

English edition

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<sup>(1)</sup> Text with EEA relevance

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

**COUNCIL JOINT ACTION**  
**of 29 October 2001**  
**concerning the appointment of the Special Representative of the European Union in the former**  
**Yugoslav Republic of Macedonia**

(2001/760/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

*Article 2*

Having regard to the Treaty on European Union, and in particular Articles 14 and 18(5) thereof,

The mandate of the Special Representative shall be to act, under the authority of the High Representative, in the following areas:

Whereas:

- (1) On 29 June 2001, the Council adopted Joint Action 2001/492/CFSP<sup>(1)</sup> appointing François Léotard as the Special Representative of the European Union in the Former Yugoslavia Republic of Macedonia (FYROM) with a view, in particular, to establishing and maintaining close contact with the government of the FYROM and with the parties involved in the political process and to offer the European Union's advice and facilitation in the political process. The said Joint Action expires on 29 October 2001.
- (2) The term of office of the EU Special Representative in the FYROM should be renewed in order to contribute to full implementation of the Framework Agreement of 13 August 2001.
- (3) Following François Léotard's request that his mission be terminated, the candidate nominated by the High Representative should be appointed to replace him.
- (4) In accordance with the guidelines on appointing procedure and administrative arrangements of EU Special Representatives adopted by the Council on 30 March 2000, Member States' and the Commission's missions can provide on request from their own resources appropriate and reasonable support to the mission of the Special Representative,

- (a) establishing and maintaining close contact with the government of FYROM and with the parties involved in the political process;
- (b) offering the European Union's advice and facilitation in the political process;
- (c) liaising closely with the local Presidency, the Heads of Mission and the Commission, as well as with the European Union Monitoring Mission (EUMM);
- (d) establishing and maintaining close contact with other relevant international and regional actors, including local representatives of NATO, OSCE and the UN with a view to ensuring the required coordination;
- (e) contributing, where requested, to the implementation of agreements reached;
- (f) following closely developments and initiatives in the field of security and liaising with all relevant bodies.

*Article 3*

1. Up to 31 December 2001, the administrative expenditure of the EU Special Representative shall be covered by France and by the Council.

2. With effect from 1 January 2002, the administrative expenditure of the EU Special Representative shall gradually be taken over by the Council budget, by decision of the Secretary-General/High Representative, subject to the allocations available for Special Representatives under heading 1 1 1 3 in the Council Section of the budget of the European Communities.

3. The financial reference amount intended to cover any operational expenditure related to the mission of the EU Special Representative will be covered by a future decision of the Council in accordance with the guidelines adopted by the Council on 30 March 2000.

HAS ADOPTED THIS JOINT ACTION:

*Article 1*

Mr Alain Le Roy is hereby appointed EU Special Representative in FYROM.

<sup>(1)</sup> OJ L 180, 3.7.2001, p. 1.

*Article 4*

The EU Special Representative shall submit regular reports on the implementation of his political mandate, on his own initiative or when requested, to the Council through the High Representative.

*Article 5*

1. This Joint Action shall enter into force on the date of its adoption. It shall expire on 28 February 2002.
2. This Joint Action shall be regularly reviewed.

*Article 6*

This Joint Action shall be published in the Official Journal.

Done at Luxembourg, 29 October 2001.

*For the Council*  
*The President*  
L. MICHEL

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## I

(Acts whose publication is obligatory)

**REGULATION (EC) No 2130/2001 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
of 29 October 2001  
on operations to aid uprooted people in Asian and Latin American developing countries**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 179(1) thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty <sup>(2)</sup>,

Whereas:

- (1) In the context of refugee policy, the United Nations have adopted the Convention concluded in Geneva on 28 July 1951 relating to the Status of Refugees, the New York Protocol of 31 January 1967 and many resolutions in this field and in the fields of human rights and humanitarian law.
- (2) The Universal Declaration of Human Rights of 10 December 1948, the International Covenant on Civil and Political Rights of 16 December 1966, the International Covenant on Economic, Social and Cultural Rights of 16 December 1966, the Convention on the Elimination of all Forms of Discrimination against Women of 18 December 1979 and the Convention on the Rights of the Child of 20 November 1989 also address the issue of refugees.
- (3) The European Parliament has adopted several resolutions in this area, including the Resolution of 16 December 1983 on assistance to refugees in developing countries <sup>(3)</sup>.
- (4) Both the European Parliament and the Council have called for greater effort by the Community in this field.
- (5) An integrated, consistent and effective strategy must be devised for Community action in respect of humanitarian aid, rehabilitation, aid to uprooted people and development cooperation, with a view to pursuing a sustainable European Community development policy.
- (6) It is particularly necessary to integrate aid for uprooted peoples with the development strategy of the countries and population groups for whom the aid is destined; Community action should therefore facilitate the move from the emergency stage to that of development, encouraging the socio-economic integration or reintegration of the people affected and, given the need to eliminate the causes of armed conflict, encourage the establishment or strengthening of democratic structures and the role of the population in the development process.
- (7) Support programmes for uprooted people and demobilised former soldiers are an integral part of an overall rehabilitation strategy for Asian and Latin American developing countries. For the programmes to be effective, aid must be coordinated at Community level and with other donors, non-governmental organisations (NGOs) and United Nations bodies, particularly the United Nations High Commissioner for Refugees (UNHCR). The Commission should take responsibility both for monitoring and ensuring the visibility of funds channelled through NGOs and the United Nations. The Commission is moreover politically responsible for the ways in which its funds are spent by NGOs and the United Nations.
- (8) The effectiveness and consistency of Community, national and international prevention and intervention mechanisms should be ensured, both in order to prevent conflicts and to encourage all peaceful solutions to political conflicts and wars which result in population displacement.
- (9) The specialised bodies and agencies and NGOs have acquired considerable experience of helping uprooted people from implementing operations of this kind in the past.
- (10) Ideally, action to help uprooted people should form part of an approach that aims to move on from so-called subsistence to a stage in which they become self-sufficient or less dependent.

<sup>(1)</sup> OJ C 120 E, 24.4.2001, p. 163.

<sup>(2)</sup> Opinion of the European Parliament of 5 July 2001 (not yet published in the Official Journal), and Decision of the Council of 16 October 2001.

<sup>(3)</sup> OJ C 10, 16.1.1984, p. 278.

- (11) Effective, flexible and expeditious procedures need to be guaranteed for aid operations in this sphere; the Community should also ensure maximum transparency in the granting of aid, and strict controls on the use of appropriations.
- (12) Until 31 December 2000, the legal basis for Community action in this field was Council Regulation (EC) No 443/97 of 3 March 1997 on operations to aid uprooted people in Asian and Latin American developing countries <sup>(1)</sup>. The experience acquired during its application should be reflected in this Regulation.
- (13) This Regulation lays down, for its entire duration, a financial framework constituting the prime reference, within the meaning of point 33 of the Interinstitutional Agreement between the European Parliament, the Council and the Commission of 6 May 1999 on budgetary discipline and improvement of the budgetary procedure <sup>(2)</sup>, for the budget authority during the annual budgetary procedure.
- (14) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(3)</sup>.
- (15) The protection of the Community's financial interests and the fight against fraud and irregularities form an integral part of this Regulation,

HAVE ADOPTED THIS REGULATION:

#### CHAPTER I

### Purpose, scope and definitions

#### Article 1

The Community shall implement a programme of support and assistance to uprooted people in Asian and Latin American developing countries. The programme shall apply to the uprooted people and other persons referred to in Article 4 and contribute to their requirements not covered by humanitarian aid and carry out long-term activities aimed at the self-sufficiency and integration or reintegration of such persons. In particular, this programme must provide for the basic needs of those persons from the time a humanitarian emergency subsides to the adoption of a long-term solution to resolve their status.

<sup>(1)</sup> OJ L 68, 8.3.1997, p. 1. Regulation as amended by Regulation (EC) No 1880/2000 of the European Parliament and of the Council (OJ L 227, 7.9.2000, p. 1).

<sup>(2)</sup> OJ C 172, 18.6.1999, p. 1.

<sup>(3)</sup> OJ L 184, 17.7.1999, p. 23.

The objectives of the assistance programmes shall include the establishment of democratic structures and the promotion of human rights.

#### Article 2

For the purposes of this Regulation:

- (a) 'uprooted people' means:
- (i) refugees, as defined in the Convention on the Status of Refugees concluded in Geneva on 28 July 1951 and the New York Protocol of 31 January 1967, or
  - (ii) displaced persons, who have been forced to seek refuge outside their region of origin owing to conflict situations but who do not enjoy refugee status, or
  - (iii) former refugees or displaced persons who have returned to their country or region of origin;
- (b) 'demobilised former soldiers' means former members of armed forces, be they regular or opposition forces, who have agreed to lay down their arms and reintegrate into civilian life.

#### Article 3

1. The Community shall give financial support to operations aimed in particular at:

- (a) the self-sufficiency and reintegration into the socio-economic fabric of uprooted people and demobilised former soldiers; aid to secure their integration or reintegration must have as its objective the promotion of sustainable production processes, and could include actions such as providing food aid, developing self-sufficiency by means of agricultural production, cattle farming and fish farming, developing infrastructure, setting up credit systems, basic education and vocational training and ensuring satisfactory health and hygiene standards;
- (b) aid to local host communities and resettlement areas to foster acceptance and integration of uprooted people and demobilised former soldiers;
- (c) helping those people voluntarily return to and settle in their countries of origin or other countries of their choice, if conditions permit;
- (d) supporting, where applicable, any measures to prevent conflict and/or reconcile parties to a conflict;
- (e) helping persons to recover their belongings or property rights and aid for the settlement of human rights violations against the people in question.

2. Particular attention should be paid to especially vulnerable groups such as women and children.

3. All groups concerned, including local host communities, shall be involved in evaluating needs and implementing the assistance programmes.

#### Article 4

The ultimate beneficiaries of the operations referred to in Article 3(1) shall be:

- (a) uprooted people in Asian and Latin American developing countries and persons from one of these countries provisionally settled in another developing country and, in duly substantiated exceptional cases, in another country;
- (b) demobilised former soldiers, in Asian and Latin American developing countries, plus their families and, where appropriate, their local communities;
- (c) the local population of the host territories particularly affected whose social, economic and administrative resources contribute to receiving and assisting uprooted people and demobilised former soldiers, for the purposes of longer-term projects designed to bring about the self-sufficiency, integration or reintegration of such persons.

#### Article 5

Operations carried out under this Regulation shall complement those provided for by other Community instruments governing short-term humanitarian aid and long-term development cooperation.

#### Article 6

1. In the context of the operations referred to in Article 3, Community support may include the financing of action to provide technical assistance, training and other services, supplies, works, studies (which should, as far as possible, be entrusted to or involve collaboration with consultants either of the host country or stationed there, and involve universities and research institutes), audits and evaluation and monitoring missions.

