

English edition

Legislation

Contents

I Acts whose publication is obligatory

- Commission Regulation (EC) No 1029/2001 of 29 May 2001 establishing the standard import values for determining the entry price of certain fruit and vegetables 1
- Commission Regulation (EC) No 1030/2001 of 28 May 2001 amending Regulation (EEC) No 2219/92 laying down detailed rules for the application of the specific supply arrangements for Madeira relating to milk products regarding the amounts of aid 3
- Commission Regulation (EC) No 1031/2001 of 28 May 2001 amending Regulation (EC) No 2993/94 fixing the aid for the supply of milk products to the Canary Islands under the arrangements provided for in Articles 2 to 4 of Council Regulation (EEC) No 1601/92 9
- ★ **Commission Regulation (EC) No 1032/2001 of 29 May 2001 fixing the guarantee threshold quantities which may be transferred to another group of varieties for the 2001 harvest in the raw tobacco sector** 17
- ★ **Commission Regulation (EC) No 1033/2001 of 29 May 2001 reducing, for the 2001/02 marketing year, the amount of aid for lemons delivered for processing following an overrun of the processing threshold in certain Member States** 19
- ★ **Commission Regulation (EC) No 1034/2001 of 29 May 2001 amending Regulation (EC) No 6/2001 laying down detailed rules for the application of Council Regulation (EC) No 1804/98 as regards the opening of a tariff quota for imports of residues from the manufacture of starch from maize falling within CN codes 2303 10 19 and 2309 90 20 and originating in the United States of America** 21

II Acts whose publication is not obligatory

Commission

2001/406/EC:

- ★ **Commission Decision of 13 February 2001 on the aid scheme 'Viridian Growth Fund' notified by the United Kingdom ⁽¹⁾ (notified under document number C(2001) 334)** 23

2001/407/EC:

- * **Commission Decision of 16 May 2001 adjusting the weightings applicable from 1 August, 1 September, 1 October, 1 November and 1 December 2000 to the remuneration of officials of the European Communities serving in non-member countries** (notified under document number C(2001) 1231) 29

2001/408/EC:

- * **Commission Decision of 29 May 2001 amending for the seventh time Decision 2001/223/EC concerning certain protection measures with regard to foot-and-mouth disease in the Netherlands** ⁽¹⁾ (notified under document number C(2001) 1548) 32

2001/409/EC:

- * **Decision No 3/2001 of the ACP-EC Customs Cooperation Committee of 10 May 2001 derogating from the definition of the concept of 'originating products' to take account of the special situation of the Kingdom of Swaziland with regard to its manufacturing of core spun yarns** 35

⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1029/2001
of 29 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 ⁽¹⁾, as last amended by Regulation (EC) No 1498/98 ⁽²⁾, and in particular Article 4(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 30 May 2001.

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

Done at Brussels, 29 May 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 29 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 ⁽¹⁾	Standard import value
0702 00 00	052	59,6
	999	59,6
0707 00 05	052	75,8
	068	71,8
	628	114,2
	999	87,3
0709 90 70	052	86,5
	999	86,5
0805 10 10, 0805 10 30, 0805 10 50	052	57,1
	204	55,7
	220	63,5
	388	77,3
	600	60,1
	624	64,3
	999	63,0
0805 30 10	388	59,7
	999	59,7
0808 10 20, 0808 10 50, 0808 10 90	388	88,3
	400	98,6
	508	74,4
	512	80,9
	524	85,5
	528	78,5
	804	99,7
	999	86,6
0809 20 95	052	444,5
	400	292,9
	608	391,3
	999	376,2

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

**COMMISSION REGULATION (EC) No 1030/2001
of 28 May 2001**

amending Regulation (EEC) No 2219/92 laying down detailed rules for the application of the specific supply arrangements for Madeira relating to milk products regarding the amounts of aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Regulation (EEC) No 1696/92⁽³⁾, as last amended by Regulation (EEC) No 2596/93⁽⁴⁾, lays down in particular the detailed rules for the application of the specific arrangements for the supply of certain agricultural products to the Azores and Madeira.
- (2) Annex II to Regulation (EEC) No 2219/92 of 30 July 1992 laying down detailed rules for the application of the specific supply arrangements for Madeira relating to milk products and establishing the forecast supply

balance⁽⁵⁾, as last amended by Regulation (EC) No 2270/2000⁽⁶⁾, fixes the aid for milk products.

- (3) Commission Regulation (EC) No 1024/2001 of 23 May 2001 fixing the export refunds on milk and milk products⁽⁷⁾ fixes the refunds on those products. Annex II to Regulation (EEC) No 2219/92 should be adapted to take account of those adjustments.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EEC) No 2219/92 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 30 May 2001.

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

Done at Brussels, 28 May 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 173, 27.6.1992, p. 1.

⁽²⁾ OJ L 328, 23.12.2000, p. 2.

⁽³⁾ OJ L 179, 1.7.1992, p. 6.

⁽⁴⁾ OJ L 238, 23.9.1993, p. 24.

⁽⁵⁾ OJ L 218, 1.8.1992, p. 75.

⁽⁶⁾ OJ L 259, 13.10.2000, p. 49.

⁽⁷⁾ OJ L 140, 24.5.2001, p. 58.

ANNEX

ANNEX II

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter:			
0401 10	- Of a fat content, by weight, not exceeding 1%:			
0401 10 10	-- In immediate packings of a net content not exceeding 2 litres	0401 10 10 9000		2,327
0401 10 90	-- Other	0401 10 90 9000		2,327
0401 20	- Of a fat content, by weight, exceeding 1% but not exceeding 6%:			
	-- Not exceeding 3%:			
0401 20 11	--- In immediate packings of a net content not exceeding 2 litres:			
	- Of a fat content, by weight, not exceeding 1,5%	0401 20 11 9100		2,327
	- Of a fat content, by weight, exceeding 1,5%	0401 20 11 9500		3,597
0401 20 19	--- Other:			
	- Of a fat content, by weight, not exceeding 1,5%	0401 20 19 9100		2,327
	- Of a fat content, by weight, exceeding 1,5%	0401 20 19 9500		3,597
	-- Exceeding 3%:			
0401 20 91	--- In immediate packings of a net content not exceeding 2 litres	0401 20 91 9000		4,551
0401 20 99	--- Other	0401 20 99 9000		4,551
0401 30	- Of a fat content, by weight, exceeding 6%:			
	-- Not exceeding 21%:			
0401 30 11	--- In immediate packings of a net content not exceeding 2 litres:			
	- Of a fat content, by weight:			
	- Exceeding 10% but not exceeding 17%	0401 30 11 9400		10,50
	- Exceeding 17%	0401 30 11 9700		15,77
0401 30 19	--- Other:			
	- Of a fat content, by weight:			
	- Exceeding 17%	0401 30 19 9700		15,77
	-- Exceeding 21% but not exceeding 45%:			

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0401 30 31	--- In immediate packings of a net content not exceeding 2 litres: - Of a fat content, by weight: - Not exceeding 35 % - Exceeding 35 % but not exceeding 39 % - Exceeding 39 %	0401 30 31 9100 0401 30 31 9400 0401 30 31 9700		38,32 59,85 66,00
0401 30 39	--- Other: - Of a fat content, by weight: - Not exceeding 35 % - Exceeding 35 % but not exceeding 39 % - Exceeding 39 % -- Exceeding 45 %:	0401 30 39 9100 0401 30 39 9400 0401 30 39 9700		38,32 59,85 66,00
0401 30 91	--- In immediate packings of a net content not exceeding 2 litres: - Of a fat content, by weight: - Not exceeding 68 % - Exceeding 68 %	0401 30 91 9100 0401 30 91 9500		75,22 110,55
0401 30 99	--- Other: - Of a fat content, by weight: - Not exceeding 68 % - Exceeding 68 %	0401 30 99 9100 0401 30 99 9500		75,22 110,55
ex 0402	Skimmed-milk powder of a fat content, by weight, not exceeding 1,5 %	0402 10 11 9000 0402 10 19 9000	(¹³)	5,000
ex 0402	Whole milk powder of a fat content, by weight, not exceeding 27 %	0402 21 11 9900 0402 21 19 9900	(¹³)	61,00
0402 21 11	---- In immediate packings of a net content not exceeding 2,5 kg: - Of a fat content, by weight: - Not exceeding 11 % - Exceeding 11 % but not exceeding 17 % - Exceeding 17 % but not exceeding 25 % - Exceeding 25 %	0402 21 11 9200 0402 21 11 9300 0402 21 11 9500 0402 21 11 9900	(¹³) (¹³) (¹³) (¹³)	5,000 53,70 56,70 61,00
0402 21 19	----- Of a fat content, by weight, exceeding 11 % but not exceeding 27 %: - Not exceeding 17 % - Exceeding 17 % but not exceeding 25 % - Exceeding 25 %	0402 21 19 9300 0402 21 19 9500 0402 21 19 9900	(¹³) (¹³) (¹³)	53,70 56,70 61,00

