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⁽¹⁾ Text with EEA relevance

(Acts adopted pursuant to Title VI of the Treaty on European Union)

COUNCIL FRAMEWORK DECISION
of 28 May 2001
combating fraud and counterfeiting of non-cash means of payment

(2001/413/JHA)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 34(2)(b) thereof,

Having regard to the initiative of the Commission ⁽¹⁾,

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

Whereas:

- (1) Fraud and counterfeiting of non-cash means of payment often operate on an international scale.
- (2) The work developed by various international organisations (i.e. the Council of Europe, the Group of Eight, the OECD, Interpol and the UN) is important but needs to be complemented by action of the European Union.
- (3) The Council considers that the seriousness and development of certain forms of fraud regarding non-cash means of payment require comprehensive solutions. Recommendation No 18 of the Action Plan to combat organised crime ⁽³⁾, approved by the Amsterdam European Council on 16 and 17 June 1997, as well as point 46 of the Action Plan of the Council and the Commission on how to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice ⁽⁴⁾, approved by the Vienna European Council on 11 and 12 December 1998, call for an action on this subject.
- (4) Since the objectives of this Framework Decision, namely to ensure that fraud and counterfeiting involving all forms of non-cash means of payment are recognised as criminal offences and are subject to effective, proportionate and dissuasive sanctions in all Member States cannot be sufficiently achieved by the Member States in view of the international dimension of those offences and can therefore be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty establishing the European Community. In accordance with the principle of proportionality, as set out in

that Article, this Framework Decision does not go beyond what is necessary in order to achieve those objectives.

- (5) This Framework Decision should assist in the fight against fraud and counterfeiting involving non-cash means of payment together with other instruments already agreed by the Council such as Joint Action 98/428/JHA on the creation of a European Judicial Network ⁽⁵⁾, Joint Action 98/733/JHA on making it a criminal offence to participate in a criminal organisation in the Member States of the European Union ⁽⁶⁾, Joint Action 98/699/JHA on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds from crime ⁽⁷⁾, as well as the Decision of 29 April 1999 extending Europol's mandate to deal with forgery of money and means of payment ⁽⁸⁾.
- (6) The Commission submitted to the Council, on 1 July 1998, the Communication entitled 'A framework for action combating fraud and counterfeit of non-cash means of payment' which advocates a Union Policy covering both preventive and repressive aspects of the problem.
- (7) The Communication contains a Draft Joint Action which is one element of that comprehensive approach, and constitutes the starting point for this Framework Decision.
- (8) It is necessary that a description of the different forms of behaviour requiring criminalisation in relation to fraud and counterfeiting of non-cash means of payment cover the whole range of activities that together constitute the menace of organised crime in this regard.
- (9) It is necessary that these forms of behaviour be classified as criminal offences in all Member States, and that effective, proportionate and dissuasive sanctions be provided for natural and legal persons having committed, or being liable for, such offences.

⁽¹⁾ OJ C 376 E, 28.12.1999, p. 20.

⁽²⁾ OJ C 121, 24.4.2001, p. 105.

⁽³⁾ OJ C 251, 15.8.1997, p. 1.

⁽⁴⁾ OJ C 19, 23.1.1999, p. 1.

⁽⁵⁾ OJ L 191, 7.7.1998, p. 4.

⁽⁶⁾ OJ L 351, 29.12.1998, p. 1.

⁽⁷⁾ OJ L 333, 9.12.1998, p. 1.

⁽⁸⁾ OJ C 149, 28.5.1999, p. 16.

- (10) By giving protection by penal law primarily to payment instruments that are provided with a special form of protection against imitation or abuse, the intention is to encourage operators to provide that protection to payment instruments issued by them, and thereby to add an element of prevention to the instrument.
- (11) It is necessary that Member States afford each other the widest measure of mutual assistance, and that they consult each other when two or more Member States have jurisdiction over the same offence,

HAS ADOPTED THIS FRAMEWORK DECISION:

Article 1

Definitions

For the purpose of this Framework Decision:

- (a) 'Payment instrument' shall mean a corporeal instrument, other than legal tender (bank notes and coins), enabling, by its specific nature, alone or in conjunction with another (payment) instrument, the holder or user to transfer money or monetary value, as for example credit cards, eurocheque cards, other cards issued by financial institutions, travellers' cheques, eurocheques, other cheques and bills of exchange, which is protected against imitation or fraudulent use, for example through design, coding or signature;
- (b) 'Legal person' shall mean any entity having such status under the applicable law, except for States or other public bodies in the exercise of State authority and for public international organisations.

Article 2

Offences related to payment instruments

Each Member State shall take the necessary measures to ensure that the following conduct is a criminal offence when committed intentionally, at least in respect of credit cards, eurocheque cards, other cards issued by financial institutions, travellers cheques, eurocheques, other cheques and bills of exchange:

- (a) theft or other unlawful appropriation of a payment instrument;
- (b) counterfeiting or falsification of a payment instrument in order for it to be used fraudulently;
- (c) receiving, obtaining, transporting, sale or transfer to another person or possession of a stolen or otherwise unlawfully appropriated, or of a counterfeited or falsified payment instrument in order for it to be used fraudulently;

- (d) fraudulent use of a stolen or otherwise unlawfully appropriated, or of a counterfeited or falsified payment instrument;

Article 3

Offences related to computers

Each Member State shall take the necessary measures to ensure that the following conduct is a criminal offence when committed intentionally:

performing or causing a transfer of money or monetary value and thereby causing an unauthorised loss of property for another person, with the intention of procuring an unauthorised economic benefit for the person committing the offence or for a third party, by:

- without right introducing, altering, deleting or suppressing computer data, in particular identification data, or
- without right interfering with the functioning of a computer programme or system.

Article 4

Offences related to specifically adapted devices

Each Member State shall take the necessary measures to ensure that the following conduct is established as a criminal offence when committed intentionally:

the fraudulent making, receiving, obtaining, sale or transfer to another person or possession of:

- instruments, articles, computer programmes and any other means peculiarly adapted for the commission of any of the offences described under Article 2(b);
- computer programmes the purpose of which is the commission of any of the offences described under Article 3.

Article 5

Participation, instigation and attempt

Each Member State shall take the necessary measures to ensure that participating in and instigating the conduct referred to in Articles 2, 3 and 4, or attempting the conduct referred to in Article 2(a), (b) and (d) and Article 3, are punishable.

Article 6

Penalties

Each Member State shall take the necessary measures to ensure that the conduct referred to in Articles 2 to 5 is punishable by effective, proportionate and dissuasive criminal penalties, including, at least in serious cases, penalties involving deprivation of liberty which can give rise to extradition.

*Article 7***Liability of legal persons**

1. Each Member State shall take the necessary measures to ensure that legal persons can be held liable for conduct referred to in Article 2(b), (c) and (d) and Articles 3 and 4 committed for their benefit by any person, acting either individually or as part of an organ of the legal person, who has a leading position within the legal person, based on:

- a power of representation of the legal person, or
 - an authority to take decisions on behalf of the legal person, or
 - an authority to exercise control within the legal person,
- as well as for involvement as accessories or instigators in the commission of such an offence.

2. Apart from the cases provided for in paragraph 1, each Member State shall take the necessary measures to ensure that a legal person can be held liable where the lack of supervision or control by a person referred to in paragraph 1 has made possible the commission referred to in Article 2(b), (c) and (d) and Articles 3 and 4 for the benefit of that legal person by a person under its authority.

3. Liability of a legal person under paragraphs 1 and 2 shall not exclude criminal proceedings against natural persons who are perpetrators, instigators or accessories in the conduct referred to in Article 2(b), (c) and (d) and Articles 3 and 4.

*Article 8***Sanctions for legal persons**

1. Each Member State shall take the necessary measures to ensure that a legal person held liable pursuant to Article 7(1) is punishable by effective, proportionate and dissuasive sanctions, which shall include criminal or non-criminal fines and may include other sanctions such as:

- (a) exclusion from entitlement to public benefits or aid;
- (b) temporary or permanent disqualification from the practice of commercial activities;
- (c) placing under judicial supervision;
- (d) a judicial winding-up order.

2. Each Member State shall take the necessary measures to ensure that a legal person held liable pursuant to Article 7(2) is punishable by effective, proportionate and dissuasive sanctions or measures.

*Article 9***Jurisdiction**

1. Each Member State shall take the necessary measures to establish its jurisdiction with regard to the offences referred to

in Articles 2, 3, 4 and 5 where the offence has been committed:

- (a) in whole or in part within its territory; or
- (b) by one of its nationals, provided that the law of that Member State may require the conduct to be punishable also in the country where it occurred; or
- (c) for the benefit of a legal person that has its head office in the territory of that Member State.

2. Subject to of Article 10, any Member State may decide that it will not apply, or that it will apply only in specific cases or circumstances, the jurisdiction rule set out in:

- paragraph 1(b);
- paragraph 1(c).

3. Member States shall inform the General Secretariat of the Council accordingly where they decide to apply paragraph 2, where appropriate with an indication of the specific cases or circumstances in which the decision applies.

*Article 10***Extradition and prosecution**

1. (a) Any Member State which, under its law, does not extradite its own nationals shall take the necessary measures to establish its jurisdiction over the offences provided for in Articles 2, 3, 4 and 5 when committed by its own nationals outside its territory.

