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

COUNCIL DECISION
of 6 December 2001
on the development of the second generation Schengen Information System (SIS II)

(2001/886/JHA)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 30(1)(a) and (b), Article 31(a) and (b) and Article 34(2)(c) thereof,

Having regard to the initiative of the Kingdom of Belgium and the Kingdom of Sweden ⁽¹⁾,

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

Whereas:

- (1) The Schengen Information System, set up pursuant to the provisions of Title IV of the Convention of 1990 implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders, hereinafter referred to as 'the 1990 Schengen Convention', constitutes an essential tool for the application of the provisions of the Schengen acquis as integrated into the framework of the European Union.
- (2) The Schengen Information System in its current form has the capacity to service no more than 18 participating States. It is at present operational for 13 Member States and 2 other States (Iceland and Norway) and is intended to become operational for the United Kingdom and Ireland in the foreseeable future. It has, however, not been constructed so as to service the increased number of Member States of the European Union after its enlargement.
- (3) For this reason, and in order to benefit from the latest developments in the field of information technology and to allow for the introduction of new functions, it is necessary to develop a new, second generation Schengen Information System (SIS II), as already acknowledged in Decision SCH/Com-ex (97) 24 of the Executive Committee of 7 October 1997 ⁽³⁾.
- (4) The expenditure involved in the development of SIS II is to be charged to the budget of the European Union in accordance with the Council conclusions to that effect of 29 May 2001. This Decision constitutes, together with Council Regulation (EC) No 2424/2001 of 6 December

2001 on the development of the second generation Schengen Information System (SIS II) ⁽⁴⁾, the required legislative basis to allow for the inclusion in the budget of the Union of the necessary appropriations for the development of SIS II and the execution of that part of the budget.

- (5) The legislative basis consists of two parts: this Decision based on Article 30(1)(a) and (b), Article 31(a) and (b) and Article 34(2)(c) of the Treaty on European Union and a Council Regulation based on Article 66 (...) of the Treaty establishing the European Community. The reason for this is that, as set out in Article 92 of the 1990 Schengen Convention, the Schengen Information System is to enable the authorities designated by the Member States, by means of an automated search procedure, to have access to alerts on persons and property for the purposes of border checks and other police and customs checks carried out within the country in accordance with national law, as well as for the purposes of issuing visas, residence permits and the administration of legislation on aliens in the context of the application of the provisions of the Schengen acquis relating to the movement of persons.
- (6) The fact that the legislative basis required for allowing the development of SIS II to be financed by the Union budget consists of two separate instruments does not affect the principle that the Schengen Information System constitutes, and should continue to constitute, one single, integrated, information system and that SIS II must be developed as such.
- (7) This Decision is without prejudice to the adoption in future of the necessary legislation describing in detail the operation and use of SIS II, such as, but not limited to, rules defining the categories of data to be entered into the system, the purposes for which they are to be entered and the criteria for their entry, rules concerning the content of SIS records, including responsibility for their correctness, rules on the duration of alerts, inter-linking of alerts and compatibility between alerts, rules on access to SIS data and rules on the protection of personal data and their control.

⁽¹⁾ OJ C 183, 29.6.2001, p. 14.

⁽²⁾ Opinion delivered on 23 October 2001 (not yet published in the Official Journal).

⁽³⁾ OJ L 239, 22.9.2000, p. 442.

⁽⁴⁾ See page 4 of this Official Journal.

- (8) This Decision sets out procedures for the taking of measures necessary for its implementation which mirror the relevant provisions of Regulation (EC) No 2424/2001, so as to ensure that there will be one single implementing process for the development of SIS II as a whole.
- (9) This Decision constitutes a development of provisions of the Schengen acquis which fall within the area referred to in Article 1 point G of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis ⁽¹⁾ and Article 8(2) of Council Decision 2000/365/EC concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis ⁽²⁾.
- (10) An arrangement has to be made to allow representatives of Iceland and Norway to be associated with the work of committees assisting the Commission in the exercise of its implementing powers. Such an arrangement has been contemplated in the Exchange of Letters between the Community and Iceland and Norway, annexed to the abovementioned Association Agreement.
- (11) This Decision is without prejudice to the arrangements for the United Kingdom's partial participation in the Schengen acquis defined by the Council in Decision 2000/365/EC,

HAS DECIDED AS FOLLOWS:

Article 1

The Schengen Information System set up pursuant to the provisions of Title IV of the 1990 Schengen Convention, shall be replaced by a new system, the Schengen Information System II (SIS II), which shall allow for new Member States to be integrated into the system.

Article 2

The SIS II, which shall be a single integrated system, shall be developed by the Commission, in accordance with the procedures set out in this Decision.

Article 3

The measures necessary for the development of SIS II shall be adopted in accordance with the management procedure referred to in Article 5 where they concern matters other than those listed in Article 4.

⁽¹⁾ OJ L 176, 10.7.1999, p. 31.

⁽²⁾ OJ L 131, 1.6.2000, p. 43.

Article 4

The measures necessary for the development of SIS II concerning the following matters shall be taken in accordance with the regulatory procedure referred to in Article 6:

- (a) the design of the physical architecture of the system, including its communication network;
- (b) technical aspects which have a bearing on the protection of personal data;
- (c) technical aspects which have serious financial implications for the budgets of the Member States or which have serious technical implications for the national systems of the Member States;
- (d) the development of security requirements.

Article 5

1. Where reference is made to this Article, the Commission shall be assisted by a management committee composed of the representatives of the Member States and chaired by the representative of the Commission.

2. The committee shall adopt its rules of procedure on a proposal by the chair on the basis of standard rules of procedure which have been published in the *Official Journal of the European Communities*.

3. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft, within a time-limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 205(2) of the Treaty establishing the European Community, in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

4. The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the committee, they shall be communicated by the Commission to the Council forthwith. In that event, the Commission may defer application of the measures which it has decided on for a period of two months from the date of such communication.

5. The Council, acting by qualified majority, may take a different decision within the period provided for by paragraph 4.

Article 6

1. Where reference is made to this Article, the Commission shall be assisted by a regulatory committee composed of the representatives of the Member States and chaired by the representative of the Commission.

2. The committee shall adopt its rules of procedure on a proposal by the chair on the basis of standard rules of procedure which have been published in the *Official Journal of the European Communities*.

3. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time-limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 205(2) of the Treaty establishing the European Community, in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

4. The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

5. If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken and shall inform the European Parliament.

6. The Council may act by qualified majority on the proposal, within two months from the date of referral to the Council.

If within that period the Council has indicated by qualified majority that it opposes the proposal, the Commission shall re-examine it. It may submit an amended proposal to the Council, re-submit its proposal or present a legislative proposal.

If on the expiry of that period the Council has neither adopted the proposed implementing act nor indicated its opposition to the proposal for implementing measures, the proposed implementing act shall be adopted by the Commission.

Article 7

This Decision shall take effect on the day following that of its publication in the Official Journal.

It shall expire on 31 December 2006.

Done at Brussels, 6 December 2001.

For the Council

The President

M. VERWILGHEN

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 2424/2001
of 6 December 2001
on the development of the second generation Schengen Information System (SIS II)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 66 thereof,

Having regard to the initiative of the Kingdom of Belgium and the Kingdom of Sweden ⁽¹⁾,

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

Whereas:

- (1) The Schengen Information System, set up pursuant to the provisions of Title IV of the Convention of 1990 implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders, hereinafter referred to as 'the 1990 Schengen Convention', constitutes an essential tool for the application of the provisions of the Schengen acquis as integrated into the framework of the European Union.
- (2) The Schengen Information System in its current form has the capacity to service no more than 18 participating States. It is at present operational for 13 Member States and 2 other States (Iceland and Norway) and is intended to become operational for the United Kingdom and Ireland in the foreseeable future. It has, however, not been constructed so as to service the increased number of Member States of the European Union after its enlargement.
- (3) For this reason, and in order to benefit from the latest developments in the field of information technology and to allow for the introduction of new functions, it is necessary to develop a new, second generation Schengen Information System (SIS II), as already acknowledged in Decision SCH/Com-ex (97) 24 of the Executive Committee of 7 October 1997 ⁽³⁾.
- (4) The expenditure involved in the development of SIS II is to be charged to the budget of the European Union in accordance with the Council conclusions to that effect of 29 May 2001. This Regulation constitutes, together with Council Decision 2001/886/JHA of 6 December 2001 on the development of the second generation Schengen

Information System (SIS II) ⁽⁴⁾, the required legislative basis to allow for the inclusion in the budget of the Union of the necessary appropriations for the development of SIS II and the execution of that part of the budget.