2. Community financing may cover investment expenditure, including the purchase of real estate, when the latter is necessary for the direct implementation of the operation and provided that ownership is transferred to the beneficiary's local partners or the final beneficiaries of the operation once the latter has come to an end. It may also cover, in duly substantiated cases and taking into account the fact that the project must, as far as possible, aim at medium-term viability, recurring expenditure (including administrative expenditure, maintenance and running costs), so that maximum use is made of the investments referred to in paragraph 1, the operation of which temporarily represents a burden for the partner.

### CHAPTER II

#### Procedures for the implementation of the aid

#### Article 7

1. Community financing under this Regulation shall take the form of grants.

2. A financial contribution from the partners referred to in Article 10 shall be sought for each cooperation operation. This contribution will be requested having regard to the capacity of the partners concerned and the nature of each operation. In specific cases and when the partner is either a non-governmental organisation (NGO) or a community-based organisation, the contribution may be made in kind.

3. Opportunities may be sought for cofinancing with other donors, and especially with the Member States.

#### Article 8

1. The Commission shall be responsible for appraising, deciding or administering the operations covered by this Regulation in accordance with the budgetary and other procedures in force, in particular those laid down in Articles 2, 116 and 118 of the Financial Regulation applicable to the general budget of the European Communities <sup>(1)</sup>.

2. All operations backed by Community aid shall be implemented in accordance with the objectives set out in the Commission's financing decision.

#### Article 9

Operations financed by the Community under this Regulation shall be implemented by the Commission, either at the request of the partners or on its own initiative.

#### Article 10

1. Partners eligible for financial support under this Regulation shall be regional and international organisations, including United Nations agencies, NGOs, national, provincial and local administrations and agencies, community-based organisations, and public or private institutes and operators.

2. Community assistance is available to partners who have their main office in a Member State or a third country that is a recipient of Community assistance under this Regulation, provided that this office is the actual centre directing operations relating to their business activities. In exceptional cases, this office may be located in another third country.

#### Article 11

Without prejudice to the institutional and political context in which the partners conduct their activities, the following elements shall be taken into consideration for determining whether a partner may have access to Community financing:

- (a) its experience in the field of assistance to uprooted people;
- (b) its administrative and financial management capacity;
- (c) its technical and logistical capacity in relation to the planned operation;

<sup>(1)</sup> OJ L 356, 31.12.1977, p. 1. Regulation as last amended by Council Regulation (EC, ECSC, Euratom) No 762/2001 (OJ L 111, 20.4.2001, p. 1)

- (d) where applicable, the results of operations previously carried out, particularly those that received Community financing;
- (e) its capacity to develop cooperation with other actors from civil society in the third countries concerned;
- (f) its commitment to defending, respecting and promoting human rights, democratic principles and humanitarian law.

#### Article 12

1. Assistance shall be granted to partners only if they undertake in writing to comply with the allocation and implementation conditions laid down by the Commission.

2. Where operations are the subject of financing agreements between the Community and countries which benefit from operations financed under this Regulation, the agreements shall stipulate that the payment of taxes, duties and charges shall not be financed by the Community.

3. Any financing agreement or contract concluded under this Regulation shall stipulate that the Commission, the Court of Auditors and the European Anti-Fraud Office (OLAF) may carry out, if necessary, on-the-spot checks according to the usual arrangements laid down by the Commission under the provisions in force, particularly those in the Financial Regulation applicable to the general budget of the European Communities.

4. The necessary measures shall be taken to emphasise the Community character of aid provided under this Regulation.

#### Article 13

1. Participation in invitations to tender and the award of contracts shall be open on equal terms to all natural and legal persons of the Member States and of the host country. It may be extended to operators in other developing countries and, in exceptional cases, to other third countries.

2. Supplies shall originate in the host country, other developing countries or the Member States. In exceptional cases supplies may originate elsewhere.

#### Article 14

1. In order to secure the objectives of consistency and complementarity referred to in the Treaty and to ensure maximum effectiveness of the operations provided for in this Regulation, these shall be subject to on-the-spot operational

coordination and shall form an integral part of the country strategy process.

2. The Commission, in liaison with the Member States, may take any initiative necessary for ensuring proper coordination with the other donors concerned, in particular those forming part of the United Nations system, including the Office of the High Commissioner for Refugees.

### CHAPTER III

#### Implementation of operations

##### Article 15

1. The financial framework for the implementation of this Regulation for the period from 2001 to 2004 is hereby set at EUR 200 million.

2. The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.

##### Article 16

Decisions concerning operations for which financing under this Regulation exceeds EUR 4 million and any changes to these operations that entail a cost overrun of more than 20 % of the amount initially fixed for the operation concerned shall be adopted in accordance with the procedure referred to in Article 18(2).

##### Article 17

1. The Commission shall be authorised to approve, without recourse to the procedure referred to in Article 18(2), any supplementary commitments needed for covering expected or real cost overruns in connection with the operations, where the overrun or additional requirement is 20 % or less of the initial commitment laid down by the financing decision.

2. The Commission shall inform the committee referred to in Article 18(1) succinctly of the financing decisions which it intends to take with regard to operations of less than EUR 4 million in value. This information shall be made available not later than one week before the decision is taken.

##### Article 18

1. The Commission shall be assisted by the committee instituted under Article 15 of Council Regulation (EEC) No 443/92 (1).

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply having regard to the provisions of Article 8 thereof.

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

3. The Committee shall adopt its rules of procedure.

(1) OJ L 52, 27.2.1992, p. 1.



## CHAPTER IV

**Reporting and final provisions***Article 19*

1. An exchange of views shall take place once a year on the basis of a presentation by the representative of the Commission of the strategic guidelines for the operations to be carried out in the years ahead, within the Committee referred to in Article 18(1). The guidelines shall include, as far as possible, measurable objectives and deadlines for specific actions. These guidelines shall be drawn up following consultation with departments responsible, in the field or at headquarters, for programming, implementation and evaluation.

2. After each budget year, the Commission shall submit, in its annual report on Community development policy to the European Parliament and to the Council, information on the operations financed in the course of that year and the Commission's conclusions on the implementation of this Regulation over the previous budget year. The summary shall in particular provide information about the strengths and weaknesses of operations, those with whom contracts have been concluded as

well as the results of any independent evaluations of specific operations.

3. At the latest one year before the expiry of this Regulation, the Commission shall submit an independent overall assessment report on the implementation of this Regulation to the European Parliament and the Council with a view to establishing whether its objectives have been achieved and providing guidelines for improving the effectiveness of future operations. The report shall assess the effectiveness of action taken following performance audits and independent evaluations.

*Article 20*

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

It shall apply until 31 December 2004.

The renewal of this Regulation will be dependent on the results of the independent overall assessment report referred to in Article 19(3) and the possibilities for integrating this Regulation into a single framework Regulation for Asia and Latin America.

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

Done at Luxembourg, 29 October 2001.

*For the European Parliament*

*The President*

N. FONTAINE

*For the Council*

*The President*

L. MICHEL

**COUNCIL REGULATION (EC) No 2131/2001****of 29 October 2001****terminating the review of Council Regulation (EC) No 2474/93 imposing a definitive anti-dumping duty on imports of bicycles originating in the People's Republic of China**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

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

Having regard to the proposal from the Commission, after consulting the Advisory Committee,

Whereas:

**A. PROCEDURE**

- (1) By Regulation (EEC) No 2474/93 <sup>(2)</sup> the Council imposed definitive anti-dumping duties on bicycles originating in the People's Republic of China, currently classifiable under CN codes 8712 00 10, 8712 00 30 and 8712 00 80. These measures were extended pursuant to Article 13 of Regulation (EC) No 384/96 (the 'Basic Regulation') to imports of certain bicycle parts originating in China by Regulation (EC) No 71/97 <sup>(3)</sup>. These definitive duties were maintained following an expiry review pursuant to Article 11(2) of the Basic Regulation by Council Regulation (EC) No 1524/2000 <sup>(4)</sup>.
- (2) During the course of the expiry review which led to the renewal of the measures, the Commission received four requests for the initiation of a review pursuant to Article 11(3) of the Basic Regulation, submitted by the following Chinese companies: Giant China Co. Ltd., Viva Guangzhou Bicycle Corporation Ltd., Merida Industry Co. Ltd., Kenton Bicycle Group Ltd. These companies ('the applicants') claimed that the existing measures were no longer necessary to offset dumping, as they were now operating within market economy conditions, and circumstances had changed significantly with regard to the dumping previously established.
- (3) The Commission by a notice published in the *Official Journal of the European Communities* <sup>(5)</sup> initiated a review of the abovementioned measures, limited in scope to the examination of dumping as far as the applicants were concerned.

(4) The Commission officially advised the companies concerned and the authorities of the People's Republic of China of the initiation of the investigation. Questionnaires were sent to the four applicants. All interested parties were invited to make their views known in writing, and to request a hearing, if they so wished, within the time limit set in the notice of initiation.

(5) All four applicants submitted claims for market economy status/individual treatment.

**B. WITHDRAWAL OF REQUESTS**

- (6) All four applicants subsequently withdrew their requests for review. One company did so in November 2000, before its claim for market economy status/individual treatment had been verified. Two other companies withdrew their applications in May 2001, after the Commission services had verified the information submitted in their claims for market economy status/individual treatment, and after the Commission services had disclosed their intention to propose the rejection of their market economy status claim. This disclosure took place before any verification of their questionnaire responses.
- (7) As far as the fourth company is concerned, the Commission services found that this company had not exported during the investigation period (September 1999 — August 2000). The company decided to withdraw its request for a review in August 2001.

**C. TERMINATION**

- (8) In consideration of the fact that all four applicants have withdrawn their requests for review, the Council considers it appropriate that the review be terminated,

HAS ADOPTED THIS REGULATION:

*Article 1*

The interim review of Council Regulation (EC) No 1524/2000 concerning imports of bicycles originating in the People's Republic of China is hereby terminated.

*Article 2*

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

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

<sup>(2)</sup> OJ L 228, 9.9.1993, p. 1.

<sup>(3)</sup> OJ L 16, 18.1.1997, p. 55.

<sup>(4)</sup> OJ L 175, 14.7.2000, p. 39.

<sup>(5)</sup> OJ C 278, 30.9.2000, p. 28.

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

Done at Luxembourg, 29 October 2001.

*For the Council*

*The President*

L. MICHEL

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**COMMISSION REGULATION (EC) No 2132/2001**  
**of 30 October 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1498/98 <sup>(2)</sup>, 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 31 October 2001.

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

Done at Brussels, 30 October 2001.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

<sup>(1)</sup> OJ L 337, 24.12.1994, p. 66.

<sup>(2)</sup> OJ L 198, 15.7.1998, p. 4.

