

English edition

## Legislation

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<sup>(1)</sup> Text with EEA relevance

## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 973/2001  
of 14 May 2001**

**laying down certain technical measures for the conservation of certain stocks of highly migratory species**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

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

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

Whereas:

- (1) The Community has by Decision 98/392/EC <sup>(3)</sup> approved the United Nations Convention on the Law of the Sea, which contains principles and rules relating to the conservation and management of the living resources of the sea. In the framework of its wider international obligations, the Community participates in efforts arising in international waters to conserve fish stocks.
- (2) Pursuant to Decision 86/237/EEC <sup>(4)</sup>, the Community has been a Contracting Party to the International Commission for the Conservation of Atlantic Tunas, hereinafter called 'the ICCAT Convention', since 14 November 1997.
- (3) The ICCAT Convention provides a framework for regional cooperation on the conservation and management of tunas and tuna-like species in the Atlantic Ocean and adjoining seas by setting up an International Commission for the Conservation of Atlantic Tunas, hereinafter called the 'ICCAT', and adopting recommendations on conservation and management in the Convention area which become binding on the Contracting Parties.
- (4) The ICCAT has recommended a number of technical measures for certain stocks of highly migratory species in the Atlantic and the Mediterranean, specifying *inter alia* authorised sizes and weights of fish, and restrictions

on fishing within certain areas and time-periods, with certain gears, and on capacity. These recommendations are binding on the Community and should therefore be implemented.

- (5) Certain technical measures adopted by the ICCAT were incorporated into Council Regulation (EC) No 1626/94 of 27 June 1994 laying down certain technical measures for the conservation of fishery resources in the Mediterranean <sup>(5)</sup> and Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms <sup>(6)</sup>. In the interests of clarity, these measures should be brought together in this Regulation and the relevant Articles of the above Regulations should be repealed.
- (6) To take into account traditional fishing practice in certain areas, specific provisions on the capture and retention on board of certain tuna species should be adopted.
- (7) The Community has by Decision 95/399/EC <sup>(7)</sup> approved the Agreement for the establishment of the Indian Ocean Tuna Commission. This agreement provides a useful framework for closer international cooperation and rational use of tunas and related species in the Indian Ocean by setting up the Indian Ocean Tuna Commission, hereinafter called the 'IOTC', and adopting recommendations on conservation and management in the IOTC area which become binding on the Contracting Parties.
- (8) The IOTC has adopted a recommendation laying down technical measures for certain stocks of highly migratory species in the Indian Ocean. This recommendation is binding on the Community and should therefore be implemented.

<sup>(1)</sup> OJ C 337 E, 28.11.2000, p. 78.

<sup>(2)</sup> Opinion delivered on 28 February 2001 (not yet published in the Official Journal).

<sup>(3)</sup> OJ L 179, 23.6.1998, p. 1.

<sup>(4)</sup> OJ L 162, 18.6.1986, p. 33.

<sup>(5)</sup> OJ L 171, 6.7.1994, p. 1.

<sup>(6)</sup> OJ L 125, 27.4.1998, p. 1. Regulation as last amended by Regulation (EC) No 812/2000 (OJ L 100, 20.4.2000, p. 3).

<sup>(7)</sup> OJ L 236, 5.10.1995, p. 24.

- (9) The European Community has by Decision 1999/337/EC <sup>(1)</sup> signed the Agreement on the International Dolphin Conservation Program and by Decision 1999/386/EC <sup>(2)</sup> decided to apply it on a provisional basis pending its approval. The Community should therefore apply the provisions laid down in this Agreement.
- (10) The objectives of the Agreement include the progressive reduction of incidental dolphin mortalities in the tuna purse-seine fishery in the Eastern Pacific Ocean to levels approaching zero, by setting annual limits, and the long term sustainability of the tuna stocks in the Agreement Area.
- (11) Some provisions of this Agreement were incorporated into Regulation (EC) No 850/98. These provisions should be incorporated into this Regulation.
- (12) The Community has fishing interests in the Eastern Pacific Ocean and has applied to accede to the Inter-American Tropical Tuna Commission, hereinafter 'IATTC'. Pending accession, and in accordance with its obligation to cooperate with the other Parties involved in the management and conservation of resources in this region under the United Nations Convention on the Law of the Sea, the technical measures adopted by the IATTC should be applied by the Community. These measures should therefore be incorporated into Community law.
- (13) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(3)</sup>,

HAS ADOPTED THIS REGULATION:

#### Article 1

This Regulation lays down technical conservation measures applicable to vessels flying the flag of Member States and registered in the Community, hereinafter referred to as 'Community fishing vessels', with regard to the capture and landing of certain stocks of highly migratory species referred to in Annex I.

#### TITLE I

#### DEFINITIONS

#### Article 2

For the purposes of this Regulation, the following definitions of maritime waters shall apply:

- (a) Area 1:  
all waters of the Atlantic Ocean and adjacent seas covered by the ICCAT Convention as defined in Article 1 thereof;

- (b) Area 2:  
all waters of the Indian Ocean covered by the Agreement for the establishment of the IOTC as defined in Article 2 thereof;
- (c) Area 3:  
all waters of the Eastern Pacific Ocean as defined in Article 3 of the Agreement on the International Dolphin Conservation Program.

#### TITLE II

#### TECHNICAL MEASURES APPLICABLE IN AREA 1

#### Chapter 1

#### Restrictions on the use of certain types of vessels and gears

#### Article 3

1. During the period 1 November to 31 January in the area specified in paragraph 2, it shall be prohibited for Community fishing vessels to:

- anchor floating objects,
- fish under artificial objects,
- fish under natural objects,
- fish using ancillary vessels,
- throw into the sea artificial floating objects with or without buoys,
- install buoys on floating objects found at sea,
- remove floating objects and wait for the fish attracted by these objects to gather underneath the vessel,
- tow floating objects outside the area.

2. The area referred to in paragraph 1 shall be bounded as follows:

- southern boundary at latitude 4° S,
- northern boundary at latitude 5° N,
- western boundary at longitude 20° W,
- eastern boundary at the coast of Africa.

3. Vessels shall be prohibited from commencing or continuing fishing in the area and during the period specified in paragraphs 1 and 2 without an observer on board.

4. Until 31 December 2002, Member States shall take the necessary steps to appoint observers and ensure that they are placed on board all vessels flying their flag or registered in their territory which are about to undertake fishing activities in the area referred to in paragraph 2.

5. Without prejudice to paragraph 4, Member States shall take the necessary steps to ensure that properly appointed observers remain on board the fishing vessels to which they have been assigned until they are replaced by other observers.

<sup>(1)</sup> OJ L 132, 27.5.1999, p. 1.

<sup>(2)</sup> OJ L 147, 12.6.1999, p. 23.

<sup>(3)</sup> OJ L 184, 17.7.1999, p. 23.

6. The master of a Community vessel operating in the area and during the period specified in paragraphs 1 and 2 shall receive the observer and cooperate with him in the performance of his duties during his stay on board.

The master of a vessel designated to receive an observer on board shall make every reasonable effort to facilitate his arrival and departure. During the observer's stay on board he shall be provided with appropriate accommodation and working facilities.

7. The practical arrangements for paragraphs 4, 5 and 6 shall be as defined in Annex II.

8. Member States shall send the Commission by 1 May each year at the latest a comprehensive report assessing the content and conclusions of the reports of the observers assigned to vessels flying their flag.

9. The period referred to in paragraph 1, the area referred to in paragraph 2 and the arrangements for the assignment of observers set out in Annex II may be amended by the Commission pursuant to ICCAT recommendations which are binding upon the Community and in accordance with the procedure laid down in Article 19(2).

#### Article 4

1. It shall be prohibited to retain on board any quantity of skipjack, bigeye or yellowfin tuna which are caught using purse seines in waters under the sovereignty or jurisdiction of Portugal in ICES subarea X north of 36°30' N or in CECAF areas north of 31° N and east of 17°30' W, or to fish for the said species in the said areas with the said gears.

2. It shall be prohibited to retain on board tuna caught using drift-nets in waters under the sovereignty or jurisdiction of Spain or Portugal in ICES subareas VIII, IX and X, or in CECAF areas around the Canary Islands and Madeira, or to fish for the said species in the said areas with the said gears.