- (5) The legislative basis consists of two parts: this Regulation based on Article 66 of the Treaty establishing the European Community and a Council Decision based on Article 30(1)(a) and (b), Article 31(a) and (b) and Article 34(2)(c) of the Treaty on European Union. The reason for this is that, as set out in Article 92 of the 1990 Schengen Convention, the Schengen Information System is to enable the authorities designated by the Member States, by means of an automated search procedure, to have access to alerts on persons and property for the purposes of border checks and other police and customs checks carried out within the country in accordance with national law, as well as for the purposes of issuing visas, residence permits and the administration of legislation on aliens in the context of the application of the provisions of the Schengen acquis relating to the movement of persons.
- (6) The fact that the legislative basis required for allowing the development of SIS II to be financed by the Union budget consists of two separate instruments does not affect the principle that the Schengen Information System constitutes, and should continue to constitute, one single, integrated, information system and that SIS II must be developed as such.
- (7) This Regulation is without prejudice to the adoption in future of the necessary legislation describing in detail the operation and use of SIS II, such as, but not limited to, rules defining the categories of data to be entered into the system, the purposes for which they are to be entered and the criteria for their entry, rules concerning the content of SIS records, including responsibility for their correctness, rules on the duration of alerts, inter-linking of alerts and compatibility between alerts, rules on access to SIS data and rules on the protection of personal data and their control.

⁽¹⁾ OJ C 183, 29.6.2001, p. 12.

⁽²⁾ Opinion delivered on 23 October 2001 (not yet published in the Official Journal).

⁽³⁾ OJ L 239, 22.9.2000, p. 442.

⁽⁴⁾ See page I of this Official Journal.

- (8) 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 ⁽¹⁾.
- (9) This Regulation constitutes a development of provisions of the Schengen acquis which fall within the area referred to in Article 1, point G of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis ⁽²⁾ and Article 8(2) of Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis ⁽³⁾.
- (10) An arrangement has to be made to allow representatives of Iceland and Norway to be associated with the work of committees assisting the Commission in the exercise of its implementing powers. Such an arrangement has been contemplated in the Exchange of Letters between the Community and Iceland and Norway, annexed to the abovementioned Association Agreement ⁽⁴⁾.
- (11) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and the Treaty establishing the European Community, the United Kingdom gave notice, by letter of 6 September 2001, of its wish to take part in the adoption and application of this Regulation.
- (12) This Regulation and the United Kingdom's participation in its adoption and application are without prejudice to the arrangements for the United Kingdom's partial participation in the Schengen acquis defined by the Council in Decision 2000/365/EC.
- (13) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and the Treaty establishing the European Community, Denmark is not taking part in the adoption of this Regulation and is therefore not bound by it or subject to its application. Given the fact that this Regulation builds upon the Schengen acquis under the provisions of Title IV of Part Three of the Treaty establishing the European Community, Denmark shall, in accordance with Article 5 of the said Protocol decide within a period of six months after the adoption of this instrument whether it will implement it in its national law,

HAS ADOPTED THIS REGULATION:

Article 1

The Schengen Information System set up pursuant to the provisions of Title IV of the 1990 Schengen Convention, shall be replaced by a new system, the Schengen Information System II (SIS II), which shall allow for new Member States to be integrated into the system.

Article 2

The SIS II, which shall be a single integrated system, shall be developed by the Commission, in accordance with the procedures set out in this Regulation.

Article 3

The measures necessary for the development of SIS II shall be adopted in accordance with the management procedure referred to in Article 5(2) where they concern matters other than those listed in Article 4.

Article 4

The measures necessary for the development of SIS II concerning the following matters shall be taken in accordance with the regulatory procedure referred to in Article 5(3):

- (a) the design of the physical architecture of the system, including its communication network;
- (b) technical aspects which have a bearing on the protection of personal data;
- (c) technical aspects which have serious financial implications for the budgets of the Member States or which have serious technical implications for the national systems of the Member States;
- (d) the development of security requirements.

Article 5

1. The Commission shall be assisted by a Management or Regulatory committee respectively.

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

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

3. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at two months.

4. The respective committees shall adopt their rules of procedure.

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

⁽²⁾ OJ L 176, 10.7.1999, p. 31.

⁽³⁾ OJ L 131, 1.6.2000, p. 43.

⁽⁴⁾ OJ L 176, 10.7.1999, p. 53.

Article 6

The Commission shall submit by the end of every six month period, and for the first time by the end of the second six month period of 2002, a progress report to the Council and the European Parliament concerning the development of SIS II.

Article 7

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

It shall expire on 31 December 2006.

This Regulation shall be binding in its entirety and directly applicable in all Member States in accordance with the Treaty establishing the European Community.

Done at Brussels, 6 December 2001.

For the Council

The President

M. VERWILGHEN

COUNCIL REGULATION (EC) No 2425/2001

of 3 December 2001

amending Regulation (EC) No 2848/2000 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

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture ⁽¹⁾, and in particular Article 8(4) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) In accordance with the Agreed Record between the European Community and the Faroe Islands, the Faroe Islands are entitled to a Norway pout quota higher than that allocated in Council Regulation (EC) No 2848/2000 ⁽²⁾. Therefore, the fishing possibilities for 2001 on this stock need to be revised.
- (2) The Community, on behalf of Sweden, has agreed with Poland that the right to fish for herring allocated to Sweden in Polish waters shall be transferred to Community waters.
- (3) A definitive catch limitation for capelin in the North Atlantic has been fixed and, consequently, the definitive Community catch quota for this stock within the waters of Greenland should be fixed.
- (4) The area of distribution of redfish in the North East Atlantic Fisheries Commission (NEAFC) area overlaps with certain areas of the Northwest Atlantic Fisheries Organization (NAFO) Regulatory Area; it is therefore necessary to introduce a mechanism to consider catches in both areas as part of the same stock, as recommended by NEAFC and NAFO at their meetings in March 2001.
- (5) Within the framework of NAFO, new limits on the number of days to fish for northern prawn have been established in March 2001.
- (6) The Inter-American Tropical Tuna Commission (IATTC) adopted, at its annual meeting in June 2001, catch limitations for yellowfin tuna. Although the Community is not a member of this organisation, it is necessary to implement those catch limitations to ensure sustainable management of this fish resource.
- (7) In the framework of NEAFC, new protected areas were recommended in March 2001 to protect haddock.

- (8) Within the framework of the International Baltic Sea Fisheries Commission (IBSFC), new technical conservation measures have been recommended in March 2001 for the cod fishery. Those recommendations should be implemented by the Community.
- (9) Agreements have been reached between the European Community, Norway and the Faroe Islands on the arrangement of fishing licences.
- (10) The biological situation of the blue whiting stock does not allow any additional fishing in areas outside national jurisdiction in ICES subarea II. Consequently, a TAC of 0 should be introduced for this year for the areas in ICES subareas I and II that belong to the NEAFC Regulatory area.
- (11) Regulation (EC) No 2848/2000 should therefore be amended accordingly.
- (12) In order to ensure the long-term livelihood of Community fishermen, it is important to implement fisheries legislation involving TACs and quotas during the year to which they apply. Given the urgency of the matter, it is imperative to grant an exception to the six-week period mentioned in paragraph 1(3) of the Protocol on the role of national Parliaments in the European Union, annexed to the Treaty on European Union and the Treaties establishing the European Communities,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2848/2000 is hereby amended as follows:

1. the entry in Annex I to this Regulation shall replace the corresponding entry in Annex IB;
2. the entry in Annex Ia to this Regulation shall replace the corresponding entry in Annex IA;
3. the entries in Annex II to this Regulation shall replace the corresponding entries in Annex IC;
4. the entry in Annex IIa to this Regulation shall be inserted in Annex IC;
5. Annex IE shall be amended as follows:
 - (i) the entry in Annex III to this Regulation shall replace the corresponding entry;
 - (ii) the entry in Annex IV to this Regulation shall be added;
6. the entry in Annex V to this Regulation shall be added in Annex IF;

⁽¹⁾ OJ L 389, 31.12.1992, p. 1. Regulation as last amended by Regulation (EC) No 1181/98 (OJ L 164, 9.6.1998, p. 1.)

⁽²⁾ OJ L 334, 30.12.2000, p. 1.

7. Annex V shall be amended as follows:

(i) the text under point 1 shall be replaced by the following:

'Notwithstanding the conditions set out in Annex V of Regulation (EC) No 88/98, and in order to guarantee the selectivity of the trawls, Danish seines and similar nets with special mesh openings as referred to in Annex IV of the same Regulation, the two models of exit windows described in Appendix I and the model described in Appendix II to this Annex shall be authorised in 2001';

(ii) a new point 9 shall be inserted as follows:

9. Haddock box

All fishing, except with longlines, shall be prohibited in waters beyond the areas under national jurisdiction of Member States in the box bounded by the following coordinates:

<i>Point No</i>	<i>Latitude</i>	<i>Longitude</i>
1	57° 000	15° 000
2	57° 000	14° 700
3	56° 575	14° 327
4	56° 500	14° 450
5	56° 500	15° 000'

(iii) Annex VI to this Regulation shall be added as Appendix II;

8. the entries in Annex VII to this Regulation shall replace the corresponding entries in Annex VI, Part I and Part II.

