

English edition

Legislation

Contents

I Acts whose publication is obligatory

- ★ **Regulation (EC) No 1386/2001 of the European Parliament and of the Council of 5 June 2001 amending Council Regulations (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71 ⁽¹⁾** 1
- Commission Regulation (EC) No 1387/2001 of 9 July 2001 establishing the standard import values for determining the entry price of certain fruit and vegetables 4
- Commission Regulation (EC) No 1388/2001 of 9 July 2001 on the supply of white sugar as food aid 6
- Commission Regulation (EC) No 1389/2001 of 9 July 2001 on the supply of vegetable oil as food aid 9
- Commission Regulation (EC) No 1390/2001 of 9 July 2001 on the supply of cereals as food aid 13
- ★ **Commission Regulation (EC) No 1391/2001 of 9 July 2001 prohibiting fishing for blue whiting by vessels flying the flag of Germany** 18
- ★ **Commission Regulation (EC) No 1392/2001 of 9 July 2001 laying down detailed rules for applying Council Regulation (EEC) No 3950/92 establishing an additional levy on milk and milk products** 19
- ★ **Commission Regulation (EC) No 1393/2001 of 9 July 2001 derogating from Regulation (EC) No 2316/1999 laying down detailed rules for the application of Council Regulation (EC) No 1251/1999 establishing a support system for producers of certain arable crops as regards set-aside in certain areas of France** 29
- ★ **Commission Regulation (EC) No 1394/2001 of 9 July 2001 establishing administrative procedures for the 2002 quantitative quotas for certain products originating in the People's Republic of China** 31

Commission Regulation (EC) No 1395/2001 of 9 July 2001 on the issue of import licences for high-quality fresh, chilled or frozen beef and veal	37
Commission Regulation (EC) No 1396/2001 of 9 July 2001 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip	38
Commission Regulation (EC) No 1397/2001 of 9 July 2001 amending the import duties in the cereals sector	40
* Directive 2001/38/EC of the European Parliament and of the Council of 5 June 2001 amending Council Directive 93/7/EEC on the return of cultural objects unlawfully removed from the territory of a Member State ⁽¹⁾	43
* Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985	45

II *Acts whose publication is not obligatory*

Commission

2001/520/EC:

* Commission Decision of 9 July 2001 concerning the non-inclusion of parathion in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing this active substance ⁽¹⁾ (notified under document number C(2001) 1772)	47
---	----

⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

**REGULATION (EC) No 1386/2001 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 5 June 2001**

amending Council Regulations (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 42 and 308 thereof,

Having regard to the proposal from the Commission⁽¹⁾, presented after consulting the Administrative Commission on Social Security for Migrant Workers,

Having regard to the opinion of the Economic and Social Committee⁽²⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁽³⁾,

Whereas:

(1) It is appropriate to make certain amendments to Council Regulations (EEC) No 1408/71⁽⁴⁾ and (EEC) No 574/72⁽⁵⁾. These amendments are linked to changes which Member States have made to their social security legislation.

(2) Following the notification by the French Government to the President of the Council of a declaration making Regulation (EEC) No 1408/71 applicable to the two French supplementary pension schemes ARRCO and AGIRC, it seems appropriate to facilitate the application of that Regulation to the schemes by adding new points to Annex IV Part C and Annex VI thereto, chiefly to take account of the supplementary nature of these schemes by comparison with the basic regimes, and of the fact that the benefits they grant are calculated on the basis of the number of pension points acquired, independently of the periods completed.

(3) It is appropriate to clarify that benefits under the Austrian statutory special assistance scheme are to be granted according to the provisions of Title III Chapter 3 of Regulation (EEC) 1408/71.

(4) To take account of the judgment of the Court of Justice of the European Communities of 11 June 1998 in Case C-275/96 *Kuusijärvi v. Riksförsäkringsverket*⁽⁶⁾, section 'N. SWEDEN' of Annex VI should be amended.

(5) It is appropriate to amend Article 34(5) of Regulation (EEC) No 574/72 in order to separate it from Article 34(4) and hence no longer to refer to the reimbursement procedure subject to a ceiling where the expenses have been incurred during a stay in a Member State which does not provide for rates of reimbursement.

(6) It is necessary to amend Article 93(1) of Regulation (EEC) No 574/72 to take account of Council Regulation (EC) No 307/1999⁽⁷⁾, which extends Regulation (EEC) No 1408/71 to cover students.

(7) It is appropriate to amend Article 107 of Regulation (EEC) No 574/72 following the introduction of the euro on 1 January 1999.

(8) In order to attain the objective of freedom of movement for workers, it is necessary and appropriate to amend the rules relating to the coordination of national social security schemes through a Community legal instrument that is binding and directly applicable in each Member State.

(9) With the exception of Article 42, the Treaty does not provide, for the adoption of this Regulation, for powers other than those under Article 308,

⁽¹⁾ OJ C 274 E, 26.9.2000, p. 113.

⁽²⁾ OJ C 367, 20.12.2000, p. 18.

⁽³⁾ Opinion of the European Parliament of 15 February 2001 (not yet published in the Official Journal), and Decision of the Council of 14 May 2001.

⁽⁴⁾ OJ L 149, 5.7.1971, p. 2. Regulation as last amended by Regulation (EC) No 1399/1999 (OJ L 164, 30.6.1999, p. 1).

⁽⁵⁾ OJ L 74, 27.3.1972, p. 1. Regulation as last amended by Regulation (EC) No 1399/1999.

⁽⁶⁾ [1998] ECR I-3419.

⁽⁷⁾ OJ L 38, 12.2.1999, p. 1.

HAVE ADOPTED THIS REGULATION:

Article 1

Annexes IIa, IV and VI to Regulation (EEC) No 1408/71 shall be amended in accordance with the Annex to this Regulation.

Article 2

Regulation (EEC) No 574/72 is hereby amended as follows:

1. Article 34(5) shall be replaced by the following:

'5. If the legislation of the State of stay does not provide for rates of reimbursement, the competent institution may effect the reimbursement in accordance with the rates it administers, without the agreement of the person concerned being necessary. In no case shall the amount of reimbursement exceed the amount of the expenses actually incurred.'

2. Article 93(1) shall be replaced by the following:

'1. The actual amount of benefits in kind provided pursuant to Article 19(1) and (2) of the Regulation to employed and self-employed persons and to members of their families residing in the territory of the same Member State, and benefits in kind provided pursuant to Articles 21(2), 22, 22a, 22b, 25(1), (3) and (4), 26, 31, 34a or 34b of the Regulation, shall be refunded by the competent institution to the institution which provided the said benefits as shown in the accounts of that institution.'

3. Article 107 shall be amended as follows:

(a) Paragraph 1 shall be replaced by the following:

'1. For the purposes of the following provisions:

(a) Regulation: Article 12(2), (3) and (4), Article 14d(1), Article 19(1)(b), last sentence, Article 22(1)(ii), last sentence, Article 25(1)(b), penultimate sentence, Article 41(1)(c) and (d), Article 46(4), Article 46a(3), Article 50, Article 52(b), last sentence, Article 55(1)(ii), last sentence, Article 70(1), first subparagraph, Article 71(1)(a)(ii) and (b)(ii), penultimate sentence;

(b) implementing Regulation: Article 34(1), (4) and (5), the rate for the conversion into a currency of amounts denominated in another currency shall be the rate calculated by the Commission and based on the monthly average, during the reference period specified in paragraph 2, of reference rates of exchange of currencies published by the European Central Bank.'

(b) Paragraph 3 shall be deleted.

Article 3

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

Article 1, as far as the changes to Section 'E. FRANCE' of Annex IV, Part C, and of Annex VI to Regulation (EEC) No 1408/71 are concerned, shall apply as from 1 January 2000.

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

Done at Luxembourg, 5 June 2001.

For the European Parliament

The President

N. FONTAINE

For the Council

The President

L. ENGQVIST

ANNEX

Annexes IIa, IV and VI to Regulation (EEC) No 1408/71 shall be amended as follows:

1. In Annex IIa, in section 'O. UNITED KINGDOM', paragraphs (c) and (g) shall be replaced by the following:
 - '(c) Working Families' Tax Credit (Social Security Contributions and Benefits Act 1992, section 123(1)(b), Social Security Contributions and Benefits (Northern Ireland) Act 1992, section 122(1)(b), and Tax Credits Act 1999).'
 - '(g) Disabled Person's Tax Credit (Social Security Contributions and Benefits Act 1992, section 123(1)(c), Social Security Contributions and Benefits (Northern Ireland) Act 1992, section 122(1)(c), and Tax Credits Act 1999).'
2. In Annex IV, Part C, Section 'E. FRANCE', the word 'None' shall be replaced by the following:

'All applications for pension benefits or survivor's benefits under supplementary pension schemes for employees, with the exception of applications for old-age pensions or surviving partner's pensions under the supplementary pension scheme for flying personnel employed in civil aviation.'
3. Annex VI is hereby amended as follows:
 - (a) Section 'E. FRANCE' shall be amended as follows:
 - (i) In point 3, the following subparagraph shall be added:

'The preceding conditions shall also hold good when applying to other Member States' nationals the provisions which allow a French employed worker pursuing his activity outside France voluntarily to join a French supplementary pension scheme for employed workers either directly or via his employer.'
 - (ii) Point 5 shall be replaced by the following:

'5. For the calculation of the theoretical amount referred to in Article 46(2)(a) of the Regulation, in basic or supplementary schemes in which old-age pensions are calculated on the basis of retirement points, the competent institution shall take into account, in respect of each of the years of insurance completed under the legislation of any other Member State, the number of retirement points arrived at by dividing the number of retirement points acquired under the legislation it applies by the number of years corresponding to these points.'
 - (iii) The following point shall be added:

'9. The French legislation applicable to an employed worker or a former employed worker for the purposes of applying Chapter 3 of Title III of the Regulation is deemed to apply both to the basic old-age insurance scheme(s) and to the supplementary pension scheme(s) to which the person concerned has been subject.'
 - (b) In Section 'K. AUSTRIA', the following point shall be added:

'7. Special assistance under the Special Assistance Act ("Sonderunterstützungsgesetz") of 30 November 1973 shall be considered as an old-age pension for the purposes of applying the Regulation.'
 - (c) In Section 'N. SWEDEN', point 1 shall be replaced by the following:

'1. For the application of Article 72 of the Regulation, a person's entitlement to parental benefit shall be determined by regarding insurance periods completed in another Member State as being based on the same average income as the Swedish insurance periods with which they are aggregated.'

COMMISSION REGULATION (EC) No 1387/2001
of 9 July 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 10 July 2001.

