

# Official Journal

of the European Communities

ISSN 0378-6986

C 19

Volume 44

20 January 2001

English edition

## Information and Notices

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## I

*(Information)*

## COMMISSION

**Euro exchange rates <sup>(1)</sup>****19 January 2001**

(2001/C 19/01)

<b>1 euro</b>	=	7,4666	Danish krone
	=	8,887	Swedish krona
	=	0,638	Pound sterling
	=	0,94	United States dollar
	=	1,4185	Canadian dollar
	=	110,66	Japanese yen
	=	1,5268	Swiss franc
	=	8,227	Norwegian krone
	=	79,99	Icelandic króna <sup>(2)</sup>
	=	1,6817	Australian dollar
	=	2,0964	New Zealand dollar
	=	7,4307	South African rand <sup>(2)</sup>

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<sup>(1)</sup> Source: reference exchange rate published by the ECB.

<sup>(2)</sup> Source: Commission.

**STATE AID****(Articles 87 to 89 of the Treaty establishing the European Community)****Commission notice pursuant to Article 88(2) of the EC Treaty, addressed to the other Member States and interested parties, concerning aid C 79/1999 — Rover Longbridge, UK**

(2001/C 19/02)

(Text with EEA relevance)

By the following letter dated 10 October 2000, the Commission has informed the United Kingdom of its decision to close the procedure laid down in Article 88(2) of the Treaty.

By letter dated 19 August 1999, the United Kingdom notified the Commission of the aid. It provided the Commission with further information by letters dated 15 November 1999 and 18 November 1999.

By letter dated 1 February 2000, the Commission informed the United Kingdom that it had decided to initiate the procedure laid down in Article 88(2) of the EC Treaty in respect of the aid.

The Commission decision to initiate the procedure was published in the *Official Journal of the European Communities* <sup>(1)</sup>. The Commission called on interested parties to submit their comments.

The Commission received no comments from interested parties.

By letter of 13 July 2000, the United Kingdom withdrew the notification of the aid.

The Commission notes that according to Article 8 of the Council Regulation 659/1999 <sup>(2)</sup>, the Member State concerned may withdraw the notification in due time before the Commission has taken a decision on the aid. In cases where the Commission has initiated the formal investigation procedure, the Commission shall close that procedure.

Consequently, the Commission decided to close the formal investigation procedure under Article 88(2) of the EC Treaty, in respect of the relevant aid, recording that the United Kingdom has withdrawn its notification.'

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<sup>(1)</sup> OJ C 62, 4.3.2000, p. 7.

<sup>(2)</sup> Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for application of Article 93 of the Treaty, OJ L 83, 27.3.1999, p. 1.

## Authorisation for State aid pursuant to Articles 87 and 88 of the EC Treaty

### Cases where the Commission raises no objections

(2001/C 19/03)

**Date of adoption of the decision:** 29.11.2000

**Member State:** Germany (Mecklenburg-Vorpommern)

**Aid No:** NN 76/99 (ex N 686/98)

**Title:** Aid to an animal disease fund

**Objective:** To ensure the proper regional implementation of a federal approved aid measure

**Legal basis:** Administrative decision

**Budget:** Not relevant

**Aid intensity or amount:** Measure not constituting aid

**Duration:** One-off

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at

[http://europa.eu.int/comm/sg/sgb/state\\_aids](http://europa.eu.int/comm/sg/sgb/state_aids)

**Date of adoption of the decision:** 14.12.2000

**Member State:** Greece

**Aid No:** N 249/2000

**Title:** Financial aid for farmers whose potatoes were damaged due to adverse weather conditions

**Objective:** See title

**Legal basis:** Κοινή υπουργική απόφαση

**Budget:** GRD 200 000 000 (approximately EUR 600 000)

**Aid intensity or amount:** 40 % of lost potatoes

**Duration:** 2000

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at

[http://europa.eu.int/comm/sg/sgb/state\\_aids](http://europa.eu.int/comm/sg/sgb/state_aids)

**Date of adoption of the decision:** 18.12.2000

**Member State:** Ireland

**Aid No:** N 294/2000

**Title:** Improvement in dairy hygiene standards

**Objective:** Support for on-farm investments to upgrade milk production facilities and to improve dairy hygiene standards

**Legal basis:** Non-statutory; implemented by administrative provision

**Budget:** EUR 22,7 million over 2000-2006 period

**Aid intensity or amount:** Variable; direct grant of up to 55 % of eligible expenses (Young farmers in LFA). Maximum amount of investment eligible for support set at EUR 31 743

**Duration:** 2000-2006

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at

[http://europa.eu.int/comm/sg/sgb/state\\_aids](http://europa.eu.int/comm/sg/sgb/state_aids)

**Date of adoption of the decision:** 18.12.2000

**Member State:** Ireland

**Aid No:** N 296/2000

**Title:** Housing/handling of alternative enterprises

**Objective:** Grant aid for investments in diversification of on-farm activities

**Legal basis:** Non-statutory scheme implemented by administrative provision

**Budget:** A total of IEP 13 million (EUR 16,5 million) over the duration of the scheme

**Aid intensity or amount:** Direct grant of up to 40 % of eligible expenses upon successful completion of the investment

**Duration:** 2000-2006

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at

[http://europa.eu.int/comm/sg/sgb/state\\_aids](http://europa.eu.int/comm/sg/sgb/state_aids)

**Date of adoption of the decision:** 18.12.2000

**Member State:** The Netherlands

**Aid No:** N 535/2000

**Title:** Income scheme for older, self-employed persons who have been active in livestock farming

**Objective:** Stimulate cessation of activities by livestock farmers of 55 years and older

**Legal basis:** Artikel 2 van de kaderwet LNV-subsidies

**Budget:** NLG 15 000 000

**Aid intensity or amount:** Measure not constituting aid

**Duration:** The scheme is temporary — on 1 January 2003 the beneficiaries will be transferred to the 'Older and partially incapacitated former self-employed persons income scheme'

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at

[http://europa.eu.int/comm/sg/sgb/state\\_aids](http://europa.eu.int/comm/sg/sgb/state_aids)

**Date of adoption of the decision:** 18.12.2000

**Member State:** Belgium (Wallonia)

**Aid No:** N 630/2000

**Title:** Grant of a public guarantee to help young people enter farming

**Objective:** To provide additional start-aid for young farmers in view of the high costs in Wallonia

**Aid intensity or amount:** Maximum EUR 25 000

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at

[http://europa.eu.int/comm/sg/sgb/state\\_aids](http://europa.eu.int/comm/sg/sgb/state_aids)

**Date of adoption of the decision:** 18.12.2000

**Member State:** Italy (Bologna)

**Aid No:** N 663/2000

**Title:** Regulation issued by the Bologna chamber of commerce, industry, crafts and agriculture, granting aid to agricultural holdings operating in the province of Bologna to improve the efficiency of agricultural structures