## ANNEX

**to the Commission Regulation of 30 October 2001 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	54,1
	204	43,7
	999	48,9
0707 00 05	052	91,8
	999	91,8
0709 90 70	052	84,5
	999	84,5
0805 30 10	052	44,6
	388	83,1
	524	56,7
	528	29,4
	600	64,8
	999	55,7
0806 10 10	052	101,9
	400	289,7
	512	41,6
	999	144,4
0808 10 20, 0808 10 50, 0808 10 90	060	33,1
	388	62,5
	400	64,0
	404	79,7
	800	159,7
	804	64,3
	999	77,2
0808 20 50	052	95,5
	400	87,3
	999	91,4

<sup>(1)</sup> 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 2133/2001  
of 30 October 2001**

**opening and providing for the administration of certain Community tariff quotas and tariff ceilings in the cereals sector and repealing Regulations (EC) No 1897/94, (EC) No 306/96, (EC) No 1827/96, (EC) No 1970/96, (EC) No 1405/97, (EC) No 1406/97, (EC) No 2492/98, (EC) No 2809/98 and (EC) No 778/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

in the Europe Agreement with Bulgaria <sup>(7)</sup>, and in particular Article 1(3) thereof,

Having regard to the Treaty establishing the European Community,

Whereas:

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>, and in particular Article 12(1) thereof,

(1) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code <sup>(8)</sup>, as last amended by Regulation (EC) No 993/2001 <sup>(9)</sup>, codified the rules for administering tariff quotas designed to be used following the chronological order of dates of customs declarations and for surveillance of preferential imports.

Having regard to Council Decision 95/582/EC of 20 December 1995 on the conclusion of the Agreements in the form of Exchanges of Letters between the European Community, of the one part, and the Republic of Iceland, the Kingdom of Norway and the Swiss Confederation, of the other part, concerning certain agricultural products <sup>(3)</sup>, and in particular Article 2 thereof,

(2) In the interests of simplification and in view of the small volume of some of the quotas and ceilings provided for in Decision 95/582/EC, Council Decision 97/126/EC of 6 December 1996 concerning the conclusion of an agreement between the European Community, of the one part, and the Government of Denmark and the Home Government of the Faroe Islands, of the other part <sup>(10)</sup> and Council Regulations (EC) No 1095/96, (EC) No 1706/98, (EC) No 1727/2000 and (EC) No 2290/2000, Regulation (EEC) No 2454/93 should also apply to those quotas and ceilings.

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXI drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations <sup>(4)</sup>, and in particular Article 1 thereof,

(3) For administrative reasons, a new serial number should be allotted to each of the tariff quotas and ceilings concerned.

Having regard to Council Regulation (EC) No 1706/98 of 20 July 1998 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EEC) No 715/90 <sup>(5)</sup>, and in particular Article 30 thereof,

(4) To ensure effective management of certain quotas and ceilings covered by this Regulation, a certificate testifying to the origin of the goods should be required

Having regard to Council Regulation (EC) No 1727/2000 of 31 July 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Hungary <sup>(6)</sup>, and in particular Article 1(3) thereof,

(5) In view of the quality of wheat required for quota Nos 09.0074 and 09.0075, the customs authorities should check compliance with the quality requirements before granting entitlement to the quota. To ensure that these quotas are managed effectively, a system of securities should be introduced.

Having regard to Council Regulation (EC) No 2290/2000 of 9 October 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for

(6) If the ceilings covered by this Regulation are reached during a given year, the Commission may re-introduce, by Regulation, the levying of normal customs duties reduced by 50 %.

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 1.

<sup>(3)</sup> OJ L 327, 30.12.1995, p. 17.

<sup>(4)</sup> OJ L 146, 20.6.1996, p. 1.

<sup>(5)</sup> OJ L 215, 1.8.1998, p. 12.

<sup>(6)</sup> OJ L 198, 4.8.2000, p. 6.

<sup>(7)</sup> OJ L 262, 17.10.2000, p. 1.

<sup>(8)</sup> OJ L 253, 11.10.1993, p. 1.

<sup>(9)</sup> OJ L 141, 28.5.2001, p. 1.

<sup>(10)</sup> OJ L 53, 22.2.1997, p. 1.

- (7) Application of Regulation (EEC) No 2454/93 to these quotas and ceilings makes unnecessary the detailed implementing rules relating thereto laid down in Commission Regulations (EC) No 1897/94 <sup>(1)</sup>, (EC) No 306/96 <sup>(2)</sup>, (EC) No 1827/96 <sup>(3)</sup>, 1970/96 <sup>(4)</sup>, (EC) No 1405/97 <sup>(5)</sup>, (EC) No 1406/97 <sup>(6)</sup>, (EC) No 2492/98 <sup>(7)</sup>, (EC) No 2809/98 <sup>(8)</sup> and (EC) No 778/1999 <sup>(9)</sup>. Those Regulations should therefore be repealed with effect from the dates from which the provisions of this Regulation apply.
- (8) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

3. The products imported under tariff quota 09.0689 shall be released into free circulation upon presentation of an EUR.1 movement certificate issued by the exporting country in accordance with Annex IV to Protocol 3 to the Agreement between the European Community, of the one part, and the Government of Denmark and the Home Government of the Faroe Islands, of the other part, or alternatively a declaration on the invoice issued in accordance with that Agreement.

4. Products imported under tariff quota 09.1633 and the tariff ceilings listed in Annex III to this Regulation shall be released into free circulation upon presentation of an EUR.1 movement certificate or a declaration on the invoice issued by the exporting country in accordance with Protocol 1 to Annex V to the ACP-EC Convention.

HAS ADOPTED THIS REGULATION:

### Article 3

#### Article 1

1. The tariff quotas listed in Annex I shall be opened from 1 July to 30 June for each marketing year from 1 July 2002.
2. The tariff quotas listed in Annex II shall be opened for each calendar year from 1 January 2002.
3. The tariff ceilings listed in Annex III shall be opened for each calendar year from 1 January 2002.

#### Article 2

1. The products imported under tariff quotas 09.5716 and 09.5732 shall be released into free circulation upon presentation of an EUR.1 movement certificate issued by the exporting country in accordance with Protocol 4 to the Europe Agreement concluded with that country, or alternatively a declaration on the invoice issued in accordance with that Protocol.
2. The products imported under tariff quota 09.0779 shall be released into free circulation upon presentation of an EUR.1 movement certificate issued by the exporting country in accordance with Annex IV to the bilateral agreement concluded with that country, or alternatively a declaration on the invoice issued in accordance with that agreement.

<sup>(1)</sup> OJ L 194, 29.7.1994, p. 4.

<sup>(2)</sup> OJ L 43, 21.2.1996, p. 1.

<sup>(3)</sup> OJ L 241, 21.9.1996, p. 23.

<sup>(4)</sup> OJ L 261, 15.10.1996, p. 34.

<sup>(5)</sup> OJ L 194, 23.7.1997, p. 7.

<sup>(6)</sup> OJ L 194, 23.7.1997, p. 10.

<sup>(7)</sup> OJ L 309, 19.11.1998, p. 35.

<sup>(8)</sup> OJ L 349, 24.12.1998, p. 41.

<sup>(9)</sup> OJ L 101, 16.4.1999, p. 36.

1. In order to ensure the quality of the products imported under tariff quotas 09.0074 and 09.0075, eligibility for the zero import duty shall be conditional on importers lodging, in addition to any security required under Article 248 of Regulation (EEC) No 2454/93, an import security of EUR 5 per tonne with the competent customs authorities on the day the declaration of release for free circulation is accepted.

2. The customs authorities shall take representative samples of each import under tariff quota 09.0075 with a view to carrying out the necessary tests to establish that the quality imported complies with the quality criteria referred to in Annex IV. If the quality is inadequate, access to the quota shall be refused.

3. The customs authorities shall take representative samples of each import under tariff quota 09.0074 with a view to carrying out the necessary tests to establish that the vitreous grain content is 73 % or more. If the quality is inadequate, access to the quota shall be refused.

4. The import security of EUR 5 per tonne referred to in paragraph 1 shall be released in respect of the quantity of products imported under each quota which complies with the criteria referred to in paragraphs 2 and 3, as the case may be. Should the tests referred to in paragraphs 2 and 3 show that the quality of the imported product is below standard, Commission Regulation (EC) No 1249/96 <sup>(10)</sup>, shall apply. The amount of EUR 5 per tonne referred to in paragraph 1 shall be held back as a penalty

<sup>(10)</sup> OJ L 161, 29.6.1996, p. 125.

*Article 4*

1. The tariff quotas referred to in Article 1(1) and (2) shall be administered by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

2. The tariff ceilings referred to in Article 1(3) shall be the subject of Community surveillance by the Commission in close cooperation with the Member States in accordance with Article 308d of Regulation (EEC) No 2454/93.

*Article 5*

1. Regulations (EC) No 1970/96, (EC) No 1405/97, (EC) No 1406/97 and (EC) No 778/1999 shall be repealed with effect from 1 July 2002.

2. Regulations (EC) No 1897/94, (EC) No 306/96, (EC) No 1827/96, (EC) No 2809/98 and (EC) No 2492/98 shall be repealed with effect from 1 January 2002.

*Article 6*

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 July 2002 for the quotas covered by Article 1(1) and from 1 January 2002 for the quotas and ceilings covered by Article 1(2) and (3).

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

Done at Brussels, 30 October 2001.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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## ANNEX I

## Tariff quotas with quota periods running from 1 July to 30 June

(MFN: most-favoured nation)

Order No	CN code	Description <sup>(1)</sup>	Quota volume in net weight (tonnes)	Tarif quota duty	Origin
09.0071	1008 20 00	Millet	1 300	EUR 7/t	All third countries ( <i>erga omnes</i> )
09.0074	1001 10 00	Durum wheat	50 000	0	All third countries ( <i>erga omnes</i> )
09.5716	2309 10	Dog or cat food, put up for retail sale	15 540 <sup>(2)</sup>	20 % of MFN duty	Hungary
09.5732	2309 90 31 2309 90 41	Preparations of a kind used in animal feed	3 500	20 % of MFN duty	Bulgaria

<sup>(1)</sup> Without prejudice to the rules for interpreting the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential treatment being determined, in the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of this Regulation.

<sup>(2)</sup> Annual increase from 1.7.2002: 1 415 tonnes.

## ANNEX II

## Tariff quotas with quota periods running from 1 January to 31 December

(MFN: most-favoured nation)

Order No	CN code	Description <sup>(1)</sup>	Quota volume in net weight (tonnes)	Tariff quota duty	Origin
09.0072	2302 30 10 2302 30 90 2302 40 10 2302 40 90	Brans, sharps and other residues of wheat and cereals other than maize and rice	475 000	EUR 30,60/t EUR 62,25/t	All third countries ( <i>erga omnes</i> )
09.0075	1001 10 00 and 1001 90 99	Durum wheat and common wheat of a minimum quality satisfying the criteria laid down in Annex IV	300 000	0	All third countries ( <i>erga omnes</i> )
09.1633	1001 10 00 1001 90 91 1001 90 99  1002 00 00  1003 00  1004 00 00  1008	Durum wheat Common wheat Other wheat  Rye  Barley  Oats  Buckwheat, canary seed, triticale and other cereals	15 000	50 % of MFN duty	ACP States
09.0073	2309 90 31 2309 90 41 2309 90 51	Preparations of a kind used in animal feed	2 800	7 % <i>ad valorem</i>	All third countries ( <i>erga omnes</i> )
09.0779	ex 2309 90 31	Feedingstuffs for fish	1 177	0	Norway
09.0689	ex 2309 90 10 ex 2309 90 31 ex 2309 90 41	Feedingstuffs for fish	10 000	0	Faroes

<sup>(1)</sup> Without prejudice to the rules for interpreting the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential treatment being determined, in the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of this Regulation. Where ex CN codes are indicated, the preferential treatment is to be determined by the coverage of the CN code and corresponding description taken together.

