

English edition

Legislation

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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1585/2001
of 2 August 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 3 August 2001.

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

Done at Brussels, 2 August 2001.

For the Commission
Frederik BOLKESTEIN
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 2 August 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	
0707 00 05	052	59,7	
	999	59,7	
0709 90 70	052	78,9	
	999	78,9	
0805 30 10	388	75,4	
	524	60,0	
	528	68,7	
	999	68,0	
0806 10 10	052	93,3	
	220	83,2	
	400	192,4	
	508	134,5	
	600	99,9	
	624	78,1	
	999	113,6	
	0808 10 20, 0808 10 50, 0808 10 90	388	86,3
		400	61,2
508		85,9	
512		102,4	
524		64,0	
528		74,9	
720		118,4	
800		207,0	
804		92,0	
999		99,1	
0808 20 50		052	118,7
	388	70,1	
	512	65,6	
	528	68,5	
	804	122,9	
	999	89,2	
0809 20 95	052	352,4	
	400	235,8	
	404	244,5	
	999	277,6	
0809 30 10, 0809 30 90	052	123,8	
	999	123,8	
0809 40 05	052	80,5	
	064	64,8	
	066	65,1	
	094	63,7	
	624	261,2	
	999	107,1	

⁽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 1586/2001**of 2 August 2001****fixing the maximum export refund for white sugar for the second partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1430/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular Article 27(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1430/2001 of 13 July 2001 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽²⁾ requires partial invitations to tender to be issued for the export of this sugar.
- (2) Pursuant to Article 9(1) of Regulation (EC) No 1430/2001 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question.

(3) Following an examination of the tenders submitted in response to the second partial invitation to tender, the provisions set out in Article 1 should be adopted.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the second partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1430/2001 the maximum amount of the export refund is fixed at 41,390 EUR/100 kg.

Article 2

This Regulation shall enter into force on 3 August 2001.

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

Done at Brussels, 2 August 2001.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 192, 14.7.2001, p. 3.

COMMISSION REGULATION (EC) No 1587/2001**of 2 August 2001****fixing the representative prices and the additional import duties for molasses in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the market in sugar ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68 ⁽²⁾, and in particular Articles 1(2) and 3(1) thereof,

Whereas:

- (1) Regulation (EC) No 1422/95 stipulates that the cif import price for molasses, hereinafter referred to as the 'representative price', should be set in accordance with Commission Regulation (EEC) No 785/68 ⁽³⁾. That price should be fixed for the standard quality defined in Article 1 of the above Regulation.
- (2) The representative price for molasses is calculated at the frontier crossing point into the Community, in this case Amsterdam; that price must be based on the most favourable purchasing opportunities on the world market established on the basis of the quotations or prices on that market adjusted for any deviations from the standard quality. The standard quality for molasses is defined in Regulation (EEC) No 785/68.
- (3) When the most favourable purchasing opportunities on the world market are being established, account must be taken of all available information on offers on the world market, on the prices recorded on important third-country markets and on sales concluded in international trade of which the Commission is aware, either directly or through the Member States. Under Article 7 of Regulation (EEC) No 785/68, the Commission may for this purpose take an average of several prices as a basis, provided that this average is representative of actual market trends.
- (4) The information must be disregarded if the goods concerned are not of sound and fair marketable quality or if the price quoted in the offer relates only to a small

quantity that is not representative of the market. Offer prices which can be regarded as not representative of actual market trends must also be disregarded.

- (5) If information on molasses of the standard quality is to be comparable, prices must, depending on the quality of the molasses offered, be increased or reduced in the light of the results achieved by applying Article 6 of Regulation (EEC) No 785/68.
- (6) A representative price may be left unchanged by way of exception for a limited period if the offer price which served as a basis for the previous calculation of the representative price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the representative price.
- (7) Where there is a difference between the trigger price for the product in question and the representative price, additional import duties should be fixed under the conditions set out in Article 3 of Regulation (EC) No 1422/95. Should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed.
- (8) Application of these provisions will have the effect of fixing the representative prices and the additional import duties for the products in question as set out in the Annex to this Regulation.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 3 August 2001.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 141, 24.6.1995, p. 12.

⁽³⁾ OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 2 August 2001.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

ANNEX

to the Commission Regulation of 2 August 2001 fixing the representative prices and additional import duties to imports of molasses in the sugar sector

(in EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	9,98	—	0
1703 90 00 ⁽¹⁾	13,04	—	0

⁽¹⁾ For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

⁽²⁾ This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

COMMISSION REGULATION (EC) No 1588/2001
of 2 August 2001
altering the export refunds on white sugar and raw sugar exported in the natural state

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

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular the third subparagraph of Article 27(5) thereof,

Whereas:

- (1) The refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 1520/2001 ⁽²⁾, as amended by Regulation (EC) No 1567/2001 ⁽³⁾.
- (2) It follows from applying the detailed rules contained in Regulation (EC) No 1520/2001 to the information known to the Commission that the export refunds at

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 1520/2001 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 3 August 2001.

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

Done at Brussels, 2 August 2001.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.
⁽²⁾ OJ L 201, 26.7.2001, p. 18.
⁽³⁾ OJ L 208, 1.8.2001, p. 20.

ANNEX

to the Commission Regulation of 2 August 2001 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	A00	EUR/100 kg	37,14 ⁽¹⁾
1701 11 90 9910	A00	EUR/100 kg	35,07 ⁽¹⁾
1701 11 90 9950	A00	EUR/100 kg	⁽²⁾
1701 12 90 9100	A00	EUR/100 kg	37,14 ⁽¹⁾
1701 12 90 9910	A00	EUR/100 kg	35,07 ⁽¹⁾
1701 12 90 9950	A00	EUR/100 kg	⁽²⁾
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,4037
1701 99 10 9100	A00	EUR/100 kg	40,37
1701 99 10 9910	A00	EUR/100 kg	40,37
1701 99 10 9950	A00	EUR/100 kg	40,37
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,4037

⁽¹⁾ Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 28 (4) of Council Regulation (EC) No 1260/2001.

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

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

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

COMMISSION REGULATION (EC) No 1589/2001**of 2 August 2001****fixing the minimum price to be paid to producers for unprocessed dried figs and the production aid for dried figs for the 2001/02 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products ⁽¹⁾, as last amended by Regulation (EC) No 1239/2001 ⁽²⁾, and in particular Article 6b(3) and Article 6c(7) thereof,

Whereas:

- (1) Article 2 of Commission Regulation (EC) No 449/2001 of 2 March 2001 laying down detailed rules for applying Council Regulation (EC) No 2201/96 as regards the aid scheme for products processed from fruit and vegetables ⁽³⁾, as amended by Regulation (EC) No 1343/2001 ⁽⁴⁾, lays down the dates of the marketing years.
- (2) The criteria for fixing the minimum price and the production aid are laid down in Article 6b and Article 6c of Regulation (EC) No 2201/96, and the products for which the minimum price and the aid are fixed are listed in Articles 1 and 2 of Commission Regulation (EC) No 1573/1999 of 19 July 1999 laying down detailed rules for the application of Council Regulation (EC) No 2201/96 as regards the characteristics of dried figs qualifying

for aid under the production aid scheme ⁽⁵⁾. The minimum price and the production aid should therefore be fixed for the 2001/02 marketing year.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 2001/02 marketing year:

- (a) the minimum price referred to in Article 6b of Regulation (EC) No 2201/96 for unprocessed dried figs shall be EUR 878,86 per tonne net ex-producer's premises;
- (b) the production aid referred to in Article 6c of that Regulation for dried figs shall be EUR 286,30 per tonne net.

Article 2

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

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

Done at Brussels, 2 August 2001.

For the Commission

Frederik BOLKESTEIN

Member of the Commission

⁽¹⁾ OJ L 297, 21.11.1996, p. 29.

⁽²⁾ OJ L 171, 26.6.2001, p. 1.

⁽³⁾ OJ L 64, 6.3.2001, p. 16.

⁽⁴⁾ OJ L 181, 4.7.2001, p. 16.

⁽⁵⁾ OJ L 187, 20.7.1999, p. 27.

COMMISSION REGULATION (EC) No 1590/2001**of 2 August 2001****fixing for the 2001/02 marketing year the amount of aid for the cultivation of grapes intended for the production of certain varieties of dried grapes**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the market in products processed from fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1239/2001 ⁽²⁾, and in particular Article 7(5) thereof,

Whereas:

- (1) The second subparagraph of Article 7(1) of Regulation (EC) No 2201/96 establishes the criteria for fixing the aid for the cultivation of grapes intended for the production of dried grapes of the sultana and Muscatel varieties and currants.
- (2) The third subparagraph of Article 7(1) of that Regulation states that the amount of aid may be differentiated according to grape variety and other factors which may affect yields. In the case of sultanas an additional differentiation should be provided for, between areas affected by phylloxera and other areas.
- (3) Verification of the areas used to grow those grapes has revealed no overrun of the maximum guaranteed area fixed in Article 2(1) of Commission Regulation (EC) No 1621/1999 of 22 July 1999 laying down detailed rules for the application of Regulation (EC) No 2201/96 as regards the aid for the cultivation of grapes to produce certain varieties of dried grapes ⁽³⁾, as amended by Regulation (EC) No 2256/1999 ⁽⁴⁾.
- (4) The aid to be granted to producers replanting their vineyards in order to combat phylloxera under the

conditions provided for in Article 7(4) of Regulation (EC) No 2201/96 should be determined.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

For the 2001/02 marketing year:

- (a) the cultivation aid referred to in Article 7(1) of Regulation (EC) No 2201/96 shall be:
 - EUR 2 400 per hectare for areas under sultana grapes affected by phylloxera or replanted within the last five years,
 - EUR 3 290 per hectare for other areas under sultana grapes,
 - EUR 3 080 per hectare for areas under currant grapes,
 - EUR 880 per hectare for areas under Muscatel grapes;
- (b) the replanting aid referred to in Article 7(4) of Regulation (EC) No 2201/96 shall be EUR 3 917 per hectare. In this case point (a) shall not apply.

Article 2

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

It shall apply from 1 September 2001.

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

Done at Brussels, 2 August 2001.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

⁽¹⁾ OJ L 297, 21.11.1996, p. 29.

⁽²⁾ OJ L 171, 26.6.2001, p. 1.

⁽³⁾ OJ L 192, 24.7.1999, p. 21.

⁽⁴⁾ OJ L 275, 26.10.1999, p. 13.

COMMISSION REGULATION (EC) No 1591/2001
of 2 August 2001
laying down detailed rules for applying the cotton aid scheme

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Protocol 4 on cotton annexed to the Act of Accession of Greece ⁽¹⁾, as last amended by Council Regulation (EC) No 1050/2001 ⁽²⁾,

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton ⁽³⁾, and in particular Article 19(1) thereof,

Whereas:

- (1) In view of the fluctuations which normally occur in world market prices for fibre, the average world market price for unginning cotton should be determined several times each month. To facilitate the disposal of cotton on the world market, it is necessary to determine the period during which that price is fixed and during which aid applications may be submitted, taking account of the time limits required for proper administration of the aid scheme.
- (2) If there are no representative offers or quotations for unginning cotton, the world market price for this product should be determined on the basis of the world market price for ginned cotton. For the purposes of Article 4(1) of Regulation (EC) No 1051/2001, the coefficients representative of the historical relationship between the world market price for ginned cotton and the price calculated for unginning cotton should be fixed.
- (3) Offers and quotations need to be adjusted to compensate for any deviation from the quality and terms of delivery for which the world market price is determined.
- (4) Article 8 of Regulation (EC) No 1051/2001 provides for the amount of the aid to be increased where certain conditions are fulfilled and up to certain maximum limits. Rules should be laid down for determining this increase. In view of the adjustments and increases to be determined, the amount of aid should be fixed after those adjustments and increases have been made but before a final date which allows the balance of the aid to be paid before the end of the marketing year.
- (5) Detailed rules on the submission of aid applications should be laid down for the purpose of applying the amount of the aid to the corresponding quantities of cotton eligible for aid on the basis of the exact period during which the aid applications covering those quantities

are submitted. To prevent speculation during periods of sudden disturbance on the world market for fibre, it is appropriate to authorise aid applications to be submitted during such periods subject to specific conditions.

- (6) Adequate controls must be set up in order to check the quantity of unginning Community cotton entering each ginning plant. To that end, the terms 'batch' and 'entry of the batch in the ginning plant' should be defined, an application for supervised storage should be required and detailed rules should be laid down on how such applications are to be submitted. In order to prevent growers from holding unginning cotton for too long, thereby allowing the quality of the stored product to deteriorate, the Member States should be authorised to fix a final date by which applications for supervised storage must be submitted which is earlier than the final date for submission of aid applications. For administrative reasons, cotton should be ginned within a certain period.
- (7) Detailed rules on calculating and paying aid advances should be laid down. Payment of advances should be subject to the lodging of a security in order to ensure that the amounts in question are paid or forfeit if a given obligation is not fulfilled. Unless otherwise provided, such securities must meet the requirements set out in Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products ⁽⁴⁾, as last amended by Regulation (EC) No 1932/1999 ⁽⁵⁾.
- (8) Payment of an advance on the minimum price to be paid to producers is notably one of the requirements to be met by undertakings ginning on their own account in order to qualify for aid. The detailed rules for calculating and paying to the producer that advance on the minimum price should therefore be laid down.
- (9) In order to ensure that cotton covered by aid applications is of proper origin, it must be possible to identify areas sown to cotton by means of the system for identifying agricultural plots provided for in Council Regulation (EEC) No 3508/92 of 27 November 1992 establishing an integrated administration and control system for certain Community aid schemes ⁽⁶⁾, as last amended by Commission Regulation (EC) No 495/2001 ⁽⁷⁾.

⁽¹⁾ OJ L 291, 19.11.1979, p. 174.

⁽²⁾ OJ L 148, 1.6.2001, p. 1.

⁽³⁾ OJ L 148, 1.6.2001, p. 3.

⁽⁴⁾ OJ L 205, 3.8.1985, p. 5.

⁽⁵⁾ OJ L 240, 10.9.1999, p. 11.