**Objective:** Structural adjustment of agricultural holdings in all phases of the production, processing and marketing of products produced by those holdings

**Legal basis:** Regolamento della Camera di commercio industria artigianato agricoltura di Bologna

**Budget:** ITL 700 million (approximately EUR 361 519)

**Aid intensity or amount:** Variable

**Duration:** Unspecified

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at

[http://europa.eu.int/comm/sg/sgb/state\\_aids](http://europa.eu.int/comm/sg/sgb/state_aids)

**Date of adoption of the decision:** 18.12.2000

**Member State:** Germany (Schleswig-Holstein)

**Aid No:** N 690/2000

**Title:** Support for organic farming

**Objective:** Stimulating organic farming

**Legal basis:** Richtlinien für die Bezuschussung von Kontrollkosten ökologisch wirtschaftender landwirtschaftlicher Unternehmen

**Budget:**

— 2000: DEM 300 000 (EUR 153 387,56)

— 2001: DEM 300 000

— 2002: DEM 300 000

**Aid intensity or amount:** The aid for control costs amounts to up to 70 % (with a maximum of DEM 1 000 per undertaking per year) of the proven costs. The aid for advice

amounts for undertakings in the first five years after the conversion to organic farming to 70 % of proven costs with a maximum of DEM 1 400 per undertaking, while the aid for undertakings more than five years active in organic farming amounts to 50 % with a maximum of DEM 1 000 per undertaking

**Duration:** Indefinite

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at

[http://europa.eu.int/comm/sg/sgb/state\\_aids](http://europa.eu.int/comm/sg/sgb/state_aids)

**Date of adoption of the decision:** 18.12.2000

**Member State:** Italy (Toscana)

**Aid No:** N 713/2000

**Title:** Changes to the programme of economic promotion of agricultural activities for the year 2000

**Objective:** Promotion of the agricultural productions of the region

**Legal basis:** Legge regionale 14.4.1997 n. 28

**Budget:** ITL 80 000 000 (EUR 41 316)

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at

[http://europa.eu.int/comm/sg/sgb/state\\_aids](http://europa.eu.int/comm/sg/sgb/state_aids)

**Date of adoption of the decision:** 18.12.2000

**Member State:** Germany

**Aid No:** N 743/2000

**Title:** Aid for producer associations

**Objective:** Promote the development of the sector by encouraging producer associations

**Legal basis:** Two chapters of the Durchführung von Maßnahmen zur Verbesserung der Effizienz der Agrarstrukturen in Deutschland nach dem Rahmenplan 2000-2003 der Gemeinschaftsaufgabe „Verbesserung der Agrarstruktur und des Küstenschutzes“:

— Förderung aufgrund des Marktstrukturgesetzes

— Förderung der Verarbeitung und Vermarktung ökologisch oder regional erzeugter landwirtschaftlicher Produkte

**Budget:** DEM 2 800 million per year (both nationally financed and co-financed, for the total programme)

**Aid intensity or amount:** Maximally 60 %

**Duration:** Unlimited

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at

[http://europa.eu.int/comm/sg/sgb/state\\_aids](http://europa.eu.int/comm/sg/sgb/state_aids)

**Authorisation for State aid pursuant to Articles 87 and 88 of the EC Treaty**

**Cases where the Commission raises no objections**

(2001/C 19/04)

(Text with EEA relevance)

**Date of adoption of the decision:** 20.6.2000

**Member State:** Italy (Friuli-Venezia Giulia)

**Aid No:** N 31/2000

**Title:** Preparation of the region's annual and multiannual balance sheet

**Objective:** To promote development of SMEs

**Legal basis:** Legge della Giunta Regionale: L.R. 2/2000 «Disposizioni per la formazione del bilancio pluriennale e annuale»

**Budget:**

ITL 188 billion (EUR 97 million) for the period 2000-2002, of which:

— ITL 31,8 billion (EUR 16,5 million) for 2000

— ITL 10 billion (EUR 5,16 million) for 2001

— ITL 146,2 billion (EUR 75,4 million) for 2002

**Aid intensity or amount:** According to the guidelines:

— SMEs: 7,5 % gge for medium-sized firms, 15 % gge for small firms

— Environment: 25 % gge for SMEs, 15 % gge for other firms

— R & D: 25 % gge for pre-competitive research, 50 % gge for industrial research

**Duration:** Three years (2000-2002)

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at

[http://europa.eu.int/comm/sg/sgb/state\\_aids](http://europa.eu.int/comm/sg/sgb/state_aids)

**Duration:** Unlimited. Current financing decision equivalent to two years

**Other information:** The United Kingdom has committed itself to provide an annual report on implementation of the scheme

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at

[http://europa.eu.int/comm/sg/sgb/state\\_aids](http://europa.eu.int/comm/sg/sgb/state_aids)

**Date of adoption of the decision:** 13.11.2000

**Member State:** Germany (Bavaria)

**Aid No:** N 351/2000

**Title:** Bavarian loan programme for SMEs

**Objective:** Strengthen investments of SMEs

**Legal basis:** Richtlinie zur Durchführung des Bayerischen Kreditprogramms für die Förderung des Mittelstandes i. V. m. allgemeinen haushaltrechtlichen Bestimmungen

**Budget:** DEM 75 million (approximately EUR 37,5 million) per year

**Aid intensity or amount:** Maximum: 15 % for small enterprises, 7,5 % for medium-sized enterprises

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at

[http://europa.eu.int/comm/sg/sgb/state\\_aids](http://europa.eu.int/comm/sg/sgb/state_aids)

**Date of adoption of the decision:** 4.10.2000

**Member State:** United Kingdom

**Aid No:** NN 15/2000

**Title:** Civil aircraft research and technology demonstration (CARAD) programme

**Objective:** To promote long-term research and development in technologies underpinning civil aviation

**Legal basis:** Civil Aviation Act 1982

**Budget:** From GBP 20 to 25 million per year

**Aid intensity or amount:** Up to 100 % for research undertaken in research and technology institutes and from 25 % to 50 % in other cases

**Date of adoption of the decision:** 15.11.2000

**Member State:** Germany

**Aid No:** N 343/2000

**Title:** R & D programme 'New media in education'

**Objective:** To support R & D projects in the field of educational multimedia content

**Legal basis:** Haushaltsgesetz

**Budget:** On average DEM 30 million (approximately EUR 15 million) per year to companies (total programme budget to companies: DEM 148 million (approximately EUR 74 million) over five years

**Aid intensity or amount:**

Up to:

- 100 % for fundamental research
- 75 % for feasibility studies
- 50 % for industrial research
- 25 % for pre-competitive development plus bonus where appropriate