Article 2

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

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

Done at Brussels, 3 December 2001.

For the Council

The President

F. VANDENBROUCKE

ANNEX I

Species: Norway pout <i>Trisopterus esmarki</i>		Zone: IIa (EC waters), Skagerrak and Kattegat, North Sea (EC waters)
Denmark	189 820	⁽¹⁾ To be counted against the quota for sandeel in IIa (EC waters), North Sea (EC waters). ⁽²⁾ Excluding Norway pout taken within the quotas for mixture of sandeel, Norway pout and sprat (see sandeels in the North Sea).
Germany	40	
The Netherlands	140	
EC	190 000	
Norway	10 000	
Faroe Islands	20 000 ⁽¹⁾	
TAC	220 000 ⁽²⁾	

ANNEX Ia

Species: Herring <i>Clupea harengus</i>		Zone: III d (Polish waters)
Sweden	1 000 ⁽¹⁾	⁽¹⁾ To be fished in Community (Swedish) waters in accordance with IBSFC Fishery Rule 2.1.
EC	1 000 ⁽¹⁾	
TAC	300 000	

ANNEX II

Species: Capelin <i>Mallotus villosus</i>		Zone: V, XIV (Greenland waters)
EC	41 497 ⁽¹⁾	⁽¹⁾ Available to all Member States
TAC	125 996 ⁽²⁾	⁽²⁾ Of which 6 700 tonnes are allocated to Norway, 30 000 tonnes to Iceland and 10 000 tonnes to the Faroe Islands. The Community share represents 70 % of the Greenland share of the TAC for capelin.
Species: Redfish <i>Sebastes spp.</i>		Zone: V, XII, XIV ⁽¹⁾ ⁽²⁾
Germany	9 367	⁽¹⁾ Community waters and areas beyond fisheries jurisdiction of other coastal States.
Spain	1 645	
France	875	⁽²⁾ The quota may be taken in NAFO Division IF but should be counted against the quota for ICES sub-areas V, XII and XIV
Ireland	3	
The Netherlands	4	
Portugal	1 966	
United Kingdom	23	
EC	13 883	
TAC	95 000	

ANNEX IIa

Species: Blue whiting <i>Micromesistius poutassou</i>		Zone: I, II (NEAFC Regulatory area) ⁽¹⁾
EC	0	⁽¹⁾ i.e. those parts of the NEAFC Convention Area that are situated within ICES sub-areas I and II and lie beyond the fisheries jurisdiction of any coastal state.
TAC	Not relevant	

ANNEX III

<p>Species: Northern prawn <i>Pandalus borealis</i></p>	<p>Zone: NAFO 3M ⁽¹⁾</p>																																																			
<p>TAC ⁽²⁾</p>	<p>⁽¹⁾ Vessels may also fish this stock in Division 3L in the box bounded by the following coordinates:</p> <table border="1"> <thead> <tr> <th>Point No</th> <th>Latitude</th> <th>Longitude</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>47° 20' 0</td> <td>46° 40' 0</td> </tr> <tr> <td>2</td> <td>47° 20' 0</td> <td>46° 30' 0</td> </tr> <tr> <td>3</td> <td>46° 00' 0</td> <td>46° 30' 0</td> </tr> <tr> <td>4</td> <td>46° 00' 0</td> <td>46° 40' 0</td> </tr> </tbody> </table> <p>When conducting a fishery for shrimp in this box, vessels shall, whether or not crossing the line separating NAFO Divisions 3L and 3M, report in accordance with point 1.3 of the annex to Regulation (EEC) No 189/92 (OJ L 21 of 30.1.1992, p. 4).</p> <p>Moreover, fishing for shrimp shall be prohibited from 1 June to 30 September 2001 in the area bounded by the following coordinates:</p> <table border="1"> <thead> <tr> <th>Point No</th> <th>Latitude N</th> <th>Longitude W</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>47° 55' 0</td> <td>45° 00' 0</td> </tr> <tr> <td>2</td> <td>47° 30' 0</td> <td>44° 15' 0</td> </tr> <tr> <td>3</td> <td>46° 55' 0</td> <td>44° 15' 0</td> </tr> <tr> <td>4</td> <td>46° 35' 0</td> <td>44° 30' 0</td> </tr> <tr> <td>5</td> <td>46° 35' 0</td> <td>45° 40' 0</td> </tr> <tr> <td>6</td> <td>47° 30' 0</td> <td>45° 40' 0</td> </tr> <tr> <td>7</td> <td>47° 55' 0</td> <td>45° 00' 0</td> </tr> </tbody> </table> <p>⁽²⁾ Not relevant. Fishery managed by limitations in fishing effort. The Member States concerned shall issue special fishing permits for their fishing vessels engaging in this fishery, and shall notify those permits to the Commission prior to the commencement of the vessel's activity, in accordance with Regulation (EC) No 1627/94. By way of derogation from Article 8 of that regulation, permits will only become valid if the Commission has not objected within five working days following the notification.</p> <p>The maximum number of vessels and fishing time shall be:</p> <table border="1"> <thead> <tr> <th>Member State</th> <th>Maximum number of vessels</th> <th>maximum number of fishing days</th> </tr> </thead> <tbody> <tr> <td>Denmark</td> <td>2</td> <td>115</td> </tr> <tr> <td>Spain</td> <td>10</td> <td>225</td> </tr> <tr> <td>Portugal</td> <td>1</td> <td>60</td> </tr> </tbody> </table> <p>Each Member State shall, within 25 days following the calendar month in which the catches are made, report monthly to the Commission the fishing days spent in Division 3M and in the area defined in footnote ⁽¹⁾ above.</p>	Point No	Latitude	Longitude	1	47° 20' 0	46° 40' 0	2	47° 20' 0	46° 30' 0	3	46° 00' 0	46° 30' 0	4	46° 00' 0	46° 40' 0	Point No	Latitude N	Longitude W	1	47° 55' 0	45° 00' 0	2	47° 30' 0	44° 15' 0	3	46° 55' 0	44° 15' 0	4	46° 35' 0	44° 30' 0	5	46° 35' 0	45° 40' 0	6	47° 30' 0	45° 40' 0	7	47° 55' 0	45° 00' 0	Member State	Maximum number of vessels	maximum number of fishing days	Denmark	2	115	Spain	10	225	Portugal	1	60
Point No	Latitude	Longitude																																																		
1	47° 20' 0	46° 40' 0																																																		
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Member State	Maximum number of vessels	maximum number of fishing days																																																		
Denmark	2	115																																																		
Spain	10	225																																																		
Portugal	1	60																																																		

ANNEX IV

Species: Redfish <i>Sebastes spp.</i>	Zone: NAFO Div. IF ⁽¹⁾
Germany 9 367	<p>⁽¹⁾ May be taken in NAFO Division IF but should be counted against the quota for ICES sub-areas V, XII, XIV.</p> <p>⁽²⁾ These quotas are set on the basis of the TAC of 95 000 tons established by NEAFC.</p>
Spain 1 645	
France 875	
Ireland 3	
The Netherlands 4	
Portugal 1 966	
United Kingdom 23	
EC 13 883	
TAC 95 000 ⁽²⁾	

ANNEX V

Species: Yellowfin tuna <i>Thunnus albacares</i>	Zone: Eastern Pacific Ocean, IATTC's yellowfin regulatory area ⁽³⁾
EC ⁽¹⁾	<p>⁽¹⁾ The TAC is unallocated.</p> <p>⁽²⁾ The director of IATTC is authorised to increase this limit by up to three successive increments of 20 000 tonnes each.</p> <p>⁽³⁾ From the point on the mainland where the parallel of 40° N latitude intersects the coast westward along the parallel of 40° N latitude to 40° N latitude by 125° W longitude, thence southerly along the meridian of 125° W longitude to 20° N latitude by 125° W longitude, thence easterly along the parallel of 20° N latitude to 20° N latitude by 120° W longitude, thence southerly along the meridian of 120° W longitude to 5° N latitude by 120° W longitude, thence easterly along the parallel of 5° N latitude to 5° N latitude by 110° W longitude, thence southerly along the meridian of 110° W longitude to 10° S latitude by 110° W longitude, thence easterly along the parallel of 10° S latitude to 10° S latitude by 90° W longitude, thence southerly along the meridian of 90° W longitude to 30° S latitude by 90° W longitude, thence easterly along the parallel of 30° S latitude to the point on the mainland where the parallel intersects the coast.</p>
TAC 250 000 ⁽²⁾	

ANNEX VI

Appendix II to Annex V

Specifications of Top Window Codend 'BACOMA'

Specification of 120 mm, measured as inner diameter opening, square mesh window in a codend with a 105 mm or larger mesh size in trawls, Danish seines or similar towed nets.