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
ex 0405	Butter and other fats and oils derived from milk; dairy spreads:			
0405 10	- Butter:			
	-- Of a fat content, by weight, not exceeding 85 %:			
	--- Natural butter:			
0405 10 11	---- In immediate packings of a net content not exceeding 1 kg:			
	----- Of a fat content by weight:			
	----- Of 80 % or more but less than 82 %	0405 10 11 9500		176,10
	----- Of 82 % or more	0405 10 11 9700		180,50
0405 10 19	---- Other:			
	----- Of a fat content by weight:			
	----- Of 80 % or more but less than 82 %	0405 10 19 9500		176,10
	----- Of 82 % or more	0405 10 19 9700		180,50
0405 10 30	---- Recombined butter:			
	---- In immediate packings of a net content not exceeding 1 kg:			
	----- Of a fat content by weight:			
	----- Of 80 % or more but less than 82 %	0405 10 30 9100		176,10
	----- Of 82 % or more	0405 10 30 9300		180,50
	---- Other:			
	----- Of a fat content by weight:			
	----- Of 82 % or more	0405 10 30 9700		180,50
0405 10 50	---- Whey butter:			
	---- In immediate packings of a net content not exceeding 1 kg:			
	----- Of a fat content by weight:			
	----- Of 82 % or more	0405 10 50 9300		180,50
	---- Other:			
	----- Of a fat content by weight:			
	----- Of 80 % or more but less than 82 %	0405 10 50 9500		176,10
	----- Of 82 % or more	0405 10 50 9700		180,50
0405 10 90	-- Other	0405 10 90 9000		187,10
ex 0405 20	- Dairy spreads:			
0405 20 90	-- Of a fat content by weight of more than 75 % but less than 80 %:			
	--- Of a fat content by weight:			
	---- Of more than 75 % but less than 78 %	0405 20 90 9500		165,09
	---- Of 78 % or more	0405 20 90 9700		171,69
0405 90	- Other:			
0405 90 10	-- Of a fat content by weight of 99,3 % or more and of a water content by weight not exceeding 0,5 %:	0405 90 10 9000		228,00
0405 90 90	-- Other	0405 90 90 9000		180,50

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406	Cheese and curd ⁽³⁾ :					
ex 0406 90 23	--- Edam	47	40	0406 90 23 9900	⁽³⁾	103,92
ex 0406 90 25	--- Tilsit	47	45	0406 90 25 9900	⁽³⁾	102,80
ex 0406 90 76	----- Danbo, Fontal, Fontina, Fynbo, Havarti, Maribo, Samsoe:					
	----- Of a fat content, by weight, in the dry matter of 45 % or more but less than 55 %:					
	----- Of a dry matter content, by weight, of 50 % or more but less than 56 %	50	45	0406 90 76 9300	⁽³⁾	96,98
	----- Of a dry matter content, by weight, of 56 % or more	44	45	0406 90 76 9400	⁽³⁾	108,62
	----- Of a fat content, by weight, in the dry matter of 55 % or more	46	55	0406 90 76 9500	⁽³⁾	102,45
ex 0406 90 78	----- Gouda:					
	----- Of a fat content, by weight, in the dry matter of less than 48 %	50	20	0406 90 78 9100	⁽³⁾	102,26
	----- Of a fat content by weight, in the dry matter of 48 % or more but less than 55 %	45	48	0406 90 78 9300	⁽³⁾	105,98
	----- Other	45	55	0406 90 78 9500	⁽³⁾	104,35
ex 0406 90 79	----- Esrom, Italic, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio	56	40	0406 90 79 9900	⁽³⁾	86,27
ex 0406 90 81	----- Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby, Monterey	44	44	0406 90 81 9900	⁽³⁾	108,62
ex 0406 90 86	----- Exceeding 47 % but not exceeding 52 %:					
	----- cheeses produced from whey			0406 90 86 9100		—
	----- Other, of a fat content, by weight, in the dry matter:					
	----- Of less than 5 %	52		0406 90 86 9200	⁽³⁾	102,23
	----- Of 5 % or more but less than 19 %	51	5	0406 90 86 9300	⁽³⁾	103,32
	----- Of 19 % or more but less than 39 %	47	19	0406 90 86 9400	⁽³⁾	108,62
	----- Of 39 % or more	40	39	0406 90 86 9900	⁽³⁾	117,90
ex 0406 90 87	----- Exceeding 52 % but not exceeding 62 %:					
	----- cheeses produced from whey, except for Manouri			0406 90 87 9100		—
	----- Other, of a fat content, by weight, in the dry matter:					
	----- Of less than 5 %	60		0406 90 87 9200	⁽³⁾	85,19
	----- Of 5 % or more but less than 19 %	55	5	0406 90 87 9300	⁽³⁾	94,89
	----- Of 19 % or more but less than 40 %	53	19	0406 90 87 9400	⁽³⁾	96,33

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406 90 87 (cont'd.)	----- Of 40 % or more:					
	----- Idiazabal, Manchego and Roncal manufactured exclusively from sheep's milk	45	45	0406 90 87 9951	(³)	106,68
	----- Maasdam	45	45	0406 90 87 9971	(³)	106,68
	----- Manouri	43	53	0406 90 87 9972	(³)	45,63
	----- Hushallsost	46	45	0406 90 87 9973	(³)	104,74
	----- Murukoloinen	41	50	0406 90 87 9974	(³)	113,19
	----- Other:	47	40	0406 90 87 9979	(³)	103,92
ex 0406 90 88	----- Exceeding 62 % but not exceeding 72 %:					
	----- cheese produced from whey			0406 90 88 9100		—
	----- Other:					
	----- Other:					
	----- Of a fat content, by weight, in the dry matter:					
	----- Of 10 % or more but less than 19 %	60	10	0406 90 88 9300	(³)	83,50

(²) In the case of cheese presented in containers which also contain conserving liquid, in particular brine, the aid is granted on the net weight, the weight of the liquid being deducted.

(¹³) Where the product contains non-lactic matter, the non-lactic matter is not to be taken into account for the purposes of calculating the aid.

When completing customs formalities, the applicant must state on the declaration provided for that purpose whether or not non-lactic matter has been added and, where this is the case, the maximum content by weight of the non-lactic matter added per 100 kilograms of finished product.'

**COMMISSION REGULATION (EC) No 1031/2001
of 28 May 2001**

amending Regulation (EC) No 2993/94 fixing the aid for the supply of milk products to the Canary Islands under the arrangements provided for in Articles 2 to 4 of Council Regulation (EEC) No 1601/92

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Regulation (EC) No 2790/94 ⁽³⁾, as last amended by Regulation (EC) No 1620/1999 ⁽⁴⁾, lays down in particular the detailed rules for the application of the specific arrangements for the supply of certain agricultural products to the Canary Islands.
- (2) Commission Regulation (EC) No 2993/94 ⁽⁵⁾, as last amended by Regulation (EC) No 2269/2000 ⁽⁶⁾, fixed the amount of aid for milk products.

(3) Commission Regulation (EC) No 1024/2001 of 23 May 2001 fixing the export refunds on milk and milk products ⁽⁷⁾, fixes the refunds on those products; whereas the Annex to Regulation (EC) No 2993/94 should be adapted to take account of those adjustments.

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 2993/94 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 30 May 2001.

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

Done at Brussels, 28 May 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 173, 27.6.1992, p. 13.
⁽²⁾ OJ L 328, 23.12.2000, p. 2.
⁽³⁾ OJ L 296, 17.11.1994, p. 23.
⁽⁴⁾ OJ L 192, 24.7.1999, p. 19.
⁽⁵⁾ OJ L 316, 9.12.1994, p. 11.
⁽⁶⁾ OJ L 259, 13.10.2000, p. 39.

⁽⁷⁾ OJ L 140, 24.5.2001, p. 58.

ANNEX

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter:			
0401 10	- Of a fat content, by weight, not exceeding 1 %:			
0401 10 10	-- In immediate packings of a net content not exceeding 2 litres	0401 10 10 9000		2,327
0401 10 90	-- Other	0401 10 90 9000		2,327
0401 20	- Of a fat content, by weight, exceeding 1 % but not exceeding 6 %:			
	-- Not exceeding 3 %:			
0401 20 11	--- In immediate packings of a net content not exceeding 2 litres:			
	- Of a fat content, by weight, not exceeding 1,5 %	0401 20 11 9100		2,327
	- Of a fat content, by weight, exceeding 1,5 %	0401 20 11 9500		3,597
0401 20 19	--- Other:			
	- Of a fat content, by weight, not exceeding 1,5 %	0401 20 19 9100		2,327
	- Of a fat content, by weight, exceeding 1,5 %	0401 20 19 9500		3,597
	-- Exceeding 3 %:			
0401 20 91	--- In immediate packings of a net content not exceeding 2 litres	0401 20 91 9000		4,551
0401 20 99	--- Other	0401 20 99 9000		4,551
0401 30	- Of a fat content, by weight, exceeding 6 %:			
	-- Not exceeding 21 %:			
0401 30 11	--- In immediate packings of a net content not exceeding 2 litres:			
	- Of a fat content, by weight:			
	- Exceeding 10 % but not exceeding 17 %	0401 30 11 9400		10,50
	- Exceeding 17 %	0401 30 11 9700		15,77
0401 30 19	--- Other:			
	- Of a fat content, by weight:			
	- Exceeding 17 %	0401 30 19 9700		15,77
	-- Exceeding 21 % but not exceeding 45 %:			
0401 30 31	--- In immediate packings of a net content not exceeding 2 litres:			
	- Of a fat content, by weight:			
	- Not exceeding 35 %	0401 30 31 9100		38,32
	- Exceeding 35 % but not exceeding 39 %	0401 30 31 9400		59,85
	- Exceeding 39 %	0401 30 31 9700		66,00
0401 30 39	--- Other:			
	- Of a fat content, by weight:			
	- Not exceeding 35 %	0401 30 39 9100		38,32
	- Exceeding 35 % but not exceeding 39 %	0401 30 39 9400		59,85
	- Exceeding 39 %	0401 30 39 9700		66,00
	-- Exceeding 45 %:			
0401 30 91	--- In immediate packings of a net content not exceeding 2 litres:			
	- Of a fat content, by weight:			
	- Not exceeding 68 %	0401 30 91 9100		75,22
	- Exceeding 68 %	0401 30 91 9500		110,55
0401 30 99	--- Other:			
	- Of a fat content, by weight:			
	- Not exceeding 68 %	0401 30 99 9100		75,22
	- Exceeding 68 %	0401 30 99 9500		110,55
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter:			