**Duration:** Until 1 March 2004

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at

[http://europa.eu.int/comm/sg/sgb/state\\_aids](http://europa.eu.int/comm/sg/sgb/state_aids)**Date of adoption of the decision:** 15.11.2000**Member State:** Austria (Tirol)**Aid No:** N 117/2000**Title:** Regional Planning Scheme 2000-2006 Tirol**Objective:** Development of SMEs, regional aid, environmental investment**Legal basis:** „Rahmenrichtlinie für die Wirtschaftsförderung des Landes Tirol“ und „ROSP 2000—2006 Stärkung der regionalwirtschaftlichen Leistungskraft, Punkt (4) Standortverlegung aus Gründen der Raumordnung“ und „ROSP 2000—2006 Errichtung von energiebezogenen Umweltschutzvorhaben, Punkt (1) Errichtung von Biomasse-Anlagen, (2) Industrielle Abwärmernutzung und Abwärmerückgewinnung und (4) Errichtung von elektrischen Wärmepumpenanlagen“**Budget:** EUR 27 million for the period until end of 2006**Aid intensity or amount:** Up to the ceilings applicable in the respective frameworks (SME and environment) and up to the regional aid ceilings under the regional aid map as in force at the moment the aid is awarded**Duration:** 31 December 2006

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at

[http://europa.eu.int/comm/sg/sgb/state\\_aids](http://europa.eu.int/comm/sg/sgb/state_aids)**Date of adoption of the decision:** 15.11.2000**Member State:** Germany (Bremen)**Aid No:** N 132/2000**Title:** Work and Technology, Freie Hansestadt Bremen**Objective:** Training aid**Legal basis:** Haushaltsordnung der freien Hansestadt Bremen (LHO) §§ 23 und 44; Richtlinie zur Förderung von Verbund-

projekten im Rahmen des Landesprogramms „Arbeit und Technik“

**Budget:** EUR 27 million for the period until end of 2006 (approximately EUR 3,9 million per year)**Aid intensity or amount:** 66 % gross, in case of cumulation up to 70 % gross**Duration:** 31 December 2006

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at

[http://europa.eu.int/comm/sg/sgb/state\\_aids](http://europa.eu.int/comm/sg/sgb/state_aids)**Date of adoption of the decision:** 27.11.2000**Member State:** Portugal**Aid No:** N 478/2000**Title:** Measure 2.3 of the Operational programme for science, technology and innovation**Objective:** Technological research and development**Legal basis:** Decreto-Lei**Budget:** EUR 62,4 million**Aid intensity or amount:** Variable, depending on the type of project, firm and region**Duration:** Until end 2006**Other information:** N 457/2000

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at

[http://europa.eu.int/comm/sg/sgb/state\\_aids](http://europa.eu.int/comm/sg/sgb/state_aids)**Date of adoption of the decision:** 4.12.2000**Member State:** Italy (Friuli-Venezia Giulia)**Aid No:** N 185/2000**Title:** To compensate shellfish-cleaning enterprises following the mucilage pollution in 1997**Objective:** To compensate these enterprises for revenue lost as a result of this event**Legal basis:** Legge n. 2/2000 della Regione Friuli-Venezia Giulia, articolo 6, paragrafi 91-94**Budget:** ITL 100 million (EUR 51 647 million)**Other information:** Summary report on the aid paid

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at

[http://europa.eu.int/comm/sg/sgb/state\\_aids](http://europa.eu.int/comm/sg/sgb/state_aids)

**GUIDELINES FOR THE EXAMINATION OF STATE AID TO FISHERIES AND AQUACULTURE**

(2001/C 19/05)

**INTRODUCTION**

The maintenance of a system of free and undistorted competition is one of the basic principles of the European Community. Community policy towards State aid is directed towards ensuring free competition, efficient allocation of resources and the unity of the Community market. Consequently, since the founding of the common market, the Commission's attitude has always been one of particular vigilance in this field.

Although Article 36 of the EC Treaty states that the rules on competition apply to the production of and trade in fisheries products only to the extent determined by the Council, the application of State aid rules to production of and trade in fisheries products is provided for in Article 32 of Council Regulation (EC) No 104/2000 <sup>(1)</sup> on the common organisation of market. Furthermore, Article 19 of Council Regulation (EC) No 2792/1999 <sup>(2)</sup> laying down the detailed rules and arrangements for Community structural assistance in the fisheries sector states that Articles 87 to 89 of the EC Treaty apply to aid granted by Member States to support this sector.

The common fisheries policy aims to establish the conditions necessary for ensuring rational and responsible exploitation of fisheries resources on a sustainable basis. The market organisation stabilises prices and unifies the Community market. Community rules for fishing provide for the conservation and the best possible use of available fish stocks.

Multiannual guidance programmes lay down restrictions on the size of national fishing fleets with the objective of establishing balance between fish stocks and their exploitation.

The Financial Instrument for Fisheries Guidance, one of the Community's structural funds, provides financial support for the structural adaptation necessary to attain the objectives of the common fisheries policy.

State aid is only justified if it is in accordance with the objectives of both the competition and fisheries policies.

Regulations governing the activities of the Structural Funds also state that they must be carried out in accordance with Community rules on competition.

The overriding need to ensure rational and responsible exploitation of fisheries resources in the face of severe biological restraints requires particular prudence in granting State aid to the fisheries sector. Any State aid which differs from schemes laid down for Community aid needs to be considered carefully and can only be accepted where it can be demonstrated that such aid will not contribute to the maintenance or development of fishing capacity where there is excess capacity in a fishery and will not contribute to reduced biodiversity.

It is within this framework that the Commission intends to administer derogations to the principle of incompatibility of State aid with the common market (Article 87(1) of the EC Treaty) provided for in Article 87(2) and (3) of the EC Treaty and in its implementing instruments.

In order to ensure that the common market functions properly and that the objectives of the common fisheries policy are achieved, the Commission finds it necessary to propose to the Member States, pursuant to Article 88(1) of the EC Treaty, that they apply to their existing aid schemes for fisheries, already authorised by the Commission, the criteria laid down in these Guidelines.

These guidelines take the place of earlier ones published in 1997 <sup>(3)</sup> as a result of the development of the common fisheries policy, notably through the adoption of the Regulation (EC) No 2792/1999.

The Commission will continue to amplify or modify these guidelines as and when experience is gained in the regular examination of inventories of State aids and in the light of the development of the common fisheries policy.

**1. SCOPE AND GENERAL PRINCIPLES****1.1. Scope**

These Guidelines relate to all measures which constitute aid within the meaning of Article 87(1) of the EC Treaty, including any measure entailing a financial advantage in any form whatsoever funded directly or indirectly from the budgets of public authorities (national, regional, provincial, departmental or local) or from other State resources. The following, for example, are to be considered as aid: capital transfers, reduced-interest loans, interest subsidies, certain State holdings in the capital of undertakings, aid financed by special levies or parafiscal charges and aid granted in the form of State securities against bank loans or the reduction of or exemption from charges or taxes, including accelerated depreciation and the reduction of social contributions.