(b) Each Member State shall, when one of its nationals is alleged to have committed, in another Member State, an offence involving the conduct described in Articles 2, 3, 4 or 5, and it does not extradite that person to that other Member State solely on the ground of his nationality, submit the case to its competent authorities for the purpose of prosecution if appropriate. In order to enable prosecution to take place, the files, information and exhibits relating to the offence shall be forwarded in accordance with the procedures laid down in Article 6(2) of the European Convention on Extradition of 13 December 1957. The requesting Member State shall be informed of the prosecution initiated and of its outcome.

2. For the purpose of this Article, a 'national' of a Member State shall be construed in accordance with any declaration made by that State under Article 6(1)(b) and (c) of the European Convention on Extradition.

*Article 11***Cooperation between Member States**

1. In accordance with the applicable conventions, multilateral or bilateral agreements or arrangements, Member States shall afford each other the widest measure of mutual assistance in respect of proceedings relating to the offences provided for in this Framework Decision.

2. Where several Member States have jurisdiction in respect of offences envisaged by this Framework Decision, they shall consult one another with a view to coordinating their action in order to prosecute effectively.

Article 12

Exchange of information

1. Member States shall designate operational contact points or may use existing operational structures for the exchange of information and for other contacts between Member States for the purposes of applying this Framework Decision.

2. Each Member State shall inform the General Secretariat of the Council and the Commission of its department or departments acting as contact points in accordance with paragraph 1. The General Secretariat shall notify the other Member States of these contact points.

Article 13

Territorial application

This Framework Decision shall apply to Gibraltar.

Article 14

Implementation

1. Member States shall bring into force the measures necessary to comply with this Framework Decision by 2 June 2003.

2. By 2 June 2003, Member States shall forward to the General Secretariat of the Council and to the Commission the text of the provisions transposing into their national law the obligations imposed upon them under this Framework Decision. The Council shall, by 2 September 2003, on the basis of a report established on the basis of this information and a written report by the Commission, assess the extent to which Member States have taken the necessary measures in order to comply with this Framework Decision.

Article 15

Entry into force

This Framework Decision shall enter into force on the date of its publication in the *Official Journal of the European Communities*.

Done at Brussels, 28 May 2001.

For the Council
The President
T. BODSTRÖM

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1078/2001
of 31 May 2001
amending Regulation (EC) No 2160/96 imposing a definitive anti-dumping duty on imports of
polyester textured filament yarn originating, *inter alia*, in Thailand**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾, and in particular Article 11(3) thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

A. PREVIOUS PROCEDURE

(1) By Regulation (EC) No 2160/96 ⁽²⁾, the Council imposed a definitive anti-dumping duty on imports of polyester textured filament yarn originating, *inter alia*, in Thailand. The rate of the duty applicable to the net, free at Community-frontier price, before duty, is 13,5 % for Sunflag (Thailand) Ltd, 6,7 % for Tuntex (Thailand) PLC and 20,2 % for all other Thai exporting producers.

B. INVESTIGATION CONCERNING THE MEASURES IN FORCE

(2) The Thai exporting producer Sunflag (Thailand) Ltd ('the applicant') lodged a request for an interim review of the anti-dumping measures applicable to it, limited to the aspects of dumping pursuant to Article 11(3) of Regulation (EC) No 384/96 (the 'basic Regulation'). The request alleged that changed circumstances of a lasting nature, such as increased capacity utilisation and efficiency, had led to a considerably reduced normal value, while at the same time export prices had remained constant so that dumping had ceased and the continued imposition of the measures was no longer necessary to counteract

dumping. Having determined, after consulting the Advisory Committee, that sufficient evidence existed for the initiation of an interim review, the Commission published a notice in the *Official Journal of the European Communities* ⁽³⁾ and commenced an investigation.

1. Procedure

- (3) The Commission officially advised the authorities of the exporting country of the initiation of an interim review and gave all the parties directly concerned the opportunity to make their views known in writing and to request a hearing.
- (4) The Commission sent a questionnaire and received detailed information from the applicant.
- (5) The Commission sought and verified all information it deemed necessary for the purpose of a determination of dumping and carried out a verification visit at the premises of the applicant.
- (6) The investigation of dumping covered the period from 1 June 1999 until 31 May 2000 (the 'IP').

2. Product concerned and like product

- (7) The product concerned is the same as in the previous investigation, i.e. polyester textured filament yarn ('PTY'). PTY is derived directly from partially oriented polyester yarn and is used in both the weaving and the knitting sectors to make polyester or polyester/cotton fabrics. The product is currently classifiable within CN codes 5402 33 10 and 5402 33 90.
- (8) There are different types of PTY, depending on the weight ('denier'), the number of filaments and the lustre. There are also different qualities, depending on the efficiency of the production process. However, no signifi-

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 2238/2000 (OJ L 257, 11.10.2000, p. 2).

⁽²⁾ OJ L 289, 12.11.1996, p. 14. Regulation as amended by Regulation (EC) No 1822/98 (OJ L 236, 22.8.1998, p. 3).

⁽³⁾ OJ C 170, 20.6.2000, p. 4.

cant differences exist in the basic characteristics and uses of the different types and qualities of PTY. All types of PTY have been and are considered as one product for the purposes of this investigation.

- (9) As in the previous investigation, this investigation has shown that the PTY produced in Thailand by the applicant and sold on the Thai market or exported to the Community has the same physical and chemical characteristics and the same uses and therefore is to be considered a like product within the meaning of Article 1(4) of the basic Regulation.

3. Findings

(a) Normal value

- (10) As far as the determination of normal value is concerned, it was first established whether the applicant's total domestic sales of the like product were representative in comparison with its total export sales to the Community. In accordance with Article 2(2) of the basic Regulation this was found to be the case since the domestic sales volume of the applicant was at least 5 % of its total export sales volume to the Community.
- (11) For each of the types sold by the applicant on its domestic market and found to be directly comparable with the types exported to the Community, it was examined whether domestic sales were sufficiently representative for the purposes of Article 2(2) of the basic Regulation. This was considered to be the case when, during the IP, the total domestic sales volume of a type represented 5 % or more of the total sales volume of the same type exported to the Community.
- (12) On this basis, it was found that domestic sales were representative of each type exported to the Community.
- (13) An examination was also made as to whether the domestic sales of each of these types could be regarded as having been made in the ordinary course of trade, by establishing the proportion of profitable sales to independent customers of the type in question. In cases where profitable sales of a type represented 80 % or more of the total domestic sales volume of that type and where the weighted average costs of production of that type were equal to or lower than the weighted average sales price, normal value was based on the weighted average price of all domestic sales made during the IP, irrespective of whether these sales were profitable or not. All relevant types of PTY fulfilled the aforementioned criteria. Consequently, the normal value for each

type exported to the Community was established on the basis of all sales, including those made at a loss.

(b) Export price

- (14) Since all export sales of the product under consideration were made directly to independent customers in the Community, the export price was established in accordance with Article 2(8) of the basic Regulation on the basis of the prices actually paid or payable.

(c) Comparison

- (15) For the purposes of a fair comparison by type on an ex-factory basis and the same level of trade, due allowance was made for differences which were claimed and demonstrated to affect price comparability. These adjustments were made in respect of transport, insurance, handling, loading and ancillary costs, credit and commissions and partially duty drawback, in accordance with Article 2(10) of the basic Regulation.
- (16) During the on-spot verification the applicant made a claim for duty drawback on the grounds that import charges were borne by the like product when intended for consumption in the exporting country but were not paid when the product was sold for export to the Community. With regard to PTA (purified terephthalic acid), one of the main raw materials for which a duty drawback was requested, the applicant did not submit any evidence that the imported raw material in question was physically incorporated in the product concerned sold on the domestic market. This is especially relevant in this case since PTA was both purchased locally and imported and the applicant is a multi-product company. Therefore that claim could not be granted. As regards MEG (mono ethylene glycol), another main raw material of PTY, which was found to be all imported, the adjustment could be granted.

(d) Dumping margin

- (17) In order to calculate the dumping margin, the Commission compared the weighted average normal value with the prices of every individual export transaction to the Community, in accordance with the second sentence of Article 2(11) of the basic Regulation. This methodology was followed since it was found that there was a pattern of export prices which differed significantly among different time periods and that a comparison of the normal value and export prices on a weighted average basis did not reflect the full extent of dumping being practised.

- (18) The comparison, as described above, showed the existence of dumping for the applicant. The dumping margin established, expressed as a percentage of the total cif value at Community frontier level, duty unpaid, is 4.8 %.
- (e) *Lasting nature of changed circumstances and likelihood of recurrence of dumping*
- (19) In accordance with consistent practice it was examined whether the changed circumstances could reasonably be considered to be of a lasting nature. On the one hand, it should be noted that the applicant's production capacity of PTY had increased compared to that of the last financial year ending in 1999 and the original IP. On the other hand, the investigation showed that the applicant's capacity utilisation rate for PTY had substantially increased between the original and the present IP.
- (20) It was also found that the applicant's exports of PTY to non-EC countries during both the last two financial years and the IP had been consistently high. In this context, it should be mentioned that exports to non-EC countries increased considerably between the original IP and the present IP. In addition it was found that, on the basis of the information available, exports to third countries were made on average at prices equal to those in the EC. Moreover, domestic sales of PTY increased significantly over the last two financial years and the IP.
- (21) The above findings concerning capacity utilisation, export quantities and prices to third countries, as well as the surge in domestic sales, are viewed as evidence that the 4,8 % margin of dumping is of a lasting nature and it is unlikely that there will be a recurrence of dumped imports at levels similar to those established in the previous investigation.
- (22) In view of the finding of a lower dumping margin for the applicant and as this situation is not considered to be of a short-term nature, measures imposed by Council Regulation (EC) No 2160/96 on exports of the applicant should be reduced to the level of the dumping margin established for it in the present review, namely, 4,8 %.
- (23) Since the amendment of the measures concerns only the applicant and not Thailand as a whole, the applicant remains subject to the proceeding and may be reinvestigated in any subsequent review carried out for Thailand pursuant to Article 11 of the basic Regulation.
- (24) The interested parties were informed of the facts and considerations on the basis of which it was intended to recommend that the interim review be terminated and that the anti-dumping duty imposed by Regulation (EC) No 2160/96 be amended and were given an opportunity to comment. Their comments were taken into account and, where appropriate, the findings were modified accordingly.