## ANNEX III

**Tariff quotas with periods running from 1 January to 31 December**

(MFN: most-favoured nation)

Order No	CN code	Description <sup>(1)</sup>	Ceiling in net weight (tonnes)	Applicable duty	Origin
120201	1007	Sorghum	100 000	40 % of MFN duty	ACP States
120203	1008 20 00	Millet	60 000	0	ACP States

<sup>(1)</sup> Without prejudice to the rules for interpreting the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential treatment being determined, in the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of this Regulation

## ANNEX IV

**Minimum quality criteria for wheat imported under quota No 09.0075 for 300 000 tonnes of quality wheat opened by Regulation (EC) No 1095/96**

Quality criteria	Type of wheat	
	Durum wheat	Common wheat
	CN code 1001 10 00	CN code 1001 90 99
Specific weight in kg/hl greater than or equal to	80	78
Grains which have lost their vitreous aspect	Maximum 20,0 %	—
Matter which is not quality wheat grains of unimpaired quality, of which:	Maximum 10,0 %	Maximum 10,0 %
— broken and/or shrivelled grains	Maximum 7,0 %	Maximum 7,0 %
— grains damaged by pests	Maximum 2,0 %	Maximum 2,0 %
— grains affected with fusariosis and/or mottled grains	Maximum 5,0 %	—
— sprouted grains	Maximum 0,5 %	Maximum 0,5 %
Miscellaneous impurities (Schwarzbesatz)	Maximum 1,0 %	Maximum 1,0 %
Hagberg falling number	Minimum 250	Minimum 230
Protein content (13,5 % moisture content)	—	Minimum 14,6 %

**COMMISSION REGULATION (EC) No 2134/2001**  
**of 30 October 2001**  
**prohibiting fishing for hake by vessels flying the flag of Germany**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy <sup>(1)</sup>, as last amended by Regulation (EC) No 1965/2001 <sup>(2)</sup>, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2848/2000 of 15 December 2000 fixing for 2001 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required <sup>(3)</sup>, as amended by Commission Regulation (EC) No 1666/2000 <sup>(4)</sup>, lays down quotas for hake for 2001.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of hake in the waters of ICES division IIa (EC waters), North Sea (EC waters) by vessels flying the

flag of Germany or registered in Germany have exhausted the quota allocated for 2001. Germany has prohibited fishing for this stock from 10 October 2001. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

*Article 1*

Catches of hake in the waters of ICES division IIa (EC waters), North Sea (EC waters) by vessels flying the flag of Germany or registered in Germany have exhausted the quota allocated for 2001.

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

*Article 2*

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

It shall apply from 10 October 2001.

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

Done at Brussels, 30 October 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 261, 20.10.1993, p. 1.

<sup>(2)</sup> OJ L 268, 9.10.2001, p. 23.

<sup>(3)</sup> OJ L 334, 30.12.2000, p. 1.

<sup>(4)</sup> OJ L 223, 18.8.2001, p. 4.

**COMMISSION REGULATION (EC) No 2135/2001**  
**of 30 October 2001**  
**amending Regulation (EC) No 1555/96 on rules of application for additional import duties on fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 911/2001 <sup>(2)</sup>, and in particular Article 33(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1555/96 <sup>(3)</sup>, as last amended by Regulation (EC) No 1556/2001 <sup>(4)</sup>, provides for surveillance of imports of the products listed in the Annex thereto. That surveillance is to be carried out in accordance with the rules on the surveillance of preferential imports laid down in Article 308d of Commission Regulation (EEC) No 2454/93 <sup>(5)</sup>, as last amended by Regulation (EC) No 993/2001 <sup>(6)</sup>.
- (2) For the purposes of Article 5(4) of the Agreement on Agriculture <sup>(7)</sup> concluded during the Uruguay Round of multilateral trade negotiations and in light of the latest

data available for 1998, 1999 and 2000, the trigger levels for additional duties on artichokes, oranges, clementines and mandarins and similar citrus hybrids should be amended.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EC) No 1555/96 is replaced by the Annex hereto.

*Article 2*

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

It shall apply from 1 November 2001.

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

Done at Brussels, 30 October 2001.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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<sup>(1)</sup> OJ L 297, 21.11.1996, p. 1.  
<sup>(2)</sup> OJ L 129, 11.5.2001, p. 3.  
<sup>(3)</sup> OJ L 193, 3.8.1996, p. 1.  
<sup>(4)</sup> OJ L 205, 31.7.2001, p. 23.  
<sup>(5)</sup> OJ L 253, 11.10.1993, p. 1.  
<sup>(6)</sup> OJ L 141, 28.5.2001, p. 1.  
<sup>(7)</sup> OJ L 336, 23.12.1994, p. 22.

## ANNEX

## 'ANNEX

Without prejudice to the rules for the interpretation of the Combined Nomenclature, the description of the products is deemed to be indicative only. The scope of the additional duties for the purposes of this Annex is determined by the scope of the CN codes as they exist at the time of the adoption of this Regulation. Where "ex" appears before the CN code, the scope of the additional duties is determined both by the scope of the CN code and the corresponding trigger period.

Serial No	CN code	Description	Trigger period	Trigger level (tonnes)
78.0015	ex 0702 00 00	Tomatoes	— 1 October to 31 March	718 828
78.0020			— 1 April to 30 September	1 174 823
78.0065	ex 0707 00 05	Cucumbers	— 1 May to 31 October	11 881
78.0075			— 1 November to 30 April	6 621
78.0085	ex 0709 10 00	Artichokes	— 1 November to 30 June	69 158
78.0100	0709 90 70	Courgettes	— 1 January to 31 December	9 867
78.0110	ex 0805 10 10 ex 0805 10 30 ex 0805 10 50	Oranges	— 1 December to 31 May	758 268
78.0120	ex 0805 20 10	Clementines	— 1 November to end of February	85 146
78.0130	ex 0805 20 30 ex 0805 20 50 ex 0805 20 70 ex 0805 20 90	Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids	— 1 November to end of February	93 931
78.0155	ex 0805 30 10	Lemons	— 1 June to 31 December	289 508
78.0160			— 1 January to 31 May	14 586
78.0170	ex 0806 10 10	Table grapes	— 21 July to 20 November	205 769
78.0175	ex 0808 10 20 ex 0808 10 50 ex 0808 10 90	Apples	— 1 January to 31 August	1 035 900
78.0180			— 1 September to 31 December	578 486
78.0220	ex 0808 20 50	Pears	— 1 January to 30 April	269 828
78.0235			— 1 July to 31 December	91 447
78.0250	ex 0809 10 00	Apricots	— 1 June to 31 July	178 499
78.0265	ex 0809 20 95	Cherries, other than sour cherries	— 21 May to 10 August	153 116
78.0270	ex 0809 30	Peaches, including nectarines	— 11 June to 30 September	255 305
78.0280	ex 0809 40 05	Plums	— 11 June to 30 September	54 177'

## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 27 September 2001

**authorising the conclusion by the Commission of two Cooperation Agreements between the European Atomic Energy Community and the Government of the Russian Federation in the fields of nuclear safety and controlled nuclear fusion**

(2001/761/Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 101(2) thereof,

Having regard to the Agreement on Partnership and Cooperation establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part<sup>(1)</sup>, which entered into force on 1 December 1997, and which aims to establish close cooperation in the nuclear sector, *inter alia*, through the implementation of two agreements on nuclear safety and thermonuclear fusion,

Having regard to the proposal from the Commission,

Whereas:

- (1) In accordance with the directives that the Council adopted in its Decision of 17 January 1991, the Commission has negotiated two agreements on nuclear safety and controlled nuclear fusion between the European Atomic Energy Community and the Russian Federation.
- (2) The Commission should be authorised to conclude the agreements.
- (3) The Council, acting on a proposal by the Commission, approved the agreements on 22 December 1994. However, subsequent developments made revision and

updating necessary. Therefore, the Council Decision of 22 December 1994 should be repealed.

- (4) The Council adopted Decision 1999/64/Euratom on 22 December 1998 concerning the fifth framework programme of the European Atomic Energy Community (Euratom) for research and training activities (1998 to 2002)<sup>(2)</sup> which includes the key action controlled thermonuclear fusion.
- (5) The Council in its Decision 1999/175/Euratom of 25 January 1999 adopted a research and training programme (Euratom) in the field of nuclear energy for the period 1998 to 2002<sup>(3)</sup>,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Commission is hereby authorised to conclude with the Russian Federation the following two agreements: the Agreement for cooperation between the European Atomic Energy Community and the Government of the Russian Federation in the field of nuclear safety and the Agreement for cooperation between the European Atomic Energy Community and the Government of the Russian Federation in the field of controlled nuclear fusion.

The text of these two agreements is attached to this Decision<sup>(4)</sup>.

<sup>(2)</sup> OJ L 26, 1.2.1999, p. 34.

<sup>(3)</sup> OJ L 64, 12.3.1999, p. 142.

<sup>(4)</sup> See page 23 of this Official Journal.

<sup>(1)</sup> OJ L 327, 28.11.1997, p. 3.

*Article 2*

The Council Decision of 22 December 1994 is repealed and replaced by this Decision.

Done at Brussels, 27 September 2001.

*For the Council*  
*The President*  
R. LANDUYT

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# COMMISSION

## COMMISSION DECISION

of 28 September 2001

**on the conclusion of two cooperation agreements between the European Atomic Energy Community and the Russian Federation in the field of nuclear safety and in the field of controlled nuclear fusion**

(notified under document number C(2001) 2901)

(2001/762/Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 101(2) thereof,

Having regard to the approval of the Council <sup>(1)</sup>,

Whereas:

The two agreements between the European Atomic Energy Community and the Russian Federation in the field of nuclear safety and in the field of nuclear fusion must be concluded,

*Sole Article*

The two agreements between the European Atomic Energy Community and the Russian Federation in the field of nuclear safety and in the field of controlled nuclear fusion are hereby concluded on behalf of the European Atomic Energy Community.

Done at Brussels, 28 September 2001.

*For the Commission*

Pascal LAMY

*Member of the Commission*

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<sup>(1)</sup> See page 21 of this Official Journal.