The window shall be a rectangular section of netting in the codend. There shall be only one window. The window shall not be obstructed in any way by either internal or external attachments.

Size of the codend, extension piece and the rear end of the trawl

The codend shall be constructed of two panels of equal size, joined together by selvages one on each side.

The carrying on board of a net having more than 100 open diamond meshes in any circumference of the codend, excluding the joining or the selvages shall be prohibited.

The number of open diamond meshes, excluding those in the selvages, at any point on any circumference of any extension or lengthening piece shall not be less or more than the maximum number of meshes on the circumference of the front end of the codend *stricto sensu* and the rear end of the tapered section of the trawl excluding meshes in the selvages (*Figure 1*).

Location of the window

The window shall be inserted into the top panel of the codend. The window shall terminate not more than 4 meshes from the codline, inclusive of the hand braided row of meshes through which the codline is passed (*Figure 2*).

Size of the window

The width of the window, expressed in number of mesh bars, shall be equal to the number of open diamond meshes in the top panel divided by two. If necessary, it will be allowed to maintain at the most 20 % of the number of open diamond meshes in the top panel divided evenly on the both sides of the window panel (*Figure 3*).

Length of the window shall be at least 3,5 meters.

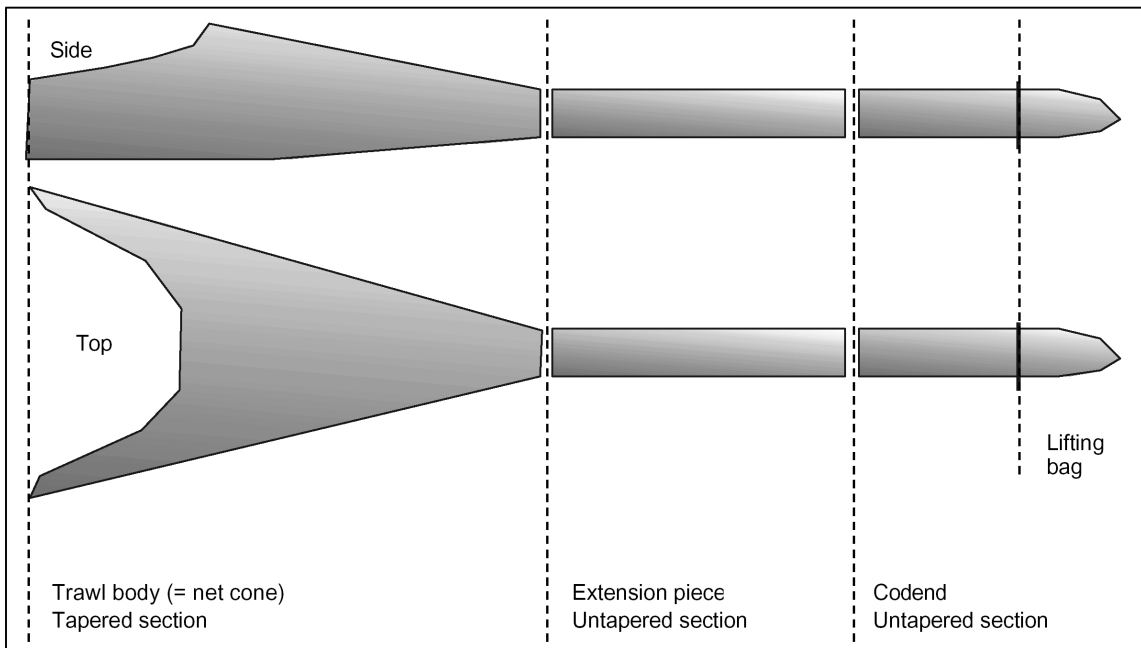
The netting of the window

The meshes shall have a minimum mesh opening of 120 millimetres. The meshes shall be square meshes i.e. all four sides of the window netting will be cut all bars. The netting shall be mounted such that the bars run parallel and perpendicular to the length of the codend. The netting shall be knotless braided single twine or a netting with similar proven selective properties (stiffness, strengths and stability). The diameter of the single yarn shall be at least 4,9 millimetres.

Other specification

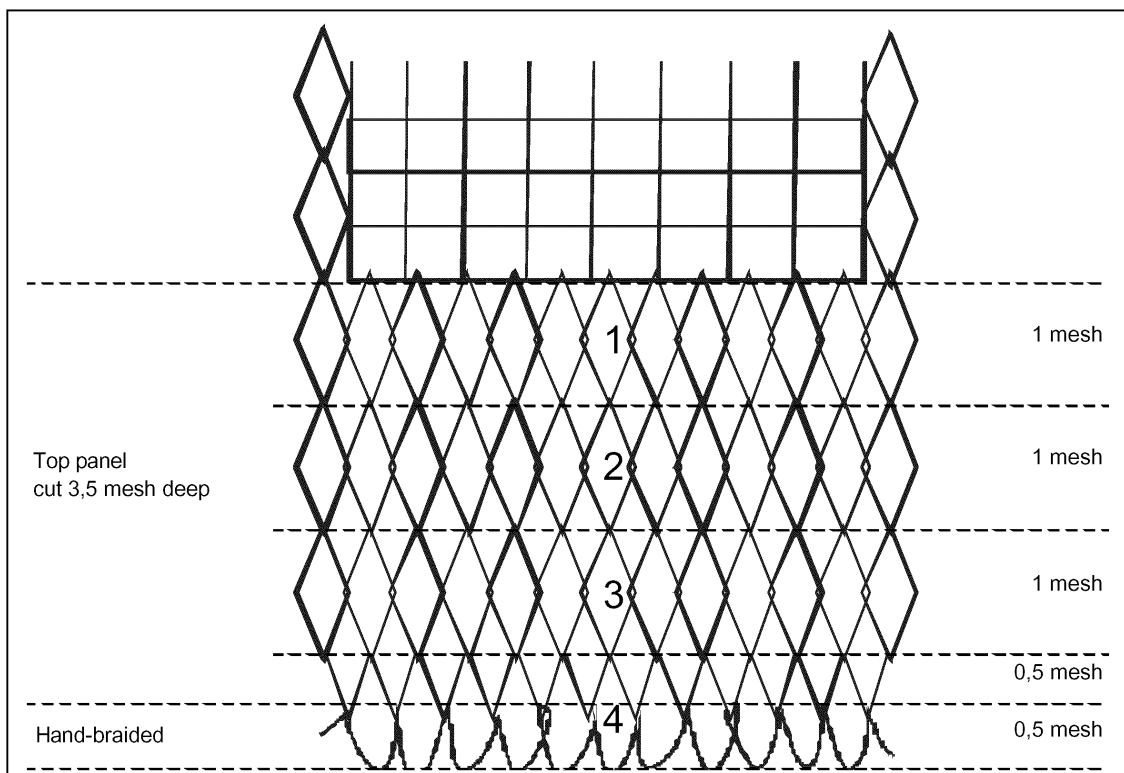
The mounting specifications are defined in *Figures 4a to c*. The length of the lifting strap shall not be less than 4 m.