<sup>(1)</sup> OJ L 17, 21.1.2000, p. 22.

<sup>(2)</sup> OJ L 337, 30.12.1999, p. 10.

<sup>(3)</sup> OJ C 100, 27.3.1997, p. 12.

These Guidelines apply to the entire fisheries sector and concern the exploitation of living aquatic resources and aquaculture together with the means of production, processing and marketing of the resultant products, but excluding recreation and sport fishing which does not result in the sale of fisheries products.

## 1.2. General principles

State aid may be granted only if it is consistent with the objectives of the common fisheries policy.

Aid may not be protective in its effect: it must serve to promote the rationalisation and efficiency of the production and marketing of fishery products in a way which encourages and accelerates the adaptation of the industry to the situation it faces, particularly in terms of the scarcity of fisheries resources.

Any such aid must yield lasting improvements so that the industry can develop solely on the basis of market earnings. Its duration must therefore be limited to the time needed to achieve the desired improvements and adaptations.

Consequently the following principles apply:

- State aid must not impede the application of the rules of the common fisheries policy. In particular, aid to the export of or to trade in fishery products within the Community is incompatible with the common market,
- Community provisions relating to structural policy have been adopted in order to achieve the objectives of the common fisheries policy.

If the available Community funds are insufficient to cover the part-financing of the measures eligible for such assistance, the overall rate of the State aid may be aggregated, where appropriate, with the rate of Community part-financing provided it does not exceed the overall rate of the aid laid down under the Community rules.

State aid exceeding this overall rate will only be permitted in accordance with the specific provisions below.

- State aid which is granted without imposing any obligation on the part of recipients and which is intended to improve the situation of undertakings and increase their business liquidity or is calculated on the quantity

produced or marketed, product prices, units produced or the means of production, and which has the effect of reducing the recipient's production costs or improving the recipient's income is, as operating aid, incompatible with the common market.

- 1.3. The examination of aid schemes will be based on values expressed in terms of the total amount of support. However, account will be taken of all factors making it possible to assess the real advantage to the recipient.

The cumulative effect for the recipient of all measures involving an element of subsidy granted by the State authorities pursuant to Community, national, regional or local law, particularly those that are designed to promote regional development, will be taken into account when State aid schemes are being assessed.

- 1.4. Aid schemes funded by special charges, in particular para-fiscal charges, imposed on certain fishery and aquaculture products irrespective of their origin, may be deemed compatible where aid schemes benefit both domestic and imported products.
- 1.5. Guidelines on national regional aid do not apply in this sector<sup>(1)</sup>. The components of regional aid schemes involving the fisheries sector will be examined on the basis of the present Guidelines.
- 1.6. Since, given the existence of common fisheries policy, any aid in favour of certain enterprises or products, of whatever amount, may distort competition and affect trade between Member States, the so-called *de minimis* rule<sup>(2)</sup> does not apply towards expenditure in connection with the fishery and aquaculture sectors.

## 2. ANALYSIS OF THE VARIOUS CATEGORIES OF AID

### 2.1. Aid of a general nature

- 2.1.1. Under the conditions laid down in the following points, aid may be deemed compatible where the amount does not go beyond what is strictly necessary in order to achieve the purpose of the aid and is of a limited duration. The rate of aid for all types of aid mentioned in this section must not exceed, in subsidy equivalent, the total rate of national and Community subsidies permitted under Annex IV of Regulation (EC) No 2792/1999.

<sup>(1)</sup> OJ C 74, 10.2.1998, p. 9.

<sup>(2)</sup> Commission notice on the *de minimis* rule for State aid (OJ C 68, 6.3.1996, p. 6).

### 2.1.2. Aid for training and advisory services

2.1.2.1. Aid for the technical and economic training of persons working in the fisheries sector and aid to the provision of advisory services in new techniques and to technical or economic assistance is deemed to be compatible with the common market provided it is directed exclusively at improving the knowledge of recipients so as to help them increase the efficiency of their operations and to enhance their awareness of fishery conservation concerns. This aid should be available to all persons concerned on objectively defined conditions.

Relevant Commission guidelines for State aid in this area shall apply.

### 2.1.2.2. Aid in the form of advice to enterprises

Aid intended to promote better use of the undertakings' equipment, and in particular aid for advice on financial and technical management and data processing, is in principle compatible with the common market, provided that the relevant advice is not a continuous or periodic activity and does not relate to the undertaking's usual operating expenditure.

### 2.1.3. Aid to research and experimental fishing

2.1.3.1. Aid schemes to assist research can be regarded as compatible with the common market on condition that they comply with the Community framework for State aids for research and development <sup>(1)</sup>.

2.1.3.2. Aid to experimental fishing projects may be granted provided their aim is the conservation of fishery resources and they implement more selective techniques.

### 2.1.4. Aid to product promotion and advertising

2.1.4.1. Aid to product promotion and advertising may be regarded as being compatible with the common market provided that:

- (a) it concerns an entire sector or product or group of products in such a way

that it does not promote the products of one or more specific undertakings;

- (b) it is compatible with Article 28 of the EC Treaty pursuant to the Commission communication concerning State involvement in the promotion of agricultural and fisheries products <sup>(2)</sup>;

- (c) the conditions for granting it are comparable with those laid down in Article 14 and Annex III, point 3 of Regulation (EC) No 2792/1999 and are at least as stringent.

2.1.4.2. In the case where official recognition of the product has been given pursuant to Regulation (EEC) No 2081/92 aid may be approved as of the date on which the name has been entered in the register provided for in Article 6(3) of this Regulation.

### 2.1.5. Aid to promote new market outlets

Aid to find and promote new market outlets for fishery and aquaculture products may be deemed to be compatible with the common market provided that it meets the conditions laid down in Regulation (EC) No 2792/1999 and it is compatible with Article 28 of the EC Treaty.

## 2.2. Aid to sea-fishing

### 2.2.1. Aid for the permanent withdrawal of fishing vessels

Aid for the permanent withdrawal of fishing vessels which is not linked to the purchase or construction of new vessels is compatible with the common market provided that it meets the requirements of Regulation (EC) No 2792/1999 for eligibility for Community aid.

Aid for permanent transfer of fishing vessels to developing countries must be consistent with the objectives in the area of development cooperation as required by Regulation (EC) No 2792/1999.

Aid schemes for permanent withdrawal of fishing vessels under conditions which differ from the requirements of Regulation (EC) No 2792/1999 will be examined on a case-by-case basis. Any such scheme must be of a limited duration.

<sup>(1)</sup> OJ C 45, 17.2.1996, p. 5.