## AGREEMENT

### for cooperation between the European Atomic Energy Community and the Government of the Russian Federation in the field of nuclear safety

THE EUROPEAN ATOMIC ENERGY COMMUNITY,

hereinafter referred to as 'the Community', and

the Government of the RUSSIAN FEDERATION,

both referred to hereinafter as the 'Party' or 'Parties', as appropriate,

RECALLING that the Agreement on partnership and cooperation between the European Communities and their Member States, on the one hand, and the Russian Federation, on the other hand, which entered into force on 1 December 1997, establishes that the Parties shall cooperate in the nuclear sector *inter alia* through the implementation of two agreements on thermonuclear fusion and on nuclear safety,

RECALLING that the Commission of the European Communities has responsibilities, *inter alia*, for laying down basic standards for radiation protection, and for ensuring their implementation, and for collecting and monitoring radiation data at Community level,

RECALLING that protection of the environment and cooperating with third parties is of importance,

CONSIDERING that the Commission of the European Communities implements Community research programmes in the field of nuclear safety, including reactor safety, radiation protection, waste management and nuclear plant decommissioning and dismantling, as well as in the field of safeguards for nuclear materials, and intends to develop scientific and technological cooperation with third countries on these subjects with a view to contributing towards internationally accepted nuclear safety principles and guidelines,

CONSIDERING that the Russian Federation makes a considerable effort on the implementation of research and development programmes aimed at improving the safety of existing nuclear power plants and of those being under design to answer accepted up-to-date nuclear safety requirements, as well as at solving problems of radioactive waste management and of nuclear plant decommissioning,

RECALLING that the Russian Federation's regulatory activity for the nuclear sector is intended to ensure the protection of the environment and population in general, as well as the protection of workers, against radiation on the basis of internationally accepted guidelines and principles,

RECOGNIZING that the future contribution of nuclear energy to meet the energy needs of Europe as a whole, with due consideration for diversification, the economy and the environment, also depends on developing satisfactory solutions to the safety related issues aforementioned, as well as on assessing the safety levels of existing nuclear reactors and their necessary upgrading as a consequence,

TAKING INTO ACCOUNT the various forms of coordinated actions on nuclear safety undertaken by the Parties, in particular, under the TACIS programme,

DETERMINED to strengthen their cooperation and to avail themselves of regular consultations in the field of nuclear safety,

HAVE AGREED AS FOLLOWS:

#### Article 1

Cooperation under this Agreement shall, on the basis of mutual benefit, contribute to the improvement of nuclear safety.

tion shall be paid to low-dose effects, industrial exposures and post-accident management.

#### (c) Nuclear waste management

Assessment and optimisation of geological disposal, and scientific aspects of the management of long-lived waste.

#### Article 2

Cooperation shall involve the following topics:

#### (d) Decommissioning, decontamination and dismantling of nuclear installations

##### (a) Reactor safety research

Review and analysis of safety issues and particularly the impact of reactor safety on nuclear power development; identification of appropriate techniques to improve reactor safety through research and development and evaluation studies on nuclear reactors in operation and planned.

Strategies for decommissioning and dismantling nuclear installations, including radiological aspects.

#### (e) Research and development on accountancy and control of nuclear material

##### (b) Radiation protection

Research, regulatory aspects, development of safety standards, personnel training and education, particular atten-

Development and evaluation of nuclear material measurement techniques and characterisation of reference materials for accountancy and control activities and improvement of the systems of accounting for and control of nuclear materials.

### Article 3

1. Cooperation in the areas specified in Article 2 of this Agreement shall be implemented in particular through:

- exchange of technical information by means of reports, visits, seminars, technical meetings, etc.,
- exchange of personnel between laboratories and/or bodies, including for training purposes,
- exchange of samples, materials, instruments and apparatus for experimental purposes,
- balanced participation in joint studies and activities.

2. To the extent necessary, implementing arrangements to set out scope, terms and conditions to implement specific cooperation activities, may be entered into by the Parties and/or by bodies which either Party may eventually entrust with the aforementioned activities.

Such implementing arrangements may, *inter alia*, cover financing provisions, assignment of management responsibilities and detailed provisions on dissemination of information and intellectual property rights.

The executive agent for the Russian Party for implementing this Agreement shall be the Ministry of the Russian Federation for Atomic Energy.

3. In order to minimise duplication of efforts, the Parties shall coordinate their activities under this Agreement with other international activities related to nuclear safety in which they are participants.

### Article 4

1. The activities under this Agreement shall be subject to the availability of appropriated funds in each of the Parties.

2. All costs resulting from cooperation shall be borne by the Party that incurs them.

3. The financing of industrial activities is excluded under this Agreement.

### Article 5

1. This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Atomic Energy Community is applied and under the conditions laid down in this Treaty and, on the other hand, to the territory of the Russian Federation.

2. Cooperation under this Agreement shall be in accordance with the laws and regulations in force in each of the Parties.

3. Each Party shall use its best endeavours, within the framework of its laws and regulations applicable, to facilitate the accomplishment of formalities involved in the movement of persons, the transfer of materials and equipment and the transfer of currency required to conduct the cooperation.

4. Compensation for damages incurred during the implementation of this Agreement shall be made in accordance with the laws and regulations applicable in each of the Parties.

### Article 6

Treatment of information, industrial property and copyright resulting from the cooperation activities under this Agreement shall be in accordance with Annexes I, II and III, which form an integral part of this Agreement.

### Article 7

Subject to their respective laws and regulations, the Parties shall endeavour to settle all questions connected with this Agreement including those related to its application and interpretation through consultations between themselves.

### Article 8

1. A coordinating committee consisting of members appointed in equal number by the two Parties shall be established to supervise the implementation of this Agreement.

2. The coordinating committee shall meet each year, alternately in the Community and in the Russian Federation, for regular sessions in order to:

- review and assess the state of cooperation under this Agreement and prepare annual reports thereon,
- determine by mutual agreement the specific tasks to be undertaken under this Agreement.

3. If mutually agreeable, extraordinary sessions of the Coordinating Committee may be held for dealing with particular topics, or in particular circumstances.

### Article 9

1. This Agreement shall enter into force on the date on which the Parties have notified each other in writing that their respective internal procedures necessary for its entry into force have been completed. It shall remain in force for an initial period of 10 years.

2. Thereafter, this Agreement shall be automatically renewed for five-year periods, unless either Party, by written notice, requests its termination or renegotiation not later than six months prior to the expiry date.

3. In the event of termination or renegotiation of this Agreement, the provisions thereof shall remain valid, in its previous form with respect to cooperation activities effectively entered into prior to the request for termination or renegotiation, until the end of such activities and relative implementing arrangements or for one calendar year after the expiry of this Agreement in its previous form, whichever is the earlier.

4. Termination of this Agreement shall not affect rights and obligations of the Parties under Article 6 of this Agreement.

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

*For the European Atomic Energy Community*

Philippe BUSQUIN

*For the Government of the Russian Federation*

Alexander RUMYANTSEV

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## ANNEX I

**Guiding principles on the allocation of intellectual property rights resulting from joint research activities under the Agreement for Cooperation in the field of nuclear safety**

## I. OWNERSHIP, ALLOCATION AND EXERCISE OF RIGHTS

1. This Annex shall apply to joint research activities under this Agreement except as otherwise agreed by the Parties. The participants shall jointly develop technology management plans (TMPs) in respect of the ownership and use, including publication, of information and intellectual property, hereinafter referred to as results of intellectual activities (RIA), to be created in the course of joint research. The TMPs shall be approved by the Parties before the conclusion of any specific R & D cooperation contracts to which they refer. The TMPs shall be developed taking into account the aims of the joint research, the relative contributions of the participants, peculiarities of licensing by territory or for a specific field of use, requirements imposed by laws applicable and other factors deemed appropriate by the participants. The rights and obligations concerning the research generated by visiting researchers under this Agreement in respect of RIA shall also be addressed in the joint TMPs.
2. RIA created in the course of joint research and not addressed in the TMP shall be allocated, with the approval of the Parties, according to the principles set out in the TMP. In case of disagreement, such RIA shall be owned jointly by all the participants involved in the joint research from which the RIA results. Each participant to whom this provision applies shall have the right to use such RIA for his own commercial exploitation with no geographical limitation.
3. Each Party shall ensure that the other Party and its participants shall have the rights to RIA allocated to them in accordance with these principles.
4. While maintaining the conditions of competition in areas affected by this Agreement each Party shall endeavour to ensure that rights acquired pursuant to this Agreement and arrangements made under it are exercised in such a way as to encourage in particular:
  - (i) the dissemination and use of information created, disclosed legally, or otherwise legally made available, under the Agreement;
  - (ii) the adoption and implementation of international technical standards.

## II. COPYRIGHT WORKS

1. Copyright belonging to the Parties or to their participants shall be accorded treatment consistent with the Berne Convention for the protection of literary and artistic work (Paris Act 1971).
2. Without prejudice to section III of this Annex, unless otherwise agreed in the TMP, publication of results of research shall be made jointly by the Parties or participants to that joint research. Subject to the foregoing general rule, the following procedures shall apply:
  - (a) in the case of publication by a Party or its other participants, of scientific and technical journals, articles, reports, books, including video and software, of the results arising from joint research pursuant to this Agreement, the other Party or its other participants shall be entitled to a worldwide, non-exclusive, irrevocable, royalty-free licence to translate, reproduce, adapt, transmit and publicly distribute such works;
  - (b) the Parties shall ensure that literary works of a scientific character arising from joint research pursuant to this Agreement and published by independent publishers shall be disseminated as widely as possible;
  - (c) all copies of a copyright work to be publicly distributed and prepared under the provisions of this Agreement shall indicate the names or pseudonyms of the author(s) of the work unless an author or authors expressly declines or decline to be named. The copies shall also bear a clearly visible acknowledgment of the cooperative support of the Parties and/or their representatives and/or organisations.

## III. UNDISCLOSED INFORMATION

1. Documentary undisclosed information
  - (a) Each Party or its participants, as appropriate, shall identify at the earliest possible moment and preferably in the TMP, the information that it wishes to remain undisclosed in relation to this Agreement, taking account, *inter alia*, of the following criteria:
    - secrecy of the information in the sense that the information is not, as a body or in the precise configuration or assembly of its components, generally known among or readily accessible by lawful means to experts in the field,
    - the actual or potential commercial value of the information by virtue of its secrecy for the third party,
    - previous protection of the information in the sense that it has been subject to steps that were reasonable under the circumstances by the person lawfully in control, to maintain its secrecy,

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

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

a Party receiving undisclosed information pursuant to this Agreement shall respect the privileged nature thereof. These limitations shall automatically terminate when this information is disclosed by the owner without restriction to experts in the field;

- (c) undisclosed information communicated under this Agreement may be disseminated by the receiving Party to persons within or employed by the receiving Party, and other concerned departments or agencies in the receiving Party authorised for the specific purposes of the joint research under way, provided that any undisclosed information so disseminated shall be pursuant to a specific agreement on confidentiality and shall be readily recognisable as such, as set out above;

- (d) with the prior written consent of the Party providing undisclosed information under this Agreement, the receiving Party may disseminate such undisclosed information more widely than otherwise permitted in paragraph (c). The Parties shall cooperate in developing procedures for requesting and obtaining prior written consent for such wider dissemination, and each Party will grant such approval to the extent permitted by its domestic policies, regulations and laws.