Figure 1



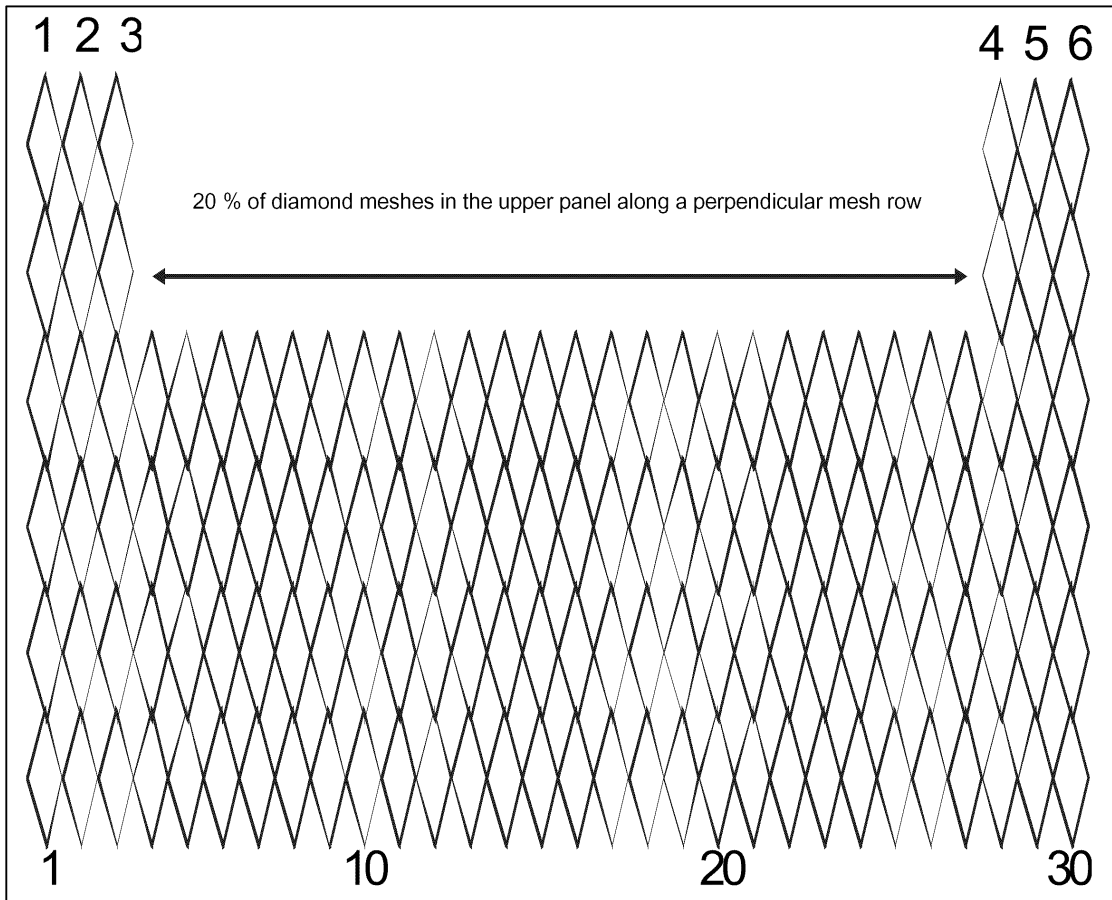
A trawl gear can be divided into three different sections according to their shape and function. Trawl body is always a tapered section often between 10 and 40 m long. Extension piece is untapered section normally manufactured of either one or two pieces of 49,5 mesh long nets giving a stretched length between 6 or 12 m. Codend is also an untapered section often made of double twine in order to have a better resistance against heavy wearing. The length of codend is often 49,5 meshes i.e. ca 6 meter although shorter codends (2 to 4) exists in smaller vessels. The part below lifting strap is called lifting bag.

Figure 2



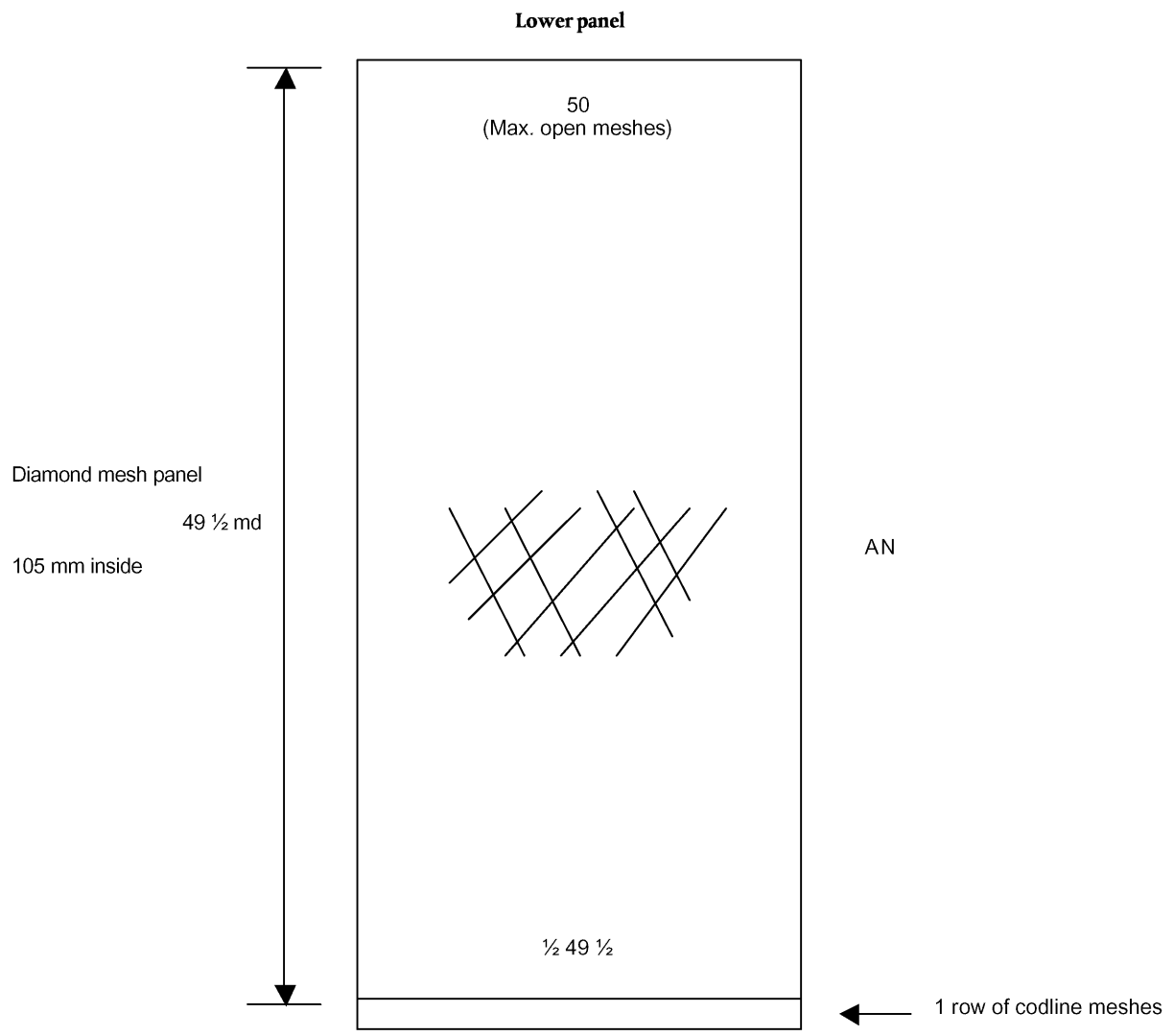
The distance of window panel from codline is 4 meshes. There are 3,5 diamond meshes in the upper panel and one 0,5 mesh deep hand-braided 'codline' row.

