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## Legislation

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**Notice to readers** (see page 3 of the cover)

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**This issue closes the L series for 2000.**

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

**COUNCIL DECISION  
of 22 December 2000  
establishing a European Police College (CEPOL)**

(2000/820/JHA)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the initiative of the Portuguese Republic <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Whereas:

- (1) At its meeting in Tampere on 15 and 16 October 1999, the European Council agreed that a European Police College, hereinafter referred to as 'CEPOL', should be established to train senior officers of police forces, such forces being understood to mean law enforcement officials as referred to in point 47 of the Presidency conclusions.
- (2) The European Council in Tampere agreed that CEPOL should initially consist of a network of existing national training institutes, without precluding the establishment of a permanent institution at a later stage.
- (3) There already exist national, European and international organisations and bodies active in the area of police training, on whose cooperation CEPOL should be able to rely in carrying out its tasks.
- (4) It is desirable to develop quickly a relationship between CEPOL and national training institutes in applicant countries with which the European Union is conducting accession negotiations as well as those in Iceland and Norway, so that these institutes can have access to CEPOL activities.
- (5) The European Union has been active in this field, in particular by adopting and implementing programmes under Title VI of the Treaty, such as the common programme for the exchange and training of, and cooperation between, law enforcement authorities (OISIN) <sup>(3)</sup> and the programme for exchanges, training and cooperation for persons responsible for action to combat organised crime (Falcone) <sup>(4)</sup>.

(6) CEPOL should carry out its tasks by progressive stages in the light of the objectives set out in the annual work programmes and with due regard for available resources.

(7) It is necessary that this Decision be reviewed after a three-year period in order to decide on an extension of CEPOL's tasks, and on modifications to its institutional structure,

HAS DECIDED AS FOLLOWS:

TITLE I

**Organisation**

*Article 1*

1. A European Police College (CEPOL) is hereby established.
2. Without prejudice to the future developments recommended in Article 9, CEPOL shall be set up as a network, by bringing together the national training institutes for senior police officers in the Member States, which shall cooperate closely to that end.
3. CEPOL's task shall be to implement the programmes and initiatives decided upon by the governing board.

*Article 2*

1. The directors of the national training institutes for senior police officers shall form CEPOL's governing board. Where there are several directors from a single Member State, they shall together form a delegation.
2. The governing board shall be chaired by the director of a national training institute of the Member State holding the Presidency of the Council of the European Union. The governing board shall meet at least once per Presidency. It shall establish its rules of procedure by unanimous decision.
3. Each delegation shall have one vote on the governing board.

Representatives of the General Secretariat of the Council of the European Union, the Commission and Europol shall be invited to attend meetings as non-voting observers. Members of the governing board may be accompanied by experts.

<sup>(1)</sup> OJ C 206, 19.7.2000, p. 3.

<sup>(2)</sup> Opinion delivered on 17 November 2000 (not yet published in the Official Journal).

<sup>(3)</sup> OJ L 7, 10.1.1997, p. 5.

<sup>(4)</sup> OJ L 99, 31.3.1998, p. 8.

*Article 3*

1. The governing board shall decide on the annual continuing-education programme (teaching content, type, number and length of training measures to be implemented). It shall adopt additional programmes and initiatives, where appropriate.

2. The governing board shall establish the annual report on CEPOL's activities.

3. The governing board's decisions referred to in paragraphs 1 and 2 shall be adopted unanimously and then passed on to the Council, which shall take note of them and endorse them. Due account shall be taken by the governing board of any comment made by the Council.

The annual report on CEPOL's activities shall also be forwarded to the European Parliament and the Commission for information.

*Article 4*

1. The governing board shall set up a permanent secretariat to assist CEPOL with the administrative tasks necessary for it to function and implement the annual programme and, where appropriate, the additional programmes and initiatives. The permanent secretariat may be set up within one of the national police academies. The Council shall decide on the location of the permanent secretariat's seat.

2. The secretariat shall be headed by an administrative director appointed by the governing board for a three-year term.

3. All decisions of the governing board concerning the secretariat shall be taken unanimously.

*Article 5*

1. CEPOL's budget shall be managed by the secretariat on the basis of a financial regulation.

2. The costs of implementing the measures in the annual programme referred to in Article 3, together with the administrative costs of CEPOL, shall be borne jointly by the Member States. To that end, the annual contribution from each Member State shall be established on the basis of the gross national product (GNP) according to the scale used for determining the GNP element in own resources for financing the general budget of the European Union. Each year the GNP of the previous year shall be taken as the reference basis for each Member State.

3. CEPOL's financial regulation and annual budget shall be drawn up by the governing board acting unanimously, and submitted for approval to the Governments of the Member States, meeting within the Council.

4. Expenditure on the following shall be borne by the budget of CEPOL:

- (a) preparation, implementation and assessment of the annual programme;

- (b) fees for external contributors;

- (c) travelling expenses of governing board members attending board meetings, at the rate of two members per Member State;

- (d) general operating costs of the secretariat, except for the remuneration of its members;

- (e) costs for any other initiative adopted by the governing board or taken by the administrative director in accordance with the financial regulation;

- (f) reimbursement, in proportion to Member States' contributions, of the costs incurred by the Member State(s) paying the remuneration of the secretariat's members.

5. Without prejudice to requests by Member States and acting on instructions from the governing board, the secretariat may submit to the Commission training projects or programmes for cofinancing that lie within the sphere of competence of budgetary programmes administered by the Commission.

## TITLE II

**Objectives and tasks***Article 6*

1. The aim of CEPOL shall be to help train the senior police officers of the Member States by optimising cooperation between CEPOL's various component institutes. It shall support and develop a European approach to the main problems facing Member States in the fight against crime, crime prevention, and the maintenance of law and order and public security, in particular the cross-border dimensions of those problems.

2. CEPOL's objectives shall be as follows:

- (a) to increase knowledge of the national police systems and structures of other Member States, of Europol and of cross-border police cooperation within the European Union;

- (b) to strengthen knowledge of international instruments, in particular those which already exist at European Union level in the field of cooperation on combating crime;

- (c) to provide appropriate training with regard to respect for democratic safeguards with particular reference to the rights of defence;

- (d) to encourage cooperation between CEPOL and other police training institutes.

3. CEPOL shall also offer its infrastructure to senior police officers of applicant countries with which the European Union is conducting accession negotiations as well as those of Iceland and Norway.

*Article 7*

In order to achieve those objectives, CEPOL may, in particular, undertake the following actions:

- (a) provide training sessions, based on common standards, for senior police officers;

- (b) contribute to the preparation of harmonised programmes for the training of middle-ranking police officers, middle-ranking police officers in the field and police officers in the field with regard to cross-border cooperation between police forces in Europe, and help set up appropriate advanced training programmes;
- (c) provide specialist training for police officers playing a key role in combating cross-border crime, with a particular focus on organised crime;
- (d) develop and provide training for trainers;
- (e) disseminate best practice and research findings;
- (f) develop and provide training to prepare police forces of the European Union for participation in non-military crisis management;
- (g) develop and provide training for police authorities from the States applying for membership of the European Union, including training for police officers with a key role;
- (h) facilitate relevant exchanges and secondments of police officers in the context of training;
- (i) develop an electronic network to provide back-up for CEPOL in the performance of its duties, ensuring that the necessary security measures are put in place;
- (j) enable the senior police officers of the Member States to acquire relevant language skills.

## TITLE III

**Other provisions***Article 8*

CEPOL shall consider on a case-by-case basis the possibility of admitting officials of the European Institutions and other European Union bodies.

CEPOL may cooperate with the national police training institutes of non-member States of the European Union. In particular, it shall establish relations with the national institutes of applicant countries with which the European Union is conducting accession negotiations as well as those of Iceland and Norway.

CEPOL shall also cooperate with relevant training bodies in Europe, such as the Nordic Baltic Police Academy (NBPA) and the Mitteleuropäische Polizeiakademie (MEPA).

*Article 9*

At the latest during the third year after this Decision takes effect, the governing board shall submit to the Council a report on the operation and future of the network, in accordance with the conclusions of the Tampere European Council.

*Article 10*

This Decision shall take effect on the day following that of its adoption by the Council.

It shall apply from 1 January 2001.

Done at Brussels, 22 December 2000.

*For the Council*

*The President*

C. PIERRET

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## I

(Acts whose publication is obligatory)

**REGULATION (EC) No 2887/2000 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**of 18 December 2000**  
**on unbundled access to the local loop**  
(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee <sup>(1)</sup>,

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

Whereas:

(1) The conclusions of the European Council of Lisbon of 23 and 24 March 2000 note that, for Europe to fully seize the growth and job potential of the digital, knowledge-based economy, businesses and citizens must have access to an inexpensive, world-class communications infrastructure and a wide range of services. The Member States, together with the Commission, are called upon to work towards introducing greater competition in local access networks before the end of 2000 and unbundling the local loop, in order to help bring about a substantial reduction in the costs of using the Internet. The Feira European Council of 20 June 2000 endorsed the proposed 'e-Europe' Action Plan which identifies unbundled access to the local loop as a short-term priority.

(2) Local loop unbundling should complement the existing provisions in Community law guaranteeing universal service and affordable access for all citizens by enhancing competition, ensuring economic efficiency and bringing maximum benefit to users.

<sup>(1)</sup> Opinion delivered on 19 October 2000 (not yet published in the Official Journal).

<sup>(2)</sup> Opinion of the European Parliament of 26 October 2000 (not yet published in the Official Journal) and Decision of the Council of 5 December 2000.

(3) The 'local loop' is the physical twisted metallic pair circuit in the fixed public telephone network connecting the network termination point at the subscriber's premises to the main distribution frame or equivalent facility. As noted in the Commission's Fifth Report on the implementation of the telecommunications regulatory package, the local access network remains one of the least competitive segments of the liberalised telecommunications market. New entrants do not have widespread alternative network infrastructures and are unable, with traditional technologies, to match the economies of scale and the coverage of operators designated as having significant market power in the fixed public telephone network market. This results from the fact that these operators rolled out their metallic local access infrastructures over significant periods of time protected by exclusive rights and were able to fund investment costs through monopoly rents.

(4) The European Parliament Resolution of 13 June 2000 on the Commission communication on the 1999 Communications review stresses the importance of enabling the sector to develop infrastructures which promote the growth of electronic communications and e-commerce and the importance of regulating in a way that supports this growth. It notes that the unbundling of the local loop currently concerns mainly the metallic infrastructure of a dominant entity and that investment in alternative infrastructures must have the possibility of ensuring a reasonable rate of return, since that might facilitate the expansion of these infrastructures in areas where their penetration is still low.

(5) The provision of new loops with high capacity optical fibre directly to major users is a specific market that is developing under competitive conditions with new investments. This Regulation therefore addresses access to metallic local loops, without prejudice to national obligations regarding other types of access to local infrastructures.

- (6) It would not be economically viable for new entrants to duplicate the incumbent's metallic local access infrastructure in its entirety within a reasonable time. Alternative infrastructures such as cable television, satellite, wireless local loops do not generally offer the same functionality or ubiquity for the time being, though situations in Member States may differ.
- (7) Unbundled access to the local loop allows new entrants to compete with notified operators in offering high bit-rate data transmission services for continuous Internet access and for multimedia applications based on digital subscriber line (DSL) technology as well as voice telephony services. A reasonable request for unbundled access implies that the access is necessary for the provision of the services of the beneficiary, and that refusal of the request would prevent, restrict or distort competition in this sector.
- (8) This Regulation mandates unbundled access to the metallic local loops only of notified operators that have been designated by their national regulatory authorities as having significant market power in the fixed public telephone network supply market under the relevant Community provisions (hereinafter referred to as 'notified operators'). Member States have already notified to the Commission the names of those fixed public network operators which have significant market power under Annex I, Part 1, of Directive 97/33/EC of the European Parliament and of the Council of 30 June 1997 on interconnection in telecommunications with regard to ensuring universal service and interoperability through application of the principles of open network provision (ONP) <sup>(1)</sup>, and Directive 98/10/EC of the European Parliament and of the Council of 26 February 1998 on the application of open network provision to voice telephony and on universal service for telecommunications in a competitive environment <sup>(2)</sup>.
- (9) A notified operator cannot be required to provide types of access which are not within its powers to provide, for example where fulfilment of a request would cause a violation of the legal rights of an independent third party. The obligation to provide unbundled access to the local loop does not imply that notified operators have to install entirely new local network infrastructure specifically to meet beneficiaries' requests.
- (10) Although commercial negotiation is the preferred method for reaching agreement on technical and pricing issues for local loop access, experience shows that in most cases regulatory intervention is necessary due to imbalance in negotiating power between the new entrant and the notified operator, and lack of other alternatives. In certain circumstances the national regulatory authority may, in accordance with Community law, intervene on its own initiative in order to ensure fair competition, economic efficiency and maximum benefit for end-users. Failure of the notified operator to meet lead times should entitle the beneficiary to receive compensation.
- (11) Costing and pricing rules for local loops and related facilities should be transparent, non-discriminatory and objective to ensure fairness. Pricing rules should ensure that the local loop provider is able to cover its appropriate costs in this regard plus a reasonable return, in order to ensure the long term development and upgrade of local access infrastructure. Pricing rules for local loops should foster fair and sustainable competition, bearing in mind the need for investment in alternative infrastructures, and ensure that there is no distortion of competition, in particular no margin squeeze between prices of wholesale and retail services of the notified operator. In this regard, it is considered important that competition authorities be consulted.
- (12) Notified operators should provide information and unbundled access to third parties under the same conditions and of the same quality as they provide for their own services or to their associated companies. To this end, the publication by the notified operator of an adequate reference offer for unbundled access to the local loop, within a short time-frame and ideally on the Internet, and under the supervisory control of the national regulatory authority, would contribute to the creation of transparent and non-discriminatory market conditions.
- (13) In its Recommendation 2000/417/EC of 25 May 2000 on unbundled access to the local loop enabling the competitive provision of a full range of electronic communications services including broadband multimedia and high-speed Internet <sup>(3)</sup> and its Communication of 26 April 2000 <sup>(4)</sup>, the Commission set out detailed guidance to assist national regulatory authorities on the fair regulation of different forms of unbundled access to the local loop.
- (14) In accordance with the principle of subsidiarity as set out in Article 5 of the Treaty, the objective of achieving a harmonised framework for unbundled access to the local loop in order to enable the competitive provision of an inexpensive, world-class communications infrastructure and a wide range of services for all businesses and citizens in the Community cannot be achieved by the Member States in a secure, harmonised and timely manner and can therefore be better achieved by the Community. In accordance with the principle of proportionality as set out in that Article, the provisions of this

<sup>(1)</sup> OJ L 199, 26.7.1997, p. 32. Directive as amended by Directive 98/61/EC (OJ L 268, 3.10.1998, p. 37).

<sup>(2)</sup> OJ L 101, 1.4.1998, p. 24.

<sup>(3)</sup> OJ L 156, 29.6.2000, p. 44.

<sup>(4)</sup> OJ C 272, 23.9.2000, p. 55.



Regulation do not go beyond what is necessary in order to achieve this objective for that purpose. They are adopted without prejudice to national provisions complying with Community law which set out more detailed measures, for example dealing with virtual collocation.