#### Article 5

1. Fishing for bluefin tuna with encircling nets shall be prohibited:

- from 1 to 31 May in the Mediterranean Sea as a whole and from 16 July to 15 August in the Mediterranean Sea excluding the Adriatic for vessels operating exclusively or predominantly in the Adriatic;
- from 16 July to 15 August in the Mediterranean Sea as a whole and from 1 to 31 May in the Adriatic for vessels operating exclusively or predominantly in the Mediterranean Sea excluding the Adriatic.

Member States shall ensure that all vessels flying their flag or registered in their territory are subject to the above rules.

For the purposes of this Regulation, the southern limit of the Adriatic Sea shall be a line drawn between the Albanian-Greek border and Cape Santa Maria di Leuca.

2. The use of aeroplanes or helicopters in support of fishing operations for bluefin tuna in the Mediterranean shall be prohibited during the period from 1 to 30 June.

3. Fishing for bluefin tuna in the Mediterranean using surface-set longlines from vessels greater than 24 metres in length shall be prohibited during the period from 1 June to 31 July each year. The applicable length shall be that defined by the ICCAT and given in Annex III.

4. The definition of the periods and areas referred to in this Article and the length of vessels given in Annex III may be modified by the Commission pursuant to ICCAT recommendations which are binding upon the Community and in accordance with the procedure laid down in Article 19(2).

## Chapter 2

### Minimum size

#### Article 6

1. A highly migratory species shall be undersized if its dimensions are smaller than the minimum dimensions specified in Annex IV for the relevant species.

2. The dimensions set out in Annex IV may be modified by the Commission pursuant to ICCAT recommendations which are binding upon the Community and in accordance with the procedure laid down in Article 19(2).

#### Article 7

1. Undersized fish of highly migratory species shall not be retained on board or be transhipped, landed, transported, stored, displayed or offered for sale, sold or marketed. These species shall be returned immediately to the sea.

However, the preceding subparagraph shall not apply to the species referred to in Annex IV caught by accident and which total no more than 15 %, expressed in numbers of individuals, of the quantities landed. In the case of bluefin tuna, that tolerance shall not apply to fish weighing less than 3,2 kg.

2. The release for free circulation or marketing in the Community of undersized fish of highly migratory species originating in third countries shall be prohibited.

#### Article 8

The measurement of the size of fish of highly migratory species shall be carried out in accordance with Article 18 of Regulation (EC) No 850/98.

## Chapter 3

**Restrictions on the number of vessels***Article 9*

1. The Council, acting in accordance with the procedure laid down in Article 8(4)(i) of Regulation (EEC) No 3760/92<sup>(1)</sup>, shall determine the number and total capacity in gross registered tonnage (GRT) of Community fishing vessels greater than 24 metres in length fishing for bigeye tuna as a target species. These shall be fixed as the average number and the capacity in GRT of Community fishing vessels fishing for bigeye tuna as a target species in Area 1 during the period 1991 to 1992.

2. By 31 January each year at the latest Member States shall forward to the Commission a list of all vessels flying their flag and registered in their territory which intend to fish for bigeye tuna in Area 1 during that year.

3. The lists shall give the internal number allocated to each vessel in the fishing vessel register in accordance with Article 5 of Commission Regulation (EC) No 2090/98<sup>(2)</sup>.

4. On the basis of the information provided by the Member States in accordance with paragraphs 2 and 3 the Council acting in accordance with the procedure laid down in Article 8(4)(ii) of Regulation (EEC) No 3760/92, may distribute among the Member States the number and capacity in GRT determined in accordance with paragraph 1.

5. Before 15 August each year Member States shall send the Commission the list of fishing vessels greater than 24 metres in length fishing for bigeye tuna as a target species. The Commission shall send this information to the ICCAT secretariat before 31 August each year.

6. The list referred to in paragraph 5 shall contain the following information;

- vessel name, registration number,
- previous flag, where applicable,
- international call sign, where applicable,
- vessel type, length and GRT,
- name and address of the vessel owner(s).

*Article 10*

1. The Council, acting in accordance with the procedure laid down in Article 8(4)(i) of Regulation (EEC) No 3760/92, shall determine the number of Community fishing vessels fishing for North Atlantic albacore tuna as a target species. The number of vessels shall be fixed as the average number of Community

<sup>(1)</sup> OJ L 389, 31.12.1992, p. 1. Regulation as last amended by Regulation (EC) No 1181/91 (OJ L 164, 9.6.1998, p. 1).

<sup>(2)</sup> OJ L 266, 1.10.1998, p. 27.

fishing vessels fishing for North Atlantic albacore tuna as a target species during the period 1993 to 1995.

2. By 31 January each year at the latest Member States shall forward to the Commission a list of all vessels flying their flag and registered in their territory which intend to fish for North Atlantic albacore tuna as a target species in Area 1 during that year.

3. The lists shall give the internal number allocated to each vessel in the fishing vessel register in accordance with Article 5 of Regulation (EC) No 2090/98.

4. On the basis of the information sent by the Member States in accordance with paragraphs 2 and 3 the Council, acting in accordance with the procedure laid down in Article 8(4)(ii) of Regulation (EEC) No 3760/92, may distribute among the Member States the number of vessels determined in accordance with paragraph 1.

5. Before 15 May each year Member States shall send the Commission the list of vessels flying their flag which carry out directed fishing for North Atlantic albacore tuna. Until 31 December 2001 that list shall not include those fishing vessels carrying out experimental fishing other than by means of drift-nets. The Commission shall send this information to the ICCAT Secretariat before 30 May each year.

## Chapter 4

**Other measures***Article 11*

Member States may encourage the use of monofilament streamer lines on swivels so that live blue marlins and white marlins may be easily released.

*Article 12*

Notwithstanding Article 31 of Regulation (EC) No 850/98, electric current or harpoon guns may be used to catch tuna and basking shark (*Cetorhinus maximus*) in the Skagerrak and Kattegat.

## TITLE III

**TECHNICAL MEASURES APPLICABLE IN AREA 2***Article 13*

1. Before 15 June each year Member States shall send the Commission the list of vessels greater than 24 metres in length flying their flag which fished for bigeye tuna, yellowfin tuna and skipjack tuna during the previous year in Area 2. The Commission shall send this information to the IOTC Secretariat before 30 June each year.

2. The list referred to in paragraph 1 shall contain the following information:

- vessel name, registration number,
- previous flag, where applicable,
- international call sign, where applicable,
- vessel type, length and GRT,
- name and address of the vessel owner, operator or charterer.

#### TITLE IV

### TECHNICAL MEASURES APPLICABLE IN AREA 3

#### Article 14

1. Only Community fishing vessels operating under the conditions laid down in the Agreement on the International Dolphin Conservation Program which have been allocated a DML shall be authorised to encircle schools or groups of dolphins with purse seines when fishing for yellowfin tuna in Area 3.

2. 'DML' shall mean the dolphin mortality limit laid down in Article 5 of the Agreement on the International Dolphin Conservation Program.

#### Article 15

1. Before 15 September each year Member States shall send the Commission:

- a list of vessels flying their flag with a load capacity greater than 363 metric tonnes (400 net tonnes) which have applied for a DML for the whole of the following year;
- a list of vessels flying their flag which are likely to operate in the area in the course of the following year;
- a list of vessels flying their flag which have requested a DML for the first or second half of the following year;
- for each vessel requesting a DML, a certificate stating that the vessel had all the proper gears and equipment to protect dolphins and that its captain had completed an approved training course on rescuing and releasing dolphins.

2. Member States shall ensure that the applications for DMLs comply with the conditions laid down in the Agreement on the International Dolphin Conservation Program and the conservation measures adopted by the IATTC.

3. The Commission shall examine the lists and ensure that they comply with the provisions of the Agreement on the International Dolphin Conservation Program and the conservation measures adopted by the IATTC and shall send them to the Director of the IATTC.

Where this examination reveals that the application does not meet the conditions referred to in this paragraph, the Commission shall immediately inform the Member State concerned that it cannot send all or part of an application to the Director of the IATTC, stating its reasons.

4. The Commission shall send each Member State the overall DML to be distributed among the vessels flying their flag.

5. Each Member State shall send the Commission the breakdown of the DMLs among the vessels flying the flag of that Member State by 15 January each year.