Figure 3



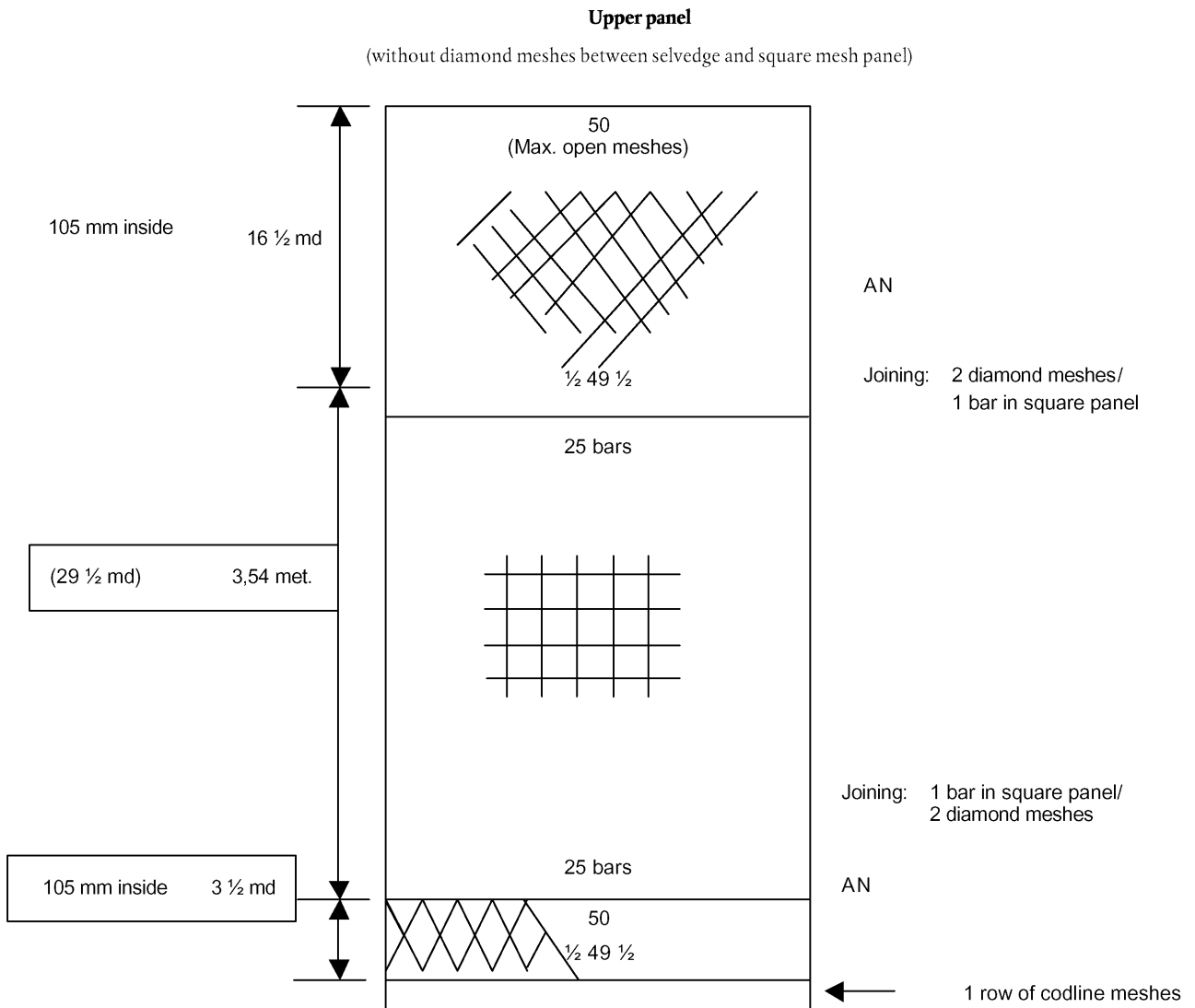
Twenty percent of diamond meshes in the upper panel along a perpendicular row running from one selvedge to another may be maintained. For example (like in figure) if the upper panel would be 30 open meshes wide 20 % of that would be 6 meshes. Then three open meshes is divided on both sides of the window panel. Consequently the width of the window panel would then become 12 mesh bars ($30 - 6 = 24$ diamond meshes divided by two is 12 mesh bars).

Figure 4a



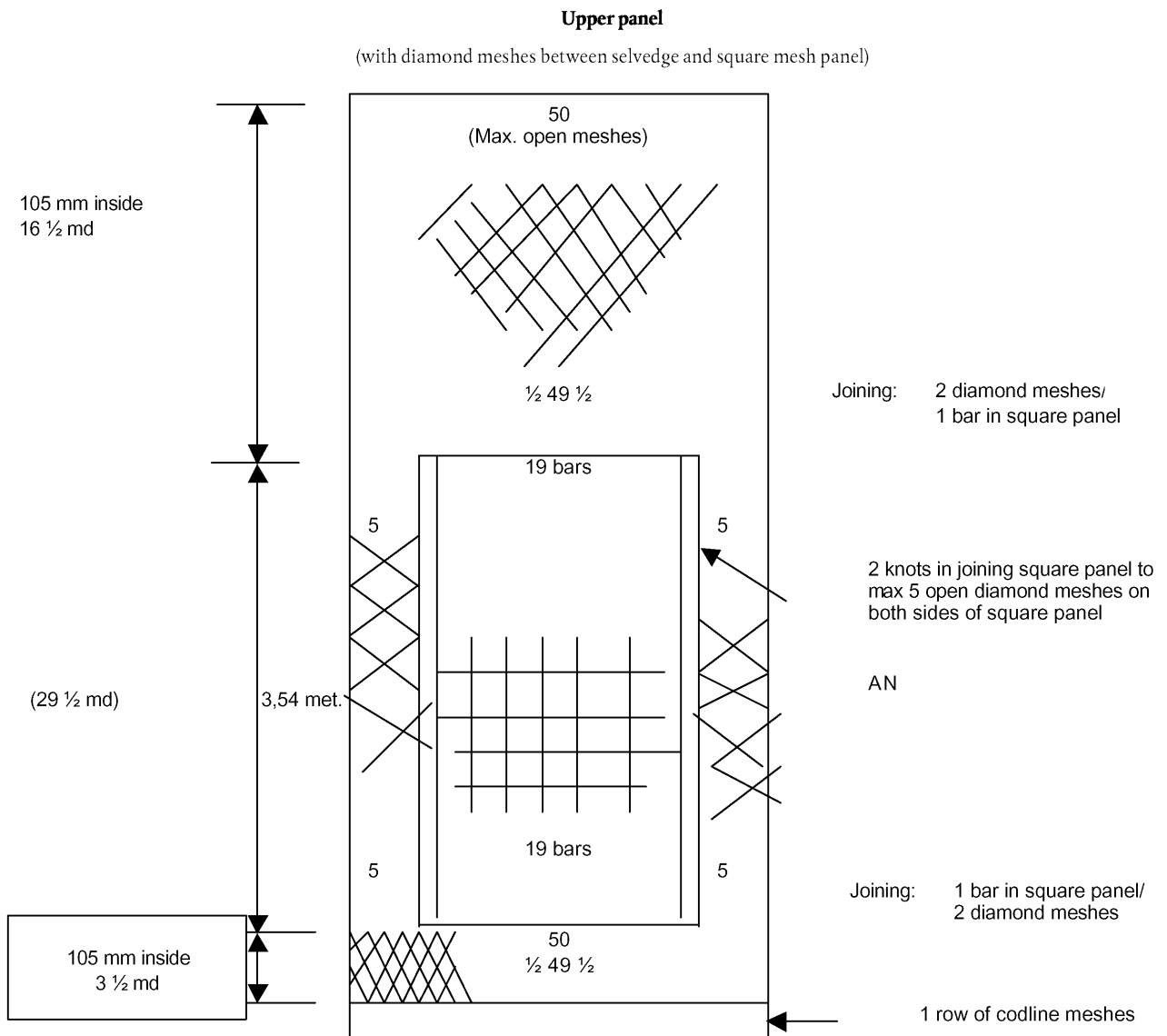
Showing the construction of lower panel made of 49,5 meshes deep netting

Figure 4b



The construction of upper panel, size and position of the window panel in case where the escape panel runs from selvedge to selvedge

Figure 4c



The construction of upper panel in case 20 % of diamond meshes in the upper panel are maintained and equally divided on both sides of the window



ANNEX VII

PART I

QUANTITATIVE LIMITATIONS OF LICENCES AND FISHING PERMITS FOR COMMUNITY VESSELS FISHING IN THIRD COUNTRY WATERS

Area of fishing	Fishery	Number of licences	Maximum number of vessels present at any time
Norwegian waters and fishery zone around Jan Mayen	Herring, North of 62° 00' N	40	30
Waters of the Faroe Islands	Herring, North of 62° 00' N	21	21

PART II

QUANTITATIVE LIMITATIONS OF LICENCES AND FISHING PERMITS FOR THIRD COUNTRIES VESSELS IN COMMUNITY WATERS

Flag State	Fishery	Number of licences	Maximum number of vessels present at any time
Norway	Herring, Nord of 62° 00' N	10	10
Faroe Islands	Herring, North of 62° 00' N	21	21

COMMISSION REGULATION (EC) No 2426/2001
of 12 December 2001
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1498/98 ⁽²⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 13 December 2001.

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

Done at Brussels, 12 December 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 12 December 2001 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	63,8
	204	82,2
	999	73,0
0707 00 05	052	154,9
	220	225,9
	628	169,6
0709 90 70	999	183,5
	052	150,5
	204	150,0
0805 10 10, 0805 10 30, 0805 10 50	999	150,3
	052	51,2
	204	60,3
	388	25,0
	508	26,3
0805 20 10	528	31,0
	999	38,8
	052	84,0
	204	60,2
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	999	72,1
	052	65,8
	204	44,3
	464	141,1
	999	83,7
0805 30 10	052	50,9
	388	58,7
	600	51,0
	999	53,5
0808 10 20, 0808 10 50, 0808 10 90	060	38,2
	400	88,3
	404	79,4
	720	117,7
	728	116,3
	999	88,0
	052	100,4
0808 20 50	064	70,5
	400	106,3
	720	131,4
	999	102,2
	052	100,4

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

COMMISSION REGULATION (EC) No 2427/2001
of 12 December 2001
fixing export refunds 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 ⁽¹⁾, as last amended by Commission Regulation (EC) No 911/2001 ⁽²⁾, and in particular Article 35(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1961/2001 ⁽³⁾ lays down detailed rules on export refunds on fruit and vegetables.
- (2) Article 35(1) of Regulation (EC) No 2200/96, provides that, to the extent necessary for economically significant quantities of the products listed in that Article to be exported, the difference between the international market prices for those products and their prices in the Community may be covered by export refunds.
- (3) Article 35(4) of Regulation (EC) No 2200/96 provides that refunds must be fixed in the light of the existing situation or the outlook for fruit and vegetable prices on the Community market and supplies available on the one hand, and prices on the international market on the other hand. Account must also be taken of the costs referred to in Article 35(4)(b) of that Regulation and of the economic aspect of the exports planned.
- (4) Pursuant to Article 35(1) of Regulation (EC) No 2200/96, refunds are to be set with due regard to the limits resulting from agreements concluded in accordance with Article 300 of the Treaty.
- (5) In accordance with Article 35(5) of Regulation (EC) No 2200/96, prices on the Community market are to be established in the light of the most favourable prices from the export standpoint. International trade prices are to be established in the light of the prices referred to in the second subparagraph of that paragraph.

