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## Legislation

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## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 626/2001  
of 30 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1498/98 <sup>(2)</sup>, and in particular Article 4(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 31 March 2001.

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

Done at Brussels, 30 March 2001.

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

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

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

## ANNEX

**to the Commission Regulation of 30 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 <sup>(1)</sup>	Standard import value
0702 00 00	052	86,2
	204	35,2
	212	71,2
	624	85,7
	999	69,6
0707 00 05	052	140,4
	624	89,6
	999	115,0
0709 90 70	052	126,6
	204	84,2
	624	63,1
0805 10 10, 0805 10 30, 0805 10 50	999	91,3
	052	76,1
	204	48,1
	212	45,5
	220	57,2
	600	54,5
	624	51,1
0808 10 20, 0808 10 50, 0808 10 90	999	55,4
	388	97,4
	400	80,2
	404	86,2
	508	88,0
	512	85,0
	524	92,2
	528	91,0
	720	107,8
	999	91,0
	0808 20 50	388
512		70,6
528		74,8
999		72,3

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

**COMMISSION REGULATION (EC) No 627/2001**  
**of 30 March 2001**  
**fixing the import duties in the cereals sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector <sup>(3)</sup>, as last amended by Regulation (EC) No 2235/2000 <sup>(4)</sup>, and in particular Article 2 (1) thereof,

Whereas:

- (1) Article 10 of Regulation (EEC) No 1766/92 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.
- (2) Pursuant to Article 10 (3) of Regulation (EEC) No 1766/92, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market.

- (3) Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector.
- (4) The import duties are applicable until new duties are fixed and enter into force. They also remain in force in cases where no quotation is available for the reference exchange referred to in Annex II to Regulation (EC) No 1249/96 during the two weeks preceding the next periodical fixing.
- (5) In order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import duties in the cereals sector referred to in Article 10 (2) of Regulation (EEC) No 1766/92 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

*Article 2*

This Regulation shall enter into force on 1 April 2001.

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

Done at Brussels, 30 March 2001.

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

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

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

<sup>(3)</sup> OJ L 161, 29.6.1996, p. 125.

<sup>(4)</sup> OJ L 256, 10.10.2000, p. 13.

## ANNEX I

## Import duties for the products covered by Article 10(2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (EUR/tonne)	Import duty by air or by sea from other ports <sup>(2)</sup> (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00	0,00
	medium quality <sup>(1)</sup>	0,00	0,00
1001 90 91	Common wheat seed	0,00	0,00
1001 90 99	Common high quality wheat other than for sowing <sup>(3)</sup>	0,00	0,00
	medium quality	24,17	14,17
	low quality	53,55	43,55
1002 00 00	Rye	42,37	32,37
1003 00 10	Barley, seed	42,37	32,37
1003 00 90	Barley, other <sup>(3)</sup>	42,37	32,37
1005 10 90	Maize seed other than hybrid	68,25	58,25
1005 90 00	Maize other than seed <sup>(3)</sup>	68,25	58,25
1007 00 90	Grain sorghum other than hybrids for sowing	42,37	32,37

<sup>(1)</sup> In the case of durum wheat not meeting the minimum quality requirements for durum wheat of medium quality, referred to in Annex I to Regulation (EC) No 1249/96, the duty applicable is that fixed for low-quality common wheat.

<sup>(2)</sup> For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— EUR 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

— EUR 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic Coasts of the Iberian Peninsula.

<sup>(3)</sup> The importer may benefit from a flat-rate reduction of EUR 24 or 8 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.



## ANNEX II

**Factors for calculating duties**

(period from 16 March to 29 March 2001)

## 1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Kansas City	Chicago	Chicago	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	Medium quality (*)	US barley 2
Quotation (EUR/t)	131,64	127,66	109,45	91,99	219,20 (**)	209,20 (**)	126,64 (**)
Gulf premium (EUR/t)	43,20	17,18	6,01	8,77	—	—	—
Great Lakes premium (EUR/t)	—	—	—	—	—	—	—

(\*) A discount of 10 EUR/t (Article 4(1) of Regulation (EC) No 1249/96).

(\*\*) Fob Gulf.

## 2. Freight/cost: Gulf of Mexico — Rotterdam: 19,63 EUR/t; Great Lakes — Rotterdam: 29,94 EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: 0,00 EUR/t (HRW2)  
0,00 EUR/t (SRW2).

**COMMISSION REGULATION (EC) No 628/2001  
of 30 March 2001**

**fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(3)</sup>, as last amended by Regulation (EC) No 1667/2000 <sup>(4)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid <sup>(5)</sup> lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section.
- (2) In order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid

actions, the level of the refunds granted for these actions should be determined.

- (3) The general and implementing rules provided for in Article 13 of Regulation (EEC) No 1766/92 and in Article 13 of Regulation (EC) No 3072/95 on export refunds are applicable *mutatis mutandis* to the abovementioned operations.
- (4) The specific criteria to be used for calculating the export refund on rice are set out in Article 13 of Regulation (EC) No 3072/95.
- (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*

For Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

*Article 2*

This Regulation shall enter into force on 1 April 2001.

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

Done at Brussels, 30 March 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

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

<sup>(4)</sup> OJ L 193, 29.7.2000, p. 3.

<sup>(5)</sup> OJ L 288, 25.10.1974, p. 1.

## ANNEX

**to the Commission Regulation of 30 March 2001 fixing the refunds applicable to cereal and rice sector products  
supplied as Community and national food aid**

*(EUR/t)*

Product code	Refund
1001 10 00 9400	0,00
1001 90 99 9000	9,50
1002 00 00 9000	36,00
1003 00 90 9000	0,00
1004 00 00 9400	38,50
1005 90 00 9000	31,00
1006 30 92 9100	243,00
1006 30 92 9900	243,00
1006 30 94 9100	243,00
1006 30 94 9900	243,00
1006 30 96 9100	243,00
1006 30 96 9900	243,00
1006 30 98 9100	243,00
1006 30 98 9900	243,00
1006 30 65 9900	243,00
1006 40 00 9000	—
1007 00 90 9000	31,00
1101 00 15 9100	15,75
1101 00 15 9130	15,75
1102 20 10 9200	46,44
1102 20 10 9400	39,80
1102 30 00 9000	—
1102 90 10 9100	0,00
1103 11 10 9200	0,00
1103 11 90 9200	0,00
1103 13 10 9100	59,71
1103 14 00 9000	—
1104 12 90 9100	67,04
1104 21 50 9100	0,00

NB: The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), amended.

**COMMISSION REGULATION (EC) No 629/2001**  
**of 30 March 2001**  
**fixing the import duties in the rice sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector <sup>(3)</sup>, as last amended by Regulation (EC) No 2831/98 <sup>(4)</sup>, and in particular Article 4(1) thereof,

Whereas:

- (1) Article 11 of Regulation (EC) No 3072/95 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties.
- (2) Pursuant to Article 12(3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market or on the Community import market for the product.

- (3) Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice sector.
- (4) The import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing.
- (5) In order to allow the import duty system to function normally, the market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1503/96 results in import duties being fixed as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import duties in the rice sector referred to in Article 11(1) and (2) of Regulation (EC) No 3072/95 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

*Article 2*

This Regulation shall enter into force on 1 April 2001.

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

Done at Brussels, 30 March 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 3.

<sup>(3)</sup> OJ L 189, 30.7.1996, p. 71.

<sup>(4)</sup> OJ L 351, 29.12.1998, p. 25.

## ANNEX I

## Import duties on rice and broken rice

(EUR/t)

CN code	Duties (€)				
	Third countries (except ACP and Bangladesh) (7)	ACP (1) (2) (3)	Bangladesh (4)	Basmati India and Pakistan (6)	Egypt (8)
1006 10 21	(7)	69,51	101,16		158,25
1006 10 23	(7)	69,51	101,16		158,25
1006 10 25	(7)	69,51	101,16		158,25
1006 10 27	(7)	69,51	101,16		158,25
1006 10 92	(7)	69,51	101,16		158,25
1006 10 94	(7)	69,51	101,16		158,25
1006 10 96	(7)	69,51	101,16		158,25
1006 10 98	(7)	69,51	101,16		158,25
1006 20 11	264,00	88,06	127,66		198,00
1006 20 13	264,00	88,06	127,66		198,00
1006 20 15	264,00	88,06	127,66		198,00
1006 20 17	207,55	68,30	99,43	0,00	155,66
1006 20 92	264,00	88,06	127,66		198,00
1006 20 94	264,00	88,06	127,66		198,00
1006 20 96	264,00	88,06	127,66		198,00
1006 20 98	207,55	68,30	99,43	0,00	155,66
1006 30 21	(7)	133,21	193,09		312,00
1006 30 23	(7)	133,21	193,09		312,00
1006 30 25	(7)	133,21	193,09		312,00
1006 30 27	(7)	133,21	193,09		312,00
1006 30 42	(7)	133,21	193,09		312,00
1006 30 44	(7)	133,21	193,09		312,00
1006 30 46	(7)	133,21	193,09		312,00
1006 30 48	(7)	133,21	193,09		312,00
1006 30 61	(7)	133,21	193,09		312,00
1006 30 63	(7)	133,21	193,09		312,00
1006 30 65	(7)	133,21	193,09		312,00
1006 30 67	(7)	133,21	193,09		312,00
1006 30 92	(7)	133,21	193,09		312,00
1006 30 94	(7)	133,21	193,09		312,00
1006 30 96	(7)	133,21	193,09		312,00
1006 30 98	(7)	133,21	193,09		312,00
1006 40 00	(7)	41,18	(7)		96,00

(1) The duty on imports of rice originating in the ACP States is applicable, under the arrangements laid down in Council Regulation (EC) No 1706/98 (OJ L 215, 1.8.1998, p. 12) and amended Commission Regulation (EC) No 2603/97 (OJ L 351, 23.12.1997, p. 22).

(2) In accordance with Regulation (EC) No 1706/98, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

(3) The import levy on rice entering the overseas department of Réunion is specified in Article 11(3) of Regulation (EC) No 3072/95.

(4) The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ L 337, 4.12.1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ L 88, 9.4.1991, p. 7).

(5) No import duty applies to products originating in the OCT pursuant to Article 101(1) of amended Council Decision 91/482/EEC (OJ L 263, 19.9.1991, p. 1).

(6) For husked rice of the Basmati variety originating in India and Pakistan, a reduction of EUR/t 250 applies (Article 4a of amended Regulation (EC) No 1503/96).

(7) Duties fixed in the Common Customs Tariff.

(8) The duty on imports of rice originating in and coming from Egypt is applicable under the arrangements laid down in Council Regulation (EC) No 2184/96 (OJ L 292, 15.11.1996, p. 1) and Commission Regulation (EC) No 196/97 (OJ L 31, 1.2.1997, p. 53).

## ANNEX II

## Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	( <sup>1</sup> )	207,55	416,00	264,00	416,00	( <sup>1</sup> )
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	333,08	267,83	248,87	270,86	—
(b) fob price (EUR/tonne)	—	—	—	214,93	236,92	—
(c) Sea freight (EUR/tonne)	—	—	—	33,94	33,94	—
(d) Source	—	USDA and operators	USDA and operators	Operators	Operators	—

(<sup>1</sup>) Duties fixed in the Common Customs Tariff.

**COMMISSION REGULATION (EC) No 630/2001**  
**of 30 March 2001**  
**amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products**  
**from the Community to the French overseas departments**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments <sup>(1)</sup>, as last amended by Regulation (EC) No 2826/2000 <sup>(2)</sup>, and in particular Article 2(6) thereof,

Whereas:

- (1) The amounts of aid for the supply of cereals products to the French overseas departments (FOD) has been settled by Commission Regulation (EEC) No 391/92 <sup>(3)</sup>, as last amended by Regulation (EC) No 377/2001 <sup>(4)</sup>, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community

and on the world market, the aid for supply to the FOD should be set at the amounts given in the Annex.

- (2) 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 Annex of amended Regulation (EEC) No 391/92 is replaced by the Annex to the present Regulation.

*Article 2*

This Regulation shall enter into force on 1 April 2001.

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

Done at Brussels, 30 March 2001.

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

<sup>(1)</sup> OJ L 356, 24.12.1991, p. 1.

<sup>(2)</sup> OJ L 328, 23.12.2000, p. 2.

<sup>(3)</sup> OJ L 43, 19.2.1992, p. 23.

<sup>(4)</sup> OJ L 55, 24.2.2001, p. 51.

## ANNEX

to the Commission Regulation of 30 March 2001 amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments

(EUR/t)

Product (CN code)	Amount of aid			
	Destination			
	Guadeloupe	Martinique	French Guiana	Réunion
Common wheat (1001 90 99)	21,00	21,00	21,00	25,00
Barley (1003 00 90)	21,00	21,00	21,00	25,00
Maize (1005 90 00)	37,00	37,00	37,00	40,00
Durum wheat (1001 10 00)	21,00	21,00	21,00	25,00
Oats (1004 00 00)	44,50	44,50	—	—



**COMMISSION REGULATION (EC) No 631/2001**  
**of 30 March 2001**  
**amending Regulation (EEC) No 1832/92 setting the amounts of aid for the supply of cereals**  
**products from the Community to the Canary Islands**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Canary Islands <sup>(1)</sup>, as last amended by Regulation (EC) No 2826/2000 <sup>(2)</sup>, and in particular Article 3(4) thereof,

Whereas:

- (1) The amounts of aid for the supply of cereals products to the Canary Islands has been settled by Commission Regulation (EEC) No 1832/92 <sup>(3)</sup>, as last amended by Regulation (EC) No 378/2001 <sup>(4)</sup>, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the

world market, the aid for supply to the Canary Islands should be set at the amounts given in the Annex.

- (2) 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 Annex of amended Regulation (EEC) No 1832/92 is replaced by the Annex to the present Regulation.

*Article 2*

This Regulation shall enter into force on 1 April 2001.

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

Done at Brussels, 30 March 2001.

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

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<sup>(1)</sup> OJ L 173, 27.6.1992, p. 13.

<sup>(2)</sup> OJ L 328, 23.12.2000, p. 2.

<sup>(3)</sup> OJ L 185, 4.7.1992, p. 26.

<sup>(4)</sup> OJ L 55, 24.2.2001, p. 53.

## ANNEX

**to the Commission Regulation of 30 March 2001 amending Regulation (EEC) No 1832/92 setting the amounts of aid for the supply of cereals products from the Community to the Canary Islands**

*(EUR/t)*

Product (CN code)		Amount of aid
Common wheat	(1001 90 99)	17,00
Barley	(1003 00 90)	17,00
Maize	(1005 90 00)	34,00
Durum wheat	(1001 10 00)	17,00
Oats	(1004 00 00)	41,50

**COMMISSION REGULATION (EC) No 632/2001**  
**of 30 March 2001**  
**amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply of cereals**  
**products from the Community to the Azores and Madeira**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira <sup>(1)</sup>, as last amended by Regulation (EC) No 2826/2000 <sup>(2)</sup>, and in particular Article 10 thereof,

Whereas:

- (1) The amounts of aid for the supply of cereals products to the Azores and Madeira has been settled by Commission Regulation (EEC) No 1833/92 <sup>(3)</sup>, as last amended by Regulation (EC) No 379/2001 <sup>(4)</sup>, whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid for supply to the Azores and

Madeira should be set at the amounts given in the Annex.

- (2) 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 Annex of amended Regulation (EEC) No 1833/92 is replaced by the Annex to the present Regulation.

*Article 2*

This Regulation shall enter into force on 1 April 2001.

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

Done at Brussels, 30 March 2001.

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

<sup>(1)</sup> OJ L 173, 27.6.1992, p. 1.

<sup>(2)</sup> OJ L 328, 23.12.2000, p. 2.

<sup>(3)</sup> OJ L 185, 4.7.1992, p. 28.

<sup>(4)</sup> OJ L 55, 24.2.2001, p. 55.

## ANNEX

to the Commission Regulation of 30 March 2001 amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply of cereals products from the Community to the Azores and Madeira

*(EUR/t)*

Product (CN code)	Amount of aid	
	Destination	
	Azores	Madeira
Common wheat (1001 90 99)	17,00	17,00
Barley (1003 00 90)	17,00	17,00
Maize (1005 90 00)	34,00	34,00
Durum wheat (1001 10 00)	17,00	17,00

**COMMISSION REGULATION (EC) No 633/2001  
of 30 March 2001**

**setting the amounts of aid for the supply of rice products from the Community to the Canary Islands**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Canary Islands <sup>(1)</sup>, as last amended by Regulation (EC) No 2826/2000 <sup>(2)</sup>, and in particular Article 3 thereof,

Whereas:

- (1) Pursuant to Article 3 of Regulation (EEC) No 1601/92, the requirements of the Canary Islands for rice are to be covered in terms of quantity, price and quality by the mobilisation, on disposal terms equivalent to exemption from the levy, of Community rice, which involves the grant of an aid for supplies of Community origin. This aid is to be fixed with particular reference to the costs of the various sources of supply and in particular is to be based on the prices applied to exports to third countries.
- (2) Commission Regulation (EC) No 2790/94 <sup>(3)</sup>, as last amended by Regulation (EC) No 1620/1999 <sup>(4)</sup>, lays down common detailed rules for implementation of the

specific arrangements for the supply of certain agricultural products, including rice, to the Canary Islands.

- (3) As a result of the application of these detailed rules to the current market situation in the rice sector, and in particular to the rates of prices for these products in the European part of the Community and on the world market, the aid for supply to the Canary Islands should be set at the amounts given in the Annex.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

Pursuant to Article 3 of Regulation (EEC) No 1601/92, the amount of aid for the supply of rice of Community origin under the specific arrangements for the supply of the Canary Islands shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 April 2001.

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

Done at Brussels, 30 March 2001.

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

<sup>(1)</sup> OJ L 173, 27.6.1992, p. 13.

<sup>(2)</sup> OJ L 328, 23.12.2000, p. 2.

<sup>(3)</sup> OJ L 296, 17.11.1994, p. 23.

<sup>(4)</sup> OJ L 192, 24.7.1999, p. 19.

## ANNEX

**to the Commission Regulation of 30 March 2001 setting the amounts of aid for the supply of rice products from the Community to the Canary Islands**

(EUR/t)

Product (CN code)	Amount of aid
Milled rice (1006 30)	232,00
Broken rice (1006 40)	51,00

**COMMISSION REGULATION (EC) No 634/2001  
of 30 March 2001**

**setting the amounts of aid for the supply of rice products from the Community to the Azores and Madeira**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira <sup>(1)</sup>, as last amended by Regulation (EC) No 2826/2000 <sup>(2)</sup>, and in particular Article 10 thereof,

Whereas:

- (1) Pursuant to Article 10 of Regulation (EEC) No 1600/92, the requirements of the Azores and Madeira for rice are to be covered in terms of quantity, price and quality by the mobilization, on disposal terms equivalent to exemption from the levy, of Community rice, which involves the grant of an aid for supplies of Community origin. This aid is to be fixed with particular reference to the costs of the various sources of supply and in particular is to be based on the prices applied to exports to third countries.
- (2) Commission Regulation (EEC) No 1696/92 <sup>(3)</sup>, as last amended by Regulation (EEC) No 2596/93 <sup>(4)</sup>, lays down common detailed rules for implementation of the specific arrangements for the supply of certain agricultural products, including rice, to the Azores and Madeira. Commission Regulation (EEC) No 1983/92 of 16 July 1992 laying down detailed rules for implementation of the specific arrangements for the supply of rice

products to the Azores and Madeira and establishing the forecast supply balance for these products <sup>(5)</sup>, as last amended by Regulation (EC) No 1683/94 <sup>(6)</sup>, lays down detailed rules which complement or derogate from the provisions of the aforementioned Regulation.

- (3) As a result of the application of these detailed rules to the current market situation in the rice sector, and in particular to the rates of prices for these products in the European part of the Community and on the world market the aid for supply to the Azores and Madeira should be set at the amounts given in the Annex.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

Pursuant to Article 10 of Regulation (EEC) No 1600/92, the amount of aid for the supply of rice of Community origin under the specific arrangements for the supply of the Azores and Madeira shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 April 2001.

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

Done at Brussels, 30 March 2001.

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

<sup>(1)</sup> OJ L 173, 27.6.1992, p. 1.

<sup>(2)</sup> OJ L 328, 23.12.2000, p. 2.

<sup>(3)</sup> OJ L 179, 1.7.1992, p. 6.

<sup>(4)</sup> OJ L 238, 23.9.1993, p. 24.

<sup>(5)</sup> OJ L 198, 17.7.1992, p. 37.

<sup>(6)</sup> OJ L 178, 12.7.1994, p. 53.