6. The Commission shall send the Director of the IATTC the list and breakdown of the DMLs between Community fishing vessels by 1 February each year.

#### Article 16

1. The use of ancillary vessels to support vessels fishing with the aid of fish aggregating devices shall be prohibited.

2. Transshipments at sea shall be prohibited.

#### TITLE V

### GENERALLY APPLICABLE PROVISION

#### Article 17

1. The encircling of schools or groups of marine mammals with purse seines shall be prohibited, except in the case of the vessels referred to in Article 14.

2. Paragraph 1 shall apply to every vessel flying the flag of a Member State or registered in a Member State, in whatever waters.

#### TITLE VI

### FINAL PROVISIONS

#### Article 18

The measures necessary for the implementation of Article 3(9), Article 5(4) and Article 6(2), shall be adopted in accordance with the regulatory procedure referred to in Article 19(2).

#### Article 19

1. The Commission shall be assisted by the Committee established by Article 17 of Regulation (EEC) No 3760/92.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period provided for in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.



*Article 20*

1. Articles 24, 33 and 41 of Regulation (EC) No 850/98 and the entries in Annex XII thereto relating to bluefin tuna and swordfish shall be repealed.
2. Articles 3a and 5a of Regulation (EC) No 1626/94, the entries in Annex IV thereto relating to bluefin tuna and swordfish and Annex V thereto shall be repealed.
3. References to the above Regulations, Articles and Annexes shall be construed as references to this Regulation and shall be read in accordance with the table of equivalence in Annex V.

*Article 21*

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

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

Done at Brussels, 14 May 2001.

*For the Council*

*The President*

L. REKKE

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## ANNEX I

**List of species referred to in this Regulation**

- Albacore: *Thunnus alalunga*
  - Bluefina tuna: *Thunnus thynnus*
  - Bigeye tuna: *Thunnus obesus*
  - Skipjack: *Katsuwonus pelamis*
  - Atlantic bonito: *Sarda sarda*
  - Yellowfin tuna: *Thunnus albacares*
  - Blackfin tuna: *Thunnus atlanticus*
  - Little tuna: *Euthynnus* spp.
  - Southern bluefin tuna: *Thunnus maccoyii*
  - Frigate tuna: *Auxis* spp.
  - Oceanic sea breams: *Bramidae*
  - Marlins: *Tetrapturus* spp.; *Makaira* spp.
  - Sailfish: *Istiophorus* spp.
  - Swordfish: *Xiphias gladius*
  - Sauries: *Scomberesox* spp.; *Cololabis* spp.
  - Dolphinfish; common dolphinfish: *Coryphaena hippurus*; *Coryphaena equiselis*
  - Sharks: *Hexanchus griseus*; *Cetorhinus maximus*; *Alopiidae* *Rhincodon* typus; *Carcharhinidae*; *Sphymidae*; *Isuridae*; *Lamnidae*
  - Cetaceans (whales and porpoises): *Physeteridae*; *Belaenopteridae*; *Balenidae*; *Eschrichtiidae*; *Monodontidae*; *Ziphiidae*; *Delphinidae*.
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## ANNEX II

**Practical arrangements referred to in Article 3(7)**

## 1. ASSIGNMENT OF OBSERVERS

- (a) In order to discharge their obligation to provide observers, Member States shall, without prejudice to Article 3(4), appoint properly qualified and experienced personnel. In order to carry out their tasks the personnel selected must have the following qualifications:
- sufficient experience to identify fish species and fishing gear;
  - maritime navigation skills;
  - a satisfactory knowledge of ICCAT conservation measures;
  - the capacity to accomplish elementary scientific tasks, for example taking of samples where necessary and making accurate observations and records in that connection;
  - a satisfactory knowledge of the language of the flag Member State of the vessel being observed.
- (b) Member States must take appropriate measures to ensure that observers are received on board fishing vessels at the agreed time and place and to facilitate their departure on completion of the observation period.

## 2. TASKS OF OBSERVERS

The main task of observers is to monitor compliance with the ban referred to in Article 1. In particular, designated observers will:

- (a) monitor the fishing operations of the vessels concerned and record them in a report;
- (b) send a report containing a summary of the observer's main findings, including the biological data collected, to the competent authorities in the Member States concerned within 20 days following the observation period.

## 3. RELATIONS WITH THE MASTERS OF FISHING VESSELS

- (a) The master must be given sufficient notice of the date and place at which the observer is to be received and of the likely duration of the observation period.
- (b) The master of the vessel may request a copy of the observer's report.

## ANNEX III

**Length of vessels (Article 5(4))**

ICCAT definition of length of vessels:

- for any fishing vessel built after 18 July 1982, 96 % of the total length on a waterline at 85 % of the least moulded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater. In ships designed with a rake of keel, the waterline on which this length is measured shall be parallel to the designed waterline;
- for any fishing vessel built before 18 July 1982, registered length as entered on the national registers or other record of vessels.

## ANNEX IV

## MINIMUM SIZES

(Article 6(1))

Species	Minimum size
Swordfish ( <i>Xiphias gladius</i> ) <sup>(1)</sup>	25 kg or 125 cm (lower mandible)
Bluefin tuna ( <i>Thunnus thynnus</i> )	6,4 kg or 70 cm
Yellow tuna ( <i>Thunnus albacares</i> )	3,2 kg
Bigeye tuna ( <i>Thunnus obesus</i> )	3,2 kg

(<sup>1</sup>) This minimum size applies only to the Atlantic Ocean.

## ANNEX V

## TABLE OF EQUIVALENCE

(Article 20(3))

Regulation (EC) No 850/98	This Regulation
Article 24	Article 4
Article 33(1)	Article 17
Article 33(2)	Article 2
Article 33(3)	Article 14(1)
Article 41	Article 12
Annex XII relating to bluefin tuna and swordfish	Annex IV
Regulation (EC) No 1626/94	This Regulation
Article 3a	Article 5
Article 5a	Article 5
Annex IV relating to bluefin tuna	Annex IV
Annex V	Annex III

**COUNCIL REGULATION (EC) No 974/2001**  
**of 14 May 2001**  
**amending Regulation (EEC) No 3911/92 on the export of cultural goods**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

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

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

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

Whereas:

- (1) The establishment of Economic and Monetary Union and the changeover to the euro have an effect on the last subparagraph under heading B of the Annex to Regulation (EEC) No 3911/92 <sup>(4)</sup> laying down the values, expressed in ecu, of the cultural goods subject to the application of the Regulation. That subparagraph lays down that the date for the conversion of the said values into national currencies is to be 1 January 1993.
- (2) Pursuant to Council Regulation (EC) No 1103/97 of 17 June 1997 on certain provisions relating to the introduction of the euro <sup>(5)</sup>, any reference to the ecu in legal instruments became, as from 1 January 1999, a reference to the euro, after conversion at the rate of one to one. Without an amendment to Regulation (EEC) No 3911/92, and hence to the fixed exchange rate corresponding to the rate in force on 1 January 1993, the Member States having the euro as their currency would continue to apply different amounts converted on the basis of the exchange rates of 1993, and not the conversion rates irrevocably fixed on 1 January 1999, and this situation would persist as long as the conversion rule remained an integral part of the Regulation.
- (3) The last subparagraph under heading B of the Annex to Regulation (EEC) No 3911/92 should therefore be amended in such a way that, as from 1 January 2002, the Member States having the euro as their currency directly apply the values in euro laid down in Community legislation. For the other Member States, which will continue to convert these thresholds into national currencies, an exchange rate should be adopted on a suitable date before 1 January 2002, and provision should be made for those States to adapt that rate automatically and periodically in order to compensate for variations in the exchange rate between the national currency and the euro.

(4) It would appear that the value 0 (zero) under heading B of the Annex to Regulation (EEC) No 3911/92, applicable as the financial threshold for certain categories of cultural objects, could be interpreted in such a way as to jeopardise the effective application of the Regulation. Whereas this value 0 (zero) means that goods belonging to the categories in question, whatever their value — even if it is negligible or zero — are to be considered 'cultural objects' within the meaning of the said Regulation, certain authorities have interpreted it in such a way that the cultural object in question has no value at all, thereby depriving those categories of goods of the protection afforded by the Regulation.