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

Done at Brussels, 9 July 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 9 July 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	77,5
	060	71,3
	091	39,6
	092	39,6
	999	57,0
0707 00 05	052	81,2
	999	81,2
0709 90 70	052	73,8
	999	73,8
0805 30 10	388	76,1
	528	70,0
	999	73,0
0808 10 20, 0808 10 50, 0808 10 90	388	95,7
	400	136,6
	508	98,9
	512	97,6
	528	79,6
	720	144,1
	800	215,7
	804	107,4
	999	122,0
	0808 20 50	388
512		82,8
528		74,4
800		75,8
804		123,2
0809 10 00	999	89,1
	052	184,7
	064	173,2
0809 20 95	999	178,9
	052	337,0
	064	201,8
	400	277,5
0809 30 10, 0809 30 90	999	272,1
	052	220,8
	999	220,8
0809 40 05	052	102,0
	064	170,3
	624	286,1
	999	186,1

⁽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 1388/2001
of 9 July 2001
on the supply of white sugar as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security ⁽¹⁾, and in particular Article 24(1)(b) thereof,

Whereas:

- (1) The abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage.
- (2) Following the taking of a number of decisions on the allocation of food aid, the Commission has allocated white sugar to certain beneficiaries.
- (3) It is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied

pursuant to Council Regulation (EC) No 1292/96 as Community food aid ⁽²⁾. It is necessary to specify the time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

White sugar shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 9 July 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOT A

1. **Action Nos:** 108/00 (A1); 362/99 (A2); 363/99 (A3)
2. **Beneficiary** ⁽²⁾: EuronAid, PO box 12, 2501 CA Den Haag, The Netherlands, tel. (31-70) 33 05 757; fax 36 41 701; telex 30960 EURON NL
3. **Beneficiary's representative:** to be designated by the beneficiary
4. **Country of destination:** Madagascar
5. **Product to be mobilized:** white sugar ('A' or 'B' sugar)
6. **Total quantity (tonnes net):** 60
7. **Number of lots:** 1 in 3 parts (A1: 20 tonnes; A2: 20 tonnes; A3: 20 tonnes)
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁵⁾: see OJ C 312, 31.10.2000, p. 1 (C.1)
9. **Packaging** ⁽⁷⁾: see OJ C 267, 13.9.1996, p. 1 (11.2 A 1.b, 2.b and B.4)
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (V.A.(3))
 - Language to be used for the markings: French
 - Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage** free at destination
13. **Alternative delivery stage:** free at port of shipment
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:**
 - A1:** Association humanitaire Akamasoa, Andralanitra, Antananarivo
 - A2:** Mgr Antoine Scopelliti, Eveche, 503 Anbatondrazaka; tel. (261-20) 548 10 12
 - A3:** Paroisse Kristy Mpanjaka, P. Louis Lopergolo, Manjakarav, Antananarivo; tel. (261-20) 224 01 00; fax 224 15 03
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 30.9.2001
 - second deadline: 28.10.2001
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: 20 to 31.8.2001
 - second deadline: 17 to 30.9.2001
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 24.7.2001
 - second deadline: 21.8.2001
20. **Amount of tendering guarantee:** EUR 15 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; tlx 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund:** ⁽⁴⁾: refund applicable on 4.7.2001 fixed by Commission Regulation (EC) No 1311/2001 (OJ L 177, 30.6.2001, p. 26)

Notes:

- (¹) Supplementary information: Torben Vestergaard (tel. (32-2) 299 30 50; fax (32-2) 296 20 05).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EC) No 259/98 (OJ L 25, 31.1.1998, p. 39), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that indicated in point 22 of this Annex.
The supplier's attention is drawn to the last subparagraph of Article 4(1) of the above Regulation. The photocopy of the export licence shall be sent as soon as the export declaration has been accepted (fax (32-2) 296 20 05).
- (⁵) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
— health certificate.
- (⁶) Notwithstanding OJ C 114 of 29.4.1991, point V.A(3)(c) is replaced by the following: 'the words "European Community"'.

- (⁷) Since the goods may be rebagged, the supplier must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.

COMMISSION REGULATION (EC) No 1389/2001
of 9 July 2001
on the supply of vegetable oil as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security ⁽¹⁾, and in particular Article 24(1)(b) thereof,

Whereas:

- (1) The abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage.
- (2) Following the taking of a number of decisions on the allocation of food aid, the Commission has allocated vegetable oil to certain beneficiaries.
- (3) It is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied under Council Regulation (EC) No 1292/96 as Community food aid ⁽²⁾. It is necessary to specify the time limits and conditions of supply to determine the resultant costs.

- (4) In order to ensure that the supplies are carried out for a given lot, provision should be made for tenderers to be able to mobilise either rapeseed oil or sunflower oil. The contract for the supply of each such lot is to be awarded to the tenderer submitting the lowest tender,

HAS ADOPTED THIS REGULATION:

Article 1

Vegetable oil shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The supply shall cover the mobilisation of vegetable oil produced in the Community. Mobilisation may not involve a product manufactured and/or packaged under inward processing arrangements.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 9 July 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOT A

1. **Action Nos:** 103/00 (A1); 104/00 (A2); 105/00 (A3)
2. **Beneficiary** ⁽²⁾: EuronAid, PO box 12, 2501 CA Den Haag, The Netherlands; tel. (31-70) 33 05 757; fax 36 41 701; telex 30960 EURON NL.
3. **Beneficiary's representative:** to be designated by the beneficiary
4. **Country of destination:** Madagascar
5. **Product to be mobilized:** refined sunflower oil
6. **Total quantity (tonnes net):** 144
7. **Number of lots:** 1 in 3 parts (A1: 18 tonnes; A2: 30 tonnes; A3: 96 tonnes)
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾: see OJ C 312, 31.10.2000, p. 1 (D.2)
9. **Packaging:** see OJ C 267, 13.9.1996, p. 1 (10.4, A, B and C.2)
10. **Labelling or marking** ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (III.A.(3))
 - Language to be used for the markings: French
 - Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
The mobilisation may not involve a product manufactured and/or packaged under inward-processing arrangements.
12. **Specified delivery stage** free at destination
13. **Alternative delivery stage:** free at port of shipment
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:**
 - A1:** Association humanitaire Akamasoa, Andralanitra, Antananarivo
 - A2:** Mgr Antoine Scopelliti, Eveche, 503 Anbatondrazaka; tel. (261-20) 548 10 12
 - A3:** Paroisse Kristy Mpanjaka, P. Louis Lopergolo, Manjakarav, Antananarivo tel. (261-20) 224 01 00; fax 224 15 03
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 30.9.2001
 - second deadline: 28.10.2001
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: 20 to 31.8.2001
 - second deadline: 17 to 30.9.2001
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 24.7.2001
 - second deadline: 21.8.2001
20. **Amount of tendering guarantee:** EUR 15 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; tlx 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund:** —

LOT B

1. **Action Nos:** 9/01 (B1); 10/01 (B2)
2. **Beneficiary** ⁽²⁾: EuronAid, PO box 12, 2501 CA Den Haag, The Netherlands; tel. (31-70) 33 05 757; fax 36 41 701; telex 30960 EURON NL.
3. **Beneficiary's representative:** to be designated by the beneficiary
4. **Country of destination:** Angola
5. **Product to be mobilised:** refined sunflower oil
6. **Total quantity (tonnes net):** 559
7. **Number of lots:** 1 in 2 parts (B1: 440 tonnes; B2: 119 tonnes)
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾: see OJ C 312, 31.10.2000, p. 1 (D.2)
9. **Packaging:** see OJ C 267, 13.9.1996, p. 1 (10.8, A, B and C. 2)
10. **Labelling or marking** ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (III.A.(3))
 - Language to be used for the markings: Portuguese
 - Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
The mobilisation may not involve a product manufactured and/or packaged under inward-processing arrangements.
12. **Specified delivery stage** free at port of landing — container terminal
13. **Alternative delivery stage:** free at port of shipment
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** B1: Luanda; B2: Namiba
16. **Place of destination:**
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 30.9.2001
 - second deadline: 28.10.2001
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: 20 to 31.8.2001
 - second deadline: 17 to 30.9.2001
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 24.7.2001
 - second deadline: 21.8.2001
20. **Amount of tendering guarantee:** EUR 15 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; telex: 25670 AGREC B; fax: (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund:** —

Notes:

- (¹) Supplementary information: Torben Vestergaard (tel. (32-2) 299 30 50; fax (32-2) 296 20 05).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
 - health certificate.
- (⁵) Notwithstanding OJ C 114, 29.4.1991, point III.A(3)(c) is replaced by the following: 'the words "European Community"'.

COMMISSION REGULATION (EC) No 1390/2001
of 9 July 2001
on the supply of cereals as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security ⁽¹⁾, and in particular Article 24(1)(b) thereof,

Whereas:

- (1) The abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage.
- (2) Following the taking of a number of decisions on the allocation of food aid, the Commission has allocated cereals to certain beneficiaries.
- (3) It is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied

under Council Regulation (EC) No 1292/96 as Community food aid ⁽²⁾. It is necessary to specify the time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Cereals shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 9 July 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOT A

1. **Action Nos:** 361/99 (A1); 106/00 (A2); 107/00 (A3)
2. **Beneficiary** ⁽²⁾: EuronAid, PO Box 12, 2501 CA Den Haag, The Netherlands; tel. (31-70) 33 05 757; fax 36 41 701; telex 30960 EURON NL
3. **Beneficiary's representative:** to be designated by the beneficiary
4. **Country of destination:** Madagascar
5. **Product to be mobilised:** milled rice (product code 1006 30 92 9900, 1006 30 94 9900, 1006 30 96 9900, 1006 30 98 9900)
6. **Total quantity (tonnes net):** 2 720
7. **Number of lots:** 1 in 3 parts (A1: 1 840 tonnes: A2: 460 tonnes: A3: 420 tonnes)
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁵⁾: see OJ C 312, 31.10.2000, p. 1 (A.7)
9. **Packaging** ⁽⁷⁾: see OJ C 267, 13.9.1996, p. 1 (1.0 A 1.c, 2.c and B.6)
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (II.A(3))
 - Language to be used for the markings: French
 - Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage:** free at destination
13. **Alternative delivery stage:** free at port of shipment
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** **A1 and A2:** Association humanitaire Akamasoa, Andranitra, Antananarivo
A3: Paroisse Kristy Mpanjaka, P. Louis Lopergolo, Manjakarav, Antananarivo; tel. (261-20) 224 01 00; fax 224 15 03
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 30.9.2001
 - second deadline: 28.10.2001
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: 20 to 31.8.2001
 - second deadline: 17 to 30.9.2001
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 24.7.2001
 - second deadline: 21.8.2001
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, For the attention of Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; telex 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund** ⁽⁴⁾: refund applicable on 4.7.2001, fixed by Commission Regulation (EC) No 1302/2001 (OJ L 177, 30.6.2001, p. 6)

