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Legislation

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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1050/2001
of 22 May 2001
adjusting, for the sixth time, the system of aid for cotton introduced by Protocol 4 annexed to the
Act of Accession of Greece**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Protocol 4 on cotton ⁽¹⁾, annexed to the Act of Accession of Greece, and in particular paragraph 11 thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Having regard to the opinion of the European Parliament ⁽³⁾,

Having regard to the opinion of the Economic and Social Committee ⁽⁴⁾,

Whereas:

- (1) Examination of the operation of the system of aid and of the support scheme for arable crops, as provided for in paragraph 11 of Protocol 4 annexed to the Act of Accession of Greece, reveals a need for adjustment of the system for cotton.
- (2) Measures concerning cotton are set out in Protocol 4, in Council Regulation (EC) No 1554/95 of 29 June 1995 laying down the general rules for the system of aid for cotton and repealing Regulation (EEC) No 2169/81 ⁽⁵⁾, and in Council Regulation (EEC) No 1964/87 of 2 July 1987 adjusting the system of aid for cotton introduced by Protocol No 4 annexed to the Act of Accession of Greece ⁽⁶⁾. The system provided for in Protocol 4 should be maintained, in particular the opportunity for the

Council to adjust the system, and, in the interests of simplification, the implementing measures concerning cotton production aid should be brought together in one Council Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Protocol 4 annexed to the Act of Accession of Greece is hereby annexed as follows:

1. Paragraph 3 shall be replaced by the following:

‘3. The system referred to in paragraph 2 shall include the grant of an aid to production.’

2. Paragraph 6 shall be replaced by the following:

‘6. The Council, acting by a qualified majority on a proposal from the Commission and after consulting the European Parliament, shall decide on the adjustments necessary to the system introduced pursuant to this Protocol and shall adopt the general rules necessary for implementing the provisions of this Protocol.’

3. Paragraphs 7, 8, 8a, 9, 10, 11 and 12 shall be deleted.

4. Paragraph 13 shall become paragraph 7.

Article 2

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

It shall apply from 1 September 2001.

⁽¹⁾ OJ L 291, 19.11.1979, p. 174. Protocol as last amended by Regulation (EC) No 1553/95 (OJ L 148, 30.6.1995, p. 45).

⁽²⁾ Proposition of 13 December 1999 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered 15 February 2001 (not yet published in the Official Journal).

⁽⁴⁾ Opinion delivered 29 March 2001 (not yet published in the Official Journal).

⁽⁵⁾ OJ L 148, 30.6.1995, p.48. Regulation as last amended by Regulation (EC) No 1419/98 (OJ L 190, 4.7.1998, p. 4).

⁽⁶⁾ OJ L 184, 3.7.1987, p. 14. Regulation as last amended by Regulation (EC) No 1553/95.

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

Done at Brussels, 22 May 2001.

For the Council

The President

M. WINBERG

COUNCIL REGULATION (EC) No 1051/2001
of 22 May 2001
on production aid for cotton

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Protocol 4 on cotton ⁽¹⁾, annexed to the Act of Accession of Greece, and in particular the paragraph 6 thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Having regard to the opinion of the European Parliament ⁽³⁾,

Having regard to the opinion of the Economic and Social Committee ⁽⁴⁾,

Whereas:

- (1) Examination of the operation of the aid scheme provided for in paragraph 11 of Protocol 4 annexed to the Act of Accession of Greece reveals a need to maintain the existing arrangements for cotton, but with certain adjustments.
- (2) The measures relating to cotton are laid down in Protocol 4, Council Regulation (EC) No 1554/95 of 29 June 1995 laying down the general rules for the system of aid for cotton and repealing Regulation (EEC) No 2169/81 ⁽⁵⁾ and Council Regulation (EEC) No 1964/87 of 2 July 1987 adjusting the system of aid for cotton introduced by Protocol 4 annexed to the Act of Accession of Greece ⁽⁶⁾. The arrangements provided for in Protocol 4 should be maintained, particularly the possibility for the Council to adjust the scheme, and, in the interests of simplification, all the implementing measures needed for the grant of the aid should be brought together in a single Council Regulation.
- (3) Paragraph 6 of Protocol 4 stipulates that the necessary measures for implementing the scheme for cotton must be adopted. The production aid provided for in paragraph 3 of Protocol 4 is currently based on a system, in the framework of guaranteed national quantities, that guarantees a minimum price to producers and, through the aid paid to ginning undertakings, makes up the

difference between the guide price and the world market price. In the light of experience, the foundations of the system and its various components should be maintained.

- (4) The guide price, the minimum price payable to producers and the guaranteed national quantities should be fixed at levels that maintain the balance achieved between crops and enable operators to run medium-term production and processing programmes.
- (5) The provisions for determining the world market price for unginning cotton should be maintained. This price may be established on the basis of the relationship between the price for ginned cotton and the price calculated for unginning cotton. When calculating the price of ginned cotton, account should be taken of offers made on the world market and of quotations on those exchanges that are important for international trade.
- (6) The current mechanism, whereby when a certain production quantity is exceeded the guide price is reduced proportionately in the Member States responsible for the overrun, should be maintained in order to ensure that penalties are applied fairly. However, the reduction in the guide price may be limited provided that, taking account in particular of the average world market price, a certain level of expenditure is not exceeded. The consequences of the guaranteed national quantities mechanism must be applied to both the minimum price and the aid.
- (7) The percentage reduction in the guide price which now applies, equal to half the overrun in the national guaranteed quantity, may under certain circumstances threaten budgetary discipline. That percentage should therefore be increased from a certain production threshold.
- (8) To ensure that the system is balanced, the production aid should henceforth be paid in full to beneficiaries, without prejudice to the various reductions provided for by the Community rules. The current state of production structures is such that the aid has to be granted to ginning undertakings, which pay producers a price at least equal to the minimum price and an advance on that price, and which accept certain conditions regarding checks on the quantities eligible for aid.

⁽¹⁾ OJ L 291, 19.11.1979, p. 174. Protocol as last amended by Regulation (EC) No 1050/2001. (see p. 1 of this Official Journal).

⁽²⁾ Proposition of 13 December 1999 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 15 February 2001 (not yet published in the Official Journal).

⁽⁴⁾ OJ C 140, 18.5.2000, p. 33.

⁽⁵⁾ OJ L 148, 30.6.1995, p. 48. Regulation as last amended by Regulation (EC) No 1419/98 (OJ L 190, 4.7.1998, p. 4)

⁽⁶⁾ OJ L 184, 30.6.1995, p. 14. Regulation as last amended by Regulation (EC) No 1553/95 (OJ L 148, 30.6.1995, p. 45).

- (9) The aid varies in amount according to the world market price and needs to be applied to the quantities of cotton eligible for aid depending on the actual period when the aid application is made. The current scheme allows ginning undertakings to fix that amount, in their aid applications, on the basis, in particular, of the date of conclusion of sales contracts for the ginned cotton in their possession. In order better to facilitate the disposal of ginned cotton on the world market, it is advisable in future to allow contracts to be concluded before the harvesting period and, consequently, to extend the period during which aid applications may be submitted.
- (10) It seems inadvisable to regulate contractual relations between producers and ginning undertakings at Community level. The current principle of common consent between the contracting parties should be maintained but spelt out in greater detail.
- (11) The amount of aid to be granted cannot be known until actual production in each Member State has been determined. To offset the adverse effects of late payment of aid, provision should continue to be made for part of the aid to be paid in advance.
- (12) Producer Member States must set up the control arrangements necessary to ensure that the aid system operates correctly, using where applicable the integrated administration and control system provided for in Council Regulation (EEC) No 3508/92 of 27 November 1992 establishing an integrated administration and control system for certain Community aid schemes⁽¹⁾.
- (13) The cultivation of cotton in regions not suited to it is likely to have harmful effects on the environment as well as on the agricultural economy of those regions where this crop is important. In order to take account of environmental objectives, Member States should determine and adopt the environmental measures they consider suitable to regulate the use of agricultural land for cotton production. In future, Member States must introduce measures to restrict the crop under objective environmental criteria and remind producers of the need to comply with the legislation in force. The two main producer Member States should draw up a report on the impact on the cotton sector of national environmental measures at a time when an assessment is possible.
- (14) In order to facilitate the implementation and proper administration of the aid system, provision should be made for a procedure establishing close cooperation between Member States and the Commission within a management committee. The Management Committee for natural fibres provided for in Council Regulation (EC) No 1673/2000 of 27 July 2000 on the common

organisation of the market in flax and hemp⁽²⁾, should be used for that purpose.

- (15) 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⁽³⁾.
- (16) In order to ensure that Community expenditure linked to the application of the measures provided for in this Regulation is subject to financial and monetary rules and adequate procedures, and in view of the specifically agricultural nature of unginning cotton, Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy⁽⁴⁾ and Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro should apply in this area⁽⁵⁾.
- (17) The adjustments to the scheme provided for in this Regulation should be implemented as smoothly as possible and transitional measures may therefore be required,

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PRINCIPLES

Article 1

1. This Regulation lays down the measures needed for the grant of the production aid provided for in paragraph 3 of Protocol 4 annexed to the Act of Accession of Greece.
2. For the purposes of this Regulation:
 - (a) 'unginned cotton' means the fruit of the cotton plant (*Gossypium*) which has reached maturity and been harvested and which contains pod and leaf fragments and soil matter;
 - (b) 'ginned cotton' means cotton fibres (other than linters and waste), neither carded nor combed, from which the seeds and most of the pod and leaf fragments and soil matter have been removed.
3. The marketing year shall run from 1 September to 31 August.

Article 2

1. The amount of the production aid for unginning cotton shall be fixed by the Commission on the basis of the difference between:
 - a guide price fixed for unginning cotton in accordance with Article 3(1) and Article 7, and
 - the world market price determined in accordance with Article 4.

⁽¹⁾ OJ L 355, 5.12.1992, p. 1. Regulation as last amended by Regulation (EC) No 820/97. (OJ L 117, 7.5.1997, p. 1).

⁽²⁾ OJ L 193, 29.7.2000, p. 16.

⁽³⁾ OJ L 184, 17.7.1999, p. 23.

⁽⁴⁾ OJ L 160, 26.6.1999, p. 103.

⁽⁵⁾ OJ L 349, 24.12.1998, p. 1.

2. The aid shall be granted for unginning cotton purchased at a price at least equal to the minimum price, fixed in accordance with Article 3(2) and Article 9.

- 782 000 tonnes for Greece,
- 249 000 tonnes for Spain,
- 1 500 tonnes in each of the other Member States.

CHAPTER II

PRICE MECHANISM

Article 3

1. The guide price shall be set at EUR 106,30 per 100 kg of unginning cotton.

This price shall relate to cotton:

- of sound and fair merchantable quality,
- containing 10 % moisture and 3 % impurities,
- with the characteristics needed to produce, after ginning, 32 % grade 5 fibres (white middling) 28 mm in length (1-3/32").

2. The minimum price shall be set at EUR 100,99 per 100 kg of unginning cotton for the quality selected for the ex holding guide price.

Article 4

1. The world market price for unginning cotton shall be determined by taking account of the historical relationship between the world market price for ginned cotton and the price calculated for unginning cotton. It shall be fixed periodically by the Commission on the basis of the world market price for ginned cotton referred to in Article 5.

2. If the world market price for unginning cotton cannot be determined in accordance with paragraph 1, it shall be established on the basis of the most recent price determined.

Article 5

1. The world market price for ginned cotton shall be determined on the basis of a grade 5 (white middling) product with a fibre length of 28 mm (1-3/32"), account being taken of the offers made on the world market and of the quotations on one or more European exchanges that are important for international trade. This price shall be determined using the most favourable offers and quotations among those that are considered representative of the real market price cif for the product delivered to a Community port.

2. Where the offers and quotations recorded do not satisfy the requirements referred to in paragraph 1, the necessary adjustments shall be made.

CHAPTER III

STABILISER MECHANISM

Article 6

A guaranteed national quantity for unginning cotton shall be introduced, equal for each marketing year to:

Article 7

1. The measures referred to in this Article shall apply without prejudice to Article 8.

2. If during a marketing year the sum of actual production in Spain and Greece exceeds 1 031 000 tonnes, the guide price referred to in Article 3(1) shall be reduced for that marketing year in any Member State where the actual production exceeds the guaranteed national quantity.

3. The guide price shall be reduced for the Member State concerned by a percentage based on the rate by which its guaranteed national quantity has been overshot. However if actual production in either Spain or Greece is lower than its guaranteed national quantity, the difference between the total actual production of the two Member States and 1 031 000 tonnes shall be expressed as a rate of the guaranteed national quantity that has been overshot, and the guide price shall be reduced on the basis of this rate.

4. The guide price reduction is equal to 50 % of the rate of overshot referred to in paragraph 3.

However if the sum of actual production in Spain and Greece reduced by 1 031 000 tonnes is higher than 469 000 tonnes, the reduction in the guide price of 50 % shall be increased by 2 percentage points:

- in the case of Greece, for each step of 15 170 tonnes in full or part thereof of which the production exceeds the guaranteed national quantity increased by 356 000 tonnes,
- in the case of Spain, for each step of 4 830 tonnes in full or part thereof of which the production exceeds the guaranteed national quantity increased by 113 000 tonnes.

Article 8

If during a marketing year:

- Article 7 has been applied,
- the weighted average of the world market price adopted in order to fix the amount of aid is greater than EUR 30,20 per 100 kg, and
- the total budget expenditure on the aid system is less than EUR 770 million,

the budget remainder referred to in the third indent shall be used in order to increase aid in each Member State where actual production exceeds its guaranteed national quantity.

However, the amount of aid as increased under the first subparagraph may not exceed:

- either the amount of aid calculated without application of Article 7,

— or the amount of aid calculated after application of Article 7 on the basis of 1 120 000 tonnes of unginning cotton subdivided into a guaranteed national quantity of 270 000 tonnes for Spain and 850 000 tonnes for Greece.

Article 9

The minimum price referred to in Article 3(2) shall be reduced by the same amount as the guide price under Article 7.

CHAPTER IV

AID BENEFICIARIES

Article 10

The aid shall be paid in full to the beneficiaries referred to in Articles 11 and 12 who make an application.