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0402 10	- In powder, granules or other solid forms, of a fat content, by weight, not exceeding 1,5 % (?):			
	-- Not containing added sugar or other sweetening matter:			
0402 10 11	--- In immediate packings of a net content not exceeding 2,5 kg	0402 10 11 9000	(13)	5,000
0402 10 19	--- Other	0402 10 19 9000	(13)	5,000
	-- Other:			
0402 10 91	--- In immediate packings of a net content not exceeding 2,5 kg	0402 10 91 9000	(14)	0,0500
0402 10 99	--- Other	0402 10 99 9000	(14)	0,0500
	- In powder, granules or other solid forms, of a fat content, by weight, exceeding 1,5 % (?):			
0402 21	-- Not containing added sugar or other sweetening matter:			
	--- Of a fat content, by weight, not exceeding 27 %:			
0402 21 11	---- In immediate packings of a net content not exceeding 2,5 kg:			
	- Of a fat content, by weight:			
	- Not exceeding 11 %	0402 21 11 9200	(13)	5,000
	- Exceeding 11 % but not exceeding 17 %	0402 21 11 9300	(13)	53,70
	- Exceeding 17 % but not exceeding 25 %	0402 21 11 9500	(13)	56,70
	- Exceeding 25 %	0402 21 11 9900	(13)	61,00
	---- Other:			
0402 21 17	----- Of a fat content, by weight, not exceeding 11 %	0402 21 17 9000	(13)	5,000
0402 21 19	----- Of a fat content, by weight, exceeding 11 % but not exceeding 27 %:			
	- Not exceeding 17 %	0402 21 19 9300	(13)	53,70
	- Exceeding 17 % but not exceeding 25 %	0402 21 19 9500	(13)	56,70
	- Exceeding 25 %	0402 21 19 9900	(13)	61,00
	--- Of a fat content, by weight, exceeding 27 %:			
0402 21 91	---- In immediate packings of a net content not exceeding 2,5 kg:			
	- Of a fat content, by weight:			
	- Not exceeding 28 %	0402 21 91 9100	(13)	61,40
	- Exceeding 28 % but not exceeding 29 %	0402 21 91 9200	(13)	61,90
	- Exceeding 29 % but not exceeding 45 %	0402 21 91 9350	(13)	62,50
	- Exceeding 45 %	0402 21 91 9500	(13)	68,40
0402 21 99	---- Other:			
	- Of a fat content, by weight:			
	- Not exceeding 28 %	0402 21 99 9100	(13)	61,40
	- Exceeding 28 % but not exceeding 29 %	0402 21 99 9200	(13)	61,90
	- Exceeding 29 % but not exceeding 41 %	0402 21 99 9300	(13)	62,50
	- Exceeding 41 % but not exceeding 45 %	0402 21 99 9400	(13)	66,80
	- Exceeding 45 % but not exceeding 59 %	0402 21 99 9500	(13)	68,40
	- Exceeding 59 % but not exceeding 69 %	0402 21 99 9600	(13)	74,20
	- Exceeding 69 % but not exceeding 79 %	0402 21 99 9700	(13)	77,40
	- Exceeding 79 %	0402 21 99 9900	(13)	81,20
ex 0402 29	-- Other:			
	--- Of a fat content, by weight, not exceeding 27 %:			
	---- Other:			
0402 29 15	----- In immediate packings of a net content not exceeding 2,5 kg:			
	- Of a fat content, by weight:			
	- Not exceeding 11 %	0402 29 15 9200	(14)	0,0500
	- Exceeding 11 % but not exceeding 17 %	0402 29 15 9300	(14)	0,5370

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
	– Exceeding 17 % but not exceeding 25 %	0402 29 15 9500	(14)	0,5670
	– Exceeding 25 %	0402 29 15 9900	(14)	0,6100
0402 29 19	----- Other:			
	– Of a fat content, by weight:			
	– Exceeding 11 % but not exceeding 17 %	0402 29 19 9300	(14)	0,5370
	– Exceeding 17 % but not exceeding 25 %	0402 29 19 9500	(14)	0,5670
	– Exceeding 25 %	0402 29 19 9900	(14)	0,6100
	--- Of a fat content, by weight, exceeding 27 %:			
0402 29 91	---- In immediate packings of a net content not exceeding 2,5 kg	0402 29 91 9000	(14)	0,6140
0402 29 99	---- Other:			
	– Of a fat content, by weight:			
	– Not exceeding 41 %	0402 29 99 9100	(14)	0,6140
	– Exceeding 41 %	0402 29 99 9500	(14)	0,6680
	– Other:			
0402 91	-- Not containing added sugar or other sweetening matter:			
	--- Of a fat content, by weight, not exceeding 8 %:			
0402 91 11	---- In immediate packings of a net content not exceeding 2,5 kg:			
	– Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight exceeding 7,4 %	0402 91 11 9370	(13)	8,340
0402 91 19	---- Other:			
	– Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight exceeding 7,4 %	0402 91 19 9370	(13)	8,340
	--- Of a fat content, by weight, exceeding 8 % but not exceeding 10 %			
0402 91 31	---- In immediate packings of a net content not exceeding 2,5 kg:			
	– Of a non-fat lactic dry matter content of 15 % or more	0402 91 31 9300	(13)	9,870
0402 91 39	---- Other:			
	– Of a non-fat lactic dry matter content of 15 % or more	0402 91 39 9300	(13)	9,870
	--- Of a fat content, by weight, exceeding 10 % but not exceeding 45 %:			
0402 91 99	---- Other	0402 91 99 9000	(13)	41,60
0402 99	-- Other:			
	--- Of a fat content, by weight, not exceeding 9,5 %:			
0402 99 11	---- In immediate packings of a net content not exceeding 2,5 kg:			
	----- Of a sucrose content of 40 % or more by weight, of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight, exceeding 6,9 %	0402 99 11 9350	(14)	0,2130
0402 99 19	---- Other:			
	----- Of a sucrose content of 40 % or more by weight, of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight, exceeding 6,9 %	0402 99 19 9350	(14)	0,2130
	--- Of a fat content, by weight exceeding 9,5 % but not exceeding 45 %:			
0402 99 31	---- In immediate packings not exceeding 2,5 kg:			
	----- Of a fat content, by weight, not exceeding 21 %:			
	----- Of a sucrose content of 40 % or more by weight and of a non-fat lactic dry matter content, by weight, of 15 % or more	0402 99 31 9150	(14)	0,2220

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
	----- Of a fat content, by weight, exceeding 21 % but not exceeding 39 %	0402 99 31 9300	(14)	0,2490
	----- Of a fat content, by weight, exceeding 39 %	0402 99 31 9500	(14)	0,4290
0402 99 39	---- Other:			
	----- Of a fat content, by weight, not exceeding 21 %, of a sucrose content of 40 % or more by weight and of a non-fat lactic dry matter content, by weight, of 15 % or more	0402 99 39 9150	(14)	0,2220
ex 0405	Butter and other fats and oils derived from milk; dairy spreads:			
0405 10	- Butter:			
	-- Of a fat content, by weight, not exceeding 85 %:			
	--- Natural butter:			
0405 10 11	---- In immediate packings of a net content not exceeding 1 kg:			
	----- Of a fat content by weight:			
	----- Of 80 % or more but less than 82 %	0405 10 11 9500		176,10
	----- Of 82 % or more	0405 10 11 9700		180,50
0405 10 19	---- Other:			
	----- Of a fat content by weight:			
	----- Of 80 % or more but less than 82 %	0405 10 19 9500		176,10
	----- Of 82 % or more	0405 10 19 9700		180,50
0405 10 30	--- Recombined butter:			
	---- In immediate packings of a net content not exceeding 1 kg:			
	----- Of a fat content by weight:			
	----- Of 80 % or more but less than 82 %	0405 10 30 9100		176,10
	----- Of 82 % or more	0405 10 30 9300		180,50
	---- Other:			
	----- Of a fat content by weight:			
	----- Of 82 % or more	0405 10 30 9700		180,50
0405 10 50	--- Whey butter:			
	---- In immediate packings of a net content not exceeding 1 kg:			
	----- Of a fat content by weight:			
	----- Of 82 % or more	0405 10 50 9300		180,50
	---- Other:			
	----- Of a fat content by weight:			
	----- Of 80 % or more but less than 82 %	0405 10 50 9500		176,10
	----- Of 82 % or more	0405 10 50 9700		180,50
0405 10 90	-- Other	0405 10 90 9000		187,10
ex 0405 20	- Dairy spreads:			
0405 20 90	-- Of a fat content by weight of more than 75 % but less than 80 %:			
	--- Of a fat content by weight:			
	---- Of more than 75 % but less than 78 %	0405 20 90 9500		165,09
	---- Of 78 % or more	0405 20 90 9700		171,69
0405 90	- Other:			
0405 90 10	-- Of a fat content by weight of 99,3 % or more and of a water content by weight not exceeding 0,5 %:	0405 90 10 9000		228,00
0405 90 90	-- Other	0405 90 90 9000		180,50