⁽⁶⁾ OJ L 355, 5.12.1992, p. 1.

⁽⁷⁾ OJ L 72, 14.3.2001, p. 6.

- (10) So that entitlement to aid can be checked, and in particular compliance with the minimum price, the conditions to be satisfied by the contracts provided for in Article 11(a) of Regulation (EC) No 1051/2001 should be specified. To that end, reference should be made to the stock accounting of undertakings.
- (11) Where ginning is carried out on behalf of third parties, detailed rules should be laid down for paying and administering the aid in such cases, as well as the obligations to be fulfilled by the parties concerned.
- (12) There must be a system of checks to ensure that operations are conducted properly. The detailed rules on such checks should be laid down.
- (13) Penalties should be laid down for cases where the provisions of this Regulation are not complied with. These penalties must be an adequate deterrent, while complying with the principle of proportionality.
- (14) So that the aid scheme can be properly administered, it is necessary to specify which information operators should send to the competent authorities and which communications the Member States should make to the Commission.
- (15) In order that advance payments on the aid can be made as the marketing year progresses and the balance paid before the end of the marketing year, the dates referred to in Article 19(2) of Regulation (EC) No 1051/2001 should be fixed.
- (16) In order to ensure a smooth transition to the new scheme, transitional provisions are needed during the 2001/02 marketing year regarding certain documents to be drawn up before the beginning of that marketing year.
- (17) Regulation (EC) No 1051/2001 introduces a new production aid scheme for cotton from the 2001/02 marketing year and repeals Council Regulations (EEC) No 1964/87⁽¹⁾ and (EC) No 1554/95⁽²⁾ with effect from 1 September 2001. Commission Regulation (EEC) No 1201/89 of 3 May 1989 laying down rules implementing the system of aid for cotton⁽³⁾ should therefore also be repealed with effect from the 2001/02 marketing year.
- (18) To ensure that this Regulation applies on 1 September 2001, it should enter into force on the day following its publication.
- (19) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Natural Fibres,

HAS ADOPTED THIS REGULATION:

Article 1

Purpose

This Regulation lays down the detailed rules for implementing the production aid scheme for cotton introduced by Protocol 4 on cotton annexed to the Act of Accession of Greece and Regulation (EC) No 1051/2001.

Article 2

World market price for unginced cotton

1. The Commission shall determine the world price for unginced cotton in euro per 100 kilograms in the period running from 1 July before the start of the marketing year concerned to the following 31 March. The price shall be determined on the last working day preceding the first, 11th and 21st of each month and shall enter into force on the day following the date on which it is determined. The working days taken into account shall be those applied by the Commission. The exchange rate for the euro used to determine the world market price shall be that applicable on the day on which the offers and quotations referred to in Article 3 are established.

However, in the event of significant changes of 5 % or more in cotton prices expressed in euro on the world market, the Commission may amend the price referred to in the first subparagraph without delay.

2. The world market price for unginced cotton shall be equal to a percentage of the price of ginned cotton determined in accordance with Article 3.

This percentage shall be set at:

- (a) 20,6 if the price is EUR 110 or less per 100 kilograms;
- (b) 21,8 if the price is more than EUR 110 but less than EUR 120 per 100 kilograms;
- (c) 23,0 if the price is more than EUR 120 but less than EUR 130 per 100 kilograms;
- (d) 24,4 if the price is EUR 130 or more per 100 kilograms.

3. As soon as the price referred to in paragraph 1 is determined, the Commission shall inform the Member States thereof, and in any case before the date on which it comes into force.

Article 3

World market price for ginned cotton

1. To determine the world price for ginned cotton, the Commission shall take account of an average of the offers and quotations obtaining on one or more European exchanges representative of the market for cotton delivered cif at a Community port and originating in various supplier countries regarded as the most representative in international trade.

⁽¹⁾ OJ L 184, 3.7.1987, p. 14.

⁽²⁾ OJ L 148, 30.6.1995, p. 48.

⁽³⁾ OJ L 123, 4.5.1989, p. 23.

The offers and quotations taken into account shall relate to the marketing year for which the price is determined and to shipments to be made during the months nearest to the date on which the price is determined.

2. Where the offers and quotations relate to:
 - (a) ginned cotton of a quality other than the quality for which the guide price is fixed, they shall be adjusted as shown in Annex I;
 - (b) cotton seed delivered c and f, they shall be increased by 0,2 % to take insurance costs into account;
 - (c) cotton delivered fas, fob or otherwise, they shall be increased, as appropriate, by the lowest loading, transport and insurance costs from the point of shipment or loading to the frontier crossing point.

Article 4

Calculating and fixing the aid

1. No later than 30 June of the marketing year concerned, the Commission shall fix the amount of aid for unginning cotton applicable for each period for which a world market price for unginning cotton has been determined in accordance with Article 2(1).
2. The amount of aid to be granted in euro per 100 kilograms shall be that which is valid on the day on which the aid application is lodged in accordance with Article 5.
3. To determine the amount of aid, the increase referred to in Article 8 of Regulation (EC) No 1051/2001 shall be established in accordance with paragraphs 4 and 5.
4. The difference between EUR 770 million and total budget expenditure on the aid scheme, calculated in accordance with Article 7 of Regulation (EC) No 1051/2001, shall be divided by the total actual production of the Member States whose actual national production exceeds the guaranteed national quantity.

The increase shall be equal to the result of the division referred to in the first subparagraph, without prejudice to the second paragraph of Article 8 of Regulation (EC) No 1051/2001.

5. However, where:
 - (a) the actual production of Spain and Greece exceeds the respective guaranteed national production of those countries, and
 - (b) the amount of the aid, increased in accordance with paragraph 4, exceeds one or other of the ceilings laid down in the second paragraph of Article 8 of Regulation (EC) No 1051/2001 in either Greece or Spain but not both,

the increase applicable in the Member State referred to in point (b) above shall be calculated so that the amount of the

increased aid is equal to the lower of the two ceilings concerned.

Without prejudice to the second paragraph of Article 8 of Regulation (EC) No 1051/2001, the increase applicable to the other Member State shall be calculated, taking account of the first subparagraph, to obtain a total level of Community expenditure not exceeding EUR 770 million.

Article 5

Aid applications

1. To qualify for the production aid for cotton, ginning plants shall submit aid applications to the body appointed by the Member State, hereinafter referred to as the 'competent body'.

Applications shall be submitted from 1 July before the start of the marketing year for which the aid is requested until 31 March of the marketing year concerned.

2. Aid applications shall contain the following information:
 - the name, forenames, address and signature of the applicant,
 - the date of the application,
 - quantity of unginning cotton for which aid is requested.

3. Where an aid application is submitted before the application for supervised storage referred to in Article 6 is made, it shall be valid only if a security of EUR 12 per 100 kilograms is lodged. The security shall be released in proportion to the quantities for which the supervised storage obligation provided for in Article 6(1) is fulfilled.

Regulation (EEC) No 2220/85 shall apply to the securities provided for in this paragraph and the obligation provided for in the first subparagraph shall constitute a primary requirement within the meaning of Article 20 of that Regulation.

4. Without prejudice to Article 6(5), aid applications submitted during a period when a world market price for unginning cotton fixed in accordance with Article 4(2) of Regulation (EC) No 1051/2001 is in force may cover only the quantities in supervised storage on the date the application is submitted.

Article 6

Application for supervised storage

1. When unginning cotton enters the ginning plant, the plant shall identify the batch, the quantity and the contract(s) concerned and submit an application for supervised storage. The contracting parties shall then take, by mutual agreement, the samples needed to establish the quality of each batch.

2. A batch is a specified quantity of unginning cotton numbered when it enters the ginning plant.

Unginned cotton is considered to have entered the ginning plant when it enters:

- (a) any building or other place within the precincts of a cotton ginning plant; or
- (b) any place of storage outside the ginning plant offering sufficient and adequate security for the purposes of control of the stored products and which has been approved in advance by the inspection body.

Except in cases of *force majeure*, or where the inspection body grants prior authorisation, unginning cotton which has entered a ginning plant and for which an application for supervised storage has been submitted may not leave the plant unginning.

3. Applications for the supervised storage of one or more batches shall be submitted to the inspection body for ginning plants, between 1 September and 31 March of the marketing year concerned.

Where applicable, the Member State may fix a final date between the above two dates. However, in the event of unfavourable weather conditions, Member States may authorise the cotton concerned to be placed in supervised storage during the last five working days in March.

4. Applications for supervised storage shall contain the following information:

- the name, forenames, address and signature of the applicant,
- the date of the application,
- the quantity of unginning cotton covered by the application,
- the number(s) of the batches(es) concerned,
- the number or identification of the contract(s) covering each batch,
- where applicable, without prejudice to paragraph 5, a statement that the aid application will be submitted at a later date.

5. The quantities taken into supervised storage shall be set off against the aid applications, without reference to batches, in the chronological order in which the applications are lodged.

6. The quantity taken into supervised storage must be ginned within a period laid down by the Member State concerned and in any case within 90 days of its entry into supervised storage.

Within 90 days of being taken into supervised storage, and in any case before 10 April of the marketing year concerned, the ginning plant shall notify the Member State of the quantity of ginned cotton produced from the quantity of unginning cotton taken into supervised storage, specifying the quantities ginned for third parties in accordance with Article 12 of Regulation (EC) No 1051/2001. The quantity of ginned cotton shall be established using the method set out in Annex II.

Article 7

Advances on the aid

1. From the start of supervised storage, but not before 16 October of the marketing year concerned, the Member States shall grant those concerned an advance on the aid, provided a security equal to at least 110 % of the advance is lodged. The advance shall be paid within 20 days following the application therefor.

At the request of the parties concerned, advances paid before 16 December of the marketing year concerned shall, where applicable, be increased in accordance with the second subparagraph of Article 14(3) of Regulation (EC) No 1051/2001. Such requests shall be accompanied by an additional security set at a level that will ensure compliance with the first subparagraph.

2. The amount of the advance in euro per 100 kilograms shall be equal to the guide price referred to in Article 3(1) of Regulation (EC) No 1051/2001, less:

- (a) the world market price referred to in Article 2 of this Regulation; and
- (b) the provisional reduction of the guide price referred to in Article 16(1) or (2) of this Regulation, as the case may be.

The advance to be paid shall be equal to the amount referred to in the first subparagraph valid on the day on which the application for supervised storage was submitted, multiplied by the quantities covered by the application for the advance.

3. Regulation (EEC) No 2220/85 shall apply to the securities provided for in this Article.

Notwithstanding Article 19(1)(a) of Regulation (EEC) No 2220/85, the security on the advance shall be released:

- (a) up to 60 % not before 1 April of the marketing year concerned, for the quantities complying with the requirement referred to in the first subparagraph of Article 6(6); and
- (b) in full, between the first and the 15th day following payment of the balance of the aid referred to in the second subparagraph of Article 14(2) of Regulation (EC) No 1051/2001, in proportion to the quantities for which the Member State has granted the aid.

However, where significant irregularities are found, all the available securities lodged by the ginning plant and the marketing year concerned shall be released in accordance with point (b) of the second subparagraph.

The security shall be forfeited in proportion to the amount by which the advance paid exceeds the amount of the aid to be granted.

Article 8

Advance on the minimum price

No more than 30 days after submitting the application for supervised storage, all ginning plants as referred to in Article 11 of Regulation (EC) No 1051/2001 shall pay the producers, for the quantities covered by the application, an advance on the minimum price taking account of:

- (a) the provisional reductions of the guide price referred to in Article 16(1) and (2); and
- (b) the quality of the product delivered, in accordance with the second indent of Article 11(a) of Regulation (EC) No 1051/2001.

However, where the advance on the minimum price referred to in the preceding paragraph relates to quantities placed in supervised storage between 1 and 25 September of the marketing year in question, the advance shall be paid to the producer between the following 16 and 26 October.

Article 9

Declaration of areas sown

1. Before the final date set by the Member State, all Community cotton growers shall submit an application form for area aid, as provided for under the integrated administration and control system, by way of a declaration of areas sown for the following marketing year. The agricultural plot or plots concerned shall be identified in accordance with the system for identifying agricultural plots provided for under the integrated administration and control system. Where applicable, growers shall submit a corrected declaration to take account of the area actually sown to cotton by the date fixed by the Member State, and no later than 31 May preceding the marketing year concerned.

2. If the areas declared differ from those found during the inspections, the Member States shall adjust the declarations concerned. Without prejudice to the penalties laid down in accordance with Article 14(1), the Member States shall take account of these adjustments when determining the total area declared.

Article 10

Contract

1. When unginning cotton is taken into supervised storage at the latest, ginning plants shall submit one or more contracts for each batch to the competent body.
2. Contracts shall contain at least the following particulars:
 - (a) the names, forenames, addresses and signatures of the contracting parties;
 - (b) the date of signing and the year of sowing;
 - (c) the area, expressed in hectares and ares, with identification of the agricultural plot or plots in accordance with the system for identifying agricultural plots laid down under the integrated administration and control system;
 - (d) a reference to the declaration of areas sown to cotton; however, if the declaration is not available when the contract is concluded, a reference to it shall be added to the contract as soon as the declaration is submitted and in all cases no later than 1 June preceding the marketing year concerned;
 - (e) the quantity harvested on the area referred to at (c) covered by the contract or, if the contract is concluded before harvesting, an undertaking by the producer to deliver, and by the purchaser to take delivery of, the quantity harvested

on the area concerned. In this case, the contracting parties shall estimate quantity on the basis of the historical yields recorded in the region concerned;

- (f) the selling price of the unginning cotton by unit of weight, with the following specifications:
 - (i) the selling price is fixed for cotton of the standard quality laid down for the guide price, ex-holding; the adjustments to be made to that price to take account of the difference between the standard quality and the quality of the delivered cotton shall be determined by mutual agreement in accordance with the second indent of Article 11(a) of Regulation (EC) No 1051/2001;
 - (ii) where Article 7 and, where applicable, Article 8 of Regulation (EC) No 1051/2001 are applied, the selling price shall be adapted by the respective resulting amounts;
- (g) the terms of payment of the advance on the minimum price and of the selling price, particularly as regards the time limits, adjustments for quality, and method for calculating those amounts.