Article 11

In order to receive aid, cotton ginning undertakings other than those referred to in Article 12 must:

- (a) have submitted a signed contract stipulating, in particular, payment to the producer of a price at least equal to the minimum price and containing a clause specifying that:
 - where Article 7 is applied, the agreed price will be adjusted in consequence of the effect of the application of that Article on the aid,
 - if the quality of the cotton delivered differs from the quality referred to in Article 3(2), the price agreed will be adjusted by common consent between the contracting parties in proportion to the effect of that difference in quality on the price of the ginned product in relation to the price referred to in Article 5;
- (b) have paid an advance on the minimum price of an amount to be determined by common consent between the contracting parties, subject to conditions to be laid down;
- (c) keep stock accounts on ginned and unginning cotton that satisfy requirements to be laid down and provide the other supporting documents necessary so that entitlement to the aid can be checked;
- (d) furnish proof that the cotton delivered under the contract is the subject of the declaration of area sown referred to in Article 16(2).

Article 12

1. In order to receive the aid, cotton ginning undertakings that gin cotton on behalf of individual producers or producer groups meeting the criteria laid down in paragraph 4 of Protocol 4 must:

- (a) have submitted a statement, approved by the producer or producer group concerned, giving details of the conditions under which the ginning is carried out and how the aid is administered;

- (b) undertake to pass on the full amount of the aid to the individual producers or, where applicable, the producer groups concerned;
- (c) satisfy the conditions referred to in Article 11(c);
- (d) furnish proof that the cotton referred to in the statement referred to in (a) has been the subject of the declaration of area sown referred to in Article 16(2);
- (e) furnish proof that producer groups are obliged to comply with an undertaking equivalent to the clause in the contract referred to in Article 11(a) and an undertaking by such groups to keep and produce supporting documents concerning payment of the minimum price to their members.

2. Failure to comply with the clause or undertaking referred to in paragraph 1(e) by a producer group having ginning carried out on its behalf shall be considered a failure to meet the criteria referred to in paragraph 4 of Protocol 4.

CHAPTER V

GRANT OF THE AID

Article 13

The aid shall be paid by the producer Member State in whose territory the ginning takes place.

Article 14

1. The amount of the aid to be paid shall be the amount applicable on the day the application for aid is made.

Aid applications shall be lodged, together with a security where required, during a period to be determined, for a quantity of unginning cotton which must enter the cotton ginning undertaking after the beginning of the marketing year concerned and before a date to be specified.

2. Entitlement to the aid shall be acquired when the cotton is ginned. However, aid may be paid in advance, at the request of the interested party, from 16 October following the start of the marketing year, when the unginning cotton enters the cotton ginning undertaking, provided an adequate security has been lodged. The amount of the advance shall be calculated in accordance with paragraph 3.

The balance of the aid shall be paid before the end of the marketing year at the latest, once any adjustments to the aid resulting from application of Article 7 have been determined.

3. The amount of the advance shall be equal to the guide price referred to in Article 3(1), minus the world price and reduced further by an amount calculated in accordance with Article 7, but replacing actual production by the estimated production fixed in accordance with the first indent of Article 19(2), plus 15 %.

From 16 December following the start of the marketing year, the amount of the advance referred to in the first subparagraph shall be replaced by a revised amount calculated using the same method but based on the revised production estimate fixed in accordance with the second indent of Article 19(2), plus at least 7,5 %. Advances paid between 16 October and 15 December shall be increased accordingly, except where the difference between the two amounts is less than EUR 1/100 kg.

Article 15

1. The aid shall be paid only for products of sound and fair merchantable quality.

2. If the quantity of ginned cotton is less than or equal to 33 % of the quantity of unginned cotton that has entered the cotton ginning undertaking, aid shall be granted for the quantity of ginned cotton, multiplied by 100 and divided by 32.

If the quantity of ginned cotton is greater than 33 % of the quantity of unginned cotton that has entered the cotton ginning undertaking, aid shall be granted for the quantity of unginned cotton, multiplied by 33 and divided by 32.

3. The quantity of ginned cotton shall be equal to its weight, adjusted where necessary for any difference between:

- either the percentage of impurities recorded compared to the representative percentage for grade 5 or the grade recorded and grade No 5, and
- the percentage moisture content recorded compared to the level representative of commercial fibre.

Article 16

1. The producer Member States shall set up a system of penalties and controls enabling them, in particular, to ensure that the minimum price is complied with and to ascertain:

- the quantity of unginned Community cotton which has entered each cotton ginning undertaking,
- the quantity of unginned Community cotton which has been ginned,
- the quantity of ginned cotton obtained in each cotton ginning undertaking from the cotton referred to in the first indent.

2. The producer Member States shall establish a system of declarations of the areas sown, in particular to ensure that cotton covered by aid applications is of the origin stated.

Article 17

1. Member States shall determine, for the cotton sector:

- measures to improve the environment, in particular cultivation techniques to reduce the negative impact on the environment,
- research programmes to develop more environmentally-friendly growing methods,
- the means of informing producers of the results of such research and the advantages of using the techniques concerned.

2. Member States shall take the environmental measures they consider suitable in view of the specific situation of the agricultural areas used for cotton production. In addition, Member States shall take the necessary steps to remind producers that they are required to comply with environmental legislation.

3. Member States shall, where appropriate, restrict the areas eligible for production aid for unginned cotton on the basis of objective criteria relating to:

- the agricultural economy of those regions where cotton is a major crop,
- the soil and climate in the areas in question,
- the management of irrigation water,
- rotation systems and cultivation methods likely to improve the environment.

4. Before 31 December 2004, the Hellenic Republic and the Kingdom of Spain shall send the Commission a report on the environmental situation in the cotton sector and the impact of national measures adopted in accordance with paragraphs 1, 2 and 3.

CHAPTER VI

GENERAL

Article 18

1. The Commission shall be assisted by the Management Committee of natural fibres established by Article 10 of Regulation (EC) No 1673/2000 (hereinafter referred to as 'the Committee').

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period provided for in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its rules of procedure.

Article 19

1. The detailed rules for implementation of this Regulation shall be adopted according to the procedure laid down in Article 18(2).

Such rules shall concern, *inter alia*, the information to be forwarded by Member States to the Commission and all the necessary inspection measures to protect the European Community's financial interests against fraud and other irregularities. These measures may be based on the integrated administration and control system established by Regulation (EEC) No 3508/92.

2. In accordance with the procedure referred to in Article 18(2), the Commission shall fix for each Member State concerned, before dates to be specified:

- taking account of crop forecasts, the estimated production referred to in the first subparagraph of Article 14(3) and the resultant provisional reduction in the guide price,

- taking account of the progress of the harvest, the revised production estimate referred to in the second subparagraph of Article 14(3) and the new resultant provisional reduction in the guide price,
- taking account in particular of the quantities on which aid has been applied for, actual production in the current marketing year, together with the reduction in the guide price referred to in Article 7 and the increase in the aid referred to in Article 8.

Article 20

Regulations (EC) No 2799/98 and No 1258/1999 on the financing of the common agricultural policy shall apply, *mutatis mutandis*, to the arrangements provided for in this Regulation.

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

Done at Brussels, 22 May 2001.

Article 21

If it proves necessary to introduce transitional measures to facilitate implementation of the adjustments to the system laid down by this Regulation, such measures shall be adopted in accordance with the procedure referred to in Article 18(2). They shall apply until the end of the 2001/2002 marketing year at the latest.

Article 22

Regulations (EEC) No 1964/87 and (EC) No 1554/95 are hereby repealed.

Article 23

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

It shall apply from 1 September 2001. However, Article 21 shall apply from the date of entry into force of this Regulation.

For the Council

The President

M. WINBERG

COMMISSION REGULATION (EC) No 1052/2001
of 31 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 1 June 2001.

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

Done at Brussels, 31 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 31 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	69,3
	999	69,3
0707 00 05	052	67,4
	628	106,1
	999	86,8
0709 90 70	052	84,3
	999	84,3
0805 30 10	388	69,3
	999	69,3
0808 10 20, 0808 10 50, 0808 10 90	388	81,3
	400	90,8
	508	72,7
	512	92,9
	528	79,4
	720	92,5
	804	109,2
	999	88,4
0809 20 95	052	408,4
	400	302,1
	608	244,3
	999	318,3

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

COMMISSION REGULATION (EC) No 1053/2001
of 31 May 2001
fixing the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 June 2001.

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

Done at Brussels, 31 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 256, 10.10.2000, p. 13.

ANNEX I

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

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (EUR/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00	0,00
	medium quality ⁽¹⁾	0,00	0,00
1001 90 91	Common wheat seed	0,00	0,00
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	0,00	0,00
	medium quality	15,11	5,11
	low quality	52,72	42,72
1002 00 00	Rye	50,05	40,05
1003 00 10	Barley, seed	50,05	40,05
1003 00 90	Barley, other ⁽³⁾	50,05	40,05
1005 10 90	Maize seed other than hybrid	71,32	61,32
1005 90 00	Maize other than seed ⁽³⁾	71,32	61,32
1007 00 90	Grain sorghum other than hybrids for sowing	50,05	40,05

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

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

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

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

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

ANNEX II

Factors for calculating duties

(period from 16 May to 30 May 2001)

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

Exchange quotations	Minneapolis	Kansas City	Chicago	Chicago	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	Medium quality (*)	US barley 2
Quotation (EUR/t)	138,88	136,54	112,49	88,22	200,70 (**)	190,70 (**)	109,17 (**)
Gulf premium (EUR/t)	—	18,53	4,97	10,64	—	—	—
Great Lakes premium (EUR/t)	29,04	—	—	—	—	—	—

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

(**) Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: 21,56 EUR/t; Great Lakes — Rotterdam: 32,51 EUR/t.

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

COMMISSION REGULATION (EC) No 1054/2001**of 31 May 2001****fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 June 2001.

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

Done at Brussels, 31 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 193, 29.7.2000, p. 3.

⁽⁵⁾ OJ L 288, 25.10.1974, p. 1.

ANNEX

to the Commission Regulation of 31 May 2001 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

(EUR/t)

Product code	Refund
1001 10 00 9400	0,00
1001 90 99 9000	13,50
1002 00 00 9000	34,50
1003 00 90 9000	0,00
1005 90 00 9000	36,00
1006 30 92 9100	228,00
1006 30 92 9900	228,00
1006 30 94 9100	228,00
1006 30 94 9900	228,00
1006 30 96 9100	228,00
1006 30 96 9900	228,00
1006 30 98 9100	228,00
1006 30 98 9900	228,00
1006 30 65 9900	228,00
1007 00 90 9000	36,00
1101 00 15 9100	9,50
1101 00 15 9130	9,00
1102 10 00 9500	48,25
1102 20 10 9200	54,52
1102 20 10 9400	46,73
1103 11 10 9200	0,00
1103 13 10 9100	70,09
1104 12 90 9100	50,74

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

COMMISSION REGULATION (EC) No 1055/2001
of 31 May 2001
amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products
from the Community to the French overseas departments

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) The amounts of aid for the supply of cereals products to the French overseas departments (FOD) has been settled by Commission Regulation (EEC) No 391/92 ⁽³⁾, as last amended by Regulation (EC) No 832/2001 ⁽⁴⁾, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 June 2001.

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

Done at Brussels, 31 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 356, 24.12.1991, p. 1.

⁽²⁾ OJ L 328, 23.12.2000, p. 2.

⁽³⁾ OJ L 43, 19.2.1992, p. 23.

⁽⁴⁾ OJ L 120, 28.4.2001, p. 16.

ANNEX

to the Commission Regulation of 31 May 2001 amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments

(EUR/t)

Product (CN code)	Amount of aid			
	Destination			
	Guadeloupe	Martinique	French Guiana	Réunion
Common wheat (1001 90 99)	21,00	21,00	21,00	25,00
Barley (1003 00 90)	21,00	21,00	21,00	25,00
Maize (1005 90 00)	42,00	42,00	42,00	45,00
Durum wheat (1001 10 00)	21,00	21,00	21,00	25,00
Oats (1004 00 00)	31,00	31,00	—	—

COMMISSION REGULATION (EC) No 1056/2001
of 31 May 2001
amending Regulation (EEC) No 1832/92 setting the amounts of aid for the supply of cereals
products from the Community to the Canary Islands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) The amounts of aid for the supply of cereals products to the Canary Islands has been settled by Commission Regulation (EEC) No 1832/92 ⁽³⁾, as last amended by Regulation (EC) No 833/2001 ⁽⁴⁾, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 June 2001.

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

Done at Brussels, 31 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 185, 4.7.1992, p. 26.

⁽⁴⁾ OJ L 120, 28.4.2001, p. 18.

ANNEX

to the Commission Regulation of 31 May 2001 amending Regulation (EEC) No 1832/92 setting the amounts of aid for the supply of cereals products from the Community to the Canary Islands

(EUR/t)

Product (CN code)		Amount of aid
Common wheat	(1001 90 99)	17,00
Barley	(1003 00 90)	17,00
Maize	(1005 90 00)	39,00
Durum wheat	(1001 10 00)	17,00
Oats	(1004 00 00)	28,00

COMMISSION REGULATION (EC) No 1057/2001
of 31 May 2001
amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply of cereals
products from the Community to the Azores and Madeira

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) The amounts of aid for the supply of cereals products to the Azores and Madeira has been settled by Commission Regulation (EEC) No 1833/92 ⁽³⁾, as last amended by Regulation (EC) No 831/2001 ⁽⁴⁾, whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid for supply to the Azores and

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 June 2001.

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

Done at Brussels, 31 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 185, 4.7.1992, p. 28.

⁽⁴⁾ OJ L 120, 28.4.2001, p. 14.

ANNEX

to the Commission Regulation of 31 May 2001 amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply of cereals products from the Community to the Azores and Madeira

(EUR/t)

Product (CN code)	Amount of aid	
	Destination	
	Azores	Madeira
Common wheat (1001 90 99)	17,00	17,00
Barley (1003 00 90)	17,00	17,00
Maize (1005 90 00)	39,00	39,00
Durum wheat (1001 10 00)	17,00	17,00

COMMISSION REGULATION (EC) No 1058/2001**of 31 May 2001****setting the amounts of aid for the supply of rice products from the Community to the Canary Islands**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 June 2001.

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

Done at Brussels, 31 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.