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406	Cheese and curd ⁽⁵⁾ :					
ex 0406 30	– Processed cheese, not grated or powdered ⁽⁶⁾ :					
	– – Other:					
	– – – Of a fat content, by weight, not exceeding 36 % and of a fat content, by weight, in the dry matter:					
ex 0406 30 31	– – – – Not exceeding 48 %:					
	– – – – – Of a dry matter content, by weight:					
	– – – – – – Of 40 % or more but less than 43 %, and of a fat content, by weight, in the dry matter:					
	– – – – – – – Of less than 20 %	60		0406 30 31 9710	⁽⁵⁾	17,88
	– – – – – – – Of 20 % or more	60	20	0406 30 31 9730	⁽⁵⁾	26,24
	– – – – – – – Of 43 % or more and with a fat content, by weight, in the dry matter:					
	– – – – – – – – Of less than 20 %	57		0406 30 31 9910	⁽⁵⁾	17,88
	– – – – – – – – Of 20 % or more but less than 40 %	57	20	0406 30 31 9930	⁽⁵⁾	26,24
	– – – – – – – – Of 40 % or more	57	40	0406 30 31 9950	⁽⁵⁾	38,17
ex 0406 30 39	– – – – Exceeding 48 %:					
	– – – – – Of a dry matter, content, by weight:					
	– – – – – – Of 40 % or more but less than 43 %	60	48	0406 30 39 9500	⁽⁵⁾	26,24
	– – – – – – Of 43 % or more but less than 46 %	57	48	0406 30 39 9700	⁽⁵⁾	38,17
	– – – – – – – Of 46 % or more and with a fat content, by weight, in the dry matter:					
	– – – – – – – – Of less than 55 %	54	48	0406 30 39 9930	⁽⁵⁾	38,17
	– – – – – – – – Of 55 % or more	54	55	0406 30 39 9950	⁽⁵⁾	43,16
ex 0406 30 90	– – – – Of a list content exceeding 36 %	54	79	0406 30 90 9000	⁽⁵⁾	45,28
ex 0406 90 23	– – – – Edam	47	40	0406 90 23 9900	⁽⁵⁾	103,92
ex 0406 90 25	– – – – Tilsit	47	45	0406 90 25 9900	⁽⁵⁾	102,80
ex 0406 90 27	– – – – Butterkäse	52	45	0406 90 27 9900	⁽⁵⁾	93,10
ex 0406 90 76	– – – – – Danbo, Fontal, Fontina, Fynbo, Havarti, Maribo, Samsøe:					
	– – – – – – Of a fat content, by weight, in the dry matter of 45 % or more but less than 55 %:					
	– – – – – – – Of a dry matter content, by weight, of 50 % or more but less than 56 %	50	45	0406 90 76 9300	⁽⁵⁾	96,98
	– – – – – – – Of a dry matter content, by weight, of 56 % or more	46	55	0406 90 76 9400	⁽⁵⁾	108,62
	– – – – – – – – Of a fat content, by weight, in the dry matter of 55 % or more	46	55	0406 90 76 9500	⁽⁵⁾	102,45

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406 90 78	----- Gouda:					
	----- Of a fat content, by weight, in the dry matter of less than 48 %	50	20	0406 90 78 9100	(⁵)	102,26
	----- Of a fat content by weight, in the dry matter of 48 % or more but less 55 %	45	48	0406 90 78 9300	(⁵)	105,98
	----- Other	45	55	0406 90 78 9500	(⁵)	104,35
ex 0406 90 79	----- Esrom, Italice, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio	56	40	0406 90 79 9900	(⁵)	86,27
ex 0406 90 81	----- Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby, Monterey	44	45	0406 90 81 9900	(⁵)	108,62
ex 0406 90 86	----- Exceeding 47 % but not exceeding 52 %:					
	----- cheeses produced from whey			0406 90 86 9100		—
	----- Other, of a fat content, by weight, in the dry matter:					
	----- Of less than 5 %	52		0406 90 86 9200	(⁵)	102,23
	----- Of 5 % or more but less than 19 %	51	5	0406 90 86 9300	(⁵)	103,32
	----- Of 19 % or more but less than 39 %	47	19	0406 90 86 9400	(⁵)	108,62
	----- Of 39 % or more	40	39	0406 90 86 9900	(⁵)	117,90
ex 0406 90 87	----- Exceeding 52 % but not exceeding 62 %:					
	----- cheeses produced from whey, except for Manouri			0406 90 87 9100		—
	----- Other, of a fat content, by weight, in the dry matter:					
	----- Of less than 5 %	60		0406 90 87 9200	(⁵)	85,19
	----- Of 5 % or more but less than 19 %	55	5	0406 90 87 9300	(⁵)	94,89
	----- Of 19 % or more but less than 40 %	53	19	0406 90 87 9400	(⁵)	96,33
	----- Of 40 % or more:					
	----- Idiazabal, Manchego and Roncal manufactured exclusively from sheep's milk	45	45	0406 90 87 9951	(⁵)	106,68
	----- Maasdam	45	45	0406 90 87 9971	(⁵)	106,68
	----- Manouri	43	53	0406 90 87 9972	(⁵)	45,63
	----- Hushallsost	46	45	0406 90 87 9973	(⁵)	104,74
	----- Murukoloinen	41	50	0406 90 87 9974	(⁵)	113,19
	----- Other	47	40	0406 90 87 9979	(⁵)	103,92

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406 90 88	----- Exceeding 62 % but not exceeding 72 %: ----- cheeses produced from whey ----- Other: ----- Other: ----- Of a fat content, by weight, in the dry matter: ----- Of 10 % or more but less than 19 %	60	10	0406 90 88 9100 0406 90 88 9300	(⁵)	— 83,50

(⁵) In the case of cheeses presented in containers which also contain conserving liquid, in particular brine, the aid is granted on the net weight, the weight of the liquid being deducted.

(⁶) Where the product contains non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate and/or products falling within CN code 3504, the part corresponding to the added non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate and/or products falling within CN code 3504 will not be taken into account for the purpose of calculating the aid.

When completing customs formalities, the party concerned is to state, on the declaration provided for the purpose, whether or not non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate and/or products falling within CN code 3504 have been added and, if so, the maximum content by weight of added non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate and/or products falling within CN code 3504 per 100 kilograms of finished product.

(⁷) The aid on frozen condensed milk is the same as that on products falling within CN codes 0402 91 or 0402 99.

(¹³) Where the product contains non-lactic matter, the non-lactic matter is not to be taken into account for the purposes of calculating the aid.

When completing customs formalities, the applicant must state on the declaration provided for that purpose whether or not non-lactic matter has been added and, where this is the case, the maximum content by weight of the non-lactic matter added per 100 kilograms of finished product.

(¹⁴) Where the product contains non-lactic matter other than sucrose, the non-lactic matter other than sucrose is not to be taken into account for the purposes of calculating the aid.

The aid on 100 kilograms of product covered by this subheading is equal to the sum of the following components:

(a) the amount per kilogram shown, multiplied by the weight of the lactic matter per 100 kilograms of product;

(b) a component calculated in accordance with Article 12(3) of Commission Regulation (EC) No 1466/95 (OJ L 144, 28.6.1995, p. 22).

When completing customs formalities, the applicant must state on the declaration provided for that purpose the maximum content by weight of sucrose and/or other non-lactic matter added per 100 kilograms of finished product.

**COMMISSION REGULATION (EC) No 1032/2001
of 29 May 2001**

**fixing the guarantee threshold quantities which may be transferred to another group of varieties
for the 2001 harvest in the raw tobacco sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2075/92 of 30 June 1992 on the common organisation of the market in raw tobacco ⁽¹⁾, as last amended by Regulation (EC) No 1336/2000 ⁽²⁾, and in particular Article 9(4) thereof,

Whereas:

- (1) Article 9 of Regulation (EEC) No 2075/92 introduced production quotas for the different groups of varieties of tobacco. The individual quotas were divided between producers on the basis of the guarantee thresholds for the 2001 harvest fixed in Article 3 of Council Regulation (EC) No 660/1999 of 22 March 1999 amending Regulation (EEC) No 2075/92 and fixing the premiums and guarantee thresholds for leaf tobacco by variety group and Member State for the 1999, 2000 and 2001 harvests ⁽³⁾. Under Article 9(4) of Regulation (EEC) No 2075/92, the Commission may authorise Member States to transfer parts of their guarantee threshold allocations between groups of varieties. These transfers do not give rise to additional costs between groups of varieties for the EAGGF and do not involve any increase in Member States' overall guarantee threshold allocations.

- (2) This Regulation should apply as soon as possible, well before the deadline for the conclusion of cultivation contracts laid down in Article 10(1) of Commission Regulation (EC) No 2848/98 of 22 December 1998 laying down detailed rules for the application of Council Regulation (EEC) No 2075/92 as regards the premium scheme, production quotas and the specific aid to be granted to producer groups in the raw tobacco sector ⁽⁴⁾, as last amended by Regulation (EC) No 385/2001 ⁽⁵⁾.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Tobacco,

HAS ADOPTED THIS REGULATION:

Article 1

For the 2001 harvest, before the deadline for the conclusion of cultivation contracts laid down in Article 10(1) of Regulation (EC) No 2848/98, Member States shall be authorised to transfer guarantee threshold quantities from one group of varieties to another in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 29 May 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 215, 30.7.1992, p. 70.

⁽²⁾ OJ L 154, 27.6.2000, p. 2.

⁽³⁾ OJ L 83, 27.3.1999, p. 10.

⁽⁴⁾ OJ L 358, 31.12.1998, p. 17.

⁽⁵⁾ OJ L 57, 27.2.2001, p. 18.