## 2. Non-documentary undisclosed information

Non-documentary undisclosed or other confidential or privileged information provided in seminars and other meetings arranged under this Agreement, or information arising from the attachment of staff, use of facilities, or joint projects, shall be treated by the Parties or their participants according to the principles specified for documentary information in this Annex, provided, however, that the recipient of such undisclosed or other confidential or privileged information has been made aware of the confidential character of the information communicated at the time such communication is made.

## 3. Control

Each Party shall endeavour to ensure that undisclosed information received by it under this Agreement shall be controlled as provided therein. If one of the Parties becomes aware that it will be, or may reasonably be, expected to become unable to meet the non-dissemination provisions of paragraphs 1 and 2, it shall immediately inform the other Party. The Parties shall thereafter consult to define an appropriate course of action.

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ANNEX II

**Definitions**

1. INTELLECTUAL PROPERTY: shall have the meaning found in Article 2 of the Convention establishing the World Intellectual Property Organisation, done at Stockholm on 14 July 1967.
2. PARTICIPANT: any natural or legal person, including the Parties themselves, participating in a projet under this Agreement.
3. JOINT RESEARCH: research implemented and/or funded by the joint contributions of the Parties and with collaboration from participants of both Parties, where appropriate.
4. INFORMATION: scientific or technical data, results or methods of research and development stemming from the joint research and any other information deemed necessary by the Parties and/or participants engaged in the joint research to be provided or exchanged under this Agreement or research pursuant thereto.
5. RESULTS OF INTELLECTUAL ACTIVITY: information and/or intellectual property.

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ANNEX III

**Indicative features of a technology management plan (TMP)**

The TMP is a specific agreement to be concluded between the participants, about the implementation of joint research and the respective rights and obligations of the participants. With respect to RIA, the TMP will normally address, *inter alia*: ownership, protection, user rights for R & D purposes, exploitation and dissemination, including arrangements for joint publication, the rights and obligations of visiting researchers and dispute settlement procedures. The TMP may also address foreground and background information, licensing and deliverables.

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## AGREEMENT

### for cooperation between the European Atomic Energy Community and the Government of the Russian Federation in the field of controlled nuclear fusion

THE EUROPEAN ATOMIC ENERGY COMMUNITY,

hereinafter referred to as 'the Community', and

the Government of the RUSSIAN FEDERATION,

both referred to hereinafter as the 'Party' or 'Parties', as appropriate,

RECALLING that the Agreement on Partnership and Cooperation between the European Communities and their Member States, on the one hand, and the Russian Federation, on the other hand, which entered into force on 1 December 1997, establishes that the Parties shall cooperate in the nuclear sector, *inter alia*, through the implementation of two agreements on thermonuclear fusion and on nuclear safety,

DESIRING to facilitate the achievement of fusion energy as a potentially environmentally acceptable, economically competitive, and virtually limitless source of energy,

INTENDING to strengthen the collaboration being carried out worldwide under fusion programmes, particularly in the framework of the activities connected with the international thermonuclear experimental reactor, hereinafter referred to as the 'ITER',

RECOGNISING the commonality and complementarity of the Parties' fusion programmes,

DETERMINED to strengthen their cooperation in the field of controlled nuclear fusion through regular consultations,

HAVE AGREED AS FOLLOWS:

#### Article 1

The Parties shall maintain and intensify cooperation in the areas covered by their respective fusion programmes on the basis of equality and mutual benefit in order to develop, particularly in the framework of activities connected with ITER project implementation, the scientific understanding and technological capability underlying a fusion power system.

- (a) exchanges of scientific and technical information;
- (b) exchanges of personnel;
- (c) joint meetings, conferences and seminars;
- (d) exchanges of samples, materials, instruments and apparatus for experimental and evaluation purposes;
- (e) balanced participation in joint studies and activities, and
- (f) other activities as may be mutually agreed by the Parties.

#### Article 2

Cooperation under this Agreement may be undertaken in the following research areas:

- (a) plasma behaviour at tokamaks, including the large projects of the present generation and activities related to those of the next generation;
- (b) alternative lines to tokamaks;
- (c) magnetic fusion technology;
- (d) plasma theory and applied plasma physics;
- (e) development of programme policies and plans, and
- (f) other areas as may be mutually agreed by the Parties.

#### Article 3

Cooperation in the areas referred to in Article 2 of this Agreement may be implemented through:

#### Article 4

1. Within the framework of this Agreement, implementing arrangements on specific cooperative actions shall be concluded between the Community or any organisation associated with it within the framework of the Community fusion programme designated by the Community for this purpose, and the Ministry of the Russian Federation for Atomic Energy, or any organisation designated by it for the implementation of specific activities (hereinafter collectively referred to as 'the implementing agencies').

2. The abovementioned arrangements to implement activities listed in Article 3 shall contain:

- (a) specific details, procedures and financing provisions for individual cooperative activities;
- (b) assignment of the responsibility for the operational management of the concerned activity to a single organisation or its operating agent;



(c) detailed provisions on dissemination of information and treatment of intellectual property.

3. Each Party shall coordinate its activities under this Agreement as appropriate, with other international activities related to research and development in the field of controlled nuclear fusion in which the other Party is a participant, in order to minimise duplication of effort.

#### Article 5

1. The Parties shall establish a coordinating committee to coordinate and to supervise the execution of this Agreement. Each of the Parties shall appoint an equal number of members to the coordinating committee and nominate one of its appointed members as its head of delegation. The coordinating committee shall meet each year, alternately in the Community and in the Russian Federation unless otherwise agreed upon. The head of delegation of the receiving Party shall chair the meeting.

2. The functions of the coordinating committee shall include:

- (a) assessing the state of cooperation under this Agreement;
- (b) determining the specific tasks to be undertaken in the areas referred to in Article 2.

3. All decisions of the coordinating committee shall be taken by unanimity. For making such decisions, each Party shall have one vote to be cast by its head of delegation.

4. For periods between meetings of the coordinating committee, each Party shall nominate an executive secretary to act on its behalf in all matters concerning cooperation under this Agreement. The executive secretaries shall be responsible for day-to-day management of such cooperation.

#### Article 6

All costs resulting from the cooperation under this Agreement shall be borne by the Party that incurs them, unless otherwise specifically agreed in writing.

#### Article 7

Treatment of information, industrial property and copyright resulting from the cooperative activities under this Agreement shall be in accordance with the Annexes I, II and III, which form an integral part of this Agreement.

#### Article 8

Nothing in this Agreement shall be construed to prejudice existing or future arrangements for cooperation between the Parties.

#### Article 9

1. The implementation of cooperative activities by the Parties under this Agreement shall be subject to the availability of appropriated funds.

2. Cooperation under this Agreement shall be in accordance with the laws and regulations applicable in each of the Parties.

3. Each Party shall use its best endeavours, within the framework of its laws and regulations applicable, to facilitate the accomplishment of formalities involved in the movement of persons, the transfer of materials and equipment and the transfer of currency required to conduct the cooperation.

4. Compensation for damages incurred during the implementation of this Agreement shall be made in accordance with the laws and regulations applicable in each of the Parties.

#### Article 10

Subject to their respective laws and regulations, the Parties shall endeavour to settle all questions connected with this Agreement, including those related to its application and interpretation, through consultations between themselves.

#### Article 11

1. This Agreement shall enter into force on the date on which the Parties have notified each other in writing that their respective internal procedures necessary for its entry into force have been completed. It shall remain in force for an initial period of five years.

2. Thereafter, this Agreement shall be automatically renewed for five-year periods, unless either Party, by written notice, requests its termination or renegotiation not later than six months prior to the expiry date.

3. In the event of termination or renegotiation of this Agreement the provision thereof shall remain valid in its previous form, with respect to cooperation activities effectively entered into prior to the request for termination or renegotiation and to implementing arrangements as envisaged in Article 4 of this Agreement, until the end of such activities and arrangements.

4. Termination of this Agreement shall not affect rights and obligations of the Parties under Article 7 of this Agreement.

#### Article 12

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Atomic Energy Community is applied and under the conditions laid down in this Treaty and to the territories of the countries participating in the Community fusion programme as fully associated third States and, on the other hand, to the territory of the Russian Federation.

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

*For the European Atomic Energy Community*

Philippe BUSQUIN

*For the Government of the Russian Federation*

Alexander RUMYANTSEV

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## ANNEX I

**Guiding principles on the allocation of intellectual property rights resulting from joint research activities under the Agreement for Cooperation in the field of controlled nuclear fusion**

## I. OWNERSHIP, ALLOCATION AND EXERCISE OF RIGHTS

1. This Annex shall apply to joint research activities under this Agreement except as otherwise agreed by the Parties. The participants shall jointly develop technology management plans (TMPs) in respect of the ownership and use, including publication, of information and intellectual property, hereinafter referred to as results of intellectual activities (RIA), to be created in the course of joint research. The TMPs shall be approved by the Parties before the conclusion of any specific R & D cooperation contracts to which they refer. The TMPs shall be developed taking into account the aims of the joint research, the relative contributions of the participants, peculiarities of licensing by territory or for a specific field of use, requirements imposed by laws applicable and other factors deemed appropriate by the participants. The rights and obligations concerning the research generated by visiting researchers under this Agreement in respect of RIA shall also be addressed in the joint TMPs.
2. RIA created in the course of joint research and not addressed in the TMP shall be allocated, with the approval of the Parties, according to the principles set out in the TMP. In case of disagreement, such RIA shall be owned jointly by all the participants involved in the joint research from which the RIA results. Each participant to whom this provision applies shall have the right to use such RIA for his own commercial exploitation with no geographical limitation.
3. Each Party shall ensure that the other Party and its participants shall have the rights to RIA allocated to them in accordance with these principles.
4. While maintaining the conditions of competition in areas affected by this Agreement each Party shall endeavour to ensure that rights acquired pursuant to this Agreement and arrangements made under it are exercised in such a way as to encourage in particular:
  - (i) the dissemination and use of information created, disclosed legally, or otherwise legally made available, under the Agreement;
  - (ii) the adoption and implementation of international technical standards.

## II. COPYRIGHT WORKS

1. Copyright belonging to the Parties or to their participants shall be accorded treatment consistent with the Berne Convention for the protection of literary and artistic work (Paris Act 1971).
2. Without prejudice to section III of this Annex, unless otherwise agreed in the TMP, publication of results of research shall be made jointly by the Parties or participants to that joint research. Subject to the foregoing general rule, the following procedures shall apply:
  - (a) in the case of publication by a Party or its other participants, of scientific and technical journals, articles, reports, books, including video and software, of the results arising from joint research pursuant to this Agreement, the other Party or its other participants shall be entitled to a worldwide, non-exclusive, irrevocable, royalty-free licence to translate, reproduce, adapt, transmit and publicly distribute such works;
  - (b) the Parties shall ensure that literary works of a scientific character arising from joint research pursuant to this Agreement and published by independent publishers shall be disseminated as widely as possible;
  - (c) all copies of a copyright work to be publicly distributed and prepared under the provisions of this Agreement shall indicate the names or pseudonyms of the author(s) of the work unless an author or authors expressly declines or decline to be named. The copies shall also bear a clearly visible acknowledgment of the cooperative support of the Parties and/or their representatives and/or organisations.