HAS ADOPTED THIS REGULATION:

Article 1

Article 1(2) of Regulation (EC) No 2160/96 shall be replaced by the following:

'2. The rate of the definitive anti-dumping duty applicable to the net, free-at-Community-frontier price, before duty, shall be as follows:

Indonesia

	Duty	TARIC additional
PT Panasia Indosyntec (formerly: PT Hadtex Indosyntec)	5,4 %	8884
PT Polysindo Eka Perkasa	8,8 %	8886
PT Susilia Indah Synthetic Fibres Industries	8,3 %	8887
Others	20,2 %	8888

The duties shall not apply to imports of the products specified in paragraph 1 which are produced and exported by the Indonesian company PT Indo Rama Synthetics (TARIC additional Code 8885).

Thailand

	Duty	TARIC additional
Tuntex (Thailand) PLC	6,7 %	8889
Sunflag (Thailand) Ltd	4,8 %	8907
Others	20,2 %	8891'

Article 2

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

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

Done at Brussels, 31 May 2001.

For the Council
The President
M-I. KLINGVALL

COMMISSION REGULATION (EC) No 1079/2001
of 1 June 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 2 June 2001.

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

Done at Brussels, 01 June 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 1 June 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	71,8
	999	71,8
0707 00 05	052	59,1
	628	106,1
	999	82,6
0709 90 70	052	80,4
	999	80,4
0805 30 10	388	59,7
	999	59,7
0808 10 20, 0808 10 50, 0808 10 90	388	92,6
	400	104,5
	508	73,1
	512	92,0
	524	75,0
	528	81,7
	720	147,1
	804	100,9
	999	95,9
	0809 20 95	052
400		301,0
608		244,3
999		306,1

⁽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 1080/2001

of 1 June 2001

opening and providing for the administration of a tariff quota for frozen meat of bovine animals covered by CN code 0202 and products covered by CN code 0206 29 91 (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) Schedule CXL requires an annual import quota to be opened for 53 000 tonnes of frozen beef covered by CN code 0202 and products covered by CN code 0206 29 91. Implementing rules should be laid down for the 2001/02 quota year starting on 1 July 2001.

(2) For the allocation of the quota the method laid down in the third indent of Article 32(2) of Regulation (EC) No 1254/1999 should be applied, avoiding discrimination between the traders concerned. Access to the quota should therefore be extended to those traders known as 'new arrivals'.

(3) Traditional importers should consequently be allocated 70 % of the quota, i.e. 37 100 tonnes, in proportion to the quantities imported by them under the same type of quota during the period 1 July 1997 to 30 June 2000. In certain cases administrative errors by the competent national body are liable to restrict traders' access to this part of the quota. Steps should be taken to make good any resulting damage.

(4) Traders who can show that they are genuinely involved in trade of some significance should be granted access to the second part of the quota, i.e. 15 900 tonnes, in

accordance with a procedure whereby the parties concerned submit applications to be accepted by the Commission. Proof of genuine involvement in trade calls for evidence to be presented of trade of some significance in beef and veal with non-member countries during the period 1 July 1998 to 30 June 2000.

(5) In 1999 Belgian beef and veal exports were severely affected by discussion of dioxin. As far as the figure of 15 900 tonnes is concerned, Belgium's situation as regards exports should be taken into account when the criteria relating to results are determined.

(6) If such criteria are to be checked, applications must be submitted in the Member State where the importer is entered in the national VAT register.

(7) In order to prevent speculation:

- traders no longer involved in trade in beef and veal at 1 June 2001 should be denied access to the quota,
- a security relating to import rights should be fixed,
- the possibility of transferring import licences should be excluded,
- the issue of import licences to traders should be limited to the import rights allocated to them.

(8) To oblige traders to apply for import licences for all the import rights allocated, it should be established that obligation constitutes 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 ⁽³⁾, as last amended by Regulation (EC) No 1932/1999 ⁽⁴⁾.

(9) Save as otherwise provided in this Regulation, 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⁾, are applicable to import licences issued under this Regulation.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 146, 20.6.1996, p. 1.

⁽³⁾ OJ L 205, 3.8.1985, p. 5.

⁽⁴⁾ OJ L 240, 10.9.1999, p. 11.

⁽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.

- (10) Effective management of the quota and fraud prevention in particular require used licences to be returned to the competent authorities so they can check that the quantities shown therein are correct. The competent authorities must accordingly be under an obligation to carry out such checks. The security to be lodged when licences are issued should be fixed at a level that ensures licences are actually used and returned to the competent authorities.
- (11) The Management Committee for Beef and Veal has not delivered an opinion within the time limit set by its Chairman,

other than the quantities taken into consideration under (a) and excluding meat which is the subject of inward or outward processing arrangements.

2. For the purposes of paragraph 1(b), the 15 900 tonnes shall be allocated to traders who can furnish proof that they have:

- imported at least 220 tonnes of beef in the period 1 July 1998 to 30 June 2000 other than quantities imported under Regulations (EC) No 1142/98 and (EC) No 995/1999, or
- exported at least 450 tonnes of beef in the same period.

HAS ADOPTED THIS REGULATION:

For this purpose, 'beef' means products covered by CN codes 0201, 0202 and 0206 29 91, and the minimum reference quantities shall be expressed in terms of product weight.

Article 1

1. A tariff quota totalling 53 000 tonnes expressed in weight of boneless meat is hereby opened for frozen meat of bovine animals covered by CN code 0202 and products covered by CN code 0206 29 91 for the period 1 July 2001 to 30 June 2002.

Notwithstanding the second indent, the period of export for established traders entered in the VAT register in Belgium since 1 July 1997 to 30 June 1999.

The serial number of the tariff quota shall be 09.4003.

3. The 15 900 tonnes referred to in paragraph 2 shall be allocated in proportion to the quantities applied for by eligible traders.

For the purposes of the said quota, 100 kilograms of bone-in meat shall be equivalent to 77 kilograms of boneless meat.

4. Proof of import and export shall be furnished solely by means of customs documents of release for free circulation and export documents.

2. For the purposes of this Regulation, 'frozen meat' means meat which is frozen and has an internal temperature of -12°C or lower when it enters the customs territory of the Community.

Member States may accept copies of the abovementioned documents duly certified by the competent authorities.

3. The Common Customs Tariff duty applicable to the quota provided for in paragraph 1 shall be 20 % *ad valorem*.

Article 3

Article 2

1. The quota provided for in Article 1 shall be divided into two parts as follows:

1. Traders who were no longer engaged in trade in beef and veal at 1 June 2001 shall not qualify under the arrangements provided for in this Regulation.

- (a) the first, equalling 70 % or 37 100 tonnes, shall be apportioned among Community importers in proportion to the quantities imported by them under Commission Regulation (EC) No 1042/97 ⁽¹⁾, (EC) No 1142/98 ⁽²⁾ and (EC) No 995/1999 ⁽³⁾.

2. Companies arising from mergers where each constituent undertaking has rights pursuant to Article 2(1)(a) shall enjoy the same rights as the undertakings from which they are formed.

However, the Member States may accept as the reference quantity import rights for the preceding year which were not allocated because of an administrative error by the competent national body but to which the importer would have been entitled;

Article 4

- (b) the second, equalling 30 % or 15 900 tonnes, shall be apportioned among traders who can prove that they have been engaged for a certain period in trade in beef and veal with non-member countries, involving a minimum quantity

1. Together with the proof referred to in Article 2(4), applications for import rights shall be submitted before 11 June 2001 to the competent authority in the Member State where the applicant is entered in the national VAT register. Where an applicant submits more than one application under either of the arrangements referred to in Article 2(1)(a) or (b), all such applications shall be inadmissible.

⁽¹⁾ OJ L 152, 11.6.1997, p. 2.

⁽²⁾ OJ L 159, 3.6.1998, p. 11.

⁽³⁾ OJ L 122, 12.5.1999, p. 3.

Applications pursuant to Article 2(1)(b) shall not cover more than 50 tonnes of frozen boneless meat overall.

2. After the documents submitted have been verified, the Member States shall forward the following to the Commission before 25 June 2001:

- in respect of the arrangements under Article 2(1)(a), a list of eligible applicants, including in particular their names and addresses and the quantities of eligible meat imported during the reference period concerned,
- in respect of the arrangements under Article 2(1)(b), a list of eligible applicants, including in particular their names and addresses and the quantities applied for and an indication as to whether proof of import or export was furnished.