Article 11

Ginning on behalf of third parties

1. Notwithstanding Article 10, this Article shall apply where the cotton is to be ginned on behalf of an individual producer or a producer group in accordance with Article 12 of Regulation (EC) No 1051/2001.

2. No later than 10 days before the date on which the first quantity concerned is taken into supervised storage, ginning plants shall lodge a declaration of ginning on behalf of third parties with the competent body.

3. The declaration shall include:

- (a) the names, addresses and signatures of the parties concerned;
- (b) how the ginning plant is to administer the applications provided for in Article 5 and the applications for supervised storage provided for in Article 6;
- (c) how the ginning plant is to ensure that the individual producers or producer groups, as the case may be, have complied with the obligations giving them entitlement to the aid;
- (d) an undertaking that the aid and the advance thereon will be passed on to the contracting individual producer or producer group, as the case may be.

This undertaking is fulfilled where the group furnishes proof that it has undertaken to pay each member at least the minimum price, adjusted in accordance with Article 11(a) of Regulation (EC) No 1051/2001. To that end, the producer group shall supply, in particular, the price at which the producers deliver the unginning cotton, in accordance with Article 10(2)(f) and (g).

4. Article 10(2)(d) shall analogously apply where the cotton is ginned on behalf of an individual producer or a producer group.

Without prejudice to Articles 5 and 6, aid applications and applications for supervised storage shall include a reference to the declaration of ginning on behalf of a third party.

The competent body may forward the documents referred to in Articles 5 and 6 relating to the aid application and the application for supervised storage to the individual producer or producer group concerned, upon request.

Article 12

Stock records

The stock records provided for in Article 11(c) of Regulation (EC) No 1051/2001 shall contain at least the following information, separately in respect of cotton harvested inside and outside the Community:

- (a) the quantity of ginned cotton produced, with reference to the unginning cotton taken into supervised storage;
- (b) the quantities of unginning cotton, ginned cotton, seed and cotton linters in stock on the first day of each month;
- (c) for each batch of products as referred to at point (b), the quantity concerned and the number of the receipt or invoice or any other equivalent document issued per batch;
- (d) for each batch of products as referred to at point (b) leaving the ginning plant, the quantity concerned and the number of the receipt or invoice or any other equivalent document issued per batch.

Article 13

Checks

1. The inspection body appointed by the producer Member State shall verify:
 - (a) that the declarations of areas sown to cotton are accurate, by an on-the-spot check relating to not less than 5 % of declarations;
 - (b) that the requirements laid down in Article 10 are complied with;
 - (c) that the quantity of cotton covered by aid applications are consistent with the total quantity of unginning cotton produced on the areas indicated in the contracts;
 - (d) the accuracy of the quantities of ginned cotton communicated by the ginning plants in accordance with the second subparagraph of Article 6(6);
 - (e) that the stock records provided for in Article 11(c) of Regulation (EC) No 1051/2001 have been kept in accordance with Article 12 of this Regulation. In particular, checks shall establish whether the invoices and other documents referred to in Article 12 have been signed by identifiable operators who can, if necessary, demonstrate the

origin of the unginning cotton to the satisfaction of the Member State concerned;

- (f) by cross-checks, that the agricultural plots mentioned in the contracts correspond to those declared by the growers in their declaration of areas sown to cotton.

2. Where irregularities are found in connection with the declaration of areas referred to in Article 9, subject to the application of penalties as referred to in Article 14(1), aid shall be granted for the quantity of cotton for which all the other requirements have been met.

3. Where several bodies are responsible for the inspection arrangements, the Member State shall establish a system of coordination to this end.

Article 14

Penalties

1. Member States shall establish penalty arrangements for violations of this Regulation and shall take any measure necessary to ensure their application. The penalties shall be effective, proportionate and dissuasive. The Member States shall notify the Commission of these arrangements no later than 31 December 2001, and any subsequent amendments thereto as soon as possible.
2. Without prejudice to the penalties laid down by the Member State for the marketing year concerned:
 - (a) any ginning plant making a false declaration intentionally or as a result of serious negligence shall be excluded from the aid scheme for the following marketing year;
 - (b) any producer group failing to comply with the provisions referred to in Article 11(3)(d) shall be excluded from the aid scheme for the following marketing year.

3. Except in cases of *force majeure*, where aid applications are lodged after 31 March of the marketing year concerned, the amount of the aid applying on that date shall be reduced by 1 % per working day of delay. Applications submitted more than 25 days late shall be inadmissible.

Article 15

Communications

1. The producer Member States shall communicate to the Commission the names and addresses of the bodies appointed to implement this Regulation, as soon as they are appointed.
2. No later than the 15th of each month, the Member States shall communicate to the Commission, specifying for each period for which a different world market price applies:
 - (a) the quantities covered by aid applications during the previous month;
 - (b) the corresponding quantities taken into supervised storage during the previous month.

3. No later than 30 January each year, Spain and Greece shall notify the Commission of the measures and programmes adopted under Article 17(1), (2) and (3) of Regulation (EC) No 1051/2001 for the following marketing year.

4. Producer Member States shall notify the Commission:

- (a) no later than 15 May each year:
- (i) a summary of the quantities for which aid was approved for the current marketing year, broken down for each period for which a different world market price applies;
 - (ii) a summary of the quantities of cotton ginned for the current marketing year on the behalf of individual producers or producer groups in accordance with Article 12 of Regulation (EC) No 1051/2001;
 - (iii) the average quality of ginned cotton and average yields of ginned cotton and cotton seed recorded during the current marketing year;
- (b) no later than 31 August each year:
- (i) the areas sown to cotton during the current year, where necessary adjusted in accordance with Article 9(2);
 - (ii) an estimate of the corresponding production of unginning cotton;
- (c) no later than 25 November each year:
- (i) the most recent figures on quantities placed in supervised storage;
 - (ii) the revised production estimate for unginning cotton.

5. Where significant irregularities are found, particularly where they concern 5 % or more of the areas inspected under Article 13(1)(a), the Member States shall so inform the Commission without delay, stating what measures have been adopted.

6. Where a Member State decides under the second subparagraph of Article 6(3) to fix a final date earlier than 31 March for the submission of applications for supervised storage, it shall adopt the new date no later than 30 days before that date and shall inform the Commission thereof immediately.

Where a Member State decides under the second subparagraph of Article 6(3) to authorise taking into supervised storage during the last five days of March, it shall inform the Commission thereof not less than 10 days before that period.

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

Done at Brussels, 2 August 2001.

Article 16

Determining estimated and actual production

1. The estimated production of unginning cotton referred to in the first subparagraph of Article 14(3) of Regulation (EC) No 1051/2001 and the resulting provisional reduction of the guide price shall be established before 10 September of the marketing year concerned.

2. The revised production estimate referred to in the second subparagraph of Article 14(3) of Regulation (EC) No 1051/2001 and the resulting new provisional reduction in the guide price shall be established before 1 December of the marketing year concerned.

3. The actual production, the reduction in the objective guide price referred to in Article 7 of Regulation (EC) No 1051/2001 and any increase in the aid as referred to in Article 8 of that Regulation shall be established before 15 June of the marketing year concerned.

Article 17

Transitional measures

For the 2001/02 marketing year, the declarations of areas sown referred to in Article 8 of Regulation (EEC) No 1201/89 and the contracts and declarations of ginning as referred to in Article 10 of that Regulation submitted before 1 September 2001 shall be considered equivalent to declarations of areas sown, contracts and declarations of ginning on behalf of third parties as referred to in Articles 9, 10 and 11 of this Regulation, respectively.

Article 18

Repeal of Regulations

Regulation (EEC) No 1201/89 is hereby repealed with effect from 1 September 2001.

Article 19

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

It shall apply from 1 September 2001.

For the Commission

Frederik BOLKESTEIN

Member of the Commission

ANNEX I

Coefficients of equivalence for ginned cotton

Increase or reduction of price by:

- (a) 1 % for each mm more or less than 28 mm;
- (b) 1,5 % for each half grade higher or lower than grade 5.

ANNEX II

Determination of the weight of a batch of ginned cotton

1. A batch of ginned cotton means a ball of ginned cotton as produced by the undertaking in question.
2. Without prejudice to point 4, the actual weight of a batch of ginned cotton is to be increased by 0,6 % for each half-point of moisture below 8,5 % and reduced by the same percentage for each half-point of moisture above 8,5 %.

The moisture content of a batch:

- is established by the inspection body appointed by the Member State by taking samples from at least 5 % of the batches produced by each ginning plant, or
 - is equal to the average moisture content recorded for each ginning plant as a result of sampling as referred to in the first indent if the batch concerned has not been sampled. This impurity content is to be communicated to the ginning plant by the inspection body.
3. Without prejudice to point 4, the actual weight of a batch of ginned cotton is to be adjusted as follows:
 - (a) for batches graded by the inspection body appointed by the Member State, the table below applies:

Grade	Percentage by which the weight is adjusted
3,5 and less	plus 1,5
4	plus 1
4,5	plus 0,5
5	—
5,5	less 0,5
6	less 1
6,5	less 1,5
7	less 2
7,5	less 2,5
8	less 4
8,5 and more	less 5

- (b) for batches not graded by the inspection body appointed by the Member State, the actual weight is adjusted by taking into account the average impurity content recorded for each ginning plant on the basis of samples taken by the inspection body from at least 5 % of the ungraded batches. This impurity content is to be communicated to the ginning plant by the inspection body.
The actual weight is to be increased by 0,6 % for each half-point of impurities below 2,5 % and reduced by the same percentage for each half-point of impurities above 2,5 %.
4. However, if the ginned cotton is not stored under normal storage conditions, in particular if it is not kept in a dry place or if the moisture content of the outer layers of the bale exceeds the limits practised by the trade, the determination of weight as described above may proceed only after the limits practised by the trade are complied with.

COMMISSION REGULATION (EC) No 1592/2001
of 2 August 2001
correcting Regulations (EC) No 562/2000 and (EC) No 690/2001 in the beef sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 1512/2001 ⁽²⁾, and in particular Article 38(2) and Article 47(8) thereof,

Whereas:

- (1) Commission Regulation (EC) No 562/2000 ⁽³⁾, as last amended by Regulation (EC) No 1082/2001 ⁽⁴⁾, lays down detailed rules for the application of Regulation (EC) No 1254/1999 as regards the buying-in of beef. In particular, Article 17 of Regulation (EC) No 562/2000 stipulates certain conditions to be met for tendering.
- (2) Commission Regulation (EC) No 690/2001 of 3 April 2001 on special market support measures in the beef sector ⁽⁵⁾ provides for purchasing by tender of certain qualities of beef. In particular, Annex II to that Regulation stipulates certain conditions to be met for tendering.

(3) Article 11(5)(c) of Regulation (EC) No 562/2000 and Annex II to Regulation (EC) No 690/2001 contain linguistic errors in the English version. The two Regulations concerned should therefore be corrected accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 11(5)(c) of Regulation (EC) No 562/2000 the words 'closing date' shall be replaced by the word 'deadline'.

Article 2

In point 5(c) of 'TENDERS' in Annex II to Regulation (EC) No 690/2001, the words 'closing date' shall be replaced by the word 'deadline'.

Article 3

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, 2 August 2001.

For the Commission

Frederik BOLKESTEIN

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 201, 26.7.2001, p. 1.

⁽³⁾ OJ L 68, 16.3.2000, p. 22.

⁽⁴⁾ OJ L 149, 2.6.2001, p. 19.

⁽⁵⁾ OJ L 95, 5.4.2001, p. 8.

COMMISSION REGULATION (EC) No 1593/2001
of 2 August 2001
concerning applications for export licences for rice and broken rice with advance fixing of the refund

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1162/95 of 23 May 1995, laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽³⁾, as last amended by Regulation (EC) No 409/2001 ⁽⁴⁾, and in particular the second subparagraph of Article 7(4) thereof,

Whereas:

- (1) Article 7(4) of Regulation (EC) No 1162/95 provides, where this paragraph is specifically referred to when an export refund is fixed, for an interval of three working days between the day of submission of applications and the granting of export licences with advance fixing of the refund and provides that the Commission is to fix a uniform percentage reduction in the quantities if applications for export licences exceed the quantities which may be exported. Commission Regulation (EC) No 1549/2001 ⁽⁵⁾ fixes refunds under the procedure provided for in the abovementioned paragraph for 600 tonnes.

- (2) The quantities applied for on 1 August 2001 are in excess of the available quantity, a percentage reduction should therefore be fixed for export licence applications submitted on 1 August 2001.

- (3) In view of its purpose, this Regulation should take effect from the day of its publication in the *Official Journal of the European Communities*,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for export licences for rice and broken rice with advance fixing of the refund submitted under Regulation (EC) No 1549/2001 on 1 August 2001 shall give rise to the issue of licences for the quantities applied for to which a percentage reduction of 54,47 % has been applied.

Article 2

Applications for export licences for rice and broken rice submitted from 2 August 2001 shall not give rise to the issue of export licences under Regulation (EC) No 1549/2001.

Article 3

This Regulation shall enter into force on 3 August 2001.

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

Done at Brussels, 2 August 2001.

For the Commission
 Frederik BOLKESTEIN
 Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 193, 29.7.2000, p. 3.

⁽³⁾ OJ L 117, 24.5.1995, p. 2.

⁽⁴⁾ OJ L 60, 1.3.2001, p. 27.

⁽⁵⁾ OJ L 205, 31.7.2001, p. 7.

COMMISSION REGULATION (EC) No 1594/2001
of 2 August 2001
correcting Regulation (EC) No 1581/2001 fixing the import duties in the rice sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

An error has been discovered in Annexes I and II to Commission Regulation (EC) No 1581/2001 ⁽⁵⁾. The Regulation in question should therefore be corrected,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 1581/2001 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 3 August 2001.

It shall apply from 2 August 2001.

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

Done at Brussels, 2 August 2001.

For the Commission

Frederik BOLKESTEIN

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 193, 29.7.2000, p. 3.

⁽³⁾ OJ L 189, 30.7.1996, p. 71.