(5) To avoid any confusion in this respect, therefore, the figure 0 should be replaced by a clearer expression which leaves no doubt as to the need to protect the goods in question,

HAS ADOPTED THIS REGULATION:

*Article 1*

In the Annex to Regulation (EEC) No 3911/92, the text under heading B is hereby amended as follows:

1. The title 'VALUE: 0 (zero)' shall be replaced by:

'VALUE:

Whatever the value.'

2. The last subparagraph, relating to the conversion into national currencies of the values expressed in ecu, is replaced by the following:

'For the Member States which do not have the euro as their currency, the values expressed in euro in the Annex shall be converted and expressed in national currencies at the rate of exchange on 31 December 2001 published in the *Official Journal of the European Communities*. This countervalue in national currencies shall be reviewed every two years with effect from 31 December 2001. Calculation of this countervalue shall be based on the average daily value of those currencies, expressed in euro, during the 24 months ending on the last day of August preceding the revision which takes effect on 31 December. This method of calculation shall be reviewed, on a proposal from the Commission, by the Advisory Committee on Cultural Goods, in principle two years after the first application. For each revision, the values expressed in euro and their countervalues in national currency shall be published periodically in the *Official Journal of the European Communities* in the first days of the month of November preceding the date on which the revision takes effect.'

<sup>(1)</sup> OJ C 120 E, 24.4.2001, p. 184.

<sup>(2)</sup> Opinion delivered on 14 February 2001 (not yet published in the Official Journal).

<sup>(3)</sup> Opinion delivered on 25 April 2001 (not yet published in the Official Journal).

<sup>(4)</sup> OJ L 395, 31.12.1992, p. 1. Regulation as amended by Regulation (EC) No 2469/96 (OJ L 335, 24.12.1996, p. 9).

<sup>(5)</sup> OJ L 162, 19.6.1997, p. 1.

*Article 2*

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

It shall be applicable as from 1 January 2002.

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

Done at Brussels, 14 May 2001.

*For the Council*

*The President*

L. REKKE

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**COMMISSION REGULATION (EC) No 975/2001**  
**of 18 May 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 19 May 2001.

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

Done at Brussels, 18 May 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<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 18 May 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	82,2
	212	79,3
	999	80,8
0707 00 05	052	71,6
	600	142,5
	628	143,2
0709 90 70	999	119,1
	052	87,2
	999	87,2
0805 10 10, 0805 10 30, 0805 10 50	052	60,3
	204	55,2
	212	58,3
	220	52,5
	400	65,0
	600	50,9
	624	57,0
	999	57,0
0808 10 20, 0808 10 50, 0808 10 90	388	84,8
	400	85,4
	404	96,0
	508	80,0
	512	82,9
	524	75,0
	528	81,5
	720	131,5
	804	98,5
	999	90,6

<sup>(1)</sup> 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 976/2001  
of 18 May 2001**

**amending Regulation (EC) No 1490/2000 increasing to 1 200 267 tonnes the quantity of rye held  
by the German intervention agency for which a standing invitation to tender for export has been  
opened**

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>, and in particular Article 5 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 <sup>(3)</sup>, as last amended by Regulation (EC) No 1630/2000 <sup>(4)</sup>, lays down the procedures and conditions for the disposal of cereals held by the intervention agencies.
- (2) Commission Regulation (EC) No 1490/2000 <sup>(5)</sup>, as last amended by Regulation (EC) No 250/2001 <sup>(6)</sup>, opened a standing invitation to tender for the export of 700 191 tonnes of rye held by the German intervention agency. Germany informed the Commission of the intention of its intervention agency to increase by 500 076 tonnes the quantity for which a standing invitation to tender for export has been opened. The total quantity of rye held by the German intervention agency for which a standing invitation to tender for export has been opened should be increased to 1 200 267 tonnes.
- (3) This increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store. Annex I to Regulation (EC) No 1490/2000 must therefore be amended.

(4) A later date must be set for the last partial invitation to tender for the tender opened by Regulation (EC) No 1490/2000.

(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*

Regulation (EC) No 1490/2000 is hereby amended as follows:

1. Article 2 is replaced by the following:

*'Article 2*

1. The invitation to tender shall cover a maximum of 1 200 267 tonnes of rye to be exported to all third countries.

2. The regions in which the 1 200 267 tonnes of rye are stored are stated in Annex I to this Regulation.'

2. Article 5(3) is replaced by the following:

'3. The last partial invitation to tender shall expire on 30 May 2002 at 9 a.m. (Brussels time).'

3. Annex I is replaced by the Annex hereto.

*Article 2*

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, 18 May 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 191, 31.7.1993, p. 76.

<sup>(4)</sup> OJ L 187, 26.7.2000, p. 24.

<sup>(5)</sup> OJ L 168, 8.7.2000, p. 5.

<sup>(6)</sup> OJ L 36, 7.2.2001, p. 3.

## ANNEX

## ANNEX I

*(tonnes)*

Place of storage	Quantity
Schleswig-Holstein/Hamburg/Niedersachsen/ Bremen/Nordrhein-Westfalen	265 077
Hessen/Rheinland-Pfalz/Baden-Württemberg/ Saarland/Bayern	8 012
Berlin/Brandenburg/Mecklenburg-Vorpommern	600 378
Sachsen/Sachsen-Anhalt/Thüringen	326 800

**COMMISSION REGULATION (EC) No 977/2001  
of 18 May 2001**

**amending Regulation (EC) No 702/2001 and increasing to 144 636 tonnes the amount of common wheat held by the Swedish intervention agency for which a standing invitation to tender for resale on the internal market has been opened**

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>, and in particular Article 5 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 <sup>(3)</sup>, as last amended by Regulation (EC) No 1630/2000 <sup>(4)</sup>, lays down the procedure and conditions for the disposal of cereals held by the intervention agencies.
- (2) Commission Regulation (EC) No 702/2001 <sup>(5)</sup> opened a standing invitation to tender for the resale on the internal market of 47 000 tonnes of common wheat held by the Swedish intervention agency.
- (3) In the present situation on the market the quantities of common wheat held by the Swedish intervention agency put up for sale on the internal market of the Community should be increased to 144 636 tonnes.

- (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*

Regulation (EC) No 702/2001 is amended as follows:

1. in Article 1 'of 47 000 tonnes of common wheat' is replaced by 'of 144 636 tonnes of common wheat';
2. Article 2(2) is replaced by the following:  
'2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 27 June 2001.'

*Article 2*

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, 18 May 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 191, 31.7.1993, p. 76.

<sup>(4)</sup> OJ L 187, 26.7.2000, p. 24.

<sup>(5)</sup> OJ L 98, 7.4.2001, p. 5.

**COMMISSION REGULATION (EC) No 978/2001****of 18 May 2001****concerning tenders submitted in response to the invitation to tender for the export to certain third countries of wholly milled round grain A rice 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 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 under 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 decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award.

(3) On the basis of the criteria laid down in Article 13 of Regulation (EC) No 3072/95 a maximum refund should not be fixed.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

No action shall be taken on the tenders submitted from 11 to 17 May 2001 in response to the invitation to tender for the export refund on wholly milled round grain A rice to certain third countries issued in Regulation (EC) No 2281/2000.

*Article 2*

This Regulation shall enter into force on 19 May 2001.

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

Done at Brussels, 18 May 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<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 979/2001  
of 18 May 2001**

**concerning tenders submitted in response to the invitation to tender for the export to certain third  
European countries of wholly milled round, medium and long grain A rice 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 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 under 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 decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award.

(3) On the basis of the criteria laid down in Article 13 of Regulation (EC) No 3072/95 a maximum refund should not be fixed.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

No action shall be taken on the tenders submitted from 11 to 17 May 2001 in response to the invitation to tender for the export refund on wholly milled round, medium and long grain A rice to certain third European countries issued in Regulation (EC) No 2282/2000.

*Article 2*

This Regulation shall enter into force on 19 May 2001.

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

Done at Brussels, 18 May 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 980/2001  
of 18 May 2001**

**concerning tenders submitted in response to the invitation to tender for the export to certain third countries of wholly milled medium and long grain A rice 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 under 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 decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award.

(3) On the basis of the criteria laid down in Article 13 of Regulation (EC) No 3072/95 a maximum refund should not be fixed.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

No action shall be taken on the tenders submitted from 11 to 17 May 2001 in response to the invitation to tender for the export refund on wholly milled medium and long grain A rice to certain third European countries issued in Regulation (EC) No 2283/2000.