- (15) This Regulation complements the regulatory framework for telecommunications, in particular Directives 97/33/EC and 98/10/EC. The new regulatory framework for electronic communications should include appropriate provisions to replace this Regulation,

HAVE ADOPTED THIS REGULATION:

#### Article 1

##### Aim and Scope

1. This Regulation aims at intensifying competition and stimulating technological innovation on the local access market, through the setting of harmonised conditions for unbundled access to the local loop, to foster the competitive provision of a wide range of electronic communications services.
2. This Regulation shall apply to unbundled access to the local loops and related facilities of notified operators as defined in Article 2(a).
3. This Regulation shall apply without prejudice to the obligations for notified operators to comply with the principle of non-discrimination, when using the fixed public telephone network in order to provide high speed access and transmission services to third parties in the same manner as they provide for their own services or to their associated companies, in accordance with Community provisions.
4. This Regulation is without prejudice to the rights of Member States to maintain or introduce measures in conformity with Community law which contain more detailed provisions than those set out in this Regulation and/or are outside the scope of this Regulation *inter alia* with respect to other types of access to local infrastructures.

#### Article 2

##### Definitions

For the purposes of this Regulation the following definitions apply:

- (a) 'notified operator' means operators of fixed public telephone networks that have been designated by their national regulatory authority as having significant market power in the provision of fixed public telephone networks

and services under Annex I, Part 1, of Directive 97/33/EC or Directive 98/10/EC;

- (b) 'beneficiary' means a third party duly authorised in accordance with Directive 97/13/EC<sup>(1)</sup> or entitled to provide communications services under national legislation, and which is eligible for unbundled access to a local loop;
- (c) 'local loop' means the physical twisted metallic pair circuit connecting the network termination point at the subscriber's premises to the main distribution frame or equivalent facility in the fixed public telephone network;
- (d) 'local sub-loop' means a partial local loop connecting the network termination point at the subscriber's premises to a concentration point or a specified intermediate access point in the fixed public telephone network;
- (e) 'unbundled access to the local loop' means full unbundled access to the local loop and shared access to the local loop; it does not entail a change in ownership of the local loop;
- (f) 'full unbundled access to the local loop' means the provision to a beneficiary of access to the local loop or local sub loop of the notified operator authorising the use of the full frequency spectrum of the twisted metallic pair;
- (g) 'shared access to the local loop' means the provision to a beneficiary of access to the local loop or local sub loop of the notified operator, authorising the use of the non-voice band frequency spectrum of the twisted metallic pair; the local loop continues to be used by the notified operator to provide the telephone service to the public;
- (h) 'collocation' means the provision of physical space and technical facilities necessary to reasonably accommodate and connect the relevant equipment of a beneficiary, as mentioned in Section B of the Annex;
- (i) 'related facilities' means the facilities associated with the provision of unbundled access to the local loop, notably collocation, cable connections and relevant information technology systems, access to which is necessary for a beneficiary to provide services on a competitive and fair basis.

#### Article 3

##### Provision of unbundled access

1. Notified operators shall publish from 31 December 2000, and keep updated, a reference offer for unbundled access to their local loops and related facilities, which shall include at least the items listed in the Annex. The offer shall be sufficiently unbundled so that the beneficiary does not have to pay for network elements or facilities which are not necessary for the supply of its services, and shall contain a description of the components of the offer, associated terms and conditions, including charges.

<sup>(1)</sup> Directive 97/13/EC of the European Parliament and of the Council of 10 April 1997 on a common framework for general authorisations and individual licences in the field of telecommunications services (OJ L 117, 7.5.1997, p. 15).

2. Notified operators shall from 31 December 2000 meet reasonable requests from beneficiaries for unbundled access to their local loops and related facilities, under transparent, fair and non-discriminatory conditions. Requests shall only be refused on the basis of objective criteria, relating to technical feasibility or the need to maintain network integrity. Where access is refused, the aggrieved party may submit the case to the dispute resolution procedure referred to in Article 4(5). Notified operators shall provide beneficiaries with facilities equivalent to those provided for their own services or to their associated companies, and with the same conditions and time-scales.

3. Without prejudice to Article 4(4), notified operators shall charge prices for unbundled access to the local loop and related facilities set on the basis of cost-orientation.

#### *Article 4*

##### **Supervision by the national regulatory authority**

1. The national regulatory authority shall ensure that charging for unbundled access to the local loop fosters fair and sustainable competition.

2. The national regulatory authority shall have the power to:

- (a) impose changes on the reference offer for unbundled access to the local loop and related facilities, including prices, where such changes are justified; and

- (b) require notified operators to supply information relevant for the implementation of this Regulation.

3. The national regulatory authority may, where justified, intervene on its own initiative in order to ensure non-discrimination, fair competition, economic efficiency and maximum benefit for users.

4. When the national regulatory authority determines that the local access market is sufficiently competitive, it shall relieve the notified operators of the obligation laid down in Article 3(3) for prices to be set on the basis of cost-orientation.

5. Disputes between undertakings concerning issues included in this Regulation shall be subject to the national dispute resolution procedures established in conformity with Directive 97/33/EC and shall be handled promptly, fairly and transparently.

#### *Article 5*

##### **Entry into force**

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, 18 December 2000.

*For the European Parliament*

*The President*

N. FONTAINE

*For the Council*

*The President*

D. VOYNET

## ANNEX

**MINIMUM LIST OF ITEMS TO BE INCLUDED IN A REFERENCE OFFER FOR UNBUNDLED ACCESS TO THE LOCAL LOOP TO BE PUBLISHED BY NOTIFIED OPERATORS****A. Conditions for unbundled access to the local loop**

1. Network elements to which access is offered covering in particular the following elements:
  - (a) access to local loops;
  - (b) access to non-voice band frequency spectrum of a local loop, in the case of shared access to the local loop;
2. Information concerning the locations of physical access sites <sup>(1)</sup>, availability of local loops in specific parts of the access network;
3. Technical conditions related to access and use of local loops, including the technical characteristics of the twisted metallic pair in the local loop;
4. Ordering and provisioning procedures, usage restrictions.

**B. Collocation services**

1. Information on the notified operator's relevant sites <sup>(1)</sup>;
2. Collocation options at the sites indicated under point 1 (including physical collocation and, as appropriate, distant collocation and virtual collocation);
3. Equipment characteristics: restrictions, if any, on equipment that can be collocated;
4. Security issues: measures put in place by notified operators to ensure the security of their locations;
5. Access conditions for staff of competitive operators;
6. Safety standards;
7. Rules for the allocation of space where collocation space is limited;
8. Conditions for beneficiaries to inspect the locations at which physical collocation is available, or sites where collocation has been refused on grounds of lack of capacity.

**C. Information systems**

Conditions for access to notified operator's operational support systems, information systems or databases for pre-ordering, provisioning, ordering, maintenance and repair requests and billing.

**D. Supply conditions**

1. Lead time for responding to requests for supply of services and facilities; service level agreements, fault resolution, procedures to return to a normal level of service and quality of service parameters;
2. Standard contract terms, including, where appropriate, compensation provided for failure to meet lead times;
3. Prices or pricing formulae for each feature, function and facility listed above.

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<sup>(1)</sup> Availability of this information may be restricted to interested parties only, in order to avoid public security concerns.

**REGULATION (EC) No 2888/2000 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
of 18 December 2000  
on the distribution of permits for heavy goods vehicles travelling in Switzerland**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and, in particular, Article 71 thereof,

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

Having regard to the opinion of the Economic and Social Committee <sup>(2)</sup>,

After consulting the Committee of the Regions,

Acting in accordance with the procedure referred to in Article 251 of the Treaty <sup>(3)</sup>,

Whereas:

- (1) The Swiss Federal Council decided, on 1 November 2000, to allow heavy goods vehicles of up to 34 tonnes to travel on its territory from 1 January 2001 and to open up the quotas, from the same date, for vehicles the actual total laden weight of which is more than 34 tonnes but not more than 40 tonnes and for empty and light goods vehicles. That decision accompanied the introduction of the RPLP (heavy traffic levy) on the Swiss network.
- (2) That decision is an autonomous measure taken by the Swiss Confederation and, as a result, it cannot be deemed to be a provisional application of the Agreement between the European Community and the Swiss Confederation on the carriage of goods and passengers by rail and road signed on 21 June 1999. The conclusion of that Agreement by the Community calls for the simultaneous entry into force of the seven agreements signed on the same date with the Swiss Confederation.
- (3) It is necessary to establish on a lasting basis rules governing the distribution and management of the permits made available to the Community as from 1 January 2001.
- (4) For practical and organisational reasons, the Commission should be entrusted with the task of distributing the permits to Member States.
- (5) To that end, an allocation method should be established. Thereafter, Member States should share out the permits allocated to them among transport undertakings with reference to objective criteria.

- (6) In order to ensure the optimal use of permits, all unallocated permits should be returned to the Commission for redistribution.
- (7) The allocation of permits should be based on criteria that take full account of existing freight transport flows and genuine transport needs across the Alpine region.
- (8) It may prove necessary to revise the allocation of permits on the basis of genuine traffic flows, while taking account of relevant items of the method described in Annex III. In carrying out such revision, the Commission should be assisted by a Committee.
- (9) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(4)</sup>,

HAVE ADOPTED THIS REGULATION:

*Article 1*

This Regulation lays down the rules for the distribution of permits allocated to the Community by Switzerland allowing heavy goods vehicles of up to 34 tonnes to travel on its territory as from 1 January 2001, opening up, from the same date, the quotas for vehicles the actual total laden weight of which is more than 34 tonnes but not more than 40 tonnes and for empty and light goods vehicles and introducing the RPLP (heavy traffic levy) on the Swiss network.

*Article 2*

For the purposes of this Regulation:

1. 'full-weight' permit shall mean a permit to travel on Swiss territory granted for goods vehicles the actual total laden weight of which is more than 34 tonnes but not more than 40 tonnes;
2. 'empty' permit shall mean a permit to travel on Swiss territory granted for goods vehicles that are empty or are transporting light loads.

*Article 3*

1. The Commission shall allocate permits in accordance with paragraphs 2, 3 and 4.
2. The 'full-weight' permits shall be distributed in accordance with Annex I.

<sup>(1)</sup> OJ C 114, 27.4.1999, p. 4 and OJ C 248 E, 29.8.2000, p. 108.

<sup>(2)</sup> OJ C 329, 17.11.1999, p. 1.

<sup>(3)</sup> Opinion of the European Parliament of 15 December 1999 (OJ C 296, 18.10.2000, p. 108), Council Common Position of 8 December 2000 (not yet published in the Official Journal) and Decision of the European Parliament of 14 December 2000 (not yet published in the Official Journal).

<sup>(4)</sup> OJ L 184, 17.7.1999, p. 23.

3. The 'empty' permits shall be distributed in accordance with Annex II.

4. The permits for each year shall be distributed before 15 August of the preceding year.

#### Article 4

Member States shall distribute permits amongst the undertakings established in their territory according to objective and non-discriminatory criteria.

#### Article 5

Before 15 September each year, Member States shall transfer to the Commission those permits which have not been allocated to undertakings.

In accordance with the procedure laid down in Article 7, the Commission shall allocate those permits to one or more Member States in such a way as to ensure an optimal use thereof.

#### Article 6

When the Commission makes its proposal for adjustment, it shall take as a basis actual traffic flows during 2001, while seeing to it that equal account is taken of criteria relating to

bilateral traffic operations and transit traffic operations. Should the recalculation result in an allocation for any Member State which differs substantially from that set out in Annexes I and II, any amendments necessary to adapt Annexes I and II shall be adopted in accordance with the procedure laid down in Article 7.

#### Article 7

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

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

3. The Committee shall adopt its rules of procedure.

#### Article 8

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

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

Done at Brussels, 18 December 2000.

*For the European Parliament*

*The President*

N. FONTAINE

*For the Council*

*The President*

D. VOYNET

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## ANNEX I

**Scale for allocating 'full-weight' permits**

The Commission shall allocate 'full-weight' permits to the Member States according to the following scale:

Member State	%
Belgium	6,9
Denmark	1,4
Germany	25
Greece	0,9
Spain	2
France	15
Ireland	0,85
Italy	24
Luxembourg	1,45
Netherlands	8,9
Austria	8
Portugal	0,7
Finland	0,8
Sweden	0,75
United Kingdom	3,35
Total:	100 %

The total number of permits to be allocated will amount to 300 000 for 2001 and 2002 and to 400 000 for 2003 and 2004.

## ANNEX II

**Scale for allocating 'empty' permits**

The Commission shall allocate 'empty permits' to the Member States according to the following scale:

Number of 'empty' permits available annually

Member State	2001-2004
Belgium	14 067
Denmark	1 310
Germany	50 612
Greece	5 285
Spain	1 500
France	16 126
Ireland	220
Italy	93 012
Luxembourg	3 130
Netherlands	21 517
Austria	2 183
Portugal	192
Finland	867
Sweden	381
United Kingdom	9 598
Total	220 000

## ANNEX III

**Methodology for determining the allocation of permits**

Allocation of the permits determined in Annexes I and II will take place on the basis of the following methodology:

**'Full-weight' permits**

Initially, each Member State will receive 1 500 permits.

Thereafter, the remaining permits will be allocated in equal parts on the basis of criteria relating to bilateral traffic operations and transit traffic operations.

This result will be adjusted slightly to take account of the specific geographical situation of certain Member States.

*Bilateral traffic*

The allocation will take place on the basis of the shares of each Member State in bilateral transport to and from Switzerland.

*Transit traffic*

The allocation will take place on the basis of the shares of heavy vehicles registered in the Member State concerned in the total number of diverted kilometres in north-south and south-north trans-Alpine road traffic as a result of the current weight restrictions in Switzerland.

Diverted mileage will be calculated as the difference between the actual distance of trans-Alpine journeys and the shortest distance through Switzerland. The mileages through Switzerland will be adjusted by the addition of 60 kilometres to take into account border delays and road traffic conditions.

For those Member States where the abovementioned method of calculation leads to an amount of less than 200, the allocation will be established at a level of 200 permits.

**'Empty' permits**

'Empty' permits will be allocated on the basis of the shares of vehicles registered in the Member States in the transit traffic through Switzerland of vehicles with a laden weight between 7,5 and 28 tonnes.

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**COUNCIL REGULATION (EC) No 2889/2000  
of 22 December 2000**

**amending Regulation (EC) No 1334/2000 with regard to intra-Community transfers and exports of  
dual-use items and technology**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Under Council Regulation (EC) No 1334/2000 of 22 June 2000 setting up a Community regime for the control of exports of dual-use items and technology <sup>(1)</sup>, dual-use items and technology should be subject to effective control when they are exported from the Community.
- (2) In order to enable the Member States and the EU to comply with their intentional commitments, particularly within the NSG (Nuclear Suppliers' Group) Category 0 as defined in Annex I to Regulation (EC) No 1334/2000 (nuclear materials, facilities and equipment) was included in its entirety in Annex IV (items requiring authorisation for intra-Community transfer).
- (3) It has since become apparent that intra-Community controls on less proliferation-sensitive nuclear materials under Regulation (EC) No 1334/2000 are hampering trade without improving the level of protection already conferred by the Euratom Treaty. The controls imposed on such materials should therefore be abolished.
- (4) In the 1984 Dublin Declaration on common policy, however, the Member States acknowledged the need for intra-Community controls on transfers of goods regarded as particularly sensitive in the context of weapons non-proliferation. Controls on certain special fissile materials under item 0C002 (separated plutonium and 'uranium enriched in the isotopes 235 or 233' to more than 20 %) should therefore remain in place.
- (5) Regulation (EC) No 1334/2000 should be amended accordingly,

*Article 1*

Regulation (EC) No 1334/2000 is amended as follows:

1. In Annex II, Part 2, after the first indent, the following indents shall be inserted:
  - 0C001 "natural uranium" or "depleted uranium" or thorium in the form of metal, alloy, chemical compound or concentrate and any other material containing one or more of the foregoing;
  - 0C002 "special fissile materials" other than those specified in Annex IV;
  - 0D001 (software) and 0E001 (technology) insofar as these relate to 0C001 or to those items of 0C002 that are excluded from Annex IV.'
2. In Annex IV, Part II, the words 'All Category 0 of Annex I is included in Annex IV' shall be replaced by:  
'All Category 0 of Annex I is included in Annex IV, subject to the following:
  - 0C001: this item is not included in Annex IV;
  - 0C002: this item is not included in Annex IV, with the exception of special fissile materials as follows:
    - (a) separated plutonium;
    - (b) "uranium enriched in the isotopes 235 or 233" to more than 20 %;
  - 0D001 (software) and 0E001 (technology) are included in Annex IV except insofar as these relate to 0C001 or to those items of 0C002 that are excluded from Annex IV.'