LOT B

1. **Action No:** 110/00
2. **Beneficiary** ⁽²⁾: EuronAid, PO Box 12, 2501 CA Den Haag, The Netherlands; tel.: (31-70) 33 05 757; fax: 36 41 701; telex: 30960 EURON NL
3. **Beneficiary's representative:** to be designated by the beneficiary
4. **Country of destination:** Madagascar
5. **Product to be mobilised:** common wheat flour
6. **Total quantity (tonnes net):** 40
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁵⁾: see OJ C 312, 31.10.2000, p. 1 (A.10)
9. **Packaging** ⁽⁷⁾: see OJ C 267, 13.9.1996, p. 1 (2.1, A 1.a, 2.a and B.4)
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (II.B(3))
 - Language to be used for the markings: French
 - Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage:** free at destination
13. **Alternative delivery stage:** free at port of shipment
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** Mgr Antoine Scopelliti, Eveche, 503 Anbatondrazaka; tel. (261-20) 548 10 12
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 30.9.2001
 - second deadline: 28.10.2001
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: 20 to 31.8.2001
 - second deadline: 17 to 30.9.2001
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 24.7.2001
 - second deadline: 21.8.2001
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; telex: 25670 AGREC B; fax: (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund** ⁽⁴⁾: refund applicable on 4.7.2001, fixed by Commission Regulation (EC) No 1302/2001 (OJ L 177, 30.6.2001, p. 6)

LOT C

1. **Action No:** 109/00
2. **Beneficiary** ⁽²⁾: EuronAid, PO Box 12, 2501 CA Den Haag, The Netherlands; tel. (31-70) 33 05 757; fax 36 41 701; telex 30960 EURON NL
3. **Beneficiary's representative:** to be designated by the beneficiary
4. **Country of destination:** Madagascar
5. **Product to be mobilised:** maize flour
6. **Total quantity (tonnes net):** 60
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁵⁾: see OJ C 312, 31.10.2000, p. 1 (A.11)
9. **Packaging** ⁽⁷⁾: see OJ C 267, 13.9.1996, p. 1 (2.1 A 1.a, 2.a and B.4)
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (II.B.(3))
 - Language to be used for the markings: French
 - Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage:** free at destination
13. **Alternative delivery stage:** free at port of shipment
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** Mgr Antoine Scopelliti, Eveche, 503 Anbatondrazaka; tel. (261-20) 548 10 12
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 30.9.2001
 - second deadline: 28.10.2001
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: 20 to 31.8.2001
 - second deadline: 17 to 30.9.2001
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 24.7.2001
 - second deadline: 21.8.2001
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, For the attention of Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; telex 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund** ⁽⁴⁾: refund applicable on 4.7.2001, fixed by Commission Regulation (EC) No 1302/2001 (OJ L 177, 30.6.2001, p. 6)

Notes:

- (1) Supplementary information: Torben Vestergaard (tel. (32-2) 299 30 50; fax (32-2) 296 20 05).
- (2) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (3) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (4) Commission Regulation (EC) No 259/98 (OJ L 25, 31.1.1998, p. 39), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that indicated in point 22 of this Annex.
The supplier's attention is drawn to the last subparagraph of Article 4(1) of the above Regulation. The photocopy of the export licence shall be sent as soon as the export declaration has been accepted (fax (32-2) 296 20 05).
- (5) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
— phytosanitary certificate.
- (6) Notwithstanding OJ C 114 of 29.4.1991, point II.A(3)(c) or II.B(3)(c) is replaced by the following: 'the words "European Community"'.

- (7) Since the goods may be rebagged, the supplier must provide 2% of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.

COMMISSION REGULATION (EC) No 1391/2001
of 9 July 2001
prohibiting fishing for blue whiting by vessels flying the flag of Germany

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, as last amended by Regulation (EC) No 2846/98 ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2848/2000 of 15 December 2000 fixing for 2001 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required ⁽³⁾, lays down quotas for blue whiting for 2001.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of blue whiting in the waters of ICES divisions IIa (EC waters), North Sea (EC waters) by

vessels flying the flag of Germany or registered in Germany have exhausted the quota allocated for 2001. Germany has prohibited fishing for this stock from 20 June 2001. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of blue whiting in the waters of ICES divisions IIa (EC waters), North Sea (EC waters) by vessels flying the flag of Germany or registered in Germany are hereby deemed to have exhausted the quota allocated to Germany for 2001.

Fishing for blue whiting in the waters of ICES divisions IIa (EC waters), North Sea (EC waters) by vessels flying the flag of Germany or registered in Germany is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 20 June 2001.

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

Done at Brussels, 9 July 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 358, 31.12.1998, p. 5.

⁽³⁾ OJ L 334, 30.12.2000, p. 1.

COMMISSION REGULATION (EC) No 1392/2001**of 9 July 2001****laying down detailed rules for applying Council Regulation (EEC) No 3950/92 establishing an additional levy on milk and milk products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3950/92 of 28 December 1992 establishing an additional levy in the milk and milk products sector ⁽¹⁾, as last amended by Commission Regulation (EC) No 603/2001 ⁽²⁾, and in particular Article 11 thereof,

Whereas:

- (1) In order to take account of the new provisions of Regulation (EEC) No 3950/92, as amended by Regulation (EC) No 1256/1999 ⁽³⁾, as well as the experience gained over the years, it is appropriate to amend and, where necessary, to simplify certain provisions of Commission Regulation (EEC) No 536/93 of 9 March 1993 laying down detailed rules on the application of the additional levy on milk and milk products ⁽⁴⁾, as last amended by Regulation (EC) No 1255/98 ⁽⁵⁾, and also certain provisions of Commission Decision 93/673/EC of 10 December 1993 fixing the flat-rate reduction to advances on the entry of agricultural expenditure in the accounts in the event of non-compliance with the provisions relating to the forwarding of the annual questionnaire on the application of the arrangements for additional levies in the milk sector introduced by Council Regulation (EEC) No 3950/92 ⁽⁶⁾. Since these amendments are to be made, Regulation (EEC) No 536/93 should be recast in the interests of clarity, so as to include the provisions of Decision 93/673/EC.
- (2) This Regulation concerns, first, the additional factors necessary for the final calculation of the levy payable by producers, secondly, the measures to ensure payment of the levy in good time and lastly, the rules on checks to ensure that the levy has been correctly collected.
- (3) The characteristics of milk which are considered to be representative should be specified, and in particular the way its fat content is to be taken into account when drawing up the definitive statement of quantities delivered. That calculation is based on a reference fat content which must, like the individual reference quantity to which it is related, be that recorded on 31 March 2002.

Special provisions are needed to cover cases where the reference quantity for deliveries is increased or established by converting a reference quantity for direct sales. Experience shows the need for very specific rules applicable to milk producers who are beginning production.

- (4) It is necessary to make it quite clear that under no circumstances can individual downward corrections relating to the fat content of delivered milk result in avoidance of the levy payment on any quantity in excess of the guaranteed total quantity in a Member State.
- (5) In order to ensure that the arrangements run smoothly, it is vital, on the one hand, to check that the data communicated by purchasers and producers is accurate and that the levy due is paid before 1 September and, on the other hand, to ensure that the burden of the levy actually falls on the producers responsible for the overrun of the national reference quantities. To that end, Member States should be made to play a greater role in the controls and penalties they are required to introduce to ensure that the levy is collected correctly. It is also necessary to specify the deadlines and number of checks needed to allow verification within a given time limit that the arrangements have been complied with by all the parties involved. Penalties are therefore needed where these basic requirements are not met.
- (6) In accordance with Article 2(4) of Regulation (EEC) No 3950/92, the Commission is responsible for laying down criteria for determining which priority categories of producer can benefit from reimbursement of the levy where the Member State has decided not to fully reallocate unused quantities in its territory. A Member State may be authorised to use other criteria, in consultation with the Commission, only in the event that the criteria laid down by the Commission cannot be fully applied in that Member State.
- (7) Under Regulation (EEC) No 3950/92, purchasers bear prime responsibility for the proper implementation of the arrangements. It is therefore essential that Member States approve the purchasers operating in their territory and that detailed rules be laid down for cases where purchasers fail to comply with the Regulation.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

⁽¹⁾ OJ L 405, 31.12.1992, p. 1.

⁽²⁾ OJ L 89, 29.3.2001, p. 18.

⁽³⁾ OJ L 160, 26.6.1999, p. 73.

⁽⁴⁾ OJ L 57, 10.3.1993, p. 12.

⁽⁵⁾ OJ L 173, 18.6.1998, p. 14.

⁽⁶⁾ OJ L 310, 14.12.1993, p. 44.

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Purpose and scope

This Regulation lays down detailed rules for applying Regulation (EEC) No 3950/92 as regards calculation and payment of the levy, control measures and communications from the Member States.

CHAPTER II

CALCULATION OF THE LEVY

Article 2

Definitions and equivalences

1. For the purposes of calculating the additional levy introduced by Regulation (EEC) No 3950/92, 'quantities of milk or milk equivalent marketed' in a Member State, within the meaning of Article 2(1) of that Regulation, means all quantities of milk or milk equivalent which leave any holding in the territory of that Member State.

2. Quantities presented by producers for treatment or processing under contract shall be deemed deliveries.

Where wholly or partly skimmed milk is delivered, producers must prove to the satisfaction of the competent authority that the fat content of the milk has been used to establish the basis of any levy due. In the absence of such proof, such milk shall be treated as whole milk when the levy is calculated.

3. For other milk products marketed, the Member States shall establish the quantities of milk used in their manufacture. To that end, the equivalence formulae to be used shall be:

- (a) 1 kg cream = 0,263 kg milk × % fat content of cream, expressed as mass;
- (b) 1 kg butter = 22,5 kg milk;
- (c) in the case of cheese and all other milk products, Member States may determine equivalences using, in particular, the dry-matter content and the fat content of the types of cheese or products concerned or fix the quantities of milk equivalent on a flat-rate basis by reference to the number of dairy cows held by the producer and an average milk yield per cow representative of the herd.

If the producer can provide proof to the satisfaction of the competent authority of the quantities actually used for the

manufacture of the products concerned, the Member State shall use such proof in place of the abovementioned equivalences.

4. The target price applicable for the purpose of calculating the levy shall be that applying on the last day of the 12-month period concerned.

Article 3

Representative fat content

1. The characteristics of milk, including fat content, referred to in Article 11 of Regulation (EEC) No 3950/92 shall be those associated with the individual reference quantity available on 31 March 2002.

Where the individual reference quantity is amended after the date referred to in the first subparagraph, paragraphs 2 to 6 of this Article shall apply.

2. Where additional reference quantities are allocated from the national reserve, the representative fat content of milk shall remain unchanged.