⁽⁴⁾ OJ L 351, 29.12.1998, p. 25.

⁽⁵⁾ OJ L 209, 2.8.2001, p. 18.

ANNEX I

Import duties on rice and broken rice

(EUR/t)

CN code	Duties (€)				
	Third countries (except ACP and Bangladesh) (1)	ACP (1) (2) (3)	Bangladesh (4)	Basmati India and Pakistan (5)	Egypt (6)
1006 10 21	(7)	69,51	101,16		158,25
1006 10 23	(7)	69,51	101,16		158,25
1006 10 25	(7)	69,51	101,16		158,25
1006 10 27	(7)	69,51	101,16		158,25
1006 10 92	(7)	69,51	101,16		158,25
1006 10 94	(7)	69,51	101,16		158,25
1006 10 96	(7)	69,51	101,16		158,25
1006 10 98	(7)	69,51	101,16		158,25
1006 20 11	264,00	88,06	127,66		198,00
1006 20 13	264,00	88,06	127,66		198,00
1006 20 15	264,00	88,06	127,66		198,00
1006 20 17	234,64	77,78	112,98	0,00	175,98
1006 20 92	264,00	88,06	127,66		198,00
1006 20 94	264,00	88,06	127,66		198,00
1006 20 96	264,00	88,06	127,66		198,00
1006 20 98	234,64	77,78	112,98	0,00	175,98
1006 30 21	(7)	133,21	193,09		312,00
1006 30 23	(7)	133,21	193,09		312,00
1006 30 25	(7)	133,21	193,09		312,00
1006 30 27	(7)	133,21	193,09		312,00
1006 30 42	(7)	133,21	193,09		312,00
1006 30 44	(7)	133,21	193,09		312,00
1006 30 46	(7)	133,21	193,09		312,00
1006 30 48	(7)	133,21	193,09		312,00
1006 30 61	(7)	133,21	193,09		312,00
1006 30 63	(7)	133,21	193,09		312,00
1006 30 65	(7)	133,21	193,09		312,00
1006 30 67	(7)	133,21	193,09		312,00
1006 30 92	(7)	133,21	193,09		312,00
1006 30 94	(7)	133,21	193,09		312,00
1006 30 96	(7)	133,21	193,09		312,00
1006 30 98	(7)	133,21	193,09		312,00
1006 40 00	(7)	41,18	(7)		96,00

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

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

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

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

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

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

(7) Duties fixed in the Common Customs Tariff.

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

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	(¹)	234,64	416,00	264,00	416,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	316,79	265,83	222,73	260,89	—
(b) fob price (EUR/tonne)	—	—	—	188,46	226,62	—
(c) Sea freight (EUR/tonne)	—	—	—	34,27	34,27	—
(d) Source	—	USDA and operators	USDA and operators	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 1595/2001
of 2 August 2001
amending representative prices and additional duties for the import of certain products in the
sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽²⁾, as last amended by Regulation (EC) No 624/98 ⁽³⁾, and in particular the second subparagraph of Article 1(2), and Article 3(1) thereof,

Whereas:

- (1) The amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation

(EC) No 1309/2001 ⁽⁴⁾, as last amended by Regulation (EC) No 1523/2001 ⁽⁵⁾.

- (2) It follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 3 August 2001.

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

Done at Brussels, 2 August 2001.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.
⁽²⁾ OJ L 141, 24.6.1995, p. 16.
⁽³⁾ OJ L 85, 20.3.1998, p. 5.

⁽⁴⁾ OJ L 177, 30.6.2001, p. 21.
⁽⁵⁾ OJ L 201, 26.7.2001, p. 23.

ANNEX

to the Commission Regulation of 2 August 2001 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(EUR)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	22,83	4,89
1701 11 90 ⁽¹⁾	22,83	10,12
1701 12 10 ⁽¹⁾	22,83	4,70
1701 12 90 ⁽¹⁾	22,83	9,69
1701 91 00 ⁽²⁾	31,81	9,33
1701 99 10 ⁽²⁾	31,81	4,81
1701 99 90 ⁽²⁾	31,81	4,81
1702 90 99 ⁽³⁾	0,32	0,34

⁽¹⁾ For the standard quality as defined in Article 1 of amended Council Regulation (EEC) No 431/68 (OJ L 89, 10.4.1968, p. 3).

⁽²⁾ For the standard quality as defined in Article 1 of Council Regulation (EEC) No 793/72 (OJ L 94, 21.4.1972, p. 1).

⁽³⁾ By 1 % sucrose content.

COMMISSION REGULATION (EC) No 1596/2001
of 2 August 2001
amending the export refunds on syrups and certain other sugar sector products exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular the third indent of Article 27(5) thereof,

Whereas:

- (1) The refunds on syrups and certain other sugar products were fixed by Commission Regulation (EC) No 1568/2001 ⁽²⁾.
- (2) It follows from applying the rules, criteria and other provisions contained in Regulation (EC) No 1568/2001 to the information at present available to the Commis-

sion that the export refunds at present in force should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The refunds to be granted on the products listed in Article 1(1)(d), (f) and (g) of Regulation (EC) No 1260/2001, exported in the natural state, as fixed in the Annex to Regulation (EC) No 1568/2001 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 3 August 2001.

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

Done at Brussels, 2 August 2001.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.
⁽²⁾ OJ L 208, 1.8.2001, p. 22.

ANNEX

to the Commission Regulation of 2 August 2001 altering the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	A00	EUR/100 kg dry matter	40,37 ⁽²⁾
1702 60 10 9000	A00	EUR/100 kg dry matter	40,37 ⁽²⁾
1702 60 80 9100	A00	EUR/100 kg dry matter	76,70 ⁽⁴⁾
1702 60 95 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4037 ⁽¹⁾
1702 90 30 9000	A00	EUR/100 kg dry matter	40,37 ⁽²⁾
1702 90 60 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4037 ⁽¹⁾
1702 90 71 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4037 ⁽¹⁾
1702 90 99 9900	A00	EUR/1 % sucrose × net 100 kg of product	0,4037 ⁽¹⁾ ⁽³⁾
2106 90 30 9000	A00	EUR/100 kg dry matter	40,37 ⁽²⁾
2106 90 59 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4037 ⁽¹⁾

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

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

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

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

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

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

COMMISSION REGULATION (EC) No 1597/2001
of 2 August 2001
amending the rates of the refunds applicable to certain products from the sugar sector exported in
the form of goods not covered by Annex I to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector⁽¹⁾, and in particular Article 27(5)(a) and (15) thereof,

Whereas:

- (1) The rates of the refunds applicable from 1 August 2001 to the products listed in the Annex, exported in the form of goods not covered by Annex I to the Treaty, were fixed by Commission Regulation (EC) No 1561/2001⁽²⁾.

- (2) It follows from applying the rules and criteria contained in Regulation (EC) No 1561/2001 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EC) No 1561/2001 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 3 August 2001.

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

Done at Brussels, 2 August 2001.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 208, 1.8.2001, p. 3.

ANNEX

to the Commission Regulation of 2 August 2001 altering the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex I to the Treaty

Product	Rate of refund in EUR/100 kg		
	In case of advance fixing of refunds and export from 1 October 2001	In case of advance fixing of refunds and export up to 30 September 2001	Other
White sugar:	38,37	40,37	40,37

COMMISSION REGULATION (EC) No 1598/2001**of 2 August 2001****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 943/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 27 July to 2 August 2001, pursuant to the invitation to tender issued in Regulation (EC) No 943/2001, the maximum refund on exportation of common wheat shall be EUR 0,00/t.

Article 2

This Regulation shall enter into force on 3 August 2001.

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

Done at Brussels, 2 August 2001.

For the Commission
 Frederik BOLKESTEIN
 Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 89, 29.3.2001, p. 16.

⁽⁵⁾ OJ L 133, 16.5.2001, p. 3.

COMMISSION REGULATION (EC) No 1599/2001
of 2 August 2001
fixing the maximum export refund on rye in connection with the invitation to tender issued in
Regulation (EC) No 1005/2001

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 602/2001⁽⁴⁾, and in particular Article 7 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of rye to all third countries was opened pursuant to Commission Regulation (EC) No 1005/2001⁽⁵⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix

a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 27 July to 2 August 2001, pursuant to the invitation to tender issued in Regulation (EC) No 1005/2001, the maximum refund on exportation of rye shall be EUR 30,89/t.

Article 2

This Regulation shall enter into force on 3 August 2001.

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

Done at Brussels, 2 August 2001.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 89, 29.3.2001, p. 16.

⁽⁵⁾ OJ L 140, 24.5.2001, p. 10.

COMMISSION REGULATION (EC) No 1600/2001
of 2 August 2001
fixing the maximum export refund on barley in connection with the invitation to tender issued in
Regulation (EC) No 1558/2001

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) An invitation to tender for the refund for the export of barley to all third countries except for the United States of America and Canada was opened pursuant to Commission Regulation (EC) No 1558/2001 ⁽⁵⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix

a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 31 July to 2 August 2001, pursuant to the invitation to tender issued in Regulation (EC) No 1558/2001, the maximum refund on exportation of barley shall be EUR 0,00/t.

Article 2

This Regulation shall enter into force on 3 August 2001.

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

Done at Brussels, 2 August 2001.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 89, 29.3.2001, p. 16.

⁽⁵⁾ OJ L 205, 31.7.2001, p. 33.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 11 April 2001

authorising the United Kingdom to grant aid to nine coal production units for the period from 17 April to 31 December 2000, and to amend the restructuring plan for the coal industry

(notified under document number C(2001) 1089)

(Only the English text is authentic)

(Text with EEA relevance)

(2001/597/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 3632/93/ECSC of 28 December 1993 establishing Community rules for State aid to the coal industry ⁽¹⁾, and in particular Articles 8 and 9 thereof,

Whereas:

I

- (1) By letter of 12 January 2001, the United Kingdom notified the Commission, in accordance with Article 9(1) of Decision No 3632/93/ECSC, of financial aid which it proposed to grant to a coal production unit for the year 2000, and more specifically for the period from 17 April to 31 December 2000. Following a request from the Commission, the United Kingdom further notified additional information on 19 February 2001.
- (2) By letter of 19 February 2001, the United Kingdom notified the Commission, in accordance with Article 9(1) of Decision No 3632/93/ECSC, of financial aid which it proposed to grant to eight coal production units for the year 2000, and more specifically for the period from 17 April to 31 December 2000.
- (3) In its notification of 19 February 2001 the United Kingdom also informed the Commission, in accordance with Article 8(4) of Decision No 3632/93/ECSC, of an

amendment to the modernisation, rationalisation and restructuring plan for the period from 17 April 2000 to 23 July 2002 (hereinafter referred to as 'the restructuring plan'). This restructuring plan had been approved by the Commission in its Decision 2001/114/ECSC ⁽²⁾.

- (4) Once the Commission has delivered a favourable opinion on the conformity of the proposed amendment with the general and specific objectives of the Decision, it is required, in accordance with Decision No 3632/93/ECSC, to take a decision on the aid amounting to GBP 10 402 000 to cover operating losses for the period from 17 April to 31 December 2000, incurred at nine production units.
- (5) The financial measures are covered by Article 1 of Decision 3632/93/ECSC, and the Commission must therefore take a decision on the measures pursuant to Article 9(4) of that Decision. The Commission's approval is subject to the general objectives and criteria laid down in Article 2 of Decision No 3632/93/ECSC and to the specific criteria set out in Article 3 thereof, and must be compatible with the proper functioning of the common market. In addition, in its assessment the Commission checks, in accordance with Article 9(6) of that Decision, whether the measures are in conformity with the coal industry restructuring plan as amended by the United Kingdom.

⁽¹⁾ OJ L 329, 30.12.1993, p. 12.

⁽²⁾ OJ L 43, 14.2.2001, p. 27.

II

- (6) The restructuring plan approved by the Commission by its Decision 2001/114/ECSC provides for the granting of operating aid to the coal industry for the period from 17 April 2000 to 23 July 2002. The plan provides that the total amount of aid over the whole period is not to exceed GBP 110 000 000 (see recital 6 of the Decision). At the time, the United Kingdom had considered this amount to be sufficient for temporarily maintaining production units which would be economically and financially viable in the long term and should become competitive with imported coal after 2002.
- (7) In the light of the amount of aid to be granted for 2000, however, the United Kingdom authorities consider the estimated GBP 110 million to be insufficient to cover all the requests for aid which might be submitted during the period covered by the restructuring plan, namely 17 April 2000 to 23 July 2002. By its Decisions 2001/217/ECSC ⁽¹⁾ and 2001/340/ECSC ⁽²⁾ the Commission has already authorised the granting of State aid amounting to GBP 76 540 000. Also, according to the notifications of 12 January and 19 February 2001 which are the subject of this Decision, an additional GBP 10 402 000 should be granted to cover all of the aid requests for the year 2000 which the United Kingdom authorities consider eligible.
- (8) The amount which the United Kingdom should grant to the coal industry is therefore GBP 86 942 000 for the year 2000 alone. This is far in excess of the estimates made by the United Kingdom authorities when they were drawing up the restructuring plan, the reason being that a very large number of firms have submitted aid requests and that the amount of aid granted to certain production units has been higher than planned.
- (9) According to the United Kingdom authorities it was not possible to work out the exact amount of aid necessary at the time when the restructuring plan was being prepared. The data then available to the United Kingdom authorities as to the number and size of production units, and the levels of their operating losses likely to meet the restructuring plan criteria for the granting of aid, allowed only a rough estimate to be made of how much aid the United Kingdom might be called on to grant during the period from 17 April 2000 to 23 July 2002.
- (10) In the dossiers which they submitted to the United Kingdom authorities with a view to receiving aid for the year 2000, the coal producers sent precise details of production costs and revenue from coal production. This information includes data relating to the year 2000 itself but also to subsequent years. The United Kingdom

authorities therefore now have at their disposal precise estimates by firms which are likely to be submitting new aid requests for 2001 and 2002. On the basis of these data the United Kingdom considers that the amount of aid which could be granted during the period from 17 April 2000 to 23 July 2002 should not exceed GBP 170 million, instead of the GBP 110 million in the original restructuring plan.