ANNEX

Guarantee threshold quantities which each Member State is authorised to transfer from one group of varieties to another

Member State	Group of varieties from which transfer is made	Group of varieties to which transfer is made
FRANCE	3 134,9 t dark air-cured (group III)	1 203,7 t flue-cured (group I)
		1 398,6 t light air-cured (group II)
GERMANY	15,5 t dark air-cured (group III)	11,4 t flue-cured (group I)
		1,8 t light air-cured (group II)
GREECE	895 t sun-cured (group V)	715,9 t flue-cured (group I)
SPAIN	4 111,2 t dark air-cured (group III)	620 t flue-cured (group I)
		3 336,2 t light air-cured (group II)
ITALY	1 000 t Katerini and similar varieties (group VII)	365 t flue-cured (group I)
		365 t light air-cured (group II)
		270 t fire-cured (group VI)

COMMISSION REGULATION (EC) No 1033/2001

of 29 May 2001

reducing, for the 2001/02 marketing year, the amount of aid for lemons delivered for processing following an overrun of the processing threshold in certain Member States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2202/96 of 28 October 1996 introducing a Community aid scheme for producers of certain citrus fruits ⁽¹⁾, as last amended by Regulation (EC) No 2699/2000 ⁽²⁾, and in particular Article 6 thereof,

Whereas:

- (1) Article 5(1) of Regulation (EC) No 2202/96 establishes a Community processing threshold for lemons, distributed among the Member States in accordance with Annex II thereto. Article 5(2) of that Regulation lays down that, when there is an overrun of this threshold, the aid fixed in Annex I thereto shall be reduced in each Member State in which the threshold has been overrun. Overrunning of the processing threshold is assessed on the basis of the average of the quantities processed under the aid scheme during the three marketing years preceding the marketing year in question, or during an equivalent period.
- (2) The Member States, in accordance with Article 22(1)(b) of Commission Regulation (EC) No 1169/97 of 26 June 1997 laying down detailed rules for the application of Council Regulation (EC) No 2202/96 introducing a Community aid scheme for producers of certain citrus fruits ⁽³⁾, as last amended by Regulation (EC) No 2729/1999 ⁽⁴⁾, have communicated the quantities of lemons processed under the aid scheme. Based on this information, a processing threshold overrun of 37 671 tonnes has been established. Within that overrun, an overrun of the threshold for Italy has been established. The amounts of aid for lemons laid down in Annex I to Regulation (EC) No 2202/96 for the 2001/02 marketing year must therefore be reduced by 12,17 % in Italy.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

For the 2001/02 marketing year, in accordance with Regulation (EC) No 2202/96, the amounts of aid for lemons delivered for processing shall be amended as follows:

	<i>(EUR/100 kg)</i>		
	Multiannual contracts	Contracts covering one marketing year	Individual producers
Italy	9,24	8,04	7,23

Article 2

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

⁽¹⁾ OJ L 297, 21.11.1996, p. 49.

⁽²⁾ OJ L 311, 12.12.2000, p. 9.

⁽³⁾ OJ L 169, 27.6.1997, p. 15.

⁽⁴⁾ OJ L 328, 22.12.1999, p. 35.

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

Done at Brussels, 29 May 2001.

For the Commission
Franz FISCHLER
Member of the Commission

**COMMISSION REGULATION (EC) No 1034/2001
of 29 May 2001**

amending Regulation (EC) No 6/2001 laying down detailed rules for the application of Council Regulation (EC) No 1804/98 as regards the opening of a tariff quota for imports of residues from the manufacture of starch from maize falling within CN codes 2303 10 19 and 2309 90 20 and originating in the United States of America

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1804/98 of 14 August 1998 establishing an autonomous duty applicable for residues from the manufacture of starch from maize falling within CN codes 2303 10 19 and 2309 90 20 and introducing a tariff quota on imports of residues from the manufacture of starch from maize (corn gluten feed) falling within CN codes 2303 10 19 and 2309 90 20 originating in the United States of America ⁽¹⁾, and in particular Article 5 thereof,

Whereas:

- (1) Commission Regulation (EC) No 6/2001 ⁽²⁾ opened a tariff quota for residues from the manufacture of starch from maize originating in the United States of America from the fifth day following the date of the decision of the WTO Dispute Settlement Body acknowledging that the safeguard measure applied by the United States in the form of a quantitative restriction on imports of wheat gluten originating, *inter alia*, in the Community was incompatible with the WTO Agreements. That decision was taken on 19 January 2001. Therefore, the quota was opened on 24 January 2001.
- (2) In the light of the knowledge of the definitive date of the opening of the quota, the quota amount should be modified pro rata to the length of time during which it will be open, namely 128 days from 24 January 2001 to 31 May 2001. Therefore, the amount of the quota should be modified to 128/365ths of the quantity of the 2 730 000 tonnes foreseen in Council Regulation (EC) No 1804/98 for a full quota year, which is 957 370 tonnes.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 6/2001 is replaced by the following:

'ANNEX

Order number	CN code	Description	Quota from 24 January 2001 to 31 May 2001	Tariff quota duty
09.0400	2303 10 19 2309 90 20	Residues from the manufacture of starch from maize	957 370 tonnes	EUR 5/tonne'

Article 2

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

⁽¹⁾ OJ L 233, 20.8.1998, p. 1.

⁽²⁾ OJ L 2, 5.1.2001, p. 4.

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

Done at Brussels, 29 May 2001.

For the Commission
Franz FISCHLER
Member of the Commission

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 13 February 2001

on the aid scheme 'Viridian Growth Fund' notified by the United Kingdom

(notified under document number C(2001) 334)

(Only the English text is authentic)

(Text with EEA relevance)

(2001/406/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 88(2) thereof,

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof,

Having called on interested parties to submit their comments pursuant to the provisions cited above ⁽¹⁾,

Whereas:

I. PROCEDURE

- (1) By letter dated 14 September 1999 the United Kingdom authorities notified aid linked to the setting up and operation of the Viridian Growth Fund, a venture capital fund.
- (2) The Commission asked for additional information on 12 November 1999 and sent a reminder on 22 December 1999. The United Kingdom authorities replied by letter dated 14 January 2000. However, they still did not supply all the information asked for on 12 November 1999. The Commission therefore sent a second reminder on 10 March 2000 to which the United Kingdom authorities replied by letter dated 28 March 2000. The Commission requested further additional information on 12 May 2000. The United Kingdom authorities replied by letter dated 14 June 2000.

- (3) By letter of 8 August 2000 ⁽²⁾, the Commission informed the United Kingdom authorities of its decision to initiate the procedure pursuant to Article 88(2) of the EC Treaty in relation to the Viridian Growth Fund.
- (4) The decision to open the procedure was published in the *Official Journal of the European Communities* ⁽³⁾. The Commission invited interested parties to present comments on the aid scheme concerned.
- (5) The Commission did not receive comments from interested parties.
- (6) The official response of the United Kingdom authorities arrived by letter dated 8 September 2000.
- (7) On 19 September 2000, the Commission sent a request for certain clarifications and a meeting discussing the Commission queries was held between the services of the Commission and the United Kingdom authorities on 8 November 2000.
- (8) The United Kingdom authorities formally replied to the Commission queries on 15 December 2000.

II. DETAILED DESCRIPTION OF THE SCHEME

The objective of the scheme

- (9) The objective of the scheme as notified and as amended by the United Kingdom authorities under the procedure is to address perceived gaps in the provision of venture capital funding for small enterprises (SEs) in Northern

⁽¹⁾ OJ C 266, 16.9.2000, p. 9.

⁽²⁾ Reference: SG (2000) D/106067.

⁽³⁾ OJ C 266, 16.9.2000, p. 9.

Ireland, as defined in accordance with the recommendation for SMEs⁽¹⁾. The Fund will invest in SEs in the manufacturing and commercial services sector, these enterprises have difficulty in raising finance from existing financial sources.

- (10) In order to attract institutional investors to this market, which is heavily under-represented in Northern Ireland and which is perceived as very risky, the United Kingdom authorities consider that they have to provide certain incentives and thus contribute to the development of a regional venture capital Fund called the Viridian Growth Fund.

Legal basis

- (11) The legal basis for the scheme is Article 7 of the Industrial Development (Northern Ireland) Order 1982, as well as the Fund contract and the operating guidelines.

Status of the Fund and the partnership structure

- (12) The Fund is to be set up as a partnership, namely a limited partnership, registered under the Limited Partnerships Act 1907, as amended from time to time, under the name of Viridian Growth Fund LP. The partnership has a General Partner who is responsible for the conduct and management of the Partnership's business, and has the ability to appoint a manager. The fund manager was selected through a competitive bidding procedure. The Fund will have capital totalling GBP 10 million. To establish the Fund the public sector finance⁽²⁾ of GBP 3,34 million is provided alongside finance from the private sector and finance provided by the European Investment Bank (EIB), GBP 3,3 million. The non-public sector finance is provided by the Viridian Group plc (the private sector supplier of electricity in Northern Ireland), GBP 2 million, the Northern Ireland Local Government Officers Superannuation Scheme, GBP 1 million, and Abbey National, GBP 0,33 million.
- (13) However, the United Kingdom authorities are prepared to seek further private sector investors in relevant publications across Europe. They are presently considering advertisements in the international edition of the *Financial Times* and the monthly publication produced by the European Venture Capital Association.

Duration

- (14) The investment phase of the Fund will be completed by the end of December 2004, as stated by the United Kingdom authorities by letter dated 14 January 2000.

Terms of investment and remuneration of the Fund as notified and amended by the United Kingdom authorities

- (15) Finance will be drawn down into the Fund over a period of time to match approximately the annual rate of investment by the Fund into SEs. To cover the five-year investment period, five tranches of investment by the Fund shareholders were envisaged. Each tranche of funds drawn down from the investors in the Fund will take place in proportion to the participation in the fund. It is also the intention that the Fund is managed both to return all the capital invested by the private and public sectors, and to pay an acceptable rate of return on the invested capital.
- (16) The income achieved by the Fund will be redistributed to the investors in four phases. In a first phase, all private sector investors and the EIB will be reimbursed until that sector and the EIB have realised a total return of their investment. In a second phase they will receive an internal rate of return of 10 % a year. In a third phase, further realisations from the portfolio will be made preferentially to the public sector investment until its initial GBP 3,34 million investment has been returned and in a fourth phase the public sector will receive an internal rate of return of 2,2 % a year.
- (17) If the Fund should produce losses, the allocation of net income losses and net capital losses (if any) will first be borne by the Department of Enterprise, Trade and Investment (DETI). This will be done until such time as the full amount of its investment in the Fund has been reduced to zero by reason of such allocation. Any further net income losses and net capital losses will be allocated amongst the remaining Investors pro rata to their participation.
- (18) It is the intention of the United Kingdom authorities that the General Partner will receive an administrative fee partly based on the performance of the Fund.

It can be concluded that the DETI takes both a higher risk and a lower rate of return than the other investors do.

⁽¹⁾ OJ L 107, 30.4.1996, p. 4.

⁽²⁾ The public sector finance made available by DETI and partially financed by the ERDF.

