No 3632/93/ECSC cannot be satisfied, the United Kingdom will be responsible for proposing to the Commission the requested corrective measures.
- (16) The United Kingdom has also to ensure that the aid does not cause any distortion of competition, and does not discriminate between coal producers, between purchasers or between consumers in the Community,

HAS ADOPTED THIS DECISION:

Article 1

The United Kingdom is authorised, within the framework of Article 3 of Decision No 3632/93/ECSC, to grant operating aid amounting to GBP 17,462 million in favour of the Longannet

Mine production unit belonging to the company Mining (Scotland) Ltd, for the period from 17 April to 31 December 2000.

Article 2

In accordance with Article 86 of the ECSC Treaty, the United Kingdom undertakes to take all appropriate measures, whether general or particular, to ensure fulfilment of the obligations arising from this Decision. It shall ensure that the aid granted is used only for the specified purposes and that any unused, overestimated or misused expenditure in relation to any items referred to in this Decision is repaid to the United Kingdom.

Article 3

No later than 30 September 2001, the United Kingdom shall communicate the amounts of aid actually paid during the 2000 financial year, as well as the specific information required under Article 9 of Decision No 3632/93/ECSC.

Article 4

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 13 December 2000.

For the Commission

Loyola DE PALACIO

Vice-President

COMMISSION DECISION

of 12 March 2001

requiring Member States temporarily to take additional measures against the dissemination of *Bursaphelenchus xylophilus* (Steiner et Buhner) Nickle et al. (the pinewood nematode) as regards areas in Portugal, other than those in which it is known not to occur

(notified under document number C(2001) 692)

(2001/218/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, and in particular Article 16(3) thereof,

Whereas:

- (1) Where a Member State considers that there is an imminent danger of the introduction into its territory of *Bursaphelenchus xylophilus* (Steiner et Buhner) Nickle et al., (the pine wood nematode (PWN)), from another Member State, it may temporarily take any additional measures necessary to protect itself from that danger.
- (2) Portugal informed the other Member States and the Commission on 25 June 1999 that some samples of pine trees originating in its territory were identified as infested by PWN. Complementary reports supplied by Portugal indicated that more samples of pine trees showed infestation by it.
- (3) Sweden, on the basis of the abovementioned information adopted on 29 September 1999, certain additional measures including a special heat treatment and the use of a plant passport, for all wood leaving Portugal, with a view to strengthening protection against the introduction of PWN from Portugal.
- (4) It has not yet been possible either to identify the source of contamination although elements indicate that packaging material is the most likely pathway.
- (5) The Commission, by Decision 2000/58/EC⁽²⁾ authorised Member States temporarily to take additional measures against the dissemination of PWN, as regards areas in Portugal, other than those in which it is known not to occur.
- (6) From an assessment by the Food and Veterinary Office (FVO) in May and October 2000 and additional information supplied by Portugal, it appears that the phytosanitary situation has improved as a result of the applica-

tion of an eradication programme. However trees showing symptoms of infestation by PWN were still found during surveys of the area where it was previously known to occur.

- (7) In official surveys carried out by the other Member States on wood, isolated bark and plants of *Abies* Mill., *Cedrus* Trew, *Larix* Mill., *Picea* A. Dietr., *Pinus* L., *Pseudotsuga* Carr. and *Tsuga* Carr., originating in their country, none of the samples taken and analysed tested positive for the presence of the PWN.
- (8) It is therefore necessary for Portugal to continue to take specific measures. It may also be necessary for the other Member States to continue to adopt additional measures to protect themselves.
- (9) The above measures should refer to movements of wood, isolated bark and host plants within demarcated areas in Portugal and from such areas into other areas of Portugal and into the other Member States.
- (10) It is also necessary that Portugal continues to take measures to control the spread of PWN with the aim of eradication.
- (11) The effect of the emergency measures will be assessed continually during 2001 and 2002, in particular on the basis of information to be provided by Portugal and the other Member States. If it becomes apparent that the emergency measures referred to in the present Decision are not sufficient to prevent the spread of PWN or have not been complied with, more stringent or alternative measures should be envisaged.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

In this Decision:

— 'the pine wood nematode (PWN)' means *Bursaphelenchus xylophilus* (Steiner et Buhner) Nickle et al.,

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

⁽²⁾ OJ L 21, 26.1.2000, p. 36.

- 'susceptible wood and bark' means wood and isolated bark of conifers (*Coniferales*), except that of *Thuja* L.;
- 'susceptible plants' means plants (other than fruit and seeds) of *Abies* Mill., *Cedrus* Trew, *Larix* Mill., *Picea* A. Dietr., *Pinus* L., *Pseudotsuga* Carr. and *Tsuga* Carr.