*Article 2*

This Regulation shall enter into force on the fifth 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, 22 December 2000.

*For the Council*  
*The President*  
C. PIERRET

<sup>(1)</sup> OJ L 159, 30.6.2000, p. 1.

**COMMISSION REGULATION (EC) No 2890/2000**  
**of 29 December 2000**  
**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 30 December 2000.

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

Done at Brussels, 29 December 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

## ANNEX

**to the Commission Regulation of 29 December 2000 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	105,1
	204	75,9
	624	92,0
	999	91,0
0707 00 05	052	104,3
	628	146,6
	999	125,4
0709 90 70	052	88,4
	204	39,5
	999	64,0
0805 10 10, 0805 10 30, 0805 10 50	052	58,2
	204	46,2
	999	52,2
0805 20 10	052	65,5
	204	74,1
	999	69,8
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	56,7
	624	105,6
	999	81,2
0805 30 10	052	56,7
	220	62,5
	600	66,7
	999	62,0
0808 10 20, 0808 10 50, 0808 10 90	400	76,9
	404	89,4
	720	108,3
	999	91,5
0808 20 50	400	93,9
	999	93,9

<sup>(1)</sup> Country nomenclature as fixed by Commission Regulation (EC) No 2543/1999 (OJ L 307, 2.12.1999, p. 46). Code '999' stands for 'of other origin'.

**COMMISSION REGULATION (EC) No 2891/2000**  
**of 29 December 2000**  
**fixing the export refunds on pigmeat**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat<sup>(1)</sup>, as last amended by Regulation (EC) No 1365/2000<sup>(2)</sup>, and in particular the second paragraph of Article 13(3) thereof,

Whereas:

(1) Article 13 of Regulation (EEC) No 2759/75 provides that the difference between prices on the world market for the products listed in Article 1(1) of that Regulation and prices for these products within the Community may be covered by an export refund.

(2) It follows from applying these rules and criteria to the present situation on the market in pigmeat that the refund should be fixed as set out below.

(3) In the case of products falling within CN code 0210 19 81, the refund should be limited to an amount which takes account of the qualitative characteristics of each of the products falling within these codes and of the foreseeable trend of production costs on the world market. It is important that the Community should continue to take part in international trade in the case of certain typical Italian products falling within CN code 0210 19 81.

(4) Because of the conditions of competition in certain third countries, which are traditionally importers of products falling within CN codes 1601 00 and 1602, the refund for these products should be fixed so as to take this situation into account. Steps should be taken to ensure

that the refund is granted only for the net weight of the edible substances, to the exclusion of the net weight of the bones possibly contained in the said preparations.

(5) Article 13 of Regulation (EEC) No 2759/75 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1(1) of Regulation (EEC) No 2759/75 according to destination.

(6) The refunds should be fixed taking account of the amendments to the refund nomenclature established by Commission Regulation (EEC) No 3846/87<sup>(3)</sup>, as last amended by Regulation (EC) No 2849/2000<sup>(4)</sup>.

(7) Refunds should be granted only on products that are allowed to circulate freely within the Community. Therefore, to be eligible for a refund, products should be required to bear the health mark laid down in Council Directive 64/433/EEC<sup>(5)</sup>, as last amended by Directive 95/23/EC<sup>(6)</sup>, Council Directive 94/65/EC<sup>(7)</sup> and Council Directive 77/99/EEC<sup>(8)</sup>, as last amended by Directive 97/76/EC<sup>(9)</sup>.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The list of products on which the export refund specified in Article 13 of Regulation (EEC) No 2759/75 is granted and the amount of the refund shall be as set out in the Annex hereto.

The products concerned must comply with the relevant provisions on health marks laid down in:

- Chapter XI of Annex I to Directive 64/433/EEC,
- Chapter VI of Annex I to Directive 94/65/EC,
- Chapter VI of Annex B to Directive 77/99/EEC.

*Article 2*

This Regulation shall enter into force on 1 January 2001.

<sup>(1)</sup> OJ L 282, 1.11.1975, p. 1.

<sup>(2)</sup> OJ L 156, 29.6.2000, p. 5.

<sup>(3)</sup> OJ L 366, 24.12.1987, p. 1.

<sup>(4)</sup> OJ L 335, 30.12.2000, p. 1.

<sup>(5)</sup> OJ 121, 29.7.1964, p. 2012/64.

<sup>(6)</sup> OJ L 243, 11.10.1995, p. 7.

<sup>(7)</sup> OJ L 368, 31.12.1994, p. 10.

<sup>(8)</sup> OJ L 26, 31.1.1977, p. 85.

<sup>(9)</sup> OJ L 10, 16.1.1998, p. 25.

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

Done at Brussels, 29 December 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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ANNEX

**to the Commission Regulation of 29 December 2000 amending the export refunds on pigmeat**

Product code	Destination	Unit of measurement	Amount of refund
0210 11 31 9110	P04	EUR/100 kg	65,00
0210 11 31 9910	P04	EUR/100 kg	65,00
0210 12 19 9100	P04	EUR/100 kg	14,00
0210 19 81 9100	P04	EUR/100 kg	68,00
0210 19 81 9300	P04	EUR/100 kg	55,00
1601 00 91 9000	P04	EUR/100 kg	20,00
1601 00 99 9110	P04	EUR/100 kg	15,00
1602 41 10 9210	P04	EUR/100 kg	45,00
1602 42 10 9210	P04	EUR/100 kg	24,00
1602 49 19 9120	P04	EUR/100 kg	15,00

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 2543/1999 (OJ L 307, 2.12.1999, p. 46).

The other destinations are defined as follows:

P04 All destinations except the Czech Republic, the Slovak Republic, Hungary, Poland, Bulgaria, Latvia, Estonia.

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**COMMISSION REGULATION (EC) No 2892/2000**  
**of 29 December 2000**  
**fixing the import duties in the cereals sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Article 10 of Regulation (EEC) No 1766/92 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.
- (2) Pursuant to Article 10 (3) of Regulation (EEC) No 1766/92, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market.

- (3) Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector.
- (4) The import duties are applicable until new duties are fixed and enter into force. They also remain in force in cases where no quotation is available for the reference exchange referred to in Annex II to Regulation (EC) No 1249/96 during the two weeks preceding the next periodical fixing.
- (5) In order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import duties in the cereals sector referred to in Article 10 (2) of Regulation (EEC) No 1766/92 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

*Article 2*

This Regulation shall enter into force on 1 January 2001.

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

Done at Brussels, 29 December 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 161, 29.6.1996, p. 125.

<sup>(4)</sup> OJ L 256, 10.10.2000, p. 13.

## ANNEX I

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

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (EUR/tonne)	Import duty by air or by sea from other ports <sup>(2)</sup> (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00	0,00
	medium quality <sup>(1)</sup>	0,00	0,00
1001 90 91	Common wheat seed	1,22	0,00
1001 90 99	Common high quality wheat other than for sowing <sup>(3)</sup>	1,22	0,00
	medium quality	24,09	14,09
	low quality	49,98	39,98
1002 00 00	Rye	40,98	30,98
1003 00 10	Barley, seed	40,98	30,98
1003 00 90	Barley, other <sup>(3)</sup>	40,98	30,98
1005 10 90	Maize seed other than hybrid	60,42	50,42
1005 90 00	Maize other than seed <sup>(3)</sup>	60,42	50,42
1007 00 90	Grain sorghum other than hybrids for sowing	40,98	30,98

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

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

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

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

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

## ANNEX II

**Factors for calculating duties**

(period from 15 December 2000 to 28 December 2000)

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

Exchange quotations	Minneapolis	Kansas-City	Chicago	Chicago	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	Medium quality (*)	US barley 2
Quotation (EUR/t)	130,62	129,57	109,40	97,36	185,04 (**)	175,04 (**)	115,25 (**)
Gulf premium (EUR/t)	—	13,77	8,05	9,64	—	—	—
Great Lakes premium (EUR/t)	24,38	—	—	—	—	—	—

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

(\*\*) Fob Great Lakes.

## 2. Freight/cost: Gulf of Mexico — Rotterdam: 18,11 EUR/t; Great Lakes — Rotterdam: 29,32 EUR/t.

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



**COMMISSION REGULATION (EC) No 2893/2000****of 29 December 2000****fixing the export refunds on syrups and certain other sugar products exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector <sup>(1)</sup>, as amended by Commission Regulation (EC) No 1527/2000 <sup>(2)</sup>, and in particular the second subparagraph of Article 18(5) thereof,

Whereas:

- (1) Article 18 of Regulation (EC) No 2038/1999 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(d) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Article 3 of Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector <sup>(3)</sup>, provides that the export refund on 100 kilograms of the products listed in Article 1(1)(d) of Regulation (EC) No 2038/1999 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; the sucrose content of the product in question is determined in accordance with Article 3 of Commission Regulation (EC) No 2135/95.
- (3) Article 21(3) of Regulation (EC) No 2038/1999 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one-hundredth of the production refund applicable, pursuant to Council Regulation (EEC) No 1010/86 of 25 March 1986 laying down general rules for the production refund on sugar used in the chemical industry <sup>(4)</sup>, as last amended by Commission Regulation (EC) No 1888/2000 <sup>(5)</sup>, to the products listed in the Annex to the last mentioned Regulation;
- (4) According to the terms of Article 21(1) of Regulation (EC) No 2038/1999, the basic amount of the refund on the other products listed in Article 1(1)(d) of the said

Regulation exported in the natural state must be equal to one-hundredth of an amount which takes account, on the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed and quotations or prices for white sugar on the world market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward processing arrangements.

- (5) According to the terms of Article 21(4) of Regulation (EC) No 2038/1999, the application of the basic amount may be limited to some of the products listed in Article 1(1)(d) of the said Regulation.
- (6) Article 18 of Regulation (EC) No 2038/1999 makes provision for setting refunds for export in the natural state of products referred to in Article 1(1)(f) and (g) and (h) of that Regulation; the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1(1)(d) of Regulation (EC) No 2038/1999 and of the economic aspects of the intended exports; in the case of the products referred to in the said Article 1(1)(f) and (g), the refund is to be granted only for products complying with the conditions in Article 5 of Regulation (EC) No 2135/95; for the products referred to in Article 1(1)(h), the refund shall be granted only for products complying with the conditions in Article 6 of Regulation (EC) No 2135/95.
- (7) The refunds referred to above must be fixed every month; they may be altered in the intervening period.
- (8) Application of these quotas results in fixing refunds for the products in question at the levels given in the Annex to this Regulation.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

<sup>(1)</sup> OJ L 252, 25.9.1999, p. 1.

<sup>(2)</sup> OJ L 175, 14.7.2000, p. 59.

<sup>(3)</sup> OJ L 214, 8.9.1995, p. 16.

<sup>(4)</sup> OJ L 94, 9.4.1986, p. 9.

<sup>(5)</sup> OJ L 227, 7.9.2000, p. 15.

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1(1)(d)(f)(g) and (h) of Regulation (EC) No 2038/1999, exported in the natural state, shall be set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 January 2001.

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

Done at Brussels, 29 December 2000.

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

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## ANNEX

**to the Commission Regulation of 29 December 2000 fixing the export refunds on syrups and certain other sugar products exported in the natural state**

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	A00	EUR/100 kg dry matter	40,59 <sup>(2)</sup>
1702 60 10 9000	A00	EUR/100 kg dry matter	40,59 <sup>(2)</sup>
1702 60 80 9100	A00	EUR/100 kg dry matter	77,12 <sup>(4)</sup>
1702 60 95 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4059 <sup>(1)</sup>
1702 90 30 9000	A00	EUR/100 kg dry matter	40,59 <sup>(2)</sup>
1702 90 60 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4059 <sup>(1)</sup>
1702 90 71 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4059 <sup>(1)</sup>
1702 90 99 9900	A00	EUR/1 % sucrose × net 100 kg of product	0,4059 <sup>(1)</sup> <sup>(3)</sup>
2106 90 30 9000	A00	EUR/100 kg dry matter	40,59 <sup>(2)</sup>
2106 90 59 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4059 <sup>(1)</sup>

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

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

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

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

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

The numeric destination codes are set out in Commission Regulation (EC) No 2543/1999 (OJ L 307, 2.12.1999, p. 46).

**COMMISSION REGULATION (EC) No 2894/2000**  
**of 29 December 2000**  
**fixing the production refund for white sugar used in the chemical industry**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organization of the markets in the sugar sector<sup>(1)</sup>, as amended by Regulation (EC) No 1527/2000<sup>(2)</sup>, and in particular Article 9(6) thereof,

Whereas:

- (1) Pursuant to Article 9(3) of Regulation (EC) No 2038/1999 it may be decided to grant production refunds on the products listed in Article 1(1)(a) and (f) and on the syrups listed in Article 1(1)(d) thereof which are in one of the situations referred to in Article 9(2) of the Treaty and which are used in the manufacture of certain products of the chemical industry.
- (2) Council Regulation (EEC) No 1010/86 of 25 March 1986 laying down general rules for the production refund on certain sugar products used in the chemical industry<sup>(3)</sup>, as last amended by Commission Regulation (EC) No 1888/2000<sup>(4)</sup>, establishes the framework within which the production refunds may be determined and lists the chemical products of which the manufacture makes it possible to grant a production refund for the basic products used in their manufacture. Articles 5, 6 and 7 of Regulation (EEC) No 1010/86 provide that the production refund granted for raw sugar, sucrose syrups and unprocessed isoglucose shall be derived from the refund fixed for white sugar according to a method of calculation peculiar to each of these basic products.
- (3) Commission Regulation (EEC) No 1729/78 of 24 July 1978 laying down detailed rules of application in respect of the production refund for sugar used in the chemical industry<sup>(5)</sup>, as last amended by Regulation (EC) No 1148/98, specifies the method to be used for estab-

lishing the production refund; whereas Article 1 of Regulation (EEC) No 1729/78 provides that the production refund for white sugar shall be fixed at three-monthly intervals for the periods beginning 1 July, 1 October, 1 January and 1 April. The application of the abovementioned method entails fixing the production refund as stated in Article 1 for the period referred to therein.

- (4) The amendment of the definition of white sugar and raw sugar referred to in Article 1(2)(a) and (b) of Regulation (EC) No 2038/1999 has the consequence that flavoured sugars or sugars containing added colouring agents or other substances are no longer considered as falling within these definitions but are to be considered as 'other sugars'. Article 1 of Regulation (EEC) No 1010/86 provides for these sugars to be eligible as basic products to the production refund. A method of calculation based on their sucrose content should be laid down for establishing the production refund applicable to these products.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

*Article 1*

The production refund per 100 kilograms of white sugar referred to in Article 4 of Regulation (EEC) No 1010/86 is hereby fixed at EUR 34,206 for the quarter 1 January to 31 March 2001.

*Article 2*

This Regulation shall enter into force on 1 January 2001.

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

Done at Brussels, 29 December 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 252, 25.9.1999, p. 1.

<sup>(2)</sup> OJ L 175, 14.7.2000, p. 59.