ANNEX

to the Commission Regulation of 31 May 2001 setting the amounts of aid for the supply of rice products from the Community to the Canary Islands

(EUR/t)

Product (CN code)	Amount of aid
Milled rice (1006 30)	223,00
Broken rice (1006 40)	49,00

**COMMISSION REGULATION (EC) No 1059/2001
of 31 May 2001**

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 June 2001.

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

Done at Brussels, 31 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 198, 17.7.1992, p. 37.

⁽⁶⁾ OJ L 178, 12.7.1994, p. 53.

ANNEX

to the Commission Regulation of 31 May 2001 setting the amounts of aid for the supply of rice products from the Community to the Azores and Madeira

(EUR/t)

Product (CN code)	Amount of aid	
	Destination	
	Azores	Madeira
Milled rice (1006 30)	223,00	223,00

**COMMISSION REGULATION (EC) No 1060/2001
of 31 May 2001**

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 214, 8.9.1995, p. 16.

⁽⁴⁾ OJ L 94, 9.4.1986, p. 9.

⁽⁵⁾ OJ L 227, 7.9.2000, p. 15.

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 June 2001.

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

Done at Brussels, 31 May 2001.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 31 May 2001 fixing the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	A00	EUR/100 kg dry matter	37,30 ⁽²⁾
1702 60 10 9000	A00	EUR/100 kg dry matter	37,30 ⁽²⁾
1702 60 80 9100	A00	EUR/100 kg dry matter	70,87 ⁽⁴⁾
1702 60 95 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,3730 ⁽¹⁾
1702 90 30 9000	A00	EUR/100 kg dry matter	37,30 ⁽²⁾
1702 90 60 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,3730 ⁽¹⁾
1702 90 71 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,3730 ⁽¹⁾
1702 90 99 9900	A00	EUR/1 % sucrose × net 100 kg of product	0,3730 ⁽¹⁾ ⁽³⁾
2106 90 30 9000	A00	EUR/100 kg dry matter	37,30 ⁽²⁾
2106 90 59 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,3730 ⁽¹⁾

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

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

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

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

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

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

COMMISSION REGULATION (EC) No 1061/2001
of 31 May 2001
altering the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) The refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 1042/2001 ⁽³⁾.
- (2) It follows from applying the detailed rules contained in Regulation (EC) No 1042/2001 to the information known to the Commission that the export refunds at

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 2038/1999, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 1042/2001 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 June 2001.

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

Done at Brussels, 31 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 145, 31.5.2001, p. 22.

ANNEX

to the Commission Regulation of 31 May 2001 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	A00	EUR/100 kg	34,31 ⁽¹⁾
1701 11 90 9910	A00	EUR/100 kg	34,16 ⁽¹⁾
1701 11 90 9950	A00	EUR/100 kg	⁽²⁾
1701 12 90 9100	A00	EUR/100 kg	34,31 ⁽¹⁾
1701 12 90 9910	A00	EUR/100 kg	34,16 ⁽¹⁾
1701 12 90 9950	A00	EUR/100 kg	⁽²⁾
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,3730
1701 99 10 9100	A00	EUR/100 kg	37,30
1701 99 10 9910	A00	EUR/100 kg	37,30
1701 99 10 9950	A00	EUR/100 kg	37,30
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,3730

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

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

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

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

COMMISSION REGULATION (EC) No 1062/2001**of 31 May 2001****fixing the export refunds on products processed from cereals and rice**

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 organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13(3) thereof,

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

Whereas:

(1) Article 13 of Regulation (EEC) No 1766/92 and Article 13 of Regulation (EC) No 3072/95 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund.

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

(3) Article 4 of Commission Regulation (EC) No 1518/95 ⁽⁵⁾, as amended by Regulation (EC) No 2993/95 ⁽⁶⁾, on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated.

(4) The refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product.

(5) There is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products. For certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time.

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

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

(8) Certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinized starch, no export refund is to be granted.

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(d) of Regulation (EEC) No 1766/92 and in Article 1(1)(c) of Regulation (EC) No 3072/95 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 193, 29.7.2000, p. 3.

⁽⁵⁾ OJ L 147, 30.6.1995, p. 55.

⁽⁶⁾ OJ L 312, 23.12.1995, p. 25.

Article 2

This Regulation shall enter into force on 1 June 2001.

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

Done at Brussels, 31 May 2001.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 31 May 2001 fixing the export refunds on products processed from cereals and rice

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 ⁽¹⁾	C01	EUR/t	54,52	1104 23 10 9100	A00	EUR/t	58,41
1102 20 10 9400 ⁽¹⁾	C01	EUR/t	46,73	1104 23 10 9300	A00	EUR/t	44,78
1102 20 90 9200 ⁽¹⁾	C01	EUR/t	46,73	1104 29 11 9000	A00	EUR/t	0,00
1102 90 10 9100	C01	EUR/t	0,00	1104 29 51 9000	A00	EUR/t	0,00
1102 90 10 9900	C01	EUR/t	0,00	1104 29 55 9000	A00	EUR/t	0,00
1102 90 30 9100	C01	EUR/t	45,67	1104 30 10 9000	A00	EUR/t	0,00
1103 12 00 9100	A00	EUR/t	45,67	1104 30 90 9000	A00	EUR/t	9,74
1103 13 10 9100 ⁽¹⁾	A00	EUR/t	70,09	1107 10 11 9000	A00	EUR/t	0,00
1103 13 10 9300 ⁽¹⁾	A00	EUR/t	54,52	1107 10 91 9000	A00	EUR/t	0,00
1103 13 10 9500 ⁽¹⁾	A00	EUR/t	46,73	1108 11 00 9200	A00	EUR/t	0,00
1103 13 90 9100 ⁽¹⁾	A00	EUR/t	46,73	1108 11 00 9300	A00	EUR/t	0,00
1103 19 10 9000	A00	EUR/t	40,59	1108 12 00 9200	A00	EUR/t	62,30
1103 19 30 9100	A00	EUR/t	0,00	1108 12 00 9300	A00	EUR/t	62,30
1103 21 00 9000	A00	EUR/t	0,00	1108 13 00 9200	A00	EUR/t	62,30
1103 29 20 9000	A00	EUR/t	0,00	1108 13 00 9300	A00	EUR/t	62,30
1104 11 90 9100	A00	EUR/t	0,00	1108 19 10 9200	A00	EUR/t	74,48
1104 12 90 9100	A00	EUR/t	50,74	1108 19 10 9300	A00	EUR/t	74,48
1104 12 90 9300	A00	EUR/t	40,59	1109 00 00 9100	A00	EUR/t	0,00
1104 19 10 9000	A00	EUR/t	0,00	1702 30 51 9000 ⁽²⁾	A00	EUR/t	61,04
1104 19 50 9110	A00	EUR/t	62,30	1702 30 59 9000 ⁽²⁾	A00	EUR/t	46,73
1104 19 50 9130	A00	EUR/t	50,62	1702 30 91 9000	A00	EUR/t	61,04
1104 21 10 9100	A00	EUR/t	0,00	1702 30 99 9000	A00	EUR/t	46,73
1104 21 30 9100	A00	EUR/t	0,00	1702 40 90 9000	A00	EUR/t	46,73
1104 21 50 9100	A00	EUR/t	0,00	1702 90 50 9100	A00	EUR/t	61,04
1104 21 50 9300	A00	EUR/t	0,00	1702 90 50 9900	A00	EUR/t	46,73
1104 22 20 9100	A00	EUR/t	40,59	1702 90 75 9000	A00	EUR/t	63,96
1104 22 30 9100	A00	EUR/t	43,13	1702 90 79 9000	A00	EUR/t	44,39
				2106 90 55 9000	A00	EUR/t	46,73

⁽¹⁾ No refund shall be granted on products given a heat treatment resulting in pregelatinisation of the starch.

⁽²⁾ Refunds are granted in accordance with Council Regulation (EEC) No 2730/75 (OJ L 281, 1.11.1975, p. 20), amended.

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

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

C01: All destinations except Poland.

COMMISSION REGULATION (EC) No 1063/2001
of 31 May 2001
fixing the export refunds on cereal-based compound feedingstuffs

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 organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1666/2000⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EEC) No 1766/92 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice⁽³⁾ in Article 2 lays down general rules for fixing the amount of such refunds.
- (3) That calculation must also take account of the cereal products content. In the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products. A

refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff.

- (4) Furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export.
- (5) However, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported.
- (6) The refund must be fixed once a month; whereas it may be altered in the intervening period.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EEC) No 1766/92 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 June 2001.

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

Done at Brussels, 31 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 51.

ANNEX

to the Commission Regulation of 31 May 2001 fixing the export refunds on cereal-based compound feeding-stuffs

Product codes benefiting from export refund:

2309 10 11 9000, 2309 10 13 9000, 2309 10 31 9000,
2309 10 33 9000, 2309 10 51 9000, 2309 10 53 9000,
2309 90 31 9000, 2309 90 33 9000, 2309 90 41 9000,
2309 90 43 9000, 2309 90 51 9000, 2309 90 53 9000.

Cereal products	Destination	Unit of measurement	Amount of refunds
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	A00	EUR/t	38,94
Cereal products excluding maize and maize products	A00	EUR/t	0,00

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

COMMISSION REGULATION (EC) No 1064/2001
of 31 May 2001
fixing production refunds on cereals and rice

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 ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 7 ⁽³⁾ thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽³⁾, as last amended by Regulation (EC) No 1667/2000 ⁽⁴⁾, and in particular Article 7(2) thereof,

Having regard to Commission Regulation (EEC) No 1722/93 of 30 June 1993 laying down detailed rules for the arrangements concerning production refunds in the cereals and rice sectors ⁽⁵⁾, as last amended by Regulation (EC) No 87/1999 ⁽⁶⁾, and in particular Article 3 thereof,

Whereas:

- (1) Regulation (EEC) No 1722/93 establishes the conditions for granting the production refund; whereas the basis for the calculation is established in Article 3 of the said Regulation; whereas the refund thus calculated must be

fixed once a month and may be altered if the price of maize and/or wheat changes significantly.

- (2) The production refunds to be fixed in this Regulation should be adjusted by the coefficients listed in the Annex II to Regulation (EEC) No 1722/93 to establish the exact amount payable.
- (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 refund referred to in Article 3(2) of Regulation (EEC) No 1722/93, expressed per tonne of starch extracted from maize, wheat, barley, oats, potatoes, rice or broken rice, shall be EUR 19,32/t.

Article 2

This Regulation shall enter into force on 1 June 2001.

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

Done at Brussels, 31 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 193, 29.7.2000, p. 3.

⁽⁵⁾ OJ L 159, 1.7.1993, p. 112.

⁽⁶⁾ OJ L 9, 15.1.1999, p. 8.

COMMISSION REGULATION (EC) No 1065/2001**of 31 May 2001****opening and providing for the administration of an import tariff quota for frozen beef intended for processing (1 July 2001 to 30 June 2002)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾ and in particular Article 32(1) thereof,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations ⁽²⁾, and in particular Article 1(1) thereof,

Whereas:

- (1) Pursuant to Schedule CXL, the Community has undertaken to open an annual import tariff quota of 50 700 tonnes of frozen beef intended for processing. The rules of application for the quota year 2001 to 2002 starting 1 July 2001 must be established.
- (2) The import of frozen beef under the tariff quota shall qualify for the total suspension of the specific rate of customs duty where the meat is intended for the manufacture of preserved food, which does not contain characteristic components other than beef and jelly. Where the meat is intended for other processed products containing beef the import shall qualify for a 55 % suspension of the autonomous specific rate of customs duty. The breakdown of the tariff quota into each of the arrangements referred to above should be made taking into account the experience gained in respect of similar imports in the past.
- (3) So as to avoid speculation, access to the quota should be allowed only to active processors carrying out processing in a processing establishment approved in accordance with Article 8 of Council Directive 77/99/EEC ⁽³⁾, as last amended by Directive 97/76/EC ⁽⁴⁾.
- (4) Imports into the Community under the present tariff quota are subject to presentation of an import licence. Licences may be issued following allocations of import rights on the basis of applications from eligible processors. Subject to the provisions of this Regulation the provisions of Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed

rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽⁵⁾, and Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80 ⁽⁶⁾, as last amended by Regulation (EC) No 24/2001 ⁽⁷⁾, shall apply to import licences issued under this Regulation.

- (5) In order to prevent speculation, import licences should be issued to processors solely for the quantities for which they have been allocated import rights. Moreover, for the same reason, security should be lodged together with the application for import rights. The application for import licences corresponding to the allocated rights should be a primary requirement within the meaning of Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products ⁽⁸⁾, as last amended by Regulation (EC) No 1932/1999 ⁽⁹⁾.
- (6) With a view to using up quota quantities completely, a closing date should be set for the submission of import licence applications and provision should be made for a further allocation of quantities not covered by licence application submitted by that date. In the light of the experience obtained that allocation should be limited to processors who have converted all their import rights initially allocated into import licences.
- (7) The application of the present tariff quota requires strict surveillance of imports and effective checks as to their use and destination. Whereas the processing should therefore be authorised only in the establishment referred to in box 20 of the import licence; whereas, furthermore, a security shall be lodged in order to ensure that the imported meat is used according to the tariff quota specifications. Whereas the amount of security should be fixed taking into account the difference between the customs duties applicable inside and outside the quota.
- (8) The Management Committee for Beef and Veal has not delivered an opinion within the time limit set by its Chairman,

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 146, 20.6.1996, p. 1.

⁽³⁾ OJ L 26, 31.1.1977, p. 85.

⁽⁴⁾ OJ L 10, 16.1.1998, p. 25.

⁽⁵⁾ OJ L 152, 24.6.2000, p. 1.

⁽⁶⁾ OJ L 143, 27.6.1995, p. 35.

⁽⁷⁾ OJ L 3, 6.1.2001, p. 9.

⁽⁸⁾ OJ L 205, 3.8.1985, p. 5.

⁽⁹⁾ OJ L 240, 10.9.1999, p. 11.

HAS ADOPTED THIS REGULATION:

Article 1

1. An import tariff quota of 50 700 tonnes, bone-in equivalent of frozen beef falling within CN code 0202 20 30, 0202 30 10, 0202 30 50, 0202 30 90 or 0206 29 91 and intended for processing in the Community is hereby opened for the period 1 July 2001 to 30 June 2002.