Investment in SEs by the Fund

(19) The Fund will operate under certain limitations as notified by the United Kingdom authorities. The Fund will have the ability to invest up to GBP 600 000 in an individual SE by means of loans and shareholdings:

- *Loans*: a loan (subordinated, unsecured loan) will be given at an interest rate which is 1 % to 3 % higher than the interest rate charged by the commercial banking sector for a secured loan
- *ordinary share capital*: the SEs will give up a portion of their equity in return for capital investment.

(20) The Fund will not invest in companies in difficulties as defined by the Community Guidelines on State aid for rescuing and restructuring aid ⁽¹⁾.

(21) The Fund will not invest in companies active in the production, processing or marketing of products listed in Annex I to the Treaty. It will be excluded from investing in companies active in the sensitive sectors for which special Community rules governing State aid have been laid down.

(22) According to the United Kingdom authorities, the Fund will only invest in companies that will undertake a programme of expansion that will include investment in fixed assets or intangible assets similar to that described in point 4.4 of the Guidelines on national regional aid ⁽²⁾.

(23) The financial aid from the Fund will be separate from other regional or national programmes, but if they are used together the United Kingdom authorities have undertaken to limit the total aid to the aid ceiling laid down in accordance with the current aid status of Northern Ireland (40 %).

III. OPENING OF THE PROCEDURE PURSUANT TO ARTICLE 88(2) OF THE EC TREATY

(24) In its decision to initiate the procedure laid down in Article 88(2) of the EC Treaty concerning the Viridian Growth Fund ⁽³⁾, the Commission expressed several doubts regarding the compatibility of the notified aid measure with the Community's State aid rules:

- (a) first, the United Kingdom authorities justified the preferential treatment of the private investors of the Fund as being necessary in order to attract their participation in the Fund. In its decision to open the procedure, the Commission expressed doubts as to whether the underwriting of a considerable propor-

tion of the private investors' risk, and giving them the benefit of the differing drawdown provisions were linked to any expenditure which can be considered to constitute eligible costs under any of the communications and frameworks of the Commission under which State aid can be authorised;

- (b) second, the Commission also questioned whether the aid to the companies invested in was linked to initial investment in the sense of either the former Community Guidelines on State aid for small and medium-sized enterprise ⁽⁴⁾ or the Guidelines on national regional aid ⁽⁵⁾ or to any other expenditure constituting eligible costs under any other of the Commission's communications and frameworks.

(25) In its decision to initiate the procedure pursuant to Article 88(2) of the EC Treaty, the Commission also indicated that it would consider whether the limited partnership, which is the vehicle for the Fund's operation, should also be considered to be an undertaking that is a beneficiary of the aid.

IV. COMMENTS FROM THE UNITED KINGDOM

(26) By letter of 8 September 2000, the United Kingdom submitted comments on the Commission's decision to initiate the procedure pursuant to Article 88(2) of the EC Treaty, regarding the Fund. These comments can be summarised as follows:

- (a) it is because potential investors do not wish to invest at the proposed level of the Fund that the Government brought the Fund proposal forward. The proposal seeks to address a real market failure, which places targeted companies in Northern Ireland at a disadvantage;
- (b) the companies in question cannot find or attract equity capital to Northern Ireland at the GBP 50 000 to GBP 300 000 level. The issue of whether they can afford it does not apply - at the present time it is not an available option, and therefore they do not get funded;
- (c) the United Kingdom authorities pointed out that an interest rate of between 1 % and 3 % higher than that charged by banks is significant in the Northern Ireland context where banks compete to make secured loans at low margins;
- (d) the scheme has to be selective, given that there are limited funds and the demand is potentially large, so the Fund Manager has to take discretionary decisions

⁽¹⁾ OJ C 288, 9. 10. 1999.

⁽²⁾ OJ C 74, 10.3.1998, p. 9.

⁽³⁾ OJ C 266, 16.9.2000, p. 9.

⁽⁴⁾ OJ C 213, 23.7.1996, p. 4.

⁽⁵⁾ OJ C 74, 10.3.1998, p. 9.

(e) the assistance provided to the private investors of the Fund is limited to the minimum necessary to secure private sector involvement. The Fund will make sources of risk capital available to companies in Northern Ireland, addressing the market failure rather than excessively distorting competition;

(f) the United Kingdom authorities do not accept that the existence of the Fund would reduce the number or attractiveness of investment opportunities available to other potential investors who might be interested in serving the same market. All potential institutional investors were approached about supporting the Fund and all had the opportunity of participating. Further, no fund currently addressed the investment needs of the target range of companies and therefore it would seem that these enterprises have no attractiveness to investors. Potential investors will continue to find attractive opportunities for investment not targeted by the Fund;

(g) the purpose of the investment assistance is to enable targeted companies to rapidly expand their operations, not to reduce their current expenses. The proposed investments from the Fund cannot therefore be construed as operating aid;

(h) a limited partnership is an arrangement whereby people and organisations agree to carry on business in common with a view to profit. The Limited Partnership Agreement regulates the operation of the partnership. A limited partnership is not a legal person distinct from its partners. Also, in a partnership the tax authorities treat the individual partners (investors in the partnership or fund in this case) as if the partners themselves had made investments directly into the underlying portfolio of companies. In other words, limited partners are assessed individually on their tax liabilities arising from income and capital gains in the partnership or fund. The limited partners are not taxed twice, first as a partnership then as individual partners. The United Kingdom contends that if aid is judged to have been derived by individual partners it would be double counting and incorrect to attribute aid to the limited partnership.

(27) A meeting was held on 8 November 2000 between the services of the Commission and the United Kingdom authorities and a formal letter dated 15 December 2000 was sent to the Commission in which certain amend-

ments were provided. These amendments are integrated in the description of the scheme in Section II.

V. ASSESSMENT OF THE SCHEME

As to the existence of aid

(28) The legal person, which constitutes the Fund, is a limited partnership, which under United Kingdom tax legislation is not deemed to be a legal person distinct from its partners. Therefore, for the purpose of the present case, the Commission considers the Fund and the investors therein to be one and the same level.

(29) The Commission notes that the terms for the investors in the Fund have been modified under the procedure. Furthermore, the United Kingdom authorities have committed themselves to seek further private investors to the Fund on a European-wide level. However, differences in remuneration remain between the DETI and the other investors in the fund at the cost of the DETI. The stake from the DETI in the Fund stems from State resources. Notwithstanding its stated policy to promote access to risk capital, the Commission can therefore not exclude that, given its particularities, the scheme may involve aid to the investors/Fund and to the enterprises in which the Fund will invest.

(30) Such aid to the investors/Fund and to the enterprises in which the Fund will invest could distort or threaten to distort competition and affect trade between Member States within the meaning of Article 87(1) of the EC Treaty in view of the fact that there is a high level of competition in the financial market, which is at least European-wide and because the small enterprises in Northern Ireland, in which the Fund will invest, will have a considerably enhanced capability of competing with undertakings in other Member States.

(31) The scheme was notified in advance in accordance with Article 88(3) of the EC Treaty.

As to the compatibility of the aid:

(32) Having established that the Fund may involve State aid for the purposes of Article 87(1) of the EC Treaty, the Commission has examined the compatibility thereof with one of the derogations provided under Article 87(2) and 87(3).

(33) The Commission considers that the exemptions provided for in Article 87(2) of the EC Treaty do not apply, since the aid measure does not pursue any of the objectives listed in that article of the Treaty, nor has the United Kingdom argued that this would be the case.

(34) Article 87(3)(a) of the EC Treaty does not apply, since no part of Northern Ireland qualifies for regional aid under Article 87(3)(a) ⁽¹⁾.

⁽¹⁾ The United Kingdom regional aid map for the period 2000 to 2006, approved by the Commission under State aid number N 265/2000 (Approval letter No SG (2000) D/1006293 of 17 August 2000), indicates that Northern Ireland is an Article 87(3)(c) region and that it is an exceptional region based on footnote 44 of the Guidelines on national regional aid (OJ C 74, 10.3.1998, p. 9).

- (35) Aid under the scheme is not intended to promote the execution of an important project of common European interest or to remedy a serious disturbance in the economy of a Member State, nor is it intended to promote culture or heritage conservation. The Commission therefore considers that neither Article 87(3)(b) nor Article 87(3)(d) of the EC Treaty is applicable to the Fund.
- (36) In view of the above, the Commission determined that the only possible basis on which the measure could be found compatible with the common market is Article 87(3)(c) of the EC Treaty.
- (37) The Commission notes that Northern Ireland is an assisted area according to footnote 44 of the Guidelines on national regional aid ⁽¹⁾. The Commission recalls its well-established view that SMEs suffer from a number of handicaps that can slow down their development. One of the main such handicaps is the difficulty in obtaining capital and credit, the chief causes of which are imperfect information, the risk-shy nature of financial markets and the limited guarantees that SMEs are in a position to offer. The Commission also recalls that the Community has a stated policy as set out, for example, in the conclusion of the Lisbon European Council, '...to redirect funding towards support for business start-ups, high-tech firms and micro-enterprises, as well as other risk-capital initiatives proposed by the EIB' ⁽²⁾. The Commission furthermore notes that:
- (a) the most comprehensive research study into the financing of SMEs in Northern Ireland, undertaken by the Ulster Society of Chartered Accountants, shows that a market failure exists at the lower end of the risk capital market. Furthermore, the public intervention is decisive for the creation of the Fund; no private investor would invest in the Fund on the same terms as the public sector. Thus, without the intervention of the State there would be no Fund;
 - (b) as an amendment to the terms originally notified to the Commission, the Fund will invest only when the investee company (the SE) undertakes a programme of expansion as set out in a supporting business plan. The investment decisions will focus on the nature of the product, the market, the development plan, the quality and the know-how of the management team and the availability of key personnel;
 - (c) as a further amendment to the terms originally notified to the Commission the United Kingdom authorities will revise the present limited partnership in order to ensure that, on each tranche of investment made by the Fund, funds from each investor in the Fund will be drawn down in proportion to their commitment to the Fund. Thus the only advantages to the private partners concern the distribution of returns and not the drawdown of funds. This means that the private investors (and the EIB, which invests on the same terms) are required to put funds at risk well before the first returns are made;
 - (d) the total funds invested by the private investors are 33 %, which can be regarded as substantial, and the total funds invested on the same terms are 66 % (both private investors and the EIB). This provides assurance that commercial considerations will play a key role in the Fund's investment decisions, which should additionally limit the distortion of competition created by the aid to the investee companies;
 - (e) it is the stated intention of the United Kingdom authorities that the Fund be managed both to return all the capital invested by the private and public sectors, and to pay an acceptable rate of return on the invested capital;
 - (f) the Fund Manager was selected from an open call for tender published in the *Official Journal of the European Communities* ⁽³⁾ and his/her remuneration is partially based on its performance. This fact too should enhance the commerciality of the Fund;
 - (g) the Commission finally notes the United Kingdom authorities' commitment to keep interventions by the Fund separate from other regional or national programmes, but if they are used together the United Kingdom authorities have undertaken to limit the total aid to the aid ceiling laid down in accordance with the current aid status of Northern Ireland (40 %). However, due to the problems concerning calculation of aid intensities in equity participation this can only be done in regard to the loans.
- (38) Under these conditions the Commission concludes that, in so far as aid could be involved in the establishment and the operation of the Fund, it is limited to the minimum necessary and will not adversely affect trading conditions to an extent contrary to the common interest.