## ANNEX

**to the Commission Regulation of 30 March 2001 setting the amounts of aid for the supply of rice products from the Community to the Azores and Madeira**

(EUR/t)

Product (CN code)	Amount of aid	
	Destination	
	Azores	Madeira
Milled rice (1006 30)	232,00	232,00



**COMMISSION REGULATION (EC) No 635/2001  
of 30 March 2001**

**fixing the export refunds on syrups and certain other sugar products exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector <sup>(1)</sup>, as amended by Commission Regulation (EC) No 1527/2000 <sup>(2)</sup>, and in particular the second subparagraph of Article 18(5) thereof,

Whereas:

- (1) Article 18 of Regulation (EC) No 2038/1999 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(d) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Article 3 of Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector <sup>(3)</sup>, provides that the export refund on 100 kilograms of the products listed in Article 1(1)(d) of Regulation (EC) No 2038/1999 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; the sucrose content of the product in question is determined in accordance with Article 3 of Commission Regulation (EC) No 2135/95.
- (3) Article 21(3) of Regulation (EC) No 2038/1999 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one-hundredth of the production refund applicable, pursuant to Council Regulation (EEC) No 1010/86 of 25 March 1986 laying down general rules for the production refund on sugar used in the chemical industry <sup>(4)</sup>, as last amended by Commission Regulation (EC) No 1888/2000 <sup>(5)</sup>, to the products listed in the Annex to the last mentioned Regulation;
- (4) According to the terms of Article 21(1) of Regulation (EC) No 2038/1999, the basic amount of the refund on the other products listed in Article 1(1)(d) of the said

Regulation exported in the natural state must be equal to one-hundredth of an amount which takes account, on the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed and quotations or prices for white sugar on the world market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward processing arrangements.

- (5) According to the terms of Article 21(4) of Regulation (EC) No 2038/1999, the application of the basic amount may be limited to some of the products listed in Article 1(1)(d) of the said Regulation.
- (6) Article 18 of Regulation (EC) No 2038/1999 makes provision for setting refunds for export in the natural state of products referred to in Article 1(1)(f) and (g) and (h) of that Regulation; the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1(1)(d) of Regulation (EC) No 2038/1999 and of the economic aspects of the intended exports; in the case of the products referred to in the said Article 1(1)(f) and (g), the refund is to be granted only for products complying with the conditions in Article 5 of Regulation (EC) No 2135/95; for the products referred to in Article 1(1)(h), the refund shall be granted only for products complying with the conditions in Article 6 of Regulation (EC) No 2135/95.
- (7) The refunds referred to above must be fixed every month; they may be altered in the intervening period.
- (8) Application of these quotas results in fixing refunds for the products in question at the levels given in the Annex to this Regulation.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

<sup>(1)</sup> OJ L 252, 25.9.1999, p. 1.

<sup>(2)</sup> OJ L 175, 14.7.2000, p. 59.

<sup>(3)</sup> OJ L 214, 8.9.1995, p. 16.

<sup>(4)</sup> OJ L 94, 9.4.1986, p. 9.

<sup>(5)</sup> OJ L 227, 7.9.2000, p. 15.

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1(1)(d)(f)(g) and (h) of Regulation (EC) No 2038/1999, exported in the natural state, shall be set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 April 2001.

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

Done at Brussels, 30 March 2001.

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

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## ANNEX

**to the Commission Regulation of 30 March 2001 fixing the export refunds on syrups and certain other sugar products exported in the natural state**

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	A00	EUR/100 kg dry matter	42,14 <sup>(2)</sup>
1702 60 10 9000	A00	EUR/100 kg dry matter	42,14 <sup>(2)</sup>
1702 60 80 9100	A00	EUR/100 kg dry matter	80,07 <sup>(4)</sup>
1702 60 95 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4214 <sup>(1)</sup>
1702 90 30 9000	A00	EUR/100 kg dry matter	42,14 <sup>(2)</sup>
1702 90 60 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4214 <sup>(1)</sup>
1702 90 71 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4214 <sup>(1)</sup>
1702 90 99 9900	A00	EUR/1 % sucrose × net 100 kg of product	0,4214 <sup>(1)</sup> <sup>(3)</sup>
2106 90 30 9000	A00	EUR/100 kg dry matter	42,14 <sup>(2)</sup>
2106 90 59 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4214 <sup>(1)</sup>

<sup>(1)</sup> The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EC) No 2135/95). Sucrose content is determined in accordance with Article 3 of Regulation (EC) No 2135/95.

<sup>(2)</sup> Applicable only to products referred to in Article 5 of Regulation (EC) No 2135/95.

<sup>(3)</sup> The basic amount is not applicable to the product defined under point 2 of the Annex to Regulation (EEC) No 3513/92 (OJ L 355, 5.12.1992, p. 12).

<sup>(4)</sup> Applicable only to products defined under Article 6 of Regulation (EC) No 2135/95.

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).

**COMMISSION REGULATION (EC) No 636/2001**  
**of 30 March 2001**  
**altering the export refunds on white sugar and raw sugar exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector <sup>(1)</sup>, as amended by Commission Regulation (EC) No 1527/2000 <sup>(2)</sup>, and in particular the third subparagraph of Article 18(5) thereof,

Whereas:

- (1) The refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 554/2001 <sup>(3)</sup>, as amended by Regulation (EC) No 599/2001 <sup>(4)</sup>.
- (2) It follows from applying the detailed rules contained in Regulation (EC) No 554/2001 to the information known to the Commission that the export refunds at present in

force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 2038/1999, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 554/2001 are hereby altered to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 April 2001.

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

Done at Brussels, 30 March 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 252, 25.9.1999, p. 1.

<sup>(2)</sup> OJ L 175, 14.7.2000, p. 59.

<sup>(3)</sup> OJ L 82, 22.3.2001, p. 10.

<sup>(4)</sup> OJ L 89, 29.3.2001, p. 6.

## ANNEX

**to the Commission Regulation of 30 March 2001 altering the export refunds on white sugar and raw sugar exported in its unaltered state**

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	A00	EUR/100 kg	38,76 <sup>(1)</sup>
1701 11 90 9910	A00	EUR/100 kg	35,76 <sup>(1)</sup>
1701 11 90 9950	A00	EUR/100 kg	<sup>(2)</sup>
1701 12 90 9100	A00	EUR/100 kg	38,76 <sup>(1)</sup>
1701 12 90 9910	A00	EUR/100 kg	35,76 <sup>(1)</sup>
1701 12 90 9950	A00	EUR/100 kg	<sup>(2)</sup>
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,4214
1701 99 10 9100	A00	EUR/100 kg	42,14
1701 99 10 9910	A00	EUR/100 kg	42,14
1701 99 10 9950	A00	EUR/100 kg	42,14
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,4214

<sup>(1)</sup> Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 19 (4) of Council Regulation (EC) No 2038/1999.

<sup>(2)</sup> Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ L 255, 26.9.1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ L 309, 21.11.1985, p. 14).

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

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

**COMMISSION REGULATION (EC) No 637/2001****of 30 March 2001****fixing the production refund for white sugar used in the chemical industry**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organization of the markets in the sugar sector<sup>(1)</sup>, as amended by Regulation (EC) No 1527/2000<sup>(2)</sup>, and in particular Article 9(6) thereof,

Whereas:

- (1) Pursuant to Article 9(3) of Regulation (EC) No 2038/1999 it may be decided to grant production refunds on the products listed in Article 1(1)(a) and (f) and on the syrups listed in Article 1(1)(d) thereof which are in one of the situations referred to in Article 9(2) of the Treaty and which are used in the manufacture of certain products of the chemical industry.
- (2) Council Regulation (EEC) No 1010/86 of 25 March 1986 laying down general rules for the production refund on certain sugar products used in the chemical industry<sup>(3)</sup>, as last amended by Commission Regulation (EC) No 1888/2000<sup>(4)</sup>, establishes the framework within which the production refunds may be determined and lists the chemical products of which the manufacture makes it possible to grant a production refund for the basic products used in their manufacture. Articles 5, 6 and 7 of Regulation (EEC) No 1010/86 provide that the production refund granted for raw sugar, sucrose syrups and unprocessed isoglucose shall be derived from the refund fixed for white sugar according to a method of calculation peculiar to each of these basic products.
- (3) Commission Regulation (EEC) No 1729/78 of 24 July 1978 laying down detailed rules of application in respect of the production refund for sugar used in the chemical industry<sup>(5)</sup>, as last amended by Regulation (EC) No 1148/98, specifies the method to be used for estab-

lishing the production refund; whereas Article 1 of Regulation (EEC) No 1729/78 provides that the production refund for white sugar shall be fixed at three-monthly intervals for the periods beginning 1 July, 1 October, 1 January and 1 April. The application of the abovementioned method entails fixing the production refund as stated in Article 1 for the period referred to therein.

- (4) The amendment of the definition of white sugar and raw sugar referred to in Article 1(2)(a) and (b) of Regulation (EC) No 2038/1999 has the consequence that flavoured sugars or sugars containing added colouring agents or other substances are no longer considered as falling within these definitions but are to be considered as 'other sugars'. Article 1 of Regulation (EEC) No 1010/86 provides for these sugars to be eligible as basic products to the production refund. A method of calculation based on their sucrose content should be laid down for establishing the production refund applicable to these products.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

*Article 1*

The production refund per 100 kilograms of white sugar referred to in Article 4 of Regulation (EEC) No 1010/86 is hereby fixed at EUR 38,408 for the quarter 1 April to 30 June 2001.

*Article 2*

This Regulation shall enter into force on 1 April 2001.

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

Done at Brussels, 30 March 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 252, 25.9.1999, p. 1.

<sup>(2)</sup> OJ L 175, 14.7.2000, p. 59.

<sup>(3)</sup> OJ L 94, 9.4.1986, p. 9.

<sup>(4)</sup> OJ L 227, 7.9.2000, p. 15.

<sup>(5)</sup> OJ L 201, 25.7.1978, p. 26.

**COMMISSION REGULATION (EC) No 638/2001**  
**of 30 March 2001**  
**suspending the buying-in of butter in certain Member States**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 2 of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream <sup>(3)</sup>, as last amended by Regulation (EC) No 213/2001 <sup>(4)</sup>, lays down the criteria for opening or suspending the buying-in of butter by invitation to tender in the Member States.
- (2) Commission Regulation (EC) No 328/2001 <sup>(5)</sup> suspending the buying-in of butter in certain Member States establishes the list of Member States in which intervention is suspended. As a result of the market prices communicated by Sweden, intervention must no longer be suspended in this country and the list of

Member States established by Regulation (EC) No 328/2001 adjusted accordingly.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Buying-in of butter by invitation to tender as provided for in Article 6(1) of Regulation (EC) No 1255/1999 is hereby suspended in Belgium, Denmark, Germany, France, Greece, Luxembourg, the Netherlands, Austria, Finland, and the United Kingdom.

*Article 2*

Regulation (EC) No 328/2001 is hereby repealed.

*Article 3*

This Regulation shall enter into force on 31 March 2001.

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

Done at Brussels, 30 March 2001.

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

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

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 10.

<sup>(3)</sup> OJ L 333, 24.12.1999, p. 11.

<sup>(4)</sup> OJ L 37, 7.2.2001, p. 1.

<sup>(5)</sup> OJ L 48, 17.2.2001, p. 11.

**COMMISSION REGULATION (EC) No 639/2001  
of 30 March 2001**

**fixing the maximum purchasing price for butter for the 25th invitation to tender carried out under  
the standing invitation to tender governed by Regulation (EC) No 2771/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 13 of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream <sup>(3)</sup>, as last amended by Regulation (EC) No 213/2001 <sup>(4)</sup>, provides that, in the light of the tenders received for each invitation to tender, a maximum buying-in price is to be fixed in relation to the interven-

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

- (2) As a result of the tenders received, the maximum buying-in price should be fixed as set out below.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 25th invitation to tender issued under Regulation (EC) No 2771/1999, for which tenders had to be submitted not later than 27 March 2001, the maximum buying-in price is fixed at 295,38 EUR/100 kg.

*Article 2*

This Regulation shall enter into force on 31 March 2001.

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

Done at Brussels, 30 March 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 10.

<sup>(3)</sup> OJ L 333, 24.12.1999, p. 11.

<sup>(4)</sup> OJ L 37, 7.2.2001, p. 1.



**COMMISSION REGULATION (EC) No 640/2001  
of 30 March 2001**

**fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 72nd individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The minimum selling prices and the maximum aid and processing securities applying for the 72nd individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 31 March 2001.

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

Done at Brussels, 30 March 2001.

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

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

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 10.

<sup>(3)</sup> OJ L 350, 20.12.1997, p. 3.

<sup>(4)</sup> OJ L 76, 25.3.2000, p. 9.

## ANNEX

to the Commission Regulation of 30 March 2001 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 72nd individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

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

**COMMISSION REGULATION (EC) No 641/2001  
of 30 March 2001**

**fixing the maximum aid for concentrated butter for the 244th special invitation to tender opened  
under the standing invitation to tender provided for in Regulation (EEC) No 429/90**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

- (2) In the light of the tenders received, the maximum aid should be fixed at the level specified below and the end-use security determined accordingly.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 244th special invitation to tender under the standing invitation to tender opened by Regulation (EEC) No 429/90, the maximum aid and the amount of the end-use security shall be as follows:

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

*Article 2*

This Regulation shall enter into force on 31 March 2001.

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

Done at Brussels, 30 March 2001.

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

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

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 10.

<sup>(3)</sup> OJ L 45, 21.2.1990, p. 8.

<sup>(4)</sup> OJ L 16, 21.1.1999, p. 19.

**COMMISSION REGULATION (EC) No 642/2001  
of 30 March 2001**

**fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the market in sugar <sup>(1)</sup>, as amended by Commission Regulation (EC) No 1527/2000 <sup>(2)</sup>, and in particular Article 18(5)(a) and (15),

Whereas:

- (1) Article 18(1) and (2) of Regulation (EEC) No 1785/81 provides that the differences between the prices in international trade for the products listed in Article 1(1)(a), (c), (d), (f), (g) and (h) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in the Annex to that Regulation. Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty and the criteria for fixing the amount of such refunds <sup>(3)</sup>, as amended by Regulation (EC) No 2390/2000 <sup>(4)</sup>, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex I to Regulation (EC) No 2038/1999.
- (2) In accordance with Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.
- (3) Article 18(3) of Regulation (EC) No 2038/1999 and Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lay down that the export refund for a product contained in a good may not

exceed the refund applicable to that product when exported without further processing.

- (4) The refunds fixed under this Regulation may be fixed in advance as the market situation over the next few months cannot be established at the moment.
- (5) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardized by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.
- (6) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

*Article 1*

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed in Article 1(1) and (2) of Regulation (EC) No 2038/1999, exported in the form of goods listed in Annex I to Regulation (EC) No 2038/1999, are fixed as shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 April 2001.

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

Done at Brussels, 30 March 2001.

*For the Commission*

Erkki LIIKANEN

*Member of the Commission*

<sup>(1)</sup> OJ L 252, 25.9.1999, p. 1.

<sup>(2)</sup> OJ L 175, 14.7.2000, p. 59.

<sup>(3)</sup> OJ L 177, 15.7.2000, p. 1.

<sup>(4)</sup> OJ L 276, 28.10.2000, p. 3.

## ANNEX

**to the Commission Regulation of 30 March 2001 fixing the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex I to the Treaty**

Product	Rate of refund in EUR/100 kg	
	In case of advance fixing of refunds	Other
White sugar:	42,14	42,14

**COMMISSION REGULATION (EC) No 643/2001  
of 30 March 2001**

**fixing the rates of the refunds applicable to certain milk products exported in the form of goods  
not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 15 May 1999 on the common organisation of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EC) No 1670/2000 <sup>(2)</sup>, and in particular Article 31(3) thereof,

Whereas:

(1) Article 31(1) of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1 (a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund. Whereas Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and criteria for fixing the amount of such refunds <sup>(3)</sup>, as amended by Regulation (EC) No 2390/2000 <sup>(4)</sup>, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EC) No 1255/1999.

(2) In accordance with the first subparagraph of Article 4 (1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.

(3) Article 4(3) of Regulation (EC) No 1520/2000 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organisation of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products.

(4) Article 11(1) of Regulation (EC) No 1255/1999 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions.

(5) Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs <sup>(5)</sup>, as last amended by Regulation (EC) No 635/2000 <sup>(6)</sup>, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods.

(6) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed in Article 1 of Regulation (EC) No 1255/1999, exported in the form of goods listed in the Annex to Regulation (EC) No 1255/1999, are hereby fixed as shown in the Annex to this Regulation.

2. No rates of refund are fixed for any of the products referred to in the preceding paragraph which are not listed in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 April 2001.

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

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 10.

<sup>(3)</sup> OJ L 177, 15.7.2000, p. 1.

<sup>(4)</sup> OJ L 276, 28.10.2000, p. 3.

<sup>(5)</sup> OJ L 350, 20.12.1997, p. 3.

<sup>(6)</sup> OJ L 76, 25.3.2000, p. 9.

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

Done at Brussels, 30 March 2001.

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

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## ANNEX

**to the Commission Regulation of 30 March 2001 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty**

(EUR/100 kg)

CN code	Description	Rate of refund
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):	
	(a) On exportation of goods of CN code 3501	—
	(b) On exportation of other goods	15,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):	
	(a) Where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 2571/97 are exported	34,88
	(b) On exportation of other goods	68,00
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):	
	(a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 2571/97 are exported	75,00
	(b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	177,25
	(c) On exportation of other goods	170,00



**COMMISSION REGULATION (EC) No 644/2001**  
**of 30 March 2001**  
**opening public sales of wine alcohol for use as bioethanol in the European Community**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine <sup>(1)</sup>, as amended by Regulation (EC) No 2826/2000 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1623/2000 of 25 July 2000 laying down detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms <sup>(3)</sup>, as last amended by Regulation (EC) No 545/2001 <sup>(4)</sup>, and in particular Article 92 thereof,

Whereas:

- (1) Regulation (EC) No 1623/2000 lays down *inter alia*, the detailed rules for disposing of stocks of alcohol obtained from distillation under Articles 27, 28 and 30 of Regulation (EC) No 1493/1999 and held by the intervention agencies.
- (2) Public sales of wine alcohol for use in the fuel sector in the Community should be organised with a view to reducing Community stocks of wine alcohol and to some extent ensuring supplies to firms approved under Article 92 of Regulation (EC) No 1623/2000. Community stocks of wine alcohol held by the Member States come from distillation under Articles 35, 36 and 39 of Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organisation of the market in wine <sup>(5)</sup>, as last amended by Regulation (EC) No 1677/1999 <sup>(6)</sup>.
- (3) In accordance with Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro <sup>(7)</sup>, price offers and securities must be expressed, and payments made, in euro.
- (4) Given that there are risks of fraud by substitution of alcohol, it would appear necessary to reinforce checks on the final destination of the alcohol, allowing the intervention agencies to call on the help of international control agencies and to check the alcohol sold by means of nuclear magnetic resonance analyses.

- (5) The Management Committee for Wines has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

Two lots of alcohol (references 1/2001 EC and 2/2001 EC) each comprising 50 000 hectolitres at 100 % vol. are hereby put up for public sale for use in the fuel sector within the Community. The alcohol has been obtained from distillation as provided for in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and is held by the Spanish and Italian intervention agencies.

*Article 2*

The location and references of the vats making up the lots, the quantity of alcohol in each vat, the alcoholic strength and the characteristics of the alcohol are as set out in the Annex hereto. The lots shall be awarded to the two firms approved under Article 92 of Regulation (EC) No 1623/2000.

*Article 3*

All communications concerning this public sale shall be sent to the following Commission department:

European Commission  
 Directorate-General for Agriculture  
 Unit E-2  
 Rue de la Loi/Wetstraat 200, B-1049 Brussels,  
 Fax (32-2) 295 92 52, telex 22037 AGREC B, 22070 AGREC B (Greek),  
 E-mail address: agri-e2@cec.eu.int

*Article 4*

The public sales shall take place in accordance with Articles 92 to 96, 98, 100 and 101 of Regulation (EC) No 1623/2000 and Article 2 of Regulation (EC) No 2799/98.

*Article 5*

The price of the alcohol for public sale shall be EUR 22,97 per hectolitre of alcohol at 100 % vol.

<sup>(1)</sup> OJ L 179, 14.7.1999, p. 1.

<sup>(2)</sup> OJ L 328, 23.12.2000, p. 2.

<sup>(3)</sup> OJ L 194, 31.7.2000, p. 45.

<sup>(4)</sup> OJ L 81, 21.3.2001, p. 21.

<sup>(5)</sup> OJ L 84, 27.3.1987, p. 1.

<sup>(6)</sup> OJ L 199, 30.7.1999, p. 8.

<sup>(7)</sup> OJ L 349, 24.12.1998, p. 1.