2. The overall quantity referred to in paragraph 1 shall be divided into two quantities:

- (a) 40 000 tonnes of frozen beef intended for the manufacture of preserved food as defined in Article 7(a);
- (b) 10 700 tonnes of frozen beef intended for the manufacture of products as defined in Article 7(b).

3. The quota shall bear the following order numbers:

- 09.4057 for the quantity referred to in paragraph 2(a),
- 09.4058 for the quantity referred to in paragraph 2(b).

4. The customs import duties to apply on frozen beef under the present tariff quota are those referred to in order No 13 of Annex 7 to Part Three of Commission Regulation (EC) No 2263/2000 of 13 October 2000 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾.

Article 2

1. An application for import rights is valid only if it is lodged by, or on behalf of a natural or legal person who, at least once during the 12 months prior to the entry into force of this Regulation, has been active in production of processed products containing beef. Furthermore, the application shall be lodged by, or on behalf of a processing establishment approved pursuant to Article 8 of Directive 77/99/EEC. For each quantity referred to in Article 1(2) only one application for import rights which shall not exceed 10 % of each quantity available may be accepted in respect of each approved processing establishment.

Applications for import rights may be presented only in the Member State in which the processor is registered for VAT purposes.

2. A security of EUR 6 per 100 kgs shall be lodged together with the application for import rights.

3. Applicants no longer active in the meat processing industry on 1 June 2001 shall not qualify under the arrangements provided for in this Regulation.

4. Documentary evidence, to the satisfaction of the competent authority, of compliance with the conditions of the preceding paragraphs shall be lodged together with the application.

Article 3

1. Each application for import rights for production of A products or B products shall be expressed in bone-in equivalence and shall not exceed 10 % of the available quantity under each of the two categories.

2. Each application referring to either A products or B products shall reach the competent authority by 8 June 2001.

3. Member States shall forward to the Commission by 22 June 2001 a list of applicants and quantities applied for under each of the two categories together with the approval numbers of the processing establishments concerned.

All communications, including nil returns, shall be sent by fax using the forms in Annexes I and II.

4. The Commission shall decide as soon as possible to what extent applications may be accepted, where necessary as a percentage of the quantity applied for.

Article 4

1. Any import of frozen beef for which import rights have been allocated pursuant to Article 3 shall be subject to presentation of an import licence.

2. As to the security referred to in Article 2(2) the application for import licences corresponding to the allocated import rights shall be a primary requirement within the meaning of Article 20(2) of Regulation (EEC) No 2220/85.

Where in application of Article 3(3) the Commission fixes a reduction coefficient the security lodged shall be released in respect of the import rights applied for which exceed the allocated import rights.

3. Within his allocated import rights a processor may apply for import licences until 22 February 2002 at the latest.

4. Licence applications may be lodged solely:

- in the Member State in which the application for import rights has been lodged, and
- by processors or on behalf of processors to whom import rights have been allocated. Import rights allocated to processors entitle them to import licences for quantities equivalent to the rights allocated.

For the purpose of this paragraph 100 kilograms of bone-in beef equals 77 kilograms of boneless beef.

⁽¹⁾ OJ L 264, 18.10.2000, p. 1.

5. A security shall be lodged with the competent authority at the time of importation ensuring that the processor having been allocated import rights processes the entire quantity of meat imported into the required finished products in his establishment specified in the licence application, within three months following the day of importation.

The amounts of the security are fixed in Annex III.

Article 5

1. On the licence application and the licence itself shall be entered:

- (a) in box 8, the country of origin;
- (b) in box 16, one of the eligible CN codes;
- (c) in box 20, at least one of the following endorsements:
 - Certificado válido en ... (Estado miembro expedidor)/carne destinada a la transformación ... [productos A] [productos B] (táchese lo que no proceda) en ... (designación exacta y número de registro del establecimiento en el que vaya a procederse a la transformación)/Reglamento (CE) n° 1065/2001.
 - Licens gyldig i ... (udstedende medlemsstat)/Kød bestemt til forarbejdning til (A-produkter) (B-produkter) (det ikke gældende overstreges) i ... (nøjagtig betegnelse for den virksomhed, hvor forarbejdningen sker)/forordning (EF) nr. 1065/2001.
 - In ... (ausstellender Mitgliedstaat) gültige Lizenz/Fleisch für die Verarbeitung zu [A-Erzeugnissen] [B-Erzeugnissen] (Unzutreffendes bitte streichen) in ... (genaue Bezeichnung des Betriebs, in dem die Verarbeitung erfolgen soll)/Verordnung (EG) Nr. 1065/2001.
 - Η άδεια ισχύει ... (κράτος μέλος έκδοσης)/Κρέας που προορίζεται για μεταποίηση ... [προϊόντα A] [προϊόντα B] (διαγράφεται η περιττή ένδειξη) ... (ακριβής περιγραφή και αριθμός έγκρισης της εγκατάστασης όπου πρόκειται να πραγματοποιηθεί η μεταποίηση)/Κανονισμός (ΕΚ) αριθ. 1065/2001.
 - Licence valid in ... (issuing Member State)/Meat intended for processing ... [A-products] [B-products] (delete as appropriate) at ... (exact designation and approval No of the establishment where the processing is to take place)/Regulation (EC) No 1065/2001.
 - Certificat valable ... (État membre émetteur)/viande destinée à la transformation de ... [produits A] [produits B] (rayer la mention inutile) dans ... (désignation exacte et numéro d'agrément de l'établissement dans lequel la transformation doit avoir lieu)/règlement (CE) n° 1065/2001.
 - Titolo valido in ... (Stato membro di rilascio)/Carni destinate alla trasformazione ... [prodotti A] [prodotti B] (depennare la voce inutile) presso ... (esatta designazione e numero di riconoscimento dello stabilimento nel quale è prevista la trasformazione)/Regolamento (CE) n. 1065/2001.
 - Certificaat geldig in ... (lidstaat van afgifte)/Vlees bestemd voor verwerking tot [A-producten] [B-producten] (doorhalen wat niet van toepassing is) in ... (nauwkeurige aanduiding en toelatingsnummer van

het bedrijf waar de verwerking zal plaatsvinden)/Verordening (EG) nr. 1065/2001.

- Certificado válido em ... (Estado-Membro emissor)/carne destinada à transformação ... [produtos A] [produtos B] (riscar o que não interessa) em ... (designação exacta e número de aprovação do estabelecimento em que a transformação será efectuada)/Regulamento (CE) n.º 1065/2001.
- Todistus on voimassa ... (myöntäjäsenvaltio) / Liha on tarkoitettu [A-luokan tuotteet] [B-luokan tuotteet] (tarpeeton poistettava) jalostukseen ...ssa (tarkka ilmoitus laitoksesta, jossa jalostus suoritetaan, hyväksyntänumero mukaan lukien) / Asetus (EY) N:o 1065/2001.
- Licensen är giltig i ... (utfärdande medlemsstat)/Kött avsett för bearbetning ... [A-produkter] [B-produkter] (stryk det som inte gäller) vid ... (exakt angivelse av och godkännandenummer för anläggningen där bearbetningen skall ske)/Förordning (EG) nr 1065/2001.

2. Without prejudice to the provisions of this Regulation, Regulations (EC) No 1291/2000 and (EC) No 1445/95 shall apply.

3. Import licences shall be valid for 120 days from the date of issue within the meaning of Article 23(1) of Regulation (EC) No 1291/2000. However, no licence shall be valid after 30 June 2002.

4. In application of Article 50(1) of Regulation (EC) No 1291/2000, the full Common Customs Tariff duty applicable on the date of release for free circulation shall be collected in respect of all quantities imported in excess of those shown on the import licence.

Article 6

1. Quantities for which import licence applications have not been lodged by 22 February 2002 shall be subject to a further allocation of import rights.

To that end, by 1 March 2002, Member States shall forward to the Commission details of the quantities for which no applications have been received.

2. The Commission shall decide as soon as possible on the breakdown of those quantities into those intended for A products and those intended for B products. In doing so, the actual utilisation of the import rights allocated pursuant to Article 3 under each of the two categories may be taken into account.

3. The allocation of the remaining quantities shall be limited to processors who have applied for import licences in respect of all the import rights granted to him in application of Article 3.

4. For the purposes of this Article, Articles 2 to 5 shall apply. However, the date for application referred to in Article 3(2) shall be 26 March 2002 and the date for communication referred to in Article 3(3) shall be 2 April 2002.

Article 7

For the purposes of this Regulation:

- (a) an A product shall be defined as a processed product falling within CN code 1602 10, 1602 50 31, 1602 50 39 or 1602 50 80, not containing meat other than that of animals of the bovine species, with a collagen/protein ratio of no more than 0,45 % ⁽¹⁾ and containing by weight at least 20 % ⁽²⁾ of lean meat excluding offal ⁽³⁾ and fat with meat and jelly accounting for at least 85 % of the total net weight.

The product must be subjected to a heat treatment sufficient to ensure the coagulation of meat proteins in the whole of the product which may not show any traces of a pinkish liquid on the cut surface when the product is cut along a line passing through its thickest part;

- (b) a B product shall be defined as a processed product containing beef, other than:
- one specified in Article 1(1)(a) of Council Regulation (EC) No 1254/1999, or
 - one referred to under (a).

However, a processed product falling within CN code 0210 20 90 which has been dried or smoked so that the colour and consistency of the fresh meat has totally disappeared and with a water/protein ratio not exceeding 3,2 shall be considered to be a B product.

Article 8

Member States shall set up a system of physical and documentary supervision to ensure that all meat is processed into the category of product specified on the import licence concerned.

The system must include physical checks of quantity and quality at the start of the processing, during the processing and after the processing operation is completed. To this end, processors shall at any time be able to demonstrate the identity and use of the imported meat through appropriate production records.

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

Done at Brussels, 31 May 2001.

Technical verification of the production method by the competent authority may, to the extent necessary, make allowance for drip losses and trimmings.

In order to verify the quality of the finished product and establish its conformity with the processor's recipe Member States shall proceed to representative samplings and analysis of those products. The costs of such operations shall be born by the processor concerned.

Article 9

1. The security referred to in Article 4(5) shall be released in proportion to the quantity for which, within seven months from the day of importation, proof has been furnished to the satisfaction of the competent authority that all or part of the imported meat has been processed into the relevant products within three months following the day of importation in the designated establishment.

However,

- (a) if processing took place after the abovementioned three-month time limit, the security shall be released minus:
- 15 %, and
 - 2 % of the remaining amount for each day by which the time limit has been exceeded;
- (b) if proof of processing is established within the abovementioned seven-month time limit and is produced within 18 months following those seven months the amount forfeited less 15 % of the security amount, shall be repaid.

2. The amount of security not released shall be forfeited and retained as a customs duty.

Article 10

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

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ Determination of collagen content: the collagen content shall be taken to mean the hydroxyproline content multiplied by the factor 8. The hydroxyproline content must be determined according to ISO method 3496-1994.

⁽²⁾ The lean bovine meat content excluding fat is determined in accordance with the procedure laid down in the Annex to Commission Regulation (EEC) No 2429/86 (OJ L 210, 1.8.1986, p. 39).

⁽³⁾ Offal includes the following: heads and cuts thereof (including ears), feet, tails, hearts, udders, livers, kidneys, sweetbreads (thymus glands and pancreas), brains, lungs, throats, thick skirts, spleens, tongues, caul, spinal cords, edible skin, reproductive organs (i.e. uteri, ovaries and testes), thyroid glands, pituitary glands.

ANNEX I

EC Fax: (32-2) 296 60 27/(32-2) 295 36 79

Application of Article 3(1) and (2) of Regulation (EC) No 1065/2001

A — product — Order No 09.4057

COMMISSION OF THE EUROPEAN COMMUNITIES

DG AGRI/D 2 — BEEF AND VEAL SECTOR

Application for import rights

Date: Period:

Number of applicant (¹)	Applicant (name and address)	Approval number	Quantity (in tonnes bone in)
Total			

Member State: Fax:

Tel:

(¹) Continuous numbering.

ANNEX II

EC Fax: (32-2) 296 60 27/(32-2) 295 36 79

Application of Article 3(1) and (2) of Regulation (EC) No 1065/2001

B — product — Order No 09.4058

COMMISSION OF THE EUROPEAN COMMUNITIES

DG AGRI/D 2 — BEEF AND VEAL SECTOR

Application for import rights

Date: Period:

Number of applicant (!)	Applicant (name and address)	Approval number	Quantity (in tonnes bone in)
Total			

Member State: Fax:

Tel:

(!) Continuous numbering.

ANNEX III

AMOUNTS OF SECURITY ⁽¹⁾*(EUR/1 000 kg net)*

Product (CN code)	For manufacture of A products	For manufacture of B products
0202 20 30	1 414	420
0202 30 10	2 211	657
0202 30 50	2 211	657
0202 30 90	3 041	903
0206 29 91	3 041	903

⁽¹⁾ The exchange rate to be applied shall be the exchange rate on the day preceeding the lodging of the security.

**COMMISSION REGULATION (EC) No 1066/2001
of 31 May 2001**

determining, for the 2001 marketing year, the estimated loss of income and the estimated level of premium payable per ewe and per female goat and fixing the first advance payment for this premium and an advance payment of the specific aid for sheep and goat farming in certain less-favoured areas of the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2467/98 of 3 November 1998 on the common organisation of the market in sheepmeat and goatmeat ⁽¹⁾, as amended by Regulation (EC) No 1669/2000 ⁽²⁾, and in particular Article 5(6) thereof,

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 ⁽³⁾, as last amended by Regulation (EC) No 2826/2000 ⁽⁴⁾ and in particular Article 13 thereof,

Whereas:

- (1) Article 5(1) and (5) of Regulation (EC) No 2467/98 provides for the grant of a premium to compensate for any loss of income sustained by producers of sheepmeat and, in certain areas, of goatmeat. Those areas are defined in Annex I to Regulation (EC) No 2467/98 and in Article 1 of Commission Regulation (EC) No 2738/1999 of 21 December 1999 determining the mountain areas in which the premium for goatmeat is granted ⁽⁵⁾.
- (2) Pursuant to Article 5(6) of Regulation (EC) No 2467/98 and to enable an advance payment to be made to sheepmeat and goatmeat producers, the foreseeable loss of income should be estimated in the light of the foreseeable trend in market prices.
- (3) Pursuant to Article 5(2) of Regulation (EC) No 2467/98, the amount of the premium per ewe for producers of heavy lambs is obtained by multiplying the loss of income referred to in the second subparagraph of paragraph 1 of that Article by a coefficient expressing the annual average production of heavy lamb meat per ewe producing these lambs expressed per 100 kg of carcass weight. The coefficient for 2001 has not yet been fixed in view of the lack of full Community statistics. Pending the fixing of that coefficient, a provisional coefficient should be used. Article 5(3) of that Regulation also fixes the amount per ewe for producers of light lambs and per female of the caprine species at 80 % of the premium per ewe for producers of heavy lambs.