<sup>(2)</sup> OJ C 272, 28.10.1986, p. 3.

### 2.2.2. Aid for the temporary cessation of fishing

Aid for the temporary cessation of fishing may be deemed compatible if it is intended to offset part of the loss of income associated with a temporary cessation measure introduced under the circumstances laid down in Article 16 of Regulation (EC) No 2792/1999.

Accompanying social measures for fishermen in order to facilitate temporary cessation of fishing activities in the framework of plans for the protection of aquatic resources, as laid down in Article 12(6) of Regulation (EC) No 2792/1999, may be deemed compatible, subject to notification to the Commission of the plan concerned, which should contain precise and measurable objectives and a time frame. Evidence of the social impact of the plan and justification of special measures going beyond the normal social security regime shall be provided. Fishermen are only those persons engaged on board of an operational seagoing fishing vessel as a main occupation.

In both the above cases, aid may also be granted to vessel owners in order to offset social security costs.

Scientific and, where necessary, economic justification of such aid shall accompany its notification to the Commission. Measures must not go beyond what is strictly necessary in order to attain the objective pursued and must be of limited duration. Overcompensation shall be avoided.

Aid to restrict fishing activities which is introduced for the purpose of helping to achieve the target reductions in fishing effort under the multiannual guidance programmes for Community fishing fleets is not allowed.

### 2.2.3. Aid for investment in the fleet

2.2.3.1. Aid for the construction of new fishing vessels may be deemed compatible with the common market subject to the requirements of Articles 6, 7, 9 and 10 of, and Annex III (point 1.3) to, Council Regulation (EC) No 2792/1999 and provided that the sum of the State aid does not exceed, in subsidy equivalent, the total rate of national and Community subsidies fixed by Annex IV to that Regulation. No aid may be granted to shipyards for the construction of fishing vessels.

2.2.3.2. Aid for the modernisation of commissioned vessels may be deemed compatible with the common market subject to the requirements of Articles 6, 7, 9 and 10 of, and Annex III (point 1.4) to, Regulation (EC) No 2792/1999 and provided that sum of the State aid does not exceed, in subsidy equivalent, the total rate of national and Community subsidies fixed by Annex IV to that Regulation.

2.2.3.3. Aid for the purchase of used vessels is deemed compatible with the common market only if all the following requirements are met:

- (a) vessels can be used for fishing for a further 10 years at least and, at the time of the purchase are not more than 20 years old;
- (b) its aim is to enable sea-fishermen to acquire part ownership of vessels or to replace vessels after their total loss;
- (c) the rate of aid does not exceed, in subsidy equivalent, 20 % of the actual cost of acquisition of the vessel.

Any aid granted less than 10 years previously for the construction or modernisation of a vessel or for the earlier purchase of the same vessel is reimbursed in proportion to the amount of time elapsed. However, Member States may waive this reimbursement if the purchaser in turn fulfils the conditions to qualify for the aid and undertakes to assume the rights and obligations of the previous beneficiary of the aid. Cumulation of aid is not allowed.

The annual report mentioned at point 3.3 shall include a list of all individual aid granted for the purchase of used vessels.

2.2.3.4. The premium to fishermen younger than 35 years, foreseen in Article 12(3)(d) of Regulation (EC) No 2792/1999, may be given in addition to the aid referred to at point 2.3.3.3 under the conditions laid down in that Article and in Article 12(4)(f) of the same Regulation.

A list of all individual aid granted under this regime shall be included in the annual report mentioned at point 3.3.

#### 2.2.4. Aid for rescue and restructuring firms in difficulty

Aid aimed at rescuing and restructuring firms in difficulty will be assessed in accordance with the guidelines for aid for rescue and restructuring firms <sup>(1)</sup>.

Aid aimed at restructuring firms whose main activity is fishing at sea may be granted only when a plan designed to reduce the fleet capacity has been submitted to the Commission.

#### 2.2.5. Aid for the creation of joint enterprises

Aid for the creation of joint enterprises may be deemed compatible with the common market if it meets the requirements of the Community rules (Article 8 of, and Annex III to, Council Regulation (EC) No 2792/1999) provided that the sum of the State aid does not exceed, in subsidy equivalent, the total rate of national and Community subsidies fixed by Annex IV to that Regulation.

#### 2.2.6. Aid for improving management and monitoring of fishing activities

Where a Member State adopts measures intended to improve management or strengthen the monitoring of fishing activities, going beyond the minimum requirements required by relevant Community regulation, such aid may be considered compatible with the common market subject to a case-by-case examination. The aid must not go beyond what is strictly necessary in order to attain the objective pursued and may not extend beyond a period of three years. Overcompensation shall be avoided.

### 2.3. Aid to processing and marketing in the fisheries sector

Aid to investment in the processing and marketing of fishery products may be deemed to be compatible with the common market provided that:

- (a) the conditions for granting it are comparable with those laid down in Annex III (point 2.4) to Regulation (EC) No 2792/1999 and are at least as stringent;

- (b) the sum of State aid does not exceed, in subsidy equivalent, the total rate of national and Community subsidies fixed by Annex IV to that Regulation.

### 2.4. Aid for port facilities

Aid for fishing port facilities intended to assist landing operations and the provision of supplies to fishing vessels may be regarded as being compatible with the common market provided that:

- (a) the conditions for granting it are comparable with those laid down in Annex III (point 2.3) to Regulation (EC) No 2792/1999 and are at least as stringent;

- (b) the sum of State aid does not exceed, in subsidy equivalent, the total rate of national and Community subsidies fixed by Annex IV to that Regulation.

No aid may be granted to ports for the construction of fishing vessels.

### 2.5. Protection and increase of aquatic resources

Aid for the protection and increase of aquatic resources in coastal waters may be deemed to be compatible with the common market provided that:

- (a) the conditions for granting it are comparable with those laid down in Annex III (point 2.1) to Regulation (EC) No 2792/1999 and are at least as stringent;

- (b) the sum of State aid does not exceed, in subsidy equivalent, the total rate of national and Community subsidies fixed by Annex IV to that Regulation.

Restocking in sea water may be deemed compatible.

### 2.6. Aid to producer associations

Aid to encourage the creation and facilitate the operation of producer organisations recognised under Community legislation may be allowed under the conditions laid down in Article 15(1) of Regulation (EC) No 2792/1999.

<sup>(1)</sup> OJ C 288, 9.10.1999, p. 2.

Aid intended to improve or provide support for the activities of producer groups or associations other than the producer organisations recognised under Community legislation may be deemed to be compatible with the common market provided that it takes the same form and meets the same conditions as aid granted to such recognised organisations and its rate does not exceed 80 % of the rate of aid granted to the latter.

Aid for measures implemented by members of the trade or the organisations mentioned in Article 15 of Regulation (EC) No 2792/1999, may be deemed to be compatible with the common market provided that it meets the requirements of Article 15(2) and (3) of this Regulation.