*Article 2*

This Regulation shall enter into force on 19 May 2001.

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

Done at Brussels, 18 May 2001.

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

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<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 267, 15.10.1999, 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 981/2001  
of 18 May 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 11 to 17 May 2001 at 330,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 19 May 2001.

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

Done at Brussels, 18 May 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 982/2001****of 19 May 2001****applying a reduction coefficient to refund certificates for goods not covered by Annex I to the Treaty, as provided for by Article 8(5) of Regulation (EC) No 1520/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The amounts for applications of refund certificates valid from 1 June 2001 are subject to a reduction coefficient of 0,33.

*Article 2*

This Regulation shall enter into force on 21 May 2001.

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

Done at Brussels, 19 May 2001.

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

<sup>(1)</sup> OJ L 318, 20.12.1993, p. 18.

<sup>(2)</sup> OJ L 298, 25.11.2000, p. 5.

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

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



**COMMISSION REGULATION (EC) No 983/2001**  
**of 18 May 2001**  
**fixing the maximum purchase price for beef under the third partial invitation to tender pursuant to**  
**Regulation (EC) No 690/2001**

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>,

Having regard to Commission Regulation (EC) No 690/2001 of 3 April 2001 on special market support measures in the beef sector <sup>(2)</sup>, and in particular Article 3(1) thereof,

Whereas:

- (1) In application of Article 2(2) of Regulation (EC) No 690/2001, Commission Regulation (EC) No 713/2001 <sup>(3)</sup> on the purchase of beef under Regulation (EC) No 690/2001 establishes the list of Member States in which the tendering is open for the third partial invitation to tender on 14 May 2001.
- (2) In accordance with Article 3(1) of Regulation (EC) No 690/2001, where appropriate, a maximum purchase price for the reference class shall be fixed in the light of the tenders received, taking into account the provisions of Article 3(2) of that Regulation.

- (3) Because of the need to support in a reasonable way the market for beef a maximum purchase price should be fixed in the Member States concerned. In the light of the different level of market prices in those Member States, different maximum purchase prices should be fixed.
- (4) Due to the urgency of the support measures, this Regulation should enter into force immediately.
- (5) 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 third partial invitation to tender on 14 May 2001 opened under Regulation (EC) No 690/2001 the following maximum purchase prices shall be fixed:

- Austria: EUR 174,00/100 kg,
- Germany: EUR 163,00/100 kg.

*Article 2*

This Regulation shall enter into force on 19 May 2001.

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

Done at Brussels, 18 May 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 95, 5.4.2001, p. 8.

<sup>(3)</sup> OJ L 100, 11.4.2001, p. 3.

## COMMISSION REGULATION (EC) No 984/2001

of 18 May 2001

**fixing the maximum buying-in price and the quantities of beef to be bought in under the 267th 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 590/2001 <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 840/2001 <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 590/2001 are to be accepted.
- (3) Once tenders submitted in respect of the 267th partial invitation to tender have been considered pursuant to Article 47(8) of Regulation (EC) No 1254/1999, and taking account of the requirements for reasonable support of the market and the seasonal trend in slaughtering and prices, the maximum buying-in price and the quantities which may be bought in should be fixed for category A and no award made for category C.

- (4) Article 7 of Regulation (EC) No 590/2001 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.
- (5) In the light of developments, 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*

Under the 267th partial invitation to tender opened pursuant to Regulation (EEC) No 1627/89:

- (a) for category A:
  - the maximum buying-in price shall be EUR 226,00/100 kg of carcasses or half-carcasses of quality R3,
  - the maximum quantity of carcasses, half-carcasses, and forequarters accepted shall be 5 946,0 t,
- (b) for category C no award shall be made;
- (c) for carcasses and half-carcasses of store cattle as referred to in Article 7 of Regulation (EC) No 590/2001:
  - the maximum buying-in price shall be EUR 376,00/100 kg of carcasses or half-carcasses,
  - the maximum quantity of carcasses and half-carcasses shall be 52 t.

*Article 2*

This Regulation shall enter into force on 19 May 2001.

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

Done at Brussels, 18 May 2001.

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

<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 86, 27.3.2001, p. 30, Regulation as last amended by Regulation (EC) No 826/2001 (OJ L 120, 28.4.2001, p. 7).

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

<sup>(5)</sup> OJ L 120, 28.4.2001, p. 28.

**REGULATION (EC) No 985/2001 OF THE EUROPEAN CENTRAL BANK**  
**of 10 May 2001**  
**amending Regulation ECB/1999/4 on the powers of the European Central Bank to impose sanctions**  
**(ECB/2001/4)**

THE GOVERNING COUNCIL OF THE EUROPEAN BANK,

Having regard to the Treaty establishing the European Community, and in particular to Article 110(3) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central bank, and in particular to Article 34.3 and Article 19.1 thereof,

Having regard to Council Regulation (EC) No 2532/98 of 23 November 1998 concerning the powers of the European Central Bank to impose sanctions <sup>(1)</sup>, and in particular to Article 6(2) thereof,

Whereas:

Regulation ECB/1999/4 of 23 September 1999 on the powers of the European Central Bank to impose sanctions <sup>(2)</sup> should be amended for the following reasons:

Past experience has shown the existing procedure for the storage of information relevant to the determination and enforcement of sanctions, in particular the exchange of original documentation and materials between the ECB and the national central banks, has proved to be excessively cumbersome. Therefore, the procedure needs to be simplified in order to provide an effective and sound regime for the administration of

sanctions based on an expeditious procedure while, at the same time, the same level of legal certainty shall be guaranteed,

HAS ADOPTED THIS REGULATION:

*Article 1*

**Amendments to Regulation ECB/1999/4**

Article 9(5) of Regulation ECB/1999/4 shall be replaced by the following wording:

‘5. The national central bank concerned or the ECB, as the case may be, shall store all the information relevant to the determination and enforcement of the sanction in a file that be kept for at least five years from the date on which the decision on the imposition of the sanction becomes final. The competent national central bank shall forward to the ECB copies of all original documentation and materials in its possession relating to the infringement procedure.’

*Article 2*

**Entry into force**

This Regulation shall enter into force on the 24th day of the month following the month 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 Frankfurt am Main, 10 May 2001.

*On behalf of the Governing Council of the  
ECB*

*The President*

Willem F. DUISENBERG

<sup>(1)</sup> OJ L 318, 27.11.1998, p. 4.

<sup>(2)</sup> European Central Bank Regulation (EC) No 2157/1999, OJ L 264, 12.10.1999, p. 21.

## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 14 May 2001

**on a Community financial contribution towards certain expenditure to implement certain management measures on highly migratory fish**

(2001/382/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament <sup>(1)</sup>,

Whereas:

- (1) The European Community has been a Contracting Party to the International Convention for the conservation of Atlantic Tunas, hereinafter called 'the ICCAT Convention' since 14 November 1997.
- (2) The ICCAT Convention represents a framework for regional cooperation on the conservation and management of tunas and tuna-like species in the Atlantic Ocean and adjoining seas through the setting up of an International Commission for the Conservation of Atlantic Tunas, hereinafter called 'ICCAT', and the adoption of recommendations on conservation and management in the convention area which will become binding on the Contracting Parties.
- (3) At its 11th special meeting on 16 to 23 November 1998, ICCAT adopted a recommendation on the imposition of a time/area closure linked to the use of fish aggregating devices which became mandatory for the Contracting Parties on 21 June 1999. Council Regulation (EC) No 973/2001 of 14 May 2001 laying down certain technical measures for the conservation of certain stocks of highly migratory species <sup>(2)</sup> incorporates this recommendation into Community law.