<sup>(3)</sup> OJ L 94, 9.4.1986, p. 9.

<sup>(4)</sup> OJ L 227, 7.9.2000, p. 15.

<sup>(5)</sup> OJ L 201, 25.7.1978, p. 26.

**COMMISSION REGULATION (EC) No 2895/2000  
of 29 December 2000  
altering the export refunds on white sugar and raw sugar exported in the natural state**

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

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector <sup>(1)</sup>, as amended by Commission Regulation (EC) No 1527/2000 <sup>(2)</sup>, and in particular the third subparagraph of Article 18(5) thereof,

Whereas:

- (1) The refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 2793/2000 <sup>(3)</sup>.
- (2) It follows from applying the detailed rules contained in Regulation (EC) No 2793/2000 to the information known to the Commission that the export refunds at

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 2038/1999, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 2793/2000 are hereby altered to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 January 2001.

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

Done at Brussels, 29 December 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 252, 25.9.1999, p. 1.

<sup>(2)</sup> OJ L 175, 14.7.2000, p. 59.

<sup>(3)</sup> OJ L 324, 21.12.2000, p. 16.

## ANNEX

**to the Commission Regulation of 29 December 2000 altering the export refunds on white sugar and raw sugar exported in its unaltered state**

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	A00	EUR/100 kg	37,34 <sup>(1)</sup>
1701 11 90 9910	A00	EUR/100 kg	33,36 <sup>(1)</sup>
1701 11 90 9950	A00	EUR/100 kg	<sup>(2)</sup>
1701 12 90 9100	A00	EUR/100 kg	37,34 <sup>(1)</sup>
1701 12 90 9910	A00	EUR/100 kg	33,36 <sup>(1)</sup>
1701 12 90 9950	A00	EUR/100 kg	<sup>(2)</sup>
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,4059
1701 99 10 9100	A00	EUR/100 kg	40,59
1701 99 10 9910	A00	EUR/100 kg	40,59
1701 99 10 9950	A00	EUR/100 kg	40,59
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,4059

<sup>(1)</sup> Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 19 (4) of Council Regulation (EC) No 2038/1999.

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

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

The numeric destination codes are set out in Commission Regulation (EC) No 2543/1999 (OJ L 307, 2.12.1999, p. 46).

**COMMISSION REGULATION (EC) No 2896/2000**  
**of 29 December 2000**  
**altering the corrective amount applicable to the refund on malt**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>, and in particular Article 13(8) thereof,

Whereas:

- (1) The corrective amount applicable to the refund on malt was fixed by Commission Regulation (EC) No 2637/2000 <sup>(3)</sup>.
- (2) On the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market

into account, the corrective amount at present applicable to the refund on malt should be altered,

HAS ADOPTED THIS REGULATION:

*Article 1*

The corrective amount referred to in Article 13(4) of Regulation (EEC) No 1766/92 which is applicable to the export refunds fixed in advance in respect of the products referred to is hereby altered to the amount set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 January 2001.

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

Done at Brussels, 29 December 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 302, 1.12.2000, p. 49.

## ANNEX

**to the Commission Regulation of 29 December 2000 altering the corrective amount applicable to the refund on malt**

(EUR/t)

Product code	Destination	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	0	-1,27	-2,54	-3,81	-5,08	-6,35
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	0	-1,27	-2,54	-3,81	-5,08	-6,35
1107 20 00 9000	A00	0	-1,49	-2,98	-4,47	-5,96	-7,45

(EUR/t)

Product code	Destination	6th period 7	7th period 8	8th period 9	9th period 10	10th period 11	11th period 12
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	-7,62	-8,89	-10,16	-11,43	-12,70	-13,97
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	-7,62	-8,89	-10,16	-11,43	-12,70	-13,97
1107 20 00 9000	A00	-8,94	-10,43	-11,92	-13,41	-14,90	-16,39

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 2543/1999 (OJ L 307, 2.12.1999, p. 46).



**COMMISSION REGULATION (EC) No 2897/2000  
of 29 December 2000  
amending the corrective amount applicable to the refund on cereals**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>, and in particular Article 13(8) thereof,

Whereas:

- (1) The corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EC) No 2738/2000 <sup>(3)</sup>.
- (2) On the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered.

- (3) The corrective amount must be fixed according to the same procedure as the refund. It may be altered in the period between fixings,

HAS ADOPTED THIS REGULATION:

*Article 1*

The corrective amount referred to in Article 1(1)(a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to the export refunds fixed in advance in respect of the products referred to, except for malt, is hereby altered to the amounts set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 January 2001.

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

Done at Brussels, 29 December 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 316, 15.12.2000, p. 60.

## ANNEX

## to the Commission Regulation of 29 December 2000 fixing the corrective amount applicable to the refund on cereals

(EUR/t)

Product code	Destination	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6	6th period 7
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	—	—	—	—	—	—	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	A00	0	-1,00	-2,00	-3,00	-4,00	—	—
1002 00 00 9000	A00	0	0,00	0,00	0,00	0,00	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	A00	0	-1,00	-2,00	-3,00	-4,00	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	A00	0	0,00	0,00	0,00	0,00	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	A00	0	-1,00	-2,00	-3,00	-4,00	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	A00	0	0,00	0,00	0,00	0,00	—	—
1101 00 15 9130	A00	0	0,00	0,00	0,00	0,00	—	—
1101 00 15 9150	A00	0	0,00	0,00	0,00	0,00	—	—
1101 00 15 9170	A00	0	0,00	0,00	0,00	0,00	—	—
1101 00 15 9180	A00	0	0,00	0,00	0,00	0,00	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	A00	0	0,00	0,00	0,00	0,00	—	—
1102 10 00 9700	A00	0	0,00	0,00	0,00	0,00	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	A00	0	-1,50	-3,00	-4,50	-6,00	—	—
1103 11 10 9400	A00	0	-1,34	-2,68	-4,02	-5,36	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	A00	0	-1,37	-2,74	-4,11	-5,48	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

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 2543/1999 (OJ L 307, 2.12.1999, p. 46).

**COMMISSION REGULATION (EC) No 2898/2000**  
**of 22 December 2000**  
**amending Regulation (EC) No 1370/95 laying down detailed rules for implementing the system of**  
**export licences in the pigmeat sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat <sup>(1)</sup>, as last amended by Regulation (EC) No 1365/2000 <sup>(2)</sup>, and in particular Articles 8(2) and 13(12) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1370/95 <sup>(3)</sup>, as last amended by Regulation (EC) No 1342/2000 <sup>(4)</sup>, lays down detailed rules for implementing the system of export licences in the pigmeat sector.
- (2) It is necessary to adapt the product codes laid down in Annex I to Regulation (EC) No 1370/95 to the recent amendments of Commission Regulation (EEC) No 3846/87 of 17 December 1987 establishing an agricul-

tural product nomenclature for export refund <sup>(5)</sup>, as last amended by Regulation (EC) No 2849/2000 <sup>(6)</sup>.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to Regulation (EC) No 1370/95 is replaced by the Annex to this Regulation.

*Article 2*

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

It shall apply to export licences applied for as from 1 January 2001.

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

Done at Brussels, 22 December 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 282, 1.11.1975, p. 1.

<sup>(2)</sup> OJ L 156, 29.6.2000, p. 5.

<sup>(3)</sup> OJ L 133, 17.6.1995, p. 9.

<sup>(4)</sup> OJ L 154, 27.6.2000, p. 14.

<sup>(5)</sup> OJ L 366, 24.12.1987, p. 1.

<sup>(6)</sup> OJ L 335, 30.12.2000, p. 1.

## ANNEX

## ANNEX I

Product code of the agricultural product nomenclature for export refunds <sup>(1)</sup>	Category	Rate of the security (EUR/100 kg) Net weight
0203 11 10 9000 0203 21 10 9000	1	5
0203 12 11 9100 0203 12 19 9100 0203 19 11 9100 0203 19 13 9100 0203 19 55 9110 0203 22 11 9100 0203 22 19 9100 0203 29 11 9100 0203 29 13 9100 0203 29 55 9110	2	5
0203 19 15 9100 0203 19 55 9310 0203 29 15 9100	3	4
0210 11 31 9110 0210 11 31 9910	4	15
0210 12 19 9100	5	5
0210 19 81 9100	6	20
0210 19 81 9300	7	15
1601 00 91 9120	8	5
1601 00 99 9110	9	5
1602 41 10 9210	10	10
1602 42 10 9210	11	10
1602 49 19 9120	12	5

<sup>(1)</sup> Commission Regulation (EEC) No 3846/87 Section 6 (OJ L 366, 24.12.1987, p. 1).'

**COMMISSION REGULATION (EC) No 2899/2000  
of 21 December 2000**

**fixing the standard values to be used in calculating the financial compensation and the advance  
pertaining thereto in respect of fishery products withdrawn from the market during the 2001  
fishing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products <sup>(1)</sup>, and in particular Article 21(8) thereof,

Whereas:

- (1) Article 21 of Regulation (EC) No 104/2000 provides for financial compensation to be paid to producer organisations which intervene, on certain conditions, in the products listed in Annex I (A) and (B) to that Regulation. The amount of such financial compensation should be reduced by standard values in the case of products intended for purposes other than human consumption.
- (2) Commission Regulation (EEC) No 1501/83 of 9 June 1983 on the disposal of certain fishery products which have been the subject of measures to stabilise the market <sup>(2)</sup> specifies the ways in which the products withdrawn from the market must be disposed of. The value of such products should be fixed at a standard level for each of these modes of disposal, taking into account the average revenues which may be obtained from such disposal in the various Member States.
- (3) On the basis of relevant information affecting these values, they should be fixed for the 2001 fishing year as shown in the Annex hereto.
- (4) Under Article 7 of Commission Regulation (EC) No 2509/2000 of 15 November 2000 setting detailed rules for the application of Regulation (EC) No 104/2000 as regards financial compensation on certain fishery products <sup>(3)</sup>, special rules provide that, where a producer organisation or one of its members puts its products up

for sale in a Member State other than the country in which it is recognised, the body responsible for granting the financial compensation must be informed. This body is the one in the Member State in which the producer organisation is recognised. The standard value deductible should therefore be the value applied in that Member State.

- (5) The above provisions apply equally to advances on financial compensation as provided for in Article 6 of Regulation (EC) No 2509/2000.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

In the 2001 fishing year, the standard values to be used in calculating financial compensation and associated advances for products withdrawn from the market by producer organisations, intended for purposes other than human consumption, are hereby fixed as set out in the Annex hereto for each of the uses indicated.

*Article 2*

The standard value to be deducted from financial compensation and associated advances shall be that applied in the Member State in which the producer organisation is recognised.

*Article 3*

This Regulation shall enter into force on 1 January 2001.

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

Done at Brussels, 21 December 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 152, 10.6.1983, p. 22.

<sup>(3)</sup> OJ L 289, 16.11.2000, p. 11.

## ANNEX

Use of products withdrawn	EUR/tonne
1. Used as animal feed after drying and cutting up or processing into meal:	
(a) herring of the species <i>Clupea harengus</i> and mackerel of the species <i>Scomber scombrus</i> and <i>Scomber japonicus</i> :	
— Denmark and Sweden	65
— France	1
— other Member States	18
(b) for shrimps of the species <i>Crangon crangon</i> and deep-water prawns ( <i>Pandalus borealis</i> ):	
— Denmark and Sweden	0
— other Member States	10
(c) for other products:	
— Denmark	40
— Sweden	25
— United Kingdom, Portugal and Ireland	18
— other Member States	0
2. Used otherwise than as under point 1 for animal feed (bait included):	
(a) sardines of the species <i>Sardina pilchardus</i> and anchovy ( <i>Engraulis</i> spp.):	
— all Member States	10
(b) for other products:	
— Sweden and France	55
— other Member States	35
3. Used for purposes other than animal feed	0

**COMMISSION REGULATION (EC) No 2900/2000  
of 21 December 2000**

**fixing the amount of private storage aid for certain fishery products in the 2001 fishing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products <sup>(1)</sup>, and in particular Article 25(6) thereof,

Having regard to Commission Regulation (EC) No 2813/2000 of 21 December 2000 laying down the detailed rules for the grant of private storage aid for certain fishery products <sup>(2)</sup>, and in particular Article 1 thereof,

Whereas:

- (1) The aid must not exceed the sum of recorded technical and financial costs.
- (2) Based on the data on the technical and financial costs of storage operations recorded by the Commission in the preceding fishing year, the amount of aid for 2001 should be fixed as indicated below.

(3) To discourage long-term storage, to shorten payment times and to reduce the burden of controls, private storage aid should be paid in one instalment only.

(4) The measures provided for in this Regulation are in accordance with the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 2001 fishing year the amount of private storage aid for the products listed in Annex II to Regulation (EC) No 104/2000 shall be as follows:

- first month: 175 EUR/t
- second month: 0 EUR/t

*Article 2*

This Regulation shall enter into force on 1 January 2001.

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

Done at Brussels, 21 December 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 326, 22.12.2000, p. 30.

**COMMISSION REGULATION (EC) No 2901/2000****of 21 December 2000****fixing the amount of the carry-over aid and the flat-rate aid for certain fishery products for the 2001 fishing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products <sup>(1)</sup>, and in particular Article 23(5) and Article 24(8) thereof,

Having regard to Commission Regulation (EC) No 2814/2000 of 21 December 2000 laying down rules for applying Regulation (EC) No 104/2000 as regards the grant of carry-over aid for certain fishery products <sup>(2)</sup>, and in particular Article 5 thereof,

Having regard to Commission Regulation (EEC) No 4176/88 of 28 December 1988 laying down detailed rules of application for the granting of flat-rate aid for certain fisheries products <sup>(3)</sup>, as last amended by Regulation (EC) No 3516/93 <sup>(4)</sup>, and in particular Article 11 thereof,

Whereas:

- (1) Articles 23 and 24 of Regulation (EC) No 104/2000 provide that aid may be granted for quantities of certain fresh products withdrawn from the market and either processed to stabilise them and stored or preserved.
- (2) The purpose of the carry-over aid and the flat-rate aid is to give suitable encouragement to producers' organisations to carry over products withdrawn from the market so that their destruction can be avoided.

- (3) The aid level should not be such as will disturb the balance of the market for the products in question or distort competition.
- (4) Articles 23(3) and 24(4) provide that the levels of these aids must not exceed the technical and financial costs associated with the operations essential to processing and storage.
- (5) On the basis of the information on technical and financial costs recorded in the Community during the previous fishing year, the aid level for the 2001 fishing year should be as indicated in the Annex.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 2001 fishing year, the carry-over aid for the products listed in Annex I to Regulation (EC) No 104/2000 and the flat-rate aid for the products listed in Annex IV to that Regulation shall be as indicated in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 January 2001.

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

Done at Brussels, 21 December 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 326, 22.12.2000, p. 34.

<sup>(3)</sup> OJ L 367, 31.12.1988, p. 63.

<sup>(4)</sup> OJ L 320, 22.12.1993, p. 10.