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

Article 5

1. The Commission shall decide as soon as possible on the extent to which quantities covered by applications may be accepted.

2. Where the quantities covered by applications for import rights exceed the quantities available, the Commission shall reduce the quantities applied for by a fixed percentage.

Article 6

1. The security relating to the import rights shall be EUR 6 per 100 kilograms net weight. It must be deposited with the competent authority together with the application for import rights.

2. Import licence applications must be made for the quantity allocated. This obligation shall constitute a primary requirement within the meaning of Article 20(2) of Regulation (EEC) No 2220/85.

3. If the decision on allocation by the Commission in accordance with Article 5 results in application of a reduction percentage, the security provided shall be released for the import rights applied for in excess of the rights allocated.

Article 7

1. Imports of the quantities allocated shall be subject to presentation of one or more import licences.

2. Licence applications may be lodged solely:

- in the Member State where the applicant has applied for import rights,
- by traders allocated import rights. Import rights allocated to traders shall entitle them to import licences for quantities equivalent to the rights allocated.

3. Following decisions on allocation by the Commission in accordance with Article 5, import licences shall be issued on

application and in the names of the traders who have obtained import rights.

4. Licence applications and licences shall contain the following entries:

(a) one of the following entries in section 20:

- Carne de vacuno congelada [Reglamento (CE) n° 1080/2001]
- Frosset oksekød [Forordning (EF) nr. 1080/2001]
- Gefrorenes Rindfleisch (Verordnung (EG) Nr. 1080/2001)
- Κατεψυγμένο βόειο κρέας [Κανονισμός (ΕΚ) αριθ. 1080/2001]
- Frozen meat of bovine animals [Regulation (EC) No 1080/2001]
- Viande bovine congelée [Règlement (CE) n° 1080/2001]
- Carni bovine congelate [Regolamento (CE) n. 1080/2001]
- Bevroren rundvlees (Verordening (EG) nr. 1080/2001)
- Carne de bovino congelada [Reglamento (CE) n.º 1080/2001]
- Jäädetyttyä naudanlihaa (Asetus (EY) N:o 1080/2001)
- Frysst kött av nötkreatur (Förordning (EG) nr 1080/2001);

(b) the country of origin in section 8;

(c) one of the following groups of CN codes in section 16:

0202 10 00, 0202 20, 0202 30, 0206 29 91.

Article 8

For the purpose of applying the arrangements provided for in this Regulation, the frozen meat shall be imported into the customs territory of the Community subject to the conditions laid down in Article 17(2)(f) of Council Directive 72/462/EEC⁽¹⁾.

Article 9

1. Regulations (EC) Nos 1291/2000 and (EC) No 1445/95 shall apply, save where otherwise provided in this Regulation.

2. Notwithstanding Article 9(1) of Regulation (EEC) No 1291/2000, import licences issued pursuant to this Regulation shall not be transferable and shall confer the right to use the tariff quotas only if made out in the nature entered on the declaration of release for free circulation accompanying them.

3. Pursuant to Article 50(1) of Regulation (EEC) 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.

⁽¹⁾ OJ L 302, 31.12.1972, p. 28.

4. Import licences shall be valid for 90 days from their date of issue as defined in Article 23(1) of Regulation (EEC) No 1291/2000. However, no licence shall be valid after 30 June 2002.

5. The security relating to the import licences shall be EUR 35 per 100 kilograms net weight. It shall be lodged together with the licence application.

6. Where import licences are returned with a view to the release of the security, the competent authorities shall check that the quantities shown on the licences are the same as those

shown on the licences at the time of issue. Where licences are not returned, the Member States shall carry out an investigation to establish who has used them and for what quantities. The Member States shall inform the Commission at the earliest opportunity of the results of their investigations.

Article 10

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, 1 June 2001.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX I

Fax (32-2) 296 60 27/(32-2) 295 36 13

Application of the first indent of Article 4(2) of Regulation (EC) No 1080/2001

Serial No 09.4003

COMMISSION OF THE EUROPEAN COMMUNITIES

DG AGRI/D/2 — BEEF AND VEAL SECTOR

Import rights application

Date: Period:

Number of applicant ⁽¹⁾	Applicant (name and address)	Quantity imported			Total
		1042/97	1142/98	995/1999	
Total					

Member State: Fax
 Tel.

⁽¹⁾ Continuous numbering.

COMMISSION REGULATION (EC) No 1081/2001

of 1 June 2001

amending Regulations (EC) No 1476/95, (EEC) No 1963/79 and (EC) No 2768/98 and repealing Regulation (EEC) No 205/73 on communications between Member States and the Commission concerning oils and fats

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EC) No 2826/2000 ⁽²⁾, and in particular Article 2(2), Article 12a and Article 20a(7) thereof,

1. In Regulation (EC) No 1476/95, the following Article is inserted after Article 1:

'Article 1a

1. Member States shall notify the Commission of the quantities for which import or export licences were issued, giving details of the quantities and, in the cases referred to in Article 2(1), the origins of imports:

Whereas:

(a) no later than the 5th and 20th of each month for the preceding fortnight in the case of the products listed in Article 1(2)(c) of Regulation No 136/66/EEC;

(b) during the first month following the end of each marketing year in the case of the products listed in Article 1(2)(d) and (e) of that Regulation.

If a Member State considers that importation or exportation of the quantities covered by applications for licences lodged in that Member State threatens to disturb the market, it shall immediately inform the Commission, indicating, in the manner already specified, the quantities for which licences have been applied for but not yet issued or approved and the quantities for which licences have been issued during the current fortnight.

(1) All but a few of the provisions of Commission Regulation (EEC) No 205/73 of 25 January 1973 on communications between Member States and the Commission concerning oils and fats ⁽³⁾, as last amended by Regulation (EEC) No 1058/87 ⁽⁴⁾, are no longer applicable. That Regulation should therefore be repealed and the provisions of Articles 4 and 5 on communications on trade and production refunds should be incorporated in Commission Regulation (EC) No 1476/95 of 28 June 1995 laying down special detailed rules for the application of the system of import licences for olive oil ⁽⁵⁾ and Commission Regulation (EEC) No 1963/79 of 6 September 1979 laying down detailed rules for the application of the production refund on olive oil used in the manufacture of certain preserved foods ⁽⁶⁾, as last amended by Regulation (EEC) No 1458/89 ⁽⁷⁾.

2. For the purposes of this Article:

(2) The monitoring of market prices for the various categories of olive oil is essential for assessing whether or not to apply the provisions of Commission Regulation (EC) No 2768/98 of 21 December 1998 on the aid scheme for the private storage of olive oil ⁽⁸⁾.

(a) "the fortnight preceding the 5th of each month" means the period from the 16th to the end of the month preceding the date specified;

(b) "the fortnight preceding the 20th of each month" means the period from the 1st to the 15th of that month.'

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

2. In Regulation (EEC) No 1963/79, the following Article 2a is inserted after Article 2:

'Article 2a

With regard to the production refund referred to in Article 20a of Regulation No 136/66/EEC, Member States shall inform the Commission during the first month of each marketing year of the quantities of olive oil subjected to control during the preceding marketing year.'

⁽¹⁾ OJ 172, 30.9.1966, p. 3025/66.

⁽²⁾ OJ L 328, 23.12.2000, p. 2.

⁽³⁾ OJ L 23, 29.1.1973, p. 15.

⁽⁴⁾ OJ L 103, 15.4.1987, p. 31.

⁽⁵⁾ OJ L 145, 29.6.1995, p. 35.

⁽⁶⁾ OJ L 227, 7.9.1979, p. 10.

⁽⁷⁾ OJ L 144, 27.5.1989, p. 5.

⁽⁸⁾ OJ L 346, 22.12.1998, p. 14.

3. In Regulation (EC) No 2768/98, the following Article 3a is inserted after Article 3:

'Article 3a

Member States shall notify the Commission, each Wednesday at the latest, of the average prices during the previous week for the various categories of olive oil referred to in the Annex to Regulation No 136/66/EEC on the principal representative markets in their territory.

Where appropriate, prices shall be accompanied by details of the volume and representativity of the transactions concerned.'

Article 2

Regulation (EEC) No 205/73 is repealed.

Article 3

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

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

Done at Brussels, 1 June 2001.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 1082/2001

of 1 June 2001

amending Regulation (EC) No 562/2000 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 as regards the buying-in of beef and correcting Regulation (EC) No 590/2001 derogating from and amending Regulation (EC) No 562/2000

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

(6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

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 47(8) thereof,

HAS ADOPTED THIS REGULATION:

Article 1

Whereas:

The second subparagraph of Article 17(3) of Regulation (EC) No 562/2000 is replaced by the following text:

(1) Commission Regulation (EC) No 562/2000 ⁽²⁾, as last amended by Regulation (EC) No 590/2001 ⁽³⁾, lays down detailed rules for the application of Council Regulation (EC) No 1254/1999 as regards the buying-in of beef. In particular, Article 17 of Regulation (EC) No 562/2000 stipulates certain conditions on the takeover and preliminary inspections.

‘Such inspections shall cover consignments of up to 20 tonnes of half carcasses as laid down by the intervention agency. However, where the offer involves quarters, the intervention agency may allow a consignment of more than 20 tonnes of half carcasses. Where more than 20 % of the total number of half carcasses in any consignment inspected is rejected, the whole consignment shall be rejected in accordance with paragraph 6.’