- (6) The international trade situation or the special requirements of certain markets may call for the refund on a given product to vary according to its destination.
- (7) Tomatoes, lemons, oranges and apples of classes Extra, I and II of the common trading standards can currently be exported in economically significant quantities.
- (8) The application of the abovementioned rules to the present and forecast market situation, and in particular to fruit and vegetable prices in the Community and international trade, gives the refund rates set out in the Annex hereto.
- (9) Pursuant to Article 35(2) of Regulation (EC) No 2200/96, the resources available should be used as efficiently as possible while avoiding discrimination between traders. Therefore, care should be taken not to disturb the trade flows previously induced by the refund arrangements. For those reasons and because of the seasonal nature of exports of fruit and vegetables, quotas should be fixed for each product.
- (10) Commission Regulation (EEC) No 3846/87 ⁽⁴⁾, as last amended by Regulation (EC) No 1502/2001 ⁽⁵⁾, establishes an agricultural product nomenclature for export refunds.
- (11) Commission Regulation (EEC) No 1291/2000 ⁽⁶⁾, lays down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products.
- (12) Owing to the market situation, in order to make the most efficient use of the resources available and given the structure of Community exports, the most appropriate method should be selected for export refunds on certain products and certain destinations and consequently refunds under the A 1, A 2 and A 3 licence arrangements referred to in Article 1 of Regulation (EC) No 1961/2001 should not be fixed simultaneously for the export period in question.

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 129, 11.5.2001, p. 3.

⁽³⁾ OJ L 268, 9.10.2001, p. 8.

⁽⁴⁾ OJ L 366, 24.12.1987, p. 1.

⁽⁵⁾ OJ L 199, 24.7.2001, p. 13.

⁽⁶⁾ OJ L 152, 24.6.2000, p. 1.

- (13) The quantities laid down for the various products should be distributed in accordance with the different systems for the grant of the refund, taking account in particular of their perishability.
- (14) The measures provided for in this Regulation are in accordance with the Management Committee for Fresh Fruit and Vegetables,
2. Quantities covered by licences issued for food aid as referred to in Article 16 of Regulation (EC) No 1291/2000 shall not count against the eligible quantities covered by the Annex.
3. Without prejudice to the application of Article 5(6) of Regulation (EC) No 1961/2001, the term of validity of A 2 and A 3 licences shall be two months.

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds on fruit and vegetables shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 January 2002.

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

Done at Brussels, 12 December 2001.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to Commission Regulation of 12 December 2001 fixing the export refunds on fruit and vegetables

Product code	Destination	System							
		A1 Application periods 8.1 to 7.3.2002		A2 Application periods 8 to 9.1.2002		A3 Application periods 8 to 9.1.2002		B Application periods 15.1 to 14.3.2002	
		Refund amount (EUR/t net weight)	Scheduled quantity (t)	Indicative refund amount (EUR/t net weight)	Scheduled quantity (t)	Indicative refund amount (EUR/t net weight)	Scheduled quantity (t)	Indicative refund amount (EUR/t net weight)	Scheduled quantity (t)
0702 00 00 9100	F08	20		20	1 907			20	3 527
0805 10 10 9100 0805 10 30 9100 0805 10 50 9100	A00	37				37	43 768	37	84 191
0805 30 10 9100	A00	35				35	10 910	35	21 820
0808 10 20 9100 0808 10 50 9100 0808 10 90 9100	F04, F09	20				20	4 520	20	5 613

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

The numeric destination codes are set out in Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6).

The other destinations are defined as follows:

F04 Sri Lanka, Hong Kong SAR, Singapore, Malaysia, Indonesia, Thailand, Taiwan, Papua New Guinea, Laos, Cambodia, Vietnam, Uruguay, Paraguay, Argentina, Mexico, Costa Rica and Japan.

F08 All destinations except Slovakia, Latvia, Lithuania and Bulgaria.

F09 Norway, Iceland, Greenland, Faeroe Islands, Poland, Hungary, Romania, Albania, Bosnia and Herzegovina, Croatia, Slovenia, Former Yugoslav Republic of Macedonia, Federal Republic of Yugoslavia (Serbia and Montenegro), Malta, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, destinations referred to in Article 36 of Commission Regulation (EC) No 800/1999, African countries and territories except South Africa, countries of the Arabian Peninsula (Saudi Arabia, Bahrain, Qatar, Oman, United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm al Qalwain, Ras al Khaimah, Fujairah), Kuwait, Yemen), Syria, Iran, Jordan, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador and Colombia.

COMMISSION REGULATION (EC) No 2428/2001
of 12 December 2001
fixing export refunds on nuts

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 ⁽¹⁾, as last amended by Commission Regulation (EC) No 911/2001 ⁽²⁾, and in particular Article 35(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1961/2001 ⁽³⁾ lays down detailed rules on export refunds on fruit and vegetables.
- (2) Article 35(1) of Regulation (EC) No 2200/96 provides that, to the extent necessary for economically significant quantities of the products listed in that Article to be exported, the difference between the international market prices for those products and their prices in the Community may be covered by export refunds.
- (3) Article 35(4) of Regulation (EC) No 2200/96 provides that refunds must be fixed in the light of the existing situation or the outlook for fruit and vegetable prices on the Community market and supplies available on the one hand, and prices on the international market on the other hand. Account must also be taken of the costs referred to in Article 35(4)(b) of that Regulation and of the economic aspect of the exports planned.
- (4) Pursuant to Article 35(1) of Regulation (EC) No 2200/96, refunds are to be set with due regard to the limits resulting from agreements concluded in accordance with Article 300 of the Treaty.
- (5) In accordance with Article 35(5) of Regulation (EC) No 2200/96, prices on the Community market are to be established in the light of the most favourable prices from the export standpoint. International trade prices are to be established in the light of the prices referred to in the second subparagraph of that paragraph.
- (6) The international trade situation or the special requirements of certain markets may call for the refund on a given product to vary according to its destination.
- (7) Shelled almonds, hazelnuts and walnuts in shell can currently be exported in economically significant quantities.
- (8) Compared with other fruit and vegetables, nuts are relatively easy to store. Export refunds can accordingly be fixed for longer periods with a view to rational management of the arrangements.
- (9) The application of the abovementioned rules to the present and forecast market situation, and in particular to fruit and vegetable prices in the Community and international trade, gives the refund rates set out in the Annex hereto.
- (10) Pursuant to Article 35(2) of Regulation (EC) No 2200/96, the resources available should be used as efficiently as possible while avoiding discrimination between traders. Therefore, care should be taken not to disturb the trade flows previously induced by the refund arrangements. For those reasons and because of the seasonal nature of exports of fruit and vegetables, quotas should be fixed for each product.
- (11) Commission Regulation (EEC) No 3846/87 ⁽⁴⁾, as last amended by Regulation (EC) No 2849/2000 ⁽⁵⁾, establishes an agricultural product nomenclature for export refunds.
- (12) Commission Regulation (EC) No 1291/2000 ⁽⁶⁾ lays down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products.
- (13) Owing to the market situation, in order to make the most efficient use of the resources available and given the structure of Community exports, the most appropriate method should be selected for export refunds on certain products and certain destinations and consequently refunds under the A 1, A 2 and A 3 licence arrangements referred to in Article 1 of Regulation (EC) No 1961/2001 should not be fixed simultaneously for the export period in question.
- (14) The quantities laid down for the various products should be distributed in accordance with the different systems for the grant of the refund, taking account in particular of their perishability.
- (15) The measures provided for in this Regulation are in accordance with the Management Committee for Fresh Fruit and Vegetables,

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 129, 11.5.2001, p. 3.

⁽³⁾ OJ L 268, 9.10.2001, p. 8.

⁽⁴⁾ OJ L 366, 24.12.1987, p. 1.

⁽⁵⁾ OJ L 335, 30.12.2000, p. 1.