- (11) The Commission considers that increasing the maximum amount of aid which can be granted during the period covered by the restructuring plan, from GBP 110 000 000 to GBP 170 000 000, will not call into question the terms of Decision 2001/114/ECSC. The amendment does not change the basic factors which led to the adoption of that Decision and, more precisely, the objective of the restructuring plan. That objective is to re-establish, before the expiry on 23 July 2002 of the State aid regime provided for in Decision No 3632/93/ECSC, a coal industry which is totally competitive with imported coal, that is to say, competitive without State aid. Moreover, the significance of the change of the maximum amount of aid which can be granted, covering the period from 17 April 2000 to 23 July 2002, must be examined in the light of the above objective. Accordingly, the Commission takes the view that the amended restructuring plan is in conformity with the objectives and criteria laid down in Decision No 3632/93/ECSC.

III

- (12) The sum of GBP 10,402 million which the United Kingdom is proposing to grant to the coal industry under Article 3 of Decision No 3632/93/ECSC is intended to cover the difference between the production cost and the selling price of coal freely agreed between the contracting parties in the light of the prevailing conditions on the world market for coal of similar quality from non-member countries.
- (13) The amount of aid proposed is intended for the following nine units:
- (a) GBP 870 000 for the Betws colliery production unit of Betws Anthracite Ltd;
 - (b) GBP 661 000 for the central surface mines production unit of H.J. Banks & Company Ltd;
 - (c) GBP 703 000 for the north-east surface mines production unit of H.J. Banks & Company Ltd;
 - (d) GBP 2 978 000 for the east pit extension production unit of Celtic Energy Ltd;
 - (e) GBP 113 000 for the Blaentillery No 2 production unit of Flynouau Duon Mines Ltd;

⁽¹⁾ OJ L 81, 21.3.2001, p. 31.

⁽²⁾ OJ L 122, 3.5.2001, p. 23.

- (f) GBP 79 000 for the Hay Royds Colliery production unit of J. Flack & Sons Ltd;
- (g) GBP 88 000 for the Eckington Colliery production unit of Moorside Mining Company Ltd;
- (h) GBP 3 589 000 for the Tower colliery production unit of Tower Colliery Ltd;
- (i) GBP 1 321 000 for the Elwyn Complex production unit of South Wales Anthracite Ltd/Ward Brothers Ltd.
- (14) The aid proposed is intended to allow the production units which receive it to improve their economic viability by reducing their production costs. In accordance with the restructuring plans adopted by the United Kingdom, the effort made towards reducing production costs should be evaluated over a reference period of three consecutive years. This method should ensure that the development of production costs is not evaluated by reference to a period of activity that is not representative of the operating conditions of the production units concerned. In order to prevent any discrimination among coal producers, they may fix for themselves any reference period falling between 1 January 1994 and 31 December 2000.
- (15) According to the restructuring plan, the production units have prospects for improving their economic viability if it can be estimated that their production costs will not exceed a threshold of GBP 1,15/GJ ⁽¹⁾ in 2002. This cost level should enable the companies concerned to continue operating without the need for any financial support beyond 2002.
- (16) It appears from the data communicated by the United Kingdom authorities that the development of production costs between the reference period determined in accordance with point 14 and the year 2002 is as follows, at constant 1999 prices: Betws colliery [...] ^(*); central surface mines [...]; north-east surface mines [...]; East Pit Extension [...]; Hay Royds colliery [...]; Eckington colliery [...]; Tower colliery [...]; Elwyn complex [...]. Moreover, the production costs, at constant 1999 prices, should in 2002 be at a level equal to or below GBP 1,15/GJ as referred to in recital 15.
- (17) Moreover, according to estimates for the period up to 2004 inclusive, the above production units should continue to improve their economic viability through new reductions in production costs. In this regard, the Commission notes that the costs of several production units should by 2004 be less than GBP 1/GJ.
- (18) Production Costs at Blaentillery No 2 should be around GBP [...]GJ in 2002; these costs are [...] % higher than those calculated for the reference period. Certain financial difficulties have not allowed this production unit to make the investments necessary to replace some of its production capacities in time. The resulting drop in production has meant an increase in production cost per unit of coal extracted. Given their current state of development, the new capacities should be going into production during 2002. There should therefore be a very significant reduction in production costs in subsequent years. According to the United Kingdom authorities, costs should fall by [...] % between 2002 and 2004 and by about [...] % between the reference period and 2004. The production costs should therefore be below the GBP 1,15/GJ threshold referred to in recital 15 as from 2003, with a cost level of about GBP [...]GJ.
- (19) At the request of the United Kingdom authorities, a technical report was drawn up by an independent expert to assess whether the modernisation, rationalisation and restructuring measures envisaged for the various production units would enable them to improve their economic viability and, specifically, to achieve the objectives set out in recital 15. In drawing up this report, the expert took into account the geological and technical conditions in which the units operate and the quality of the coal which they produce. The report concluded that the various measures envisaged are consistent and realistic enough to achieve the estimated production costs worked out for each of the production units referred to in recitals 16 to 18.
- (20) For these reasons, the United Kingdom considers that the modernisation, rationalisation and restructuring measures of the various production units will lead to an improvement of their economic viability. It contends that the units should be able to continue their activities beyond 2002 without any further public subsidy.
- IV
- (21) In accordance with Article 3(2) of Decision No 3632/93/ECSC, the aid which the United Kingdom proposes to grant is intended to improve the economic viability of the production units concerned by reducing their production costs.
- (22) The Commission considers the reductions in production costs as set out in points 16 to 18 to be significant. In order to assess the extent of these reductions, the Commission has taken account of the difference between average production cost calculated for the reference period (see recital 14) and the target cost for 2002, determined at GBP 1.15/GJ. While the cost reductions calculated for the central surface mines and north-east surface mines units ([...] % and [...] % respectively) are less than the very large reductions recorded by other production units, the absolute cost level of central surface mines and north-east surface mines during the reference period was already very close to the threshold of competitiveness with imported coal.

⁽¹⁾ 1 tonne of coal equivalent (tce) = 29,302 gigajoules (GJ).

^(*) Confidential information.

- (23) The aid should help to improve the viability of the production units to enable them to continue their activities beyond 2002 without further public subsidy. In accordance with the restructuring plan approved by the Commission in Decision 2001/114/ECSC, the production costs of the Betws colliery, central surface mines, north-east surface mines, East Pit extension, Hay Royds Colliery, Eckington Colliery, Tower Colliery and Elwyn complex units should in 2002 not exceed the GBP 1,15/GJ threshold. The extent to which Blaentillery No 2 exceeded this threshold in 2000 is not enough to jeopardise the economic viability of that production unit. In fact the temporary operating difficulties which have led to the high production costs at Blaentillery No 2 should be resolved some time in 2002, bringing production costs down to below GBP 1,15/GJ from 2003 onwards.
- (24) In accordance with the first indent of Article 3(1) of Decision No 3632/93/ECSC, the aid per tonne as notified does not exceed, for each production unit, the difference between production costs and foreseeable revenue, as calculated on the basis of the financial information for the period covered by the aid, namely from 17 April to 31 December 2000.
- (25) The modernisation, rationalisation and restructuring measures implemented by each production unit, and in particular the temporary nature of the financial support necessary to achieve these measures, will allow the aid to be degressive, in accordance with the first indent of Article 2(1) of Decision No 3632/93/ECSC.
- (26) The Commission notes that for each production unit an auditor has stated that the financial data notified by the United Kingdom accurately depict the company's accounts. The auditor also stated that the forecasts had been drawn up using the accounting standards that were in use before the period covered by the aid.
- (27) In the light of the above, and on the basis of the information provided by the United Kingdom, the aid proposed for the period from 17 April to 31 December 2000 for the production units listed in recital 13 is compatible with Decision No 3632/93/ECSC, and in particular with Articles 2 and 3 of that Decision.
- v
- (28) The United Kingdom is required to ensure that this aid does not cause any distortion of competition and does not discriminate between coal producers, purchasers or consumers in the Community.
- (29) In accordance with the third indent of Article 3(1) of Decision No 3632/93/ECSC and with the provisions relating thereto of Commission Decision 2001/114/ECSC, the United Kingdom will take all the necessary measures to ensure that the amount of the aid granted to each production unit does not cause delivered prices

for Community coal to be lower than those for coal of a similar quality from non-member countries.

- (30) Moreover, in accordance with Article 2(2) of Decision No 3632/93/ECSC, the aid must be entered in the United Kingdom's national, regional or local public budgets and must comply with strictly equivalent mechanisms.
- (31) In accordance with the second indent of Article 3(1) and with Article 9(2) and (3) of Decision No 3632/93/ECSC, the Commission has to check that the aid authorised is used only for the purposes stipulated in Article 3 of that Decision. At the latest by 30 September 2001, the United Kingdom shall send notification of the amounts of aid actually paid during the year 2000 and shall declare any corrections made to the amounts originally notified. Any information required to ascertain that the criteria laid down in Article 3 of the Decision have been complied with shall be provided along with this annual breakdown.
- (32) The United Kingdom is required to justify any deviations from the restructuring plan as modified by the United Kingdom, and from the economic and financial forecasts notified to the Commission on 12 January and 19 February 2001, to which points 1 and 2 refer. In particular, should it turn out that the conditions laid down in Article 3(2) of Decision No 3632/93/ECSC cannot be satisfied, the United Kingdom will be responsible for proposing to the Commission the corrective measures required,

HAS ADOPTED THIS DECISION:

Article 1

The amendment proposed by the United Kingdom, to the modernisation, rationalisation and restructuring plan as approved by the Commission in its Decision 2001/114/ECSC is in conformity with the objectives and criteria laid down in Decision No 3632/93/ECSC.

Article 2

The United Kingdom is authorised, subject to the conditions set out in Article 3 of Decision No 3632/93/ECSC, to grant operating aid amounting to GBP 10 402 000 for Betws colliery, central surface mines, north-east surface mines, East Pit extension, Hay Royds colliery, Eckington colliery, Tower colliery, Elwyn complex and Blaentillery No 2 production units for the period from 17 April to 31 December 2000.

Article 3

The United Kingdom shall ensure that the authorised aid is used only for the purposes which it has declared in its notifications of 12 January and 19 February 2001, and that any expenditure relating to any of the items covered by this Decision which is cancelled, overestimated or misused, is reimbursed.

Article 4

Without prejudice to its obligations under Article 9(1), (2) and (3) of Decision No 3632/93/ECSC, the United Kingdom shall, at the latest by 30 September 2001, communicate the amounts of aid actually paid during the financial year 2000.

Article 5

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

Done at Brussels, 11 April 2001.

For the Commission
Loyola DE PALACIO
Vice-President

COMMISSION DECISION

of 11 July 2001

amending Decision 94/984/EC laying down animal health conditions and veterinary certificates for the importation of fresh poultrymeat from third countries and repealing Decisions 96/181/EC, 96/387/EC, 96/712/EC and 97/593/EC

(notified under document number C(2001) 1841)

(Text with EEA relevance)

(2001/598/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 71/118/EEC of 15 February 1971 on health problems affecting the production and placing on the market of fresh poultrymeat ⁽¹⁾, as last amended by the Accession Treaty of Austria, Finland and Sweden, and in particular Article 14(B)(1)(c) thereof,

Having regard to Council Directive 91/494/EEC of 26 June 1991 on animal health conditions governing intra-Community trade in and imports from third countries of fresh poultrymeat ⁽²⁾, as last amended by Directive 1999/89/EC ⁽³⁾, and in particular Articles 11 and 12 thereof,

Whereas:

- (1) Commission Decision 94/984/EC ⁽⁴⁾, as last amended by Decision 2000/352/EC ⁽⁵⁾, establishes the animal health conditions and the veterinary certificates for imports of fresh poultrymeat from certain third countries. Two different certificates, model A and model B are laid down. Their use depends on the Newcastle disease situation in the country concerned.
- (2) An inspection carried out by the Commission services in Thailand in December 1999 to review the Newcastle disease situation and additional information received recently from that country show that the Newcastle disease situation in Thailand has improved. Thailand can now comply with the requirements of certificate model A laid down in Decision 94/984/EC.
- (3) The results of an inspection carried out in Tunisia in October 2000 and guarantees given by that country suggest that Tunisia can comply with the requirements of certificate model A laid down in Decision 94/984/EC and therefore can be listed as such in that Decision.

- (4) In October 2000 a mission was carried out to Brazil by the Commission services in order to assess the animal health situation for four new regions and it appears that the results of this inspection allow the further regionalisation of Brazil.
- (5) The Czech Republic, Israel and Switzerland are not free from Newcastle disease. However, they apply measures to control this disease which are at least equivalent to those laid down in Council Directive 92/66/EEC ⁽⁶⁾, as last amended by the Act of Accession of Austria, Finland and Sweden. Their disease control measures can now be taken into account for certification, and Decisions 96/181/EC ⁽⁷⁾, 96/387/EC ⁽⁸⁾, and 97/593/EC ⁽⁹⁾ laying down special animal health conditions for fresh poultrymeat imports from these countries can be repealed accordingly.
- (6) Croatia was allowed to export fresh meat only from designated areas of its territory. An inspection carried out in September/October 1997 and October 2000 has revealed that there is no further need for regionalisation.
- (7) Missions to Madagascar carried out by the Commission services in 1997 revealed serious deficiencies in the structure of the veterinary services and their control and certification duties. Therefore imports of certain products of animal origin from Madagascar into the Community were suspended by Commission Decision 97/517/EC ⁽¹⁰⁾. It now seems opportune to delete Madagascar from the list of third countries authorised to export fresh poultrymeat to the Community until satisfactory guarantees can be provided to allow lifting of the suspension.
- (8) Council Directive 93/119/EC of 22 December 1993, laying down requirements on the protection of animals at the time of slaughter or killing ⁽¹¹⁾, should be taken into consideration when establishing the import conditions for fresh poultrymeat from third countries.

⁽¹⁾ As amended and updated by Council Directive 92/116 (OJ L 62, 15.3.1993, p. 1)

⁽²⁾ OJ L 268, 24.9.1991, p. 35.