Article 2

Until 28 February 2002 Portugal shall ensure that the conditions laid down in the Annex to this Decision are met in relation to susceptible wood, bark and plants, which are to be moved within or from demarcated areas in Portugal and defined as in accordance with Article 5, either to other areas in Portugal or to other Member States.

The conditions specified in part 1 of the Annex to this Decision, shall apply only to consignments leaving the demarcated areas in Portugal after 28 February 2001.

Article 3

Member States of destination other than Portugal:

- (a) may subject consignments of susceptible wood, and bark and of susceptible plants coming from demarcated areas in Portugal and moved into their territory to testing for the presence of PWN;
- (b) may take further appropriate steps to carry out official monitoring in respect of such consignments, to ascertain whether they comply with the relevant conditions specified in the Annex to this Decision.

Article 4

Member States shall conduct official surveys for PWN, on susceptible wood and bark and susceptible plants originating in their country, to determine whether there is any evidence of infestation by PWN.

Without prejudice to the provisions of Article 16(1) of Directive 2000/29/EC, where the results of the surveys provided for in the first paragraph indicate the occurrence of the PWN in areas where it was previously unknown, they shall

be notified to the other Member States and to the Commission by 15 November 2001.

Article 5

Portugal shall establish areas in which PWN is known not to occur, and demarcate areas (hereinafter called demarcated areas) comprised of a part in which the PWN is known to occur and a part designated as buffer zone of not less than 20 km with surrounding that part, taking into account the results of the surveys referred to in Article 4.

The Commission shall compile a list of areas in which PWN is known not to occur and convey such a list to the Standing Committee on Plant Health and to the Member States. Any areas in Portugal not comprised in the above compiled list, shall be deemed to be demarcated areas.

The list of the areas referred to in the first sentence of the second paragraph shall be adjusted by the Commission according to the results of the survey referred to in the second paragraph of Article 4 and to the findings notified under Article 16(1) of Directive 2000/29/EC.

Article 6

This Decision shall be reviewed by 15 December 2001 at the latest.

Article 7

Decision 2000/58/EC is hereby repealed with effect from the date of coming into force of this Decision.

Article 8

This Decision is addressed to the Member States.

Done at Brussels, 12 March 2001.

For the Commission

David BYRNE

Member of the Commission

ANNEX

For the purpose of Article 2, the following conditions shall be complied with.

1. Without prejudice to the provisions referred to in point 2 in the case of movements from demarcated areas into areas in Portugal, other than demarcated areas or into other Member States of:

(a) susceptible plants shall be accompanied by a plant passport prepared and issued in accordance with the provisions of Commission Directive 92/105/EEC⁽¹⁾, after:

- the plants have been officially inspected and found free from signs or symptoms of PWN and
- no symptoms of PWN have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation;

(b) susceptible wood and isolated bark, other than wood in the form of:

- chips, particles, wood waste or scrap obtained in whole or part from these conifers,
- packing cases, crates or drums,
- pallets, box pallets or other load boards,
- dunnage, spacers and bearers,

but including that which has not kept its natural round surface, shall be accompanied by the plant passport referred to in point 1(a), after the wood or the isolated bark has undergone an appropriate heat-treatment to achieve a minimum wood-core temperature of 56 °C for 30 minutes in order to ensure freedom from live PWNs;

(c) susceptible wood, in the form of chips, particles, wood waste or scrap obtained in whole or part from these conifers shall be accompanied by the said plant passport after having undergone an appropriate fumigation-treatment in order to ensure freedom from live PWNs;

(d) susceptible wood, in the form of dunnage, spacers and bearers, including that which has not kept its natural round surface shall:

- be stripped of its bark,
- be free from grub holes which are larger than 3 mm across,
- have a moisture content expressed as a percentage of dry matter of less than 20 % achieved at time of manufacture;

(e) susceptible wood, in the form of packing cases, boxes, crates, drums and similar packings, pallets, box pallets and other load boards, pallet collars, whether or not actually in use in the transport of objects of all kinds shall undergo either an appropriate heat treatment to achieve a minimum wood-core temperature of 56 °C for 30 minutes, pressure (impregnated) treatment, or fumigation in order to ensure freedom from live PWNs and either display an officially approved treatment marking enabling the identification of where and by whom the treatment has been carried out or be accompanied by the said plant passport attesting to the measures carried out.