⁽⁶⁾ OJ L 152, 24.6.2000, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds on nuts shall be as set out in the Annex hereto.
2. Quantities covered by licences issued for food aid as referred to in Article 16 of Regulation (EC) No 1291/2000

shall not count against the eligible quantities covered by the Annex.

3. Without prejudice to the application of Article 5(6) of Regulation (EC) No 1961/2001, the term of validity of A 1 licences shall be three months.

Article 2

This Regulation shall enter into force on 8 January 2002.

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

Done at Brussels, 12 December 2001.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to Commission Regulation of 12 December 2001 fixing the export refunds on nuts

Product code	Destination	System Application periods	
		A1 8.1 to 21.6.2002	
		Refund amount (EUR/t net weight)	Scheduled quantity (t)
0802 12 90 9000	A00	45	1 752
0802 21 00 9000	A00	53	62
0802 22 00 9000	A00	103	3 764
0802 31 00 9000	A00	66	37

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

The numeric destination codes are set out in Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6).

**COMMISSION REGULATION (EC) No 2429/2001
of 12 December 2001**

amending Regulation (EC) No 1623/2000 laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms and amending Regulation (EC) No 442/2001 opening crisis distillation as provided for in Article 30 of Council Regulation (EC) No 1493/1999 for table wines in Portugal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 2826/2000 ⁽²⁾, and in particular Article 33 thereof,

Whereas:

- (1) As a result of the opening of crisis distillation in Portugal in the 2000/01 wine year, there is a need for additional public storage facilities for alcohol to be delivered to the intervention agency. This has called for major installation work which could not be completed in time. This situation makes it impossible for distillers to meet the delivery date for the alcohol, i.e. 30 November 2001. That date should therefore be extended by one month and this amendment made to apply from 1 December 2001.
- (2) Under Article 62(1) of Commission Regulation (EC) No 1623/2000 ⁽³⁾, as last amended by Regulation (EC) No 2047/2001 ⁽⁴⁾, the date in question concerns by-products. Under Article 4(3) of Regulation (EC) No 442/2001 ⁽⁵⁾, as amended by Regulation (EC) No 1233/2001 ⁽⁶⁾, the date in question concerns alcohol produced under that distillation.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The following subparagraph is added to Article 62(1) of Regulation (EC) No 1623/2000:

‘Notwithstanding the first subparagraph, as regards Portugal and for the 2000/01 wine year, distillers may deliver products of an alcoholic strength of at least 92 % vol to the intervention agency until 31 December following the wine year concerned at the latest.’

2. Article 4(3) of Regulation (EC) No 442/2001 is replaced by the following:

‘3. The wine shall be delivered to the distilleries by 20 July 2001 at the latest. The alcohol obtained shall be delivered to the intervention agency by 31 December 2001 at the latest.’

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 1 December 2001.

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

Done at Brussels, 12 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 179, 14.7.1999, p. 1.

⁽²⁾ OJ L 328, 23.12.2000, p. 2.

⁽³⁾ OJ L 194, 31.7.2000, p. 45.

⁽⁴⁾ OJ L 276, 19.10.2001, p. 15.

⁽⁵⁾ OJ L 63, 3.3.2001, p. 52.

⁽⁶⁾ OJ L 168, 23.6.2001, p. 11.

COMMISSION REGULATION (EC) No 2430/2001
of 12 December 2001

supplementing the Annex to Regulation (EC) No 2301/97 on the entry of certain names in the Register of certificates of specific character provided for in Council Regulation (EEC) No 2082/92 on certificates of specific character for agricultural products and foodstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2082/92 of 14 July 1992 on certificates of specific character for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 9(1) thereof,

Whereas:

- (1) In accordance with Article 7 of Regulation (EEC) No 2082/92, Sweden has forwarded an application to the Commission for the name 'Falukorv' to be entered in the Register of certificates of specific character.
- (2) The description 'traditional speciality guaranteed' can only be used with names entered in that Register.
- (3) No objection under Article 8 of that Regulation was sent to the Commission following the publication in the *Official Journal of the European Communities* ⁽²⁾ of the name set out in the Annex hereto.
- (4) As a consequence, the name set out in the Annex should be entered in the Register of certificates of specific character and thereby protected as a traditional speciality

guaranteed within the Community pursuant to Article 13(2) of Regulation (EEC) No 2082/92.

- (5) The Annex hereto supplements the Annex to Commission Regulation (EC) No 2301/97 ⁽³⁾, as last amended by Regulation (EC) No 1482/2000 ⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The name in the Annex hereto is added to the Annex to Regulation (EC) No 2301/97 and entered in the Register of certificates of specific character in accordance with Article 9(1) of Regulation (EEC) No 2082/92.

It shall be protected in accordance with Article 13(2) of that Regulation.

Article 2

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

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

Done at Brussels, 12 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 208, 24.7.1992, p. 9.
⁽²⁾ OJ C 78, 10.3.2001, p. 16.

⁽³⁾ OJ L 319, 21.11.1997, p. 8.
⁽⁴⁾ OJ L 167, 7.7.2000, p. 8.

ANNEX

Meat products

— Falukorv

COMMISSION REGULATION (EC) No 2431/2001
of 12 December 2001
fixing the export refunds on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EC) No 1513/2001 ⁽²⁾, and in particular Article 3(3) thereof,

Whereas:

- (1) Article 3 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries.
- (2) The detailed rules for fixing and granting export refunds on olive oil are contained in Commission Regulation (EEC) No 616/72 ⁽³⁾, as last amended by Regulation (EEC) No 2962/77 ⁽⁴⁾.
- (3) Article 3(3) of Regulation No 136/66/EEC provides that the refund must be the same for the whole Community.
- (4) In accordance with Article 3(4) of Regulation No 136/66/EEC, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market. However, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period. The amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take

account of export costs for the products on the world market.

- (5) In accordance with Article 3(3) third indent, point (b) of Regulation No 136/66/EEC, it may be decided that the refund shall be fixed by tender. The tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations.
- (6) The second indent of Article 3(3) of Regulation No 136/66/EEC provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary.
- (7) The refund must be fixed at least once every month. It may, if necessary, be altered in the intervening period.
- (8) It follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto.
- (9) The Management Committee for Oils and Fats has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(2)(c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 13 December 2001.

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

Done at Brussels, 12 December 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ 172, 30.9.1966, p. 3025/66.

⁽²⁾ OJ L 201, 26.7.2001, p. 4.

⁽³⁾ OJ L 78, 31.3.1972, p. 1.

⁽⁴⁾ OJ L 348, 30.12.1977, p. 53.

ANNEX

to the Commission Regulation of 12 December 2001 fixing the export refunds on olive oil

Product code	Destination	Unit of measurement	Amount of refund
1509 10 90 9100	A00	EUR/100 kg	0,00
1509 10 90 9900	A00	EUR/100 kg	0,00
1509 90 00 9100	A00	EUR/100 kg	0,00
1509 90 00 9900	A00	EUR/100 kg	0,00
1510 00 90 9100	A00	EUR/100 kg	0,00
1510 00 90 9900	A00	EUR/100 kg	0,00

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

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

II

(Acts whose publication is not obligatory)

EUROPEAN ECONOMIC AREA

STANDING COMMITTEE OF THE EFTA STATES

DECISION OF THE STANDING COMMITTEE OF THE EFTA STATES

No 1/2001/SC

of 24 January 2001

amending the Rules of Procedure of the Standing Committee of the EFTA States

THE STANDING COMMITTEE OF THE EFTA STATES,

Having regard to the Agreement on a Standing Committee of the EFTA States as adjusted by the Protocol Adjusting the Agreement on a Standing Committee of the EFTA States, hereinafter referred to as the Agreement, and in particular Article 7 thereof,

Having regard to Decision of the Standing Committee of the EFTA States No 2/95/SC of 18 May 1995 amending the Rules of Procedure of the Standing Committee of the EFTA States,

Whereas the EFTA States have agreed to amend the Rules of Procedure of the Standing Committee regarding the Chairmanship of subcommittees and working groups,

HAS DECIDED AS FOLLOWS:

Article 1

Decision of the Standing Committee No 1/94/SC (Rules of Procedure) shall be amended as follows:

1. The following shall be added in Article 19(2):

‘, following a timely written proposal by an EFTA State to the Chairman of the Standing Committee.’

2. The following paragraph shall be added in Article 20:

‘2. The Chairman of each working group shall be appointed by the relevant subcommittee, following a timely written proposal by the working group to the Chairman of the subcommittee concerned.’

3. The current text of Article 20 shall become paragraph 1.

Article 2

This Decision shall take immediate effect.

Article 3

This Decision shall be published in the EEA section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 24 January 2001.

For the Standing Committee

The President

N. v. LIECHTENSTEIN