⁽³⁾ OJ L 300, 23.11.1999, p. 17.

⁽⁴⁾ OJ L 378, 31.12.1994, p. 11.

⁽⁵⁾ OJ L 124, 25.5.2000, p. 64.

⁽⁶⁾ OJ L 260, 5.9.1992, p. 1.

⁽⁷⁾ OJ L 55, 6.3.1996, p. 27.

⁽⁸⁾ OJ L 155, 28.6.1996, p. 54.

⁽⁹⁾ OJ L 239, 30.8.1997, p. 51.

⁽¹⁰⁾ OJ L 214, 6.8.1997, p. 54.

⁽¹¹⁾ OJ L 340, 31.12.1993, p. 21.

- (9) The requirements in Commission Decision 96/712/EC of 28 November 1996 laying down the models of the public health declaration and health marks for the importation of fresh poultrymeat from third countries ⁽¹⁾ should be included in the animal health certificate for reasons of transparency and to facilitate certification and Decision 96/712/EC can thus be repealed.
- (10) Council Decision 95/411/EC of 22 June 1995 laying down the rules for the microbiological testing for salmonella by sampling of fresh poultrymeat intended for Sweden and Finland ⁽²⁾, as amended by Decision 98/227/EC ⁽³⁾, should be taken into consideration for fresh poultrymeat exports to these countries.
- (11) Those Member States with a Newcastle disease-free status now do not require guarantees for poultrymeat imports regarding vaccination against Newcastle disease following the harmonisation of the vaccine criteria by Commission Decision 93/152/EEC ⁽⁴⁾ and furthermore the status as regards Newcastle disease has changed for Ireland and for the region of Northern Ireland in the United Kingdom, therefore it is necessary to amend the certificates of Decision 94/984/EC accordingly.
- (12) To take into account the changes indicated above and for reasons of clarity Annexes I and II to Decision 94/984/EC should be replaced by Annexes I and II to this Decision.
- (13) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The text of Article 1 of Decision 94/984/EC becomes paragraph 1 and the following is added as paragraph 2:

'2. The fresh poultrymeat, intended for consignment to the Community and fulfilling the requirements of this Decision has to be marked with a health mark responding to the criteria mentioned in Annex III.'

Article 2

1. Annexes I and II to Decision 94/984/EC are replaced by Annexes I and II to this Decision.
2. Annex III to this Decision is added as Annex III to Decision 94/984/EC.

Article 3

Decisions 96/181/EC, 96/387/EC, 96/712/EC and 97/593/EC are hereby repealed.

Article 4

This Decision shall apply for fresh poultrymeat certified as from 1 September 2001.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 11 July 2001.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 326, 17.12.1996, p. 67.

⁽²⁾ OJ L 243, 11.10.1995, p. 14.

⁽³⁾ OJ L 87, 21.3.1998, p. 14.

⁽⁴⁾ OJ L 59, 11.3.1993, p. 35.

ANNEX I

LIST OF THIRD COUNTRIES OR PARTS OF THIRD COUNTRIES WHICH ARE ALLOWED USE THE CERTIFICATES LAID DOWN IN ANNEX II FOR IMPORTS OF FRESH POULTRYMEAT INTO THE EUROPEAN UNION

Note: The characters A and B refer to the models established in part 2 of Annex II.

ISO code	Country	Parts of the territory	Model certificate to be used (A or B)
AR	Argentina		A
AU	Australia		A
BG	Bulgaria		A
BR-1	Brazil	Distrito Federal and the States of Goiás, Minas Gerais, Mato Grosso, Mato Grosso do Sul, Paraná, Rio Grande do Sul, Santa Catarina and São Paulo	A
CA	Canada		A
CH	Switzerland		A
CL	Chile		A
CN-1	China	The municipality of Shanghai excluding the county of Chongming and the districts of Weifang, Linyi and Qingdao in the Province of Shangdong	B
CY	Cyprus		A
CZ	Czech Republic		A
HR	Croatia		A
HU	Hungary		A
IL	Israel		A
LI	Lithuania		A
NZ	New Zealand		A
PL	Poland		A
RO	Romania		A
SI	Slovenia		A
SK	Slovak Republic		A
TH	Thailand		A
TN	Tunesia		A
US	United States of America		A

ANNEX II

ANIMAL AND PUBLIC HEALTH CERTIFICATE FOR FRESH POULTRYMEAT FOR HUMAN CONSUMPTION ⁽¹⁾

PART I

Note for the importer: This certificate is only for veterinary purposes and the original has to accompany the consignment until it reaches the border inspection post.

1. Consignor (name and address in full):	2. Health certificate No. Original:
3. Country of origin: 3.1. Region ⁽²⁾ :	4. Consignee (Name and address in full):
5. Competent Authority (Central level): 5.1. Ministry: 5.2. Service:	6. Competent authority (Local level):
7. Address of establishment 7.1. Slaughterhouse: 7.2. Cutting plant ⁽³⁾ : 7.3. Cold store ⁽³⁾ :	8. Place of loading:
9.1. Means of transport ⁽⁴⁾ : 9.2. Number of the seal ⁽⁵⁾ :	10.1. Member State of destination: 10.2. Final destination:
11. Approval numer(s) of establishment(s): 11.1. Slaughterhouse: 11.2. Cutting plant ⁽³⁾ : 11.3. Cold store ⁽³⁾ :	12.1. Poultry species: 12.2. Nature of cuts:
13.1. Nature of the packaging: 13.2. Consignment identification details:	14. Quantity: 14.1. Net weight (kg): 14.2. Number of packages:

Note: A separate certificate must be provided for each consignment of fresh poultrymeat.

⁽¹⁾ Fresh poultrymeat means any parts of domestic fowl, turkeys, guinea fowl, geese and ducks, which are fit for human consumption and which have not undergone any treatment other than cold treatment to ensure its preservation; vacuum-wrapped meat or meat wrapped in a controlled atmosphere must also be accompanied by a certificate according to this model.

⁽²⁾ Only to be completed if the authorisation to export to the Community is restricted to certain regions of the third country concerned.

⁽³⁾ Delete if not applicable.

⁽⁴⁾ Indicate means of transport and registration marks or registered name as appropriate.

⁽⁵⁾ Optional.

PART 2

MODEL A

15. Health attestation

I. Animal health certification

I, the undersigned official veterinarian, hereby certify in accordance with the provisions of Directive 91/494/EEC:

- 1. that (1), region (2), is free from:
 - (a) avian influenza, as defined in the International Animal Health Code of the OIE;
 - (b) Newcastle disease, as defined in the International Animal Health Code of the OIE (3);
- 2. that the meat described above is obtained from poultry which:
 - (a) have been held in the territory of (1), region (2), since hatching or have been imported as day-old chicks;
 - (b) come from holdings:
 - which have not been placed under animal restrictions in connection with any disease for which poultry is susceptible,
 - around which, within a radius of 10 km including where appropriate the territory of a neighbouring country, there have been no outbreaks of avian influenza or Newcastle disease for at least 30 days;
 - (c) have not been slaughtered in the context of any animal health scheme for the control or eradication of poultry diseases;
 - (d) during transport to the slaughterhouse, did not come into contact with poultry infected with avian influenza or Newcastle disease;
- 3. that the meat described above
 - (a) comes from approved slaughterhouses which, at the time of slaughter, are not under restrictions due to a suspect or confirmed outbreak of avian influenza or Newcastle disease and around which, within a radius of 10 km, there have been no outbreaks of avian influenza or Newcastle disease for at least 30 days;
 - (b) has not been in contact, at any time of slaughter, cutting, storage or transport with ratites or meat which do not fulfil the requirements of Directive 91/494/EEC.

II. Public health certification

I, the undersigned, official veterinarian, hereby certify, in accordance with the provisions of Council Directive 71/118/EEC:

- 1. that the meat described above fulfils the requirements of Chapter II and any additional conditions of Council Directive 71/118/EEC, and has been found fit for human consumption following ante- and post-mortem inspection carried out in application of this Directive;
- 2. that the meat described above has/has not (4) been subjected to an immersion chilling process;
- 3. that the meat described above has been marked according to Article 1(2) of Decision 94/984/EC;
- 4. that the meat described above fulfils the requirements of Council Decision 95/411/EC (5).

(1) Name of country of origin.

(2) Only to be completed if the authorisation to export to the Community is restricted to certain regions of the third country concerned.

(3) Point 1(b) is not applicable for the Czech Republic, Israel and Switzerland.

(4) Delete the unnecessary reference.

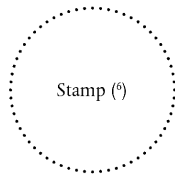
(5) Delete if the consignment is not intended for export to Sweden or Finland.

III. *Attestation on protection of animals*

I, the undersigned, official veterinarian, certify that:

1. I have read and understood Directive 93/119/EC;
2. The meat is derived from animals, which have been treated in the slaughterhouse before and at the time of slaughter or killing in accordance with the relevant provisions of Directive 93/119/EC.

Done at on



.....
(signature of official veterinarian) ⁽⁶⁾

.....
(name in capital letters, qualifications and title) ⁽⁶⁾

⁽⁶⁾ Stamp and signature must be in a colour different from that of the printing.

MODEL B

15. Health attestation:

I. *Animal health certification*

I, the undersigned official veterinarian, hereby certify in accordance with the provisions of Directive 91/494/EEC:

1. that ⁽¹⁾, region ⁽²⁾,
is free from:
avian influenza and Newcastle disease, as defined in the International Animal Health Code of the OIE;
2. that the meat described above is obtained from poultry which:
 - (a) have been held in the territory of
..... ⁽¹⁾, region ⁽²⁾,
since hatching or have been imported as day-old chicks;
 - (b) come from holdings:
 - which have not been placed under animal restrictions in connection with any disease for which poultry is susceptible;
 - around which, within a radius of 10 km including where appropriate the territory of a neighbouring country, there have been no outbreaks of avian influenza or Newcastle disease for at least 30 days;
 - (c) have not been slaughtered in the context of any animal health scheme for the control or eradication of poultry diseases;
 - (d) during transport to the slaughterhouse, did not come into contact with poultry infected with avian influenza or Newcastle disease;
3. that the commercial slaughter poultry flock from which the meat is issued:
 - (a) has not been vaccinated with vaccines prepared from a Newcastle disease virus master seed which shows a higher pathogenicity than lentogenic strains of the virus; and
 - (b) has undergone at slaughter, on the basis of a random sample of cloacal swabs of at least 60 birds of each flock concerned, a virus isolation test for Newcastle disease, carried out in an official laboratory, in which no avian paramyxoviruses with an intracerebral pathogenicity index (ICPI) of more than 0,4 have been found; and
 - (c) has not been in contact during the period of 30 days preceding slaughter with poultry which do not fulfil the guarantees mentioned under (a) and (b);
4. that the meat described above:
 - (a) comes from approved slaughterhouses which, at the time of slaughter, are not under restrictions due to a suspect or confirmed outbreak of avian influenza or Newcastle disease and around which, within a radius of 10 km, there have been no outbreaks of avian influenza or Newcastle disease for at least 30 days;
 - (b) has not been in contact, at any time of slaughter, cutting, storage or transport with ratites or meat which do not fulfil the requirements of Directive 91/494/EEC.

II. *Public health certification*

I, the undersigned, official veterinarian, hereby certify, in accordance with the provisions of Directive 71/118/EEC:

1. that the meat described above fulfils the requirements of Chapter II and any additional conditions of Council Directive 71/118/EEC, and has been found fit for human consumption following ante- and post-mortem inspection carried out in application of this Directive;
2. that the meat described above has/has not ⁽³⁾ been subjected to an immersion chilling process;
3. that the meat described above has been marked according to Article 1 (2) of Decision 94/984/EC;
4. that the meat described above fulfils the requirements of Council Decision 95/411/EC ⁽⁴⁾.

⁽¹⁾ Name of the country of origin.

⁽²⁾ Only to be completed if the authorisation to export to the Community is restricted to certain regions of the third country concerned.

⁽³⁾ Delete the unnecessary reference.

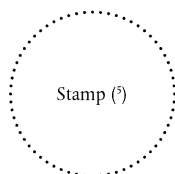
⁽⁴⁾ Delete if the consignment is not intended for export to Sweden or Finland.

III. *Attestation on protection of animals*

I, the undersigned, official veterinarian, certify that:

1. I have read and understood Directive 93/119/EC;
2. the meat is derived from animals, which have been treated in the slaughterhouse before and at the time of slaughter or killing in accordance with the relevant provisions of Directive 93/119/EC.

Done at on



.....
(signature of official veterinarian) ^(?)

.....
(name in capital letters, qualifications and title) ^(?)

^(?) Stamp and signature must be in a colour different from that of the printing.

ANNEX III

HEALTH MARK FOR FRESH POULTRYMEAT

The health mark referred to in Article 2 of Decision 94/984/EC must include:

- (a) for meat wrapped in individual units or for small packages:
- on the upper part, the ISO code reference of the country of origin,
 - in the centre, the veterinary approval number of the slaughterhouse or, where appropriate, the cutting premises or rewrapping centre,
- the letters and figures must be 0,2 centimetres high;
- (b) for large packagings, an oval mark at least 6,5 cm wide by 4,5 cm high, containing the name of the country, its ISO code and the veterinary approval number of the slaughterhouse or, where appropriate, the cutting premises or rewrapping-centre; the letters must be at least 0,8 cm high and the figures at least 1 cm high; the health mark may, in addition, include an indication enabling identification of the veterinarian who carried out the health inspection of the meat.

The material used for marking must meet all hygiene requirements and the information shall appear on it in perfectly legible form.

The provisions of points 65, 67 and 68 of Chapter XII of Annex I to Directive 71/118/EEC apply *mutatis mutandis* for health marking procedures, as well as for the use of large packagings.