## ANNEX

**1. Amount of the carry-over aid for products listed in Annex I(A) and (B) and for sole (*Solea* spp.) listed in Annex I(C) to Regulation (EC) No 104/2000**

Processing methods listed in Article 23 of Regulation (EC) No 104/2000	Amount of aid (EUR/tonne)
1	2
I. Freezing and storage of whole products, gutted and with head or cut-up products	
— Sardines of the species <i>Sardina pilchardus</i>	300
— Other species	240
II. Filleting, freezing and storage	320
III. Salting and/or drying and storage of whole products, gutted and with head, or cut-up or filleted products	280
IV. Marinating and storage	240

**2. Amount of the carry-over aid for products listed in Annex I(C) to Regulation (EC) No 104/2000**

Processing methods listed in Article 23 of Regulation (EC) No 104/2000	Products	Amount of aid (EUR/tonne)
1	2	3
I. Freezing and storage	Norway lobster ( <i>Nephrops norvegicus</i> )	300
	Norway lobster tails ( <i>Nephrops norvegicus</i> )	200
II. Removing the head, freezing and storage	Norway lobster ( <i>Nephrops norvegicus</i> )	200
III. Cooking, freezing and storage	Norway lobster ( <i>Nephrops norvegicus</i> )	330
	Edible crabs ( <i>Cancer pagurus</i> )	170
IV. Pasteurisation and storage	Edible crabs ( <i>Cancer pagurus</i> )	280
V. Live storage in fixed tanks or cages	Edible crabs ( <i>Cancer pagurus</i> )	200

**3. Amount of the flat-rate aid for products listed in Annex IV to Regulation (EC) No 104/2000**

Processing methods	Aid (EUR/tonne)
I. Freezing and storage of whole products, gutted and with head, or cut-up products	240
II. Filleting, freezing and storage	320

**COMMISSION REGULATION (EC) No 2902/2000**  
**of 21 December 2000**  
**fixing the withdrawal and selling prices for the fishery products listed in Annex I to Council**  
**Regulation (EC) No 104/2000 for the 2001 fishing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products <sup>(1)</sup>, and in particular Article 20(3) and Article 22 thereof,

Whereas:

- (1) Article 20(1) and Article 22 of Regulation (EC) No 104/2000 provide that the Community withdrawal and selling prices for each of the products listed in Annex I thereto are to be fixed on the basis of the freshness, size or weight and presentation of the product by applying the conversion factor for the product category concerned to an amount not more than 90 % of the relevant guide price.
- (2) Article 20(2) of Regulation (EC) No 104/2000 provides that the withdrawal price may be multiplied by conversion factors in landing areas which are very distant from main centres of consumption in the Community.
- (3) The guide prices for the 2001 fishing year were fixed for all the products concerned by Council Regulation (EEC) No 2764/2000 <sup>(2)</sup>.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The conversion factors used for calculating the Community withdrawal and selling prices for the products listed in Annex I to Regulation (EC) No 104/2000 shall be as set out in Annex I to this Regulation.

*Article 2*

The Community withdrawal and selling prices applicable for the 2001 fishing year and the products to which they relate shall be as set out in Annex.

*Article 3*

The withdrawal prices applicable for the 2001 fishing year in landing areas which are very distant from the main centres of consumption in the Community and the products to which those prices relate shall be as set out in Annex III.

*Article 4*

This Regulation shall enter into force on 1 January 2001.

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

Done at Brussels, 21 December 2000.

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

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

<sup>(2)</sup> OJ L 321, 19.12.2000, p. 1.

## ANNEX I

## Conversion factor of the products listed in Annex I(A), (B) and (C) to Regulation (EC) No 104/2000

Species	Size (l)	Conversion	
		Gutted fish, with head (l)	Whole fish (l)
		Extra, A (l)	Extra, A (l)
Herring of the species <i>Clupea harengus</i>	1	0,00	0,47
	2	0,00	0,72
	3	0,00	0,68
	4	0,00	0,43
	5	0,00	0,81
Sardines of the species <i>Sardina pilchardus</i>	1	0,00	0,51
	2	0,00	0,64
	3	0,00	0,72
	4	0,00	0,47
Dogfish ( <i>Squalus acanthias</i> )	1	0,60	0,60
	2	0,51	0,51
	3	0,28	0,28
Dogfish ( <i>Scyliorhinus</i> spp.)	1	0,64	0,60
	2	0,64	0,56
	3	0,44	0,36
Redfish ( <i>Sebastes</i> spp.)	1	0,00	0,81
	2	0,00	0,81
	3	0,00	0,68
Cod of the species <i>Gadus morhua</i>	1	0,72	0,52
	2	0,72	0,52
	3	0,68	0,40
	4	0,54	0,30
	5	0,38	0,22
Coalfish ( <i>Pollachius virens</i> )	1	0,72	0,56
	2	0,72	0,56
	3	0,71	0,55
	4	0,61	0,30
Haddock ( <i>Melanogrammus aeglefinus</i> )	1	0,72	0,56
	2	0,72	0,56
	3	0,62	0,43
	4	0,52	0,36
Whiting ( <i>Merlangius merlangus</i> )	1	0,66	0,50
	2	0,64	0,48
	3	0,60	0,44
	4	0,41	0,30
Ling ( <i>Molva</i> spp.)	1	0,68	0,56
	2	0,66	0,54
	3	0,60	0,48
Mackerel of the species <i>Scomber scombrus</i>	1	0,00	0,72
	2	0,00	0,71
	3	0,00	0,69
Spanish mackerel of the species <i>Scomber japonicus</i>	1	0,00	0,77
	2	0,00	0,77
	3	0,00	0,63
	4	0,00	0,47

Species	Size (l)	Conversion	
		Gutted fish, with head (l)	Whole fish (l)
		Extra, A (l)	Extra, A (l)
Anchovies ( <i>Engraulis</i> spp.)	1	0,00	0,68
	2	0,00	0,72
	3	0,00	0,60
	4	0,00	0,25
Plaice ( <i>Pleuronectes platessa</i> )	1	0,75	0,41
	2	0,75	0,41
	3	0,72	0,41
	4	0,52	0,34
Hake of the species <i>Merluccius merluccius</i>	1	0,90	0,71
	2	0,68	0,53
	3	0,68	0,52
	4	0,56	0,43
	5	0,52	0,41
Megrin ( <i>Lepidorhombus</i> spp.)	1	0,68	0,64
	2	0,60	0,56
	3	0,54	0,49
	4	0,34	0,29
Dab ( <i>Limanda limanda</i> )	1	0,71	0,58
	2	0,54	0,42
Flounder ( <i>Platichthys flesus</i> )	1	0,66	0,58
	2	0,50	0,42
Albacora or longfinned tuna ( <i>Thunnus alalunga</i> )	1	0,90	0,81
	2	0,90	0,77
Cuttlefish ( <i>Sepia officinalis</i> and <i>Rossia macrosoma</i> )	1	0,00	0,64
	2	0,00	0,64
	3	0,00	0,40
		Whole fish or gutted, with head (l)	Fish without head (l)
		Extra, A (l)	Extra, A (l)
Monkfish ( <i>Lophius</i> spp.)	1	0,61	0,77
	2	0,78	0,72
	3	0,78	0,68
	4	0,65	0,60
	5	0,36	0,43
		All presentations	
		A (l)	
Shrimps of the genus <i>Crangon crangon</i>	1	0,59	
	2	0,27	
		Cooked in water	Fresh or chilled
		Extra, A (l)	Extra, A (l)
Deep-water prawns ( <i>Pandalus borealis</i> )	1	0,77	0,68
	2	0,27	—

Species	Size (1)	Conversion		
		whole (1)		
Edible crabs ( <i>Cancer pagurus</i> )	1	0,72		
	2	0,54		
		Whole (1)		Tails (1)
		E (1)	Extra, A (1)	Extra, A (1)
Norway lobster ( <i>Nephrops norvegicus</i> )	1	0,86	0,86	0,81
	2	0,86	0,59	0,68
	3	0,77	0,59	0,50
	4	0,50	0,41	0,41
		Gutted fish, with head (1)		Whole fish (1)
		Extra, A (1)		Extra, A (1)
Sole ( <i>Solea</i> spp.)	1	0,75		0,58
	2	0,75		0,58
	3	0,71		0,54
	4	0,58		0,42
	5	0,50		0,33

(1) The freshness categories, sizes and presentations are those defined pursuant to Article 2 of Regulation (EC) No 104/2000.

## ANNEX II

**Withdrawal or sale price in the Community of the products listed in Annex I(A), (B) and (C) to Regulation (EC) No 104/2000**

Species	Size (l)	Withdrawal price (EUR/t)	
		Gutted fish with head (l)	Whole fish (l)
		Extra, A (l)	Extra, A (l)
Herrings of the species <i>Clupea harengus</i>	1	0	118
	2	0	181
	3	0	171
	4	0	108
	5	0	204
Sardines of the species <i>Sardina pilchardus</i>	1	0	281
	2	0	352
	3	0	396
	4	0	259
Dogfish ( <i>Squalus acanthias</i> )	1	647	647
	2	550	550
	3	302	302
Dogfish ( <i>Scyllorhinus</i> spp.)	1	521	488
	2	521	456
	3	358	293
Redfish ( <i>Sebastes</i> spp.)	1	0	935
	2	0	935
	3	0	785
Cod of the species <i>Gadus morhua</i>	1	1 123	811
	2	1 123	811
	3	1 061	624
	4	842	468
	5	593	343
Coalfish ( <i>Pollachius virens</i> )	1	563	438
	2	563	438
	3	555	430
	4	477	235
Haddock ( <i>Melanogrammus aeglefinus</i> )	1	757	589
	2	757	589
	3	652	452
	4	547	379
Whiting ( <i>Merlangius merlangus</i> )	1	601	456
	2	583	437
	3	547	401
	4	374	273
Lieng ( <i>Molva</i> spp.)	1	813	670
	2	789	646
	3	718	574
Mackred of the species <i>Scomber scombrus</i>	1	0	207
	2	0	204
	3	0	198
Spanish mackerel of the species <i>Scomber japonicus</i>	1	0	236
	2	0	236
	3	0	193
	4	0	144
Anchovies ( <i>Engraulis</i> spp.)	1	0	814
	2	0	862
	3	0	718
	4	0	299

Species	Size (l)	Withdrawal price (EUR/t)	
		Gutted fish with head (l)	Whole fish (l)
		Extra, A (l)	Extra, A (l)
Plaice ( <i>Pleuronectes platessa</i> )			
— 1 January to 30 April 2001	1	789	431
	2	789	431
	3	757	431
	4	547	358
— 1 May to 31 December 2001	1	1 086	594
	2	1 086	594
	3	1 043	594
	4	753	492
Hake of the species <i>Merluccius merluccius</i>	1	3 326	2 623
	2	2 513	1 958
	3	2 513	1 921
	4	2 069	1 589
	5	1 921	1 515
Megrim ( <i>Lepidorhombus</i> spp.)	1	1 620	1 524
	2	1 429	1 334
	3	1 286	1 167
	4	810	691
Dab ( <i>Limanda limanda</i> )	1	655	535
	2	498	388
Flounder ( <i>Platichthys flesus</i> )	1	364	320
	2	276	232
Albacore or longfinned tuna ( <i>Thunnus alalunga</i> )	1	2 207	1 737
	2	2 207	1 652
Cuttlefish ( <i>Sepia officinalis</i> and <i>Rossia macrosoma</i> )	1	0	1 017
	2	0	1 017
	3	0	636
		Whole or gutted fish with head (l)	Without head (l)
		Extra, A (l)	Extra, A (l)
Monkfish ( <i>Lophius</i> spp.)	1	1 724	4 497
	2	2 204	4 205
	3	2 204	3 971
	4	1 837	3 504
	5	1 017	2 511
		All presentations	
		Extra, A (l)	
Shrimps of the species <i>Crangon crangon</i>	1	1 433	
	2	656	
		Cooked in water	Fresh or chilled
		Extra, A (l)	Extra, A (l)
Deep-water prawns ( <i>Pandalus borealis</i> )	1	5 041	1 161
	2	1 768	—

Species	Size (l)	Sale price (EUR/t)		
		Whole (l)		
Edible crabs ( <i>Cancer pagurus</i> )	1	1 284		
	2	963		
		Whole (l)		Tails (l)
		E (l)	Extra, A (l)	Extra, A (l)
Norway lobster ( <i>Nephrops norvegicus</i> )	1	4 590	4 590	3 467
	2	4 590	3 149	2 910
	3	4 109	3 149	2 140
	4	2 669	2 188	1 755
		Gutted fish with head (l)		Whole fish (l)
		Extra, A (l)		Extra, A (l)
Sole ( <i>Solea</i> spp.)	1	4 889		3 780
	2	4 889		3 780
	3	4 628		3 520
	4	3 780		2 738
	5	3 259		2 151

(l) The freshness categories, sizes and presentations are those defined pursuant to Article 2 of Regulation (EC) No 104/2000.



## ANNEX III

Species	Landing area	Conversion factor	Size (l)	Withdrawal prices (EUR/tonne)	
				Gutted fish, with head (l)	Whole fish (l)
				Extra, A (l)	Extra, A (l)
Herring of the species <i>Clupea harengus</i>	Coastal areas and islands of Ireland	0,88	{ 1 2 3 4	0 0 0 0	104 160 151 95
	Coastal areas in the east of England from Berwick to Dover. Coastal areas of Scotland from Portpatrick to Eyemouth including the islands to the west and the north of these regions. Coastal areas of County Down (Northern Ireland)	0,87	{ 1 2 3 4	0 0 0 0	103 158 149 94
Mackerel of the species <i>Scomber scombrus</i>	Coastal areas and islands of Ireland	0,94	{ 1 2 3	0 0 0	194 192 186
	Coastal areas and islands of Cornwall and Devon in the United Kingdom	0,93	{ 1 2 3	0 0 0	192 190 184
	Coastal areas from Portpatrick in south-west Scotland to Wick in north-east Scotland and the islands to the west and north of these areas, coastal areas and islands of Northern Ireland	0,98	{ 1 2 3	0 0 0	203 200 194
	Coastal areas from Wick to Aberdeen in the north-east of Scotland	1,00	{ 1 2 3	0 0 0	207 204 198
Hake of the species <i>Merluccius merluccius</i>	Coastal area from Troon in south-west Scotland to Wick in north-east Scotland and the islands to the west and north of these areas	0,74	{ 1 2 3 4 5	2 461 1 859 1 859 1 531 1 422	1 941 1 449 1 422 1 176 1 121
	Coastal areas and islands of Ireland	1,00	{ 1 2 3 4 5	3 326 2 513 2 513 2 069 1 921	2 623 1 958 1 921 1 589 1 515
Albacore of longfinned tuna ( <i>Thunnus alalunga</i> )	Azores and Madeira	0,48	{ 1 2	1 059 1 059	834 793
Sardines of the species <i>Sardina pilchardus</i>	Canary Islands	0,48	{ 1 2 3 4	0 0 0 0	135 169 190 124
	Coastal areas and islands of the counties of Cornwall and Devon in the United Kingdom	0,72	{ 1 2 3 4	0 0 0 0	202 253 285 177
	Coastal areas on the Atlantic seaboard of Portugal	0,93 0,81	2 3	0 0	327 321
	French coastal areas on the Atlantic, the Channel and the North Sea	1,00	2	0	352

(l) The freshness categories, sizes and presentations are those defined pursuant to Article 2 of Regulation (EC) No 104/2000.

**COMMISSION REGULATION (EC) No 2903/2000**  
**of 21 December 2000**  
**fixing the selling prices for the fishery products listed in Annex II to Council Regulation (EC) No**  
**104/2000 for the 2001 fishing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products <sup>(1)</sup>, and in particular Article 25(6) thereof,

Whereas:

- (1) Under Article 25(1) of Regulation (EC) No 104/2000, a Community selling price is to be fixed for each of the products listed in Annex II thereto before the beginning of the fishing year, at a level at least equal to 70 % and not exceeding 90 % of the guide price.
- (2) Council Regulation (EC) No 2764/2000 <sup>(2)</sup> fixes the guide prices for the 2001 fishing year for all the products concerned.
- (3) Market prices vary considerably depending on the species and how the products are presented, particularly in the case of squid and hake.
- (4) Conversion factors must therefore be fixed for the different species and presentations of frozen products landed in the Community in order to determine the price level that will trigger the intervention measure

provided for in Article 25(2) of Regulation (EC) No 104/2000.