*Article 6*

The performance security shall be EUR 30 per hectolitre of alcohol at 100 % vol. Unless a standing guarantee is provided, before removing any alcohol and by the day of issue of the removal order at the latest, the firms awarded the lots shall lodge a performance security with the intervention agency concerned to ensure that the alcohol in question is used as bioethanol in the fuel sector.

*Article 7*

Against payment of EUR 10 per litre and within 30 days of the publication of the notice of public sale, the firms approved under Article 92 of Regulation (EC) No 1623/2000 may obtain samples of the alcohol put up for sale from the intervention agency concerned. After that date, samples may be obtained in accordance with Article 98(2) and (3) of Regulation (EC) No 1623/2000. Samples issued to the approved firms shall amount to not more than five litres per vat.

*Article 8*

The intervention agencies in the Member States in which the alcohol put up for sale is stored shall carry out appropriate checks to verify the nature of the alcohol at the time of end use. To that end, they may:

- apply, *mutatis mutandis*, the provisions of Article 102 of Regulation (EC) No 1623/2000,
- carry out checks on samples using nuclear magnetic resonance to verify the nature of the alcohol at the time of end-use.

The costs shall be borne by the companies to which the alcohol is sold.

*Article 9*

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

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

Done at Brussels, 30 March 2001.

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

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## ANNEX

## PUBLIC SALES OF WINE ALCOHOL FOR USE AS BIOETHANOL IN THE EUROPEAN COMMUNITY

## Nos 1/2001 EC and 2/2001 EC

## I. Place of storage, quantity and characteristics of the alcohol put up for sale

Member State and Lot No	Location	Vat Nos	Quantity (hectolitres of alcohol at 100 % vol.)	Article of Regulation (EEC) No 822/87	Type of alcohol	Firms approved under Article 92 of Regulation (EC) No 1623/2000	
SPAIN Lot No 1/2001 EC	Tarancón	5	50 000,00	35 and 36	Raw	Ecocarburantes Españoles SA	
	Total		50 000,00				
ITALY Lot No 2/2001 EC	Bonollo Anagni-Paduni (FR)		24 150,50	39	Raw	Sekab (Svensk Etanol kemi AB)	
	Bonollo Umberto Mestrino (PD)		194,32	39	Raw		
	Mestrino (PD)		125,68	35	Raw		
	Caviro Faenza (RA)		882,44	35	Potable alcohol		
	Cipriani Chizzola d'Ala (TN)		2 121,18	35	Neutral		
	Di Lorenzo Pontevalleceppi (PG)		1 261,74	36	Neutral		
	ICV Borgoricco (PD)		552,40	35	Potable alcohol		
	Carlino Novoli (LE)		1 102,61	35	Potable alcohol		
	Esposito Pomigliano d'Arco (NA)		2 672,84	36	Potable alcohol		
	De Luca Novoli (LE)		8 000,34	35	Potable alcohol		
	MVA Manfredonia (FG)		8 837,75	35	Neutral		
	Manfredonia (FG)		98,20	36	Neutral		
	Total			50 000,00			

## II. The address of the Spanish intervention agency is:

FEGA, Beneficencia 8, E-28004 Madrid (Tel. (34) 913 47 65 00; telex: 23427 FEGA; fax (34) 915 21 98 32).

## The address of the Italian intervention agency is:

AGEA, via Palestro 81, I-00185 Roma (Tel. (39-06) 494 99 91; telex: 62 00 64/62 06 17/62 03 31; fax (39-06) 445 39 40/445 46 93).

**COMMISSION REGULATION (EC) No 645/2001**  
**of 30 March 2001**  
**concerning the classification of certain goods in the Combined Nomenclature**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff<sup>(1)</sup>, as last amended by Regulation (EC) No 2559/2000<sup>(2)</sup>, and in particular Article 9 thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to the said Regulation, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the Combined Nomenclature. Those rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to the said general rules, the goods described in column 1 of the table annexed to the present Regulation must be classified under the CN codes indicated in column 2, by virtue of the reasons set out in column 3.
- (4) It is appropriate that binding tariff information issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature and which does not conform to the provisions of

this Regulation, can continue to be invoked, under the provisions in Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code<sup>(3)</sup>, as last amended by European Parliament and Council Regulation (EC) No 2700/2000<sup>(4)</sup>, for a period of three months by the holder.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The goods described in column 1 of the annexed table are classified within the Combined Nomenclature under the CN codes indicated in column 2 of the said table.

*Article 2*

Binding tariff information issued by the customs authorities of Member States which does not conform to the provisions of this Regulation can continue to be invoked under the provisions of Article 12(6) of Regulation (EEC) No 2913/92 for a period of three months.

*Article 3*

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

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

Done at Brussels, 30 March 2001.

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

<sup>(1)</sup> OJ L 256, 7.9.1987, p. 1.

<sup>(2)</sup> OJ L 293, 22.11.2000, p. 1.

<sup>(3)</sup> OJ L 302, 19.10.1992, p. 1.

<sup>(4)</sup> OJ L 311, 12.12.2000, p. 17.

## ANNEX

Description of the goods	Classification CN code	Reasons
(1)	(2)	(3)
<p>Mixture of enzymes stabilised on a carrier (wheat flour), containing per gram 2 500 units of xylanase and 800 units of protease, in granulas form. The product may be used, <i>inter alia</i>, as an additive in animal feed (in the proportion of approximately 1 to 1 000) in order to improve the nutritional efficiency of the feed by rendering it more easily digestible</p>	<p>3507 90 90</p>	<p>Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 3507, 3507 90 and 3507 90 90</p> <p>The product is classified on the basis of the active substances which it contains. Enzymes as protein substances within Chapter 35 are excluded from heading 23.09 (see the Harmonised System Explanatory Note to heading 23.09, exclusion (h))</p> <p>The carrier is used because of its properties, which allows it to absorb a substantial quantity of enzymes and to stabilise them at a high temperature and not due to its nutritional properties</p>

**COMMISSION REGULATION (EC) No 646/2001**  
**of 30 March 2001**  
**concerning the classification of certain goods in the Combined Nomenclature**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff<sup>(1)</sup>, as last amended by Regulation (EC) No 2559/2000<sup>(2)</sup>, and in particular Article 9 thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to the said Regulation, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the Combined Nomenclature. Those rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to the said general rules, the goods described in column 1 of the table annexed to the present Regulation must be classified under the CN codes indicated in column 2, by virtue of the reasons set out in column 3.
- (4) It is appropriate that binding tariff information issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature and which does not conform to the provisions of

this Regulation, can continue to be invoked, under the provisions in Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code<sup>(3)</sup>, as last amended by European Parliament and Council Regulation (EC) No 2700/2000<sup>(4)</sup>, for a period of three months by the holder.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The goods described in column 1 of the annexed table are classified within the Combined Nomenclature under the CN codes indicated in column 2 of the said table.

*Article 2*

Binding tariff information issued by the customs authorities of Member States which does not conform to the provisions of this Regulation can continue to be invoked under the provisions of Article 12(6) of Regulation (EEC) No 2913/92 for a period of three months.

*Article 3*

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

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

Done at Brussels, 30 March 2001.

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

<sup>(1)</sup> OJ L 256, 7.9.1987, p. 1.

<sup>(2)</sup> OJ L 293, 22.11.2000, p. 1.

<sup>(3)</sup> OJ L 302, 19.10.1992, p. 1.

<sup>(4)</sup> OJ L 311, 12.12.2000, p. 17.

## ANNEX

Description of the goods	Classification CN code	Reasons
(1)	(2)	(3)
<p>A product described as a portable baby-monitoring device, in the form of a set put up for retail sale, consisting of:</p> <ul style="list-style-type: none"> <li>— a transmission/reception device for radio telephony, with built-in microphone and loudspeaker</li> <li>— a portable transmission/reception device for radio telephony, with built-in microphone and loudspeaker</li> <li>— two mains adapters</li> </ul> <p>The transmission/reception device, which also has an intercommunication function, can be operated using batteries or a mains adapter</p> <p>The portable transmission/reception device, which also has an intercommunication function, is rechargeable and is fully functional while recharging</p> <p>The device serves mainly to convey noises made by a baby in the vicinity of the device. However, the transmission/reception function also makes it possible to talk to the baby</p> <p>The transmission/reception devices have a range of roughly 100 metres</p>	8525 20 99	<p>Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, and the wording of CN codes 8525, 8525 20 and 8525 20 99</p>

**COMMISSION REGULATION (EC) No 647/2001  
of 30 March 2001**

**fixing, for the 2000/01 marketing year, the amounts to be paid to producer organisations and associations thereof recognised under Regulation No 136/66/EEC**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats <sup>(1)</sup>, as last amended by Regulation (EC) No 2826/2000 <sup>(2)</sup>, and in particular Article 20d(4) thereof,

Whereas:

- (1) Article 20d(1) of Regulation No 136/66/EEC provides for a percentage of production aid to be withheld to help finance the work of recognised producer organisations and associations thereof. For the 1998/99, 1999/2000 and 2000/01 marketing years, the amount of production aid referred to in Article 20d(1) of Regulation No 136/66/EEC is 0,8 %.
- (2) Article 21(1) of Commission Regulation (EC) No 2366/98 of 30 October 1998 laying down detailed rules for the application of the system of production aid for olive oil for the 1998/99, 1999/2000 and 2000/01 marketing years <sup>(3)</sup>, as last amended by Regulation (EC) No 1273/1999 <sup>(4)</sup>, provides that the unit amounts to be paid to producer organisations and associations thereof are to be fixed on the basis of forecasts of the overall sum to be distributed. The funds that will become available in each Member State as a result of the amount withheld as

referred to above must be suitably distributed among those eligible.

- (3) The measures provided for in this Regulation are in accordance with the Management Committee for Oils and Fats,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 2000/01 marketing year, the amounts provided for in Article 21(1)(a) and (b) of Regulation (EC) No 2366/98 shall be as follows:

- |                 |                                   |
|-----------------|-----------------------------------|
| — for Spain:    | EUR 4,5 and EUR 2,2 respectively, |
| — for Portugal: | EUR 0,0 and EUR 6,5 respectively, |
| — for Greece:   | EUR 2,0 and EUR 2,0 respectively, |
| — for France:   | EUR 0,0 and EUR 0,0 respectively, |
| — for Italy:    | EUR 1,6 and EUR 1,8 respectively. |

*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, 30 March 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 328, 23.12.2000, p. 2.

<sup>(3)</sup> OJ L 293, 31.10.1998, p. 50.

<sup>(4)</sup> OJ L 151, 18.6.1999, p. 12.



**COMMISSION REGULATION (EC) No 648/2001  
of 30 March 2001**

**amending Regulation (EC) No 2366/98 laying down detailed rules for the application of the system  
of production aid for olive oil for the 1998/99, 1999/2000 and 2000/01 marketing years**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats <sup>(1)</sup>, as last amended by Regulation (EC) No 2826/2000 <sup>(2)</sup>,

Having regard to Council Regulation (EC) No 1638/98 of 20 July 1998 amending Regulation No 136/66/EEC on the establishment of a common organisation of the market in oils and fats <sup>(3)</sup>, and in particular Article 4 thereof,

Having regard to Council Regulation (EEC) No 2261/84 of 17 July 1984 laying down general rules on the granting of aid for the production of olive oil and of aid to olive oil producer organisations <sup>(4)</sup>, as last amended by Regulation (EC) No 1639/98 <sup>(5)</sup>, and in particular Article 19 thereof,

Whereas:

- (1) The management and monitoring of the system of production aid for olive oil requires information additional to that already provided for in Commission Regulation (EC) No 2366/98 of 30 October 1998 laying down detailed rules for the application of the system of production aid for olive oil for the 1998/99, 1999/2000 and 2000/01 marketing years <sup>(6)</sup>, as last amended by Regulation (EC) No 1273/1999 <sup>(7)</sup>, particularly with respect to the new planting referred to in Article 5, the homogeneous production zones referred to in Article 6, the quantities produced by the mills referred to in Article 11 of that Regulation and the national provisions on penalties.
- (2) In order to simplify the administrative burden, any requirements that are not strictly necessary should be avoided.
- (3) Under Article 14 of Regulation (EEC) No 2261/84 Member States must take the necessary steps to ensure that the product is eligible for aid. The measures in question relate, among others, to the activities of approved mills. It has been found that additional checks are needed on some mills, particularly where their situa-

tion does not allow clear confirmation of the declarations submitted based on objective facts or the declarations of other operators, or where there is a need to eliminate any risk of further irregularities on top of those already detected. In such cases, the additional checks should include the daily transmission of certain stock account data.

- (4) Under Article 11a of Regulation No 136/66/EEC the individual Member States must take the necessary steps to penalise infringements of the aid scheme. Under Article 2(d) of Council Regulation (EEC) No 2262/84 of 17 July 1984 laying down special measures in respect of olive oil <sup>(8)</sup>, as last amended by Regulation (EC) No 150/1999 <sup>(9)</sup>, Member States are to take specific and appropriate measures to penalise any infringements where it has been noted that a mill has not fulfilled the obligations arising under Regulation (EEC) No 2261/84. Article 13(4) of Regulation (EEC) No 2261/84 lays down that approval of a mill is to be withdrawn in cases where one of the conditions for approval referred to in paragraph 1 of that Article is no longer fulfilled. The conditions for approval are laid down in Articles 7, 8 and 9 of Regulation (EC) No 2366/98. Article 4(2) of Regulation (EEC) No 2262/84 provides for a mill's approval to be withdrawn for a period of between one and five marketing years where there is a substantial difference between the quantities of olives pressed or oil produced and the quantities shown in the stock records or where those stock records are deemed to be inadequate or inadequately communicated.
- (5) To facilitate the application of the provisions on penalties laid down in a number of Council Regulations, their sequence must be specified and the concepts referred to in Article 4(2) of Regulation (EEC) No 2262/84 defined. In particular, to ensure that the associated severe penalties are reserved for serious infringements, certain differences in quantities, taking account of the size of mills, and time limits to be taken into consideration should be specified. In this context, it should be laid down that the discovery of an infringement concerning the physico-chemical properties of the category of oil in the declaration may be viewed as a serious irregularity in the stock records of all virgin olive oils which may be eligible for

<sup>(1)</sup> OJ L 72, 30.9.1966, p. 3025/66.

<sup>(2)</sup> OJ L 328, 23.12.1999, p. 2.

<sup>(3)</sup> OJ L 210, 28.7.1998, p. 32.

<sup>(4)</sup> OJ L 208, 3.8.1984, p. 3.

<sup>(5)</sup> OJ L 210, 28.7.1998, p. 38.

<sup>(6)</sup> OJ L 293, 31.10.1998, p. 50.

<sup>(7)</sup> OJ L 151, 18.6.1999, p. 12.

<sup>(8)</sup> OJ L 208, 3.8.1984, p. 11.

<sup>(9)</sup> OJ L 18, 23.1.1999, p. 7.

aid. In addition, it should be specified that irregularities corrected within a certain time limit, other than those referred to in Article 4 of Regulation (EEC) No 2262/84, are not covered by Article 13(4) of Regulation (EEC) No 2261/84 but that penalties must be applied under Article 11a of Regulation No 136/66/EEC.

- (6) The information to be provided by producers or their organisations under Article 10(1) of Regulation (EC) No 2366/98 is an important element of the system of production aid and its control.
- (7) Criteria should be laid down for the application of Article 13(6) of Regulation (EEC) No 2261/84 concerning the approval of mills under special control arrangements. To establish whether a mill qualifies for those arrangements, its production during the olive processing period should be compared with that of the other mills in the same NUTS level III region or on an island forming part of a NUTS level III region<sup>(1)</sup>. Furthermore, in view of the seriousness of infringements committed, the system of additional checks should be applied to the mill in question at the very least. To avoid any delays in the application of that system during the period in which the mills operate, a deadline should be laid down for submitting applications for approval under the special control arrangements to the Commission and provision should be made for granting temporary approval.
- (8) Article 16(1) of Regulation (EC) No 2366/98 lays down that the advance may be paid, subject to the results of checks carried out, from 16 October of each marketing year. In some cases the date from which the advance can be paid must be deferred to allow additional checks to be carried out on the producers and mills concerned. This is justified where the production in respect of which an aid application has been made corresponds to a much higher yield than that estimated for the zone concerned, or where a proposal has been made to withdraw approval from the mill in question for at least one year.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Oils and Fats,

HAS ADOPTED THIS REGULATION:

#### Article 1

Regulation (EC) No 2366/98 is amended as follows:

<sup>(1)</sup> Eurostat publication ISBN 92-829-7275-0 — *Nomenclature of territorial units for statistics*, 1999 edition.

1. The following paragraph 4 is added to Article 5:

‘4. Before 31 October 2001, the Member States shall notify the Commission of the measures taken to monitor the application of the above paragraphs 2 and 3 and to penalise offenders, and of the number of olive trees from the 1998/99 and 1999/2000 marketing years regarding which, in accordance with paragraph 2:

- a declaration of intention to plant was lodged,
- the Member State considers that they are replacement plantings of grubbed trees,
- the Member State considers that they are plantings under an approved programme, in accordance with Article 4,
- the Member State considers that they are additional plantings not eligible for aid after 31 October 2001.’

2. The following text is added to Article 6(1)(a);

- ‘— an estimate of the number of olive trees in production,
- an estimate of the area under olives,
- the average yield of virgin olive oil per kilogram of olives.’

3. The final paragraph of Article 7 is deleted.

4. In Article 8:

(a) in the second indent of point (b), the words ‘to the competent agency and, where applicable, to the agency responsible for checks’ are replaced by ‘to the agency responsible for checks or, in the absence of such an agency, to the competent agency’;

(b) the following point (d) is added:

‘(d) for a system of additional checks which involves in particular transmitting daily information on the quantities of olives pressed, the quantities of oil and olive residue obtained, the stocks of oil present and the amount of electricity consumed. Without prejudice to the monthly statement, that information shall be transmitted on the next working day to the inspection agency or, in the absence of such an agency, the competent agency.’

5. The following Article 9a is inserted:

#### ‘Article 9a

1. Approval shall be withdrawn from any mill failing to fulfil the conditions referred to in Article 13(1) of Regulation (EEC) No 2261/84, as laid down in Articles 7, 8 and 9 of this Regulation, for a period of time in keeping with the seriousness of the infringement.

The withdrawal of approval referred to in the first subparagraph shall apply without prejudice to other penalties, including financial penalties, applicable under Article 11a of Regulation No 136/66/EEC.

2. In the case of irregularities other than those referred to in paragraph 3, Member States may decide not to withdraw approval and to apply a different penalty if the mill, when an infringement of the conditions for approval is first found, implements the measures needed to rectify that infringement within a time period to be laid down by the Member State and in any case not more than 90 days. That deadline shall be notified to the party concerned no later than 45 days after an infringement is first found.

3. In the case of the penalties referred to in paragraph 1, approval shall be withdrawn from a mill for a period of between one and five marketing years if the Member State finds irregularities including a substantial difference between the quantities of olives pressed or oil produced and the quantities shown in the stock records, or inadequacy in the stock records or in the communication thereof.

The irregularities referred to in the first subparagraph shall be considered to exist where one of the following conditions is found:

- (a) a difference involving an increase of more than 25 % or 30 tonnes of oil between the total quantity of olive oil declared since the beginning of the marketing year and the quantity based on:
  - plant capacity,
  - energy use or workforce capacity,
  - the quantities of olives entering the mill and the quantities pressed,
  - the quantities and, where necessary, the composition of olive residue obtained,
  - or the actual stocks of olives, oils or residues;
- (b) the existence, based on an analysis of the samples referred to in Article 8(a), of oils that do not comply with the characteristics of virgin olive oils set out in point 1 of the Annex to Regulation No 136/66/EEC;
- (c) a delay between December and April of the same marketing year of more than:
  - 20 days in the case of transmission of the monthly statements referred to in Article 8(b).

However, the minimum value of the difference referred to in point a shall be 50 tonnes for mills with a capacity of more than 5 tonnes per working day of eight hours or an annual capacity of more than 500 tonnes.'

6. In Article 10:

- (a) in the third subparagraph of paragraph 1, the words 'Producers' organisations shall notify the information in the second subparagraph to the competent body in the Member State, or where appropriate the control

agency' are replaced by 'Producers' organisations shall notify the information in the second subparagraph to the control agency or, in the absence of such as agency, to the competent body in the Member State.;

(b) the following paragraph 3 is added:

'3. In the absence of the declaration of the quantities for each destination and the statement of the stock situation referred to in paragraph 1, the Member State concerned shall apply an appropriate penalty.'

7. Article 11 is replaced by the following:

*'Article 11*

1. Producer Member States shall notify the Commission, no later than the 10<sup>th</sup> day of the second month following the month in question, of the aggregate quantity of olive oil produced since the start of the marketing year, based on the aggregate of the mills' monthly statements.