COMMISSION DECISION**of 13 July 2001****concerning draft national provisions notified by the Kingdom of the Netherlands on limitations on the marketing and use of creosote***(notified under document number C(2001) 1911)***(Only the Dutch text is authentic)****(Text with EEA relevance)**

(2001/599/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 95(6) thereof,

Whereas:

I. FACTS**1. Community legislation**

- (1) Council Directive 76/769/EEC of 27 July 1976 on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations ⁽¹⁾, as last amended by Commission Directive 1999/77/EC ⁽²⁾, provides for the prohibition and restriction of the use of certain dangerous substances and preparations. Directive 76/769/EEC is regularly amended to include in its Annex additional substances which are dangerous to man and the environment.
- (2) Directive 94/60/EC of the European Parliament and of the Council ⁽³⁾ amended Directive 76/769/EEC to harmonise among other things the use and marketing of creosote and similar coal-tar distillates, as well as preparations containing them, by limiting the content of one specific component, Benzo[a]pyrene (hereinafter B[a]P), and water extractable phenols when used for wood treatment (point 32 in the Annex to Directive 94/60/EC). The limit for B[a]P is fixed at a maximum of 50 ppm (= 0,005 %) by mass and the limit for water extractable phenols is fixed at a maximum of 3 % (= 30 g/kg) by mass. Wood treated with creosote or preparations containing creosote not respecting those limits may not be placed on the market.
- (3) However, by derogation Directive 94/60/EC allows for the use of creosote and preparations containing creosote with up to 500 ppm (= 0,05 %) B[a]P by mass and water extractable phenols up to 30 g/kg for wood treatment in industrial installations. Such products may not be sold to the general public and containers have to be labelled with the phrase 'For use in industrial installations only'. Wood treated this way and placed on the market for the first time can only be used in industrial and professional applications, except in certain cases where its use is excluded, for example inside buildings, in contact with products intended for human or animal consumption, in playgrounds and in other outdoor places for public pleasure or where there is a risk for contact with skin. Old treated wood commercialised for a second time can be used irrespective of the creosote-type applied except in the cases mentioned before.

2. Existing national provisions in the Netherlands

- (4) The Netherlands had already obtained derogation from the Commission to apply national legislation that existed before the Community Directive was adopted. The relevant request under Article 95(4) (ex-Article 100a(4)) received approval in Commission Decision 1999/832/EC ⁽⁴⁾.

⁽¹⁾ OJ L 262, 27.9.1976, p. 201.

⁽²⁾ OJ L 207, 6.8.1999, p. 18.

⁽³⁾ OJ L 365, 31.12.1994, p. 1.

⁽⁴⁾ OJ L 329, 22.12.1999, p. 25.

- (5) The differences between the existing Community legislation and the national legislation in the Netherlands that was approved through the Commission Decision is summarised in the following table:

	Council Directive 94/60/EC	Existing Dutch legislation
B [a] P < 50 ppm	No restrictions on sale or use of creosote or newly treated wood.	<i>Carbolineum</i> : no restrictions on sale. Private use only for treating wood. Explicit restrictions on use of treated wood. It may not be used: <ul style="list-style-type: none"> — on toys; — inside buildings (used by humans or animals), — in spaces for storage of foodstuff, — in green- or glasshouses. <i>Creosote</i> : permitted only for industrial use in special installations for treating wood by the vacuum and pressure method for: <ul style="list-style-type: none"> — railway sleepers, — telephone and electricity poles, — excavation, road and water works, — fencing.
B [a] P 50-500 ppm	Restrictions on sale of creosote: <ul style="list-style-type: none"> — no sale to private consumers, — use only permitted in industrial installations. Minimum drum size 200 l. Special labelling required. <p>Creosoted wood may only be used for professional and industrial applications:</p> <ul style="list-style-type: none"> — railways, — electricity poles, — fencing, — waterways. <p>Explicit restrictions on treated wood. It may not be used:</p> <ul style="list-style-type: none"> — inside buildings, — in contact with foodstuff, — for containers for growing purposes, — at playgrounds or other sites at risk of skin contact. 	Sale and use of creosote and treated products totally banned.
B [a] P > 500 ppm	Sale and use of creosote and treated products totally banned.	Sale and use of creosote and treated products totally banned.
Old treated wood	Use controlled as for wood treated with creosote containing B [a] P between 50 and 500 ppm.	No other regulations than for newly treated wood.

- (6) In summary, the existing Dutch provisions are more restrictive in several aspects:
- the B[a]P content of creosote is not permitted in the range of 50 to 500 ppm for the use in industrial installations,

- wood preservation has to be performed according to a specific technique (pressure/vacuum) in special installations,
- in certain cases, the use of creosote is excluded for wood preservation, even if its B[a]P content is below 50 ppm.

3. Existing national provisions in other Member States

- (7) In addition to the Netherlands, three other Member States (Germany, Denmark and Sweden) held the opinion that the level of protection for human health and the environment guaranteed by the Community Directive was insufficient and also requested, pursuant to Article 95(4) of the Treaty, to be authorised to maintain instead more restrictive national legislation. The various national measures, although all more restrictive than the Community measures in certain aspects, are not identical.
- (8) All of the Member States requesting derogation, except for the Netherlands, where indeed a particular geographic situation prevailed, failed to submit evidence that they had major needs or to produce new scientific data demonstrating that the level of the Community Directive was insufficient, in particular with regard to the protection of human health.
- (9) This situation changed, when a long-term carcinogenicity study, made by the Fraunhofer Institute became available ⁽¹⁾. The Scientific Committee for Toxicity, Ecotoxicity and the Environment (SCTEE) evaluated the new evidence provided by the study and gave its opinion on the carcinogenicity risks of creosote ⁽²⁾. On the basis of this opinion of the SCTEE (and in the case of the Netherlands also because of a particular geographic situation), the four requesting Member States were authorised to maintain their existing national legislation. In addition, the Commission undertook to revise the existing Community legislation and is currently in the process of finalising the necessary procedures.

4. New draft legislation in the Netherlands

- (10) On 25 January 2001, the Commission received a request from the Netherlands according to Article 95(5) of the EC Treaty in order to introduce new national legislation on the use of creosote going beyond the measures provided for under Directive 94/60/EC.
- (11) In the new draft legislation, a general administrative regulation amending the Decision on coatings containing polycyclic aromatic hydrocarbons under the chemical substances act, for which derogation is requested now, seeks to prohibit the use of creosote-treated wood in direct contact with surface water or ground water irrespective of the B[a]P content of the creosote.

II. PROCEDURE

- (12) Directive 94/60/EC was adopted on 20 December 1994. Member States had to adopt the measures necessary to comply with it no later than one year after its adoption, i.e. 20 December 1995, and to apply them from 20 June 1996.
- (13) By letter of 9 March 1995, the Netherlands Permanent Representation, in accordance with the former Article 100a(4) of the EC Treaty (now Article 95(4)), requested authorisation from the Commission to maintain the existing national provisions on grounds of further protection of public health, the working environment, and the environment. In Decision 1999/832/EC the Commission approved this request.
- (14) By letter of 23 January 2001, the Netherlands Permanent Representation notified the Commission that the Netherlands, in accordance with Article 95(5) of the EC Treaty, intended to introduce further measures regarding creosote going beyond those provided for under Directive 94/60/EC. The Netherlands considers it necessary to introduce such national measures concerning the protection of the environment in connection with a specific problem that arose in the Netherlands after the adoption of Directive 94/60/EC.

⁽¹⁾ Dermal carcinogenicity study of two coal tar products by chronic epicutaneous application in male CD-1 mice (78 weeks), Fraunhofer Institute of Toxicology and Aerosol Research (ITA), Hanover, October 1997.

⁽²⁾ Opinion on cancer risk to consumers from creosote containing less than 50 ppm benzo-[a]-pyrene and/or from wood treated with such creosote and estimation of respective magnitude expressed at the eighth SCTEE plenary meeting, Brussels, 4 March 1999.

- (15) By letter of 22 February 2001, the Commission informed the Netherlands authorities that it had received the notification under Article 95(5) and that the six months period for its examination according to Article 95(6) started on 26 January 2001, the day following the one when the notification was received.
- (16) By letter of 17 April 2001, the Commission informed the other Member States about the request received from the Netherlands and invited them to submit comments, if deemed necessary, within one month. The Commission also published a notice regarding the request in the *Official Journal of the European Communities* ⁽¹⁾ in order to inform other interested parties of the draft national measures that the Netherlands intends to adopt.

III. ASSESSMENT

1. Consideration of admissibility

- (17) The notification submitted by the Netherlands authorities on 25 January 2001 intends to obtain approval to introduce national provisions incompatible with Directive 94/60/EC, which constitutes a harmonisation measure adopted on the basis of Article 95 of the Treaty.
- (18) Article 95(5) of the Treaty provides that if after the adoption by the Council or by the Commission of a harmonisation measure, a Member State deems it necessary to introduce national provisions based on new scientific evidence relating to the protection of the environment or the working environment on grounds of a problem specific to that Member State arising after the adoption of the harmonisation measure, it shall notify the Commission of the envisaged provisions as well as the grounds for introducing them.
- (19) As required by Article 95(5) of the Treaty, the Netherlands notified the Commission of the actual wording of the provisions that are intended to be introduced, accompanying the request by an explanation of the reasons which, in its opinion, justify the introduction of those provisions.
- (20) The notification submitted by the Netherlands on 25 January 2001 in order to obtain approval for the introduction of national provisions derogating from the provisions of Directive 94/60/EC appears *prima facie* to be admissible under Article 95(5) of the EC Treaty.

2. Assessment of merits

- (21) In accordance with Article 95 of the Treaty, the Commission has to ensure that all the conditions enabling a Member State to avail itself of the possibilities of derogation provided for in this Article are fulfilled.
- (22) The Commission must therefore assess whether the conditions provided for by Article 95(5) of the Treaty are met. This requires: (a) 'new scientific evidence with regard to the protection of the environment or the working environment'; (b) which causes the notifying Member State to consider the introduction of national provisions to be necessary 'on grounds of a problem specific to that Member State'; (c) where the problem concerned arose 'after the adoption of the harmonisation measure'.
- (23) In addition, pursuant to Article 95(6) of the Treaty, where it considers that the introduction of such national provisions is justified, the Commission must check whether or not those national provisions are a means of arbitrary discrimination or a disguised restriction on trade between Member States and whether or not they constitute an obstacle to the functioning of the internal market.
- (24) It has to be noted that, in the light of the time frame established by Article 95(6) of the Treaty, the Commission, when examining whether the draft national measures notified under Article 95(5) are justified, has to take as a basis 'the grounds' put forward by the Member State. This means that, under the Treaty, the responsibility of proving that these measures are justified, lies with the requesting Member State. Given the procedural framework established by Article 95, including in particular a strict six-month deadline for a Decision to be adopted, the Commission normally has to limit itself to examining the relevance of the elements which are submitted by the requesting Member State, without having to seek possible justifications itself.
- (25) According to Article 95(6) of the Treaty, third subparagraph, the Commission may when justified by the complexity of the matter and in the absence of danger to human health, notify the Member State concerned that the period of six months for adopting a decision may be extended for a further period of up to six months.

⁽¹⁾ OJ C 120, 24.4.2001, p. 10.

- (26) The Netherlands invokes purely environmental reasons as a justification for the request: the continued use of creosote-treated wood for the applications to be prohibited would lead to concentrations of selected polycyclic hydrocarbons in water, soil and sediment that would exceed certain quality standards fixed by the Netherlands authorities. The Netherlands also points out the specific geographical situation, which was confirmed in the earlier Commission Decision.
- (27) None of the other Member States, which had earlier obtained derogation has pointed out the concern raised by the Netherlands. Quite on the contrary, in Sweden, the use of wood treated with creosote in professional applications for marine installations is specifically authorised and also, if more than 30 years since treatment have elapsed, non-professional use for applications in permanent contact with damp soil (hence groundwater) and water, for the construction of jetties and other marine installations (hence surface water). There are no specific rules on this matter either in Denmark or in Germany.
- (28) The concerns of the Netherlands have never been mentioned during the preparatory work for the revision of Directive 94/60/EC (currently in progress) although they could be of relevance in other Member States as well.
- (29) In support of the request, the Netherlands has submitted a large amount of documents that need to be evaluated in detail in order to fully assess whether there is indeed new scientific evidence concerning the protection of the environment regarding a problem specific to the Netherlands that arose after the adoption of Directive 94/60/EC.
- (30) The Commission has consulted the SCTEE on the complexity of the matter and the absence of a danger to human health on the basis of a part of the documents submitted by the Netherlands authorities. In its opinion of 12 June 2001 ⁽¹⁾, the SCTEE has confirmed that the justification of this request is indeed a complex matter and does not involve a danger to human health.

IV. CONCLUSION

- (31) In the light of the foregoing it should be concluded that:
- the notification by the Netherlands concerning the introduction of national provisions derogating from Directive 94/60/EC with regards to creosote as submitted on 25 January 2001 appears *prima facie* to be admissible,
 - since the matter is complex and does not involve a danger to human health, it is justified to extend the period within which a Decision must be adopted on the envisaged national provisions for a further period of six months in order to allow for a thorough evaluation of all evidence submitted,

HAS ADOPTED THIS DECISION:

Article 1

Pursuant to the third subparagraph of Article 95(6) of the Treaty, the period referred to in the second subparagraph of Article 95(6) within which a Decision must be adopted on the envisaged national provisions notified by the Netherlands notified on 25 January 2001 is extended for a further period of six months.

Article 2

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 13 July 2001.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ Opinion on creosote — Notification of the Netherlands made under Article 95(5) of the Treaty expressed at the 24th CSTE plenary meeting, Brussels, 12 June 2001.