- (4) Pursuant to Article 13 of Regulation (EC) No 2467/98, the premium must be reduced by the impact on the basic price of the coefficient provided for in paragraph 2 of that Article. That coefficient is fixed by Article 13(4) at 7 %.
- (5) In accordance with Article 5(6) of Regulation (EC) No 2467/98, the half-yearly advance payment is fixed at 30 % of the expected premium. In accordance with Article 4(3) of Commission Regulation (EEC) No 2700/93 ⁽⁶⁾ as last amended by Regulation (EC) No 394/2001 ⁽⁷⁾, the advance payment is to be paid only if it is equal to or greater than EUR 1.
- (6) Under Regulation (EEC) No 1323/90 ⁽⁸⁾, as last amended by Regulation (EC) No 193/98 ⁽⁹⁾, the Council instituted specific aid for sheep and goat farming in certain less-favoured areas of the Community. It lays down that the aid is to be granted under the same conditions as those for the grant of the premium for producers of sheepmeat and goatmeat. In view of the present uncertainty of the market situation in certain Member States, the Member States should be authorised, for the 2001 marketing year, to pay immediately an amount equal to 90 % of the aid.
- (7) Regulation (EEC) No 1601/92 provides for the application of specific measures relating to agricultural production in the Canary Islands. Those measures entail the grant of a supplement to the ewe premium payable to producers of light lambs and she-goats on the same conditions as those governing the grant of the premium referred to in Article 5 of Regulation (EC) No 2467/98. Those conditions provide that Spain is authorised to pay an advance on the said supplementary premium.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sheep and Goats,

HAS ADOPTED THIS REGULATION:

Article 1

The difference, which is hereby estimated between the basic price, reduced by the impact of the coefficient laid down in Article 13(2) of Regulation (EC) No 2467/98, and the foreseeable market price for 2001, is EUR 83,785 per 100 kg.

⁽¹⁾ OJ L 312, 20.11.1998, p. 1.

⁽²⁾ OJ L 193, 29.7.2000, p. 8.

⁽³⁾ OJ L 173, 27.6.1992, p. 13.

⁽⁴⁾ OJ L 328, 23.12.2000, p. 2.

⁽⁵⁾ OJ L 328, 22.12.1999, p. 59.

⁽⁶⁾ OJ L 245, 1.10.1993, p. 99.

⁽⁷⁾ OJ L 58, 28.2.2001, p. 9.

⁽⁸⁾ OJ L 132, 23.5.1990, p. 17.

⁽⁹⁾ OJ L 20, 27.1.1998, p. 18.

Article 2

The estimated amount of the premium payable in respect of the 2001 marketing year shall be as follows:

- EUR 13,129 per ewe in case of producers of heavy lambs,
- EUR 10,503 per ewe in case of producers of light lambs,
- EUR 10,503 per she-goat in the areas designated in Annex I to Regulation (EC) No 2467/98 and in Article 1 of Regulation (EC) No 2738/1999.

Article 3

Pursuant to Article 5(6) of Regulation (EC) No 2467/98, the first advance that the Member States are authorised to pay to producers shall be as follows:

- EUR 3,939 per ewe in case of producers of heavy lambs.
- EUR 3,151 per ewe in case of producers of light lambs.
- EUR 3,151 per she-goat in the areas designated in Annex I to Regulation (EC) No 2467/98 and in Article 1 of Regulation (EC) No 2738/1999.

Article 4

The advance of the specific aid which the Member States are authorised to pay to producers of sheepmeat and goatmeat in less-favoured areas pursuant to Article 1(1) of Regulation (EEC)

No 1323/90, within the meaning of Council Regulation (EC) No 1257/99 ⁽¹⁾, shall be as follows:

- EUR 5,977 per ewe in case of producers of heavy lambs,
- EUR 5,397 per ewe in case of producers of light lambs,
- EUR 5,379 per she-goat in the areas designated in Annex I to Regulation (EC) No 2467/98 and in Article 1 of Regulation (EC) No 2738/1999.

Article 5

Pursuant to Article 13(3) of Regulation (EEC) No 1601/92 the first advance on the supplementary premium for the 2001 marketing year for producers of light lambs and she-goats in the Canary Islands within the limits provided for in Article 1(1) of Council Regulation (EEC) No 3493/90 ⁽²⁾ shall be EUR 1,386 per ewe and/or she-goat.

Article 6

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, 31 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 80.

⁽²⁾ OJ L 337, 4.12.1990, p. 7.

COMMISSION REGULATION (EC) No 1067/2001
of 31 May 2001
fixing the import duties in the rice sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 June 2001.

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

Done at Brussels, 31 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 193, 29.7.2000, p. 3.

⁽³⁾ OJ L 189, 30.7.1996, p. 71.

⁽⁴⁾ OJ L 351, 29.12.1998, p. 25.

ANNEX I

Import duties on rice and broken rice

(EUR/t)

CN code	Duties (7)				
	Third countries (except ACP and Bangladesh) (7)	ACP (1) (2) (3)	Bangladesh (4)	Basmati India and Pakistan (6)	Egypt (8)
1006 10 21	(7)	69,51	101,16		158,25
1006 10 23	(7)	69,51	101,16		158,25
1006 10 25	(7)	69,51	101,16		158,25
1006 10 27	(7)	69,51	101,16		158,25
1006 10 92	(7)	69,51	101,16		158,25
1006 10 94	(7)	69,51	101,16		158,25
1006 10 96	(7)	69,51	101,16		158,25
1006 10 98	(7)	69,51	101,16		158,25
1006 20 11	264,00	88,06	127,66		198,00
1006 20 13	264,00	88,06	127,66		198,00
1006 20 15	264,00	88,06	127,66		198,00
1006 20 17	208,33	68,57	99,82	0,00	156,24
1006 20 92	264,00	88,06	127,66		198,00
1006 20 94	264,00	88,06	127,66		198,00
1006 20 96	264,00	88,06	127,66		198,00
1006 20 98	208,33	68,57	99,82	0,00	156,24
1006 30 21	(7)	133,21	193,09		312,00
1006 30 23	(7)	133,21	193,09		312,00
1006 30 25	(7)	133,21	193,09		312,00
1006 30 27	(7)	133,21	193,09		312,00
1006 30 42	(7)	133,21	193,09		312,00
1006 30 44	(7)	133,21	193,09		312,00
1006 30 46	(7)	133,21	193,09		312,00
1006 30 48	(7)	133,21	193,09		312,00
1006 30 61	(7)	133,21	193,09		312,00
1006 30 63	(7)	133,21	193,09		312,00
1006 30 65	(7)	133,21	193,09		312,00
1006 30 67	(7)	133,21	193,09		312,00
1006 30 92	(7)	133,21	193,09		312,00
1006 30 94	(7)	133,21	193,09		312,00
1006 30 96	(7)	133,21	193,09		312,00
1006 30 98	(7)	133,21	193,09		312,00
1006 40 00	(7)	41,18	(7)		96,00

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

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

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

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

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

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

(7) Duties fixed in the Common Customs Tariff.

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

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	(¹)	208,33	416,00	264,00	416,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	339,50	259,00	239,54	260,46	—
(b) fob price (EUR/tonne)	—	—	—	204,49	225,41	—
(c) Sea freight (EUR/tonne)	—	—	—	35,05	35,05	—
(d) Source	—	USDA and operators	USDA and operators	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 1068/2001

of 31 May 2001

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 June 2001.

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

Done at Brussels, 31 May 2001.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 177, 15.7.2000, p. 1.

⁽⁴⁾ OJ L 276, 28.10.2000, p. 3.

ANNEX

to the Commission Regulation of 31 May 2001 fixing the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex I to the Treaty

Product	Rate of refund in EUR/100 kg	
	In case of advance fixing of refunds	Other
White sugar:	37,30	37,30

COMMISSION REGULATION (EC) No 1069/2001

of 31 May 2001

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

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

Article 2

This Regulation shall enter into force on 1 June 2001.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 177, 15.7.2000, p. 1.

⁽⁴⁾ OJ L 276, 28.10.2000, p. 3.

⁽⁵⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁶⁾ OJ L 76, 25.3.2000, p. 9.

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

Done at Brussels, 31 May 2001.

For the Commission
Erkki LIIKANEN
Member of the Commission

ANNEX

to the Commission Regulation of 31 May 2001 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty

(EUR/100 kg)

CN code	Description	Rate of refund
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2): (a) On exportation of goods of CN code 3501 (b) On exportation of other goods	 — 5,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3): (a) Where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 2571/97 are exported (b) On exportation of other goods	 27,48 61,00
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6): (a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 2571/97 are exported (b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat (c) On exportation of other goods	 75,00 177,25 170,00

COMMISSION REGULATION (EC) No 1070/2001

of 31 May 2001

fixing the rates of the refunds applicable to certain cereal and rice-products exported in the form of goods not covered by Annex I to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13(3) thereof,

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

Whereas:

- (1) Article 13(1) of Regulation (EEC) No 1766/92 and Article 13(1) of Regulation (EC) No 3072/95 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽⁵⁾, as amended by Regulation (EC) No 2390/2000 ⁽⁶⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 as appropriate.
- (3) In accordance with the first subparagraph of Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.
- (4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. Whereas it is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. Whereas the fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

(5) Now that a settlement has been reached between the European Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC ⁽⁷⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.

(6) Pursuant to Article 4(3) and (5) of Regulation (EC) No 1520/2000 provides that a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Council Regulation (EEC) No 1722/93 ⁽⁸⁾, as last amended by Commission Regulation (EC) No 87/1999 ⁽⁹⁾, for the basic product in question, used during the assumed period of manufacture of the goods.

(7) Spirituous beverages are considered less sensitive to the price of the cereals used in their manufacture. However, Protocol 19 of the Act of Accession of the United Kingdom, Ireland and Denmark stipulates that the necessary measures must be decided to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals. Accordingly, it is necessary to adapt the refund rate applying to cereals exported in the form of spirituous beverages.

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

(9) 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 rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1(1) of Regulation (EC) No 3072/95, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to amended Regulation (EC) No 3072/95 respectively, are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 June 2001.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 193, 29.7.2000, p. 3.

⁽⁵⁾ OJ L 177, 15.7.2000, p. 1.

⁽⁶⁾ OJ L 276, 28.10.2000, p. 3.

⁽⁷⁾ OJ L 275, 29.9.1987, p. 36.

⁽⁸⁾ OJ L 159, 1.7.1993, p. 112.

⁽⁹⁾ OJ L 9, 15.1.1999, p. 8.

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

Done at Brussels, 31 May 2001.

For the Commission
Erkki LIIKANEN
Member of the Commission

ANNEX

to the Commission Regulation of 31 May 2001 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in other cases	— —	— —
1001 90 99	Common wheat and meslin: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in other cases: – – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where goods falling within subheading 2208 ⁽³⁾ are exported – – in other cases	— — — —	— — — —
1002 00 00	Rye	4,059	4,059
1003 00 90	Barley – where goods falling within subheading 2208 ⁽³⁾ are exported – in other cases	— —	— —
1004 00 00	Oats	2,537	2,537
1005 90 00	Maize (corn) used in the form of: – starch: – – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where goods falling within subheading 2208 ⁽³⁾ are exported – – in other cases – glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽⁴⁾ : – – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where goods falling within subheading 2208 ⁽³⁾ are exported – – in other cases – where goods falling within subheading 2208 ⁽³⁾ are exported – other (including unprocessed) Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize: – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where goods falling within subheading 2208 ⁽³⁾ are exported – in other cases	2,461 1,708 3,894 1,488 1,281 2,921 1,708 3,894 2,461 1,708 3,894	2,461 1,708 3,894 1,488 1,281 2,921 1,708 3,894 2,461 1,708 3,894

(EUR/100 kg)

(EUR/100 kg)

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly-milled rice: – round grain	21,500	21,500
	– medium grain	21,500	21,500
	– long grain	21,500	21,500
1006 40 00	Broken rice	4,900	4,900
1007 00 90	Sorghum	—	—

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E of amended Commission Regulation (EC) No 1520/2000 shall be applied (OJ L 177, 15.7.2000, p. 1).

⁽²⁾ The goods concerned fall under CN code 3505 10 50.

⁽³⁾ Goods listed in Annex B of Council Regulation (EEC) No 1766/92 or referred to in Article 2 of Regulation (EEC) No 2825/93.

⁽⁴⁾ For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

COMMISSION REGULATION (EC) No 1071/2001
of 31 May 2001
concerning tenders notified in response to the invitation to tender for the export of common
wheat issued in Regulation (EC) No 1701/2000

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⁽¹⁾, as last amended by Regulation (EC) No 1666/2000⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 602/2001⁽⁴⁾, and in particular Article 4 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of common wheat to all third countries, with the exclusion of Poland and of certain ACP States, was opened pursuant to Commission Regulation (EC) No 1701/2000⁽⁵⁾, as last amended by Regulation (EC) No 945/2001⁽⁶⁾.

- (2) Article 7 of Regulation (EC) No 1501/95 allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 and on the basis of the tenders notified, to make no award.
- (3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 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 notified from 25 to 31 May 2001 in response to the invitation to tender for the refund for the export of common wheat issued in Regulation (EC) No 1701/2000.

Article 2

This Regulation shall enter into force on 1 June 2001.

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

Done at Brussels, 31 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 89, 29.3.2001, p. 16.

⁽⁵⁾ OJ L 195, 1.8.2000, p. 18.

⁽⁶⁾ OJ L 133, 16.5.2001, p. 7.

COMMISSION REGULATION (EC) No 1072/2001**of 31 May 2001****concerning tenders notified in response to the invitation to tender for the export of common wheat issued in Regulation (EC) No 943/2001**

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 ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 602/2001 ⁽⁴⁾, and in particular Article 4 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of common wheat to all third countries, with the exclusion of Poland, was opened pursuant to Commission Regulation (EC) No 943/2001 ⁽⁵⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92

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

- (3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 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 notified from 25 to 31 May 2001 in response to the invitation to tender for the refund for the export of common wheat issued in Regulation (EC) No 943/2001.