- (5) Commission Regulation (EEC) No 3611/84 of 20 December 1984 fixing the conversion factors for frozen squid <sup>(3)</sup>, as last amended by Regulation (EC) No 901/98 <sup>(4)</sup>, can therefore be repealed.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Community selling prices applicable during the 2001 fishing year for the products listed in Annex II to Regulation (EC) No 104/2000 and the presentations and conversion factors to which they relate shall be as indicated in the Annex hereto.

*Article 2*

Commission Regulation (EEC) No 3611/84 is hereby repealed.

*Article 3*

This Regulation shall enter into force on 1 January 2001.

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

Done at Brussels, 21 December 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 17, 21.1.2000, p. 22.  
<sup>(2)</sup> OJ L 321, 19.12.2000, p. 1.

<sup>(3)</sup> OJ L 333, 21.12.1984, p. 41.  
<sup>(4)</sup> OJ L 127, 29.4.1998, p. 4.

## ANNEX

Species	Presentation	Conversion factor	Intervention level	Selling price (EUR/t)
Greenland halibut ( <i>Reinhardtius hippoglossoides</i> )	Whole, with or without head	1,0	0,85	1 646
Hake ( <i>Merluccius</i> spp.)	Whole, with or without head	1,0	0,85	1 085
	Individual fillets			
	— with skin	1,0	0,85	1 301
	— skinless	1,1	0,85	1 431
Sea bream ( <i>Dentex dentex</i> and <i>Pagellus</i> spp.)	Whole, with or without head	1,0	0,85	1 323
Swordfish ( <i>Xiphias gladius</i> )	Whole, with or without head	1,0	0,85	3 400
Shrimps and prawns <i>Penaeidae</i>	Frozen			
(a) <i>Parapenaeus Longirostris</i>		1,0	0,85	3 466
(b) Other <i>Penaeidae</i>		1,0	0,85	6 718
Cuttlefishes ( <i>Sepia officinalis</i> , <i>Rossia macro-soma</i> and <i>Sepiola rondeletti</i> )	Frozen	1,0	0,85	1 639
Squid ( <i>Loligo</i> spp.)				
(a) <i>Loligo patagonica</i>	— Whole, not cleaned	1,00	0,85	963
	— Cleaned	1,20	0,85	1 156
(b) <i>Loligo vulgaris</i>	— Whole, not cleaned	2,50	0,85	2 408
	— Cleaned	2,90	0,85	2 793
Octopus ( <i>Octopus</i> spp.)	Frozen	1,00	0,85	1 689
<i>Illex argentinus</i>	— Whole, not cleaned	1,00	0,80	671
	— Tube	1,70	0,80	1 141

**Forms of commercial presentation:**

Whole, not cleaned: product which has not undergone any treatment.

Cleaned: product which has at least been gutted.

Tube: squid body which has at least been gutted and had the head removed.

**COMMISSION REGULATION (EC) No 2904/2000**  
**of 21 December 2000**  
**fixing the reference prices for fishery products for the 2001 fishing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products <sup>(1)</sup>, and in particular Article 29(5) thereof,

Whereas:

- (1) Article 29(1) of Regulation (EC) No 104/2000 provides that reference prices valid for the Community may be fixed each year, by product category, for products that are the subject of a tariff suspension under Article 28(1) or for products which, by virtue of being either the subject of a binding tariff reduction under the WTO or some other preferential arrangements, must comply with a reference price.
- (2) Article 29(3)(a) of Regulation (EC) No 104/2000 lays down that, for the products listed in its Annex I, Parts A and B, the reference price is equal to the withdrawal price fixed in accordance with Article 20(1) of that Regulation.
- (3) The Community withdrawal and selling prices for the products concerned are fixed for the 2001 fishing year by Commission Regulation (EC) No 2902/2000 <sup>(2)</sup>.

- (4) Under the terms of Article 29(3)(d) of Regulation (EC) No 104/2000, the reference price for products other than those listed in Annexes I and II to Regulation (EC) No 104/2000 is established on the basis of the weighted average of customs values recorded on the import markets or in the ports of import in the preceding three years immediately preceding the date on which the reference price is fixed.
- (5) There is no need to fix reference prices for all the species covered by the criteria laid down in Article 29(1) of Regulation (EC) No 104/2000, and particularly not for those imported in insignificant volumes from third countries.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

The reference prices for fishery products for the 2001 fishing year shall be as laid down in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 January 2001.

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

Done at Brussels, 21 December 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> See page 39 of this Official Journal.

## ANNEX (\*)

## 1. Reference prices for certain products listed in Parts A and B of Annex I to Regulation (EC) No 104/2000

Species	Size <sup>(1)</sup>	Reference price (EUR/t)			
		Gutted with head <sup>(1)</sup>		Whole fish <sup>(1)</sup>	
		Additional TARIC code	Extra, A <sup>(1)</sup>	Additional TARIC code	Extra, A <sup>(1)</sup>
Herring of the species <i>Clupea harengus</i> ex 0302 40 00	1	F001	0	F011	118
	2	F002	0	F012	181
	3	F003	0	F013	171
	4	F004	0	F014	108
	5	F005	0	F015	204
Redfish ( <i>Sebastes</i> spp.) ex 0302 69 31 and ex 0302 69 33	1		—	F067	935
	2		—	F068	935
	3		—	F069	785
Cod of the species <i>Gadus morhua</i> ex 0302 50 10	1	F073	1 123	F083	811
	2	F074	1 123	F084	811
	3	F075	1 061	F085	624
	4	F076	842	F086	468
	5	F077	593	F087	343
Deepwater prawns ( <i>Pandalus borealis</i> ) ex 0306 23 10	1	Boiled in water		Fresh or refrigerated	
		Additional TARIC code	Extra, A <sup>(1)</sup>	Additional TARIC code	Extra, A <sup>(1)</sup>
		F317	5 041	F321	1 161
	2	F318	1 768	—	—

<sup>(1)</sup> The freshness, size and presentation categories are those laid down under Article 2 of Regulation (EC) No 104/2000.

## 2. Reference prices for certain other fishery products

Product	Additional TARIC code	Presentation	Reference price (EUR/t)
1. Redfish ( <i>Sebastes</i> spp.) ex 0303 79 35 ex 0303 79 37	F411	Whole: — with or without head	942
ex 0304 20 35 ex 0304 20 37	F412	Fillets: — with bones ('standard')	1 877
	F413	— without bones	2 119
	F414	— blocks in immediate packing weighing not more than 4 kg	2 263

(\*) The additional code to be mentioned for all categories other than those explicitly referred to in Points 1 and 2 of the Annex is 'F499: Other'.

Product	Additional TARIC code	Presentation	Reference price (EUR/t)
2. Cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> and <i>Gadus macrocephalus</i> ) and fish of the species <i>Boreogadus saida</i> ex 0303 60 11, ex 0303 60 19, ex 0303 60 90, ex 0303 79 41	F416	Whole, with or without head	1 095
ex 0304 20 29	F417	Fillets: — interleaved or in industrial blocks, with bones (‘standard’)	2 404
	F418	— interleaved or in industrial blocks, without bones	2 719
	F419	— individual or fully interleaved fillets, with skin	2 576
	F420	— individual or fully interleaved fillets, without skin	2 944
	F421	— blocks in immediate packing weighing not more than 4 kg	2 903
ex 0304 90 38	F422	Pieces and other meat, except minced blocks	1 392
3. Coalfish ( <i>Pollachius virens</i> )	F424	Fillets: — interleaved or in industrial blocks, with bones (‘standard’)	1 503
ex 0304 20 31	F425	— interleaved or in industrial blocks, without bones	1 639
	F426	— individual or fully interleaved fillets, with skin	1 491
	F427	— individual or fully interleaved fillets, without skin	1 682
	F428	— blocks in immediate packing weighing not more than 4 kg	1 734
ex 0304 90 41	F429	Pieces and other meat, except minced blocks	997
4. Haddock ( <i>Melanogrammus aeglefinus</i> )	F431	Fillets: — interleaved or in industrial blocks, with bones (‘standard’)	2 264
ex 0304 20 33	F432	— interleaved or in industrial blocks, without bones	2 659
	F433	— individual or fully interleaved fillets, with skin	2 512
	F434	— individual or fully interleaved fillets, without skin	2 794
	F435	— blocks in immediate packing weighing not more than 4 kg	2 960
5. Alaska pollack ( <i>Theragra chalcogramma</i> ) ex 0304 20 85	F441	Fillets: — interleaved or in industrial blocks, with bones (‘standard’)	1 137
	F442	— interleaved or in industrial blocks, without bones	1 311
6. Herring ( <i>Clupea harengus</i> , <i>Clupea pallasii</i> ) ex 0304 10 97 ex 0304 90 22	F450	Herring flaps: — exceeding 80 g a piece	500
	F450	— exceeding 80 g a piece	450

**COMMISSION REGULATION (EC) No 2905/2000  
of 29 December 2000**

**concerning the increase and opening of tariff quotas applicable to the importation into the European Community of certain processed agricultural products originating in Switzerland and Liechtenstein**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 2491/98 <sup>(2)</sup>, and in particular Article 7(2) thereof,

Having regard to Council Decision 2000/239/EC of 13 March 2000 concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community, of the one part, and the Swiss Confederation, of the other part, on Protocol 2 to the Agreement between the European Economic Community and the Swiss Confederation <sup>(3)</sup>, and in particular Article 2 thereof,

Whereas:

- (1) The annual quotas provided for in Section III(1) and (3) of the Agreement in the form of an Exchange of Letters between the European Community, of the one part, and the Swiss Confederation, of the other part, on Protocol 2 to the Agreement between the European Economic Community and the Swiss Confederation <sup>(4)</sup>, called hereinafter, 'the Agreement', should be opened for the year 2001.
- (2) The annual quotas foreseen in Section III(1) of the Agreement have to be increased by 10 % for the year 2001, as foreseen in Section III(2).
- (3) The annual quota for goods classified under CN codes 2202 10 00 and ex 2202 90 10, as foreseen in Section III(3) of the Agreement, has been exhausted and in consequence, has to be increased by 10 % for the year 2001, as foreseen in Section III(3), third indent.
- (4) The preferences foreseen by the Free Trade Agreement between the European Economic Community and Switzerland of 22 July 1972 have been extended to the Principality of Liechtenstein by an additional agreement approved by Council Regulation (EEC) No 2840/72 of

18 December 1972 <sup>(5)</sup>. Therefore, the measures laid down in this Regulation must also be applicable to goods originating in Liechtenstein.

- (5) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code <sup>(6)</sup>, as last amended by Commission Regulation (EC) No 2787/2000 <sup>(7)</sup>, codified the provisions for the management of the tariff quotas to be used in the chronological order of the dates of acceptance of the declarations for release for free circulation.
- (6) The measures laid down in this Regulation comply with the opinion of the Management Committee on Horizontal Questions concerning trade in processed agricultural products not listed in Annex I,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Community quotas for imports originating in Switzerland and in Liechtenstein listed in the Annex to this Regulation shall be opened duty exempt from 1 January to 31 December 2001.

For imports of goods classified under CN codes 2202 10 00 and ex 2202 90 10 exceeding the duty-exempt quota, a duty of 9,1 % shall be applied.

*Article 2*

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

*Article 3*

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

It shall apply with effect from 1 January 2001.

<sup>(1)</sup> OJ L 318, 20.12.1993, p. 18.

<sup>(2)</sup> OJ L 309, 19.11.1998, p. 28.

<sup>(3)</sup> OJ L 76, 25.3.2000, p. 11.

<sup>(4)</sup> OJ L 300, 31.12.1972, p. 189.

<sup>(5)</sup> OJ L 300, 31.12.1972, p. 188.

<sup>(6)</sup> OJ L 253, 11.10.1993, p. 1.

<sup>(7)</sup> OJ L 330, 27.12.2000, p. 1.

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

Done at Brussels, 29 December 2000.

*For the Commission*  
Erkki LIIKANEN  
*Member of the Commission*

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ANNEX

Table 1

Serial No	CN code	Description	Quantities for 2001 (t)	Applicable rate of duty
09.0911	1302 20 10	Pectic substances, pectinates and pectates: dry	660	Exempt
09.0912	2101 11 11	Extracts, essences and concentrates with a coffee-based dry matter content of 95 % or more by weight	2 040	Exempt
09.0913	2101 20 20	Extracts, essences and concentrates of tea or maté	144	Exempt
09.0914	2106 90 92	Food preparations/other containing no milk fats, sucrose, isoglucose, glucose or starch or containing, by weight, less than 1,5 % milk fat, 5 % sucrose or isoglucose, 5 % glucose or starch	1 020	Exempt

Table 2

Serial No	CN code	Description	Volume	Rate of duty applicable within the quota	Rate of duty applicable outside the quota
09.0916	2202 10 00 ex 2202 90 10 (TARIC code 10)	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured Other non-alcoholic beverages, containing sugar	82 500 000 litres	Exempt	9,1 %



**COMMISSION REGULATION (EC) No 2906/2000****of 28 December 2000****opening tariff quotas for the year 2001 for imports into the European Community of products originating in Estonia, Latvia and Lithuania**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 2580/2000 <sup>(2)</sup>, and in particular Article 7(2) thereof,

Having regard to Council Decision 1999/86/EC of 18 May 1998 on the conclusion of a Protocol adjusting trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Estonia, of the other part, to take account of the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union and the outcome of the Uruguay Round negotiations on agriculture, including improvements to the existing preferential arrangements <sup>(3)</sup>, and in particular Articles 1 and 5 of that Protocol,

Having regard to Council Decision 98/677/EC of 18 May 1998 on the conclusion of a Protocol adjusting trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Lithuania, of the other part, to take account of the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union and the outcome of the Uruguay Round negotiations on agriculture, including improvements to the existing preferential arrangements <sup>(4)</sup>, and in particular Articles 2 and 6 of that Protocol,

Having regard to Council Decision 1999/790/EC of 18 May 1998 on the conclusion of a Protocol adjusting trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Latvia, of the other part, to take account of the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union and the outcome of the Uruguay Round negotiations on agriculture, including improvements to the existing preferential arrangements <sup>(5)</sup>, and in particular Articles 2 and 6 of that Protocol,

Whereas:

- (1) Protocol 2 on trade in processed agricultural products, as amended by the Protocol adjusting the Europe Agreement with the Republic of Estonia, provides for the

granting of annual tariff quotas for imports of products originating in Estonia.

- (2) Protocol 2 on trade in processed agricultural products, as amended by the Protocol adjusting the Europe Agreement with the Republic of Lithuania, provides for the granting of annual tariff quotas for imports of products originating in Lithuania.
- (3) Protocol 2 on trade in processed agricultural products, as amended by the Protocol adjusting the Europe Agreement with the Republic of Latvia, provides for the granting of annual tariff quotas for imports of products originating in Latvia.
- (4) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code <sup>(6)</sup>, as last amended by Regulation (EC) No 2787/2000 <sup>(7)</sup>, consolidated the arrangements for managing the tariff quotas to be used in chronological order of the dates of acceptance of the declarations for release for free circulation.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed agricultural products not listed in Annex I,

HAS ADOPTED THIS REGULATION:

*Article 1*

The annual quotas for products originating in Estonia, Lithuania and Latvia set out in Annexes I, II and III respectively to this Regulation are hereby opened from 1 January 2001 to 31 December 2001 under the conditions set out in the said Annexes.

*Article 2*

The Community tariff quotas referred to in Article 1 shall be managed by the Commission in accordance with the provisions of Articles 308(a) to (c) of Regulation (EEC) No 2454/93.