3. Where the reference quantity for deliveries is increased or established under Article 4(2) of Regulation (EEC) No 3950/92, the representative fat content associated with the reference quantity converted into deliveries shall be 3,8 %.

However, the representative fat content of the reference quantity for deliveries shall remain unchanged if the producer provides justification therefor to the satisfaction of the competent authority.

4. Where Articles 6 and 7 and Article 8(d) and (e) of Regulation (EEC) No 3950/92 are applied, the representative fat content shall be transferred together with the reference quantity with which it is associated.

5. Where Article 8(b) or Article 8a(b) of Regulation (EEC) No 3950/92 are applied, the overall representative fat content of the reference quantities allocated or transferred shall remain unchanged in relation to that of the quantities released. To that end, the quantity of milk available for reallocation or transfer may be recalculated at a given fat content or, conversely, the representative fat content may be recalculated at a given available quantity of milk.

6. In the cases referred to in the first subparagraph of paragraph 3 and in paragraphs 4 and 5, the resulting representative fat content shall be equal to the average of the initial and transferred or converted representative contents, weighted by the initial and transferred or converted reference quantities.

7. In the case of producers whose entire reference quantity comes from the national reserve and who commenced production after 1 April 1992, the representative fat content of their milk shall be the average fat content of milk delivered during the first 12 months of production.

However, if the representative content exceeds the average national fat content of milk collected in the Member State during the 12-month reference period during which they commenced production, the following provisions shall apply:

- (a) the producers concerned may not benefit from the negative correction provided for in the third subparagraph of Article 4(1) of this Regulation unless they provide supporting evidence to the contrary;
- (b) where Articles 6 and 7, Article 8(b), (d) and (e) and Article 8a(b) of Regulation (EEC) No 3950/92 are applied, the representative fat content of milk associated with the transferred reference quantity shall be reduced to the abovementioned national average content.

Article 4

Comparison of fat content

1. In order to draw up for each producer the definitive statement for the purposes of the levy referred to in Article 5, the average fat content of the milk and/or milk equivalent delivered shall be compared with the producer's representative fat content.

If a positive difference is found, the quantity of milk or milk equivalent delivered shall be increased by 0,18 % per 0,1 gram of additional fat per kilogram of milk.

If a negative difference is found, the quantity of milk or milk equivalent delivered shall be reduced by 0,18 % per 0,1 gram of fat lacking per kilogram of milk.

Where the quantity of milk delivered is expressed in litres, the 0,18 % adjustment per 0,1 gram of fat content shall be multiplied by the coefficient 0,971.

2. If the quantity of milk collected in a Member State is greater than the quantity collected as corrected in accordance with paragraph 1, the levy shall be payable on the difference between the quantity collected and the reference quantity for deliveries available in the Member State.

Article 5

Statement of deliveries

1. At the end of each of the periods referred to in Article 1 of Regulation (EEC) No 3950/92, purchasers shall draw up a statement for each producer showing at least the quantity and fat content of the milk and/or milk equivalent delivered by the latter during the period.

In the case of leap years, the quantity of milk or milk equivalent shall be reduced by 1/60 of the quantities delivered in February and March.

2. Before 15 May each year, purchasers shall forward to the competent authority of the Member State a summary of the producers' statements, showing at least the total quantity and

the average fat content of the milk and/or milk equivalent delivered to them and, where so required by decision of the Member State, for each producer, the reference quantity and the representative fat content, the quantity corrected in accordance with Article 4(1), the sum of the individual reference quantities and the corrected quantities and the average representative fat content of those producers' production.

Where applicable, purchasers shall declare that they have received no deliveries during the period concerned.

3. Except in cases of *force majeure* duly recognised by the competent authority, purchasers who fail to comply with the time limit referred to in paragraph 2 shall be required to pay an amount equal to the levy due for a 0,01 % overrun of the quantities of milk and milk equivalent delivered to them by producers for each calendar day of delay. Where these quantities are not known because no declaration has been made, they shall be estimated by the competent authority. That amount may not be less than EUR 100 nor more than EUR 100 000.

4. Where no declaration is submitted before 1 July, the penalties provided for in Article 13(3) shall apply 30 days after the Member State has served notice, except in the cases provided for in the second subparagraph of paragraph 4 of that Article. Paragraph 3 of this Article shall continue to apply during the period of notice.

Article 6

Declarations of direct sales

1. In the case of direct sales, at the end of each of the periods referred to in Article 1 of Regulation (EEC) No 3950/92, producers shall make a declaration summarising by product the quantities of milk and/or other milk products sold directly for consumption and/or to wholesalers, cheese maturers or the retail trade.

In the case of leap years, the quantity of milk or milk equivalent shall be reduced by 1/60 of the quantities sold directly in February and March or by 1/366 of the quantities sold directly in the 12-month period concerned.

2. Before 15 May each year, producers shall forward their declarations to the competent authority of the Member State.

The Member State may require producers with reference quantities for direct sales to declare that they have not sold any milk during the period concerned, where such is the case.

3. Producers who fail to comply with the time limit referred to in paragraph 2 shall be required to pay an amount equal to the levy due for a 0,01 % overrun of their reference quantity for direct sales for each calendar day of delay. However, that amount may not be less than EUR 100 nor more than EUR 1 000.

Where the national reference quantity for direct sales has also been overrun, producers who have overrun their reference quantity shall also be liable to the levy on the full excess quantity and may not benefit from any reallocation of unused reference quantities as provided for in the second subparagraph of Article 2(1) of Regulation (EEC) No 3950/92.

Where producers submit incorrect declarations, the Member State shall require them to pay an amount in proportion to the quantity of milk concerned and the seriousness of the irregularity, up to a maximum amount equal to the theoretical levy applicable to the quantity of milk resulting once the correction is applied.

4. Where no declaration is submitted before 1 July, the second paragraph of Article 5 of Regulation (EEC) No 3950/92 shall apply to the reference quantity for direct sales of the producer concerned 30 days after the Member State has served notice. The first subparagraph of paragraph 3 of this Article shall continue to apply during the period of notice.

5. The penalties referred to in paragraphs 3 and 4 shall not be applied where the Member State recognises a case of *force majeure* or establishes that the irregularity was not committed deliberately or as a result of serious negligence, or where the irregularity is negligible in terms of its impact on the functioning of the arrangements or the effectiveness of the checks.

CHAPTER III

PAYMENT OF THE LEVY

Article 7

Notification of the levy

The competent authority shall notify or confirm to purchasers and, in the case of direct sales, producers, the levies payable by them after reallocating, or not, by decision of the Member State, all or part of the unused reference quantities either directly to the producers concerned or, as the case may be, to purchasers with a view to their subsequent allocation among the producers concerned.

Article 8

Time limit for payment

1. Before 1 September each year, purchasers and, in the case of direct sales, producers liable for levies shall pay the competent authority the amount due in accordance with rules laid down by the Member State.

2. Where the time limit for payment is not complied with, the sums due shall bear interest annually at the three-month reference rates applicable on 1 September each year, fixed for

each Member State in accordance with Annex II, plus one percentage point.

The interest referred to in the first subparagraph shall be credited to the European Agricultural Guidance and Guarantee Fund (EAGGF) Guarantee Section.

3. The Member States shall take any additional measures necessary to ensure payment of levies due to the Community within the time limit laid down in accordance with Article 7(1) of Commission Regulation (EC) No 296/96 ⁽¹⁾.

4. Where the set of documents referred to in Article 3(5) of Regulation (EC) No 296/96, which the Member States transmit to the Commission each month, shows that this time limit has not been met, the Commission shall reduce advances on entry in the accounts of agricultural expenditure in proportion to the amount due or an estimate thereof.

Article 9

Criteria for redistributing the excess levy

1. Where appropriate, Member States shall determine the priority categories of producers as referred to in Article 2(4) of Regulation (EEC) No 3950/92, on the basis of one or more of the following objective criteria, in order of priority:

- (a) formal acknowledgment by the competent authority of the Member State that all or part of the levy has been wrongly charged;
- (b) the geographical location of the holding, and primarily mountain areas as referred to in Article 18 of Council Regulation (EC) No 1257/1999 ⁽²⁾;
- (c) the maximum stocking density on the holding for the purposes of extensive livestock production;
- (d) the amount by which the individual reference quantity is exceeded;
- (e) the producer's reference quantity.

2. Where the financial resources available for a given period are not used up after the criteria set out in paragraph 1 have been applied, the Member State shall adopt other objective criteria after consulting the Commission.

CHAPTER IV

NATIONAL RESERVE

Article 10

Inclusion in the national reserve

Reference quantities not, or no longer, allocated to individuals shall be included in the national reserve referred to in Article 5 of Regulation (EEC) No 3950/92. Reference quantities for deliveries and those for direct sales shall be recorded separately.

⁽¹⁾ OJ L 39, 17.2.1996, p. 5.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

CHAPTER V

CONTROLS

Article 11

Checking by the Member States

1. Member States shall take all the measures necessary to ensure that the levy on quantities of milk and milk equivalent marketed in excess of any of the quantities referred to in Article 3 of Regulation (EEC) No 3950/92 is correctly charged and, in the case of deliveries, that it falls on the producers concerned.
2. The Member States shall take any further measures necessary to:
 - (a) verify cases of total or partial abandonment of milk production and/or reference quantities in accordance with Article 8(a) of Regulation (EEC) No 3950/92 where the relevant provisions thereof are applied;
 - (b) ensure that the parties concerned are aware of the criminal and administrative penalties to which they are liable if they fail to comply with Regulation (EEC) No 3950/92 or with this Regulation.
3. Member States shall physically verify the accuracy of the accounting with regard to the quantities of milk and milk equivalent marketed and, to that end, shall check milk transport during collection at farms and shall, in particular, check:
 - (a) at purchasers' premises, the statements and declarations referred to in Article 5(2), the credibility of the records of stocks and deliveries referred to in Article 14(2) and (3) in the light of the commercial documents and other documents showing how the collected milk and milk equivalent have been used;
 - (b) at the premises of producers making direct sales, the credibility of the declaration referred to in Article 6(1), and of the stock records referred to in Article 14(5).

Article 12

Number and frequency of checks

1. The checks provided for in Article 11(3) shall be organised by the Member States on the basis of a risk analysis which takes account, in particular, of declarations of non-activity and instances where the statements referred to in Articles 5(2) and 6(2) were not sent.
2. For each period as referred to in Article 1 of Regulation (EEC) No 3950/92, checks shall be completed no later than 21 months after the end of the period concerned. These checks may not cover less than:
 - (a) 40 % of the quantity of milk declared for the period concerned, in the case of Article 11(3)(a);
 - (b) 5 % of the number of producers concerned, in the case of Article 11(3)(b).