Article 2

This Regulation shall enter into force on 1 June 2001.

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

Done at Brussels, 31 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 89, 29.3.2001, p. 16.

⁽⁵⁾ OJ L 133, 16.5.2001, p. 3.

COMMISSION REGULATION (EC) No 1073/2001
of 31 May 2001
concerning tenders notified in response to the invitation to tender for the export of oats issued in
Regulation (EC) No 2097/2000

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⁽¹⁾, as last amended by Regulation (EC) No 1666/2000⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 602/2001⁽⁴⁾,

Having regard to Commission Regulation (EC) No 2097/2000 of 3 October 2000 on a special intervention measure for cereals in Finland and Sweden⁽⁵⁾, as last amended by Regulation (EC) No 680/2001⁽⁶⁾, and in particular Article 8 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland or Sweden to all third countries was opened pursuant to Regulation (EC) No 2097/2000.

- (2) Article 8 of Regulation (EC) No 2097/2000 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to make no award.
- (3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 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 notified from 25 to 31 May 2001 in response to the invitation to tender for the refund for the export of oats issued in Regulation (EC) No 2097/2000.

Article 2

This Regulation shall enter into force on 1 June 2001.

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

Done at Brussels, 31 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 89, 29.3.2001, p. 16.

⁽⁵⁾ OJ L 249, 4.10.2000, p. 15.

⁽⁶⁾ OJ L 94, 4.4.2001, p. 20.

COMMISSION REGULATION (EC) No 1074/2001**of 31 May 2001****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

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 ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13(2) thereof,

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 602/2001 ⁽⁴⁾.
- (3) As far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture. These quantities were fixed in Regulation (EC) No 1501/95.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 June 2001.

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

Done at Brussels, 31 May 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 89, 29.3.2001, p. 16.

ANNEX

**to the Commission Regulation of 31 May 2001 fixing the export refunds on cereals and on wheat or rye flour,
groats and meal**

Product code	Destination	Unit of measurement	Amount of refunds	Product code	Destination	Unit of measurement	Amount of refunds
1001 10 00 9200	—	EUR/t	—	1101 00 11 9000	—	EUR/t	—
1001 10 00 9400	—	EUR/t	—	1101 00 15 9100	C01	EUR/t	9,50
1001 90 91 9000	—	EUR/t	—	1101 00 15 9130	C01	EUR/t	9,00
1001 90 99 9000	C01	EUR/t	0	1101 00 15 9150	C01	EUR/t	8,25
1002 00 00 9000	A00	EUR/t	0	1101 00 15 9170	C01	EUR/t	7,50
1003 00 10 9000	—	EUR/t	—	1101 00 15 9180	C01	EUR/t	7,25
1003 00 90 9000	A00	EUR/t	0	1101 00 15 9190	—	EUR/t	—
1004 00 00 9200	—	EUR/t	—	1101 00 90 9000	—	EUR/t	—
1004 00 00 9400	—	EUR/t	—	1102 10 00 9500	C01	EUR/t	48,25
1005 10 90 9000	—	EUR/t	—	1102 10 00 9700	C01	EUR/t	38,00
1005 90 00 9000	A00	EUR/t	0	1102 10 00 9900	—	EUR/t	—
1007 00 90 9000	—	EUR/t	—	1103 11 10 9200	A00	EUR/t	0 ⁽¹⁾
1008 20 00 9000	—	EUR/t	—	1103 11 10 9400	A00	EUR/t	0 ⁽¹⁾
				1103 11 10 9900	—	EUR/t	—
				1103 11 90 9200	A00	EUR/t	0 ⁽¹⁾
				1103 11 90 9800	—	EUR/t	—

⁽¹⁾ No refund is granted when this product contains compressed meal.

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

The other destinations are as follows:

C01 All destinations except for Poland.

COMMISSION REGULATION (EC) No 1075/2001
of 31 May 2001
fixing the corrective amount applicable to the refund on cereals

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 organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13 (8) thereof,

Whereas:

- (1) Article 13 (8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 602/2001 ⁽⁴⁾, allows for the fixing of a corrective amount for the products listed in Article 1(1) (c) of Regulation (EEC) No 1766/92; that corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) The world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination.
- (4) The corrective amount must be fixed at the same time as the refund and according to the same procedure; it may be altered in the period between fixings.
- (5) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (6) 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 corrective amount referred to in Article 1(1) (a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance except for malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 June 2001.

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

Done at Brussels, 31 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 89, 29.3.2001, p. 16.

ANNEX

to the Commission Regulation of 31 May 2001 fixing the corrective amount applicable to the refund on cereals

(EUR/t)

Product code	Destination	Current 6	1st period 7	2nd period 8	3rd period 9	4th period 10	5th period 11	6th period 12
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	—	—	—	—	—	—	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	C01	0	0,00	-0,93	-1,86	-2,79	—	—
1002 00 00 9000	A00	0	-35,00	-35,00	-35,00	-35,00	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	A00	0	0,00	-0,93	-1,86	-2,79	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	A00	0	-35,00	-35,00	-35,00	-35,00	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	A00	0	-1,00	-2,00	-2,00	-0,00	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	C01	0	0,00	-1,27	-2,55	-3,82	—	—
1101 00 15 9130	C01	0	0,00	-1,19	-2,38	-3,57	—	—
1101 00 15 9150	C01	0	0,00	-1,10	-2,19	-3,29	—	—
1101 00 15 9170	C01	0	0,00	-1,01	-2,03	-3,04	—	—
1101 00 15 9180	C01	0	0,00	-0,95	-1,90	-2,85	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	C01	0	0,00	-1,27	-2,55	-3,82	—	—
1102 10 00 9700	C01	0	0,00	-1,00	-2,00	-3,00	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	A00	0	0,00	-1,40	-2,79	-4,18	—	—
1103 11 10 9400	A00	0	0,00	-1,25	-2,49	-3,74	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	A00	0	0,00	-1,27	-2,55	-3,82	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

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

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

The other destinations are as follows:

C01 All destinations except for Poland.

COMMISSION REGULATION (EC) No 1076/2001
of 31 May 2001
fixing the corrective amount applicable to the refund on malt

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 organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13(8),

Whereas:

- (1) Article 13(8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 602/2001 ⁽⁴⁾, allows for the fixing of a corrective amount for the malt referred to

in Article 1(1)(c) of Regulation (EEC) No 1766/92. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (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 corrective amount referred to in Article 13(4) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 June 2001.

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

Done at Brussels, 31 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 89, 29.3.2001, p. 16.

ANNEX

to the Commission Regulation of 31 May 2001 fixing the corrective amount applicable to the refund on malt

(EUR/t)

Product code	Destination	Current 6	1st period 7	2nd period 8	3rd period 9	4th period 10	5th period 11
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	0	-1,27	-2,54	-3,81	—	—
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	0	-1,27	-2,54	-3,81	—	—
1107 20 00 9000	A00	0	-1,49	-2,98	-4,47	—	—

(EUR/t)

Product code	Destination	6th period 12	7th period 1	8th period 2	9th period 3	10th period 4	11th period 5
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	—	—	—	—	—	—
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	—	—	—	—	—	—
1107 20 00 9000	A00	—	—	—	—	—	—

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

The numeric destination codes are set out in Commission Regulation (EC) No 2543/1999 (OJ L 307, 2.12.1999, p. 46).

COMMISSION REGULATION (EC) No 1077/2001

of 31 May 2001

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

(4) Export possibilities exist for a quantity of 700 tonnes of rice to certain destinations. The procedure laid down in Article 7(4) of Commission Regulation (EC) No 1162/95 ⁽⁴⁾, as last amended by Regulation (EC) No 409/2001 ⁽⁵⁾ should be used. Account should be taken of this when the refunds are fixed.

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

With the exception of the quantity of 700 tonnes provided for in the Annex, the issue of export licences with advance fixing of the refund is suspended.

Article 3

This Regulation shall enter into force on 1 June 2001.

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 193, 29.7.2000, p. 3.

⁽³⁾ OJ L 154, 15.6.1976, p. 11.

⁽⁴⁾ OJ L 117, 24.5.1995, p. 2.

⁽⁵⁾ OJ L 60, 1.3.2001, p. 27.

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

Done at Brussels, 31 May 2001.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 31 May 2001 fixing the export refunds on rice and broken rice and suspending the issue of export licences

Product code	Destination	Unit of measurement	Amount of refunds (°)	Product code	Destination	Unit of measurement	Amount of refunds (°)
1006 20 11 9000	R01	EUR/t	170,00	1006 30 65 9100	R01	EUR/t	212,00
1006 20 13 9000	R01	EUR/t	170,00		R02	EUR/t	215,00
1006 20 15 9000	R01	EUR/t	170,00		R03	EUR/t	220,00
1006 20 17 9000	—	EUR/t	—		064	EUR/t	—
1006 20 92 9000	R01	EUR/t	170,00		A97	EUR/t	215,00
1006 20 94 9000	R01	EUR/t	170,00	1006 30 65 9900	021 and 023	EUR/t	215,00
1006 20 96 9000	R01	EUR/t	170,00		R01	EUR/t	212,00
1006 20 98 9000	—	EUR/t	—		064	EUR/t	—
1006 30 21 9000	R01	EUR/t	170,00		A97	EUR/t	215,00
1006 30 23 9000	R01	EUR/t	170,00	1006 30 67 9100	021 and 023	EUR/t	215,00
1006 30 25 9000	R01	EUR/t	170,00		064	EUR/t	—
1006 30 27 9000	—	EUR/t	—		064	EUR/t	—
1006 30 42 9000	R01	EUR/t	170,00	1006 30 67 9900	064	EUR/t	—
1006 30 44 9000	R01	EUR/t	170,00	1006 30 92 9100	R01	EUR/t	212,00
1006 30 46 9000	R01	EUR/t	170,00		R02	EUR/t	215,00
1006 30 48 9000	—	EUR/t	—		R03	EUR/t	220,00
1006 30 61 9100	R01	EUR/t	212,00		064	EUR/t	—
	R02	EUR/t	215,00	1006 30 92 9900	A97	EUR/t	215,00
	R03	EUR/t	220,00		064	EUR/t	—
	064	EUR/t	—	1006 30 94 9100	R01	EUR/t	212,00
	A97	EUR/t	215,00		R02	EUR/t	215,00
	021 and 023	EUR/t	215,00		R03	EUR/t	220,00
1006 30 61 9900	R01	EUR/t	212,00		064	EUR/t	—
	A97	EUR/t	215,00		A97	EUR/t	215,00
	064	EUR/t	—	1006 30 94 9900	021 and 023	EUR/t	215,00
1006 30 63 9100	R01	EUR/t	212,00		R01	EUR/t	212,00
	R02	EUR/t	215,00		A97	EUR/t	215,00
	R03	EUR/t	220,00	1006 30 96 9100	064	EUR/t	—
	064	EUR/t	—		R01	EUR/t	212,00
	A97	EUR/t	215,00		R02	EUR/t	215,00
	021 and 023	EUR/t	215,00		R03	EUR/t	220,00
1006 30 63 9900	R01	EUR/t	212,00		064	EUR/t	—
	064	EUR/t	—	1006 30 96 9900	A97	EUR/t	215,00
	A97	EUR/t	215,00		021 and 023	EUR/t	215,00
					R01	EUR/t	212,00
					A97	EUR/t	215,00
				1006 30 98 9100	064	EUR/t	—
				1006 30 98 9900	021 and 023	EUR/t	215,00
					—	EUR/t	—
				1006 40 00 9000	—	EUR/t	—

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

Destination R01: 200 t
Destinations R02, R03: 300 t
Destinations 021 and 023: 100 t
Destination 064: 0 t
Destination A97: 100 t.

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

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

The other destinations are defined as follows:

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

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

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

COMMISSION DIRECTIVE 2001/39/EC**of 23 May 2001****amending the Annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC on the fixing of maximum levels for pesticide residues in and on cereals, foodstuffs of animal origin and certain products of plant origin, including fruit and vegetables respectively**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 86/362/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on cereals ⁽¹⁾, as last amended by Commission Directive 2000/82/EC ⁽²⁾, and in particular Article 10 thereof,

Having regard to Council Directive 86/363/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on foodstuffs of animal origin ⁽³⁾, as last amended by Directive 2000/82/EC, and in particular Article 10 thereof,

Having regard to Council Directive 90/642/EEC of 27 November 1990 on fixing of maximum levels for pesticide residues in and on certain products of plant origin including fruit and vegetables ⁽⁴⁾, as last amended by Directive 2000/82/EC, and in particular Article 7 thereof,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽⁵⁾, as last amended by Commission Directive 2001/21/EC ⁽⁶⁾, and in particular Article 4(1)(f) thereof,

Whereas:

- (1) The new active substances, azimsulfuron, and prohexadione calcium were included in Annex I to Directive 91/414/EEC by Commission Directives 1999/80/EC ⁽⁷⁾ and 2000/50/EC ⁽⁸⁾, respectively, for use as a pre-emergence herbicide on rice, and as a plant growth regulator respectively.
- (2) The substances were included in Annex I to Directive 91/414/EEC based on assessment of the information submitted concerning the proposed uses.
- (3) Prior to the inclusion of the substances in Annex I to Directive 91/414/EEC, their use had been provisionally authorised in certain Member States in accordance with Article 8(1) of the Directive. Following inclusion of the substances in Annex I, those Member States authorised a number of plant protection products containing them in

accordance with Article 4 of the Directive, and established provisional maximum residue levels as required by Article 4(1)(f). As required by the Directive, those levels, and the information on which they were based, have been notified to the Commission. This information together with data available from other sources has been reviewed and is sufficient to fix certain maximum residue levels (MRLs). Where no Community maximum residue level or provisional MRL exists, Member States must establish a national provisional maximum residue level in accordance with Article 4(1)(f) of the Directive before the authorisation may be granted. In view of Article 5 of Directive 86/363/EEC, this also applies for provisional MRLs for animal products where commodities containing residues of an active substance may be expected to be used as animal feeds.