2. At the request of a mill whose approval has been withdrawn, the Member State may grant approval under the special control arrangements on the conditions laid down by Article 13(6) of Regulation (EEC) No 2261/84. Those conditions shall be fulfilled only where the olive oil production of the mill concerned during the period from November to March inclusive is higher than the available processing capacity in that period in the previous marketing year of other mills in the same NUTS level III region as the mill in question or on an island forming part of a NUTS level III region.

The Member State concerned shall present to the Commission no later than the second month following withdrawal, an application from the mill for approval under the special control arrangements specifying the reasons and the type of controls it undertakes to apply to the mill concerned. If the Commission fails to deliver an opinion within 45 days, the application shall be considered to have been accepted.

In the case of approval withdrawn between 1 August and 31 March, at the request of the mill concerned and where production fulfils the conditions referred to in the first subparagraph, the Member State may grant temporary approval under its proposed special control arrangements, until expiry of the deadline laid down by the Commission in the second subparagraph.'

8. In Article 12(5), the date '1 September' is replaced by '5 September'.

9. In Article 14(4), the date '1 April' is replaced by '15 May'.

10. In Article 16:

(a) The first paragraph is replaced by the following:

'1. Without prejudice to paragraph 2, subject to the results of the checks carried out, the Member States shall pay the advance referred to in Article 12 of Regulation (EEC) No 2261/84 from 16 October of each marketing year.;

(b) the second paragraph is replaced by the following:

'2. Payment of at least 25 % of the advance shall be deferred in the case of:

(a) producers who lodge an aid application for production:

— that is more than twice the quantity resulting from the application to the number of olive trees declared of the average yield of the homogeneous zone in which the holding is mostly located,

— that comes mainly from a homogeneous zone for which aid applications correspond to total production exceeding by more than 30 % the quantity resulting from the application of the average yield for the zone to the number of olive trees on the holdings which are mostly located in that zone;

(b) producers whose production comes mainly from mills for which it has been proposed that approval be withdrawn for a period of between one and five years.

The margins by which the quantities resulting from average yields are exceeded, as referred to in point a, may be adjusted up or down by about 20 % by the Member States before 15 October of each marketing year taking account of the yields of the regional area.

Payment of the advance shall be suspended until 1 April following the end of the marketing year concerned in the cases referred to in point a, or until a decision is taken on the proposals as referred to in point b. However, Member States may decide not to suspend payment of the advance or to reduce the period of suspension in cases where an additional analysis provides objective proof of the yield given in the declarations of the party concerned.'

(c) Paragraph 2 becomes paragraph 3.

11. The following paragraph 4 is added to Article 30:

'4. A mill shall be subject to the additional checks referred to in Article 8(d) where:

(a) checks are unable to verify the mill's declarations in numerous cases or where significant volumes are concerned, and in particular where the majority of the checks carried out pursuant to paragraph 3 do not provide any proof of delivery of the quantities of olive oil declared by the mill in question;

(b) these are justified by the irregularities for which penalties are sought, particularly where a proposal to withdraw approval for between one and five marketing years is involved;

(c) approval has been granted under the special control arrangements referred to in Article 13(6) of Regulation (EEC) No 2261/84;

(d) at least 25 % of the total production of the mill is received from producers referred to in Article 16(2)(a), except where an additional analysis provides objective proof to the satisfaction of the Member State.

The additional checks shall apply from the second month following the month of the checks in question, and at least until the end of the following marketing year or, where appropriate, until the Member State decides on a proposed penalty.'

12. The following text is added to the second paragraph of Article 32:

'In particular, the Member States shall notify the Commission in the course of the month preceding the start of each marketing year of the national provisions in force providing for penalties for each case of irregularity.'

#### Article 2

This Regulation shall enter into force on the seventh 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, 30 March 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

**COMMISSION REGULATION (EC) No 649/2001  
of 30 March 2001**

**derogating, with regard to agri-environment measures, from Regulation (EC) No 1750/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2078/92 of 30 June 1992 on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside <sup>(1)</sup>, as amended by Commission Regulation (EC) No 2772/95 <sup>(2)</sup>, and in particular Article 9 thereof,

Having regard to 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 <sup>(3)</sup>, and in particular Article 34 thereof,

Whereas:

(1) Article 12 of Commission Regulation (EC) No 1750/1999 of 23 July 1999 laying down detailed rules for the application of Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) <sup>(4)</sup>, as amended by Regulation (EC) No 2075/2000 <sup>(5)</sup>, lays down the conditions with which all agri-environment undertakings to extensify livestock farming or otherwise to manage livestock farming must comply. According to that Article, livestock density is defined taking into account all grazing livestock kept on the farm.

(2) In view of the difficult situation on the beef and veal market resulting from the sharp drop in demand, due in particular to consumers turning away from beef because of concerns about the increased number of bovine spongiform encephalopathy cases, more cattle are remaining on farms. These animals are taken into account when establishing the holding's stocking density and farmers may accordingly not receive the aid and be penalised for not complying with their undertaking.

(3) In order to avoid penalising farmers in these exceptional circumstances, a corrective flat-rate coefficient should be applied for a limited period, to avoid impairing the environmental value of such undertakings, to the number of livestock units recorded on the holding for the period in question when establishing the stocking density, provided that the farmer demonstrates the

impact of this exceptional market situation on the extensive nature of the holding, without affecting the principle of extensification.

(4) If the application of the coefficient does not make it possible to comply with the livestock density laid down in the undertaking or if the difficult situation on the beef and veal market should persist beyond this period, thus making it impossible to comply with the environment undertakings relating, in particular, to the extensification of cattle farming, farmers should be allowed to withdraw their undertaking before expiry of the period covered by that undertaking or to modify their undertaking by removing the obligation to extensify cattle farming without the penalties normally provided for in these circumstances being applied, provided that the farmer demonstrates the impact of this exceptional market situation on the extensive nature of the holding.

(5) For reasons of equal treatment, these derogations should apply under the same conditions to agri-environment undertakings entered into under Regulation (EEC) No 2078/92.

(6) In view of the situation of farmers, this Regulation should enter into force immediately.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Agricultural Structures and Rural Development,

HAS ADOPTED THIS REGULATION:

*Article 1*

In the period between 15 October 2000 and 16 April 2001 inclusive and by way of derogation from Article 12 of Regulation (EC) No 1750/1999, the number of livestock units recorded on a holding shall be multiplied by a coefficient of 0,8.

The coefficient of 0,8 shall apply under the same conditions to agri-environment undertakings entered into under Regulation (EEC) No 2078/92.

This measure shall apply if it can be proved, to the satisfaction of the Member State, that because of the exceptional market situation, cattle are being kept longer on the holding than is normally the case.

<sup>(1)</sup> OJ L 215, 30.7.1992, p. 85.

<sup>(2)</sup> OJ L 288, 1.12.1995, p. 35.

<sup>(3)</sup> OJ L 160, 26.6.1999, p. 80.

<sup>(4)</sup> OJ L 214, 13.8.1999, p. 31.

<sup>(5)</sup> OJ L 246, 30.9.2000, p. 46.

*Article 2*

In the period between the date of entry into force of this Regulation and 15 June 2001, farmers may withdraw the agri-environment undertaking given pursuant to Regulation (EEC) No 2078/92 or Regulation (EC) No 1257/1999, or the part of that undertaking concerning the extensification of cattle farming, without the penalties provided for in such situations being applied.

This measure shall apply if it can be proved, to the satisfaction of the Member State, that because of the exceptional market situation, cattle are being kept longer on the holding than is normally the case.

*Article 3*

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

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

Done at Brussels, 30 March 2001.

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

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**COMMISSION REGULATION (EC) No 650/2001****of 30 March 2001****redistributing unused portions of the 2000 quantitative quotas for certain products originating in the People's Republic of China**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 520/94 of 7 March 1994 establishing a Community procedure for administering quantitative quotas <sup>(1)</sup>, as last amended by Regulation (EC) No 138/96 <sup>(2)</sup>, and in particular Article 2(5) and Articles 14 and 24 thereof,

Whereas:

- (1) Council Regulation (EC) No 519/94 of 7 March 1994 on common rules for imports from certain third countries and repealing Regulations (EEC) No 1765/82, (EEC) No 1766/82 and (EEC) No 3420/83 <sup>(3)</sup>, as last amended by Regulation (EC) 1138/98 <sup>(4)</sup>, introduced annual quantitative quotas for certain products originating in the People's Republic of China listed in Annex II to that Regulation. The provisions of Regulation (EC) No 520/94 are applicable to those quotas.
- (2) The Commission accordingly adopted Regulation (EC) No 738/94 <sup>(5)</sup>, as last amended by Regulation (EC) No 983/96 <sup>(6)</sup>, laying down general rules for the implementation of Regulation (EC) No 520/94. These provisions apply to the administration of the above quotas subject to the provisions of this Regulation.
- (3) In accordance with Article 20 of Regulation (EC) No 520/94, the competent authorities of the Member States notified the Commission of the quantities of quotas assigned in 2000 and not used.
- (4) The unused quantities could not be redistributed in time to be used before the end of the 2000 quota year.
- (5) Examination of the data received for each of the products in question indicates that the quantities not used in the 2000 quota year should be redistributed in 2001, up to a limit of the amounts set out in Annex I to this Regulation.

- (6) The different administrative methods provided for by Regulation (EC) No 520/94 have been considered, and the method based on traditional trade flows should be adopted. Under this method quota tranches are divided into two portions, one of which is reserved for traditional importers and the other for other applicants.
- (7) This has proved to be the best way of ensuring the continuity of business for the Community importers concerned and avoiding any disturbance of trade flows.
- (8) Quantities redistributed under this Regulation should be divided using the same criteria as for the allocation of the 2001 quotas.
- (9) The reference period used for the appointment of the 2001 quotas, consisting of either the year 1998 or 1999, should again be applied to the allocation of the share set aside for traditional importers, since it continues to reflect the normal trend of trade flows for the products in question. Therefore, traditional importers must prove that they imported products originating in China subject to the relevant quotas in the course of either 1998 or 1999.
- (10) It is necessary to simplify the formalities to be fulfilled by traditional importers who already hold import licences issued when the 2001 Community quotas were allocated. The competent administrative authorities already possess the requisite evidence of either 1998 or 1999 imports for all traditional importers. The latter need therefore only enclose a copy of their previous licences with their new licence applications.
- (11) Measures should be taken to provide the best conditions for the allocation of that portion of the quota reserved for non-traditional importers with a view to optimum use of quotas. To this end, it is appropriate to provide for that portion to be allocated in proportion to the quantities requested, on the basis of a simultaneous examination of import licence applications actually lodged, and grant access only to importers who can prove that they obtained and made use of at least 80 % of an import licence for the product in question during the 2000 quota year. The amount that any non-traditional importer may request should also be restricted to a set volume or value.

<sup>(1)</sup> OJ L 66, 10.3.1994, p. 1.

<sup>(2)</sup> OJ L 21, 27.1.1996, p. 6.

<sup>(3)</sup> OJ L 67, 10.3.1994, p. 89.

<sup>(4)</sup> OJ L 159, 3.6.1998, p. 1.

<sup>(5)</sup> OJ L 87, 31.3.1994, p. 47.

<sup>(6)</sup> OJ L 131, 1.6.1996, p. 47.

- (12) For the purposes of quota allocation, a time limit must be set for the submission of licence applications by traditional and other importers.
- (13) With a view to optimum use of quotas, licence applications for imports of footwear under quotas which refer to several CN codes must specify the quantities required for each code.
- (14) The Member States must inform the Commission of the import licence applications received, in accordance with the procedure laid down in Article 8 of Regulation (EC) No 520/94. The information about traditional importers' previous imports must be expressed in the same units as the quota in question.
- (15) In the light of the experience gained in the management of the quotas, in order to facilitate import administration formalities to economic operators and in view of the fact that unused quantities may not be carried over to the following year more than once, thus the risk of excessive accumulation of imports appears to be limited, it is deemed appropriate, without prejudice to the results of a further analysis which may appear to be warranted in this respect in the future, to set the expiry date of the redistribution import licences on 31 December 2001.
- (16) These measures are in accordance with the opinion of the Committee for the Administration of Quotas set up under Article 22 of Regulation (EC) No 520/94,

HAS ADOPTED THIS REGULATION:

#### Article 1

This Regulation lays down specific provisions for the redistribution in 2001 of portions of the quantitative quotas referred to in Annex II to Regulation (EC) No 519/94 which were not used in the 2000 quota year.

The quantities not used in the 2000 quota year shall be redistributed up to the limit of the volumes or values set out in Annex I to this Regulation.

Regulation (EC) No 738/94 laying down general rules for the implementation of Regulation (EC) No 520/94 shall apply, subject to the specific provisions of this Regulation.

#### Article 2

1. The quantitative quotas referred to in Article 1 shall be allocated using the method based on traditional trade flows, referred to in Article 2(2)(a) of Regulation (EC) No 520/94.

2. The portions of each quantitative quota set aside for traditional importers and other importers are set out in Annex II to this Regulation.

3. The portion set aside for non-traditional importers shall be apportioned using the method based on allocation in proportion to quantities requested; the volume requested by a single importer may not exceed that shown in Annex III. Only importers who can prove that they imported at least 80 % of the volume of the product for which they were granted an import licence pursuant to Commission Regulation (EC) 2201/1999 <sup>(1)</sup> shall be entitled to apply for import licences.

#### Article 3

Applications for import licences shall be lodged with the competent authorities listed in Annex IV to this Regulation from the day following the day of publication of this Regulation in the *Official Journal of the European Communities* until 3 p.m., Brussels time, on 8 April 2001.

#### Article 4

1. For the purposes of allocating the portion of each quota set aside for traditional importers, 'traditional' importers shall mean importers who can show that they have imported goods in either the calendar year 1998 or 1999.

2. The evidence referred to in Article 7 of Regulation (EC) No 520/94 shall relate to the release into free circulation during either calendar year 1998 or 1999, as indicated by the importer, of products originating in the People's Republic of China which are covered by the quota in respect of which the application is made.

3. Instead of the evidence referred to in the first indent of Article 7 of Regulation (EC) No 520/94:

- applicants may enclose with their licence applications documents drawn up and certified by the competent national authorities on the basis of available customs information as evidence of the imports of the product in question during the calendar year 1998 or 1999 carried out by themselves or, where applicable, by the operator whose activities they have taken over,
- applicants already holding import licences issued for 2001 under Commission Regulation (EC) No 2339/200 <sup>(2)</sup>, for products covered by the licence application may enclose a copy of their previous licences with their licence applications. In that case they shall indicate in their licence application the aggregate quantity of imports of the product in question during the chosen reference period.

<sup>(1)</sup> OJ L 268, 16.10.1999, p. 10.

<sup>(2)</sup> OJ L 269, 21.10.2000, p. 28.



*Article 5*

Member States shall inform the Commission no later than 12 May 2001 at 10 a. m., Brussels time, of the number and aggregate quantity of import licence applications and, in the case of applications from traditional importers, of the volume of previous imports carried out by traditional importers during the chosen reference period referred to in Article 4(1) of this Regulation.

*Article 6*

No later than 20 days after having received all the information required under Article 5, the Commission shall adopt the

quantitative criteria to be used by the competent national authorities for the purpose of meeting importers' applications.

*Article 7*

Import licences shall be valid up to 31 December 2001. The validity shall not be extendable.

*Article 8*

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

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

Done at Brussels, 30 March 2001.

*For the Commission*  
Pascal LAMY  
*Member of the Commission*

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## ANNEX I

## QUANTITIES TO BE REDISTRIBUTED

Product description	HS/CN code	Quantities redistributed
Footwear falling within HS/CN codes	ex 6402 99 <sup>(1)</sup>	4 632 695 pairs
	6403 51 6403 59	1 368 549 pairs
	ex 6403 91 <sup>(1)</sup> ex 6403 99 <sup>(1)</sup>	1 838 095 pairs
	ex 6404 11 <sup>(2)</sup>	3 567 596 pairs
	6404 19 10	9 662 302 pairs
Tableware, kitchenware of porcelain or china falling within HS/CN code	6911 10	7 156 tonnes
Ceramic tableware, kitchenware, other household articles and toilet articles, other than of porcelain or china falling within HS/CN code	6912 00	7 509 tonnes

<sup>(1)</sup> Excluding footwear involving special technology: shoes which have a cif price per pair of not less than EUR 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralise impact or materials such as low-density polymers.

<sup>(2)</sup> Excluding:

- (a) footwear which is designed for a sporting activity and has, or has provision for the attachment of, spikes, sprigs, stops, clips, bats or the like, with a non-injected sole;
- (b) footwear involving special technology: shoes which have a cif price per pair of not less than EUR 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralise impact or materials such as low-density polymers.

## ANNEX II

## ALLOCATION OF THE QUOTAS

Product description	HS/CN code	Portion reserved for traditional importers 70 %	Portion reserved for other importers 30 %
Footwear falling within HS/CN codes	ex 6402 99 <sup>(1)</sup>	3 242 887 pairs	1 389 808 pairs
	6403 51 6403 59	957 984 pairs	410 565 pairs
	ex 6403 91 <sup>(1)</sup> ex 6403 99 <sup>(1)</sup>	1 286 666 pairs	551 429 pairs
	ex 6404 11 <sup>(2)</sup>	2 497 317 pairs	1 070 279 pairs
	6404 19 10	6 763 611 pairs	2 898 691 pairs
Tableware, kitchenware of porcelain or china falling within HS/CN code	6911 10	5 009 tonnes	2 147 tonnes
Ceramic tableware, kitchenware, other household articles and toilet articles, other than of porcelain or china falling within HS/CN code	6912 00	5 256 tonnes	2 253 tonnes

<sup>(1)</sup> Excluding footwear involving special technology: shoes which have a cif price per pair of not less than EUR 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralise impact of materials such as low-density polymers.

<sup>(2)</sup> Excluding:

- (a) footwear which is designed for a sporting activity and has, or has provision for the attachment of, spikes, sprigs, stops, clips, bats or the like, with a non-injected sole;
- (b) footwear involving special technology: shoes which have a cif price per pair of not less than EUR 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralise impact of materials such as low-density polymers.

## ANNEX III

## MAXIMUM QUANTITY WHICH MAY BE REQUESTED BY EACH IMPORTER OTHER THAN TRADITIONAL

Product description	HS/CN code	Predetermined maximum quantity
Footwear falling within HS/CN codes	ex 6402 99 <sup>(1)</sup>	5 000 pairs
	6403 51 6403 59	5 000 pairs
	ex 6403 91 <sup>(1)</sup> ex 6403 99 <sup>(1)</sup>	5 000 pairs
	ex 6404 11 <sup>(2)</sup>	5 000 pairs
	6404 19 10	5 000 pairs
Tableware, kitchenware of porcelain or china falling within HS/CN code	6911 10	5 tonnes
Ceramic tableware, kitchenware, other household articles and toilet articles, other than of porcelain or china falling within HS/CN code	6912 00	5 tonnes

<sup>(1)</sup> Excluding footwear involving special technology: shoes which have a cif price per pair of not less than EUR 9 for use in sporting activities, with a single-or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralise impact or materials such as low-density polymers.

<sup>(2)</sup> Excluding:

- (a) footwear which is designed for a sporting activity and has, or has provision for the attachment of spikes, sprigs, stops, clips, bats or the like, with a non-injected sole;
- (b) footwear involving special technology: shoes which have a cif price per pair of not less than EUR 9 for use in sporting activities, with a single-or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralise impact or materials such as low-density polymers.