## III. UNDISCLOSED INFORMATION

1. Documentary undisclosed information
  - (a) Each Party or its participants, as appropriate, shall identify at the earliest possible moment and preferably in the TMP the information that it wishes to remain undisclosed in relation to this Agreement, taking account, *inter alia*, of the following criteria:
    - secrecy of the information in the sense that the information is not, as a body or in the precise configuration or assembly of its components, generally known among or readily accessible by lawful means to experts in the field,

- the actual or potential commercial value of the information by virtue of its secrecy for the third party,
- previous protection of the information in the sense that it has been subject to steps that were reasonable under the circumstances by the person lawfully in control, to maintain its secrecy.

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

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

A Party receiving undisclosed information pursuant to this Agreement shall respect the privileged nature thereof. These limitations shall automatically terminate when this information is disclosed by the owner without restriction to experts in the field.

- (c) Undisclosed information communicated under this Agreement may be disseminated by the receiving Party to persons within or employed by the receiving Party, and other concerned departments or agencies in the receiving Party authorised for the specific purposes of the joint research under way, provided that any undisclosed information so disseminated shall be pursuant to a specific agreement on confidentiality and shall be readily recognisable as such, as set out above.
- (d) With the prior written consent of the Party providing undisclosed information under this Agreement, the receiving Party may disseminate such undisclosed information more widely than otherwise permitted in paragraph (c). The Parties shall cooperate in developing procedures for requesting and obtaining prior written consent for such wider dissemination, and each Party will grant such approval to the extent permitted by its domestic policies, regulations and laws.

## 2. Non-documentary undisclosed information

Non-documentary undisclosed or other confidential or privileged information provided in seminars and other meetings arranged under this Agreement, or information arising from the attachment of staff, use of facilities, or joint projects, shall be treated by the Parties or their participants according to the principles specified for documentary information in this Annex, provided, however, that the recipient of such undisclosed or other confidential or privileged information has been made aware of the confidential character of the information communicated at the time such communication is made.

## 3. Control

Each Party shall endeavour to ensure that undisclosed information received by it under this Agreement shall be controlled as provided therein. If one of the Parties becomes aware that it will be, or may reasonably be expected to become unable to meet the non-dissemination provisions of paragraphs 1 and 2, it shall immediately inform the other Party. The Parties shall thereafter consult to define an appropriate course of action.

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## ANNEX II

**Definitions**

1. INTELLECTUAL PROPERTY: shall have the meaning found in Article 2 of the Convention establishing the World Intellectual Property Organisation, done at Stockholm on 14 July 1967.
2. PARTICIPANT: any natural or legal person, including the Parties themselves, participating in a project under this Agreement.
3. JOINT RESEARCH: research implemented and/or funded by the joint contributions of the Parties and with collaboration from participants of both Parties, where appropriate.
4. INFORMATION: scientific or technical data, results or methods of research and development stemming from the joint research and any other information deemed necessary by the Parties and/or participants engaged in the joint research to be provided or exchanged under this Agreement or research pursuant thereto.
5. RESULTS OF INTELLECTUAL ACTIVITY: information and/or intellectual property.

## ANNEX III

**Indicative features of a technology management plan (TMP)**

The TMP is a specific agreement to be concluded between the participants, about the implementation of joint research and the respective rights and obligations of the participants. With respect to RIA, the TMP will normally address, *inter alia*: ownership, protection, user rights for R & D purposes, exploitation and dissemination, including arrangements for joint publication, the rights and obligations of visiting researchers and dispute settlement procedures. The TMP may also address foreground and background information, licensing and deliverables.

## COMMISSION DECISION

of 30 October 2001

**amending Decision 2001/740/EC concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom**

(notified under document number C(2001) 3378)

(Text with EEA relevance)

(2001/763/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Following the reports of outbreaks of foot-and-mouth disease in the United Kingdom, the Commission adopted protective measures. These measures have been amended several times and were consolidated lastly by adopting Commission Decision 2001/740/EC <sup>(4)</sup> concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom.
- (2) Certain counties in Great Britain, which are listed in Annex III, have had no outbreak of foot-and-mouth disease during this epidemic, others to be included have remained free from the disease for more than 3 months. It appears therefore appropriate to enlarge the area from which dispatch of certain meats is authorized and to include in addition to pig meat also meat from other livestock and meat from farmed and wild game of species susceptible to foot-and-mouth disease.
- (3) Council Directive 92/45/EEC <sup>(5)</sup>, as last amended by Directive 97/79/EC <sup>(6)</sup>, concerns public health and animal health problems relating to the killing of wild game and the placing on the market of wild-game meat.
- (4) The situation shall be reviewed at the meeting of the Standing Veterinary Committee scheduled for 4-5 December 2001 and the measures adapted where necessary.

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

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 2001/740/EC is amended as follows:

1. Article 2 is amended as follows:

- (a) The first sentence in paragraph 2(c), first indent, is replaced by:

‘— only fresh meat as described in paragraph (a), or fresh meat obtained from animals reared and slaughtered outside the area listed in Annex I, or fresh meat obtained from animals reared and slaughtered in accordance with the provisions in paragraph 2 d) below will be processed in this establishment at the time of processing meat eligible for dispatch under the provisions of this Decision.’

- (b) The second indent in paragraph 2(c) is replaced by:

‘— all such fresh meat must bear the health mark in accordance with Chapter XI of Annex I to Council Directive 64/433/EEC or in the case of meat from farmed game of species susceptible to foot-and-mouth disease the health mark provided for in Chapter III of Annex I of Directive 91/495/EEC, or in the case of wild game of species susceptible to foot-and-mouth disease in accordance with the provisions of Annex I Chapter VII of Directive 92/45/EC.’

- (c) Paragraph 2(d) is replaced by:

‘(d) fresh meat obtained from bovine, ovine, caprine and porcine animals and farmed game of species susceptible to foot-and-mouth disease conforming to the following conditions:

— the meat must be obtained from animals reared within the areas specified for the respective category of meat in the appropriate column in Annex III,

— the dispatch of such meat is authorized by the competent veterinary authorities of the United Kingdom,

<sup>(1)</sup> OJ L 224, 18.8.1990, p. 29.

<sup>(2)</sup> OJ L 62, 15.3.1993, p. 49.

<sup>(3)</sup> OJ L 395, 30.12.1989, p. 13.

<sup>(4)</sup> OJ L 277, 20.10.2001, p. 30.

<sup>(5)</sup> OJ L 268, 14.9.1992, p. 35.

<sup>(6)</sup> OJ L 24, 30.1.1998, p. 31.

- there has been no outbreak of foot-and-mouth disease in the county listed in Annex III during the past 90 days,
  - during the past 30 days prior to transport to the slaughterhouse, or in the case of farmed game prior to on-farm slaughtering, the animals have remained under the supervision of the competent veterinary authorities on a single holding situated within the areas listed in Annex III in the centre of a circle around the holding of at least 10 km radius where there has been no outbreak of foot-and-mouth disease during at least the past 30 days,
  - no animal of species susceptible to foot-and-mouth disease has been introduced into the holding referred to in the fourth indent during the past 30 days prior to loading, or in the case of farmed game prior to on-farm slaughtering, except in the case of pigs coming from a supplying holding which meets the requirements laid down in the third indent, in which case this period may be reduced to 7 days,
  - the animals or, in the case of farmed game slaughtered on the farm, the carcasses have been transported under official control in means of transport that have been cleaned and disinfected before loading from the holding referred to in the fourth indent directly to the designated slaughterhouse which is situated in an area listed in Annex III,
  - the animals have been slaughtered within less than 24 hours after arrival at the slaughterhouse separately from animals whose meat is not eligible for dispatch from the areas listed in Annex I,
  - during inspection by the official veterinarian at the slaughterhouse, or in the case of on-farm slaughtering of farmed game at the centre for mustering the wild animals, no clinical signs or post-mortem evidence of foot-and-mouth disease were established,
  - the meat derived from such animals remained in the establishment for at least 24 hours after slaughter,
  - all such fresh meat must bear the health mark in accordance with Chapter XI of Annex I to Council Directive 64/433/EEC or in the case of farmed game the health mark provided for in Chapter III of Annex I of Directive 91/495/EEC,
  - the establishment is operated under strict veterinary control,
  - in the case where foot-and-mouth disease has been diagnosed in the establishment, any further preparation of meat for dispatch outside the areas listed in Annex I shall only be authorised after the slaughter of all animals present, removal of all meat and dead animals and not earlier than 24 hours after the completion of the total cleaning and disinfection of the said establishments under the control of an official veterinarian,
  - the fresh meat must be clearly identified, and transported and stored separately from meat which is not eligible for dispatch outside the areas mentioned in Annex I,
  - the control of the compliance with the above listed conditions shall be carried out by the competent veterinary authority under the supervision of the central veterinary authorities who will communicate to the other Member States and the Commission a list of those establishments which they have approved in application of these provisions.'
- (d) The following words are added to paragraph 2:
- '(e) fresh meat obtained from wild game of species susceptible to foot-and-mouth disease and conforming to the following conditions:
- the meat must be obtained from wild game killed within the areas specified for the respective category of meat in the appropriate column in Annex III,
  - the dispatch of such meat is authorized by the competent veterinary authorities of the United Kingdom,
  - there has been no outbreak of foot-and-mouth disease in the county listed in Annex III during the past 90 days,
  - the meat originates from animals that were killed at least 20 km distant from areas not included in Annex III,
  - after the killing of the animals the carcasses were transported in means of transport that has been cleaned and disinfected before loading directly to an establishment, this being either a wild game collection centre or an approved processing house, for chilling,
  - during post-mortem inspection by the official veterinarian in the establishment the carcasses were found free from lesions of foot-and-mouth disease,
  - the meat derived from such animals remained in the establishment for at least 24 hours after post-mortem inspection,
  - the meat was handled in an establishment which is situated in an area listed in Annex III,
  - the meat has during all stages of its production, been handled, stored and transported in accordance with the requirements of Council Directive 92/45/EEC,
  - all such fresh meat must bear the health mark in accordance with Chapter VII of Annex I to Council Directive 92/45/EEC,