## 2.7. Aquaculture and freshwater fishing

Aid for aquaculture and aid for investment in commercial freshwater fisheries (stocking with fry, restocking, and installing/improving waterways and ponds) may be considered compatible with the common market provided that:

- the conditions for granting it are comparable with those laid down in Article 13 and Annex III to Council Regulation (EC) No 2792/1999 and are at least as stringent,
- the sum of State aid does not exceed, in subsidy equivalent, the total rate of national and Community subsidies fixed by Annex IV to that Regulation.

## 2.8. Aid in the veterinary and health fields

Aid in the veterinary and health-protection fields (e.g. veterinary fees, health checks, tests, screening, preventive treatment, drugs, eradication action following outbreaks of disease) may be deemed compatible with the common market provided that there are national or Community provisions which show that the competent public authority is concerned about the disease in question, either by organising an eradication campaign, in particular a compulsory scheme with compensation, or by introducing — as a first step — an early-warning system, possibly combined with aid incentives to encourage individuals to take part on a voluntary basis in preventive measures.

This will ensure that only action involving the public interest, notably in view of the danger of contamination, will attract aid to the exclusion of cases in which managers must reasonably themselves take responsibility for the normal risks run by the firm.

The objectives of the aid measures must be either preventive, compensatory or mixed and in accordance with the principles applied concerning control of animal

diseases in Council Decision 90/424/EC <sup>(1)</sup> on expenditure in the veterinary field.

## 2.9. Special cases

### 2.9.1. Public enterprises

These guidelines also apply to fishery undertakings which are entirely or partly publicly owned.

### 2.9.2. Income aid

Income support to workers in the fisheries and aquaculture sector and to workers employed in the processing and marketing of fishery and aquaculture products may be considered compatible with the common market provided it forms part of socioeconomic back-up measures linked to the adjustment or reduction of capacity or to exceptional circumstances to be assessed on a case-by-case basis.

In case of temporary cessation of activity, conditions set out in 2.2.2 apply.

Early retirement aid for fishermen and individual flat-rate premiums are compatible with the common market, provided they comply with Article 12(3)(a), (b) and (c) of Regulation (EC) No 2792/1999. Aid under conditions which differ from those laid down in Article 12 will be assessed on a case-by-case basis.

### 2.9.3. Aid to make good damage caused by natural disaster or exceptional occurrences.

According to Article 87(2)(b) of the EC Treaty, aid to make good damage caused by natural or exceptional occurrences is deemed to be compatible with the common market. Once the existence of a natural disaster or an exceptional occurrence has been demonstrated, an aid of up to 100 % to compensate for material damage is permitted.

Compensation should normally be calculated at the level of the individual beneficiary and overcompensation shall be avoided. Amounts received under an insurance scheme or normal costs not incurred by the beneficiary shall be deducted.

Damages which could be covered by an ordinary commercial insurance contract or represent normal enterprise risk are not entitled to attract aid.

Any compensation must be granted within three years of the event to which it relates.

<sup>(1)</sup> OJ L 224, 18.8.1990, p. 19.

When the Commission approves a general aid scheme in respect of natural disasters, Member States are asked to inform the Commission of the intention to grant this support in the wake of a natural disaster. In the case of aid to make good damage caused by an exceptional occurrence, Member States must make a notification for every case where it is intended to grant aid.

#### 2.9.4. Insurance premiums

Aid of up to 80 % of the cost of insurance premiums to cover against risk of losses caused by exceptional occurrences or natural disasters, may be accepted.

Aid towards the payment of insurance premiums should not constitute a barrier to the operation of the internal market for insurance services or hinder its development. This would be the case, for instance, if the possibility to provide insurance is limited to a single company or group of companies or if it is stipulated that an insurance contract had to be taken out with a company established in the Member State concerned.

#### 2.9.5. Outermost regions

Aid designed to meet the needs of outermost regions will be assessed on a case-by-case basis, having regard to the provisions of Article 299(2) of the EC Treaty and the compatibility of the measures concerned with the objectives of the common fisheries policy and the potential effect of the measures on competition in these regions and in the other parts of the Community.

#### 2.9.6. Aid for employment

Aids for employment will be assessed in accordance with the Community Guidelines on aid for employment <sup>(1)</sup>.

### 3. PROCEDURAL MATTERS

3.1. The implementation of these guidelines presupposes discipline both on the part of the authorities in the Member States and on the part of the Commission, particularly as regards the formal obligations to provide notification and the time limits set for this purpose.

The Commission reminds the Member States of their duty to notify aid schemes at the draft stage in accordance with

Article 88(3) of the EC Treaty, supplying all the particulars necessary for their assessment.

In the interest of accelerating the examination of aid measures, Member States are advised to fill in the form provided in Annex I.

According to Article 19 of Regulation (EC) No 2792/1999 Member States must notify all State aid projects to the Commission, including those which benefit from Community co-financing.

Where aid is granted without being notified beforehand or before the Commission has taken a position on the draft scheme, the Commission may, pursuant to Article 11 of Regulation (EC) No 659/1999 laying down detailed rules for application of Article 93 of the EC Treaty <sup>(2)</sup>, adopt a Decision requiring the Member State provisionally to recover aids unduly paid. Where a negative decision is taken in the case of unlawful aid, the Member State concerned shall be required to recover the aid from the beneficiary, under the conditions laid down in Article 14 of that Regulation.

With regard to the impact of unlawfully granted aid on the activities financed by the EAGGF Guarantee Section, any repercussions on expenditure financed by the Guarantee Section will be taken into account during the clearance of the accounts.

#### 3.2. Proposals for appropriate measures

In accordance with Article 88(1) of the EC Treaty, the Commission proposes that Member States amend their existing aid schemes relating to aids in the fishery sector to conform with these guidelines by 1 July 2001 at the latest.

The Member States are invited to confirm that they accept these proposals for appropriate measures in writing by 1 March 2001 at the latest.

In the event that a Member State fails to confirm its acceptance in writing before that date, the Commission will assume that the Member State concerned has accepted these proposals, unless it explicitly indicates its disagreement in writing.

Should a Member State not accept the whole or part of these proposals by that date, the Commission will proceed in accordance with Article 19 of Regulation (EC) No 659/1999.

<sup>(1)</sup> OJ C 334, 12.12.1995, p. 4.

<sup>(2)</sup> OJ L 83, 27.3.1999, p. 1.

### 3.3. Annual report

Article 21 of Regulation (EC) No 659/1999 provides that Member States are to submit to the Commission annual reports on all existing aid schemes or individual aid granted outside an approved aid scheme to which no specific reporting obligations have been imposed in a conditional decision. The annual report must contain all relevant information as indicated in the form in Annex II.