2. In cases of movements within demarcated areas of Portugal:

(a) susceptible plants:

- grown in places of production where no symptoms of PWN have been observed, or in its immediate vicinity since the beginning of the last complete cycle of vegetation and found free from signs or symptoms of PWN during official inspections, shall be accompanied by the said plant passport when moved from the place of production,
- grown in places of production where symptoms of the pine wood nematode have been observed, or in its immediate vicinity, since the beginning of the last complete cycle of vegetation or identified as infested by the pine wood nematode shall not be moved from the place of production and shall be destroyed by burning,
- grown in places, such as forests, public or private gardens, which are either identified as infested by the pine wood nematode, or showing any symptoms of poor health or situated in salvage areas, shall:
 - if identified during the period from 1 November to 1 April, be felled within that period, or
 - if identified during the period from 2 April to 31 October, be felled immediately and,
 - if located in the part of demarcated areas designated as buffer zones in accordance with the provisions of Article 5, tested for the presence of PWN. If the presence is confirmed, the delimitation of the demarcated areas shall be changed accordingly;

⁽¹⁾ OJ L 4, 8.1.1993, p. 22.

- (b) during the period from 1 November to 1 April, susceptible wood in the form of roundwood or sawnwood, with or without bark, including that which has not kept its natural round surface:
- (i) obtained from trees identified as infested by PWN, or situated in salvage areas, or showing any symptoms of poor health, shall before 2 April either be:
- destroyed by burning under official control at appropriate places, or
 - moved under official control to either:
 - a processing plant to be chipped and utilised within this plant, or
 - an industrial plant for use as fuel wood within this plant, or
 - a processing plant, where the wood shall either be:
 - heat treated in such a way that a minimum wood-core temperature of 56 °C for 30 minutes has been achieved, or
 - chipped and fumigated in order to ensure freedom from live PWNs;
- (ii) obtained from trees other than those referred to in subparagraph (i) shall either be:

officially tested for the presence of PWN and of *Monochamus* spp.; if the presence is confirmed the wood shall be subjected to the provisions referred to in (i); if the presence is refuted, the wood may be moved under official control to a processing plant for further use as construction timber, or by way of derogation moved into areas in Portugal, other than demarcated areas, under official control to approved processing plants notified to the Commission, where the wood, within the period between 1 November and 1 April, shall either be:

- heat treated in such a way that a minimum wood-core temperature of 56 °C for 30 minutes has been achieved. Further movement of this heat-treated wood is allowed when the wood is accompanied by the said plant passport, or
 - chipped and fumigated in order to ensure freedom from live PWNs. Further movement of this fumigated wood is allowed when it is accompanied by the said plant passport, or
 - chipped and used for industrial purposes within this plant, or
 - moved under official control to a plant, where the wood shall either be:
 - heat treated in such a way that a minimum wood core temperature of 56 °C for 30 minutes has been achieved, or
 - chipped and fumigated in order to ensure freedom from live pine wood nematodes, or
 - chipped and used for industrial purposes;
- (c) during the period from 2 April to 31 October, susceptible wood in the form of roundwood or sawnwood, with or without bark, including that which has not kept its natural round surface:
- (i) obtained from trees identified as infested by PWN, or situated in salvage areas, or showing any symptoms of poor health, shall either be:
- immediately destroyed by burning under official control at appropriate places, or
 - immediately stripped of bark at appropriate places outside the forest before being moved under official control to storage places where the wood is treated with an appropriate insecticide or which have appropriate and approved wet storage facilities, available at least during the above period, with a view to a further movement to an industrial plant:
 - to be immediately chipped and used for industrial purposes, or
 - for immediate use as fuel within this plant, or
 - to be immediately heat-treated in such a way that a minimum wood-core temperature of 56 °C for 30 minutes has been achieved, or
 - to be immediately chipped and fumigated in order to ensure freedom from live PWNs;
- (ii) obtained from trees other than those referred to in subparagraph (i) shall be immediately stripped of bark at the place of felling or in the immediate vicinity and either be:
- officially tested for the presence of PWN and of *Monochamus* spp.; if the presence is confirmed the wood shall be subjected to the provisions referred to in (i); if the presence is refuted, the wood may be moved under official control to a processing plant for further use as construction timber, or