- (4) In order to ensure compliance with the measure, provision is made for an observer to remain on board each vessel during the period concerned. Detailed arrangements should be adopted therefore governing the assignment of observers, their tasks and the payment of the costs they incur.
- (5) Member States should ensure that vessels flying their flag and operating in the ICCAT area comply with the conservation and management measures applicable in the area. It is necessary for the Member States to see to it therefore that the system of observers is applied.
- (6) The Member States must take steps to ensure that observers are placed on board vessels flying their flags and are reimbursed the costs arising from their assignment.
- (7) In order to facilitate the application of the system of observers, provision should be made for a financial contribution from the Community towards the expenditure incurred in assigning observers during the period 1 November 2000 to 31 January 2001. The contribution would be conditional on the costs being taken over by the Member States once the system has become routine,

HAS ADOPTED THIS DECISION:

*Article 1*

1. The costs arising from the assignment of observers deployed under the provisions of Article 3 of Regulation (EC) No 973/2001 shall be borne by the Member State which makes the appointment.
2. Member States may pass on these costs, in whole or in part, to the owners of the Community fishing vessels referred to in Article 1 of Regulation (EC) No 973/2001.

<sup>(1)</sup> Opinion delivered on 28 February 2001 (not yet published in the Official Journal).

<sup>(2)</sup> See page 1 of this Official Journal.

*Article 2*

1. In order to facilitate the introduction of the system of observers, the Community may contribute to the financing of the expenditure of the Member States arising from the assignment of the observers, for the period 1 November 2000 to 31 January 2001.

2. The Community contribution shall be 50 % of the expenditure from public funds incurred by each Member State in making the assignment.

3. Member States wishing to qualify for a financial contribution shall submit to the Commission by 1 April 2001 a detailed report on:

- the number of observers assigned;
- the number of vessels concerned;
- the name of the vessel observed and the period for which each observer was assigned;
- the final report of each observer.

4. Member States wishing to qualify for a financial contribution from the Community shall submit an application for reimbursement of the expenditure referred to in paragraph 2 together with two copies of supporting documents by 1 May 2001 at the latest. The supporting documents shall include at least the main points of the agreement between the Member

State and the service provider(s), and evidence of the payments concerned.

Member States shall provide assurances that the expenditure has been incurred in compliance with the principles of sound financial management and with the requirements of this Decision.

5. Member States shall provide the Commission with the information necessary to enable it to verify compliance with the requirements of this Decision, in particular regarding the assignment of observers in respect of whom the Community has made a financial contribution.

*Article 3*

This Decision shall apply from the day of its publication in the *Official Journal of the European Communities*.

This Decision is addressed to the Member States.

Done at Brussels, 14 May 2001.

*For the Council*

*The President*

L. REKKE

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**Information on the entry into force of the Road Transit Agreement between the European Community and the Republic of Hungary for the carriage of goods**

The Road Transit Agreement between the European Community and the Republic of Hungary, which was signed on 12 July 2000, and which the Council decided to conclude on 19 March 2001 <sup>(1)</sup>, will come into force on 1 June 2001, the procedures provided for in Article 19 of the Agreement having been completed on 26 April 2001.

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<sup>(1)</sup> OJ L 108, 18.4.2001, p. 27.

# COMMISSION

## COMMISSION DECISION

of 3 May 2001

### amending Decision 2000/666/EC laying down the health requirements and veterinary certification for the import of birds other than poultry and the conditions for quarantine

(notified under document number C(2001) 1168)

(Text with EEA relevance)

(2001/383/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(l) to Directive 90/425/EEC <sup>(1)</sup> as last amended by Commission Decision 95/176/EC <sup>(2)</sup>, and in particular Article 17(2)(b) and (3) and Article 18(1), first and fourth indents thereof,

Whereas:

- (1) Commission Decision 2000/666/EC lays down the animal health conditions and the certification requirements for imports of birds other than poultry from certain third countries <sup>(3)</sup>.
- (2) Certain Member States have requested additional time to fully prepare for the implementation of the requirements for the quarantine laid down in the above decision. In the circumstances, the Commission considers it appropriate to allow more time to adjust to the requirements of the new measures and therefore the date of imple-

mentation laid down in this Decision must be amended accordingly.

- (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 date in Article 10 of Decision 2000/666/EC shall be replaced by '1 November 2001'.

#### *Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 3 May 2001.

*For the Commission*

David BYRNE

*Member of the Commission*

<sup>(1)</sup> OJ L 268, 14.9.1992, p. 54.

<sup>(2)</sup> OJ L 117, 24.5.1995, p. 23.

<sup>(3)</sup> OJ L 278, 31.10.2000, p. 26.

**COMMISSION DECISION**  
**of 3 May 2001**  
**amending Decision 2000/418/EC as regards imports from Brazil and Singapore**

(notified under document number C(2001) 1170)

(Text with EEA relevance)

(2001/384/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 thereof,

Whereas:

- (1) Commission Decision 2000/418/EC of 29 June 2000 regulating the use of material presenting risks as regards transmissible spongiform encephalopathies and amending Decision 94/474/EC <sup>(2)</sup>, as last amended by Decision 2001/270/EC <sup>(3)</sup>, provides for the removal and destruction of certain specified risk materials. It also imposes restrictions on the production of certain materials, for certain slaughter techniques, and on related imports. It is to be reviewed in the light of new scientific evidence.
- (2) In its opinion of 30 March 2001 on the Geographic BSE Risk of certain third countries, the Scientific Steering Committee (SSC) concluded that, in addition to previously evaluated countries, the occurrence of BSE in native cattle is only highly unlikely in Brazil and Singapore. For all other countries for which the evaluation by the SSC has been finalised during this session, it concluded that the occurrence of BSE in native cattle is at best unlikely but not excluded.
- (3) Decision 2000/418/EC imposes restrictions on import from 31 March 2001. Therefore this Decision shall take effect from 1 April 2001.
- (4) Decision 2000/418/EC should therefore be amended accordingly.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

*Article 1*

Annex III to Decision 2000/418/EC is replaced by the following:

‘ANNEX III

**Third countries referred to in Article 6(3)**

Australia  
 Argentina  
 Botswana  
 Brazil  
 Chile  
 Namibia  
 New-Zealand  
 Nicaragua  
 Paraguay  
 Uruguay  
 Singapore  
 Swaziland’.

*Article 2*

It shall apply with effect from 1 April 2001.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 3 May 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 158, 30.6.2000, p. 76.

<sup>(3)</sup> OJ L 94, 4.4.2001, p. 29.



## COMMISSION DECISION

of 4 May 2001

**recognising in principle the completeness of the dossier submitted for detailed examination in view of the possible inclusion of RH 2485 (methoxyfenozide) in Annex I to Council Directive 91/414/EEC concerning the placing of plant-protection products on the market**

(notified under document number C(2001) 1179)

(Text with EEA relevance)

(2001/385/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant-protection products on the market <sup>(1)</sup>, as last amended by Commission Directive 2000/80/EC <sup>(2)</sup> and in particular Article 6(3) thereof,

Whereas:

- (1) Directive 91/414/EEC (hereinafter 'the Directive') provides for the development of a Community list of active substances authorised for incorporation in plant-protection products.
- (2) A dossier for the active substance RH 2485 (methoxyfenozide) was submitted by Rohm and Haas France SA to the authorities of United Kingdom on 21 February 2000 with a view to obtaining its inclusion in Annex I to the Directive.
- (3) The authorities of the United Kingdom have indicated to the Commission that, on preliminary examination, the dossier appears to satisfy the data and information requirements of Annex II to the Directive. Furthermore, they believe that the dossier contains the data and information required by Annex III to the Directive in respect of one plant-protection product containing that active substance. Subsequently, in accordance with the provisions of Article 6(2), the dossier was forwarded by the applicant to the Commission and other Member States.
- (4) The dossier was referred to the Standing Committee on Plant Health on 2 February 2001.
- (5) Article 6(3) of the Directive requires formal confirmation at Community level that each dossier is considered as satisfying in principle the data and information requirements provided for in Annex II and, for at least one plant-protection product containing the active substance concerned, the requirements of Annex III to the Directive.
- (6) Such confirmation is necessary in order to permit the detailed examination of the dossier as well as to allow Member States the possibility of granting provisional authorisation for plant-protection products containing this active substance in accordance with Article 8(1) of the Directive.