Member States are also requested to transmit figures as provided for in the relevant FIFG Commission Regulation.

### 3.4. Entry into force

The Commission will apply these guidelines with effect from 1 January 2001 to any State aid notified upon or after that date.

An 'unlawful aid' within the meaning of Article 1(f) of Regulation (EC) No 659/1999 shall be appraised in accordance with the guidelines prevailing at the time when the aid is granted.

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## ANNEX I

### Information to be supplied pursuant to an Article 88(3) of the EC Treaty notification

1. Member State.
  - 1.1. Ministry or other administrative body with statutory responsibility for the scheme and its implementation.
  - 1.2. Regional authority.
  - 1.3. Other.
2. Title of aid scheme.
3. Legal basis (attach a copy of the legal basis or the draft legal basis if available at the time of notification).
4. Is it a new scheme: yes/no.
  - 4.1. If the aid scheme replaces or alter an existing scheme or a scheme already authorised by the Commission, give reference to the Commission aid number as well as to the Commission decision and specify which rules and conditions are being changed.
5. If this scheme is co-financed by a Community structural fund (especially FIFG), specify the reference of the Commission Decisions.
6. Objectives of the scheme (tick as appropriate):
  - fleet (decommissioning, export, construction, modernisation of fishing vessels, joint enterprises),
  - aquaculture and freshwater fisheries,
  - processing and marketing,
  - advertising and product promotion,
  - port facilities,
  - socioeconomic measures,
  - temporary cessation of fishing,
  - research and development,
  - fisheries stocks and monitoring of fishing activities,
  - veterinary and health field,
  - others.
7. Aid limitations or criteria:
  - 7.1. specify any limits (number of employees, turnover, other) on recipients of aid or any other positive conditions used to determine recipients;

- 7.2. what are the instruments (or forms) of aid (tick as appropriate):
- direct grant,
  - soft loan (including details of how the loan is secured),
  - interest subsidy,
  - tax relief,
  - guarantee (including details of how the guarantee is secured and any charges made for the guarantee),
  - other (specify);
- 7.3. for each instrument of aid, give a precise description of its rules and conditions of application, including in particular the rate of award, its tax treatment and whether the aid is accorded automatically once certain objective criteria are fulfilled or whether there is an element of discretion by the awarding authorities;
- 7.4. for each aid instrument, specify the eligible costs on which the aid is calculated (e.g. land, buildings, equipment, personnel, training, consultants' fees, etc).
8. Give details if any aid is repayable where projects are successful or penalties (e.g. repayment) for failure by the recipient to carry out the project.
9. Where there is more than one aid instrument, to what extent may a recipient cumulate several instruments?
10. Where aid scheme concerns permanent transfer of fishing vessels to developing countries, indicate how will it be ensured that international law will be not infringed in particular with respect to conservation and management of marine resources.
11. Duration of aid scheme (new or existing) in number of years.
12. Expenditure:
- 12.1. if a new scheme, give the budgetary provisions for the duration of the scheme, or estimated revenue losses due to tax concessions; if the scheme is open-ended, state estimated annual expenditure over the next three years;
  - 12.2. if an existing scheme, state budgetary appropriations for the duration of the scheme or an estimate of revenue losses due to a fiscal aid. If the scheme is open-ended, provide as appropriate estimate of annual expenditure, expenditure in last three years, estimated loss of revenue due to tax concessions in last three years.
13. Estimated number of recipients.
14. It would be desirable for Member States to provide a fully reasoned justification as to why the scheme could be considered as compatible with the common market. This text should include, where appropriate, the necessary supporting documents (e.g. socioeconomic data on the recipient regions, scientific and economic justification).
15. Contact point (names, phone, fax, e-mail).

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ANNEX II

**Information to be contained in the annual report**

1. Reference to the Commission aid number and Commission Decision.
  2. Title of the scheme.
  3. Expenditure under the scheme for a given year; separate figures shall be provided for each aid instrument (see point 7.2 of Annex I) and objective of the scheme (see point 6 of Annex I).
  4. Number of recipients.
  5. Assessment of results.
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**Invitation to submit applications for hydrocarbon extraction licenses for sector P8**

(2001/C 19/06)

The Minister for Economic Affairs of the Kingdom of the Netherlands hereby announces that an application for a hydrocarbon extraction licence has been received for sector P8, as shown on the map in Annex I to the 1996 Regulation on continental shelf hydrocarbon licenses (Stert. 93).

In accordance with Article 3(2)(b) of Directive 94/22/EC of the European Parliament and of the Council of 30 May 1994 on the conditions for granting and using authorisations for the prospection, exploration and production of hydrocarbons and Article 16a of the Continental Shelf Mining Act, the Minister for Economic Affairs hereby invites interested parties to submit applications for hydrocarbon extraction licences for sector P8.

Applications may be submitted within 13 weeks of publication of this invitation in the *Official Journal of the European Communities*, marked for the personal attention of the Director for Energy Production, Bezuidenhoutseweg 6, 2594 AV The Hague. Applications submitted after this deadline will not be taken into consideration.

A decision on the applications will be made not later than nine months after the expiry of this deadline.

For further information please call the following telephone number: (31-70) 379 66 85.

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**Invitation to submit applications for hydrocarbon extraction licences for sector Q13**

(2001/C 19/07)

The Minister for Economic Affairs of the Kingdom of the Netherlands hereby announces that an application for a hydrocarbon extraction licence has been received for sector Q13, as shown on the map in Annex I to the 1996 Regulation on continental shelf hydrocarbon licences (Stert. 93).

In accordance with Article 3(2)(b) of Directive 94/22/EC of the European Parliament and of the Council of 30 May 1994 on the conditions for granting and using authorisations for prospection, exploration and production of hydrocarbons and Article 16a of the Continental Shelf Mining Act, the Minister for Economic Affairs hereby invites interested parties to submit applications for hydrocarbon extraction licences for sector Q13.

Applications may be submitted within 13 weeks of publication of this invitation in the *Official Journal of the European Communities*, marked for the personal attention of the Director for Energy Production, Bezuidenhoutseweg 6, 2594 AV The Hague. Applications submitted after this deadline will not be taken into consideration.

A decision on the applications will be made not later than nine months after the expiry of this deadline.

For further information please call the following telephone number: (31-70) 379 66 85.