⁽¹⁾ OJ C 74, 10.3.1998, p. 9.

⁽²⁾ Lisbon European Council, Presidency Conclusions on 35 March 2000.

⁽³⁾ OJ C 136, 17.7.1998, p. 215.

- (39) The above conclusions are supported by the fact that no observations were made by interested parties under the formal investigation.
- (40) The Commission notes the commitment of the United Kingdom authorities to notify any application of the Fund not authorised by the present Decision or by Commission Regulation (EC) No 68/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to training aid ⁽¹⁾, Commission Regulation (EC) No 69/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to *de minimis* aid ⁽²⁾ or Commission Regulation (EC) No 70/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to State aid to small and medium-sized enterprises ⁽³⁾.
- (41) On the basis of the foregoing, the Commission takes the view that the amended Viridian Growth Fund, in so far as it involves aid, would qualify for derogation under Article 87(3)(c) EC. The Commission therefore concludes that the scheme is compatible with the common market,

HAS ADOPTED THIS DECISION:

Article 1

The Viridian Growth Fund, as amended, is compatible with the common market. That scheme may, therefore, be implemented.

Article 2

The United Kingdom authorities shall submit to the Commission, in addition to the information on any plan to continue funding or to extend or amend the scheme referred to in Article 1 which they are required to provide pursuant to Article 88(3) of the EC Treaty, an annual report providing detailed information that allows the Commission to evaluate the scheme's performance and whether the positive effects of the scheme continue to outweigh any distortion of competition.

Article 3

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

Done at Brussels, 13 February 2001.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ L 10, 13.1.2001, p. 20.

⁽²⁾ OJ L 10, 13.1.2001, p. 30.

⁽³⁾ OJ L 10, 13.1.2001, p. 33.

COMMISSION DECISION**of 16 May 2001****adjusting the weightings applicable from 1 August, 1 September, 1 October, 1 November and 1 December 2000 to the remuneration of officials of the European Communities serving in non-member countries***(notified under document number C(2001) 1231)**(2001/407/EC)*

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Staff Regulations of officials of the European Communities and the conditions of employment of other servants of the Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁾, as last amended by Regulation (EC, ECSC, Euratom) No 2804/2000 ⁽²⁾, and in particular the second paragraph of Article 13 of Annex X,

Whereas:

- (1) Pursuant to the first paragraph of Article 13 of Annex X to the Staff Regulations, Council Regulation (EC, ECSC, Euratom) No 106/2001 ⁽³⁾ laid down the weightings to be applied from 1 July 2000 to the remuneration of officials serving in third countries, payable in the currency of their country of employment.
- (2) The Commission has made a number of adjustments to these weightings ⁽⁴⁾ in recent months, pursuant to the second paragraph of Article 13 of Annex X to the Staff Regulations.
- (3) Some of these weightings should be adjusted with effect from 1 August, 1 September, 1 October, 1 November and 1 December 2000 given that the statistics available to the Commission show that in certain third countries

the variation in the cost of living measured on the basis of the weighting and the corresponding exchange rate has exceeded 5 % since weightings were last laid down or adjusted,

DECIDES:

Sole Article

With effect from 1 August, 1 September, 1 October, 1 November and 1 December 2000 the weightings applicable to the remuneration of officials serving in third countries payable in the currency of their country of employment are adjusted as shown in the Annex.

The exchange rates for the calculation of such remuneration shall be those used for implementation of the general budget of the European Communities for the month preceding the dates referred to in the first paragraph.

Done at Brussels, 16 May 2001.

For the Commission

Christopher PATTEN

Member of the Commission⁽¹⁾ OJ L 56, 4.3.1968, p. 1.⁽²⁾ OJ L 326, 22.12.2000, p. 3.⁽³⁾ OJ L 19, 20.1.2001, p. 1.⁽⁴⁾ OJ L 11, 16.1.2001, p. 50.

ANNEX

Place of employment	Weightings August 2000
Angola	63,1
Bulgaria	67,7
Federal Republic of Yugoslavia	23,4
Ghana	28,9
Lebanon	103,4
Madagascar	66,5
Malawi	27,5
Sudan	43,5
Suriname	94,5
Ukraine	115,8

Place of employment	Weightings September 2000
Albania	120,4
Angola	69,4
Federal Republic of Yugoslavia	26,9
Ghana	28,7
Suriname	90,5
Zimbabwe	58,1

Place of employment	Weightings October 2000
Angola	75,3
Federal Republic of Yugoslavia	35,3
Ghana	27,8
Haiti	92,8
Malawi	31,1
Suriname	101,9

Place of employment	Weightings November 2000
Albania	114,0
Angola	84,9
Federal Republic of Yugoslavia	43,6
Ghana	29,8
Malawi	28,1
Suriname	117,6
Zimbabwe	49,8

Place of employment	Weightings December 2000
Angola	97,9
Chad	103,0
Dominican Republic	91,8
Federal Republic of Yugoslavia	36,0
Ghana	32,7
Guinea-Bissau	122,3
Malawi	28,0
Mexico	96,8
Romania	52,8
Suriname	71,0
Uganda	96,7
Zambia	69,2
Zimbabwe	54,2

COMMISSION DECISION

of 29 May 2001

amending for the seventh 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) 1548)

(Text with EEA relevance)

(2001/408/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 ⁽¹⁾, as last amended by Directive 92/118/EEC ⁽²⁾, 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 ⁽³⁾, 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 ⁽⁴⁾, as last amended by Decision 2001/389/EC ⁽⁵⁾.
- (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 accordance with Article 9 of Council Directive 85/511/EEC ⁽⁶⁾ introducing Community measures for the control of foot-and-mouth disease, as last amended by the Act of Accession of Austria, Finland and Sweden, the restrictions applied to the areas around the outbreaks in Ee-Anjum and Oosterwolde have been lifted.
- (4) In the light of the disease evolution it appears therefore appropriate to further adjust the regionalisation which requires to adapt the provisions on slaughter of animals

from the areas listed in Annex I in slaughterhouses situated in these areas for local consumption and to make provisions for the movement of susceptible animals and their germinal products.

- (5) Furthermore, it is appropriate to remove restrictions on the movement of equidae situated in the area listed in Annex I.
- (6) Commission Decision 2001/327/EC ⁽⁷⁾, as last amended by Decision 2001/394/EC ⁽⁸⁾, concerns restrictions on the movement of animals of susceptible species with regard to foot-and-mouth disease.
- (7) Commission Decision 2001/246/EC ⁽⁹⁾, as amended by Decision 2001/279/EC ⁽¹⁰⁾, lays down the conditions for the control and eradication of foot-and-mouth disease in the Netherlands in application of Article 13 of Directive 85/511/EEC.
- (8) At the meeting of the Standing Veterinary Committee of 23 May 2001 the Netherlands reiterated 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,
- (9) The situation shall be reviewed at the meeting of the Standing Veterinary Committee scheduled for 5 and 6 June 2001 and the measures adapted where necessary.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 395, 30.12.1989, p. 13.

⁽⁴⁾ OJ L 82, 22.3.2001, p. 29.

⁽⁵⁾ OJ L 137, 19.5.2001, p. 36.

⁽⁶⁾ OJ L 315, 26.11.1985, p. 11.

⁽⁷⁾ OJ L 115, 25.4.2001, p. 12.

⁽⁸⁾ OJ L 138, 22.5.2001, p. 36.

⁽⁹⁾ OJ L 88, 28.3.2001, p. 21.

⁽¹⁰⁾ OJ L 96, 6.4.2001, p. 19.

HAS ADOPTED THIS DECISION:

Article 1

Commission Decision 2001/223/EC is amended as follows:

1. In Article 2(2)(e), the first indent is replaced by the following:

‘— the meat is derived from animals of susceptible species originating in areas listed in Annex I,’

2. Article 12 is replaced by the following:

Article 12

1. Without prejudice to Council Directives 88/407/EEC, and derogating from the provisions in Article 6(2), frozen bovine semen collected after the date of 20 February 2001 may be subject to intra-Community trade under the following conditions:

(a) The semen complies with one of the following requirements:

— The semen has been collected between 20 February and 18 May 2001 from animals which have been continuously resident during this period in a collection centre situated in the provinces of Noord-Holland, Zuid-Holland, Zeeland, Noord-Brabant or Limburg; and the following conditions are met:

— the collection centre is situated in an area where there has been no outbreak of foot-and-mouth disease within a radius of 30 km around the centre for the past 12 months;

— no animal in the centre has been vaccinated against foot-and-mouth disease;

— all animals of susceptible species in the collection centre have undergone a clinical examination for the detection of foot-and-mouth disease carried out under the responsibility of the official veterinarian with negative result in each case.