*Article 3*

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

It shall apply with effect from 1 January 2001.

<sup>(1)</sup> OJ L 318, 20.12.1993, p. 18.

<sup>(2)</sup> OJ L 298, 25.11.2000, p. 5.

<sup>(3)</sup> OJ L 29, 3.2.1999, p. 9.

<sup>(4)</sup> OJ L 321, 30.11.1998, p. 1.

<sup>(5)</sup> OJ L 317, 10.12.1999, p. 1.

<sup>(6)</sup> OJ L 253, 11.10.1993, p. 1.

<sup>(7)</sup> OJ L 330, 27.12.2000, p. 1.

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

Done at Brussels, 28 December 2000.

*For the Commission*

Erkki LIIKANEN

*Member of the Commission*

ANNEX I

ESTONIA

Serial No	CN code	Description	Quota for 2000 (tonnes)	Rate of duty applicable (1)
09.6515	1704 10 11	Chewing gum, whether or not sugar-coated, containing less than 60 % by weight of sucrose (including invert sugar expressed as sucrose)	210	0 + RAC
	1704 10 19			
	1704 90 71	Boiled sweets, whether or not filled Toffees, caramels and similar sweets		
	1704 90 75			
09.6517	ex 1806	Chocolate and other food preparations containing cocoa other than those of CN code 1806 10 15	700	0 + RAC
09.6519	1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	150	0 + RAC
09.6521	2102 10 39	Bakers' yeast, other than dried	2 800	0 + RAC
09.6523	2105 00	Ice cream and other edible ice, whether or not containing cocoa	15	0 + RAC
09.6541	2202 90 91 2202 90 95 2202 90 99	Non-alcoholic beverages, not including fruit or vegetable juices of CN code 2009, containing products of CN codes 0401 to 0404 or fat obtained from products of CN codes 0401 to 0404	780	0 + RAC
09.6534	2402 20 90	Cigarettes containing tobacco but not containing cloves	70	28,8 %

<sup>(1)</sup> RAC = reduced agricultural components (calculated in accordance with the basic amounts set out in Protocol 2 to the Agreement) applicable within the quantitative limits of the quotas. Such reduced agricultural components are subject to the maximum duty laid down in the Common Customs Tariff, if any.

## ANNEX II

## LITHUANIA

Serial No	CN code	Description	Quota for 2001 (tonnes)	Rate of duty applicable <sup>(1)</sup>
09.6501	1704 90 71 1704 90 75	Boiled sweets, whether or not filled Toffees, caramels and similar sweets	560	0 + RAC
09.6503	1806 90	Chocolate and other food preparations containing cocoa falling within CN codes 1806 90 11 to 1806 90 90	700	0 + RAC
09.6534	2402 20 90	Cigarettes containing tobacco but not containing cloves	56	28,8 %

<sup>(1)</sup> RAC = reduced agricultural components (calculated in accordance with the basic amounts set out in Protocol 2 to the Agreement) applicable within the quantitative limits of the quotas. Such reduced agricultural components are subject to the maximum duty laid down in the Common Customs Tariff, if any.

## ANNEX III

## LATVIA

Order No	CN code	Description	2001 quota (tonnes)	Rate of duty applicable <sup>(1)</sup>
09.6535	1704 90 30 1704 90 51 1704 90 55 1704 90 61 1704 90 65 1704 90 71 1704 90 75 1704 90 81 1704 90 99	Sugar confectionery	350	0 + RAC
09.6536	1806 31 00 1806 32 10 1806 32 90 1806 90	Chocolate	700	0 + RAC
09.6537	1901 90 11 1901 90 19 1901 90 99	Food preparations	280	0 + RAC
09.6538	1905 30	Biscuits	280	0 + RAC
09.6513	2105	Ice cream	40	RAC

<sup>(1)</sup> RAC = reduced agricultural components (calculated in accordance with the basic amounts set out in Protocol 2 to the Agreement) applicable within the quantitative limits of the quotas. Such reduced agricultural components are subject to the maximum duty laid down in the common customs tariff, if any.

**COMMISSION REGULATION (EC) No 2907/2000****of 28 December 2000****opening tariff quotas for the year 2001 for imports into the European Community of products originating in the Czech Republic, Slovak Republic, Romania, Hungary and Bulgaria**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products <sup>(1)</sup>, as last amended by Regulation (EC) No 2580/2000 <sup>(2)</sup> and in particular Article 7(2) thereof,

Having regard to Council Decision 98/707/EC of 22 October 1998 relating to the conclusion of a Protocol for the adaptation of the trade aspects of the Europe Agreement between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part, to take into account the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union and the results of the agricultural negotiations of the Uruguay Round, including the improvements of the existing preferential regime <sup>(3)</sup>, and in particular Articles 2 and 6 of that Protocol,

Having regard to Council Decision 98/638/EC of 5 October 1998 relating to the conclusion of a Protocol for the adaptation of the trade aspects of the Europe Agreement between the European Communities and their Member States, of the one part, and the Slovak Republic, of the other part, to take into account the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union and the results of the agricultural negotiations of the Uruguay Round, including the improvements of the existing preferential regime <sup>(4)</sup>, and in particular Articles 2 and 6 of that Protocol,

Having regard to Council Decision 98/626/EC of 5 October 1998 relating to the conclusion of a Protocol for the adaptation of the trade aspects of the Europe Agreement between the European Communities and their Member States, of the one part, and Romania, of the other part, to take into account the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union and the results of the agricultural negotiations of the Uruguay Round, including the improvements of the existing preferential regime <sup>(5)</sup>, and in particular Articles 2 and 5 of that Protocol,

Having regard to Council Decision 1999/67/EC of 22 October 1998 relating to the conclusion of a Protocol for the adaptation of the trade aspects of the Europe Agreement between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part, to take

into account the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union and the results of the agricultural negotiations of the Uruguay Round, including the improvements of the existing preferential regime <sup>(6)</sup>, and in particular Articles 2 and 5 of that Protocol,

Having regard to Council Decision 1999/278/EC of 9 March 1999 relating to the conclusion of a Protocol for the adaptation of the trade aspects of the Europe Agreement between the European Communities and their Member States, of the one part, and Bulgaria, of the other part, to take into account the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union and the results of the agricultural negotiations of the Uruguay Round, including the improvements of the existing preferential regime <sup>(7)</sup>, and in particular Articles 2 and 5 of that Protocol,

Whereas:

- (1) Protocol 3 on trade in processed agricultural products, as amended by the Protocol adjusting the Europe Agreement with the Czech Republic, provides for the granting of annual tariff quotas for imports of products originating in the Czech Republic.
- (2) Protocol 3 on trade in processed agricultural products, as amended by the Protocol adjusting the Europe Agreement with the Slovak Republic, provides for the granting of annual tariff quotas for imports of products originating in the Slovak Republic.
- (3) Protocol 3 on trade in processed agricultural products, as amended by the Protocol adjusting the Europe Agreement with Romania, provides for the granting of annual tariff quotas for imports of products originating in Romania.
- (4) Protocol 3 on trade in processed agricultural products, as amended by the Protocol adjusting the Europe Agreement with the Republic of Hungary, provides for the granting of annual tariff quotas for imports of products originating in Hungary.
- (5) Protocol 3 on trade in processed agricultural products, as amended by the Protocol adjusting the Europe Agreement with Bulgaria, provides for the granting of annual tariff quotas for imports of products originating in Bulgaria.

<sup>(1)</sup> OJ L 318, 20.12.1993, p. 18.

<sup>(2)</sup> OJ L 298, 25.11.2000, p. 5.

<sup>(3)</sup> OJ L 341, 16.12.1998, p. 1.

<sup>(4)</sup> OJ L 306, 16.11.1998, p. 1.

<sup>(5)</sup> OJ L 301, 11.11.1998, p. 1.

<sup>(6)</sup> OJ L 28, 2.2.1999, p. 1.

<sup>(7)</sup> OJ L 112, 24.4.1999, p. 1.

- (6) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code <sup>(1)</sup>, as last amended by Regulation (EC) No 2787/2000 <sup>(2)</sup>, consolidated the arrangements for managing the tariff quotas to be used in chronological order of the dates of acceptance of the declarations for release for free circulation.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed agricultural products not listed in Annex I,

are hereby opened from 1 January 2001 to 31 December 2001 under the conditions set out in the said Annexes.

#### *Article 2*

The Community tariff quotas referred to in Article 1 shall be managed by the Commission in accordance with the provisions of Articles 308a to 308c of Regulation (EEC) No 2454/93.

#### *Article 3*

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

It shall apply with effect from 5 January 2001.

HAS ADOPTED THIS REGULATION:

#### *Article 1*

The annual quotas for products originating in the Czech Republic, Slovak Republic, Romania, Hungary and Bulgaria, set out in Annexes I, II, III and IV respectively to this Regulation,

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

Done at Brussels, 28 December 2000.

*For the Commission*

Erkki LIIKANEN

*Member of the Commission*

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

<sup>(2)</sup> OJ L 330, 27.12.2000, p. 1.

## ANNEX I

## CZECH REPUBLIC

Serial No	CN code	Description	Quota for 2001	Rate of duty applicable
09.5417	0403 10 51 to 0403 10 99	Yogurt, flavoured or containing added fruit, nuts or cocoa	EUR 5 436 000	0 + RAC (!)
	0403 90 71 to 0403 90 99	Other, flavoured or containing added fruit, nuts or cocoa		
	0405 20 10 0405 20 30	Dairy spreads of a fat content, by weight, of 39 % or more, but not exceeding 75 %		
	1517 10 10	Margarine, excluding liquid margarine, containing more than 10 % but not more than 15 % by weight of milk fats		
	1517 90 10	Other, containing more than 10 % but more than 15 % by weight of milk fats		
	ex 1704	Sugar confectionery (including white chocolate), not containing cocoa, excluding liquorice extract containing more than 10 % by weight of sucrose but not containing other added substances, falling within CN code 1704 90 10		
	ex 1806	Chocolate and other food preparations containing cocoa other than those of CN code 1806 10 15		
	ex 1901	Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of CN codes 0401 to 0404, not containing cocoa powder or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included, other than in CN code 1901 90 91		
	ex 1902	Pasta, whether or not cooked or stuffed or otherwise prepared, excluding stuffed pasta falling within CN codes 1902 20 10 and 1902 20 30, couscous, whether or not prepared		
	1903 00 00	Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or similar forms		
	1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals, (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour and meal), precooked, or otherwise prepared, not elsewhere specified or included		

Serial No	CN code	Description	Quota for 2001	Rate of duty applicable
09.5417 (cont'd)	1905	Bread, pastry cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products		
	2101 12 98	Preparations with a basis of extracts, essences or concentrates of coffee or with a basis of coffee, other than those of CN code 2101 12 92		
	ex 2101 20 98	Extracts, essences and concentrates of tea or maté, and preparations with a basis of these extracts, essences and concentrates or with a basis of tea or maté not falling within CN codes 2101 20 20 and 2101 20 92 excluding products containing no milkfats, milk proteins, sucrose, isoglucose, glucose or starch or containing less than 1,5 % milkfat, 2,5 % milk proteins, 5 % sucrose or isoglucose, 5 % glucose or starch		
	2101 30 19	Roasted coffee substitutes		
	2101 30 99	Extracts, essences and concentrates of roasted coffee substitutes excluding those of roasted chicory		
	2102 10 31 2102 10 39	Baker's yeast		
	2105 00	Ice cream and other edible ice, whether or not containing cocoa		
	ex 2106	Food preparations not elsewhere specified or included other than those falling within CN codes 2106 10 20, 2106 90 20 and 2106 90 92 and other than flavoured or coloured sugar syrups		
	2202 90 91 2202 90 95 2202 90 99	Non-alcoholic beverages, not including fruit or vegetable juices of CN code 2009, containing products of CN codes 0401 to 0404 or fat obtained from products of CN codes 0401 to 0404		
	ex 3302 10	Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used for the beverages industries:		
	3302 10 29	----- Other		
09.5641	1516 20 10	Hydrogenated castor oil, so called 'opal-wax'	314 tonnes	0 %

(<sup>1</sup>) RAC = reduced agricultural components (calculated in accordance with the basic amounts set out in Protocol 3 to the Agreement) applicable within the quantitative limits of the quotas. Such reduced agricultural components are subject to the maximum duty laid down in the Common Customs Tariff, if any.

## ANNEX II

## SLOVAKIA

Serial No	CN code	Description	Quota for 2001	Rate of duty applicable
09.5417	0403 10 51 to 0403 10 99	Yogurt, flavoured or containing added fruit, nuts or cocoa	EUR 2 718 000	0 + RAC (!)
	0403 90 71 to 0403 90 99	Other, flavoured or containing added fruit, nuts or cocoa		
	0405 20 10 0405 20 30	Dairy spreads of a fat content, by weight, of 39 % or more, but not exceeding 75 %		
	1517 10 10	Margarine, excluding liquid margarine, containing more than 10 % but not more than 15 % by weight of milk fats		
	1517 90 10	Other, containing more than 10 % but more than 15 % by weight of milk fats		
	ex 1704	Sugar confectionery (including white chocolate), not containing cocoa, excluding liquorice extract containing more than 10 % by weight of sucrose but not containing other added substances, falling within CN code 1704 90 10		
	ex 1806	Chocolate and other food preparations containing cocoa other than those of CN code 1806 10 15		
	ex 1901	Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of CN codes 0401 to 0404, not containing cocoa powder or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included, other than in CN code 1901 90 91		
	ex 1902	Pasta, whether or not cooked or stuffed or otherwise prepared, excluding stuffed pasta falling within CN codes 1902 20 10 and 1902 20 30, couscous, whether or not prepared		
	1903 00 00	Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or similar forms		
	1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals, (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour and meal), pre-cooked, or otherwise prepared, not elsewhere specified or included		



Serial No	CN code	Description	Quota for 2001	Rate of duty applicable
	1905	Bread, pastry cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products		
	2101 12 98	Preparations with a basis of extracts, essences or concentrates of coffee or with a basis of coffee, other than those of CN code 2101 12 92		
	ex 2101 20 98	Extracts, essences and concentrates of tea or maté, and preparations with a basis of these extracts, essences and concentrates or with a basis of tea or maté not falling within CN codes 2101 20 20 and 2101 20 92 excluding products containing no milkfat, milk proteins, sucrose, isoglucose, glucose or starch or containing less than 1,5 % milkfat, 2,5 % milk proteins, 5 % sucrose or isoglucose, 5 % glucose or starch		
	2101 30 19	Roasted coffee substitutes		
	2101 30 99	Extracts, essences and concentrates of roasted coffee substitutes excluding those of roasted chicory		
	2102 10 31 2102 10 39	Baker's yeast		
	2105 00	Ice cream and other edible ice, whether or not containing cocoa		
	ex 2106	Food preparations not elsewhere specified or included other than those falling within CN codes 2106 10 20, 2106 90 20 and 2106 90 92 and other than flavoured or coloured sugar syrups		
	2202 90 91 2202 90 95 2202 90 99	Non-alcoholic beverages, not including fruit or vegetable juices of CN code 2009, containing products of CN codes 0401 to 0404 or fat obtained from products of CN codes 0401 to 0404		
	ex 3302 10	Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used for the beverages industries:		
	3302 10 29	----- Other		

(<sup>1</sup>) RAC = reduced agricultural components (calculated in accordance with the basic amounts set out in Protocol 3 to the Agreement) applicable within the quantitative limits of the quotas. Such reduced agricultural components are subject to the maximum duty laid down in the Common Customs Tariff, if any.