## ANNEX IV

## LIST OF THE COMPETENT NATIONAL AUTHORITIES

1. BELGIQUE/BELGIË  
**Ministère des affaires économiques**  
 Administration des relations économiques  
 4<sup>e</sup> division: Mise en œuvre des politiques commerciales  
 Services des licences  
**Ministerie van Economische Zaken**  
 Bestuur van de Economische Betrekkingen  
 4<sup>e</sup> afdeling: Toepassing van de Handelspolitiek  
 Dienst Vergunningen  
 Generaal Lemanstraat 60, rue Général-Leman 60,  
 B-1040 Brussel/Bruxelles  
 Tél./Tel. (32-2) 206 58 16  
 Fax (32-2) 230 83 22/231 14 84
2. DANMARK  
**Erhvervsfremme Styrelsen**  
 Vejlsøvej 29  
 DK-8600 Silkeborg  
 Tlf. (45) 35 46 60 00  
 Fax (45) 35 46 64 01
3. DEUTSCHLAND  
**Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA)**  
 Frankfurter Straße 29-35  
 D-65760 Eschborn  
 Tel. (49) 619 64 08-0  
 Fax (49) 619 69 42 26/(49) 6196 908-800
4. GREECE  
**Ministry of National Economy**  
**General Secretariat of International Economic Relations**  
**Directorate for Foreign Trade Issues**  
 1, Kornarou Street  
 GR-Athens 105-63  
 Tel.: (30-1) 328 60 31/328 60 32  
 Fax: (30-1) 328 60 94/328 60 59
5. ESPAÑA  
**Ministerio de Economía y Hacienda**  
 Dirección General de Comercio Exterior  
 Paseo de la Castellana, 162  
 E-28046 Madrid  
 Tel.: (34) 913 49 38 94/913 49 37 78  
 Fax: (34) 913 49 38 32/913 49 37 40
6. FRANCE  
**Service des titres du commerce extérieur**  
 8, rue de la Tour-des-Dames  
 F-75436 Paris Cedex 09  
 Tél. (33-1) 55 07 46 69/95  
 Fax (33-1) 55 07 46 59
7. IRELAND  
**Department of Enterprise, Trade and Employment**  
 Licensing Unit, Block C  
 Earlsfort Centre  
 Hatch Street  
 Dublin 2  
 Ireland  
 Tel. (353-1) 631 25 41  
 Fax (353-1) 631 25 62
8. ITALIA  
**Ministero del Commercio con l'estero**  
 DG per la politica commerciale e la gestione del regime degli scambi — Divisione VII
- Viale America, 341  
 I-00144 Roma  
 Tel. (39 06) 599 31 — 59 93 24 19 — 59 93 24 00  
 Fax (39 06) 592 55 56
9. LUXEMBOURG  
**Ministère des affaires étrangères**  
 Office des licences  
 Boîte postale 113  
 L-2011 Luxembourg  
 Tél. (352) 22 61 62  
 Fax (352) 46 61 38
10. NEDERLAND  
**Belastingdienst/Douane**  
 Engelse Kamp 2  
 Postbus 30003  
 9700 RD Groningen  
 Nederland  
 Tel. (31-50) 523 91 11  
 Fax (31-50) 526 06 98/523 92 37
11. ÖSTERREICH  
**Bundesministerium für Wirtschaft und Arbeit**  
 Landstrasser Hauptstraße 55/57  
 A-1031 Wien  
 Tel. (43) 171 10 23 86  
 Fax (43) 17 11 02
12. PORTUGAL  
**Ministério da Economia**  
 Direcção-Geral das Relações Económicas Internacionais  
 Avenida da República, 79  
 P-1069-059 Lisboa  
 Tel.: (351-1) 791 18 00/19 43  
 Fax: (351-1) 793 22 10, 796 37 23  
 Telex: 13 418
13. SUOMI  
**Tullihallitus**  
 Erottajankatu 2  
 FIN-00101 Helsinki  
 P. (358-9) 61 41  
 F. (358-9) 614 28 52
14. SVERIGE  
**Kommerskollegium**  
 Box 6803  
 S-113 86 Stockholm  
 Tfn (46-8) 690 48 00  
 Fax (46-8) 30 67 59
15. UNITED KINGDOM  
**Department of Trade and Industry**  
 Import Licensing Branch  
 Queensway House  
 West Precinct  
 Billingham  
 TS23 2NF  
 United Kingdom  
 Tel. (44-1642) 36 43 33/36 43 34  
 Fax (44-1642) 53 35 57

**COMMISSION REGULATION (EC) No 651/2001**  
**of 30 March 2001**  
**adjusting certain compensatory agrimonetary aids granted to Denmark and Sweden**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro <sup>(1)</sup>, and in particular Article 5 thereof,

Whereas:

- (1) For various Member States, the maximum amount of the compensatory aid resulting from the rates for converting the euro into national currency units and the exchange rates applicable on 1 or 3 January 1999 is laid down in Commission Regulation (EC) No 755/1999 <sup>(2)</sup>.
- (2) The maximum amount of compensatory aid resulting from the conversion rates applicable on 1 or 2 January 2000 have been set for Denmark, Sweden and the United Kingdom by Commission Regulation (EC) No 801/2000 <sup>(3)</sup>.
- (3) Article 5(3) of Regulation (EC) No 2799/98 provides that the maximum amounts paid out under the second and third tranches are to be reduced vis-à-vis the level of the previous tranche, by at least a third of the amount paid out in the first tranche, while Article 5(4) of that Regulation provides that the maximum amount of compensatory aid must be reduced or cancelled if necessary as a function of the effect on income of the development of the exchange rates recorded on the first day of the second and third tranche.
- (4) The conversion rates applicable to certain direct aids whose operative event is 31 December 2000 or 1 January 2001 are laid down in Commission Regulation (EC) No 408/2001 <sup>(4)</sup>. The rates laid down for the Danish krone and the Swedish krona indicate a depreciation of those currencies.
- (5) A further reduction should therefore be applied to the maximum amount of the compensatory aid linked to the operative events in 1999 while the maximum amount of compensatory aid linked to the operative

events in 2000 should be abolished in the case of Denmark. A further reduction should also be applied to the maximum amount of compensatory aid linked to the operative events in 2000 in the case of Sweden.

- (6) The measures provided for in this Regulation are in accordance with the opinions of the Management Committees concerned,

HAS ADOPTED THIS REGULATION:

*Article 1*

In the case of the measures whose operative event falls on 1 January 1999, the amounts of compensatory aid for Denmark contained in the Annex to Regulation (EC) No 755/1999 shall be multiplied by a factor of 0,9152.

In the case of the measures whose operative event falls on 3 January 1999, the amounts of compensatory aid for Denmark contained in the Annex to Regulation (EC) No 755/1999 shall be multiplied by a factor of 0,9168.

*Article 2*

The compensatory aid amounts for Denmark contained in the Annex to Regulation (EC) No 801/2000 are hereby deleted.

*Article 3*

In the case of the measures whose operative event falls on 1 January 2000, the amounts of compensatory aid for Sweden contained in the Annex to Regulation (EC) No 801/2000 shall be multiplied by a factor of 0,8378.

In the case of the measures whose operative event falls on 2 January 2000, the amounts of compensatory aid for Sweden contained in the Annex to Regulation (EC) No 801/2000 shall be multiplied by a factor of 0,8462.

*Article 4*

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

<sup>(1)</sup> OJ L 349, 24.12.1998, p. 1.

<sup>(2)</sup> OJ L 98, 13.4.1999, p. 8.

<sup>(3)</sup> OJ L 96, 18.4.2000, p. 34.

<sup>(4)</sup> OJ L 60, 1.3.2001, p. 24.

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

Done at Brussels, 30 March 2001.

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

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**COMMISSION REGULATION (EC) No 652/2001  
of 30 March 2001**

**amending Regulation (EC) No 23/2001 laying down special measures for the beef sector that depart from the provisions of Regulation (EC) No 800/1999, Regulation (EEC) No 3719/88, Regulation (EC) No 1291/2000 and Regulation (EEC) No 1964/82**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal <sup>(1)</sup>, and in particular Article 29(2)(a), Article 33(12) and Article 41 thereof,

Whereas:

- (1) The health measures adopted by the authorities of certain non-member countries regarding exports of bovine animals and the meat of those animals in response to bovine spongiform encephalopathy have had serious economic consequences for exporters.
- (2) Commission Regulation (EC) No 23/2001 <sup>(2)</sup> introduces measures to mitigate certain of those serious consequences.
- (3) The measures adopted by those non-member countries are still in force and in certain cases have been strengthened.
- (4) The damaging consequences for Community exporters should be limited by extending certain time limits.
- (5) In the light of the situation, this Regulation should enter into force immediately.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

*Article 1*

Articles 2, 3 and 4 of Regulation (EC) No 23/2001 are replaced by the following:

*'Article 2*

1. At the holder's request export licences issued under Regulation (EC) No 1445/95 that were applied for by 20

February 2001 shall, if their validity did not expire before 1 November 2000, be cancelled and the security released.

2. On application by the exporter in the case of products for which by 20 February 2001:

- the customs export formalities had been completed or which had been placed under one of the customs control procedures referred to in Articles 4 and 5 of Regulation (EEC) No 565/80, the 60-day time limit for leaving the Community's customs territory referred to in Article 30(1)(b)(i) of Regulation (EEC) No 3719/88, Article 32(1)(b)(i) of Regulation (EC) No 1291/2000 and Articles 7(1) and 34(1) of Regulation (EC) No 800/1999 is raised to 210 days. The time limit shall not, however, extend beyond 31 December 2001,
- the customs export formalities had been completed but which had not yet left the Community's customs territory or which had been placed under one of the customs control procedures referred to in Articles 4 and 5 of Regulation (EEC) No 565/80, the exporter shall repay any refund paid in advance and the various securities pertaining to the operations shall be released,
- the customs formalities had been completed and which had left the Community's customs territory, they may be brought back and released for free circulation in the Community. The exporter shall repay any refund paid in advance and the various securities pertaining to the operations shall be released,
- the customs formalities had been completed and which had left the Community's customs territory, they may be brought back to be placed under a suspensive procedure in a free zone, free warehouse or customs warehouse for a maximum of 120 days before reaching their final destination; this shall not affect payment of the refund for the actual final destination or the security lodged in respect of the licence.

*Article 3*

Notwithstanding the first subparagraph of Article 6(1) of Regulation (EEC) No 1964/82, at the exporter's request he shall, if the customs export formalities or the formalities for placing goods under one of the customs control procedures referred to in Articles 4 and 5 of Regulation (EEC) No 565/80 were not completed by 20 February 2001 for the

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 21.

<sup>(2)</sup> OJ L 3, 6.1.2001, p. 7.



total quantity of meat entered on a certificate as provided for in Article 4(1) of Regulation (EEC) No 1964/82 issued before 20 February 2001, retain the special refund on the quantities exported and released for consumption in a third country. The requirements of Article 6(2) and (3) of Regulation (EEC) No 1964/82 shall not apply in these cases.

The above provisions shall also apply if, as a result of application of the second or third indent of Article 2(2) of this Regulation, part of the total quantity entered on the certificate provided for in Article 4(1) of Regulation (EEC) No 1964/82 has not been released for consumption in a third country.

#### Article 4

1. Article 18(3)(a), the 20 % reduction provided for in the second indent of Article 18(3)(b), and the 10 % and 15 % increases provided for in Article 25(1) and the second subparagraph of Article 35(1) of Regulation (EC) No 800/1999 respectively shall not apply to exports made under licences applied for by 20 February 2001.

2. If entitlement to the refund is lost, the penalty specified in Article 51(1)(a) of Regulation (EC) No 800/1999 shall not apply.'

#### 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, 30 March 2001.

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

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**COMMISSION REGULATION (EC) No 653/2001  
of 30 March 2001**

**fixing the maximum amount of compensatory aid resulting from the exchange rate for the pound sterling applicable on 31 December 2000 and 1 January 2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro <sup>(1)</sup>, and in particular Article 5 thereof,

Whereas:

- (1) Article 5(1) of Regulation (EC) No 2799/98 states that compensatory payments may be made in cases where the exchange rate applicable on the date of the operative event is below that previously applicable. However, that provision is not applicable to amounts to which a rate lower than the new rate was applicable during the 24 months immediately before the new rate took effect.
- (2) The exchange rate for the pound sterling applicable on the operative event dates of 31 December 2000 and 1 January 2001 was lower than those previously applicable.
- (3) The compensatory aid is to be paid under the conditions laid down in Regulation (EC) No 2799/98 and in Commission Regulation (EC) No 2808/98 of 22 December 1998 laying down detailed rules for the application of the agrimonetary system for the euro in

agriculture <sup>(2)</sup>, as last amended by Regulation (EC) No 2452/2000 <sup>(3)</sup>.

- (4) The amounts of the compensatory aid are established in accordance with Articles 5 and 9 of Regulation (EC) No 2799/98 and with Article 10 of Regulation (EC) No 2808/98.
- (5) The measures provided for in this Regulation are in accordance with the opinions of the Management Committees concerned,

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum amounts of the first tranche of compensatory aid which the United Kingdom may pay as a result of the reduction recorded on the operative event dates of 31 December 2000 and 1 January 2001 in the exchange rate for the pound sterling compared to the rate previously applicable are listed in the Annex to this Regulation.

*Article 2*

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

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

Done at Brussels, 30 March 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 349, 24.12.1998, p. 1.

<sup>(2)</sup> OJ L 349, 24.12.1998, p. 36.

<sup>(3)</sup> OJ L 282, 8.11.2000, p. 9.

## ANNEX

**Maximum amounts of the first tranche of compensatory aid expressed in million euro**

Measures		United Kingdom
Type	Regulation	
Suckler cow premium	Article 6(1), Regulation (EC) No 1254/1999	4,958688
Additional suckler cow premium	Article 6(5), Regulation (EC) No 1254/1999	0,157920
Male bovine premiums	Article 4, Regulation (EC) No 1254/1999	5,922000
Deseasonalisation premium	Article 5, Regulation (EC) No 1254/1999	0,000000
Extensification premium	Article 13, Regulation (EC) No 1254/1999	3,182088
Young farmers and less-favoured areas	Articles 8 and 13, Regulation (EC) No 1257/1999	1,099518
	Regulation (EC) No 950/97	1,074290
Early retirement	Article 10, Regulation (EC) No 1257/1999	
Agri-environment	Article 22, Regulation (EC) No 1257/1999	1,683822
Forestry	Article 29, Regulation (EC) No 1257/1999	0,475734
Ewe and she-goat premium	Regulation (EC) No 872/84	6,470989
Lump-sum ewe premium	Regulation (EEC) No 1323/90	1,595146

**COMMISSION REGULATION (EC) No 654/2001  
of 30 March 2001**

**fixing the maximum amount of compensatory aid for the appreciable revaluations of the pound sterling and the Swedish krona in 2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro <sup>(1)</sup>, and in particular Article 4(2) thereof,

Whereas:

- (1) An appreciable revaluation, as defined in Article 1(f) of Regulation (EC) No 2799/98, occurred in 2000 for the pound sterling and the Swedish krona.
- (2) Regulation (EC) No 2799/98 lays down that Member States may grant compensatory aid to farmers in cases of appreciable revaluation. Such aid must be granted under the conditions laid down in that Regulation and in Commission Regulation (EC) No 2808/98 of 22 December 1998 laying down detailed rules for the application of the agrimonetary system for the euro in agriculture <sup>(2)</sup>, as last amended by Regulation (EC) No 2452/2000 <sup>(3)</sup>.
- (3) The maximum amounts of the first tranche of compensatory aid are established in accordance with Article 4 of Regulation (EC) No 2799/98.
- (4) Under Article 4(3) and Article 4(6)(a) of that Regulation, the amounts concerned must be reduced or cancelled for a sector where the market price for the Member State concerned was on average equal to or higher than the average market prices in the Member States whose currencies were not appreciably revalued during the same period. Those conditions are not fulfilled for the beef and veal, cereals and milk and milk products sectors in the two countries concerned. The above amounts need not therefore be adjusted.
- (5) Under Article 4(3) and Article 4(6)(b) of that Regulation, the amount of one or more tranches may be reduced where it is observed that the relation between the date of the revaluation and the dates of the operative events in the sector concerned is such that there is no justification for concluding that the revaluation had an impact throughout the period considered. That condition is met for the sugar sector for which the rate actually applied during the 2000/01 marketing year is not yet known. The maximum amounts of the first tranche referred to in the penultimate subparagraph of Article 4(6) of Regulation (EC) No 2799/98 and serving as the basis for

calculating the second and third tranches that would have been fixed if point (b) had not been applied should therefore also be fixed.

- (6) The period referred to in the first subparagraph of Article 8(1) of regulation (EC) No 2808/98, which must be a stipulated period prior to the granting of compensatory payments, must also be laid down.
- (7) The measures provided for in this Regulation are in accordance with the opinions of the Management Committees concerned,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the United Kingdom, the maximum amount of the first tranche of the compensatory aid referred to in Article 4(3) of Regulation (EC) No 2799/98 shall be EUR 224,12 million in the case of the appreciable revaluation that occurred in 2000.

The maximum amount referred to in the penultimate subparagraph of Article 4(6) of Regulation (EC) No 2799/98 and serving as the basis for calculating the second and third tranches of compensatory aid shall be EUR 235,35 million in the case of the appreciable revaluation that occurred in 2000.

*Article 2*

For Sweden, the maximum amount of the first tranche of the compensatory aid referred to in Article 4(3) of Regulation (EC) No 2799/98 shall be EUR 11,12 million in the case of the appreciable revaluation that occurred in 2000.

The maximum amount referred to in the penultimate subparagraph of Article 4(6) of Regulation (EC) No 2799/98 and serving as the basis for calculating the second and third tranches of compensatory aid shall be EUR 11,84 million in the case of the appreciable revaluation that occurred in 2000.

*Article 3*

The period referred to in the first subparagraph of Article 8(1) of Regulation (EC) No 2808/98 shall end on 31 December 2000 at the latest.

*Article 4*

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

<sup>(1)</sup> OJ L 349, 24.12.1998, p. 1.

<sup>(2)</sup> OJ L 349, 24.12.1998, p. 36.

<sup>(3)</sup> OJ L 282, 8.11.2000, p. 9.

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

Done at Brussels, 30 March 2001.

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

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**COMMISSION REGULATION (EC) No 655/2001  
of 30 March 2001**

**fixing the maximum export refund on wholly milled round grain rice in connection with the  
invitation to tender issued in Regulation (EC) No 2281/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2281/2000 is hereby fixed on the basis of the tenders submitted from 23 to 29 March 2001 at 220,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 31 March 2001.

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

Done at Brussels, 30 March 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 3.

<sup>(3)</sup> OJ L 260, 14.10.2000, p. 7.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 35, 15.2.1995, p. 8.

**COMMISSION REGULATION (EC) No 656/2001  
of 30 March 2001**

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain European third countries pursuant to the invitation to tender issued in Regulation (EC) No 2282/2000 is hereby fixed on the basis of the tenders submitted from 23 to 29 March 2001 at 224,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 31 March 2001.

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

Done at Brussels, 30 March 2001.

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

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 3.

<sup>(3)</sup> OJ L 260, 14.10.2000, p. 10.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 35, 15.2.1995, p. 8.

**COMMISSION REGULATION (EC) No 657/2001  
of 30 March 2001**

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum export refund on wholly milled grain, medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2283/2000 is hereby fixed on the basis of the tenders submitted from 23 to 29 March 2001 at 234,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 31 March 2001.

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

Done at Brussels, 30 March 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 3.

<sup>(3)</sup> OJ L 260, 14.10.2000, p. 13.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 35, 15.2.1995, p. 8.



**COMMISSION REGULATION (EC) No 658/2001  
of 30 March 2001**

**fixing the maximum export refund on wholly milled long grain rice in connection with the  
invitation to tender issued in Regulation (EC) No 2284/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum export refund on wholly milled long grain rice falling within CN code 1006 30 67 to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2284/2000 is hereby fixed on the basis of the tenders submitted from 23 to 29 March 2001 at 315,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 31 March 2001.

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

Done at Brussels, 30 March 2001.

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

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 3.

<sup>(3)</sup> OJ L 260, 14.10.2000, p. 16.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 35, 15.2.1995, p. 8.

**COMMISSION REGULATION (EC) No 659/2001  
of 30 March 2001**

**fixing the export refunds on rice and broken rice and suspending the issue of export licences**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(1)</sup>, as last amended by Regulation (EC) No 1667/2000 <sup>(2)</sup>, and in particular the second subparagraph of Article 13(3) and (15) thereof,

Whereas:

(1) Article 13 of Regulation (EC) No 3072/95 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.

(2) Article 13(4) of Regulation (EC) No 3072/95, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other. The same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market with limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

(3) Commission Regulation (EEC) No 1361/76 <sup>(3)</sup> lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum.

(4) Export possibilities exist for a quantity of 15 520 tonnes of rice to certain destinations. The procedure laid down in Article 7(4) of Commission Regulation (EC) No 1162/95 <sup>(4)</sup>, as last amended by Regulation (EC) No 2110/2000 <sup>(5)</sup> should be used. Account should be taken of this when the refunds are fixed.

(5) Article 13(5) of Regulation (EC) No 3072/95 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated.

(6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.

(7) A separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets.

(8) The refund must be fixed at least once a month; whereas it may be altered in the intervening period.

(9) It follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto.

(10) For the purposes of administering the volume restrictions resulting from Community commitments in the context of the WTO, the issue of export licences with advance fixing of the refund should be restricted.

(11) 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 export refunds on the products listed in Article 1 of Regulation (EC) No 3072/95 with the exception of those listed in paragraph 1(c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

*Article 2*

With the exception of the quantity of 15 520 tonnes provided for in the Annex, the issue of export licences with advance fixing of the refund is suspended.

*Article 3*

This Regulation shall enter into force on 1 April 2001.

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 3.

<sup>(3)</sup> OJ L 154, 15.6.1976, p. 11.

<sup>(4)</sup> OJ L 117, 24.5.1995, p. 2.