- moved under official control to a plant where the wood shall either be:
 - chipped and used for industrial purposes, or
 - heat-treated in such a way that a minimum wood-core temperature of 56 °C for 30 minutes has been achieved, or
 - chipped and fumigated in order to ensure freedom from live PWNs;
 - (d) susceptible bark shall be:
 - destroyed by burning or used as fuel at an industrial processing plant, or
 - heat-treated in such a way that a minimum temperature of 56 °C for 30 minutes has been achieved throughout the bark, or
 - fumigated in order to ensure freedom from live PWNs;
 - (e) susceptible wood in the form of waste produced at the time of felling, shall be burned at appropriate places under official control:
 - during the period from 1 November to 1 April, within that period, or
 - during the period from 2 April to 31 October, immediately;
 - (f) susceptible wood, in the form of waste produced during wood processing, shall either be immediately burned at appropriate places under official control, used as fuel wood at the processing plant or fumigated in order to ensure freedom from live PWNs;
 - (g) susceptible wood, in the form of packing cases, boxes, crates, drums and similar packings, pallets, box pallets and other load boards, pallet collars, dunnage, spacers and bearers, including that which has not kept its natural round surface, shall:
 - be stripped of its bark,
 - be free from grub holes which are larger than 3 mm across,
 - have a moisture content expressed as a percentage of dry matter of less than 20 % achieved at time of manufacture.
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COMMISSION DECISION

of 12 March 2001

on temporary emergency measures in respect of wood packing comprised in whole or in part of non-manufactured coniferous wood originating in Canada, China, Japan and the United States of America

(notified under document number C(2001) 694)

(2001/219/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, and in particular Article 16(3) thereof,

Whereas:

- (1) Where a Member State considers that there is an imminent danger of the introduction into its territory of *Bursaphelenchus xylophilus* (Steiner et Buhrer) Nickle et al., the pine wood nematode (PWN), from a non-member country, it shall temporarily take any additional measures necessary to protect itself from that danger.
- (2) Finland informed the other Member States and the Commission that in monitoring inspections carried out in 2000 numerous infestations of non-manufactured coniferous wood packing material originating in Canada, Japan and the United States of America with PWN have been found. Moreover, infestations of non-manufactured coniferous wood packing material originating in Canada and China were also reported by Sweden and France respectively.
- (3) Finland took official emergency measures stipulating that as of 31 May 2000, packing material consisting of wood of conifers, except *Thuja L.*, but including wood to support or wedge cargo, originating in non-member countries where PWN is known to occur (namely Canada, China, Japan, the Republic of Korea, Mexico, Taiwan and the United States of America), must, when entering into Finland, be accompanied by a phytosanitary certificate certifying that the wood has undergone one of the treatments specified in the Finnish emergency measures.
- (4) Directive 2000/29/EC currently requires that, in order to protect the Community from the introduction of PWN, non-manufactured coniferous wood originating in non-member countries where the nematode is found must be free of bark and grub holes, and have a moisture content of less than 20 %. The abovementioned information from Finland, France and Sweden shows that these

measures are not sufficient to protect the Community adequately against the introduction of PWN when such wood is imported from Canada, China, Japan and the United States of America. Therefore temporary emergency measures are necessary.

- (5) These emergency measures should apply to imports of non-manufactured wood packing obtained in whole or in part of coniferous wood, originating in Canada, China, Japan and the United States of America, into the Community. However, it is not necessary to apply such measures to wood of *Thuja L.*, because *Thuja L.* is not susceptible to PWN.
- (6) The emergency measures should be applied in two steps. In the first step, the Member States should immediately take any appropriate measures for official monitoring of the said wood in order to further reduce the risk of introduction into or spread within the Community of PWN. This would enable the countries where the nematode is known to occur, to organise treatment of wood packing, comprised in whole or in part of non-manufactured coniferous wood, except that of *Thuja L.*, in compliance with the requirements of this Decision as the second step.
- (7) Measures to be taken in cases of non-compliance should be specified.
- (8) If it becomes apparent that the emergency measures referred to in the present Decision are not sufficient to prevent the entry of *Bursaphelenchus xylophilus* (Steiner et Buhrer) Nickle et al., or have not been complied with, more stringent or alternative measures should be envisaged.
- (9) The effect of the emergency measures should be assessed continually until 15 June 2002, in particular on the basis of information to be provided by Member States. Possible subsequent measures will be considered in the light of the results of that assessment.
- (10) The above emergency measures will also be reviewed in the light of the outcome of discussions currently ongoing in respect of the development of a FAO International Standard on 'Guidelines for regulating non-manufactured wood packing in use for the transport of commodities.'

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

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

HAS ADOPTED THIS DECISION:

Article 1

1. For the purposes of this Decision 'susceptible wood' means wood packing comprised in whole or in part of non-manufactured wood of conifers (*Coniferales*), except that of *Thuja L.*, originating in Canada, China, Japan and the United States of America in the form of packing cases, boxes, crates, drums and similar packings, pallets, box pallets and other load boards, pallet collars, whether or not actually in use in the transport of objects of all kinds.