(2) By derogating from Article 4(2) of Regulation (EC) No 562/2000, Article 1(2)(b) of Regulation (EC) No 590/2001, as last amended by Regulation (EC) No 826/2001 ⁽⁴⁾, provides for the buying-in of five-rib forequarters. In order to clarify the situation with regard to preliminary inspections in case of the takeover of quarters, the rules have to be amended.

Article 2

Regulation (EC) No 590/2001 is corrected as follows:

(3) Article 1(2)(b) of the English version of Regulation (EC) No 590/2001 contains an error. Moreover, the word ‘Article’ in the last subparagraph of Article 1(7) of Regulation (EC) No 590/2001 should be replaced by the word ‘paragraph’.

1. (Concerns only the English version).

Article 1(2)(b) shall read as follows:

‘(b) The following may be bought into intervention: five-rib forequarters obtained using a straight cut from the carcasses or half carcasses referred to in Article 4(2) of Regulation (EC) No 562/2000; the price of forequarters shall be calculated by applying the coefficient 0,80 to the carcass price.’

(4) Regulation (EC) No 562/2000 and Regulation (EC) No 590/2001 should therefore be amended and corrected respectively.

2. The first phrase of the last subparagraph of Article 1(7) shall read as follows:

‘Moreover, with respect to products purchased under this paragraph.’

(5) In view of the development of events this Regulation must enter into force immediately.

Article 3

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

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 68, 16.3.2000, p. 22.

⁽³⁾ OJ L 86, 27.3.2001, p. 30.

⁽⁴⁾ OJ L 120, 28.4.2001, p. 7.

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

Done at Brussels, 1 June 2001.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 1083/2001**of 1 June 2001****fixing the maximum export refund on wholly milled round grain rice in connection with the invitation to tender issued in Regulation (EC) No 2281/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2281/2000 is hereby fixed on the basis of the tenders submitted from 25 to 31 May 2001 at 210,00 EUR/t.

Article 2

This Regulation shall enter into force on 2 June 2001.

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

Done at Brussels, 1 June 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 260, 14.10.2000, p. 7.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 1084/2001**of 1 June 2001****fixing the maximum export refund on wholly milled medium grain and long grain A rice in connection with the invitation to tender issued in Regulation (EC) No 2282/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain European third countries pursuant to the invitation to tender issued in Regulation (EC) No 2282/2000 is hereby fixed on the basis of the tenders submitted from 25 to 31 May 2001 at 215,00 EUR/t.

Article 2

This Regulation shall enter into force on 2 June 2001.

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

Done at Brussels, 1 June 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 260, 14.10.2000, p. 10.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 1085/2001**of 1 June 2001****fixing the maximum export refund on wholly milled round grain, medium grain and long grain A rice in connection with the invitation to tender issued in Regulation (EC) No 2283/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled grain, medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2283/2000 is hereby fixed on the basis of the tenders submitted from 25 to 31 May 2001 at 225,00 EUR/t.

Article 2

This Regulation shall enter into force on 2 June 2001.

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

Done at Brussels, 1 June 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 260, 14.10.2000, p. 13.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 1086/2001**of 1 June 2001****fixing the maximum export refund on wholly milled long grain rice in connection with the invitation to tender issued in Regulation (EC) No 2284/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled long grain rice falling within CN code 1006 30 67 to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2284/2000 is hereby fixed on the basis of the tenders submitted from 25 to 31 May 2001 at 315,00 EUR/t.

Article 2

This Regulation shall enter into force on 2 June 2001.

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

Done at Brussels, 1 June 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 260, 14.10.2000, p. 16.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 1087/2001**of 1 June 2001****fixing the maximum subsidy on exports of husked long grain rice to Réunion pursuant to the invitation to tender referred to in Regulation (EC) No 2285/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

A maximum subsidy on exports to Réunion of husked long grain rice falling within CN code 1006 20 98 is hereby set on the basis of the tenders lodged from 28 to 31 May 2001 at 333,00 EUR/t pursuant to the invitation to tender referred to in Regulation (EC) No 2285/2000.

Article 2

This Regulation shall enter into force on 2 June 2001.

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

Done at Brussels, 1 June 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 261, 7.9.1989, p. 8.

⁽⁴⁾ OJ L 167, 2.7.1999, p. 19.

⁽⁵⁾ OJ L 260, 14.10.2000, p. 19.

COMMISSION REGULATION (EC) No 1088/2001**of 1 June 2001****fixing the maximum purchase price for beef under the fourth partial invitation to tender pursuant to Regulation (EC) No 690/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

(1) In application of Article 2(2) of Regulation (EC) No 690/2001, Commission Regulation (EC) No 713/2001 ⁽³⁾ on the purchase of beef under Regulation (EC) No 690/2001, as last amended by Regulation (EC) No 1009/2001 ⁽⁴⁾, establishes the list of Member States in which the tendering is open for the fourth partial invitation to tender on 28 May 2001.

(2) In accordance with Article 3(1) of Regulation (EC) No 690/2001, where appropriate, a maximum purchase price for the reference class shall be fixed in the light of the tenders received, taking into account the provisions of Article 3(2) of that Regulation.

(3) Because of the need to support in a reasonable way the market for beef a maximum purchase price should be fixed in the Member States concerned. In the light of the different level of market prices in those Member States, different maximum purchase prices should be fixed.

(4) Due to the urgency of the support measures, this Regulation should enter into force immediately.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

Under the fourth partial invitation to tender on 28 May 2001 opened under Regulation (EC) No 690/2001 the following maximum purchase price shall be fixed:

— Germany: EUR 165,00/100 kg.

Article 2

This Regulation shall enter into force on 2 June 2001.

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

Done at Brussels, 1 June 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 95, 5.4.2001, p. 8.

⁽³⁾ OJ L 100, 11.4.2001, p. 3.

⁽⁴⁾ OJ L 140, 24.5.2001, p. 29.

COMMISSION REGULATION (EC) No 1089/2001
of 1 June 2001
fixing the export refunds on beef and veal

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 33(12) thereof,

Whereas:

- (1) Article 33 of Regulation (EC) No 1254/1999 provides that the difference between 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 (EEC) No 32/82 ⁽²⁾, as last amended by Regulation (EC) No 744/2000 ⁽³⁾, Regulation (EEC) No 1964/82 ⁽⁴⁾, as last amended by Regulation (EC) No 2772/2000 ⁽⁵⁾, and Regulation (EEC) No 2388/84 ⁽⁶⁾, as last amended by Regulation (EEC) No 3661/92 ⁽⁷⁾, lay down the conditions for granting special export refunds on certain cuts of beef and veal and certain preserved beef and veal products.
- (3) It follows from applying those rules and criteria to the foreseeable situation on the market in beef and veal that the refund should be as set out below.
- (4) Given the current market situation in the Community and the possibilities of disposal in certain third countries in particular, export refunds should be granted, on the one hand, on bovine animals intended for slaughter of a live weight greater than 220 kilograms and less than 300 kilograms, and, on the other on adult bovine animals of a live weight of at least 300 kilograms.
- (5) Export refunds should be granted for certain destinations on some fresh or chilled meat listed in the Annex under CN code 0201, on some frozen meat listed in the Annex under CN code 0202, on some meat or offal listed in the Annex under CN code 0206 and on some other prepared or preserved meat or offal listed in the Annex under CN code 1602 50 10.
- (6) In view of the wide differences in products covered by CN codes 0201 20 90 9700 and 0202 20 90 9100 used for refund purposes, refunds should only be granted on cuts in which the weight of bone does not exceed one third.
- (7) In the case of meat of bovine animals, boned or boneless, salted and dried, there are traditional trade flows to Switzerland. To allow this trade to continue, the refund should be set to cover the difference between prices on the Swiss market and export prices in the Member States.
- (8) In the case of certain other cuts and preserves of meat or offal shown in the Annex under CN codes 1602 50 31 to 1602 50 80, the Community share of international trade may be maintained by granting a refund corresponding to that at present available.
- (9) In the case of other beef and veal products, a refund need not be fixed since the Community's share of world trade is not significant.
- (10) Commission Regulation (EEC) No 3846/87 ⁽⁸⁾, as last amended by Regulation (EC) No 2849/2000 ⁽⁹⁾, establishes the agricultural product nomenclature for the purposes of export refunds.
- (11) In order to simplify customs export formalities for operators, the refunds on all frozen cuts should be brought into line with those on fresh or chilled cuts other than those from adult male bovine animals.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 4, 8.1.1982, p. 11.

⁽³⁾ OJ L 89, 11.4.2000, p. 3.

⁽⁴⁾ OJ L 212, 21.7.1982, p. 48.

⁽⁵⁾ OJ L 321, 19.12.2000, p. 35.

⁽⁶⁾ OJ L 221, 18.8.1984, p. 28.

⁽⁷⁾ OJ L 370, 19.12.1992, p. 16.

⁽⁸⁾ OJ L 366, 24.12.1987, p. 1.

⁽⁹⁾ OJ L 335, 30.12.2000, p. 1.