<sup>(5)</sup> OJ L 250, 5.10.2000, p. 23.

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

Done at Brussels, 30 March 2001.

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

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## ANNEX

**to the Commission Regulation of 30 March 2001 fixing the export refunds on rice and broken rice and suspending the issue of export licences**

Product code	Destination	Unit of measurement	Amount of refunds (°)	Product code	Destination	Unit of measurement	Amount of refunds (°)
1006 20 11 9000	R01	EUR/t	182,00	1006 30 65 9100	R01	EUR/t	227,00
1006 20 13 9000	R01	EUR/t	182,00		R02	EUR/t	224,00
1006 20 15 9000	R01	EUR/t	182,00		R03	EUR/t	229,00
1006 20 17 9000	—	EUR/t	—		064	EUR/t	197,00
1006 20 92 9000	R01	EUR/t	182,00		A97	EUR/t	224,00
1006 20 94 9000	R01	EUR/t	182,00	1006 30 65 9900	021 and 023	EUR/t	224,00
1006 20 96 9000	R01	EUR/t	182,00		R01	EUR/t	227,00
1006 20 98 9000	—	EUR/t	—		064	EUR/t	197,00
1006 30 21 9000	R01	EUR/t	182,00		A97	EUR/t	224,00
1006 30 23 9000	R01	EUR/t	182,00	1006 30 67 9100	021 and 023	EUR/t	224,00
1006 30 25 9000	R01	EUR/t	182,00		064	EUR/t	197,00
1006 30 27 9000	—	EUR/t	—		064	EUR/t	197,00
1006 30 42 9000	R01	EUR/t	182,00	1006 30 67 9900	064	EUR/t	197,00
1006 30 44 9000	R01	EUR/t	182,00	1006 30 92 9100	R01	EUR/t	227,00
1006 30 46 9000	R01	EUR/t	182,00		R02	EUR/t	224,00
1006 30 48 9000	—	EUR/t	—		R03	EUR/t	229,00
1006 30 61 9100	R01	EUR/t	227,00		064	EUR/t	197,00
	R02	EUR/t	224,00	1006 30 92 9900	021 and 023	EUR/t	224,00
	R03	EUR/t	229,00		R01	EUR/t	227,00
	064	EUR/t	197,00		A97	EUR/t	224,00
	A97	EUR/t	224,00		064	EUR/t	197,00
	021 and 023	EUR/t	224,00	1006 30 94 9100	R01	EUR/t	227,00
1006 30 61 9900	R01	EUR/t	227,00		R02	EUR/t	224,00
	A97	EUR/t	224,00		R03	EUR/t	229,00
	064	EUR/t	197,00		064	EUR/t	197,00
1006 30 63 9100	R01	EUR/t	227,00	1006 30 94 9900	A97	EUR/t	224,00
	R02	EUR/t	224,00		021 and 023	EUR/t	224,00
	R03	EUR/t	229,00		R01	EUR/t	227,00
	064	EUR/t	197,00	1006 30 96 9100	A97	EUR/t	224,00
	A97	EUR/t	224,00		064	EUR/t	197,00
	021 and 023	EUR/t	224,00		R01	EUR/t	227,00
1006 30 63 9900	R01	EUR/t	227,00	1006 30 96 9900	021 and 023	EUR/t	224,00
	064	EUR/t	197,00		R01	EUR/t	227,00
	A97	EUR/t	224,00		A97	EUR/t	224,00
	021 and 023	EUR/t	224,00	1006 30 98 9100	064	EUR/t	197,00
	R01	EUR/t	227,00	1006 30 98 9900	021 and 023	EUR/t	224,00
	064	EUR/t	197,00		—	EUR/t	—
	A97	EUR/t	224,00	1006 40 00 9000	—	EUR/t	—

(°) The procedure laid down in Article 7(4) of Regulation (EC) No 1162/95 applies to licences applied for under that Regulation for the following quantities, depending on destination:

Destination R01: 3 000 t  
Destinations R02, R03: 2 220 t  
Destinations 021 and 023: 500 t  
Destination 064: 9 500 t  
Destination A97: 300 t.

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:

R01 Switzerland, Liechtenstein, communes of Livigno and Campione d'Italia.

R02 Morocco, Algeria, Tunisia, Malta, Egypt, Israel, Lebanon, Libya, Syria, Ex-Spanish Sahara, Cyprus, Jordan, Iraq, Iran, Yemen, Kuwait, United Arab Emirates, Oman, Bahrain, Qatar, Saudi Arabia, Eritrea, West Bank/Gaza Strip, Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovenia, Slovakia, Norway, Faroe Islands, Iceland, Russia, Belarus, Bosnia and Herzegovina, Croatia, Yugoslavia, Former Yugoslav Republic of Macedonia, Albania, Romania, Bulgaria, Georgia, Armenia, Azerbaijan, Moldova, Ukraine, Kazakstan, Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan.

R03 Colombia, Ecuador, Peru, Bolivia, Chile, Argentina, Uruguay, Paraguay, Brazil, Venezuela, Canada, Mexico, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, Cuba, Bermuda, South Africa, Australia, New Zealand, Hong Kong SAR, Singapore, A40, A11 except Suriname, Guyana, Madagascar.

**COMMISSION REGULATION (EC) No 660/2001  
of 30 March 2001**

**fixing the maximum subsidy on exports of husked long grain rice to Réunion pursuant to the  
invitation to tender referred to in Regulation (EC) No 2285/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Commission Regulation (EC) No 2285/2000 <sup>(5)</sup> opens an invitation to tender for the subsidy on rice exported to Réunion.
- (2) Article 9 of Regulation (EEC) No 2692/89 allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum subsidy.

(3) The criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89 should be taken into account when fixing this maximum subsidy. Successful tenderers shall be those whose bids are at or below the level of the maximum subsidy.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

A maximum subsidy on exports to Réunion of husked long grain rice falling within CN code 1006 20 98 is hereby set on the basis of the tenders lodged from 26 to 29 March 2001 at 315,00 EUR/t pursuant to the invitation to tender referred to in Regulation (EC) No 2285/2000.

*Article 2*

This Regulation shall enter into force on 31 March 2001.

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

Done at Brussels, 30 March 2001.

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

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 3.

<sup>(3)</sup> OJ L 261, 7.9.1989, p. 8.

<sup>(4)</sup> OJ L 167, 2.7.1999, p. 19.

<sup>(5)</sup> OJ L 260, 14.10.2000, p. 19.

**COMMISSION REGULATION (EC) No 661/2001**  
**of 30 March 2001**  
**on the issue of system B export licences in the fruit and vegetables sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables <sup>(1)</sup>, as last amended by Regulation (EC) No 298/2000 <sup>(2)</sup>, and in particular Article 5(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 397/2001 <sup>(3)</sup> fixes the indicative quantities for system B export licences other than those sought in the context of food aid.
- (2) In the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for apples will shortly be exceeded. This overrun will prejudice the

proper working of the export refund scheme in the fruit and vegetables sector.

- (3) To avoid this situation, applications for system B licences for apples exported after 30 March 2001 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

*Article 1*

Applications for system B export licences for apples submitted pursuant to Article 1 of Regulation (EC) No 397/2001, export declarations for which are accepted after 30 March 2001 and before 14 May 2001 are hereby rejected.

*Article 2*

This Regulation shall enter into force on 31 March 2001.

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

Done at Brussels, 30 March 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 292, 15.11.1996, p. 12.

<sup>(2)</sup> OJ L 34, 9.2.2000, p. 16.

<sup>(3)</sup> OJ L 58, 28.2.2001, p. 16.

**COMMISSION REGULATION (EC) No 662/2001  
of 30 March 2001**

**fixing the maximum buying-in price and the quantities of beef to be bought in under the 264th partial invitation to tender as a general intervention measure pursuant to Regulation (EEC) No 1627/89**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Regulation (EC) No 562/2000 of 15 March 2000 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 as regards the buying-in of beef <sup>(2)</sup>, as amended by Regulation (EC) No 2734/2000 <sup>(3)</sup>, lays down buying standards. Pursuant to the above Regulation, an invitation to tender was opened under Article 1(1) of Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying-in of beef by invitation to tender <sup>(4)</sup>, as last amended by Regulation (EC) No 557/2001 <sup>(5)</sup>.
- (2) Article 13(1) of Regulation (EC) No 562/2000 lays down that a maximum buying-in price is to be fixed for quality R3, where appropriate, under each partial invitation to tender in the light of tenders received. In accordance with Article 36 of that Regulation, only tenders quoting prices not exceeding the maximum buying-in price and not exceeding the average national or regional market price, plus the amount referred to in Article 6(2) of Regulation (EC) No 2734/2000 are to be accepted.
- (3) Once tenders submitted in respect of the 264th partial invitation to tender have been considered pursuant to Article 47(8) of Regulation (EC) No 1254/1999, and taking account of the requirements for reasonable support of the market and the seasonal trend in slaughtering and prices, the maximum buying-in price and the quantities which may be bought in should be fixed.
- (4) As the quantities offered at present in Spain exceed the quantities which may be bought in, a reducing coefficient should therefore be applied in accordance with Article 13(3) of Regulation (EC) No 562/2000.
- (5) Article 7 of Regulation (EC) No 2734/2000 also opens buying-in of carcasses and half-carcasses of store cattle and lays down special rules in addition to those laid

down for the buying-in of other products. The differences in prices found within this framework make it necessary to set different maximum buying-in prices in Spain and in the other Member States.

- (6) Veterinary measures to combat foot-and-mouth disease in certain regions, adopted in accordance with Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market <sup>(6)</sup>, as last amended by Directive 92/118/EEC <sup>(7)</sup>, and/or Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market <sup>(8)</sup>, as last amended by Directive 92/118/EEC, currently restrict the movement of animal products. In accordance with Article 4(2)(b) of Regulation (EC) No 562/2000, the products concerned from those regions should be excluded from this tendering procedure.
- (7) In the light of developments, this Regulation should enter into force immediately.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

*Article 1*

Under the 264th partial invitation to tender opened pursuant to Regulation (EEC) No 1627/89:

- (a) for category A:
  - the maximum buying-in price shall be EUR 223,00/100 kg of carcasses or half-carcasses of quality R3,
  - the quantities offered in Spain shall be multiplied by a coefficient of 60 % in accordance with Article 13(3) of Regulation (EC) No 562/2000,
  - the maximum quantity of carcasses and half-carcasses accepted shall be 31 353 t,

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 21.

<sup>(2)</sup> OJ L 68, 16.3.2000, p. 22.

<sup>(3)</sup> OJ L 316, 15.12.2000, p. 45, Regulation as last amended by Regulation (EC) No 371/2001 (OJ L 55, 26.2.2001, p. 44).

<sup>(4)</sup> OJ L 159, 10.6.1989, p. 36.

<sup>(5)</sup> OJ L 82, 22.3.2001, p. 14.

<sup>(6)</sup> OJ L 224, 18.8.1990, p. 29.

<sup>(7)</sup> OJ L 62, 15.3.1993, p. 49.

<sup>(8)</sup> OJ L 395, 30.12.1989, p. 13.

- (b) for category C:
- the maximum buying-in price shall be EUR 224,00/100 kg of carcasses or half-carcasses of quality R3,
  - the maximum quantity of carcasses and half-carcasses accepted shall be 50 t;
- (c) for carcasses and half-carcasses of store cattle as referred to in Article 7 of Regulation (EC) No 2734/2000:
- the maximum buying-in price shall be EUR 331,00/100 kg of carcasses or half-carcasses, offered in Spain and EUR 376,00/100 kg of carcasses or half-carcasses offered in the other Member States,

— the maximum quantity of carcasses and half-carcasses shall be 579 t.

*Article 2*

In accordance with Article 4(2)(b) of Regulation (EC) No 562/2000, carcasses or half-carcasses, the movement of which is restricted under the measures against foot-and-mouth disease adopted in accordance with Directives 90/425/EEC and/or 89/662/EEC, may not be bought into intervention under the tendering procedure provided for by this Regulation.

*Article 3*

This Regulation shall enter into force on 31 March 2001.

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

Done at Brussels, 30 March 2001.

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

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## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 21 March 2001

**repealing Decision 97/518/EC concerning certain protective measures with regard to certain fishery products originating in Malaysia**

(notified under document number C(2001) 738)

(Text with EEA relevance)

(2001/251/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries <sup>(1)</sup>, and in particular Article 22(6) thereof,

Whereas:

- (1) Following the detection of *Salmonella paratyphi* B in consignments of fishery products originating in a processing plant in Malaysia, and since the presence of *Salmonella paratyphi* in food is a result of bad hygienic practices during processing of food and represents a potential risk for public health, the Commission adopted Decision 97/518/EC <sup>(2)</sup>, suspending the imports of fishery products from the establishment concerned.
- (2) Following the information and the guarantees received from the Malaysian authorities, this establishment has improved its sanitary conditions and rectified the non-conformities, and it is now again in compliance with the requirements of Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products <sup>(3)</sup>.

(3) Decision 97/518/EC should therefore be repealed to permit the resumption of the imports of fishery products from the establishment concerned.

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

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 97/518/EC is repealed.

*Article 2*

Member States shall modify the measures they apply to trade to bring them into line with this Decision. They shall immediately inform the Commission thereof.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 21 March 2001.

For the Commission

David BYRNE

Member of the Commission

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

<sup>(2)</sup> OJ L 214, 6.8.1997, p. 55.

<sup>(3)</sup> OJ L 268, 24.9.1991, p. 15.

**COMMISSION DECISION**  
**of 21 March 2001**  
**amending Decision 98/424/EC laying down special conditions governing imports of fishery and aquaculture products originating in Maldives**

(notified under document number C(2001) 739)

(Text with EEA relevance)

(2001/252/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 1 of Commission Decision 98/424/EC of 30 June 1998 laying down special conditions governing imports of fishery and aquaculture products originating in Maldives <sup>(3)</sup>, states that the Department of Public Health (DPH) of the Ministry of Health shall be the competent authority in Maldives for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.
- (2) Following a restructuring of the Maldives administration, the competent authority for health certificates for fishery products has changed of the Public Health Laboratory (PHL) of the Ministry of Health. This new authority is capable of effectively verifying the application of the laws in force. It is therefore necessary to modify the nomination of the competent authority mentioned in Decision 98/424/EC and the model health certificate included in Annex A to this Decision.
- (3) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

*Article 1*

Decision 98/424/EC shall be modified as follows:

1. Article 1 shall be replaced by the following:

*'Article 1*

The Public Health Laboratory (PHL) of the Ministry of Health shall be the competent authority in Maldives for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.'

2. Article 3(2) shall be replaced by the following:

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

3. Annex A shall be replaced by the Annex hereto.

*Article 2*

This Decision shall come into effect 45 days after its publication on the *Official Journal of the European Communities*.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 21 March 2001.

*For the Commission*

David BYRNE

*Member of the Commission*

<sup>(1)</sup> OJ L 268, 24.9.1991, p. 15.

<sup>(2)</sup> OJ L 24, 30.1.1998, p. 31.

<sup>(3)</sup> OJ L 190, 4.7.1998, p. 81.

ANNEX

'ANNEX A

HEALTH CERTIFICATE

for fishery and aquaculture products originating in Maldives and intended for export to the European Community

Reference No: .....

Country of dispatch: MALDIVES

Competent authority: Public Health Laboratory (PHL) of the Ministry of Health

I. Details identifying the fishery products

- Description of fishery/aquaculture products <sup>(1)</sup>: .....
- species (scientific name): .....
- presentation of product and type of treatment <sup>(2)</sup>: .....
- Code No (where available): .....
- Type of packaging: .....
- Number of packages: .....
- Net weight: .....
- Requisite storage and transport temperature: .....

II. Origin of products

Name(s) and official approval No(s) of establishment(s), factory vessel(s), or cold store(s) approved or freezer vessel(s) registered by the PHL for export to the European Community: .....

.....

.....

III. Destination of products

The products are dispatched

from: .....  
(place of dispatch)

to: .....  
(country and place of destination)

by the following means of transport: .....

.....

Name and address of dispatcher: .....

.....

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

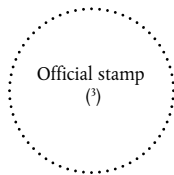
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<sup>(1)</sup> Delete where applicable.  
<sup>(2)</sup> Live, refrigerated, frozen, salted, smoked, preserved, etc.

**IV. Health attestation**

- The official inspector hereby certifies that the fishery or aquaculture products specified above:
  1. were caught and handled on board vessels in accordance with the health rules laid down by Directive 92/48/EEC;
  2. were landed, handled and, where appropriate, packaged, prepared, processed, frozen, thawed and stored hygienically in compliance with the requirements laid down in Chapters II, III and IV of the Annex to Directive 91/493/EEC;
  3. have undergone health controls in accordance with Chapter V of the Annex to Directive 91/493/EEC;
  4. are packaged, marked, stored and transported in accordance with Chapters VI, VII and VIII of the Annex to Directive 91/493/EEC;
  5. do not come from toxic species or species containing biotoxins;
  6. have satisfactorily undergone the organoleptic, parasitological, chemical and microbiological checks laid down for certain categories of fishery products by Directive 91/493/EEC and in the implementing Decisions thereto.
- The undersigned official inspector hereby declares that he is aware of the provisions of Directives 91/493/EEC and 92/48/EEC and Decision 98/424/EC.

Done at ..... , on .....  
(Place) (Date)



.....  
Signature of official inspector (?)

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

\_\_\_\_\_

(<sup>3</sup>) The colour of the stamp and signature must be different from that of the other particulars in the certificate.'

## COMMISSION DECISION

of 21 March 2001

**amending Decision 95/538/EC laying down special conditions governing imports of fishery and aquaculture products originating in Japan**

(notified under document number C(2001) 741)

(Text with EEA relevance)

(2001/253/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

*Article 1*

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

Decision 95/538/EC shall be modified as follows:

Whereas:

1. Article 1 shall be replaced by the following:

*'Article 1*

The Inspection and Safety Division (ISD) of the Ministry of Health, Labour and Welfare shall be the competent authority in Japan for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.'

(1) Article 1 of Commission Decision 95/538/EC of 6 December 1995 laying down special conditions governing imports of fishery and aquaculture products originating in Japan <sup>(3)</sup>, states that the Ministry of Health and Welfare — Veterinary Sanitary Division (MHW-VSD) shall be the competent authority in Japan for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.

2. Article 2 shall be replaced by the following:

*'Article 2*

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

(2) Following a restructuring of the Japanese administration, the competent authority for health certificates for fishery products has changed to the Inspection and Safety Division (ISD) of the Ministry of Health, Labour and Welfare. This new authority is capable of effectively verifying the application of the laws in force. It is therefore necessary to modify the nomination of the competent authority mentioned in Decision 95/538/EC and the model health certificate included in Annex A to this Decision

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

(3) It is convenient to harmonise the wording of Decision 95/538/EC with the wording of more recently adopted Commission Decisions, laying down special conditions governing imports of fishery and aquaculture products originating in certain third countries.

3. Article 3(2) shall be replaced by the following:

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

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

4. Annex A shall be replaced by the Annex hereto.

*Article 2*

<sup>(1)</sup> OJ L 268, 24.9.1991, p. 15.

<sup>(2)</sup> OJ L 24, 30.1.1998, p. 31.

<sup>(3)</sup> OJ L 304, 16.12.1995, p. 52.

This Decision shall come into effect 45 days after its publication on the *Official Journal of the European Communities*.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 21 March 2001.

*For the Commission*

David BYRNE

*Member of the Commission*

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ANNEX

'ANNEX A

HEALTH CERTIFICATE

for fishery and aquaculture products originating in Japan and intended for export to the European Community

Reference No: .....

Country of dispatch: JAPAN

Competent authority: Inspection and Safety Division (ISD) of the Ministry of Health, Labour and Welfare

I. Details identifying the fishery products

- Description of fishery/aquaculture products <sup>(1)</sup>: .....
- species (scientific name): .....
- presentation of product and type of treatment <sup>(2)</sup>: .....
- Code No (where available): .....
- Type of packaging: .....
- Number of packages: .....
- Net weight: .....
- Requisite storage and transport temperature: .....

II. Origin of products

Name(s) and official approval No(s) of establishment(s), factory vessel(s), or cold store(s) approved or freezer vessel(s) registered by the ISD for export to the European Community: .....

.....

.....

III. Destination of products

The products are dispatched

from: .....  
(place of dispatch)

to: .....  
(country and place of destination)

by the following means of transport: .....

.....

Name and address of dispatcher: .....

.....

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

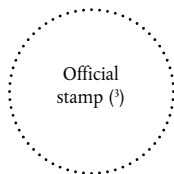
.....

<sup>(1)</sup> Delete where applicable.  
<sup>(2)</sup> Live, refrigerated, frozen, salted, smoked, preserved, etc.