- (4) At their inclusion in Annex I to Directive 91/414/EEC, the technical and scientific evaluations of azimsulfuron, and prohexadione calcium were finalised on 2 July 1999, and 16 June 2000, respectively in the Commission review reports for azimsulfuron and prohexadione calcium. In these review reports the acceptable daily intake (ADI) for azimsulfuron was set at 0,1 mg/kg bw/day, and for prohexadione calcium at 0,2 mg/kg bw/day. The lifetime exposure of consumers of food products treated with azimsulfuron, and prohexadione calcium has been assessed and evaluated in accordance with the procedures and practices used within the Community, taking account of guidelines published by the World Health Organisation ⁽⁹⁾ and the opinion of the Scientific Committee for Plants ⁽¹⁰⁾ on this methodology. It has been calculated that the maximum residue levels provided for in this Directive do not result in these ADIs being exceeded.
- (5) Acute toxic effects requiring the setting of an acute reference dose were not noted during the evaluations and discussions that preceded the inclusion of azimsulfuron, and prohexadione calcium in Annex I to Directive 91/414/EEC.

⁽¹⁾ OJ L 221, 7.8.1986, p. 37.

⁽²⁾ OJ L 3, 6.1.2001, p. 18.

⁽³⁾ OJ L 221, 7.8.1986, p. 43.

⁽⁴⁾ OJ L 350, 14.12.1990, p. 71.

⁽⁵⁾ OJ L 230, 19.8.1991, p. 1.

⁽⁶⁾ OJ L 69, 10.3.2001, p. 17.

⁽⁷⁾ OJ L 210, 10.8.1999, p. 13.

⁽⁸⁾ OJ L 198, 4.8.2000, p. 39.

⁽⁹⁾ Guidelines for predicting dietary intake of pesticide residues (revised), prepared by the GEMS/Food Programme in collaboration with the Codex Committee on Pesticide Residues, published by the World Health Organisation 1997 (WHO/FSF/FOS/97.7).

⁽¹⁰⁾ Opinion of the Scientific Committee on Plants regarding questions relating to amending the annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC (Opinion expressed by the Scientific Committee on Plants, 14 July 1998) (http://europa.eu.int/comm/dg24/health/sc/scp/out21_en.html).

- (6) To ensure that the consumer is adequately protected from exposure to residues in or on products for which no authorisations have been granted, it is prudent to set provisional maximum residue levels at the lower limit of analytical determination for all those products covered by Directives 86/362/EEC, 86/363/EEC and 90/642/EEC. The setting at Community level of such provisional maximum residue levels does not prevent the Member States from establishing provisional maximum residue levels for azimsulfuron and prohexadione calcium in accordance with Article 4(1)(f) of Directive 91/414/EEC and Annex VI thereto. Four years is considered a sufficient period of time during which to establish most further uses of azimsulfuron and prohexadione calcium. After that period these provisional maximum residue levels should become definitive.
- (7) The measures provided for in this Directive were communicated to the World Trade Organisation and the comments received were taken into consideration. The possibility of fixing import tolerance maximum residue levels for specific pesticide/crop combinations will be examined by the Commission on the basis of the submission of acceptable data.
- (8) The opinions of the Scientific Committee for Plants, in particular advice and recommendations concerning the protection of consumers of food products treated with pesticides, have been taken into account.
- (9) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

In part A of Annex II to Directive 86/362/EEC the following rows are added:

Pesticide residue	Maximum level (mg/kg)
Azimsulfuron	0,02 (*) (p) Cereals
Prohexadione (prohexadione and its salts expressed as prohexadione)	0,2 (p) Wheat and barley 0,05 (p) (*) Other cereals

(*) Indicates lower limit of analytical determination.

(p) Indicates provisional maximum residue level established in accordance with Article 4(1)(f) of Directive 91/414/EEC: all provisional maximum residue levels for these pesticide residues will be treated as definitive in accordance with Article 10 of the Directive with effect from four years after the entry into force of this Directive.

Article 2

In part B of Annex II to Directive 86/363/EEC the following row is added:

Pesticide residue	Maximum level (mg/kg)		
	Of meat, including fat, preparations of meat, offals and animal fats as listed in Annex I within CN codes 0201, 0202, 0203, 0204, 0205 00 00, 0206, 0207, ex 0208, 0209 00, 0210, 1601 00 and 1602	For milk and milk products listed in Annex I within CN codes 0401, 0402, 0405 00 and 0406	Of shelled fresh eggs, for bird's eggs and egg yolks listed in Annex I within CN codes 0407 00 and 0408
Prohexadione (prohexadione and its salts expressed as prohexadione)	0,05 (p) (*)	0,01 (p) (*)	0,05 (p) (*)

(*) Indicates lower limit of analytical determination.

(p) Indicates provisional maximum residue level established in accordance with Article 4(1)(f) of Directive 91/414/EEC: all provisional maximum residue levels for these pesticide residues will be treated as definitive in accordance with Article 10 of the Directive with effect from four years after the entry into force of this Directive.

Article 3

In Annex II to Directive 90/642/EEC the columns headed 'Azimsulfuron', and 'Prohexadione (prohexadione and its salts expressed as prohexadione)' set out in the Annex to this Directive are added.

Article 4

Member States shall adopt and publish the provisions necessary to comply with this Directive by 31 December 2001 at the latest. They shall forthwith inform the Commission thereof.

They shall apply those provisions from 1 January 2002.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 5

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

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 23 May 2001.

For the Commission

David BYRNE

Member of the Commission

ANNEX

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)	
	Azimsulfuron	Prohexadione (prohexadione and its salts expressed as prohexadione)
1. Fruits, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts	0,02 ^(P) (*)	0,05 ^(P) (*)
(i) CITRUS FRUIT		
Grapefruit		
Lemons		
Limes		
Mandarins (including clementines and other hybrids)		
Oranges		
Pomelos		
Others		
(ii) TREE NUTS (shelled or unshelled)		
Almonds		
Brazil nuts		
Cashew nuts		
Chestnuts		
Coconuts		
Hazelnuts		
Macadamia		
Pecans		
Pine nuts		
Pistachios		
Walnuts		
Others		
(iii) POME FRUIT		
Apples		
Pears		
Quinces		
Others		
(iv) STONE FRUIT		
Apricots		
Cherries		
Peaches (including nectarines and similar hybrids)		
Plums		
Others		
(v) BERRIES AND SMALL FRUIT		
(a) Table and wine grapes		
Table grapes		
Wine grapes		
(b) Strawberries (other than wild)		

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)	
	Azimsulfuron	Prohexadione (prohexadione and its salts expressed as prohexadione)
(c) Cane fruit (other than wild) Blackberries Dewberries Loganberries Raspberries Others		
(d) Other small fruit and berries (other than wild) Bilberries Cranberries Currants (red, black and white) Gooseberries Others		
(e) Wild berries and wild fruit		
(vi) MISCELLANEOUS Avocados Bananas Dates Figs Kiwi Kumquats Litchis Mangoes Olives Passion fruit Pineapples Pomegranate Others		
2. Vegetables, fresh or uncooked, frozen or dry	0,02 (p) (*)	0,05 (p) (*)
(i) ROOT AND TUBER VEGETABLES Beetroot Carrots Celeriac Horseradish Jerusalem artichokes Parsnips Parsley root Radishes Salsify Sweet potatoes Swedes Turnips Yam Others		

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)	
	Azimsulfuron	Prohexadione (prohexadione and its salts expressed as prohexadione)
(ii) BULB VEGETABLES Garlic Onions Shallots Spring onions Others		
(iii) FRUITING VEGETABLES (a) Solanacea Tomatoes Peppers Aubergines Others (b) Cucurbits — edible peel Cucumbers Gherkins Courgettes Others (c) Cucurbits — inedible peel Melons Squashes Watermelons Others (d) Sweetcorn		
(iv) BRASSICA VEGETABLES (a) Flowering brassica Broccoli Cauliflower Others (b) Head brassica Brussels sprouts Head cabbage Others (c) Leafy brassica Chinese cabbage Kale Others (d) Kohlrabi		
(v) LEAF VEGETABLES AND FRESH HERBS (a) Lettuce and similar Cress Lamb's lettuce Lettuce Scarole Others		

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)	
	Azimsulfuron	Prohexadione (prohexadione and its salts expressed as prohexadione)
(b) Spinach and similar Spinach Beet leaves (chard) Others		
(c) Watercress		
(d) Witloof		
(e) Herbs Chervil Chives Parsley Celery leaves Others		
(vi) LEGUME VEGETABLES (fresh) Beans (with pods) Beans (without pods) Peas (with pods) Peas (without pods) Others		
(vii) STEM VEGETABLES (fresh) Asparagus Cardoons Celery Fennel Globe artichokes Leek Rhubarb Others		
(viii) FUNGI (a) Cultivated mushrooms (b) Wild mushrooms		
3. Pulses Beans Lentils Peas Others	0,02 (P) (*)	0,05 (P) (*)
4. Oils seeds Linseed Peanuts Poppy seeds Sesame seeds Sunflower seed Rapeseed Soya bean Mustard seed Cotton seed Others	0,1 (P) (*)	0,1 (P) (*)

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)	
	Azimsulfuron	Prohexadione (prohexadione and its salts expressed as prohexadione)
5. Potatoes Early potatoes Ware potatoes	0,02 ^(p) (*)	0,05 ^(p) (*)
6. Tea (leaves and stems, dried, fermented or otherwise, from the leaves of <i>Camellia sinensis</i>)	0,1 ^(p) (*)	0,1 ^(p) (*)
7. Hops (dried), including hop pellets and unconcentrated powder	0,1 ^(p) (*)	0,1 ^(p) (*)

(*) Indicates lower limit of analytical determination.

(^p) Indicates provisional maximum residue level established in accordance with Article 4(1)(f) of Directive 91/414/EEC: all provisional maximum residue levels for these pesticide residues will be treated as definitive in accordance with Article 10 of the Directive with effect from four years after the entry into force of this Directive.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 8 March 2001

approving the conclusion, by the Commission, of the Agreement for cooperation between the European Atomic Energy Community represented by the Commission and the Department of Energy of the United States of America in the field of fusion energy research and development

(2001/411/Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 101, second paragraph thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Agreement for cooperation in the peaceful uses of nuclear energy between the European Atomic Energy Community and the United States of America, signed at Brussels on 7 November 1995, and on 29 March 1996 ⁽¹⁾, provides for cooperation in nuclear research and development, including research on controlled thermonuclear fusion.
- (2) The Commission has, in accordance with the Council Directives of 10 April 2000, conducted negotiations on an Agreement for cooperation between the European Atomic Energy Community represented by the Commission and the Department of Energy of the United States of America in the field of fusion energy research and development.

- (3) The conclusion, by the Commission, of the Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Sole Article

The conclusion, by the Commission, for and on behalf of the Community, of the Agreement for cooperation between the European Atomic Energy Community and the Department of Energy of the United States of America in the field of fusion energy research and development, is hereby approved.

The text of the Agreement is annexed to this Decision ⁽²⁾.

Done at Brussels, 8 March 2001.

For the Council

The President

K. LARSSON

⁽¹⁾ OJ L 120, 20.5.1996, p. 1.

⁽²⁾ See page 80 of this Official Journal.

COMMISSION

COMMISSION DECISION

of 21 March 2001

concerning the conclusion of the Agreement for cooperation between the European Atomic Energy Community represented by the Commission and the Department of Energy of the United States of America in the field of fusion energy research and development

(notified under document number C(2001) 735)

(2001/412/Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 101, second paragraph thereof,

Having regard to Council Decision 2001/411/Euratom of 8 March 2001, approving the conclusion, by the Commission, of the Agreement for cooperation between the European Atomic Energy Community represented by the Commission and the Department of Energy of the United States of America in the field of fusion energy research and development ⁽¹⁾,

Whereas:

- (1) The Council adopted a Decision on 22 December 1998 concerning the Fifth Framework Programme of the EAEC for research and training activities (1998-2002) ⁽²⁾ which includes the key action controlled thermonuclear fusion,
- (2) The Council in its Decision of 25 January 1999 ⁽³⁾ adopted a research and training programme in the field of nuclear energy (Euratom) for the period from 1998 to 2002,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement for cooperation between the European Atomic Energy Community represented by the Commission and the Department of Energy of the United States of America in the field of fusion energy research and development is hereby concluded for and on behalf of the European Atomic Energy Community.

The text of the Agreement is appended to this Decision.

Article 2

The Member of the Commission responsible for research or his designated representative is authorised to sign the Agreement on behalf of the European Atomic Energy Community for the purpose of binding the European Atomic Energy Community.

Done at Brussels, 21 March 2001.

For the Commission

Philippe BUSQUIN

Member of the Commission

⁽¹⁾ See page 78 of this Official Journal.

⁽²⁾ OJ L 26, 1.2.1999, p. 34.

⁽³⁾ OJ L 64, 12.3.1999, p. 142.

AGREEMENT

for cooperation between the European Atomic Energy Community represented by the Commission of the European Communities and the Department of Energy of the United States of America in the field of fusion energy research and development

THE EUROPEAN ATOMIC ENERGY COMMUNITY (Euratom), represented by the Commission of the European Communities, and the DEPARTMENT OF ENERGY OF THE UNITED STATES OF AMERICA (DOE), (hereinafter referred to collectively as 'the Parties');

WHEREAS the Agreement for Cooperation in the Peaceful Uses of Nuclear Energy between the European Atomic Energy Community and the United States of America, signed at Brussels on 7 November 1995 and 29 March 1996, provides for cooperation in the peaceful uses of nuclear energy, including controlled thermonuclear fusion, and, in particular, contributions towards multilateral projects;

DESIRING to continue the long history of valuable collaboration between the Parties and to enhance the tradition of close and continuing cooperation in the field of fusion energy which has occurred under the Agreement in the Field of Controlled Thermonuclear Fusion (DOE-Euratom Agreement) signed at Brussels 15 December 1986; and in multilateral frameworks, especially ITER; and

DESIRING to continue to promote the development of fusion energy as a potentially environmentally acceptable, economically competitive, and virtually limitless source of energy,

HAVE AGREED AS FOLLOWS:

Article I

Objective

The objective of this Agreement is to continue and intensify cooperation between the Parties in the areas covered by their respective fusion programs, on the basis of mutual benefit and overall reciprocity, in order to develop the scientific understanding and technological capability underlying a fusion energy system.