- (12) Checks on products covered by CN code 1602 50 should be stepped up by making the granting of refunds on these products conditional on manufacture under the arrangements provided for in Article 4 of Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products ⁽¹⁾, as amended by Regulation (EEC) No 2026/83 ⁽²⁾.
- (13) Refunds on female animals should vary depending on their age in order to prevent abuses in the export of certain pure-bred breeding animals.
- (14) Opportunities exist for the export to certain third countries of heifers other than those intended for slaughter, but to prevent any abuse control criteria should be laid down to ensure that these animals are not more than 36 months old.
- (15) Under Article 6(2) of Regulation (EEC) No 1964/82, the special refund is to be reduced if the quantity of boned meat to be exported amounts to less than 95 %, but not less than 85 %, of the total weight of cuts produced by boning.
- (16) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

1. The list of products on which export refunds as referred to in Article 33 of Regulation (EC) No 1254/1999 are granted

and the amount thereof and the destinations shall be as set out in the Annex to this Regulation.

2. The products must meet the relevant health marking requirements of:

- Chapter XI of Annex I to Council Directive 64/433/EEC ⁽³⁾,
- Chapter VI of Annex I to Council Directive 94/65/EC ⁽⁴⁾,
- Chapter VI of Annex B to Council Directive 77/99/EEC ⁽⁵⁾.

Article 2

The grant of the refund for product code 0102 90 59 9000 of the nomenclature for export refunds and for exports to the third country 075 listed in the Annex to this Regulation shall be subject to presentation, when the customs formalities for export are completed, of the original and one copy of the veterinary certificate signed by an official veterinarian certifying that these are heifers of an age of not more than 36 months. The original of the certificate shall be returned to the exporter and the copy, certified as being in accordance with the regulations by the customs authorities, shall be attached to the application for payment of the refund.

Article 3

In the case referred to in the third subparagraph of Article 6(2) of Regulation (EEC) No 1964/82 the rate of the refund on products falling within CN code 0201 30 00 9100 shall be reduced by EUR 14,00/100 kg.

Article 4

This Regulation shall enter into force on 5 June 2001.

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

Done at Brussels, 1 June 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 62, 7.3.1980, p. 5.

⁽²⁾ OJ L 199, 22.7.1983, p. 12.

⁽³⁾ OJ L 121, 29.7.1964, p. 2012/64.

⁽⁴⁾ OJ L 368, 31.12.1994, p. 10.

⁽⁵⁾ OJ L 26, 31.1.1977, p. 85.

ANNEX

to the Commission Regulation of 1 June 2001 fixing export refunds on beef

Product code	Destination	Unit of measurement	Refunds (€)
0102 10 10 9120	A00	EUR/100 kg live weight	53,00
0102 10 10 9130	B02	EUR/100 kg live weight	15,50
	B03	EUR/100 kg live weight	9,50
	039	EUR/100 kg live weight	5,00
0102 10 30 9120	A00	EUR/100 kg live weight	53,00
0102 10 30 9130	B02	EUR/100 kg live weight	15,50
	B03	EUR/100 kg live weight	9,50
	039	EUR/100 kg live weight	5,00
0102 10 90 9120	A00	EUR/100 kg live weight	53,00
0102 90 41 9100	B02	EUR/100 kg live weight	41,00
0102 90 51 9000	B02	EUR/100 kg live weight	15,50
	B03	EUR/100 kg live weight	9,50
	039	EUR/100 kg live weight	5,00
0102 90 59 9000	B02	EUR/100 kg live weight	15,50
	B03	EUR/100 kg live weight	9,50
	039	EUR/100 kg live weight	5,00
	075 ⁽⁹⁾	EUR/100 kg live weight	53,00
0102 90 61 9000	B02	EUR/100 kg live weight	15,50
	B03	EUR/100 kg live weight	9,50
	039	EUR/100 kg live weight	5,00
0102 90 69 9000	B02	EUR/100 kg live weight	15,50
	B03	EUR/100 kg live weight	9,50
	039	EUR/100 kg live weight	5,00
0102 90 71 9000	B02	EUR/100 kg live weight	41,00
	B03	EUR/100 kg live weight	23,00
	039	EUR/100 kg live weight	14,00
0102 90 79 9000	B02	EUR/100 kg live weight	41,00
	B03	EUR/100 kg live weight	23,00
	039	EUR/100 kg live weight	14,00
0201 10 00 9110 ⁽¹⁾	B02	EUR/100 kg net weight	71,50
	B03	EUR/100 kg net weight	43,00
	039	EUR/100 kg net weight	23,50
0201 10 00 9120	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0201 10 00 9130 ⁽¹⁾	B02	EUR/100 kg net weight	97,00
	B03	EUR/100 kg net weight	56,50
	039	EUR/100 kg net weight	33,50
0201 10 00 9140	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	14,00
	039	EUR/100 kg net weight	16,00
0201 20 20 9110 ⁽¹⁾	B02	EUR/100 kg net weight	97,00
	B03	EUR/100 kg net weight	56,50
	039	EUR/100 kg net weight	33,50

Product code	Destination	Unit of measurement	Refunds (°)
0201 20 20 9120	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	14,00
	039	EUR/100 kg net weight	16,00
0201 20 30 9110 (1)	B02	EUR/100 kg net weight	71,50
	B03	EUR/100 kg net weight	43,00
	039	EUR/100 kg net weight	23,50
0201 20 30 9120	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0201 20 50 9110 (1)	B02	EUR/100 kg net weight	123,00
	B03	EUR/100 kg net weight	71,50
	039	EUR/100 kg net weight	41,00
0201 20 50 9120	B02	EUR/100 kg net weight	58,50
	B03	EUR/100 kg net weight	17,50
	039	EUR/100 kg net weight	19,50
0201 20 50 9130 (1)	B02	EUR/100 kg net weight	71,50
	B03	EUR/100 kg net weight	43,00
	039	EUR/100 kg net weight	23,50
0201 20 50 9140	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0201 20 90 9700	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0201 30 00 9050	400 (3)	EUR/100 kg net weight	23,50
	404 (4)	EUR/100 kg net weight	23,50
0201 30 00 9060 (6)	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	13,00
	039	EUR/100 kg net weight	15,00
	809, 822	EUR/100 kg net weight	37,00
0201 30 00 9100 (2) (6)	B02	EUR/100 kg net weight	172,00
	B03	EUR/100 kg net weight	102,00
	039	EUR/100 kg net weight	60,00
	809, 822	EUR/100 kg net weight	152,50
0201 30 00 9120 (2) (6)	B08	EUR/100 kg net weight	94,50
	B09	EUR/100 kg net weight	88,00
	B03	EUR/100 kg net weight	56,50
	039	EUR/100 kg net weight	33,00
	809, 822	EUR/100 kg net weight	83,50
0202 10 00 9100	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0202 10 00 9900	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	14,00
	039	EUR/100 kg net weight	16,00
0202 20 10 9000	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	14,00
	039	EUR/100 kg net weight	16,00
0202 20 30 9000	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50

Product code	Destination	Unit of measurement	Refunds (°)
0202 20 50 9100	B02	EUR/100 kg net weight	58,50
	B03	EUR/100 kg net weight	17,50
	039	EUR/100 kg net weight	19,50
0202 20 50 9900	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0202 20 90 9100	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0202 30 90 9100	400 ⁽³⁾	EUR/100 kg net weight	23,50
	404 ⁽⁴⁾	EUR/100 kg net weight	23,50
0202 30 90 9200 ⁽⁶⁾	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	13,00
	039	EUR/100 kg net weight	15,00
	809, 822	EUR/100 kg net weight	37,00
0206 10 95 9000	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	13,00
	039	EUR/100 kg net weight	15,00
	809, 822	EUR/100 kg net weight	37,00
0206 29 91 9000	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	13,00
	039	EUR/100 kg net weight	15,00
	809, 822	EUR/100 kg net weight	37,00
0210 20 90 9100	039	EUR/100 kg net weight	23,00
1602 50 10 9170 ⁽⁸⁾	B02	EUR/100 kg net weight	22,50
	B03	EUR/100 kg net weight	15,00
	039	EUR/100 kg net weight	17,50
1602 50 31 9125 ⁽⁵⁾	A00	EUR/100 kg net weight	88,50
1602 50 31 9325 ⁽⁵⁾	A00	EUR/100 kg net weight	79,00
1602 50 39 9125 ⁽⁵⁾	A00	EUR/100 kg net weight	88,50
1602 50 39 9325 ⁽⁵⁾	A00	EUR/100 kg net weight	79,00
1602 50 39 9425 ⁽⁵⁾	A00	EUR/100 kg net weight	30,00
1602 50 39 9525 ⁽⁵⁾	A00	EUR/100 kg net weight	30,00
1602 50 80 9535 ⁽⁸⁾	A00	EUR/100 kg net weight	17,50

⁽¹⁾ Entry under this subheading is subject to the submission of the certificate appearing in the Annex to amended Commission Regulation (EEC) No 32/82.

⁽²⁾ The refund is granted subject to compliance with the conditions laid down in amended Regulation (EEC) No 1964/82.

⁽³⁾ Carried out in accordance with amended Commission Regulation (EEC) No 2973/79 (OJ L 336, 29.12.1979, p. 44).

⁽⁴⁾ Carried out in accordance with amended Commission Regulation (EC) No 2051/96 (OJ L 274, 26.10.1996, p. 18).

⁽⁵⁾ OJ L 221, 18.8.1984, p. 28.

⁽⁶⁾ The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86 (OJ L 210, 1.8.1986, p. 39).

The term 'average content' refers to the sample quantity as defined in Article 2(1) of Regulation (EC) No 2457/97 (OJ L 340, 11.12.1997, p. 29). The sample is to be taken from that part of the consignment presenting the highest risk.