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**LIST OF APPROVED FIRMS****First subparagraph of Article 92(3) of Regulation (EC) No 1623/2000 (public sale of wine alcohol for use as bioethanol in the fuel sector within the European Community)**

(2001/C 19/08)

## 1. ECOCARBURANTES ESPAÑOLES SA

- administrative address: Poligono Industrial Cabezo Cortado, Avenida del Este S/N, E-30100 Espinardo (Murcia)
  - address of plant: Valle de Escombreras, E-30350 Cartagena (Murcia).
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# EUROPEAN INVESTMENT BANK

## OPINION OF THE EUROPEAN CENTRAL BANK

of 20 December 2000

**at the request of the Council of the European Union pursuant to Article 105(4) of the Treaty establishing the European Community on a proposal for a Council Regulation on the protection of the euro against counterfeiting**

(CON/00/20)

(2001/C 19/09)

1. On 11 September 2000 the European Central Bank (ECB) received a request from the Council of the European Union for an opinion on Commission proposal COM(2000) 492 final of 26 July 2000 for a Council Regulation on the protection of the euro against counterfeiting (hereinafter referred to as the 'Commission proposal'). This opinion is based both on the text of the Commission proposal and on the text of the draft Regulation as it stands following the discussions in the Council working group on the fight against fraud (hereinafter referred to as the 'draft Regulation').
2. The ECB's competence to deliver an opinion is based on Article 105(4) of the Treaty establishing the European Community (hereinafter referred to as the 'Treaty'). In accordance with the first sentence of Article 17.5 of the Rules of Procedure of the ECB, this opinion has been adopted by the Governing Council of the ECB.
3. In general, the ECB welcomes the Commission proposal. There is a need within the Community to ensure an homogeneous and transparent regime to deal with matters relating to euro counterfeiting and to impose certain obligations on concerned authorities of the Member States as well as on credit institutions and entities professionally dealing with cash. The Commission proposal is particularly welcome because it endeavours to achieve a sufficient degree of harmonisation, to provide for public awareness and to be of general application in all Member States. The Commission proposal will facilitate the processing of certain data with regard to euro counterfeiting and foster cooperation within the European Union as well as with third countries.
4. The ECB supports the view presented in the explanatory memorandum of the Commission proposal that as regards the strategic and operational aspects of the combat against euro counterfeiting, the legal framework of Europol should be amplified.
5. The ECB leaves it to the Council to decide on the appropriate legal basis for the draft Regulation. In this context, however, the ECB can support the approach of the Council Presidency of dividing the text of this initiative into two different legal acts, which are to be adopted one within the Community legal framework (first pillar) and the other within the framework of Title VI of the Treaty on European Union (third pillar).

This opinion focuses on the text to be adopted within the Community legal framework.

6. The ECB welcomes the fact that the measures stipulated in the draft Regulation will apply also in relation to the future euro banknotes and coins which have not yet been issued for circulation as legal tender in line with Article 5 of the Council Framework Decision of 29 May 2000 on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro <sup>(1)</sup>.

<sup>(1)</sup> OJ L 140, 14.6.2000, p. 1.

7. The ECB takes note of the fact that certain provisions of the draft Regulation will also apply to unauthorised banknotes, which are defined as: (i) notes produced with the use of lawful facilities or equipment, but in violation of the provisions in accordance with which the relevant authorities may issue currency; or (ii) notes which have been put into circulation in violation of the conditions in accordance with which the relevant authorities may issue currency. According to the view of the ECB, such banknotes, even though produced or put into circulation in an illegal way, are not counterfeits and cannot be distinguished from genuine ones. Since the draft Regulation is intended to facilitate the prevention of counterfeiting, its provisions can apply to unauthorised banknotes only to a limited extent.
8. The draft Regulation foresees access for relevant national authorities, Europol and the Commission to the technical and statistical information held by the ECB. This information, in particular technical information, will be highly confidential. The ECB organises access to such information under its own legal framework. The framework obliges the ECB to communicate without delay the establishment of new counterfeit classes to national authorities, to Europol and to the Commission, in order for them to exercise their tasks. Given the highly confidential nature of the detailed technical information, by means of which genuine banknotes can be distinguished from counterfeits, the ECB needs to be able to condition or require certain confidentiality arrangements for such access, which in any case can only be granted subject to the respective competencies of parties in need of such information.
9. The draft Regulation should ensure that the National Analysis Centres (NACs) have the possibility to examine and analyse all suspected counterfeits. As a rule, all counterfeits should be sent to the NACs; only in the case of specific circumstances (e.g. major amounts of seized counterfeits), examination by the NACs on the spot could be foreseen. This would ensure that the analysis of specific defects of counterfeits can be performed, with the specialised equipment and in relation to the widest possible number of samples.
10. The explanatory memorandum of the Commission proposal foresees the establishment of coordination procedures between the ECB, Europol and the Commission for the implementation of the draft Regulation. The ECB welcomes this initiative.
11. The ECB understands that the issue of compulsory installation of technical devices impeding the reproduction of banknotes in colour copiers and machinery capable of graphic reproduction is still under consideration. The ECB reiterates its concern regarding this issue as expressed in its Recommendation of 7 July 1998 regarding the adoption of certain measures to enhance the legal protection of euro banknotes and coins <sup>(1)</sup>.
12. This opinion shall be published in the *Official Journal of the European Communities*.

Done at Frankfurt am Main on 20 December 2000.

*The President of the ECB*

Willem F. DUISENBERG

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<sup>(1)</sup> OJ C 11, 15.1.1999, p. 13.

## III

(Notices)

## COMMISSION

**Amendment to notice of invitation to tender for the refund for the export of milled long-grain rice to certain third countries**

(2001/C 19/10)

*(Official Journal of the European Communities C 293 of 14 October 2000)*

On page 26, the text of paragraph 2 under heading I 'Subject', is amended as follows:

- '2. The total quantity in respect of which there may be fixed a maximum export refund as provided in Article 1(2), of Commission Regulation (EEC) No 584/75 <sup>(3)</sup>, as last amended by Regulation (EC) No 299/95 <sup>(4)</sup>, is approximately 20 000 tonnes.'

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<sup>(3)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(4)</sup> OJ L 35, 15.2.1995, p. 8.

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**Decision of WTO Dispute Settlement Body confirming incompatibility of a United States safeguard measure with the WTO agreements**

(2001/C 19/11)

The World Trade Organisation's Dispute Settlement Body acknowledged on 19 January 2001 that the safeguard measure applied by the United States since 1 June 1998 to wheat gluten imports is incompatible with the WTO agreements.

Consequently, Council Regulation (EC) No 1804/98 of 14 August 1998 establishing an autonomous duty applicable for residues from the manufacture of starch from maize falling within CN codes 2303 10 19 and 2309 90 20 and introducing a tariff quota on imports of residues from the manufacture of starch from maize (corn gluten feed) falling within CN codes 2303 10 19 and 2309 90 20 originating in the United States of America <sup>(1)</sup> and Commission Regulation (EC) No 6/2001 laying down detailed rules for the application of the above Regulation <sup>(2)</sup>, will become applicable from 24 January 2001.

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<sup>(1)</sup> OJ L 233, 20.8.1998, p. 1.

<sup>(2)</sup> OJ L 2, 5.1.2001, p. 4.

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