- (7) This Decision does not prejudice the right of the Commission to request the applicant to submit further data or information to the Rapporteur Member State in order to clarify certain points in the dossier. The request for the submission of further data necessary to clarify the dossier shall not affect the time limit for the submission of the report referred to at recital 9.
- (8) The Member States and the Commission agree that the United Kingdom will pursue the detailed examination for the dossier for RH 2485 (methoxyfenozide).
- (9) The United Kingdom will report the conclusions of their examinations accompanied by any recommendations on the inclusion or non-inclusion and any conditions related thereto to the Commission as soon as possible and at the latest within a period of one year of the date of publication of this Decision.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

*Article 1*

The dossier submitted by Rhom and Haas France SA to the Commission and the Member States with a view to the inclusion of RH 2485 (methoxyfenozide) as an active substance in Annex I to Directive 91/414/EEC, which was referred to the Standing Committee on Plant Health on 2 February 2001, satisfies in principle the data and information requirements provided for in Annex II to the Directive. The dossier satisfies the data and information requirements set out in Annex III to the Directive in respect of one plant protection product containing RH 2485 (methoxyfenozide), taking into account the uses proposed.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 4 May 2001.

*For the Commission*

David BYRNE

*Member of the Commission*

<sup>(1)</sup> OJ L 230, 19.8.1991, p. 1.  
<sup>(2)</sup> OJ L 309, 9.12.2000, p. 14.

## COMMISSION DECISION

of 15 May 2001

**fixing the maximum amount of aid granted for the private storage of olive oil under the fourth partial invitation to tender provided for by Regulation (EC) No 327/2001***(notified under document number C(2001) 1235)***(Only the Spanish and Greek texts are authentic)**

(2001/386/EC)

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 12a thereof,

Whereas:

- (1) In accordance with Commission Regulation (EC) No 327/2001 of 16 February 2001 authorising the conclusion of private storage contracts for olive oil and opening an invitation to tender for a limited period for aid relating thereto <sup>(3)</sup>, the bodies referred to in Article 1 of that Regulation are authorised to conclude contracts for the private storage of virgin and extra virgin olive oil they market.
- (2) An invitation to tender has been opened for a limited period. Four consecutive partial invitations to tender are to be opened from 1 March 2001. The first partial invitation to tender was restricted to producer groups or associations of such groups as referred to in the second sentence of the first paragraph of Article 12a of Regulation No 136/66/EEC. The following three partial invitations to tender are open to all approved operators referred to in Article 3(1) of Commission Regulation (EC) No 2768/98 of 21 December 1998 on the aid scheme for the private storage of olive oil <sup>(4)</sup>.
- (3) Article 12a of Regulation No 136/66/EEC provides for the granting of aid for the implementation of storage contracts. On the basis of the tenders submitted in

response to the fourth partial invitation to tender and with a view to making a significant contribution to regulating the market, the amount of that aid should be fixed.

- (4) The measure provided for in this Decision is in accordance with the opinion of the Management Committee for Oils and Fats,

HAS ADOPTED THIS DECISION:

*Article 1*

For the fourth partial invitation to tender provided for by Article 3 of Regulation (EC) No 327/2001, the maximum amount of the aid referred to in Article 12a of Regulation No 136/66/EEC shall be as follows:

virgin or extra virgin olive oil:

- in Spain: 1,22 EUR/1 000 kg
- in Greece: 1,22 EUR/1 000 kg.

*Article 2*

This Decision is addressed to the Kingdom of Spain and the Hellenic Republic.

Done at Brussels, 15 May 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 48, 17.2.2001, p. 9.<sup>(4)</sup> OJ L 346, 22.12.1998, p. 14.

## COMMISSION DECISION

of 15 May 2001

**granting to Spain a transitional period of two years to bring its accounting systems into line with Regulation (EC) No 2516/2000 of the European Parliament and of the Council***(notified under document number C(2001) 1415)***(Only the Spanish text is authentic)**

(2001/387/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2223/96 of 25 June 1996 on the European system of national and regional accounts in the Community <sup>(1)</sup> (ESA 95), as last amended by Regulation (EC) No 2516/2000 of the European Parliament and of the Council <sup>(2)</sup>,

Whereas:

- (1) Regulation (EC) No 2223/96 on ESA 95 contains the reference framework of common standards, definitions, classifications and accounting rules for drawing up the accounts of the Member States for the statistical requirements of the Community, in order to obtain comparable results between Member States.
- (2) Regulation (EC) No 2516/2000 ensures better comparability and transparency among the Member States in the recording of taxes and social contributions in ESA 95 for the excessive deficit procedure. Net lending/net borrowing of general government shall not include amounts of taxes and social contributions unlikely to be collected.
- (3) Article 7 of Regulation (EC) No 2516/2000 states that Member States may ask the Commission for a transitional period of no more than two years in which to bring their accounting systems into line with Regulation (EC) No 2516/2000.
- (4) By letter dated 10 January 2001, the Spanish authorities requested a transitional period of two years to bring

their accounting systems into line with Regulation (EC) No 2516/2000.

- (5) For many years Spain has based its national accounts' recording of taxes and social contributions on assessment and declarations. It has provided to the Commission sufficient objective evidence of the need to improve its knowledge of the receipts of these amounts in order to bring its accounting systems into line with Regulation (EC) No 2516/2000.
- (6) Spain has presented to the Commission a work programme in which all public national authorities concerned are involved,

HAS ADOPTED THIS DECISION:

*Article 1*

In accordance with Article 7 of Regulation (EC) No 2516/2000 the Commission grants to Spain a transitional period of two years in order to bring its accounting systems in line with this Regulation, no later than 7 November 2002.

*Article 2*

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 15 May 2001.

*For the Commission*

Pedro SOLBES MIRA

*Member of the Commission*

<sup>(1)</sup> OJ L 310, 30.11.1996, p. 1.

<sup>(2)</sup> OJ L 290, 17.11.2000, p. 1.

## COMMISSION DECISION

of 18 May 2001

**amending Decision 93/402/EEC concerning animal health conditions and veterinary certification for imports of fresh meat from South American countries to take account of the animal health situation in Uruguay**

(notified under document number C(2001) 1463)

(Text with EEA relevance)

(2001/388/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 72/462/EEC, of 12 December 1972, on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat, or meat products from third countries <sup>(1)</sup>, as last amended by Directive 97/79/EC <sup>(2)</sup>, and in particular Articles 14 and 22 thereof,

Whereas:

- (1) The animal health conditions and veterinary certification for imports of fresh meat from Colombia, Paraguay, Uruguay, Brazil, Chile and Argentina are laid down by Commission Decision 93/402/EEC <sup>(3)</sup>, as last amended by Decision 2001/325/EC <sup>(4)</sup>.
- (2) Imports of fresh meat must take into account the different epidemiological situations in the countries concerned, and indeed in the different parts of their territories.
- (3) The responsible veterinary authorities of the concerned countries must confirm that their countries or regions have for at least 12 months been free from rinderpest, and foot-and-mouth disease, furthermore, the responsible authorities of the concerned countries must undertake to notify the Commission and the Member States within 24 hours, by fax, telex or telegram of the confirmation of the occurrence of any of the abovementioned diseases or an alteration in the vaccination policy against them.
- (4) On 23 April 2001 the competent authorities of Uruguay confirmed outbreaks of foot-and-mouth disease in the department of Soriano. Further outbreaks of disease have been reported in other regions and emergency vaccination is being carried out.
- (5) The competent authorities of Uruguay suspended certification of fresh meat from susceptible species to the EU on 23 April 2001 until the situation became clearer.

- (6) The disease has spread to significant number of regions and the competent authorities of Uruguay have introduced a programme of vaccination of bovine animals in the whole country which will be completed by 24 May 2001.
- (7) While it is necessary to continue to support the suspension of imports of fresh meat provided for by the Uruguayan authorities it is possible to allow imports from Uruguay of boned meat and offal canalised for treatment, produced in conformity with the requirements laid down in Decision 93/402/EEC, produced on or before 23 April 2001. For consignments of bone-in fresh meat and offal for direct human consumption Member States shall not allow these consignments to be imported except for those produced and certified on or before 23 March 2001.
- (8) Provided the Uruguayan authorities provide information on the completion of their vaccination programme and the disease is under control the Decision will be reviewed with the objective of recommencing imports of boned fresh meat 30 days after the completion date of the vaccination.
- (9) Decision 93/402/EEC must be amended accordingly.
- (10) The measures adopted in the present Decision will be reviewed in the light of the evolution of the situation.
- (11) 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 93/402/EEC is amended as follows:

Annex II is replaced by the Annex to this Decision.