⁽⁷⁾ Article 33(10) of amended Regulation (EC) No 1254/1999 provides that no export refunds shall be granted on products imported from third countries and re-exported to third countries.

⁽⁸⁾ The refund is granted only on products manufactured under the arrangement provided for in Article 4 of amended Council Regulation (EEC) No 565/80.

⁽⁹⁾ The grant of the refund is subject to compliance with the conditions referred to in Article 2 of this Regulation.

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).

The other destinations are defined as follows:

B02: B08 and B09

B03: Ceuta, Melilla, Iceland, Norway, Faroe Islands, Andorra, Gibraltar, Vatican, Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovakia, Hungary, Romania, Bulgaria, Albania, Slovenia, Croatia, Bosnia and Herzegovina, Yugoslavia, Former Yugoslav Republic of Macedonia, the communes of Livigno and Campione d'Italia, Helgoland, Greenland, Cyprus, stores and provisions (destinations referred to in Articles 36 and 45, and if appropriate in Article 44, of Commission Regulation (EC) No 800/1999, as amended)

B08: Malta, Turkey, Ukraine, Belarus, Moldova, Russia, Georgia, Armenia, Azerbaijan, Kazakhstan, Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan, Morocco, Algeria, Tunisia, Libya, Egypt, Lebanon, Syria, Iraq, Iran, Israel, West Bank/Gaza Strip, Jordan, Saudi Arabia, Kuwait, Bahrain, Qatar, United Arab Emirates, Oman, Yemen, Pakistan, Sri Lanka, Myanmar (Burma), Thailand, Vietnam, Indonesia, Philippines, China, North Korea, Hong Kong

B09: Sudan, Mauritania, Mali, Burkina Faso, Niger, Chad, Cape Verde, Senegal, Gambia, Guinea-Bissau, Guinea, Sierra Leone, Liberia, Côte d'Ivoire, Ghana, Togo, Benin, Nigeria, Cameroon, Central African Republic, Equatorial Guinea, São Tomé and Príncipe, Gabon, Congo (Republic), Congo (Democratic Republic), Rwanda, Burundi, Saint Helena and dependencies, Angola, Ethiopia, Eritrea, Djibouti, Somalia, Uganda, Tanzania, Seychelles and dependencies, British Indian Ocean Territory, Mozambique, Mauritius, Comoros, Mayotte, Zambia, Malawi, South Africa, Lesotho.

COMMISSION REGULATION (EC) No 1090/2001

of 1 June 2001

fixing the maximum buying-in price and the quantities of beef to be bought in under the 268th partial invitation to tender as a general intervention measure pursuant to Regulation (EEC) No 1627/89

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Regulation (EC) No 562/2000 of 15 March 2000 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 as regards the buying-in of beef ⁽²⁾, as amended by Regulation (EC) No 590/2001 ⁽³⁾, lays down buying standards. Pursuant to the above Regulation, an invitation to tender was opened under Article 1(1) of Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying-in of beef by invitation to tender ⁽⁴⁾, as last amended by Regulation (EC) No 1021/2001 ⁽⁵⁾.
- (2) Article 13(1) of Regulation (EC) No 562/2000 lays down that a maximum buying-in price is to be fixed for quality R3, where appropriate, under each partial invitation to tender in the light of tenders received. In accordance with Article 36 of that Regulation, only tenders quoting prices not exceeding the maximum buying-in price and not exceeding the average national or regional market price, plus the amount referred to in Article 6(2) of Regulation (EC) No 590/2001 are to be accepted.
- (3) Once tenders submitted in respect of the 268th partial invitation to tender have been considered pursuant to Article 47(8) of Regulation (EC) No 1254/1999, and taking account of the requirements for reasonable support of the market and the seasonal trend in slaughtering and prices, the maximum buying-in price and the

quantities which may be bought in should be fixed for category A and no award made for category C.

- (4) Article 7 of Regulation (EC) No 590/2001 also opens buying-in of carcasses and half-carcasses of store cattle and lays down special rules in addition to those laid down for the buying-in of other products. After consideration of the tenders submitted, it has been decided not to proceed with the tendering procedure.
- (5) In the light of developments, this Regulation should enter into force immediately.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

Under the 268th partial invitation to tender opened pursuant to Regulation (EEC) No 1627/89:

- (a) for category A:
 - the maximum buying-in price shall be EUR 226,00/100 kg of carcasses or half-carcasses of quality R3,
 - the maximum quantity of carcasses, half-carcasses, and forequarters accepted shall be 8 597,5 t;
- (b) for category C no award shall be made;
- (c) for carcasses and half-carcasses of store cattle as referred to in Article 1(7) of Regulation (EC) No 590/2001, no award shall be made.

Article 2

This Regulation shall enter into force on 2 June 2001.

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

Done at Brussels, 1 June 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 68, 16.3.2000, p. 22.

⁽³⁾ OJ L 86, 27.3.2001, p. 30, Regulation as last amended by Regulation (EC) No 826/2001 (OJ L 120, 28.4.2001, p. 7).

⁽⁴⁾ OJ L 159, 10.6.1989, p. 36.

⁽⁵⁾ OJ L 140, 24.5.2001, p. 53.

COUNCIL DIRECTIVE 2001/40/EC
of 28 May 2001

on the mutual recognition of decisions on the expulsion of third country nationals

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 63(3) thereof,

Having regard to the initiative of the French Republic ⁽¹⁾,

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

Whereas:

- (1) The Treaty stipulates that the Council is to adopt measures on immigration policy within areas comprising conditions of entry and residence as well as illegal immigration and illegal residence.
- (2) The Tampere European Council on 15 and 16 October 1999 reaffirmed its resolve to create an area of freedom, security and justice. For that purpose, a common European policy on asylum and migration should aim both at fair treatment of third country nationals and better management of migration flows.
- (3) The need to ensure greater effectiveness in enforcing expulsion decisions and better cooperation between Member States entails mutual recognition of expulsion decisions.
- (4) Decisions on the expulsion of third country nationals have to be adopted in accordance with fundamental rights, as safeguarded by the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, in particular Articles 3 and 8 thereof, and the Geneva Convention relating to the Status of Refugees of 28 July 1951 and as they result from the constitutional principles common to the Member States.
- (5) In accordance with the principle of subsidiarity, the objective of the proposed action, namely cooperation between Member States on expulsion of third country nationals, cannot be sufficiently achieved by the Member States and can therefore, by reason of the effects of the envisaged action, be better achieved by the Community. This Directive does not go beyond what is necessary to achieve that objective.
- (6) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and the Treaty establishing the European Community, the United Kingdom has given notice by letter of 18 October 2000 of its

wish to take part in the adoption and application of this Directive.

- (7) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community, Denmark is not participating in the adoption of this Directive, and is therefore not bound by it or subject to its application. Given that this Directive aims to build upon the Schengen acquis under the provisions of Title IV of the Treaty establishing the European Community, in accordance with Article 5 of the above-mentioned Protocol, Denmark will decide within a period of six months after the Council has adopted this Directive whether it will transpose this decision into its national law.
- (8) As regards the Republic of Iceland and the Kingdom of Norway, this Directive constitutes a development of the Schengen acquis within the meaning of the agreement concluded on 18 May 1999 between the Council of the European Union and those two States. As a result of the procedures laid down in the agreement, the rights and obligations arising from this Directive should also apply to those two States and in relations between those two States and the Member States of the European Community to which this Directive is addressed,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Without prejudice to the obligations arising from Article 23 and to the application of Article 96 of the Convention implementing the Schengen Agreement of 14 June 1985, signed at Schengen on 19 June 1990, hereinafter referred to as the 'Schengen Convention', the purpose of this Directive is to make possible the recognition of an expulsion decision issued by a competent authority in one Member State, hereinafter referred to as the 'issuing Member State', against a third country national present within the territory of another Member State, hereinafter referred to as the 'enforcing Member State'.
2. Any decision taken pursuant to paragraph 1 shall be implemented according to the applicable legislation of the enforcing Member State.
3. This Directive shall not apply to family members of citizens of the Union who have exercised their right of free movement.

⁽¹⁾ OJ C 243, 24.8.2000, p. 1.

⁽²⁾ Opinion delivered on 13 March 2001 (not yet published in the Official Journal).

Article 2

For the purposes of this Directive,

- (a) 'third country national' shall mean anyone who is not a national of any of the Member States;
- (b) 'expulsion decision' shall mean any decision which orders an expulsion taken by a competent administrative authority of an issuing Member State;
- (c) 'enforcement measure' shall mean any measure taken by the enforcing Member State with a view to implementing an expulsion decision.

Article 3

1. The expulsion referred to in Article 1 shall apply to the following cases:

- (a) a third country national is the subject of an expulsion decision based on a serious and present threat to public order or to national security and safety, taken in the following cases:
 - conviction of a third country national by the issuing Member State for an offence punishable by a penalty involving deprivation of liberty of at least one year,
 - the existence of serious grounds for believing that a third country national has committed serious criminal offences or the existence of solid evidence of his intention to commit such offences within the territory of a Member State.

Without prejudice to Article 25(2) of the Schengen Convention, if the person concerned holds a residence permit issued by the enforcing Member State or by another Member State, the enforcing State shall consult the issuing State and the State which issued the permit. The existence of an expulsion decision taken under this point shall allow for the residence permit to be withdrawn if this is authorised by the national legislation of the State which issued the permit;

- (b) a third country national is the subject of an expulsion decision based on failure to comply with national rules on the entry or residence of aliens.