COMMISSION DECISION

of 17 July 2001

concerning protective measures with regard to imports of certain animals from Bulgaria due to an outbreak of bluetongue, repealing Decision 1999/542/EC, amending Decision 98/372/EC concerning the animal health conditions and veterinary certifications for import of live animals of bovine and swine species from certain European countries to take into account some aspects in relation with Bulgaria and amending Decision 97/232/EC drawing up lists of third countries from which Member States authorise imports of sheep and goats

(notified under document number C(2001) 1930)

(Text with EEA relevance)

(2001/600/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries ⁽¹⁾, as last amended by Directive 97/79/EC ⁽²⁾ and in particular Article 6(1) and Article 7 thereof,

Having regard to Council Directive 91/496/EEC of 15 July 1991, laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽³⁾, as last amended by Directive 96/43/EC ⁽⁴⁾, and in particular Article 18(7) thereof,

Whereas:

- (1) Commission Decision 98/372/EC lays down the animal health conditions and veterinary certifications for import of live animals of bovine and swine species from certain European countries ⁽⁵⁾.
- (2) Commission Decision 97/232/EC draws up lists of third countries from which Member States authorise imports of sheep and goats ⁽⁶⁾.
- (3) Following confirmation of outbreaks of bluetongue in July 1999, in the region of Bourgas in Bulgaria, Commission Decision 1999/542/EC ⁽⁷⁾ laid down certain protective measures with regard to imports of animals of bovine, caprine and ovine species originating from and transiting Bulgaria.
- (4) Following a Commission mission carried out in November 2000 it appears that controls by the Bulgarian veterinary services and the general animal health situation have considerably improved.

- (5) Concerning bluetongue in particular, a monitoring programme has been set up over a period of time, and based on the results of this survey, together with the information and guarantees provided by the competent veterinary authorities, it becomes possible to regionalise Bulgaria with a view to allowing the import into the Community of bovines, sheep and goats.
- (6) Some measures must be retained however in order to ensure that live animals of the bovine, ovine and caprine species do not originate from or pass through that part of Bulgaria comprising the provinces of Bourgas, Jambol, Hasskovo and Kardgali.
- (7) Decision 1999/542/EC should be repealed and Decisions 97/232/EC and 98/372/EC amended accordingly.
- (8) This Decision is in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 97/232/EC is replaced by Annex III to this Decision.

Article 2

Annexes I and II to Decision 98/372/EC are replaced by Annexes I and II to this Decision.

Article 3

1. Decision 1999/542/EC is replaced.
2. Member States receiving live animals of the bovine, ovine and caprine species which have been transported through the territory of Bulgaria shall ensure that the animals have not passed through the part of Bulgaria comprising the provinces of Bourgos, Jambol, Hasskovo and Kardgali.

⁽¹⁾ OJ L 302, 31.12.1972, p. 28.⁽²⁾ OJ L 24, 30.1.1998, p. 31.⁽³⁾ OJ L 268, 24.9.1991, p. 56.⁽⁴⁾ OJ L 162, 1.7.1996, p. 1.⁽⁵⁾ OJ L 170, 16.6.1998, p. 34.⁽⁶⁾ OJ L 93, 8.4.1997, p. 43.⁽⁷⁾ OJ L 207, 6.8.1999, p. 33.

Article 4

This Decision shall apply from 1 August 2001.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 17 July 2001.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

ANNEX I

**DESCRIPTION OF TERRITORIES OF CERTAIN EUROPEAN COUNTRIES ESTABLISHED FOR ANIMAL
HEALTH CERTIFICATION PURPOSES**

Country	Code of territory	Version	Description of territory
Albania	AL	01/98	Whole country
Bosnia and Herzegovina	BA	01/98	Whole country
Bulgaria	BG	01/98	Whole country
	BG-1	01/2001	The provinces of Varna, Dobrich, Silistra, Choumen, Targovichte, Razgrad, Rousse, V. Tarnovo, Gabrovo, Plevan, Lovetch, Plovdiv, Sliven, Smolian, Starazagora, Pasardjik, Sofia district, Sofia city, Pernik, Kustendil, Blagoevgrad, Vratza, Montana and Vidin
	BG-2	01/2001	The provinces of Bourgas, Jambol, Hasskovo et Kardgali
	BG-3	01/99	The 20 km-wide corridor on the border with Turkey
Belarus	BY	01/98	Whole country
Czech Republic	CZ	01/98	Whole country
	CZ-1	01/99	Whole country excluding the Provinces of Kroměříž, Vyškov, Hodonín, Uherské Hradiště, Zlín and Vsetín
	CZ-2	01/99	The provinces of Kroměříž, Vyškov, Hodonín, Uherské Hradiště, Zlín and Vsetín
Estonia	EE	01/98	Whole country
Federal Republic of Yugoslavia	YU	01/98	Whole country
	YU-1	01/98	The Federal Republic of Yugoslavia excluding the region of Kosovo and Metohija
	YU-2	01/98	The region of Kosovo and Metohija
Croatia	HR	01/98	Whole country
Hungary	HU	01/98	Whole country
Lithuania	LI	01/98	Whole country
Latvia	LV	01/98	Whole country
Former Yugoslav Republic of Macedonia	807	01/98	Whole country
Poland	PL	01/98	Whole country
Romania	RO	01/98	Whole country
Russia	RU	01/98	Whole country
Slovenia	SI	01/98	Whole country
Slovak Republic	SK	01/98	Whole country'

ANNEX II

ANNEX II

ANIMAL HEALTH GUARANTEES REQUESTED ON CERTIFICATION

LIVE ANIMALS

Country	Code	Bovine				Swine			
		Breeding/production		Slaughter		Breeding/production		Slaughter	
		MC (1)	SG (2)	MC (1)	SG (2)	MC (1)	SG (2)	MC (1)	SG (2)
Albania (3)	AL	—		—		—		—	
Bosnia and Herzegovina (3)	BA	—		—		—		—	
Bulgaria	BG	—		—		—		—	
	BG-1	A		B		—		—	
	BG-2	—	—	—	—	—		—	
	BG-3	—		—		—		—	
Belarus (3)	BY	—		—		—		—	
Czech Republic	CZ	A		B		—		—	
	CZ-1	A		B		C		D	
	CZ-2	A		B		—		—	
Estonia	EE	A		B		—		—	
Federal Republic of Yugoslavia	YU	—		—		—		—	
	YU-1	—		—		—		—	
	YU-2	—		—		—		—	
Croatia	HR	A	d	B		—		—	
Hungary	HU	A		B		C		D	
Lithuania	LI	A		B		—		—	
Latvia	LV	A		B		—		—	
Former Yugoslava Republic of Macedonia	807	—		—		—		—	
Poland	PL	A		B		—		—	
Romania	RO	A		B		—		—	

Country	Code	Bovine				Swine			
		Breeding/production		Slaughter		Breeding/production		Slaughter	
		MC ⁽¹⁾	SG ⁽²⁾	MC ⁽¹⁾	SG ⁽²⁾	MC ⁽¹⁾	SG ⁽²⁾	MC ⁽¹⁾	SG ⁽²⁾
Russia ⁽³⁾	RU	—		—		—		—	
Slovenia	SI	A		B		—		—	
Slovak Republic	SK	A		B		—		—	

⁽¹⁾ MC: model of certificate to be fulfilled. The letters (A, B, C, D ...) appearing on the tables refer to the models of animal health guarantees as described in Annex III, to be applied for each animal and origin in accordance with Article 2 of Decision 98/372/EC. A dash "—" indicates that imports are not authorised.

⁽²⁾ SG: Supplementary guarantees. The letters (a, b, c, d ...) appearing on the tables refer to the supplementary guarantees to be provided by the exporting country as described in Annex IV. These supplementary guarantees must be inserted by the exporting country in Section VI of each model of certificate laid down in Annex III.

⁽³⁾ The imports of domestic animals of the bovine and porcine species are not allowed in so far as a programme of control of residues in the exporting non-member country has not been approved by the European Commission.'

ANNEX III

'ANNEX

PART 1

List of non-member countries authorised to use the certificate at Annex I, part 1(a) to Decision 93/198/EEC for imports of sheep and goats destined for immediate slaughter

Iceland
Switzerland

PART 2

List of non-member countries authorised to use the certificate at Annex I, part 1(b) to Decision 93/198/EEC for imports of sheep and goats destined for immediate slaughter

Bulgaria (excluding the provinces of Bourgas, Jambol, Hasskovo and Kardjali)
Canada (excluding the Okanagan Valley region of British Columbia which is defined as the area enclosed by a line drawn from a point on the Canada/United States border 120° 15' longitude, 49° latitude northerly to a point 119° 35' longitude, 50° 30' latitude north easterly to a point 119° longitude, 50° 45' latitude southerly to a point on the Canada/United States border 118° 15' longitude and 49° latitude)
Croatia
Czech Republic
Estonia
Hungary
Latvia
Lithuania
Malta
New Zealand
Poland
Romania
Slovak Republic
Slovenia

PART 3

List of non-member countries which must use the certificate at Annex II, part 1(a) to Decision 93/198/EEC for imports of sheep and goats for fattening

Bulgaria (excluding the provinces of Bourgas, Jambol, Hasskovo and Kardjali)
Canada (excluding the Okanagan Valley region of British Columbia which is defined as the area enclosed by a line drawn from a point on the Canada/United States border 120° 15' longitude, 49° latitude northerly to a point 119° 35' longitude, 50° 30' latitude north easterly to a point 119° longitude, 50° 45' latitude southerly to a point on the Canada/United States border 118° 15' longitude and 49° latitude)
Chile
Croatia
Czech Republic
Greenland
Hungary
Iceland
Malta

New Zealand
Poland
Romania
Slovak Republic
Switzerland

PART 4

List of non-member countries which must use the certificate at Annex II, part 1(b) to Decision 93/198/EEC for imports of breeding sheep and goats

Bulgaria (excluding the provinces of Bourgas, Jambol, Hasskovo and Kardjali)
Canada (excluding the Okanagan Valley region of British Columbia which is defined as the are enclosed by a line drawn from a point on the Canada/United States border 120° 15' longitude, 49° latitude northerly to a point 119° 35' longitude, 50° 30 latitude northern easterly to a point 119° longitude, 50° 45' latitude southerly to a point on the Canada/United States border 118° 15' longitude and 49° latitude)
Chile
Croatia
Czech Republic
Greenland
Hungary
Iceland
Malta
New Zealand
Poland
Romania
Switzerland
Slovak Republic

PART 5

Non-member countries or parts of non-member countries recognised as satisfying the criteria for officially brucellosis free status

Greenland
Czech Republic
Slovak Republic'

COMMISSION DECISION

of 18 July 2001

amending Decision 1999/283/EC concerning the animal health conditions and veterinary certification for imports of fresh meat from certain African countries to take account of the animal health situation in South Africa

(notified under document number C(2001) 1977)

(Text with EEA relevance)

(2001/601/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 72/462/EEC, of 12 December 1972, on health and veterinary inspection problems on importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries ⁽¹⁾, as last amended by Directive 97/79/EC ⁽²⁾, in particular Article 14(3) and Article 22 thereof,

Whereas:

- (1) The animal health conditions and veterinary certification for imports of fresh meat from certain African countries are laid down by Commission Decision 1999/283/EC ⁽³⁾, as last amended by Decision 2001/297/EC ⁽⁴⁾.
- (2) Imports of fresh meat from South Africa have been possible since this country has been regionalised and a free region without vaccination was recognised by the European Community as officially free of foot-and-mouth disease.
- (3) The responsible veterinary authorities of the concerned countries must confirm that their country or regions have been free from rinderpest and foot-and-mouth disease for at least 12 months; furthermore, the responsible authorities of the concerned countries must undertake to notify the Commission and the Member States within 24 hours, by fax, telex or telegram of the confirmation of any occurrence of the abovementioned diseases, or of an alteration in the vaccination policy against them.

- (4) Following outbreaks of foot-and-mouth disease in parts of the free territory the Commission adopted Decision 2001/164/EC ⁽⁵⁾, further regionalising the country.
- (5) The competent authorities of South Africa have requested that the current regionalisation is amended to reflect changes in the administrative names of these regions.
- (6) Decision 1999/283/EC must be amended accordingly.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Annex I to Decision 1999/283/EC is replaced by the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 18 July 2001.

For the Commission

David BYRNE

Member of the Commission⁽¹⁾ OJ L 302, 31.12.1972, p. 28.⁽²⁾ OJ L 24, 30.1.1998, p. 31.⁽³⁾ OJ L 110, 28.4.1999, p. 16.⁽⁴⁾ OJ L 102, 12.4.2001, p. 61.⁽⁵⁾ OJ L 58, 28.2.2001, p. 40.

ANNEX

ANNEX I

DESCRIPTION OF TERRITORIES OF CERTAIN AFRICAN COUNTRIES ESTABLISHED FOR ANIMAL HEALTH CERTIFICATION PURPOSES

Country	Code of territory	Version	Description of territory
Botswana	BW	01/99	The whole country
	BW-01	01/99	Veterinary disease control zones, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 18
Morocco	MA	01/99	The whole country
Madagascar	MG	01/99	The whole country
Namibia	NA	01/99	The whole country
	NA-01	01/00	South of the cordon fences which extends from Palgrave Point in the west to Gam in the east
Swaziland	SZ	01/99	The whole country
	SZ-01	01/99	Area west of the "red line" fences which extends northwards from the river Usutu to the frontier with South Africa west of Nkalashane
South Africa	ZA	01/99	The whole country
	ZA-01	02/01	Republic of South Africa excluding: <ul style="list-style-type: none"> — the part of the foot-and-mouth disease control area situated in the veterinary regions of Mpumalanga and Northern provinces, in the district of Ingwavuma of the veterinary region of Natal and in the border area with Botswana east of longitude 28 °, and — the districts of Camperdown, Pietermaritzburg, Lions River, New Hanover, Umvoti, Kranskop, Mapumulo, Ndwedwe, Lower Tugela, Inanda, Pinetown, Durban, (including the metropolitan area of Durban), Chatswoth, Umzali, Umbumbulu and Richmond in the province of KwaZulu-Natal
Zimbabwe	ZW	01/99	The whole country
	ZW-01	01/99	Veterinary regions of Mashonaland West province, Mashonaland East province (including Chikomba district), Mashonaland Central province, Manicaland province (including only Makoni district), Midlands province (including only the Gweru, Kwekwe, Shurugwi, Chirimanzu and Zvishavane districts), Masvingo province (including only the districts of Gutu and Masvingo), Matabeleland South province (including only the Insiza, Bullimamangwe, Umzingwamange, Gwanda and West Nicholson districts) and Matabeleland north province (including only the districts of Bubi and Umgusa)