- the establishment is operated under strict veterinary control,
  - in the case where foot-and-mouth disease has been diagnosed in the establishment, any further preparation of meat for dispatch outside the areas listed in Annex I shall only be authorised after the slaughter of all animals present, removal of all meat and dead animals and not earlier than 24 hours after the completion of the total cleaning and disinfection of the said establishments under the control of an official veterinarian,
  - the fresh meat must be clearly identified, and transported and stored separately from meat which is not eligible for dispatch outside the areas mentioned in Annex I,
  - the control of the compliance with the above listed conditions shall be carried out by the competent veterinary authority under the supervision of the central veterinary authorities who will communicate to the other Member States and the Commission a list of those establishments which they have approved in application of these provisions;
- (f) Fresh meat destined for placing on the market in Great Britain and obtained from cutting plants situated in the areas not listed in Annex I under the following conditions:
- the meat is derived from animals reared and slaughtered in the areas listed in Annex I,
  - the meat remained in the slaughterhouse situated in the areas listed in Annex I for at least 24 hours after slaughter,
  - the cutting plants processing such meat are approved by the competent authorities exclusively for the production of fresh meat destined for dispatch only within the United Kingdom,
  - all such meat shall be transported, stored and processed separately from meat eligible for dispatch outside the areas listed in Annex I and shall bear the health mark in accordance with Decision 2001/304/EC,
- all meat originating from areas listed in Annex I and processed in cutting plants referred to in the third indent shall only be placed on the market in the areas listed in Annex I,
  - the plants will be operated under strict veterinary control,
  - the control of the compliance with the above listed conditions shall be carried out by the competent veterinary authority under the supervision of the central veterinary authorities who will communicate to the Member States and the Commission a list of those establishments which they have approved in application of these provisions.'
2. The first paragraph of Article 3(3)(b) is replaced by the following:  
'meat products prepared in establishments which at the time of processing of meat eligible for dispatch outside the areas listed in Annex I met the following conditions:'
3. The seventh indent in Article 6(3)(c) is replaced by the following:  
'— prior to dispatch the frozen semen was stored for a period of at least 30 days immediately following collection and during this 30 days period no animal in the semen collection centre where the donor bull or boar was kept showed any sign of foot-and-mouth disease.'
4. Annex III is replaced by the Annex to this Decision.

#### Article 2

This Decision is addressed to the Member States.

Done at Brussels, 30 October 2001.

*For the Commission*

David BYRNE

*Member of the Commission*



## ANNEX

## 'ANNEX III

GROUP	ADNS	Administrative Unit	GIS	B	S/G	P	FG	WG
Scottish Islands	82	Shetland Islands		+	-	+	-	-
		Shetland Islands	131					
	83	Orkney Islands		+	-	+	-	-
		Orkney Islands	123					
	84	Western Islands		+	-	+	-	-
		NA H-Eileanan An Iar	124					
Scotland	85	Wick consisting of		+	-	+	-	-
		Part of Highland	121					
	86	Elgin consisting of		+	-	+	-	-
		Moray	122					
		Part of Highland	121					
	87	Inverness consisting of		+	-	+	-	-
		Part of Highland	121					
	88	Aberdeenshire consisting of		+	-	+	-	-
		Aberdeen City	128					
		Aberdeenshire	126					
	89	Forfar consisting of		+	-	+	-	-
		Angus	79					
		Dundee City	81					
	90	Perth consisting of		+	-	+	-	-
		Clackmannanshire	80					
	Perth & Kinross	90						
91	Cupar		+	-	+	-	-	
	Fife	127						
92	Edinburgh consisting of		+	-	+	-	-	
	Falkirk	85						
	Midlothian	88						
	West Lothian	96						
	City of Edinburgh	129						
	East Lothian	130						
93	Galashiels		-	-	+	-	-	
	Scottish Borders	92						
94	Stirling		+	-	+	-	-	
	Stirling	94						
95	Oban		+	-	+	-	-	
	Argyll and Bute	125						

GROUP	ADNS	Administrative Unit	GIS	B	S/G	P	FG	WG
	96	Hamilton consisting of		+	-	+	-	-
		East Dunbartonshire	83					
		East Renfrewshire	84					
		City of Glasgow	86					
		Inverclyde	87					
		North Lanarkshire	89					
		Renfrewshire	91					
		South Lanarkshire	93					
		West Dunbartonshire	95					
	97	Ayr consisting of		+	-	+	-	-
		East Ayrshire	82					
		North Ayrshire	132					
		South Ayrshire	133					
	98	Stranraer consisting of		-	-	+	-	-
		Part of Dumfries & Galloway	134					
	99	Dumfries consisting of		-	-	+	-	-
		Part of Dumfries & Galloway	134					
England	01	Bedfordshire consisting of		+	-	+	-	-
		Bedford	137					
		Luton District	56					
	02	Berkshire consisting of		+	-	+	-	-
		Bracknell Forest	41					
		Reading	63					
		West Berkshire	75					
		Windsor & Maidenhead	76					
		Wokingham	77					
		Slough	66					
	03	Buckinghamshire		+	-	+	-	-
		Buckinghamshire County	138					
		Milton Keynes	39					
	05	Cambridgeshire consisting of		+	-	+	-	-
		Cambridgeshire County	139					
		City of Peterborough	48					
	06	Cheshire consisting of		-	-	+	-	-
		Halton	54					
		Cheshire County	140					
	07	Cornwall County		-	-	+	-	-
		Cornwall County	171					
	09	Derbyshire consisting of		-	-	+	-	-
		City of Derby	44					
		Derbyshire County	142					

GROUP	ADNS	Administrative Unit	GIS	B	S/G	P	FG	WG
	11	Dorset consisting of		+	-	+	-	-
		Dorset County	143					
		Bournemouth	40					
		Poole	62					
	13	Essex consisting of		-	-	+	-	-
		Southend-on-Sea	67					
		Essex County	146					
		Thurrock	72					
	14	Gloucestershire consisting of		-	-	+	-	-
		South Gloucestershire	68					
		Gloucestershire County	147					
	15	Hampshire consisting of		+	-	+	-	-
		Hampshire County	148					
		City of Portsmouth	135					
		City of Southampton	49					
	16	Isle of Wight		+	-	+	-	-
		Isle of Wight	114					
	17	Hereford & Worcester consisting of		-	-	+	-	-
		Worcestershire	167					
	18	Hertfordshire		+	-	+	-	-
		Hertfordshire	149					
	20	Kent consisting of		-	-	+	-	-
		Medway	57					
		Kent County	150					
	21	Lancashire consisting of		-	-	+	-	-
		Blackpool	39					
	22	Leicestershire consisting of		-	-	+	-	-
		City of Leicester	46					
		Rutland	65					
		Leicestershire County	152					
	24	Lincolnshire		+	-	+	-	-
		Lincolnshire	153					
	25	Merseyside consisting of		+	-	+	-	-
		Knowsley District	12					
		Liverpool District	14					
		Sefton District	23					
		St. Helens District	28					

GROUP	ADNS	Administrative Unit	GIS	B	S/G	P	FG	WG
	26	East London		-	-	+	-	-
		East London	168					
	27	South East London		-	-	+	-	-
		South East London	168					
	28	Norfolk		+	-	+	-	-
		Norfolk	154					
	29	Northamptonshire		-	-	+	-	-
		Northamptonshire	155					
	32	Nottinghamshire consisting of		+	-	+	-	-
		City of Nottingham	47					
		Nottinghamshire County	157					
	33	Oxfordshire		-	-	+	-	-
		Oxfordshire	158					
	34	Avon consisting of		-	-	+	-	-
		Bath & North East Somerset	37					
		City of Bristol	43					
		South Gloucestershire	68					
		North Somerset	120					
	36	Somerset		-	-	+	-	-
		Somerset	160					
	37	Staffordshire consisting of		-	-	+	-	-
		City of Stoke-on-Trent	50					
		Staffordshire County	161					
	38	Suffolk		+	-	+	-	-
		Suffolk	162					
	39	Isles of Scilly		+	-	+	-	-
		Isles of Scilly	172					
	40	Surrey		+	-	+	-	-
		Surrey	163					
	41	East Sussex consisting of		+	-	+	-	-
		Brighton & Hove	42					
		East Sussex County	145					
	42	West Sussex		+	-	+	-	-
		West Sussex	165					
	43	Warwickshire		-	-	+	-	-
		Warwickshire	164					

GROUP	ADNS	Administrative Unit	GIS	B	S/G	P	FG	WG
	44	Greater Manchester consisting of		+	-	+	-	-
		Tameside District	30					
		Oldham District	18					
		Rochdale District	19					
		Bury District	5					
		Bolton District	3					
		Salford District	21					
		Trafford District	31					
		Manchester District	15					
		Stockport District	27					
		Wigan District	34	-	-	+	-	-
	45	Wiltshire consisting of		-	-	+	-	-
		Swindon	70					
		Wiltshire County	166					
	46	West Midlands consisting of		+	-	+	-	-
		Birmingham District	2					
		Dudley District	9					
		Sandwell District	22					
		Solihull District	25					
		Walshall District	33					
		Wolverhampton District	36					
		Coventry District	7					
	47	South Yorkshire consisting of		+	-	+	-	-
		Barnsley District	1					
		Doncaster District	8					
		Rotherham District	20					
		Sheffield District	24					
	49	West Yorkshire consisting of		+	-	+	-	-
		Wakefield District	32					
		Kirklees District	11					
		Calderdale District	6					
	50	Beverley-North Yorkshire consisting of		+	-	+	-	-
		York	78					
		Selby District	177					

GROUP	ADNS	Administrative Unit	GIS	B	S/G	P	FG	WG
	51	Humberside consisting of		+	-	+	-	-
		East Riding of Yorkshire	53					
		City of Kingston upon Hull	45					
		North East Lincolnshire	60					
		North Lincolnshire	61					
Wales	53	Gwynedd consisting of		+	-	+	-	-
		Conwy	103					
		Gwynedd	116					
		Isle of Anglesey	116	-	-	+	-	-
	55	Dyfed consisting of		+	-	+	-	-
		Sir Gaerfyrddin-Carmarthen	110					
		Sir Ceredigion-Ceredigion	118					
		Sir Benfro-Pembrokeshire	119					
	56	Clwyd consisting of		+	-	+	-	-
		Sir Ddinbych-Denbigshir	108					
		Sir Y Fflint-Flintshire	111					
		Wrecsam-Wrexham	113					
	57	South Glamorgan consisting of		-	-	+	-	-
		Bro Morgannwg-The Valee of Glamorgan	99					
	58	Mid Glamorgan consisting of		-	-	+	-	-
		Pen-y-Bont Ar Ogwr-Bridgend	105					
	59	West Glamorgan consisting of			-		-	-
		Abertawe-Swansea	97	+	-	+	-	-
		Castell-Nedd Port Talbot-Neath Port Talbot	102	-	-	+	-	-

ADNS = Animal Disease Notification System Code (Decision 2000/807/EC)

GIS = Administrative Unit Code

B = bovine meat

S/G = sheep and goat meat

P = pig meat

FG = farmed game of species susceptible to foot-and-mouth disease

WG = wild game of species susceptible to foot-and-mouth disease'