In the two cases referred to in (a) and (b), the expulsion decision must not have been rescinded or suspended by the issuing Member State.

2. Member States shall apply this Directive with due respect for human rights and fundamental freedoms.

3. This Directive shall be applied without prejudice to the provisions of the Convention Determining the State Responsible for Examining Applications for Asylum Lodged in one of the Member States of the European Communities and readmission agreements between Member States.

Article 4

The Member States shall ensure that the third country national concerned may, in accordance with the enforcing Member State's legislation, bring proceedings for a remedy against any measure referred to in Article 1(2).

Article 5

Protection of personal data and data security shall be ensured in accordance with Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽¹⁾.

Without prejudice to Articles 101 and 102 of the Schengen Convention, personal data files shall be used in the context of this Directive only for the purposes laid down therein.

Article 6

The authorities of the issuing Member State and of the enforcing Member State shall make use of all appropriate means of cooperation and of exchanging information to implement this Directive.

The issuing Member State shall provide the enforcing Member State with all documents needed to certify the continued enforceability of the decision by the fastest appropriate means, where appropriate in accordance with the relevant provisions of the SIRENE Manual.

The enforcing Member State shall first examine the situation of the person concerned to ensure that neither the relevant international instruments nor the national rules applicable conflict with the enforcement of the expulsion decision.

After implementation of the enforcement measure, the enforcing Member State shall inform the issuing Member State.

Article 7

Member States shall compensate each other for any financial imbalances which may result from application of this Directive where expulsion cannot be effected at the expense of the national(s) of the third country concerned.

In order to enable this Article to be implemented, the Council, acting on a proposal from the Commission, shall adopt appropriate criteria and practical arrangements before 2 December 2002. These criteria and practical arrangements shall also apply to the implementation of Article 24 of the Schengen Convention.

Article 8

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 2 December 2002. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the main provisions of domestic law which they adopt in the field governed by this Directive.

⁽¹⁾ OJ L 281, 23.11.1995, p. 31.

Article 9

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

Article 10

This Directive is addressed to the Member States, in accordance with the Treaty establishing the European Community.

Done at Brussels, 28 May 2001.

For the Council
The President
T. BODSTRÖM

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 18 May 2001

on the inventory of wine production potential presented by Germany pursuant to Council Regulation (EC) No 1493/1999

(notified under document number C(2001) 1432)

(Only the German text is authentic)

(2001/414/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, as amended by Regulation (EC) No 2826/2000 ⁽²⁾, and in particular Article 23(4) thereof,

Whereas:

- (1) Article 16 of Regulation (EC) No 1493/1999 provides for the presentation of an inventory of wine production potential. Access to the regularisation of unlawfully planted areas, the increase in planting rights and support for restructuring and conversion is subject to prior presentation of this inventory.
- (2) Article 19 of Commission Regulation (EC) No 1227/2000 of 31 May 2000 laying down detailed rules for the application of Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine, as regards production potential ⁽³⁾, sets out details of the information to be included in the inventory.
- (3) By letters of 22 September 2000 and 12 December 2000 Germany sent the Commission the information referred to in Article 16 of Regulation (EC) No 1493/1999. Examination of this information shows that Germany has compiled the inventory.

- (4) This Decision does not entail recognition by the Commission of the accuracy of the information contained in the inventory or of the compatibility of the legislation referred to in the inventory with Community law. It is without prejudice to any future Commission decision on these points.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS DECISION:

Article 1

The Commission notes that Germany has compiled the inventory referred to in Article 16 of Regulation (EC) No 1493/1999.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 18 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 179, 14.7.1999, p. 1.

⁽²⁾ OJ L 328, 23.12.2000, p. 2.

⁽³⁾ OJ L 143, 16.6.2000, p. 1.

COMMISSION DECISION

of 1 June 2001

amending for the second time Decision 2001/356/EC concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom

(notified under document number C(2001) 1556)

(Text with EEA relevance)

(2001/415/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, as last amended by Directive 92/118/EEC ⁽²⁾, and in particular Article 10 thereof,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽³⁾, as last amended by Directive 92/118/EEC, and in particular Article 9 thereof,

Whereas:

- (1) Following the reports of outbreaks of foot-and-mouth disease in the United Kingdom, the Commission adopted Decision 2001/356/EC of 4 May 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom and repealing Decision 2001/172/EC ⁽⁴⁾, as amended by Decision 2001/372/EC ⁽⁵⁾.
- (2) Council Directive 85/511/EEC ⁽⁶⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, introduces Community measures for the control of foot-and-mouth disease.
- (3) Council Directive 90/426/EEC ⁽⁷⁾, as last amended by Commission Decision 2001/298/EC ⁽⁸⁾, concerns animal health conditions governing the movement and import from third countries of equidae.
- (4) As the disease situation is improving, it appears appropriate to ease certain restrictions on the movement of equidae, which are not susceptible to foot-and-mouth disease.
- (5) The situation shall be reviewed at the meeting of the Standing Veterinary Committee scheduled for 5-6 June 2001 and the measures adapted where necessary.

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

HAS ADOPTED THIS DECISION:

Article 1

Article 12(4) in Decision 2001/356/EC is replaced by the following:

- '4. The United Kingdom shall ensure that equidae dispatched from its territory to another Member State are accompanied by a health certificate in accordance with the Model in Annex C of Council Directive 90/426/EEC. This certificate shall only be issued for equidae coming from a holding that is not subject to official prohibition in accordance with Article 4 or Article 5 of Directive 85/511/EEC.

In addition, where the equine animal is to be certified in accordance with the provisions in the first subparagraph the certifying official veterinarian must:

- inspect and certify the equine animal only if it is groomed to remove as far as practicable visible faeces, dirt and debris and its hooves are cleaned and disinfected to the satisfaction of the official veterinarian, and
- ensure that a written declaration is received from the owner of the animal or the owner's representative stating that the equine animal will remain on the holding until dispatch to the place of destination stated in the health certificate, without stopping at any holding that is subject to official prohibitions in accordance with Article 4 or Article 5 of Directive 85/511/EEC.

The animal health certificate accompanying equidae dispatched from the United Kingdom to another Member State in accordance with the provisions in the first subparagraph shall bear the following words:

"Equidae conforming to Commission Decision 2001/356/EC of 4 May 2001, concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom."

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 395, 30.12.1989, p. 13.

⁽⁴⁾ OJ L 125, 5.5.2001, p. 46.

⁽⁵⁾ OJ L 130, 12.5.2001, p. 47.

⁽⁶⁾ OJ L 315, 26.11.1985, p. 11.

⁽⁷⁾ OJ L 224, 18.8.1990, p. 42.

⁽⁸⁾ OJ L 102, 12.4.2001, p. 63.

Article 2

Member States shall amend the measures which they apply to trade so as to bring them into compliance with this Decision. They shall immediately inform the Commission thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 1 June 2001.

For the Commission

David BYRNE

Member of the Commission

COMMISSION DECISION
of 1 June 2001
amending for the fourth time Decision 2001/327/EC concerning restrictions to the movement of
animals of susceptible species with regard to foot-and-mouth disease

(notified under document number C(2001) 1557)

(Text with EEA relevance)

(2001/416/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Article 1

Decision 2001/327/EC is amended as follows:

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, as last amended by Directive 92/118/EEC ⁽²⁾, and in particular Article 10 thereof,

1. In Article 2 paragraph 4 is deleted.

2. A new Article 2a is inserted as follows:

Whereas:

'Article 2a

(1) The foot-and-mouth disease situation in certain parts of the Community is liable to endanger the herds in other parts of the Community in view of the placing on the market and trade in live biungulate animals.

1. Without prejudice to Article 3(1)(aa) second indent of Council Directive 91/628/EEC, Member States shall ensure that animals of species susceptible to foot-and-mouth disease are not moved through staging points established and approved in accordance with Council Regulation (EC) No 1255/97.

(2) All Member States have implemented the restrictions to the movement of animals of susceptible species laid down in Commission Decision 2001/327/EC of 24 April 2001 concerning restrictions to the movement of animals of susceptible species with regard to foot-and-mouth disease and repealing Decision 2001/263/EC ⁽³⁾, as last amended by Decision 2001/394/EC ⁽⁴⁾.

2. Derogating from the provisions in paragraph 1, the movement through staging points may be authorised for animals of the bovine and porcine species for breeding and production and for animals of the ovine and caprine species for breeding under the conditions detailed in paragraph 3.

(3) It appears appropriate to maintain the restrictions, but to allow movement through staging points for animals of susceptible species for breeding and in the case of bovine and porcine animals also for production, taking into account the requirements for health and identifications standards applicable to intra-Community trade in such animals.

3. The staging point indicated in the route plan accompanying the consignment is notified to the central veterinary authorities in the Member State of destination and any Member State of transit, and the route plan is supplemented by a declaration of the consignor that suitable arrangements have been made to ensure that the staging point receives at the same time only animals of the same species and of the same certified health status.'

(4) The situation shall be reviewed at the meeting of the Standing Veterinary Committee scheduled for 5 and 6 June 2001 and the measures adapted where necessary.

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

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

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 1 June 2001.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 115, 25.4.2001, p. 12.

⁽⁴⁾ OJ L 138, 22.5.2001, p. 36.