— The semen has been collected between 20 February and 31 May 2001 from animals which have been continuously resident during this period in a collection centre situated in the provinces of Drenthe, Groningen, Friesland, Utrecht, Flevoland, Overijssel or Gelderland and the following conditions are met:

— the collection centre has not been situated in a zone established in accordance with Article 9 of Directive 85/511/EEC;

— the collection centre has not been situated in a vaccination zone established in application of Decision 2001/246/EC, as amended by Decision 2001/279/EC;

— the collection centre is situated in an area where there has been no outbreak of foot-and-mouth disease within a radius of 30 km around the centre for the past 12 months;

— no animal in the centre has been vaccinated against foot-and-mouth disease;

— all animals of susceptible species in the collection centre have undergone a clinical examination for the detection of foot-and-mouth disease carried out under the responsibility of the official veterinarian with negative result in each case;

— all animals of susceptible species in the collection centre have undergone with negative result in each case a serological test for the detection of antibodies against the foot-and-mouth disease virus, carried out on samples taken under the responsibility of the official veterinarian.

(b) Frozen semen in conformity with the provisions in paragraph (a) shall be subject to the certification requirements in Article 6(4).

2. Without prejudice to Council Directive 89/556/EEC and derogating from the provisions in Article 6(2) frozen bovine embryos collected after the date of 20 February 2001 may be subject to intra-Community trade under the following conditions:

(a) The embryos comply with one of the following requirements:

— The embryos have been collected between 20 February and 18 May 2001 from donor bovine animals which have been continuously resident during this period on holdings in the provinces of Noord-Holland, Zuid-Holland, Zeeland, Noord-Brabant or Limburg and the following conditions are met:

— the holdings are situated in an area where there has been no outbreak of foot-and-mouth disease within a radius of 30 km around the holding for the past 12 months;

— no animal on these holdings has been vaccinated against foot-and-mouth disease;

— all animals of susceptible species on these holdings have undergone a clinical examination for the detection of foot-and-mouth disease carried out under the responsibility of the official veterinarian with negative result in each case.

— The embryos were collected between 20 February and 31 May 2001 from donor bovine animals which have been continuously resident during this period on holdings situated in the provinces of Drenthe, Groningen, Friesland, Utrecht, Flevoland, Overijssel or Gelderland and the following conditions are met:

— the holdings have not been situated in a zone established in accordance with Article 9 of Directive 85/511/EEC;

— the holdings have not been situated in a vaccination zone established in application of Decision 2001/246/EC as amended by Decision 2001/279/EC;

— the holdings are situated in an area where there has been no outbreak of foot-and-mouth disease within a radius of 30 km around the centre for the past 12 months;

- no animal on any of the holdings where the donor animal has been resident during the period referred to in the second indent has been vaccinated against foot-and-mouth disease;
- the donor bovine animal has undergone with negative result a serological test for the detection of antibodies against the foot-and-mouth disease virus, carried out on samples taken under the responsibility of the official veterinarian.

(b) Frozen embryos in conformity with the provisions in paragraph (a) shall be subject to the certification requirements in Article 6(5).'

3. 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, the competent authorities of the place of departure may authorise the transport of live bovine and porcine animals from one single holding situated in the provinces of Friesland, Groningen, Drenthe and Flevoland 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. Derogating from the provisions in paragraph 1, the competent authorities of the place of departure may authorise the transport to other Member States of animals of the bovine and porcine species from the areas of the Netherlands situated in the provinces of Noord-Holland, Zuid-Holland, Zeeland, Noord-Brabant, Limburg, and in the part of the province of Gelderland south of the river Rijn-Waal-Merwede between the border with Germany and the border with the province Zuid-Holland, and in the part of the province of Utrecht situated west of highway A27, subject to notification to the central veterinary authorities of the place of destination and any Member State of transit.'

4. The date in Article 14 is replaced by '29 June 2001'.

5. In Annex I the words

'The protection and surveillance zone Oene-Oosterwolde-Kootwijkerbroek, including the vaccination zone Noord-Veluwe, in the provinces of Gelderland, Flevoland, Utrecht

and Overijssel, and the protection and surveillance zone in the provinces of Friesland and Groningen.'

are replaced by

'The surveillance zone Oene-Kootwijkerbroek, including the vaccination zone Noord-Veluwe, in the provinces of Gelderland, Utrecht and Overijssel.'

6. In Annex II the words

'— 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 A27, 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 provinces of Overijssel, except the areas of this province listed in Annex I;

— The province of Utrecht east of the highway A27, 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 shall come into force on 29 May 2001.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 29 May 2001.

For the Commission

David BYRNE

Member of the Commission

**DECISION No 3/2001 OF THE ACP-EC CUSTOMS COOPERATION COMMITTEE
of 10 May 2001**

derogating from the definition of the concept of 'originating products' to take account of the special situation of the Kingdom of Swaziland with regard to its manufacturing of core spun yarns

(2001/409/EC)

THE ACP-EC CUSTOMS COOPERATION COMMITTEE,

HAS DECIDED AS FOLLOWS:

Having regard to the ACP-EC Partnership Agreement signed at Cotonou on 23 June 2000, and in particular Article 38 of Protocol 1 to Annex V thereto,

Article 1

Whereas:

By way of derogation from the special provisions in the list in Annex II to Protocol 1 to Annex V of the ACP-EC Partnership Agreement, core spun yarns of HS headings 5206.22, 5206.42, 5402.52 and 5402.62 manufactured in Swaziland from non-originating materials shall be regarded as originating in Swaziland in accordance with the terms of this Decision.

Article 2

(1) Article 1 of Decision 1/2000 of the ACP-EC Council of Ministers of 27 July 2000 on transitional measures valid from 2 August 2000⁽¹⁾ provides that the trade provisions of the ACP-EC Partnership Agreement, including Protocol 1 to Annex V concerning the definition of the concept of 'originating products' and methods of administrative cooperation, apply from 2 August 2000.

The derogation provided for in Article 1 shall apply to the quantities shown in the Annex to this Decision which are exported by Swaziland from 1 April 2001 to 31 March 2006.

(2) Article 38(1) of the said Protocol provides for derogations from the rules of origin to be granted whenever the development of an existing industry or the establishment of a new one warrants it.

Article 3

(3) On 22 November 2000 the African, Caribbean and Pacific States (ACP States) submitted a request, on behalf of the Kingdom of Swaziland, for a derogation from the rule of origin in the Protocol, in respect of an annual quantity of 1 900 tonnes of core spun yarns produced by this country during a period of five years.

The quantities referred to in Article 2 shall be managed by the Commission, which shall take all administrative action it deems advisable for their efficient management.

(4) The requested derogation is justified under the relevant provisions of Article 38(5) and (6) especially as regards the development of existing industries, the fact that the applicant is a landlocked State, the inapplicability of the rules on cumulation of origin and of the added value in the manufacturing process in Swaziland.

Where an importer presents in a Member State a declaration of entry for free circulation including an application for the benefit of this Decision, the Member State shall, if the declaration has been accepted by the customs authorities, notify the Commission of its wish to draw the amount corresponding to its requirements.

(5) The derogation cannot be granted for the quantities requested in view of the sensitivity of the textile industry.

Applications to draw showing the date of acceptance of declarations shall be transmitted to the Commission without delay.

(6) The derogation, limited in quantities, would not cause serious injury to an established Community industry taking into account the quantities of the imports envisaged, provided that certain conditions relating to quantities, surveillance and duration are respected.

Withdrawals shall be granted by the Commission in order of date of acceptance of declarations of entry for free circulation by the Member States' customs authorities provided that the available balance permits. The Commission shall inform the Member States of withdrawal on the quotas.

(7) Therefore, pursuant to Article 38, a derogation can be granted to Swaziland in respect of core spun yarns for 1 400 tonnes per annum for a period of five years,

If a Member State fails to use a withdrawal it shall return it as soon as possible to the appropriate quota.

If requests exceed the available balance of a given quota, quantities shall be allocated on a pro rata basis.

Each Member State shall ensure that importers have continuous and equal access to the amounts available as long as the balance permits.

⁽¹⁾ OJ L 195, 1.8.2000, p. 46.

Article 4

The customs authorities of Swaziland shall take the necessary steps to carry out quantitative checks on exports of the products referred to in Article 1. To that end, all the certificates they issue pursuant to this Decision shall bear a reference to it. The competent authorities of Swaziland shall forward to the Commission every three months a statement of the quantities in respect of which movement certificates EUR.I have been issued pursuant to this Decision and the serial numbers of those certificates.

Article 5

Box 7 of EUR.1 certificates issued under this Decision shall contain the words:

'Derogation — Decision No 3/2001'

Article 6

The African, Caribbean and Pacific States (ACP States) and the European Community shall take the measures necessary on their part to implement this Decision.

Article 7

This Decision shall enter into force on the date of its adoption.

This Decision shall apply from 1 April 2001.

Done at Brussels, 10 May 2001.

*For the ACP-EC Customs Cooperation
Committee*

The Joint Chairmen

Michel VANDEN ABEELE

Peter O. OLE NKURAIYA

 ANNEX
Swaziland

Order No	HS heading	Description of goods	Period	Quantities
09.1698	5206.22	Core spun yarns	1.4.2001 to 31.3.2002	1 400 tonnes
	5206.42		1.4.2002 to 31.3.2003	1 400 tonnes
	5402.52		1.4.2003 to 31.3.2004	1 400 tonnes
	5402.62		1.4.2004 to 31.3.2005	1 400 tonnes
			1.4.2005 to 31.3.2006	1 400 tonnes