Checks shall be deemed to have been completed once the corresponding inspection report is available.

Each purchaser shall be inspected at least once every five years.

Article 13

Approval of purchasers

1. To be able to operate in the territory of a Member State, purchasers must be approved by that Member State.
2. Without prejudice to stricter rules laid down by the Member State concerned, purchasers shall be approved only where they:
 - (a) provide proof of their status as dealers under national provisions;
 - (b) have premises in the Member State concerned where the stock records, registers and other documents referred to in Article 14(2) can be consulted by the competent authority;
 - (c) undertake to keep up to date the above stock records, registers and the other documents referred to in Article 14(2);
 - (d) undertake to forward the statements and declarations provided for in Article 5(2) to the competent authority of the Member State concerned at least once a year.
3. Without prejudice to the penalties laid down now or in the future by the Member State concerned, approval shall be withdrawn where the conditions laid down in paragraph 2(a) and (b) are no longer met. Where it is found that a purchaser has forwarded an incorrect statement or declaration, or has failed to comply with the undertaking referred to in paragraph 2(c) or has repeatedly failed to comply with any other obligation imposed under Regulation (EEC) No 3950/92, this Regulation or the relevant national rules, the Member State shall either withdraw approval or require payment of an amount in proportion to the volume of milk involved and the seriousness of the irregularity.

4. Approval may be reinstated at the request of the purchaser after a period of at least six months, provided that a further thorough inspection gives satisfactory results.

The penalties referred to in paragraph 3 shall not be imposed where the Member State recognises a case of *force majeure* or establishes that the irregularity was not committed deliberately or as a result of serious negligence, or where the irregularity is negligible in terms of the functioning of the arrangements or the effectiveness of the checks.

Article 14

Obligations of purchasers and producers

1. Producers shall be required to ensure that purchasers to whom they deliver are approved. The Member States may lay down penalties where deliveries are made to non-approved purchasers.

2. Purchasers shall keep available for the competent authority of the Member State, for at least three years from the end of the year in which the documents are drawn up, stock records per 12-month period with details of the name and address of each producer, the information provided for in Article 5(2), entered every month or four-week period in the case of quantities delivered and annually in the case of the other data, together with the commercial documents, correspondence and other information referred to in Council Regulation (EEC) No 4045/89 ⁽¹⁾, permitting such stock records to be verified.

3. Purchasers shall be responsible for recording under the additional levy arrangements all quantities of milk and/or other milk products delivered to them; to that end they shall keep available for the competent authority, for at least three years from the end of the year in which the documents are drawn up, the list of purchasers and undertakings treating or processing milk and/or other milk products supplying them with milk or, other milk products and, for each month, the quantities delivered by each supplier.

4. On collection at holdings, milk and/or other milk products shall be accompanied by a document identifying the delivery. In addition, purchasers shall keep a record of each individual delivery for at least three years from the end of the year in which the record is drawn up.

5. Producers making direct sales shall keep available for the competent authority of the Member State, for at least three years from the end of the year in which the documents are drawn up, stock records drawn up by 12-month period and giving details, per month and per product, of the quantities of milk and/or milk products sold directly for consumption and/or to wholesalers, cheese maturers or the retail trade, together with registers of livestock held on holdings and used for milk production, in accordance with Article 7 of European Parliament and Council Regulation (EC) No 1760/2000 ⁽²⁾, and supporting documents enabling such stock records to be verified.

- (c) before 1 March each year, the quantities transferred in accordance with the second subparagraph of Article 4(2) of Regulation (EEC) No 3950/92;
- (d) the results and information necessary to evaluate measures implemented under Article 8(a) and (b) of Regulation (EEC) No 3950/92;
- (e) before 1 September each year, the duly completed questionnaire as set out in Annex I;
- (f) the method(s) used for the purposes of this Regulation to measure mass or, where applicable, to convert volume into mass, the reasoning behind the coefficients selected, and the exact circumstances in which they apply, together with any subsequent amendments thereto.

2. Where the provisions relating to the questionnaire referred to in paragraph 1(e) are not complied with, the Commission shall withhold a flat-rate amount, under Article 14 of Council Regulation (EC) No 2040/2000 ⁽³⁾, from advances on the entry in the accounts of the agricultural expenditure of the Member States. That amount shall be equal to a percentage of the levy payable for a theoretical overrun of the overall reference quantity concerned calculated as follows:

- (a) where the questionnaire is not forwarded by 1 September or if data essential for calculating the levy are missing, the percentage shall be 0,01 % for each week of delay;
- (b) if a discrepancy of more than 10 % is found between the sum of the quantities delivered or sold directly as notified in the updates provided for in paragraph 3 and those given in the initial response to the questionnaire, the percentage shall be 0,1 %.

3. Where the information required by the questionnaire referred to in paragraph 1(e) changes, in particular as a result of the checks provided for in Article 11, an update of the questionnaire shall be communicated to the Commission before 1 December, 1 March, 1 June and 1 September each year.

CHAPTER VI

COMMUNICATIONS AND FINAL PROVISIONS

Article 15

Communications

1. Member States shall notify the Commission of:
 - (a) measures adopted to apply Regulation (EEC) No 3950/92 and this Regulation, and any amendments thereto, within one month following their adoption;
 - (b) their duly reasoned decisions where recourse is had to Article 6(2) of Regulation (EEC) No 3950/92;

⁽¹⁾ OJ L 388, 30.12.1989, p. 18.

⁽²⁾ OJ L 204, 11.8.2000, p. 1.

Article 16

Repeals

1. Regulation (EEC) No 536/93 and Decision 93/673/EC are hereby repealed.
2. References to Regulation (EEC) No 536/93 shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex III.

Article 17

Entry into force

This Regulation shall enter into force on 31 March 2002.

⁽³⁾ OJ L 244, 29.9.2000, p. 27.

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

Done at Brussels, 9 July 2001.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX I

Annual questionnaire on the application of the arrangements on additional levies on milk and milk products introduced by Regulation (EC) No 3950/92

PERIOD OF APPLICATION:

MEMBER STATE:

1. Deliveries

1.1. Number of approved purchasers:

of which groups of purchasers:

1.2. Sum of individual reference quantities allocated for deliveries before the quantities under 1.4 are into account (kg):

1.3. Numbers of producers who have made deliveries:

of which producers with reference quantities in direct sales also:

1.4. Number of temporary conversions of the reference quantities requested pursuant to Article 4(2) of Regulation (EEC) No 3950/92:

— deliveries into direct sales and quantities concerned (kg):

— direct sales into deliveries and quantities concerned (kg):

1.5. Average representative fat content (g/kg):

1.6. Quantity of deliveries of milk and milk equivalent (kg):

of which milk products in milk equivalent (kg):

1.7. Average real fat content of deliveries (g/kg):

1.8. Adjustment of deliveries to representative fat content (kg):

1.9. Number of temporary transfers of reference quantities recorded at 31 March and quantities concerned (kg):

1.10. Unused reference quantities before possible reallocation (kg):

1.11. Number of producers benefiting under Article 2(4) of Regulation (EEC) No 3950/92:

— amounts redistributed (national currency):

— amounts allocated to finance measures under Article 8(a) of Regulation (EEC) No 3950/92 (national currency):

2. Direct sales

2.1. Sum of individual reference quantities allocated for direct sales before the quantities under 1.4 are taken into account (kg):

2.2. Number of producers:

2.3. Quantities of milk and milk equivalent sold directly (kg):

of which milk products in milk equivalent (kg):

of which — cream and butter:

— cheese:

— yoghurt:

— other:

2.4. Unused reference quantities before possible reallocation (kg):

2.5. Number of producers benefiting under Article 2(4) of Regulation (EEC) No 3950/92:

— amounts redistributed (national currency):

— amounts allocated to finance measures under Article 8(a) of Regulation (EEC) No 3950/92 (national currency):

ANNEX II

Reference interest rates referred to in Article 8(2)

1. For Member States in the euro area:
Euro interbank borrowing offered rate (Euribor)
 2. For Denmark:
Copenhagen interbank borrowing offered rate (Cibor)
 3. For Sweden:
Stockholm interbank borrowing offered rate (Stibor)
 4. For the United Kingdom:
London interbank borrowing offered rate (Libor).
-

ANNEX III

Correlation table

This Regulation	Regulation (EEC) No 536/93
Article 1: Purpose and scope	—
Article 2: Definitions and equivalences	Article 1
Article 3: Representative fat content	Article 2(1)
Article 4: Comparison of fat content	Article 2(2)
Article 5: Statement of deliveries	Article 3(1) and (2)
Article 6: Declarations of direct sales	Article 4(1) and (2)
Article 7: Notification of the levy	Article 3(3) and Article 4(3)
Article 8: Time limit for payment	Article 3(4), Article 4(4) and Article 5(2)
Article 9: Criteria for redistributing the excess levy	Article 5(1)
Article 10: Inclusion in the national reserve	Article 6
Article 11: Checking by the Member States	Article 7(1), (2) and (3)
Article 12: Number and frequency of checks	Article 7(3)
Article 13: Approval of purchasers	Article 7(1)(a)
Article 14: Obligations of purchasers and producers	Article 7(1)(b), (c), (d), (e) and (f)
Article 15: Communications	Article 8
Article 16: Repeals	Article 9
Article 17: Entry into force	—
Annex I: Annual questionnaire	Annex
Annex II: Reference interest rates	—
Annex III: Correlation table	—

COMMISSION REGULATION (EC) No 1393/2001**of 9 July 2001****derogating from Regulation (EC) No 2316/1999 laying down detailed rules for the application of Council Regulation (EC) No 1251/1999 establishing a support system for producers of certain arable crops as regards set-aside in certain areas of France**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1251/1999 of 17 May 1999 establishing a support system for producers of certain arable crops ⁽¹⁾, as last amended by Regulation (EC) No 1038/2001 ⁽²⁾, and in particular Article 9 thereof,

Whereas:

- (1) Commission Regulation (EC) No 2316/1999 ⁽³⁾, as last amended by Regulation (EC) No 1157/2001 ⁽⁴⁾, lays down detailed rules for the application of Regulation (EC) No 1251/1999 as regards the conditions for granting area payments and in particular for set-aside.
- (2) Article 19(2) and (3) of Regulation (EC) No 2316/1999 provides that areas set aside must so remain for a period commencing on 15 January at the latest and ending on 31 August at the earliest, and that they may not be used, save as otherwise provided, for agricultural production or any lucrative purpose. The floods in certain areas of France in April and May 2001 have affected supplies of fodder and have made producers vulnerable to heavy losses of income by compelling them to sell their livestock if the normal feed cannot be provided. Temporary alternatives should therefore be offered by authorising the use of land set aside under the arable-crop scheme in duly justified cases having regard to objective criteria and on condition that at least 27 % of the forage area of the holding in question has been flooded, provided none-

theless being made for measures to ensure that the land is not used for any lucrative purpose.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 2001/02 marketing year, notwithstanding Article 19(2) and (3) of Regulation (EC) No 2316/1999, land declared as set aside in the departments listed in the Annex hereto may be used for feeding livestock in duly justified cases having regard to objective criteria and on condition that at least 27 % of the forage area of the holdings in question has been flooded.