**IV. Health attestation**

- The official inspector hereby certifies that the fishery or aquaculture products specified above:
  1. were caught and handled on board vessels in accordance with the health rules laid down by Directive 92/48/EEC;
  2. were landed, handled and where appropriate packaged, prepared, processed, frozen, thawed and stored hygienically in compliance with the requirements laid down in Chapters II, III and IV of the Annex to Directive 91/493/EEC;
  3. have undergone health controls in accordance with Chapter V of the Annex to Directive 91/493/EEC;
  4. are packaged, marked, stored and transported in accordance with Chapters VI, VII and VIII of the Annex to Directive 91/493/EEC;
  5. do not come from toxic species or species containing biotoxins;
  6. have satisfactorily undergone the organoleptic, parasitological, chemical and microbiological checks laid down for certain categories of fishery products by Directive 91/493/EEC and in the implementing Decisions thereto.
- The undersigned official inspector hereby declares that he is aware of the provisions of Directives 91/493/EEC and 92/48/EEC and Decision 95/538/EC.

Done at ..... , on .....  
(Place) (Date)



.....  
Signature of official inspector (³)

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

.....  
(³) The colour of the stamp and signature must be different from that of the other particulars in the certificate.



**COMMISSION DECISION**  
**of 21 March 2001**  
**amending Decision 94/324/EC laying down special conditions governing imports of fishery and aquaculture products originating in Indonesia**

(notified under document number C(2001) 748)

(Text with EEA relevance)

(2001/254/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

*Article 1*

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

Decision 94/324/EC shall be modified as follows:

Whereas:

1. Article 1 shall be replaced by the following:

*'Article 1*

The Directorate-General of Fisheries (DGF) of the Ministry of Marine Affairs and Fisheries shall be the competent authority in Indonesia for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.'

(1) Article 1 of Commission Decision 94/324/EC of 19 May 1994 laying down special conditions governing imports of fishery and aquaculture products originating in Indonesia <sup>(3)</sup>, as last amended by Decision 97/401/EC <sup>(4)</sup>, states that the Ministry of Agriculture, Directorate-General of Fisheries (Provincial Laboratory for Fish Inspection and Quality Control) shall be the competent authority in Indonesia for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.

2. Article 2 shall be replaced by the following:

*'Article 2*

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

(2) Following a restructuring of the Indonesian administration, the competent authority for health certificates for fishery products has changed to the Directorate-General of Fisheries (DGF) of the Ministry of Marine Affairs and Fisheries. This new authority is capable of effectively verifying the application of the laws in force. It is therefore necessary to modify the nomination of the competent authority mentioned in Decision 94/324/EC and the model health certificate included in Annex A to this Decision.

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

(3) It is convenient to harmonise the wording of Decision 94/324/EC with the wording of more recently adopted Commission Decisions, laying down special conditions governing imports of fishery and aquaculture products originating in certain third countries.

2. the products must come from approved establishments, factory vessels, cold stores or registered freezer vessels listed in Annex B hereto;

3. except in the case of frozen fishery products in bulk and intended for the manufacture of preserved foods, all packages must bear the word "INDONESIA" and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin in indelible letters.'

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

3. Article 3(2) shall be replaced by the following:

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

4. Annex A shall be replaced by the Annex hereto.

<sup>(1)</sup> OJ L 268, 24.9.1991, p. 15.

<sup>(2)</sup> OJ L 24, 30.1.1998, p. 31.

<sup>(3)</sup> OJ L 145, 10.6.1994, p. 23.

<sup>(4)</sup> OJ L 166, 25.6.1997, p. 14.

*Article 2*

This Decision shall come into effect 45 days after its publication on the *Official Journal of the European Communities*.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 21 March 2001.

*For the Commission*

David BYRNE

*Member of the Commission*

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ANNEX

'ANNEX A

HEALTH CERTIFICATE

for fishery and aquaculture products originating in Indonesia and intended for export to the European Community

Reference No: .....

Country of dispatch: **INDONESIA**

Competent authority: Directorate General of Fisheries (DGF) of the Ministry of Marine Affairs and Fisheries

I. Details identifying the fishery products

- Description of fishery/aquaculture products <sup>(1)</sup>: .....
- species (scientific name): .....
- presentation of product and type of treatment <sup>(2)</sup>: .....
- Code No (where available): .....
- Type of packaging: .....
- Number of packages: .....
- Net weight: .....
- Requisite storage and transport temperature: .....

II. Origin of products

Name(s) and official approval No(s) of establishment(s), factory vessel(s), or cold store(s) approved or freezer vessel(s) registered by the DGF for export to the European Community: .....

.....

.....

III. Destination of products

The products are dispatched

from: .....  
(place of dispatch)

to: .....  
(country and place of destination)

by the following means of transport: .....

.....

Name and address of dispatcher: .....

.....

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

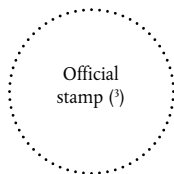
.....

<sup>(1)</sup> Delete where applicable.  
<sup>(2)</sup> Live, refrigerated, frozen, salted, smoked, preserved, etc.

**IV. Health attestation**

- The official inspector hereby certifies that the fishery or aquaculture products specified above:
  1. were caught and handled on board vessels in accordance with the health rules laid down by Directive 92/48/EEC;
  2. were landed, handled and where appropriate packaged, prepared, processed, frozen, thawed and stored hygienically in compliance with the requirements laid down in Chapters II, III and IV of the Annex to Directive 91/493/EEC;
  3. have undergone health controls in accordance with Chapter V of the Annex to Directive 91/493/EEC;
  4. are packaged, marked, stored and transported in accordance with Chapters VI, VII and VIII of the Annex to Directive 91/493/EEC;
  5. do not come from toxic species or species containing biotoxins;
  6. have satisfactorily undergone the organoleptic, parasitological, chemical and microbiological checks laid down for certain categories of fishery products by Directive 91/493/EEC and in the implementing decisions thereto.
- The undersigned official inspector hereby declares that he is aware of the provisions of Directives 91/493/EEC and 92/48/EEC and Decision 94/324/EC.

Done at ..... , on .....  
(Place) (Date)



.....  
Signature of official inspector (³)

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

.....  
(³) The colour of the stamp and signature must be different from that of the other particulars in the certificate.

**COMMISSION DECISION****of 21 March 2001****amending Decision 97/20/EC establishing the list of third countries fulfilling the equivalence conditions for the production and placing on the market of bivalve molluscs, echinoderms, tunicates and marine gastropods***(notified under document number C(2001) 751)***(Text with EEA relevance)**

(2001/255/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/492/EEC of 15 July 1991 laying down the health conditions for the production and the placing on the market of live bivalve molluscs <sup>(1)</sup>, as last amended by Directive 97/79/EC <sup>(2)</sup> and in particular Article 9(4) thereof,

Whereas:

- (1) Commission Decision 97/20/EC of 17 December 1996 <sup>(3)</sup>, as last amended by Decision 2001/38/EC <sup>(4)</sup>, establishes the list of third countries from which imports of bivalve molluscs, echinoderms, tunicates and marine gastropods in whatever form are authorised for human consumption. The first part of the list covers those third countries which have been subject of a specific decision based on Council Directive 91/492/EEC and the second part covers those which may be the subject of a provisional decision based on Decision 95/408/EC <sup>(5)</sup>.
- (2) Since Commission Decision 97/562/EC of 28 July 1997 laying down special conditions for the import of bivalve molluscs, echinoderms, tunicates and marine gastropods

originating in Thailand <sup>(6)</sup>, Decision 97/20/EC should be amended to include Thailand in part I of the list.

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

HAS ADOPTED THIS DECISION:

*Article 1*

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

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 21 March 2001.

*For the Commission*

David BYRNE

*Member of the Commission*<sup>(1)</sup> OJ L 268, 24.9.1991, p. 1.<sup>(2)</sup> OJ L 24, 30.1.1998, p. 31.<sup>(3)</sup> OJ L 6, 10.1.1997, p. 46.<sup>(4)</sup> OJ L 10, 13.1.2001, p. 66.<sup>(5)</sup> OJ L 243, 11.10.1995, p. 17.<sup>(6)</sup> OJ L 232, 23.8.1997, p. 9.

## ANNEX

## 'ANNEX

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

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

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

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

CA CANADA  
FO FAEROE ISLANDS  
GL GREENLAND  
NZ NEW ZEALAND  
US UNITED STATES OF AMERICA'

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**COMMISSION RECOMMENDATION**  
**of 15 November 2000**  
**on quality assurance for the statutory audit in the European Union: minimum requirements**

*(notified under document number C(2000) 3304)*

**(Text with EEA relevance)**

(2001/256/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 211, second indent thereof,

Whereas:

- (1) Council Directive 84/253/EEC, of 10 April 1984, based on Article 54(3)(g) of the EEC Treaty, on the approval of persons responsible for carrying out the statutory audits of accounting documents<sup>(1)</sup>, lays down the requirements for persons who are allowed to carry out statutory audits.
- (2) Quality assurance for the statutory audit is fundamental for ensuring good audit quality. Good audit quality implies adding credibility to published financial information and adding value and protection to shareholders, investors, creditors and other stakeholders.
- (3) Quality assurance is the profession's principal means of assuring the public and regulators that auditors and audit firms are performing at a level that meets the established auditing standards and ethical rules. Quality assurance also allows the profession to encourage quality improvements.
- (4) Audit opinions throughout the European Union should give a certain minimum level of assurance concerning the reliability of financial information. It could therefore be argued that Member States should have already taken measures to ensure that all statutory auditors carrying out statutory audits are subject to a quality assurance system.
- (5) However, quality assurance in the European Union is a relatively new phenomenon which is reflected in the fact that several Member States have implemented it very recently and several other Member States did not have a quality assurance system as at 1 January 1999.
- (6) The current national quality assurance systems differ in several aspects such as the scope of the quality review, being mandatory or voluntary, the cycle of coverage and the existence of public reporting. Such differences make it difficult to assess whether national quality assurance systems meet relevant minimum requirements.
- (7) At this moment there is no internationally accepted standard defining minimum requirements for quality assurance which could be used as a benchmark for national quality assurance systems.
- (8) The scope of this initiative on quality assurance is the EU statutory audit profession as a whole and it aims at setting a benchmark for Member State quality assurance systems throughout the European Union.

<sup>(1)</sup> OJ L 126, 12.5.1984, p. 20.

- (9) The definition of minimum requirements can be complemented by other forms of external control on the statutory audit function that may be carried out by supervisory authorities, stock exchange regulators or other sector specific regulators with the objective of improving the quality of statutory audit.
- (10) Additional quality controls of the statutory audit are at the discretion of Member States.
- (11) The issue of quality assurance was addressed by the Commission's Green Paper on the role, position and liability of the statutory auditor in the European Union <sup>(1)</sup>, which was supported by the Council, the Economic and Social Committee and the European Parliament.
- (12) Following on to the Commission's Communication 'The statutory audit in the European Union, the way forward' <sup>(2)</sup> the EU Committee on Auditing was established which has decided to put quality assurance as one of the priorities on its agenda and its discussions showed agreement that each Member State should have in place a system of quality assurance for statutory audit.
- (13) The abovementioned Communication clearly contains an intention to work on harmonising and improving quality on statutory audit preferably without preparing new legislation. It is therefore appropriate to issue a Commission recommendation. If this Recommendation does not bring about the desired harmonisation on quality assurance, the Commission will reconsider the need for legislation. To this effect, the Commission intends to review the situation three years after the adoption of this Recommendation.
- (14) The Commission has, following the conclusions of the Lisbon European Council, issued a communication 'The financial reporting strategy: the way forward' <sup>(3)</sup> which underlines the importance of a statutory audit carried out to uniformly high levels across the European Union.
- (15) There is general agreement in the EU Committee on Auditing and in the Contact Committee on the Accounting Directives on the minimum requirements in this Recommendation,

HEREBY RECOMMENDS:

That quality assurance systems in the Member States of the European Union should meet the following minimum requirements:

#### 1. COVERAGE OF THE QUALITY ASSURANCE REGIME

**Member States should take measures to ensure that all persons carrying out statutory audits are subjected to a quality assurance system.**

The term persons is related to the eighth Directive which defines rules on the approval of persons carrying out statutory audits (statutory auditors). Currently not every person in the European Union carrying out statutory audits is subject to a system of quality assurance.

#### 2. METHODOLOGY

**Both peer review and monitoring are acceptable methodologies for quality assurance.**

There are essentially two different methodologies of quality assurance applied within the European Union: monitoring and peer review. Monitoring refers to a situation where staff employed by the professional body or regulator manages the quality assurance system and carries out the quality assurance reviews. Peer review refers to a situation where (active) members, 'peers', carry out review visits.

<sup>(1)</sup> OJ C 321, 28.10.1996, p. 1.

<sup>(2)</sup> OJ C 143, 8.5.1998, p. 12.

<sup>(3)</sup> COM(2000) 359 final, 13 June 2000.



Monitoring and peer review are considered as methodologies of equal stature. In either case, care should be taken to ensure both the quality of the reviewers and their objectivity. Adequate measures should be taken to ensure that reviewers have an up-to-date knowledge on auditing standards and quality control systems (see also point 9). This is in particular relevant where the monitoring methodology is applied.

Concerns regarding reviewers objectivity should be mitigated by a sufficient public supervision over the administration and functioning of the quality assurance system and the presentation of its results (see also points 6 and 10). This is of particular importance when the peer review methodology is used.

### **3. REVIEW COVERAGE AND SELECTION OF REVIEWEES**

#### **3.1. The subject for a quality review is the statutory auditor, which can be an audit firm or an individual auditor (see point 1).**

Some Member States require joint audits. In this situation the starting point for selection of the subject of quality review could be the individual statutory audit assignment instead of the statutory auditor but the subject of quality review remains the statutory auditor.

#### **3.2. The selection of the statutory auditors for review should be made on a consistent basis so as to ensure coverage of all statutory auditors over a predetermined period.**

Provided that a full coverage of all statutory auditors is ensured over a predetermined period of time, the annual selection of statutory auditors for review could be made on a risk basis (for example based on the nature of the client portfolio, the turnover from auditing in relation to total turnover or the results of previous reviews), on a random basis or by a combination of these methods.

#### **3.3. In the case of a multi-office audit firm the optimal unit size for a quality review is the office. A quality assessment of a multi-office audit firm should always include an adequate coverage of its offices.**

Larger audit firms have firm wide control policies and procedures ensuring a certain degree of uniformity but individual offices might apply norms and standards differently. It is therefore considered that offices are the most appropriate subject for quality assurance reviews.

#### **3.4. The cycle to achieve full coverage of all statutory auditors should be a maximum of six years.**

The current EU systems of quality assurance achieve full coverage in cycles varying from one year to 10 years. In accordance with the differentiation under point 5.1, the cycle of full coverage should be shortened for statutory auditors with 'public interest entity' clients.

Where a statutory auditor audits only small, low-risk entities it may be acceptable for the cycle of review to extend to a maximum of 10 years. In such cases it will be necessary to obtain regular information from the statutory auditor to confirm that the nature of his client portfolio has not changed significantly.

#### **3.5. The cycle should be shortened for statutory auditors previously reviewed with less than satisfactory results.**

In situations where the outcome of the quality review was in general satisfactory but with some recommendations for improvement it could be more effective to follow up the implementation of the specific recommendations than to carry out a new comprehensive quality review.

#### 4. SCOPE OF QUALITY REVIEW

- 4.1. **Quality assurance relates to statutory audits of financial statements carried out by statutory auditors in public practice. The scope of the quality review should include an assessment of the internal quality control system of an audit firm with sufficient compliance testing of procedures and audit files to verify its adequate functioning.**

All Member States have already required audit firms to implement an internal quality control in line with the International Standard on Auditing 220 'Quality Control for Audit work'. In addition to the black-lettered paragraphs of ISA 220 it could be necessary to establish at Member State level more specific requirements on the internal quality control of statutory auditors underpinning the quality reviews. These additional requirements could be based on the quality control procedures as mentioned in point 6 of ISA 220, dealing with the objectives of internal quality control systems of audit firms.

- 4.2. **The scope of quality review should include the following subjects for testing individual audit files:**

- **the quality of the evidence from the audit working papers as a basis for assessing the quality of the audit work,**
- **compliance with auditing standards,**
- **compliance with ethical principles and rules, including independence rules,**
- **audit reports:**
  1. **appropriate format and type of opinion;**
  2. **compliance of financial statements with the financial reporting framework as referred to in the audit report;**
  3. **failure to mention non-compliance of financial statements with other legal requirements as referred to in the audit report.**

A statutory audit carried out in compliance with legal requirements, established auditing standards and respecting ethical rules is crucial to users of audited financial information because it ensures a certain level of credibility of audited financial statements. Specific requirements are laid down concerning the audit report because of its importance as the public product of a statutory audit. Compliance with a financial reporting framework is included to underline the instrumental role of the statutory audit for the enforcement of accounting standards.

#### 5. DIFFERENTIATION IN METHODOLOGY

- 5.1. **It is considered appropriate to differentiate between the approach of quality assurance for statutory auditors with public interest entity clients and quality assurance for those with no public interest entity clients. The differentiation relates to some systematic aspects of quality assurance such as a higher frequency of coverage, increased public oversight on managing the quality assurance, and the possibility of access to files of the reviewer by the competent authorities (see point 5.2). Differentiation does not alter the scope, the objectives or the overall methodology of the individual quality review.**

**The term 'public interest entity' includes amongst others: listed companies, credit institutions, insurance companies, investment firms, UCITS (undertakings for collective investments in transferable securities) and pension funds.**

- 5.2. **The regulator or competent authority ultimately responsible for administrating and maintaining the quality assurance system may have access to individual files of the reviewer prepared on statutory auditors with, in particular, public interest entity clients. The access to files of the reviewer should be subject to the confidentiality provisions outlined under point 8.**

## 6. PUBLIC OVERSIGHT AND PUBLIC REPORTING

- 6.1. **Quality assurance systems should have adequate public oversight consisting of a majority of non-practitioners on the overview board of the quality assurance system.**

Quality assurance systems in the European Union should have enough credibility to satisfy the external objectives: sustaining public confidence and demonstrating to regulators the adequate discharge of self-regulating responsibilities. The public oversight requirement is meant to ensure that the quality assurance is in fact and appearance an exercise with sufficient public integrity. The actual organisation of public oversight for quality assurance will differ between Member States depending on existing structures of supervision on the statutory audit profession and the importance of sector specific regulatory monitoring of statutory audit quality.

Public oversight for quality assurance could be an 'add-on' to existing supervision structures on the audit profession that already involve public participation whilst in other situations it would require a separate committee including non-professionals such as representatives of business, representatives of securities regulators and representatives of shareholders.

The objectives of public oversight on quality assurance could include:

1. supervision of the management (planning and control) of the quality assurance system;
2. evaluation of the review results;
3. approval of public reporting of results of quality assurance (see point 6.2).

- 6.2. **The results of quality assurance should be adequately published.**

Publication of quality assurance results is another means of adding public credibility to the quality assurance systems. Publication of aggregated results of the quality assurance without naming individual audit firms is considered to be adequate. Public credibility would be enhanced if the reporting also includes recommendations for professional and/or regulatory actions, follow-up to recommendations and sanctions.

## 7. DISCIPLINARY SANCTIONS

**It is necessary to have a systematic link between negative outcomes of quality reviews and initiating sanctions under the disciplinary system. The disciplinary system should include the possibility of removal of the statutory auditor from the audit register.**

Quality assurance is not in itself the only tool for disciplinary sanctions. Quality assurance aims at enforcing, demonstrating and improving audit quality. The link between quality reviews and disciplinary sanctions is adding public credibility and is also logical because quality assurance can be seen as an enforcement tool. The possibility of removal from the register is particularly relevant for countries where the registration of certified auditors is separated from the professional body carrying out the quality assurance system.

## 8. CONFIDENTIALITY

### 8.1. **The statutory auditor should be exempted from confidentiality clauses concerning audit files of clients for quality assurance reviews.**

Most Member States with a quality assurance system have exempted the handing over of audit working files to reviewers from the normal rules on auditor confidentiality. This implies that handing over audit files to the reviewer cannot be a breach of confidentiality and therefore cannot lead to liability actions.

### 8.2. **The reviewer should be subject to confidentiality rules similar to those that statutory auditors have to comply with. Nevertheless, when giving the regulator or competent authority access to the files of the reviewer (see point 5.2) this cannot constitute a breach of confidentiality.**

Most Member States with a quality assurance system have included rules on the confidentiality of the reviewer identical to the confidentiality rules that statutory auditors have to comply with when performing statutory audits.