2. Susceptible wood may only be introduced into the territory of the Community if it complies with the emergency measures laid down in the Annex to this Decision.

3. The provisions specified in points 1, 2 and in point 3 second indent of the Annex to this Decision shall apply only to susceptible wood destined for the Community and originating in the above countries on or after 1 October 2001. The provisions specified in point 3 first indent of the Annex to this Decision shall apply from the date of notification of this Decision to the Member States, without prejudice to the provisions of Article 4.

4. The measures laid down in Part A, Section I, point 1.3 of Annex IV to Directive 2000/29/EC shall not apply to susceptible wood which has been treated in accordance with the requirements of the Annex to this Decision.

Article 2

When, on the basis of the monitoring provided for in point 3 of the Annex to this Decision, it appears that the provisions referred to in the Annex to this Decision have not been complied with in relation to susceptible wood, the Member State concerned shall ensure that the susceptible wood is either:

— treated in an officially approved manner that eliminates *Bursaphelenchus xylophilus* (Steiner et Buhner) Nickle et al.,

— refused entry into the Community,
— destroyed by either:
— incineration,
— deep burial in sites approved by responsible official bodies referred to in Directive 2000/29/EC, or
— processing in an officially approved manner that eliminates *Bursaphelenchus xylophilus* (Steiner et Buhner) Nickle et al.

All such measures shall be carried out under the official supervision of the Member State concerned.

Article 3

Without prejudice to the provisions of Commission Directive 94/3/EC⁽¹⁾, each Member State importing susceptible wood shall provide the Commission and the other Member States, before 28 February 2002, with a detailed technical report on the results of the monitoring it has undertaken pursuant to point 3 of the Annex to this Decision.

Article 4

Member States shall adjust at the latest by 30 September 2001 the measures which they have adopted with a view to protecting themselves against the introduction and the spread of *Bursaphelenchus xylophilus* (Steiner et Buhner) Nickle et al. in such a manner that the measures comply with Articles 1, 2 and 3, and shall forthwith inform the Commission of the adjusted measures.

Article 5

This Decision shall be reviewed by 15 June 2002 at the latest.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 12 March 2001.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 32, 5.2.1994, p. 37; Corrigendum (OJ L 59, 3.3.1995, p. 30).

ANNEX

For the purpose of the provisions of Article 1, the following emergency measures shall be complied with:

1. Susceptible wood originating in Canada, Japan or the United States of America:
 - (i) shall be heat treated or kiln dried to a minimum core temperature of 56 °C for at least 30 minutes in a closed chamber or kiln which has been tested, evaluated and approved officially for this purpose.
In addition the susceptible wood shall display an officially approved heat-treated or kiln-dried marking enabling the identification of where and by whom the above treatment has been carried out; or
 - (ii) shall have been pressure (impregnated) treated with an approved chemical in accordance with an officially recognised technical specification. In addition the susceptible wood shall display a marking enabling the identification of where and by whom the above treatment has been carried out; or
 - (iii) shall have been fumigated with an approved chemical in accordance with an officially recognised technical specification. In addition the susceptible wood shall display a marking enabling the identification of where and by whom the above fumigation has been carried out.

2. Susceptible wood originating in China shall be subjected to one of the measures mentioned in point 1 of this Annex, and be accompanied by a certificate referred to in Articles 7 and 8 of Directive 2000/29/EC attesting to the measures carried out.

By way of derogation, and without prejudice to the provisions laid down in Annex IV to Directive 2000/29/EC, the measures referred to in point 1 of this Annex are not applicable to susceptible wood originating in areas established by China in which *Bursaphelenchus xylophilus* (Steiner et Buhner) Nickle et al. is known not to occur taking into account the results of surveys carried out in these areas. The Commission shall compile a list of areas in which *Bursaphelenchus xylophilus* (Steiner et Buhner) Nickle et al. is known not to occur and convey such a list to the Standing Committee on Plant Health and to the Member States.

3. Compliance with the provisions referred to in:
 - Part A, Section I, point (a) 14 of Annex I, Part A, Section I, point (a) 8 of Annex II and, until 30 September 2001, Part A, Section I, point 1.3 of Annex IV to Directive 2000/29/EC; and
 - points 1 and 2 of this Annex,shall be monitored by and in accordance with a plan set out by the responsible official bodies referred to in Directive 2000/29/EC.
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