2. France shall take all measures necessary to ensure that the land set aside is not used for any lucrative purpose and shall in particular make sure that the products harvested on the land in question are excluded from the aid scheme for dried fodder provided for in Council Regulation (EC) No 603/95 ⁽⁵⁾.

Article 2

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

It shall apply from 15 June 2001.

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

Done at Brussels, 9 July 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 1.

⁽²⁾ OJ L 145, 31.5.2001, p. 16.

⁽³⁾ OJ L 280, 30.10.1999, p. 43.

⁽⁴⁾ OJ L 157, 14.6.2001, p. 8.

⁽⁵⁾ OJ L 63, 21.3.1995, p. 1.

ANNEX

FRANCE

The following departments:

Loire-Atlantique

Calvados

Maine-et-Loire

Haute-Saône

Indre

Mayenne

Indre-et-Loire

Côte-d'Or

Aisne

Somme

Pas-de-Calais

Loir-et-Cher

Morbihan

Nord

Cher

Charente-Maritime

Sarthe

Vendée

Eure

Nièvre

Val-d'Oise

Yonne

Seine-Maritime

Rhône

Yvelines

Saône-et-Loire

Oise

Ille-et-Vilaine

COMMISSION REGULATION (EC) No 1394/2001

of 9 July 2001

establishing administrative procedures for the 2002 quantitative quotas for certain products originating in the People's Republic of China

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

two portions, one of which is reserved for traditional importers and the other for other applicants.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 520/94 of 7 March 1994 establishing a Community procedure for administering quantitative quotas ⁽¹⁾, as last amended by Regulation (EC) No 138/96 ⁽²⁾, and in particular Article 2(3) and (4), Article 6(3), Articles 13, 23 and 24 thereof,

(5) This has proved to be the best way of ensuring the continuity of business for the Community importers concerned and avoiding any disturbance of trade flows.

Whereas:

(6) The reference period used for allocating the portion of the quota set aside for traditional importers in the previous Regulation on the administration of these quotas cannot be updated. The year 2000 was characterised by certain distortions, in particular a more than twofold increase of applications from one Member State, which resulted in substantially reduced individual quota allocations to all non-traditional importers in all Member States. The years 1998 or 1999 are, thus, the most recent years representative of the normal trend of trade flows in the products in question. Traditional importers must, therefore, prove that they have imported products originating in China and covered by the quotas in question in the years 1998 or 1999.

(1) Council Regulation (EC) No 519/94 of 7 March 1994 on common rules for imports from certain non-member countries and repealing Regulations (EEC) No 1765/82, (EEC) No 1766/82 and (EEC) No 3420/83 ⁽³⁾, as last amended by Regulation (EC) No 1138/98 ⁽⁴⁾, introduced annual quantitative quotas for certain products originating in the People's Republic of China listed in Annex II to that Regulation. The provisions of Regulation (EC) No 520/94 are applicable to those quotas.

(7) It has been found in the past that the method provided for in Article 10 of Regulation (EC) No 520/94, which is based on the order in which applications are received, may not be an appropriate way of allocating that portion of the quota reserved for non-traditional importers. Consequently, in accordance with Article 2(4) of Regulation (EC) No 520/94, it is appropriate to provide for allocation in proportion to the quantities requested, on the basis of a simultaneous examination of import licence applications actually lodged, in accordance with Article 13 of Regulation (EC) No 520/94.

(2) The Commission accordingly adopted Regulation (EC) No 738/94 ⁽⁵⁾, as last amended by Regulation (EC) No 983/96 ⁽⁶⁾, laying down general rules for the implementation of Regulation (EC) No 520/94. These provisions apply to the administration of the above quotas subject to the provisions of this Regulation.

(8) It has been found that the unusual increase of applications lodged for the portion of the quota set aside for non-traditional importers is due to multiple licence applications from companies who do not effectively operate as separate importers, but which have been established as separate legal entities only for the purpose of being able to submit additional applications. Regulation (EC) No 520/94, in particular recital 5 and Article 5 thereof, requires the Commission to ensure fair access to quotas and that import licences be issued for economically significant quantities. To allocate the non-traditional quota in line with these principles, the administrative procedures should be amended. The Commission

(3) Certain characteristics of China's economy, the seasonal nature of some of the products and the time needed for transport mean that orders for products subject to quota are generally placed before the beginning of the quota year. It is therefore important to ensure that administrative constraints do not impede the realisation of the planned imports. In order not to affect the continuity of trade flows, the arrangements for allocating and administering the 2002 quotas should accordingly be adopted before the start of the quota year.

(4) After examination of the different administrative methods provided for by Regulation (EC) No 520/94, the method based on traditional trade flows should be adopted. Under this method the quotas are divided into

⁽¹⁾ OJ L 66, 10.3.1994, p. 1.

⁽²⁾ OJ L 21, 27.1.1996, p. 6.

⁽³⁾ OJ L 67, 10.3.1994, p. 89.

⁽⁴⁾ OJ L 159, 3.6.1998, p. 1.

⁽⁵⁾ OJ L 87, 31.3.1994, p. 47.

⁽⁶⁾ OJ L 131, 1.6.1996, p. 47.

considers it necessary that operators applying as non-traditional importers and falling under the definition of related persons within the meaning of Article 143 of Commission Regulation (EC) No 2454/93 ⁽¹⁾, as last amended by Regulation (EC) No 993/2001 ⁽²⁾, may only submit a single licence application for each line of the quota set aside for non-traditional importers. In order to exclude speculative applications, the amount that any non-traditional importer may request should be restricted to a set volume.

- (9) For the purposes of quota allocation, a time limit must be set for the submission of licence applications by traditional and other importers.
- (10) The Member States must inform the Commission of the import licence applications received, in accordance with the procedure laid down in Article 8 of Regulation (EC) No 520/94. The information about traditional importers' previous imports must be expressed in the same units as the quota in question.
- (11) In view of the special nature of transactions concerning products subject to quota, and in particular the time needed for transport, the import licences should expire on 31 December 2002.
- (12) These measures are in accordance with the opinion of the Committee for the Administration of Quotas set up under Article 22 of Regulation (EC) No 520/94,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down for 2002 specific provisions for the administration of the quantitative quotas referred to in Annex II to Regulation (EC) No 519/94.

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

Article 2

1. The quantitative quotas referred to in Article 1 shall be allocated using the method based on traditional trade flows, referred to in Article 2(2)(a) of Regulation (EC) No 520/94.
2. The portions of each quantitative quota set aside for traditional importers and other importers are set out in Annex I to this Regulation.

⁽¹⁾ OJ L 253, 11.10.1993, p. 1.

⁽²⁾ OJ L 141, 28.5.2001, p. 1.

3. (a) The portion set aside for non-traditional importers shall be apportioned using the method based on allocation in proportion to quantities requested; the volume requested by each applicant may not exceed that shown in Annex II.
- (b) Operators that are deemed to be related persons as defined by Article 143 of Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EC) No 2913/92 establishing the Community Customs Code ⁽³⁾ may only submit single licence application for the portion of the quota set aside for non-traditional importers regarding the goods described in the application. In addition to the statement required by Article 3(2)(g) of Regulation (EC) No 738/94, the licence application for the non-traditional quota shall state that the applicant is not related to any other operator applying for the non-traditional quota line in question.

Article 3

Applications for import licences shall be lodged with the competent authorities listed in Annex III to this Regulation from the day following the day of publication of this Regulation in the *Official Journal of the European Communities* until 3 p.m., Brussels time, on 7 September 2001.

Article 4

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

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

3. Instead of the documents referred to in the first indent of Article 7 of Regulation (EC) No 520/94 applicants may enclose with their licence applications documents drawn up and certified by the competent national authorities on the basis of available customs information as evidence of the imports of the product in question during the calendar years 1998 or 1999 carried out by themselves or, where applicable, by the operator whose activities they have taken over.

⁽³⁾ OJ L 302, 19.10.1992, p. 1.

Article 5

Member States shall inform the Commission no later than 21 September 2001 at 10 a.m., Brussels time, of the number and aggregate quantity of import licence applications and, in the case of applications from traditional importers, of the volume of previous imports carried out by traditional importers during the reference period referred to in Article 4(1) of this Regulation.

Article 6

The Commission shall adopt the quantitative criteria to be used by the competent national authorities for the purpose of

meeting importers' applications no later than 12 October 2001.

Article 7

Import licences shall be valid for one year, starting on 1 January 2002.

Article 8

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

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

Done at Brussels, 9 July 2001.

For the Commission
Pascal LAMY
Member of the Commission

ANNEX I

ALLOCATION OF THE QUOTAS

Product description	HS/CN code	Portion reserved for traditional importers (70 %)	Portion reserved for other importers (30 %)
Footwear falling within HS/CN codes	ex 6402 99 ⁽¹⁾	27 406 037 pairs	11 745 444 pairs
	6403 51 6403 59	1 956 500 pairs	838 500 pairs
	ex 6403 91 ⁽¹⁾ ex 6403 99 ⁽¹⁾	8 484 000 pairs	3 636 000 pairs
	ex 6404 11 ⁽²⁾	12 760 146 pairs	5 468 634 pairs
	6404 19 10	22 328 402 pairs	9 569 314 pairs
Tableware, kitchenware of porcelain or china falling within HS/CN code	6911 10	33 663 tonnes	14 427 tonnes
Ceramic tableware, kitchenware, other household articles and toilet articles, other than of porcelain or china falling within HS/CN code	6912 00	25 468 tonnes	10 915 tonnes

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

⁽²⁾ Excluding:

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

ANNEX II

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

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

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

⁽²⁾ Excluding:

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

ANNEX III

LIST OF THE COMPETENT NATIONAL AUTHORITIES

1. BELGIQUE/BELGIË
 Ministère des affaires économiques
 Administration des relations économiques
 4^e division: mise en œuvre des politiques commerciales
 Service des licences
 Ministère van Economische Zaken
 Bestuur van de Economische Betrekkingen
 4^e afdeling: Toepassing van de Handelspolitiek
 Dienst Vergunningen
 rue Général-Leman 60/Generaal Lemanstraat 60
 B-1040 Bruxelles/Brussel
 Tél./Tel. (32-2) 206 58 16
 Télécopieur/Fax (32-2) 230 83 22/231 14 84
2. DANMARK
 Erhvervsfremme Styrelsen
 Vejlsovej 29
 DK-8600 Silkeborg
 Tlf. (45) 35 46 60 00
 Fax (45) 35 46 64 01
3. DEUTSCHLAND
 Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA)
 Frankfurter Straße 29-35
 D-65760 Eschborn
 Tel. (49) 619 64 08-0
 Fax (49) 619 69 42 26/(49) 61 96 908-800
4. GREECE/ΕΛΛΑΔΑ
 Ministry of National Economy
 General Secretariat of International Economic Relations
 Directorate for Foreign Trade Issues
 1, Kornarou Street
 GR-Athens 10563
 Tel.: (30-1) 328 60 31/328 60 32
 Fax: (30-1) 328 60 94/328 60 59
5. ESPAÑA
 Ministerio de Economía y Hacienda
 Dirección General de Comercio Exterior
 Paseo de la Castellana, 162
 E-28046 Madrid
 Tel.: (34) 913 49 38 94/913 49 37 78
 Fax: (34) 913 49 38 32/913 49 37 40
6. FRANCE
 Service des titres du commerce extérieur
 8, rue de la Tour-des-Dames
 F-75436 Paris Cedex 09
 Tél. (33-1) 55 07 46 69/95
 Fax (33-1) 55 07 46 59
7. IRELAND
 Department of Enterprise, Trade and Employment
 Licensing Unit, Block C
 Earlsfort Centre
 Hatch Street
 Dublin 2
 Ireland
 Tel. (353-1) 631 25 41
 Fax (353-1) 631 25 62
8. ITALIA
 Ministero del Commercio con l'estero
 DG per la Politica commerciale e la gestione del regime degli scambi — Divisione VII
- Viale America, 341
 I-00144 Roma
 Tel. (39) 06 599 31/59 93 24 19/59 93 24 00
 Fax (39) 06 592 55 56
9. LUXEMBOURG
 Ministère des affaires étrangères
 Office des licences
 Boîte postale 113
 L-2011 Luxembourg
 Tél. (352) 22 61 62
 Télécopieur (352) 46 61 38
10. NEDERLAND
 Belastingdienst/Douane
 Engelse Kamp 2
 Postbus 30003
 9700 RD Groningen
 Nederland
 Tel. (31-50) 523 91 11
 Fax (31-50) 526 06 98/523 92 37
11. ÖSTERREICH
 Bundesministerium für Wirtschaft und Arbeit
 Landstrasser Hauptstraße 55/57
 A-1031 Wien
 Tel. (43) 171 10 00 83 45
 Fax (43) 171 10 00 83 86
12. PORTUGAL
 Ministério da Economia
 Direcção-Geral das Relações Económicas Internacionais
 Avenida da República, 79
 P-1069-059 Lisboa
 Tel.: (351) 217 91 18 00/19 43
 Fax: (351) 217 93 22 10./217 96 37 23
 Telex: 13 418
13. SUOMI/FINLAND
 Tullihallitus/Tullstyrelsen
 Erottajankatu 2/Skillnadsgatan 2
 FIN-00101 Helsinki/Helsingfors
 P./tfn (358-9) 6141
 F./fax (358-9) 614 28 52
14. SVERIGE
 Kommerskollegium
 Box 6803
 S-113 86 Stockholm
 Tfn (46-8) 690 48 00
 Fax (46-8) 30 67 59
15. UNITED KINGDOM
 Department of Trade and Industry
 Import Licensing Branch
 Queensway House
 West Precinct
 Billingham
 TS23 2NF
 United Kingdom
 Tel. (44-1642) 36 43 33/36 43 34
 Fax (44-1642) 53 35 57

COMMISSION REGULATION (EC) No 1395/2001
of 9 July 2001
on the issue of import licences for high-quality fresh, chilled or frozen beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 936/97 of 27 May 1997 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat ⁽¹⁾, as last amended by Regulation (EC) No 134/1999 ⁽²⁾,

Whereas:

- (1) Regulation (EC) No 936/97 provides in Articles 4 and 5 the conditions for applications and for the issue of import licences for meat referred to in Article 2(f).
- (2) Article 2(f) of Regulation (EC) No 936/97 fixes the amount of high-quality fresh, chilled or frozen beef and veal originating in and imported from the United States of America and Canada which may be imported on special terms for the period 1 July 2001 to 30 June 2002 at 11 500 t.

- (3) It should be recalled that licences issued pursuant to this Regulation will, throughout the period of validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION:

Article 1

1. All applications for import licences from 1 to 5 July 2001 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 2(f) of Regulation (EC) No 936/97 shall be granted in full.
2. Applications for licences may be submitted, in accordance with Article 5 of Regulation (EC) No 936/97, during the first five days of August 2001 for 1 806,667 t.

Article 2

This Regulation shall enter into force on 10 July 2001.

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

Done at Brussels, 9 July 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 137, 28.5.1997, p. 10.

⁽²⁾ OJ L 17, 22.1.1999, p. 22.

COMMISSION REGULATION (EC) No 1396/2001**of 9 July 2001****fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5(2) (a) thereof,

Whereas:

Pursuant to Article 2(2) and Article 3 of abovementioned Regulation (EEC) No 4088/87, Community import and producer prices are fixed each fortnight for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses and apply for two-weekly periods. Pursuant to Article 1b of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the

Gaza Strip ⁽³⁾, as last amended by Regulation (EC) No 2062/97 ⁽⁴⁾, those prices are determined for fortnightly periods on the basis of weighted prices provided by the Member States. Those prices should be fixed immediately so the customs duties applicable can be determined. To that end, provision should be made for this Regulation to enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer and import prices for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses as referred to in Article 1b of Regulation (EEC) No 700/88 for a fortnightly period shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 10 July 2001.

It shall apply from 11 to 24 July 2001.

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

Done at Brussels, 9 July 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 382, 31.12.1987, p. 22.

⁽²⁾ OJ L 177, 5.7.1997, p. 1.

⁽³⁾ OJ L 72, 18.3.1988, p. 16.

⁽⁴⁾ OJ L 289, 22.10.1997, p. 1.

ANNEX

to the Commission Regulation of 9 July 2001 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

(EUR/100 pieces)

Period: from 11 to 24 July 2001

Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	11,82	12,15	16,03	8,59
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	—	—	6,32	4,22
Morocco	17,38	14,32	—	—
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	—	—	—	—

COMMISSION REGULATION (EC) No 1397/2001
of 9 July 2001
amending the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) The import duties in the cereals sector are fixed by Commission Regulation (EC) No 1301/2001 ⁽⁵⁾, as last amended by Regulation (EC) No 1362/2001 ⁽⁶⁾.

- (2) Article 2(1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by EUR 5 per tonne from the duty fixed, a corresponding adjustment is to be made. Such a difference has arisen. It is therefore necessary to adjust the import duties fixed in Regulation (EC) No 1301/2001,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 1301/2001 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 10 July 2001.

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

Done at Brussels, 9 July 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 256, 10.10.2000, p. 13.

⁽⁵⁾ OJ L 177, 30.6.2001, p. 3.

⁽⁶⁾ OJ L 182, 5.7.2001, p. 49.

ANNEX I

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

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (EUR/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00	0,00
	medium quality ⁽¹⁾	0,00	0,00
1001 90 91	Common wheat seed	0,00	0,00
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	0,00	0,00
	medium quality	0,00	0,00
	low quality	26,68	16,68
1002 00 00	Rye	14,02	4,02
1003 00 10	Barley, seed	14,02	4,02
1003 00 90	Barley, other ⁽³⁾	14,02	4,02
1005 10 90	Maize seed other than hybrid	67,72	57,72
1005 90 00	Maize other than seed ⁽³⁾	67,72	57,72
1007 00 90	Grain sorghum other than hybrids for sowing	38,73	28,73

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

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

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

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

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

ANNEX II

Factors for calculating duties

(period from 29 June to 6 July 2001)

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

Exchange quotations	Minneapolis	Kansas City	Chicago	Chicago	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	Medium quality (*)	US barley 2
Quotation (EUR/t)	133,49	129,53	112,82	90,10	205,22 (**)	195,22 (**)	120,87 (**)
Gulf premium (EUR/t)	—	19,10	5,70	12,20	—	—	—
Great Lakes premium (EUR/t)	26,29	—	—	—	—	—	—

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

(**) Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: 21,84 EUR/t; Great Lakes — Rotterdam: 30,85 EUR/t.

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

DIRECTIVE 2001/38/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 5 June 2001
amending Council Directive 93/7/EEC on the return of cultural objects unlawfully removed from
the territory of a Member State
 (Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee,

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the procedure referred to in Article 251 of the Treaty ⁽²⁾,

Whereas:

- (1) The establishment of Economic and Monetary Union and the changeover to the euro have an effect on the last subparagraph under heading B of the Annex to Council Directive 93/7/EEC ⁽³⁾ laying down the values, expressed in ecu, of the cultural goods subject to the application of the Directive. That subparagraph lays down that the date for the conversion of such values into national currencies is to be 1 January 1993.
- (2) Pursuant to Council Regulation (EC) No 1103/97 of 17 June 1997 on certain provisions relating to the introduction of the euro ⁽⁴⁾, any reference to the ecu in legal instruments became, as from 1 January 1999, a reference to the euro, after conversion at the rate of one to one. Without an amendment to Directive 93/7/EEC, and hence to the fixed exchange rate corresponding to the rate in force on 1 January 1993, the Member States having the euro as their currency would continue to apply different amounts converted on the basis of the exchange rates of 1993, and not the conversion rates irrevocably fixed on 1 January 1999, and this situation would persist as long as the conversion rule remained an integral part of the Directive.
- (3) The last subparagraph under heading B of the Annex to Directive 93/7/EEC should therefore be amended in such a way that, as from 1 January 2002, the Member States having the euro as their currency directly apply the values in euro laid down in Community legislation. For the other Member States, which will continue to convert these thresholds into national currencies, an exchange rate should be adopted on an appropriate date before 1 January 2002, and provision should be made for those

Member States to adapt that rate automatically and periodically in order to compensate for variations in the exchange rate between the national currency and the euro.