### 8.3. **It should be provided for that all persons who work or who have worked for the relevant regulators or competent authorities responsible for administering and maintaining the quality assurance system, as well as the members of the public oversight board, shall be bound by the obligation of professional secrecy.**

Ultimately depending on national legislation, professional secrecy in this context implies that persons concerned may not divulge confidential information which has been received in the course of their duties to any person or authority whatsoever, save in summary or aggregate form such that the reviewer or the statutory auditor subjected to the quality review, and the audit client to whom the reviewed files relate and the related parties of this audit client cannot be individually identified.

## 9. QUALITY OF REVIEWER

**The quality assurance system should ensure that the persons, either peers or employees of a monitoring organisation, who carry out quality reviews should have appropriate professional education and relevant experience combined with specific training on quality assurance reviews.**

In several countries only professionals active in public practice can be appointed as a peer-reviewer. The relevant experience can also relate to sector specific experience.

## 10. INDEPENDENCE AND OBJECTIVITY OF REVIEWER

**The quality assurance system should ensure that for the selection of reviewers for individual review assignments possible conflicts of interest are adequately taken into account. The reviewers should be subjected to the independence requirements applicable to statutory auditors.**

The selection of reviewers for individual quality reviews should be based on criteria ensuring the reviewer's independence and objectivity in fact and appearance. The actual application of selection criteria for reviewers could be monitored by the public oversight board.

## 11. RESOURCES

**Adequate resources (input) should be allocated to quality assurance systems in order to give them a realistic impact in the light of public credibility.**

It will be clear that quality assurance systems cost money and should therefore be as efficient and effective as possible in order to fulfil the realistic requirements of the public and regulators. If a system of quality assurance is applied in an even-handed way to all statutory auditors in the European Union it will not effect the level playing field of competition in this area.

There are apparent differences in resources used for quality assurance. For a meaningful comparison the total resources should be related to the number of statutory audits, taking into account the (lack of) public interest entity clients of statutory auditors (see also point 3.4, full cycle of coverage). Publication of the resources allocated to external quality assurance will add public credibility.

## 12. FINAL PROVISION

This Recommendation is addressed to the Member States.

Done at Brussels, 15 November 2000.

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

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## COMMISSION DECISION

of 30 March 2001

## laying down the conditions for the control and eradication of foot-and-mouth disease in the United Kingdom in application of Article 13 of Directive 85/511/EEC

(notified under document number C(2001) 1041)

(Text with EEA relevance)

(2001/257/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market <sup>(1)</sup>, as last amended by Directive 92/118/EEC <sup>(2)</sup>, and in particular Article 10 thereof,

Having regard to Council Directive 85/511/EEC of 18 November 1985 introducing Community measures for the control of foot-and-mouth disease <sup>(3)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 13(3) thereof,

Whereas:

- (1) The control measures for foot-and-mouth disease laid down in Directive 85/511/EEC are aimed at eradicating the disease as quickly as possible by stamping out of infected, contaminated or in-contact herds, applying strict movement controls on animals of susceptible species and products derived from such animals and surveillance in the affected area to substantiate prior to lifting the control measures the absence of virus circulation.
- (2) However, in Article 13(3) of Directive 85/511/EEC provisions are made for emergency vaccination where the disease expands.
- (3) The principles provided for in this Article require to balance the decision on resorting to vaccination against basic Community interests which must not be endangered.
- (4) Following the reports of outbreaks of foot-and-mouth disease in the United Kingdom, France, the Netherlands and Ireland, the Commission adopted Decisions 2001/172/EC <sup>(4)</sup>, 2001/208/EC <sup>(5)</sup>, 2001/223/EC <sup>(6)</sup> and 2001/234/EC <sup>(7)</sup> concerning certain protection measures with

regard to foot-and-mouth disease in the respective Member State.

- (5) In addition to the measures within the framework of Directive 85/511/EEC, the United Kingdom apply the pre-emptive killing of susceptible animals in holdings situated in close proximity to infected or suspect holdings, taking into account the epidemiological situation, the high density of susceptible animals in certain parts of the territory and the poor expression of clinical signs in certain susceptible species.
- (6) Killing of animals for disease reasons must be carried out in accordance with Council Directive 93/119/EEC of 22 December 1993 on the protection of animals at the time of slaughter or killing <sup>(8)</sup>.
- (7) Large scale killing of animals of infected or contaminated holdings may quickly exhaust the capacities for safe destruction of carcasses and thereby unavoidably delay the pre-emptive killing and this may lead to the amplification and spread of the virus.
- (8) The competent authorities of the United Kingdom have presented to the Commission a programme to employ protective vaccination in bovine animals under certain clearly defined conditions as an additional instrument to control and eradicate foot-and-mouth disease in connection with the pre-emptive killing of animals of other susceptible species in defined densely populated livestock areas.
- (9) In its report of 10 March 1999 the Scientific Committee on Animal Health and Animal Welfare made recommendations on the strategy for emergency vaccination against foot-and-mouth disease, which must be taken into account <sup>(9)</sup>.
- (10) Recourse to any kind of vaccination will inevitably jeopardise the foot-and-mouth disease status in terms of international trade not only for the Member State or part of its territory where vaccination is carried out.
- (11) The Commission prior to taking a Decision on emergency vaccination must ensure that the measures to be taken include at least those provided for in Article 13(3) first to sixth indent of Directive 85/511/EEC.

<sup>(1)</sup> OJ L 224, 18.8.1990, p. 29.

<sup>(2)</sup> OJ L 62, 15.3.1993, p. 49.

<sup>(3)</sup> OJ L 315, 26.11.1985, p. 11.

<sup>(4)</sup> OJ L 62, 2.3.2001, p. 22.

<sup>(5)</sup> OJ L 73, 15.3.2001, p. 38.

<sup>(6)</sup> OJ L 82, 22.3.2001, p. 29.

<sup>(7)</sup> OJ L 84, 23.3.2001, p. 62.

<sup>(8)</sup> OJ L 340, 31.12.1993, p. 21.

<sup>(9)</sup> [http://europa.eu.int/comm/food/fs/sc/scsh/outcome\\_en.html](http://europa.eu.int/comm/food/fs/sc/scsh/outcome_en.html)

- (12) It is the purpose of this Decision to define the conditions under which the United Kingdom may apply emergency vaccination and to outline the follow-up measures applicable to vaccinated animals and products derived from such animals.
- (13) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

*Article 1*

For the purpose of this Decision the following definitions shall apply:

1. 'Pre-emptive killing' shall mean the killing of susceptible animals on holdings within a certain radius around holdings placed under the restrictions laid down in Articles 4 or 5 of Directive 85/511/EEC.

It is aimed at the urgent reduction of numbers of animals of susceptible species in an infected area.

2. 'Protective vaccination' shall mean emergency vaccination of bovine animals in identified holdings situated in a defined area, the 'vaccination zone', which is carried out exclusively in conjunction with pre-emptive killing of certain categories of sheep and other animals of susceptible species as defined in paragraph 1.

It is aimed at an urgent reduction of the amount of virus circulating and the risk of virus spreading beyond the perimeters of the area, and is subjected to the condition that such vaccinated animals are not subject to pre-emptive killing.

*Article 2*

1. Without prejudice to Directive 85/511/EEC, and in particular Articles 4, 5 and 9 thereof, and without prejudice to Decision 2001/172/EC, the United Kingdom may decide on resorting to protective vaccination under the conditions set out in Annex I.

2. Before commencing the measures referred to in paragraph 1, the United Kingdom shall ensure that the Member States and the Commission are officially and fully informed on the details concerning the geographical and administrative definition of the vaccination zone, the number of holdings affected, the time when vaccination will be started and accomplished, and of the circumstances motivating the decision to implement the measures.

Subsequently the United Kingdom shall ensure that the information submitted in accordance with the first subparagraph is completed and updated without undue delay, in particular with regard to the details concerning the number of holdings and animals affected, and the modifications of the restrictions applied in the areas concerned.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 30 March 2001.

*For the Commission*

David BYRNE

*Member of the Commission*

## ANNEX I

**Conditions for the use of protective vaccination in the control and eradication of foot-and-mouth disease in application of Article 13(3) of Directive 85/511/EEC**

1.	Extent of the geographical area in which protective vaccination is to be carried out	The vaccination zone shall be within an area defined in Annex II. The restrictions applicable in the vaccination zone shall be those in Annex III of this Decision, without prejudice to the provisions in Article 9 of Directive 85/511/EEC.
2.	Species and age of the animals to be vaccinated	All bovine animals over 1 week of age independently of their sex and gestational or productive status.
3.	Duration of the vaccination campaign	The vaccination campaign shall be completed within 14 days.
4.	Specific standstill of vaccinated animals and products of vaccinated animals	Measures laid down in Annex III and the treatments of products derived from vaccinated bovine animals as laid down in Annexes IV, V, VI-A and VI-B.
5.	Special identification and special registration of the vaccinated animals	<ul style="list-style-type: none"> <li>— Identification of all bovine animals in accordance with Regulation (EC) No 1760/2000 (OJ L 204, 11.8.2000, p. 1),</li> <li>— on the spot ear-tagging of calves less than 20 days of age and application of an indelible mark with subsequent issuing of passport,</li> <li>— marking of vaccination status in the passport,</li> <li>— entering vaccination details in the database established in accordance with Regulation (EC) No 1760/2000</li> </ul>
6.	Other matters appropriate to the protective vaccination	
6.1.	Adjustment of zones established in accordance with Article 9 of Directive 85/511/EEC	A surveillance zone of at least 10 km around the vaccination zone referred to in point 1.
6.2.	Period for which the measures applied in the zones established in accordance with Article 9 of Directive 85/511/EEC are maintained	Without prejudice to the provisions in Article 9 of Directive 85/511/EEC and of Commission Decision 2001/172/EC the measures applied in the vaccination zone must remain in force until the measures are lifted in accordance with point 6.6.
6.3.	Execution of the vaccination campaign	Vaccination must be carried out under the direction of a veterinary surgeon of the competent authorities. Necessary measures must be in place to avoid possible spread of virus. Any residual quantities of vaccine must be returned to the point of vaccine distribution with a written record on number of animals vaccinated and the number of doses used.
6.4.	Vaccine to be used	The inactivated vaccine of at least 100 PD <sub>50</sub> to be used must be suitably formulated for the species concerned and be effective against the virus type circulating. It shall be used in accordance with the instructions of the manufacturer.
6.5.	Information on implementation of this programme to the Commission	A detailed report on the execution of the programme shall be provided to the Commission and the Member States in the framework of a Standing Veterinary Committee before the lifting of the restrictions referred to in points 6.1 and 6.2.
6.6.	Lifting of restrictions	In accordance with Article 16 of Directive 85/511/EEC and not earlier than 12 months after the completion of the measures in point 3 and not earlier than 12 months after the last outbreak in the vaccination zone, whichever is the latest.

## ANNEX II

Vaccination zone:

Administrative areas in the counties of Cumbria and Devon in Great Britain.



## ANNEX III

**MEASURES APPLICABLE IN THE VACCINATION ZONE**

1. The United Kingdom shall ensure that the following measures are applied in the vaccination zone during the period from the beginning of the vaccination until at least 30 days have elapsed following the completion of the vaccination:

- (a) Movement of live vaccinated bovine animals is prohibited within and out of the vaccination zone.

Derogating from the prohibition above and after clinical inspection of the animals in question and of the herds of origin or dispatch, the competent authorities may authorise the direct transport of live bovine animals species for immediate slaughter in a slaughterhouse designated by the competent authority and situated within the vaccination zone or in exceptional circumstances to be authorised on a case by case basis by the competent authorities preferably close to that zone.

- (b) Fresh meat produced from vaccinated animals slaughtered during the period referred to in this paragraph shall bear the stamp provided for in Article 5a of Directive 72/461/EEC, shall be stored and transported separately from meat not bearing the said stamp, and shall subsequently be transported in sealed containers to an establishment designated by the competent authorities for treatment in accordance with Annex IV.
- (c) Milk and milk products produced from vaccinated animals during the period referred to in this paragraph may be placed on the market within or out of the vaccination zone, provided that at least one of the treatments referred to in Annexes VI-A and VI-B has been applied in an establishment located in the vaccination zone or, in exceptional circumstances to be authorised on a case by case basis by the competent authorities outside that zone. This treatment shall be certified by the competent veterinary authorities.
- (d) The collection of semen for artificial insemination from male bovine animals kept in centres situated within the vaccination zone shall be suspended.

Derogating from the prohibition above, the competent authorities may authorise the collection of semen from male bovine animals for the production of frozen semen to be used within the vaccination zone at semen collection centres within the vaccination zone, if it is ensured that the semen collected during that period is stored separately for at least 30 days and is dispatched only after the following measures have been taken:

the donor males have been vaccinated following a negative test for antibodies against foot-and-mouth disease virus undertaken prior to vaccination, and

a negative result has been achieved in all susceptible animals present at the time on the semen collection centre, in a virus isolation test or in an approved test for antibody against non-structural proteins carried out at end of the quarantine period for the semen.

- (e) Collection of ova and embryos from donor female bovines shall be prohibited.

2. The United Kingdom shall ensure that the following measures are applied in the vaccination zone after the completion of the measures laid down in paragraph 1 and until the restrictions on the vaccination zone are lifted:

- (a) Intra-Community trade in bovine animals seropositive against foot-and-mouth disease is prohibited.
- (b) Intra-Community trade in semen, ova and embryos of bovine animals vaccinated against foot-and-mouth disease is prohibited.
- (c) Collection of ova shall be prohibited.
- (d) Movement of bovine animals may only take place under the following conditions:

Movement out of the vaccination zone of non-vaccinated bovine animals other than those referred to in point (3) below may be authorised not earlier than 3 months after completion of all vaccination and in accordance with Directive 85/511/EEC.

Derogating from the provisions in the first subparagraph above, the United Kingdom may authorise the transport of non-vaccinated bovine animals to a slaughterhouse outside the vaccination zone for immediate slaughter, provided that the meat shall be subjected to the treatment in Annex V.

Movement out of the vaccination zone of vaccinated bovine animals shall be prohibited, unless 12 months have elapsed after the completion of the measures referred to in paragraph 1 and not earlier than 12 months after the last outbreak in the zone, whichever is the latest.

Derogating from the provisions in the first subparagraph, the United Kingdom may authorise the transport of vaccinated bovine animals to a designated slaughterhouse outside the vaccination zone for direct slaughter, provided that the meat shall be subjected to the treatment in Annex V.

Non-vaccinated offspring of vaccinated dams, shall be prohibited from leaving the holding of origin unless being transported to:

either a slaughterhouse for immediate slaughter, the meat being subject to the treatment in Annex V, or

to another holding within the vaccination zone, or

any holding after obtaining a negative result in a serological test for the detection of antibody against the foot-and-mouth disease virus.

- (e) The restrictions applied to fresh meat produced from vaccinated animals of susceptible species as laid down in Annex V, and to meat products as laid down in Annex VI, shall continue to apply until the restrictions on movements of vaccinated animals of susceptible species have been lifted in accordance with Article 16 of Directive 85/511/EEC, and in any case not earlier than 12 months after the completion of vaccination and 12 months after the last outbreak in the vaccination zone whichever is the latest.
- (f) The restrictions applied to fresh milk produced from vaccinated animals of susceptible species and to milk products produced from such milk as laid down in Annexes VI-A and VI-B shall continue to apply until the restrictions on movements of vaccinated animals of susceptible species have been lifted in accordance with Article 16 of Directive 85/511/EEC, and in any case not earlier than 12 months after the completion of vaccination and 12 months after the last outbreak in the vaccination zone whichever is the latest.

#### ANNEX IV

##### TREATMENT OF MEAT TO ENSURE DESTRUCTION OF FOOT-AND-MOUTH DISEASE VIRUS

Treatment	Food-and-mouth disease
(a) Heat treatment in a hermetically sealed container with an $F_0$ value of 3,00 or more	+
(b) Heat treatment at a minimum temperature of 70 °C, which must be reached throughout the meat	+
(c) Heat treatment in a hermetically sealed container to at least 60 °C for a minimum of 4 hours, during which time the core temperature must be at least 70 °C for 30 minutes	+
(d) Natur fermentation and maturation of not less than 9 months for boneless meat, resulting in the following characteristics: aw value of not more than 0,93 and a pH value of not more than 6,0	+
(e) As (d) above but meat may contain bone. All the necessary measures must be taken to avoid cross contamination	+
(f) Heat treatment ensuring a core temperature of at least 65 °C is reached for the time necessary to achieve a pasteurisation value (pv) equal to or more than 40	+
'+' : Effectiveness recognised	

## ANNEX V

**TREATMENT OF FRESH MEAT**

## 1. De-boned fresh meat:

Meat as described in Article 2(a) of Council Directive 64/433/EEC together with diaphragms but excluding offal, from which the bone and the main accessible lymphatic glands have been removed.

## 2. Trimmed offal:

- heart from which lymphatic glands, connective tissue and adhering fat have been completely removed,
- liver from which lymphatic glands, adhering connective tissue and fat have been completely removed,
- whole masseter muscles, incised in accordance with paragraph 41 (A)(a) of Chapter VIII of Annex I to Directive 64/433/EEC, from which lymphatic glands, connective tissue and adhering fat have been completely removed,
- tongues with epithelium and without bone, cartilage and tonsils,
- lungs from which the trachea and main bronchi and the mediastinal and bronchial lymphatic glands have been removed,
- other offal without bone or cartilage from which lymphatic glands, connective tissue, adhering fat and mucous membrane have been completely removed.

## 3. Maturation

- maturation of carcasses at a temperature of more than + 2 °C for at least 24 hours,
- pH value in the middle of *Longissimus dorsi* muscle recorded as less than 6.0.

## 4. Effective measures must be applied to avoid cross contamination.

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## ANNEX VI-A

**TREATMENT OF MILK TO ENSURE DESTRUCTION OF FOOT-AND-MOUTH VIRUS IN MILK FOR HUMAN CONSUMPTION**

Treatment of milk must be carried out in accordance with paragraph 1 below and in any case necessary precautions must be taken to avoid contact of the milk or milk products with any potential source of foot-and-mouth virus after processing.

1. Milk for human consumption must be subject to at least one of the following treatments:
  - 1.1. sterilisation at a level of at least  $F_03$ ,
  - 1.2. single UHT <sup>(1)</sup> treatment,
  - 1.3. double HTST <sup>(2)</sup> treatment of milk with a pH above 7,0,
  - 1.4. single HTST treatment of milk with a pH less than 7,0,
  - 1.5. single HTST combined with another physical treatment by:
    - 1.5.1. either a second heat treatment resulting in a negative reaction to the peroxidase test,
    - 1.5.2. or lowering the pH < 6 for at least one hour,
    - 1.5.3. or additional heating to 72 °C or more, combined with desiccation.
2. Milk based products must be produced from milk after the treatment referred to in paragraph 1.

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<sup>(1)</sup> UHT = Ultra High Temperature treatment at 130 °C for 2-3 sec.

<sup>(2)</sup> HTST = High Temperature Short Time pasteurisation at 72 °C for 15-17 sec or equivalent pasteurisation effect achieving a negative reaction to a phosphatase test.

## ANNEX VI-B

**TREATMENT OF MILK TO ENSURE DESTRUCTION OF FOOT-AND-MOUTH VIRUS IN MILK NOT INTENDED FOR HUMAN CONSUMPTION AND IN MILK FOR ANIMAL CONSUMPTION**

Treatment of milk and milk-based products must be carried out in accordance with paragraphs 1 to 3 below depending on the intended use of the milk or milk-based products, and in any case necessary precautions must be taken to avoid contact of the milk or milk based products with any potential source of foot-and-mouth virus after processing.

1. Milk not intended for human consumption and milk intended for animal consumption must be subject to at least one of the following treatments:
    - 1.1. sterilisation at a level of at least  $F_03$ ,
    - 1.2. single UHT <sup>(1)</sup> combined with another physical treatment referred to in either paragraph 1.4.1. or 1.4.2.
    - 1.3. double HTST <sup>(2)</sup>,
    - 1.4. single HTST combined with another physical treatment by
      - 1.4.1. either lowering the pH < 6 for at least one hour,
      - 1.4.2. or additional heating to 72 °C or more, combined with desiccation.
  2. Milk-based products not intended for human consumption must be produced from milk after the treatments referred to in paragraph 1.
  3. Milk-based products intended for animal consumption must be produced from milk after one of the treatments referred to in paragraph 1.1., 1.2. and 1.4.
  4. Whey to be fed to pigs and produced from milk treated as described in paragraph 1 must be collected at least 16 hours after milk clotting and its pH must be recorded as <6,0 before transport to pig holdings.
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<sup>(1)</sup> UHT = Ultra High Temperature treatment at 130 °C for 2-3 sec.

<sup>(2)</sup> HTST = High Temperature Short Time pasteurisation at 72 °C for 15-17 sec or equivalent pasteurisation effect achieving a negative reaction to a phosphatase test.