Article II

Areas of cooperation

The areas of cooperation under this Agreement may include the following:

1. tokamaks, including the large projects of the present generation and activities related to those of the next generation;
2. alternative lines to tokamaks;
3. magnetic fusion energy technology;
4. plasma theory and applied plasma physics;
5. program policies and plans; and
6. other areas as mutually agreed in writing.

Article III

Forms of cooperation

1. The forms of cooperation under this Agreement may include, but are not limited to, the following:

- (a) exchange and provision of information and data on scientific and technical activities, developments, practices and results, and on program policies and plans, including exchange of undisclosed information on the terms and conditions in accordance with Articles VI and VII;
- (b) exchange of scientists, engineers and other specialists for agreed periods of time in order to participate in experiments, analysis, design and other research and development activities in accordance with Article VIII;
- (c) organisation of seminars and other meetings to discuss and exchange information on agreed topics in the areas listed in Article II, and to identify cooperative actions which may be usefully undertaken in accordance with Article V;
- (d) exchange and provision of samples, materials, equipment (instruments and components) for experiments, testing and evaluation in accordance with Articles IX and X;
- (e) execution of joint studies, projects or experiments including their joint design, construction and operation;
- (f) establishment of data links; and
- (g) other specific forms of cooperation as mutually agreed in writing.

2. The Parties shall coordinate the activities, as appropriate, under this Agreement, with other international fusion research and development activities, in order to minimise duplication of effort. Nothing in this Agreement will be construed to prejudice existing or future arrangements for cooperation between the Parties.

*Article IV***Coordinating Committee and Executive Secretaries**

1. The Parties will establish a Coordinating Committee to coordinate and supervise the conduct of activities under this Agreement. The Coordinating Committee will consist of up to 12 members, half of whom will be appointed by each Party. The Coordinating Committee will meet annually, alternately in the United States and in the European Union, or at other agreed times and places. The Head of the Delegation of the receiving Party will chair the meeting.
2. The Coordinating Committee will review the progress and plans of activities under this Agreement, and propose, coordinate and approve future cooperative activities that are within the scope of this Agreement with regard to technical merit and level of effort to ensure mutual benefit and overall reciprocity within the Agreement.
3. All decisions of the Coordinating Committee will be by unanimity. The Coordinating Committee delegation from each Party shall have one vote, to be cast by the Head of the Delegation.
4. Each Party will nominate an Executive Secretary to act on its behalf during periods between meetings of the Coordinating Committee in all matters concerning cooperation under this Agreement. The Executive Secretaries will be responsible for day-to-day management of the cooperation.

*Article V***Project agreements**

When the Coordinating Committee agrees to undertake a cooperative activity, it will approve a Project Agreement to this Agreement and subject to its terms. Each Project Agreement shall list the participants, and include detailed provisions for implementation of the cooperative activity, including but not limited to technical scope, management, applicable decontamination responsibility, exchange of undisclosed information, exchange of equipment, treatment of intellectual property, total costs, cost-sharing and schedule, as appropriate.

*Article VI***Availability and dissemination of information**

1. Subject to applicable laws and regulations and to provisions of this Agreement, each Party and its designees shall undertake to make freely available to the other Party and its designees any information at its disposal which is required for the execution of this Agreement.

2. The Parties shall support the widest possible dissemination of information which they have the right to disclose, either in their possession or available to them, and which is either developed jointly or intended to be provided or exchanged pursuant to this Agreement, subject to the need to protect undisclosed information and the need to protect intellectual property arising under this Agreement.

3. Information transmitted by one Party to the other Party under this Agreement shall be accurate to the best knowledge and belief of the transmitting Party, but the transmitting Party does not warrant the suitability of the information transmitted for any particular use or application by the receiving Party or by any third party. Information developed jointly by the Parties shall be accurate to the best knowledge and belief of both Parties. Neither Party warrants the accuracy of the jointly developed information or its suitability for any particular use or application by either Party or by any third party.

*Article VII***Intellectual property**

The protection and allocation of intellectual property created or furnished in the course of collaborative activities under this Agreement will be governed by the provisions in Annex A, which shall form an integral part of this Agreement and shall apply to all activities conducted under this Agreement.

*Article VIII***Exchanges and assignments of personnel**

The following provisions shall apply concerning exchanges or assignments of personnel under this Agreement:

1. each Party or participant shall ensure the selection of qualified personnel with skills and competence necessary to conduct the activities planned under this Agreement. Each such exchange or assignment of personnel shall be mutually agreed in advance by an Exchange of Letters between the Parties or participants, referencing this Agreement and its pertinent intellectual property provisions;
2. each Party or participant shall be responsible for the salaries, insurance, and allowances to be paid to its exchanged or assigned personnel;
3. the sending Party or participant shall pay for the travel and living expenses of its exchanged or assigned personnel staying at the host establishment, unless otherwise agreed;
4. the receiving Party or participant shall arrange for adequate accommodations for the other Party's or participant's exchanged or assigned personnel (and their families) on a mutually agreeable, reciprocal basis;

5. the receiving Party or participant shall provide all necessary assistance to the exchanged or assigned personnel of the other Party or participant regarding administrative formalities (e.g. acquiring visas);
6. each Party or participant shall ensure that the exchanged or assigned personnel conform to the general rules of work and safety regulations in force at the host establishment;
7. each Party or participant may, at its own expense, observe test activities and analytical work of the other Party or participant in the areas of cooperation defined in Article II. Such observation may be exercised by short-term visits or by the assignment of personnel, subject to the prior agreement of the receiving Party or participant on each occasion.

Article IX

Exchanges of equipment, samples, etc.

Both Parties agree that in the event equipment, instruments, samples, materials or necessary spare parts (hereinafter referred to as 'the equipment, etc.') are to be exchanged, loaned or supplied by one participant to the other, the following provisions shall apply covering the shipment and use of the equipment, etc.:

1. the sending participant shall supply as soon as possible a detailed list of the equipment, etc., to be provided, with the relevant specifications and technical and informational documentation;
2. the equipment, etc. supplied by the sending participant shall remain its property and shall be returned to the sending participant on a date to be determined by the Coordinating Committee unless otherwise agreed in the project agreement referred to under Article V;
3. the equipment, etc. shall be brought into operation at the host establishment only by mutual agreement between the participants;
4. the receiving participant shall provide the necessary premises for the equipment, etc. and shall provide for electrical power, water, gas, etc., in accordance with technical requirements, which shall be mutually agreed.

Done at Brussels on the fourteenth day of May in the year two thousand and one in duplicate, in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, each text being equally authentic.

*For the Department of Energy for and on
behalf of the Government of the United
States of America*
Spencer ABRAHAM

Article X

General provisions

1. Each Party shall conduct the activities provided for in this Agreement subject to its applicable laws and regulations, and shall provide resources subject to the availability of appropriated funds.
2. Unless otherwise specifically agreed in writing by the Parties within the framework of the Coordinating Committee, all costs resulting from cooperation under this Agreement shall be borne by the Party that incurs them.
3. All questions of interpretation or implementation relating to the Agreement arising during its term shall be resolved by agreement of the Parties.
4. This Agreement shall apply in so far as Euratom is concerned, to the territories to which the Treaty establishing Euratom applies and to the territories of the countries participating in the Euratom fusion programme as fully associated non-member States.

Article XI

Duration, amendment and termination

1. This Agreement shall enter into force upon the latter date of signature and shall remain in force for five years. Unless one of the Parties notifies the other Party in writing of its intention to terminate this Agreement at least six months before its expiration, this Agreement shall be extended automatically for an additional five years.
2. This Agreement may be amended by written agreement of the Parties.
3. All joint efforts and experiments not completed at the termination or expiration of this Agreement may be continued until their completion under the terms of this Agreement.
4. This Agreement and any Project Agreement hereunder may be terminated at any time at the discretion of either Party upon six months' advance notification in writing by the Party seeking to terminate the Agreement or Project Agreement. Such termination shall be without prejudice to the rights that may have accrued under this Agreement or Project Agreement to either Party up to the date of the termination.

*For the European Atomic Energy Community
represented by the Commission of the
European Communities*
Philippe BUSQUIN

ANNEX A

INTELLECTUAL PROPERTY RIGHTS

Rights to intellectual property created or furnished under this Agreement shall be allocated as follows:

I. Application

This Annex is applicable to all cooperative activities undertaken pursuant to this Agreement, except as otherwise specifically agreed.

II. Ownership, allocation and exercise of rights

- A. For purposes of this Agreement 'intellectual property' shall have the meaning found in Article 2 of the Convention establishing the World Intellectual Property Organisation, done at Stockholm, on 14 July 1967.
- B. This Annex addresses the allocation of rights, interests and royalties between the Parties and participants. Each Party shall ensure that the other Party may obtain the rights to intellectual property allocated to it in accordance with this Annex. This Annex does not otherwise alter or prejudice the allocation between a Party and its nationals, which shall be determined by that Party's laws and practices.
- C. Termination or expiry of this Agreement shall not affect rights or obligations under this Annex.
- D. 1. In the case of cooperative activities between the Parties, intellectual property arising from joint research, i.e., research supported by both Parties, shall be treated in a Technology Management Plan (TMP) according to the following principles:
- (a) the Parties shall notify each other within a reasonable time of any intellectual property rights arising under this Agreement (or relevant implementing arrangements);
 - (b) unless otherwise agreed, rights and interests in intellectual property created during joint research shall be exploitable by either Party without territorial restriction;
 - (c) each Party shall seek protection for the intellectual property to which it obtains rights and interests under the TMP in a timely fashion;
 - (d) each Party shall have a non-exclusive, irrevocable, royalty-free license to use any intellectual property arising under this Agreement for research and development purposes only;
 - (e) visiting researchers shall receive intellectual property rights and royalty shares earned by the host institutions from licensing of such intellectual property rights under the policies of the host institutions.
2. In all other cases, to the extent required by its laws and regulations, each Party shall require all its participants to enter into specific agreements concerning the implementation of joint research and the respective rights and obligations of the participants. With respect to intellectual property, the agreements will normally address, among other things, ownership, protection, user rights for research and development purposes, exploitation and dissemination, including arrangements for joint publication, the rights and obligations of visiting researchers and dispute settlement procedures. The agreements may also address foreground and background information, licensing and deliverables.
- E. While maintaining the conditions of competition in areas affected by this Agreement, each Party shall endeavor to ensure that rights acquired pursuant to this Agreement and arrangements made under it are exercised in such a way as to encourage, in particular, (i) the use of information created, or otherwise made available, under this Agreement and its dissemination insofar as this is in accordance both with the conditions set out in this Agreement, the provisions of Section IV hereof and any rules which may be in force under the Parties' domestic laws governing treatment of sensitive or confidential information in the nuclear field, and (ii) the adoption and implementation of international standards.

III. Copyright works

Consistent with the terms of this Agreement, copyright belonging to the Parties or to participants shall be accorded treatment consistent with the Agreement on Trade-Related Aspects of Intellectual Property Rights administered by the World Trade Organisation.

IV. Scientific literary works

Subject to the treatment provided for undisclosed information in Section V, the following procedures shall apply:

- (A) each Party shall be entitled to a non-exclusive, irrevocable, royalty-free license in all countries to translate, reproduce and publicly distribute information contained in scientific and technical journals, articles, reports, books, or other media, directly arising from joint research pursuant to this Agreement by or on behalf of the Parties;
- (B) all publicly distributed copies of a copyrighted work prepared under this provision shall indicate the names of the authors of the work unless an author explicitly declines to be named. They shall also bear a clearly visible acknowledgment of the cooperative support of the Parties.

V. Undisclosed information

A. Documentary undisclosed information

1. Each Party and the participants shall identify at the earliest possible moment the information that they wish to remain undisclosed in relation to this Agreement, taking account, *inter alia*, of the following criteria:
 - the information is secret in the sense that it is not, as a body or in the precise configuration or assembly of its components, generally known or readily accessible by lawful means,
 - the information has actual or potential commercial value by virtue of its secrecy; and
 - the information has been subject to steps that were reasonable under the circumstances by the person lawfully in control, to maintain its secrecy.

The Parties or the participants may in certain cases agree that, unless otherwise indicated, parts or all of the information provided, exchanged or created in the course of joint research pursuant to this Agreement may not be disclosed.

2. Each Party or participant shall ensure that undisclosed information under this Agreement and its ensuing privileged nature is readily recognisable as such by the other Party or participant, for example, by means of an appropriate marking or restrictive legend. This also applies to any reproduction of the said information, in whole or in part.

A Party or participant receiving undisclosed information pursuant to such agreement shall respect the privileged nature thereof. These limitations shall automatically terminate when this information is disclosed by the owner without restriction.

3. Undisclosed information communicated under this Agreement may be disseminated by the receiving Party or participant to persons employed by the receiving Party or participant including its contractors, and other concerned departments of the Party or participant authorised for the specific purposes of the joint research under way, provided that any undisclosed information so disseminated shall be protected to the extent provided by each Party's laws and regulations and shall be readily recognisable as such, as set out above.

B. Non-documentary undisclosed information

Non-documentary undisclosed or other confidential or privileged information provided in seminars and other meetings arranged under the Agreement, or information arising from the attachment of staff, use of facilities, or joint projects, will be treated by the Parties or their designees according to the principles specified for documentary information in this Agreement, provided, however, that the recipient of such undisclosed or other confidential or privileged information has been made aware in writing of the confidential character of the information communicated not later than the time such a communication is made.

C. Control

Each Party shall endeavour to ensure that undisclosed information received by it under this Agreement shall be controlled as provided herein. If one of the Parties becomes aware that it will be, or may be reasonably expected to become, unable to meet the non-dissemination provisions of paragraphs A and B above, it shall immediately inform the other Party. The Parties shall thereafter consult to define an appropriate course of action.

VI. Dispute settlement and new types and unforeseen intellectual property

- A. Disputes between the Parties concerning intellectual property shall be resolved in accordance with Article 12 of the Agreement for Cooperation in the Peaceful Uses of Nuclear Energy between the European Atomic Energy Community and the United States of America.
 - B. In the event either Party or a participant concludes that a new type of intellectual property not covered in a TMP or agreement between participants may result from a cooperative activity undertaken pursuant to this Agreement, or if other unforeseen difficulties arise, the Parties shall enter into immediate discussions with the object of assuring that the protection, exploitation and dissemination of the intellectual property in question are adequately provided for in their respective territories.
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