- (4) It would appear that the value 0 (zero) under heading B of the Annex to Directive 93/7/EEC, applicable as the financial threshold for certain categories of cultural objects, could be interpreted in such a way as to jeopardise the effective application of the Directive. Whereas this value 0 (zero) means that goods belonging to the categories in question, whatever their value — even if it is negligible or zero — are to be considered ‘cultural objects’ within the meaning of the Directive, certain authorities have interpreted it in such a way that the cultural object in question has no value at all, thereby depriving those categories of goods of the protection afforded by the Directive.
- (5) To avoid any confusion in this respect, therefore, the figure 0 should be replaced by a clearer expression which leaves no doubt as to the need to protect the goods in question,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

In the Annex to Directive 93/7/EEC, the text under heading B is hereby amended as follows:

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

‘VALUE:

Whatever the value’

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

‘For the Member States which do not have the euro as their currency, the values expressed in euro in the Annex shall be converted and expressed in national currencies at the rate of exchange on 31 December 2001 published in the *Official Journal of the European Communities*. This countervalue in national currencies shall be reviewed every two years with effect from 31 December 2001. Calculation of this countervalue shall be based on the average daily value of those currencies, expressed in euro, during the 24 months ending on the last day of August preceding the revision which takes effect on 31 December. The Advisory Committee

⁽¹⁾ OJ C 120 E, 24.4.2001, p. 182.

⁽²⁾ Opinion of the European Parliament of 14 February 2001 and Council Decision of 14 May 2001.

⁽³⁾ OJ L 74, 27.3.1993, p. 74. Directive as amended by Directive 96/100/EC of the European Parliament and of the Council (OJ L 60, 1.3.1997, p. 59).

⁽⁴⁾ OJ L 162, 19.6.1997, p. 1.

on Cultural Goods shall review this method of calculation, on a proposal from the Commission, in principle two years after the first application. For each revision, the values expressed in euro and their countervalues in national currency shall be published periodically in the *Official Journal of the European Communities* in the first days of the month of November preceding the date on which the revision takes effect.'

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 2001. They shall immediately 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.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Luxembourg, 5 June 2001.

For the European Parliament

The President

N. FONTAINE

For the Council

The President

L. ENGQVIST

COUNCIL DIRECTIVE 2001/51/EC

of 28 June 2001

supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 61(a) and Article 63(3)(b) thereof,

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

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

Whereas:

- (1) In order to combat illegal immigration effectively, it is essential that all the Member States introduce provisions laying down the obligations of carriers transporting foreign nationals into the territory of the Member States. In addition, in order to ensure a greater effectiveness of this objective, the financial penalties currently provided for by the Member States for cases where carriers fail to meet their control obligations should be harmonised to the extent possible, taking into account the differences in legal systems and practices between the Member States.
- (2) This measure is among the general provisions aimed at curbing migratory flows and combating illegal immigration.
- (3) Application of this Directive is without prejudice to the obligations resulting from the Geneva Convention relating to the Status of Refugees of 28 July 1951, as amended by the New York Protocol of 31 January 1967.
- (4) The freedom of the Member States to retain or introduce additional measures or penalties for carriers, whether referred to in this Directive or not, should not be affected.
- (5) Member States should ensure that in any proceedings brought against carriers which may result in the application of penalties, the rights of defence and the right of appeal against such decisions can be exercised effectively.
- (6) This Directive builds on the Schengen acquis, in accordance with the Protocol integrating it into the framework of the European Union, as laid down by Annex A to Council Decision 1999/435/EC of 20 May 1999 concerning the definition of the Schengen acquis for the purpose of determining, in conformity with the relevant provisions of the Treaty establishing the European Community and the Treaty on European Union, the

legal basis for each of the provisions or decisions which constitute the *acquis* ⁽³⁾.

- (7) 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 gave notice, by letter of 25 October 2000, of its wish to take part in the adoption and application of this Directive.
- (8) Pursuant to Article 1 of the aforementioned Protocol, Ireland is not participating in the adoption of this Directive. Consequently and without prejudice to Article 4 of the aforementioned Protocol, the provisions of this Directive do not apply to Ireland.
- (9) 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 instrument 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 shall decide within a period of 6 months after the Council has adopted this Directive whether it will implement it in its national law.
- (10) 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 by the Council of the European Union and those two States concerning the latter's association with the implementation, application and development of the Schengen *acquis* ⁽⁴⁾,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The aim of this Directive is to supplement the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985, signed at Schengen on 19 June 1990 ⁽⁵⁾ (hereinafter referred to as 'the Schengen Convention') and to define certain conditions with respect to their implementation.

⁽¹⁾ OJ C 269, 20.9.2000, p. 8.

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

⁽³⁾ OJ L 176, 10.7.1999, p. 1.

⁽⁴⁾ OJ L 176, 10.7.1999, p. 3.

⁽⁵⁾ OJ L 239, 22.9.2000, p. 1.

Article 2

Member States shall take the necessary steps to ensure that the obligation of carriers to return third country nationals provided for in the provisions of Article 26(1)(a) of the Schengen Convention shall also apply when entry is refused to a third-country national in transit if:

- (a) the carrier which was to take him to his country of destination refuses to take him on board;
- (b) or the authorities of the State of destination have refused him entry and have sent him back to the Member State through which he transited.

Article 3

Member States shall take the necessary measures to oblige carriers which are unable to effect the return of a third-country national whose entry is refused to find means of onward transportation immediately and to bear the cost thereof, or, if immediate onward transportation is not possible, to assume responsibility for the costs of the stay and return of the third-country national in question.

Article 4

1. Member States shall take the necessary measures to ensure that the penalties applicable to carriers under the provisions of Article 26(2) and (3) of the Schengen Convention are dissuasive, effective and proportionate and that:

- (a) either the maximum amount of the applicable financial penalties is not less than EUR 5 000 or equivalent national currency at the rate of exchange published in the Official Journal on 10 August 2001, for each person carried, or
- (b) the minimum amount of these penalties is not less than EUR 3 000 or equivalent national currency at the rate of exchange published in the Official Journal on 10 August 2001, for each person carried, or
- (c) the maximum amount of the penalty imposed as a lump sum for each infringement is not less than EUR 500 000 or equivalent national currency at the rate of exchange published in the Official Journal on 10 August 2001, irrespective of the number of persons carried.

2. Paragraph 1 is without prejudice to Member States' obligations in cases where a third country national seeks international protection.

Article 5

This Directive shall not prevent Member States from adopting or retaining, for carriers which do not comply with the obligations arising from the provisions of Article 26(2) and (3) of the Schengen Convention and of Article 2 of this Directive, other measures involving penalties of another kind, such as immobilisation, seizure and confiscation of the means of transport, or temporary suspension or withdrawal of the operating licence.

Article 6

Member States shall ensure that their laws, regulations and administrative provisions stipulate that carriers against which proceedings are brought with a view to imposing penalties have effective rights of defence and appeal.

Article 7

1. Member States shall take the necessary measures to comply with this Directive not later than 11 February 2003. They shall forthwith inform the Commission thereof.

2. 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.

3. Member States shall communicate the main provisions of national law which they adopt in the field covered by this Directive to the Commission.

Article 8

This Directive shall enter into force 30 days after its publication in the *Official Journal of the European Communities*.

Article 9

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

Done at Luxembourg, 28 June 2001.

For the Council

The President

B. ROSENGREN

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 9 July 2001

concerning the non-inclusion of parathion in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing this active substance

(notified under document number C(2001) 1772)

(Text with EEA relevance)

(2001/520/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, as last amended by Commission Directive 2001/36/EC ⁽²⁾, and in particular the fourth subparagraph of Article 8(2) thereof,

Having regard to Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC concerning the placing of plant protection products on the market ⁽³⁾, as last amended by Regulation (EC) No 1972/1999 ⁽⁴⁾, and in particular Article 7(3A)(b) thereof,

Whereas:

(1) Article 8(2) of Directive 91/414/EEC provided for the Commission to carry out a programme of work for the examination of the active substances used in plant protection products which were already on the market on 15 July 1993. Detailed rules for the carrying out of this programme were established in Regulation (EEC) No 3600/92.

(2) Commission Regulation (EC) No 933/94 ⁽⁵⁾, as last amended by Regulation (EC) No 2230/95 ⁽⁶⁾, has designated the active substances which should be assessed in the framework of Regulation (EEC) No 3600/92, designated a Member State to act as rapporteur in respect of the assessment of each substance and identified the producers of each active substance who submitted a notification in due time in accordance with Article 4(2) of Regulation (EEC) No 3600/92.

(3) Parathion is one of the 90 active substances designated in Regulation (EC) No 933/94.

(4) In accordance with Article 7(1)(c) of Regulation (EEC) No 3600/92, Italy, being the designated rapporteur Member State, submitted on 30 November 1998 to the Commission the report of its assessment of the information submitted by the notifiers in accordance with the provisions of Article 6(1) of this Regulation.

(5) On receipt of the report of the rapporteur Member State, the Commission undertook consultations with experts of the Member States as well as with the main notifier (Cheminova) as provided for in Article 7(3) of Regulation (EEC) No 3600/92.

(6) The assessment report prepared by Italy has been reviewed by the Member States and the Commission within the Standing Committee on Plant Health. This review was finalised on 12 December 2000 in the format of the Commission review report for parathion, in accordance with Article 7(6) of Regulation (EEC) No 3600/92.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 164, 20.6.2001, p. 1.

⁽³⁾ OJ L 366, 15.12.1992, p. 10.

⁽⁴⁾ OJ L 244, 16.9.1999, p. 41.

⁽⁵⁾ OJ L 107, 28.4.1994, p. 8.

⁽⁶⁾ OJ L 225, 22.9.1995, p. 1.

- (7) Assessments made on the basis of the information submitted have not demonstrated that it may be expected that, under the proposed conditions of use, plant protection products containing parathion satisfy in general the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC, in particular with regard to the safety of operators potentially exposed to parathion and with regard to the fate and behaviour of the substance in the environment and its possible impact on non-target organisms.
- (8) The main notifier informed the Commission and the rapporteur Member State that it no longer wished to participate in the programme of work for this active substance, and therefore further information will not be submitted.
- (9) Therefore it is not possible to include this active substance in Annex I to Directive 91/414/EEC.
- (10) Any period of grace for disposal, storage, placing on the market and use of existing stocks of plant protection products containing parathion allowed by Member States, in accordance with the provisions of Article 4(6) of Directive 91/414/EEC should be limited to a period no longer than 12 months to allow existing stocks to be used in no more than one further growing season.
- (11) This Decision does not prejudice any action the Commission may undertake at a later stage for this active substance within the framework of Council Directive 79/117/EEC ⁽¹⁾.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

Parathion is not included as active substance in Annex I to Directive 91/414/EEC.

Article 2

Member States shall ensure that:

1. authorisations for plant protection products containing parathion are withdrawn within a period of six months from the date of adoption of the present Decision;
2. from the date of adoption of the present Decision no authorisations for plant protection products containing parathion will be granted or renewed under the derogation provided for in Article 8(2) of Directive 91/414/EEC.

Article 3

Any period of grace granted by Member States in accordance with the provisions of Article 4(6) of Directive 91/414/EEC, shall be as short as possible and not longer than 18 months from the date of adoption of this Decision.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 9 July 2001.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 33, 8.2.1979, p. 36.