*Article 2*

1. Member States shall authorise imports of:

- (a) any fresh meat from Uruguay, produced on or before 23 March 2001, and certified in accordance with the conditions laid down in Decision 93/402/EEC;

<sup>(1)</sup> OJ L 302, 31.12.1972, p. 28.

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

<sup>(3)</sup> OJ L 179, 22.7.1993, p. 11.

<sup>(4)</sup> OJ L 115, 25.4.2001, p. 7.

(b) boned fresh meat and offal canalised for treatment from Uruguay, produced after 23 March 2001 up to 23 April 2001, and certified in accordance with the conditions laid down in Decision 93/402/EEC.

2. Consignments of bone-in fresh meat and offal for human consumption other than that referred to in paragraph 1(b), produced after 23 March 2001 shall not be imported into the Community.

*Article 3*

This Decision will be reviewed in the light of the outcome of the vaccination campaign to be completed by 24 May 2001.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 18 May 2001.

*For the Commission*

David BYRNE

*Member of the Commission*

## ANNEX

## ANNEX II

(Version No 03/2001)

ANIMAL HEALTH GUARANTEES REQUESTED ON CERTIFICATION <sup>(1)</sup>

Country	Territory	Fresh meat including bone but excluding offal				Boned fresh meat excluding offal				Offal						
		Species				Species				of bovine animals				of ovines		
		Bovine	Ovine/ caprine	Porcine	Soliped	Bovine	Ovine/ caprine	Porcine	Soliped	HC (*)	MP (*)				PF (*)	PF (*)
										1	2	3	4			
Argentina	AR	—	—	—	D	—	—	—	D	—	—	—	—	—	—	—
Brazil	BR	—	—	—	D	—	—	—	D	—	—	—	—	—	—	—
	BR-1	—	—	—	D	A	—	—	D	—	—	—	—	—	F	—
Chile	CL	B	B	H	D	A	C	H	D	B	B	B	B	B	B	B
Colombia	CO	—	—	—	D	—	—	—	D	—	—	—	—	—	—	—
	CO-1	—	—	—	D	A	—	—	D	—	—	—	—	—	—	—
	CO-2	—	—	—	D	—	—	—	D	—	—	—	—	—	—	—
	CO-3	—	—	—	D	A	—	—	D	—	—	—	—	—	—	—
Paraguay	PY	—	—	—	D	A	—	—	D	—	—	—	—	—	F	—
Uruguay	UY	—	—	—	D	A	C	—	D	—	E	E	E	E	F	F

<sup>(1)</sup> The letters (A, B, C, D, E, F, G and H) appearing on the table, are referring to the models of animal health guarantees as described in Annex III Part 2 of Decision 93/402/EEC, to be applied for each product and origin in accordance with Article 2 of this Decision.

(\*) HC Human consumption.

MP Destined for heat-treated meat products industry:

1 = hearts.

2 = livers.

3 = masseter muscles.

4 = tongues.

PF: Destined for the pet food industry.'

## COMMISSION DECISION

of 18 May 2001

**amending for the sixth time Decision 2001/223/EC concerning certain protection measures with regard to foot-and-mouth disease in the Netherlands**

(notified under document number C(2001) 1478)

(Text with EEA relevance)

(2001/389/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 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>(3)</sup>, as last amended by Directive 92/118/EEC, and in particular Article 9 thereof,

Whereas:

- (1) Following the reports of outbreaks of foot-and-mouth disease in the Netherlands, the Commission adopted Decision 2001/223/EC concerning certain protection measures with regard to foot-and-mouth disease in the Netherlands <sup>(4)</sup>, as last amended by Decision 2001/364/EC <sup>(5)</sup>.
- (2) The foot-and-mouth disease situation in certain parts of the Netherlands is liable to endanger the herds in other parts of the territory of the Netherlands and in other Member States in view of the placing on the market and trade in live biungulate animals and certain of their products. However, the last case was reported on 21 April 2001.
- (3) In the light of the disease evolution it appears therefore appropriate to further adjust the regionalisation and to make provisions for the slaughter of animals from free areas in designated slaughterhouses in Annex I.
- (4) At the meeting of the Standing Veterinary Committee of 15 May 2001 the Netherlands declared in relation to the proposed amendments of Decision 2001/223/EC that:
  - continuous controls will be carried out on traffic crossing from the areas listed in Annex I to the areas listed in Annex II and moreover to the rest of the

country in order to prevent movement of live susceptible animals,

- meat destined for intra-Community trade and export will be completely separated from meat bearing the health mark provided for in Decision 2001/305/EC, and will come from establishments where no meat bearing the health mark provided for in Decision 2001/305/EC is present.
- (5) The situation shall be reviewed at the meeting of the Standing Veterinary Committee scheduled for 29 May 2001 and the measures adapted where necessary.
  - (6) 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 2001/223/EC is amended as follows:

1. Article 2(2)(b) is replaced by the following:

- '(b) fresh meat obtained from animals reared outside the areas listed in Annex I and transported in derogation to Article 1(1) directly and under official control in sealed means of transport to a slaughterhouse designated by the competent authorities and situated in the area listed in Annex I outside the protection zone for immediate slaughter under the following conditions:
- all such fresh meat must bear the health mark in accordance with Chapter XI of Annex I to Council Directive 64/433/EEC, as last amended by Directive 95/23/EC,
  - the slaughterhouse will be operated under strict veterinary control and does not produce meat in accordance with the provisions in subparagraph (e),
  - the fresh meat must be clearly identified, and transported and stored separately from meat which is not destined for dispatch outside the areas mentioned in Annex I and from meat conforming to the requirements in subparagraph (e),

<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 395, 30.12.1989, p. 13.<sup>(4)</sup> OJ L 82, 22.3.2001, p. 29.<sup>(5)</sup> OJ L 129, 11.5.2001, p. 47.

- the control of the compliance with the above listed conditions shall be carried out by the competent veterinary authority under the supervision of the central veterinary authorities who will communicate to the other Member States and the Commission a list of those establishments which they have approved in application of these provisions.'

2. Article 12a is replaced by the following:

*'Article 12a*

1. The Netherlands shall ensure that dispatch to other Member States of live animals susceptible to foot-and-mouth disease is prohibited from the areas of its territory not listed in Annex I or Annex II.

2. Derogating from the provisions in paragraph 1 and without prejudice to Decision 2001/327/EC, the competent authorities of the place of departure may authorise the transport of live bovine and porcine animals from one single holding situated outside the areas listed in Annex I and Annex II directly to a slaughterhouse in another Member State for immediate slaughter, subject to notification to the central veterinary authorities of the place of destination and any Member State of transit.'

3. In Annex II the words

- The provinces of Noord-Holland and Drenthe;
- The areas in the province of Zuid-Holland situated north of the river Merwede-Maas-Hollands Diep-Haringvliet;
- The province of Friesland, except the areas of this province listed in Annex I;
- The province of Overijssel, except the areas of this province listed in Annex I;
- The province of Utrecht, except the areas of this province listed in Annex I;

- The province of Flevoland, except the areas of this province listed in Annex I;
- The province of Groningen, except the areas of this province listed in Annex I;
- The areas in the province of Gelderland situated north of the river Rijn-Waal-Merwede between the border with Germany and the border with the province Zuid-Holland, except the areas of this province listed in Annex I.'

are replaced by

- The province of Drenthe;
- The provinces of Friesland and Groningen, except the areas of these provinces listed in Annex I;
- The provinces of Overijssel and Flevoland, except the areas of these provinces listed in Annex I;
- The province of Utrecht east of the highway A 27, except the areas of this province listed in Annex I;
- The areas in the province of Gelderland situated north of the river Rijn-Waal-Merwede between the border with Germany and the border with the province Zuid-Holland, except the areas of this province listed in Annex I.'

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 18 May 2001.

*For the Commission*

David BYRNE

*Member of the Commission*



**CORRIGENDA****Corrigendum to Commission Regulation (EC) No 983/2000 of 11 May 2000 amending Regulation (EC) No 20/98 laying down rules for the application of Council Regulation (EC) No 2200/96 as regards aid to producer organisations granted preliminary recognition**

*(Official Journal of the European Communities L 113 of 12 May 2000)*

On page 36, third recital, fourth and fifth lines:

*for:* '... under the EAGGF Guidance Section, ...'

*read:* '... under the EAGGF Guarantee Section, ...'.

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