## ANNEX III

## ROMANIA

Serial No	CN code	Description	Quota for 2001 (tonnes)	Rate of duty applicable <sup>(1)</sup>
09.5431	ex 1704	Sugar confectionery (including white chocolate), not containing cocoa, excluding liquorice extract containing more than 10 % by weight of sucrose but not containing other added substances, falling within CN code 1704 90 10 <sup>(2)</sup>	2 100	0 + RAC
09.5433	ex 1806	Chocolate and other food preparations containing cocoa <sup>(2)</sup> other than those falling within CN codes 1806 10 15 and 1806 20 70	1 500	0 + RAC
09.5435	ex 1902	Pasta, whether or not cooked or stuffed or otherwise prepared, excluding stuffed pasta falling within CN codes 1902 20 10 and 1902 20 30, couscous, whether or not prepared	600	0 + RAC
09.5437	ex 1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals, (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour and meal), precooked, or otherwise prepared, not elsewhere specified or included, excluding products falling within CN code 1904 20 10	438	0 + RAC
09.5439	1905	Bread, pastry cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	1 875	0 + RAC
09.5441	2101 30 19 2101 30 99	Roasted coffee substitutes Extracts, essences and concentrates of roasted coffee substitutes excluding those of roasted chicory	163	0 + RAC
09.5443	2105 00	Ice cream and other edible ice, whether or not containing cocoa	114	0 + RAC
09.5445	0405 20 10 0405 20 30 ex 2106 ex 3302 10 3302 10 29	Dairy spreads of a fat content, by weight, of 39 % or more, but not exceeding 75 % Food preparations not elsewhere specified or included other than those falling within CN codes 2106 10 20, 2106 90 20 and 2106 90 92 and other than flavoured or coloured sugar syrups <sup>(2)</sup> Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used for the beverages industries: ----- Other	1 050	0 + RAC

Serial No	CN code	Description	Quota for 2001 (tonnes)	Rate of duty applicable <sup>(1)</sup>
09.5447	2202 90 91 2202 90 95 2202 90 99	Non-alcoholic beverages, not including fruit or vegetable juices of CN code 2009, containing products of CN codes 0401 to 0404 or fat obtained from products of CN codes 0401 to 0404	100	0 + RAC

<sup>(1)</sup> RAC = reduced agricultural components (calculated in accordance with the basic amounts set out in Protocol 3 to the Agreement) applicable within the quantitative limits of the quotas. Such reduced agricultural components are subject to the maximum duty laid down in the Common Customs Tariff, if any, and in the case of products falling within CN codes 1704 10 91, 1704 10 99, 2105 00 10, 2105 00 91 or 2106 90 10, to the maximum duty provided for in the Agreement.

<sup>(2)</sup> Excluding goods containing 70 % or more by weight of sucrose (including invert sugar expressed as sucrose), falling within CN codes ex 1704 90 51, ex 1704 90 99, ex 1806 20 80, ex 1806 20 95, ex 1806 90 90 or ex 2106 90 98.

## ANNEX IV

## HUNGARY

Table 1: Quotas and duties applicable to imports of products originating in Hungary

Serial	CN code	Description	Quota for 2001 (tonnes)	Rate of duty applicable (%)
09.5616	0403 10 51 to 0403 10 99	Yoghurt, flavoured or containing added fruit, nuts or cocoa	110	0 + RAC
09.5257	0405 20 10 0405 20 30	Dairy spreads of a fat content, by weight, of 39 % or more, but less than 75 %	1 876	0 + RAC
	ex 2106	Food preparations not elsewhere specified or included other than those falling within CN codes 2106 10 20, 2106 90 20 and 2106 90 92 and other than flavoured or coloured sugar syrups		0 + RAC
	2106 10 20	Protein concentrates and textured protein substances containing no milk fats, sucrose, isoglucose, glucose or starch or containing by weight less than 1,5 % milk fat, 5 % sucrose or isoglucose, and 5 % glucose or starch		5,2 %
	2106 90 92	Other, containing no milk fats, sucrose, isoglucose, glucose or starch or containing by weight less than 1,5 % milk fat, 5 % sucrose or isoglucose, and 5 % glucose or starch:		
		– Containing by weight more than 2,5 % milk proteins		0 + RAC
		– Other		2,8 %
	ex 3302 10	Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used for the beverages industries:		
09.5209	0710 40 00 0711 90 30	3302 10 21	12 490	2,8 %
		3302 10 29		0 + RAC
		----- Other		
09.5213	ex 1704	Sugar confectionery (including white chocolate), not containing cocoa, excluding liquorice extract containing more than 10 % by weight of sucrose but not containing other added substances, falling within CN code 1704 90 10	4 732	0 + RAC
09.5215	1803	Cocoa paste, whether or not defatted	1 064	0 %

Serial	CN code	Description	Quota for 2001 (tonnes)	Rate of duty applicable (%)
09.5217	1804 00 00	Cocoa butter, fat and oil	1 975	0 %
09.5219	1805 00 00	Cocoa powder, not containing added sugar or other sweetening matter	49	0 %
09.5221	ex 1806	Chocolate and other food preparations containing cocoa other than those of CN code 1806 10 15	4 966	0 + RAC
	1806 10 15	Cocoa powder, containing added sugar or other sweetening matter, containing no sucrose or containing less than 5 % by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose		0 %
	ex 1901	Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of products falling within CN codes 0401 to 0404, not containing cocoa powder or containing less than 5 % by weight of coca calculated on a totally defatted basis, not elsewhere specified or included:		
09.5223	1901 10 00	– Preparations for infant use, put up for retail sale	126	0 + RAC
09.5225	1901 20 00	– Mixes and doughs for the preparaiton of bakers' wares of CN code 1905	1 162	0 + RAC
09.5227	1901 90	– Other	2 360	0 + RAC
09.5228	ex 1902	Pasta, whether or not cooked or stuffed or otherwise prepared, excluding stuffed pasta falling within CN codes 1902 20 10 and 1902 20 30, couscous, whether or not prepared	1 040	0 + RAC
09.5229	1903 00 00	Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or similar forms	55	0 + RAC
09.5231	1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals, (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour and meal), precooked, or otherwise prepared, not elsewhere specified or included	182	0 + RAC
09.5233	1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing coca; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	3 852	0 + RAC

Serial	CN code	Description	Quota for 2001 (tonnes)	Rate of duty applicable (%)
09.5235	2001 90 30 2004 90 10 2005 80 00	Sweetcorn	14 074	0 + RAC
09.5617	2008 99 85  2008 99 91	Maize (corn) other than sweet corn ( <i>Zea mays</i> var. <i>saccharata</i> )  Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch	200	0 + RAC
09.5237	2101 12 98  2101 20  2101 20 20  2101 20 92  2101 20 98	Preparations with a basis of extracts, essences or concentrates of coffee or with a basis of coffee, other than those of CN code 2101 12 92  – Extracts, essences and concentrates of tea or maté, and preparations with a basis of these extracts, essences or concentrates of with a basis of tea or maté:  – – Extracts, essences and concentrates  – – Preparations:  – – – With a basis of extracts, essences or concentrates of tea or maté  – – – Other	21	0 + RAC   2,2 %  0 %  0 + RAC
09.5239	2101 30 11 2101 30 19 2101 30 91 2101 30 99	Roasted chicory Roasted coffee substitutes Extracts, essences and concentrates of roasted chicory Extracts, essences and concentrates of roasted coffee substitutes, excluding roasted chicory	924	4,9 % 0 + RAC 5,5 % 0 + RAC
09.5619	2102 20 11 2102 20 19	Inactive yeast	260	0 %
09.5241	ex 2103  2103 10 00 2103 20 00 2103 30 90  2103 90 90	Sauces and preparations therefor; mixed condiments and mixed seasonings; mustard flour and meal and prepared mustard:  – Soya sauce  – Tomato ketchup and other tomato sauces:  – – Prepared mustard  – Other:  – – Other	3 968	  2,8 % 3,8 % 4,2 %  3,2 %
09.5243	2104 10 2104 20 00	Soups and broths and preparations therefore Homogenised composite food preparations	1 078	4,5 % 5,5 %

Serial	CN code	Description	Quota for 2001 (tonnes)	Rate of duty applicable <sup>(1)</sup>
09.5245	2105 00	Ice cream and other edible ice, whether or not containing cocoa	88	0 + RAC
09.5251	2202 10 00	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured	3 006	0 %
	2202 90 10	Non-alcoholic beverages, not including fruit or vegetable juices of CN code 2009, not containing products of CN codes 0401 to 0404 or fat obtained from products of CN codes 0401 to 0404		2,8 %
	2202 90 91 2202 90 95 2202 90 99	Other non-alcoholic beverages		0 + RAC
09.5253	2203 00	Beer made from malt	2 128	1,8 %
09.5255	2205	Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances	616	0 %
09.5211	3823 12 00	Oleic acid	1 154	0 %
	3823 70 00	Industrial fatty alcohols		2,1 %

<sup>(1)</sup> RAC = reduced agricultural components (calculated in accordance with the basic amounts set out in Protocol 3 to the Agreement) applicable within the quantitative limits of the quotas. Such reduced agricultural components are subject to the maximum duty laid down in the Common Customs Tariff, if any, and in the case of products falling within CN codes 1704 10 91, 1704 10 99, 2105 00 10, 2105 00 91 or 2106 90 10, to the maximum duty provided for in the Agreement.

**Table 2: Additional quotas and duties applicable to imports of products originating in Hungary following implementation of the Uruguay Round (status quo)**

Serial No	CN code	Description	Quota for 2001 (tonnes)	Rate of duty applicable <sup>(1)</sup>
09.5351	0403 10 51 to 0403 10 99	Yogurt, flavored or containing added fruit, nuts or cocoa	10	<i>ad val.</i> CCT+AC (94/95)
09.5352	0405 20 10 0405 20 30	Dairy spreads of a fat content, by weight, of 39 % or more, but less than 75 %	2 213	<i>ad val.</i> CCT+AC (94/95)
	ex 2106	Food preparations not elsewhere specified or included other than those falling within CN 2106 10 20, 2106 90 20 and 2106 90 92 and other than flavoured or coloured sugar syrups		
	ex 2106 90 92	Containing no milk fats, sucrose, isoglucose, glucose or starch or containing by weight less than 1,5 % milk fat, 5 % sucrose or isoglucose, and 5 % glucose or starch  – Containing by weight more than 2,5 % milk proteins		
	ex 3302 10  3302 10 29	Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of kind used for the beverages industries:  ----- Other		

Serial No	CN code	Description	Quota for 2001 (tonnes)	Rate of duty applicable <sup>(1)</sup>
09.5353	0710 40 00 0711 90 30	Sweetcorn	4 392	3 % + AC (94/95)
09.5354	ex 1806	Chocolate and the other food the preparations cocoa other than those of CN 1806 10 15	1 350	5 % + AC (94/95)
09.5355	1901 20 00	Mixes and doughs for the preparation of bakers' wares of CN Code 1905	376	0 % + AC (94/95)
09.5356	1905	Bread pastry, cakes, biscuits and the other bakers' wares, whether or not containing cocoa, communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	312	6 % + AC (94/95)

<sup>(1)</sup> *Ad val.* CCT = *ad valorem* rate laid down in the Common Customs Tariff vis-à-vis third countries

AC (94/95) = agricultural components (calculated in accordance with the basic amounts set out in Protocol 3 to the Agreement — Table 5 in Annex I) applicable within the quantitative limits of the quotas.

Where the above duties are higher than the duties vis-à-vis third countries laid down in the Common Customs Tariff, the latter shall apply.



## ANNEX V

## BULGARIA

Order No	CN code	Description	Quota for 2001 (in tonnes)	Rate of duty applicable <sup>(1)</sup>
09.5481	0405 20 10 0405 20 30  ex 2106	Dairy spreads of a fat content, by weight, of 39 % or more, but not exceeding 75 %  Food preparations not elsewhere specified or included other than those falling within CN codes 2106 10 20, 2106 90 20 and 2106 90 92, and other than flavoured or coloured sugar syrups	490	0 + RAC
09.5461	ex 1704	Sugar confectionery (including white chocolate), not containing cocoa; excluding liquorice extract containing more than 10 % by weight of sucrose but not containing other added substances, falling within CN code 1704 90 10	175	0 + RAC
09.5463	ex 1806	Chocolate and other food preparation containing cocoa other than those of CN code 1806 10 15	525	0 + RAC
09.5485	ex 1901	Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa powder or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of heading Nos 0401 to 0404, not containing cocoa powder or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included, other than in CN code 1901 90 91	106	0 + RAC
09.5469	ex 1902	Pasta, whether or not cooked or otherwise prepared excluding stuffed pasta falling within CN codes 1902 20 10 and 1902 20 30; couscous, whether or not prepared	350	0 + RAC
09.5471	1904	Prepared food obtained by the swelling or roasting of cereals or cereal products (for example <i>corn flakes</i> ); cereals (other than maize (corn)), in grain form, or in the form of flakes or other worked grains (except flour and meal), precooked, or otherwise prepared, not elsewhere specified or included	263	0 + RAC
09.5473	1905	Bread, pastry, cakes biscuits and other bakers' wares, whether or not containing cocoa communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	613	0 + RAC

Order No	CN code	Description	Quota for 2001 (in tonnes)	Rate of duty applicable <sup>(1)</sup>
09.5474	2101 12 98	Preparations with a basis of extracts, essences or concentrates of coffee or with a basis of coffee, other than those of CN code 2101 12 92	175	0 + RAC
	2101 20 98	Extracts, essences and concentrates of tea or maté, and preparations with a basis of these extracts, essences and concentrates or with a basis of tea or maté not falling within CN codes 2101 20 20 and 2101 20 92		
09.5476	2101 30 19	Roasted coffee substitutes	23	0 + RAC
	2101 30 99	Extracts, essences and concentrates of roasted coffee substitutes excluding those of roasted chicory		
09.5477	2102 10 31 2102 10 39	Baker's yeast	88	0 + RAC
09.5479	2105 00	Ice cream and other edible ice, whether or not containing cocoa	88	0 + RAC
09.5483	2202 90 91 2202 90 95 2202 90 99	Non-alcoholic beverages not including fruit or vegetable juices of CN code 2009, containing products of CN codes 0401 to 0404 or fat obtained from products of CN codes 0401 to 0404	18	0 + RAC

<sup>(1)</sup> RAC: reduced agricultural components applicable within the quota quantity limits. Imports exceeding these quantities are subject to the agricultural components (AC) shown in the Common Customs Tariff.

**COMMISSION REGULATION (EC) No 2908/2000  
of 29 December 2000**

**amending Annexes I and II to Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 2535/2000 <sup>(2)</sup>, and in particular Articles 6, 7 and 8 thereof,

Whereas:

- (1) In accordance with Regulation (EEC) No 2377/90, maximum residue limits must be established progressively for all pharmacologically active substances which are used within the Community in veterinary medicinal products intended for administration to food-producing animals.
- (2) Maximum residue limits should be established only after the examination within the Committee for Veterinary Medicinal Products of all the relevant information concerning the safety of residues of the substance concerned for the consumer of foodstuffs of animal origin and the impact of residues on the industrial processing of foodstuffs.
- (3) In establishing maximum residue limits for residues of veterinary medicinal products in foodstuffs of animal origin, it is necessary to specify the animal species in which residues may be present, the levels which may be present in each of the relevant meat tissues obtained from the treated animal (target tissue) and the nature of the residue which is relevant for the monitoring of residues (marker residue).
- (4) For the control of residues, as provided for in appropriate Community legislation, maximum residue limits should usually be established for the target tissues of liver or kidney. However, the liver and kidney are frequently removed from carcasses moving in international trade, and maximum residue limits should

therefore also always be established for muscle or fat tissues.

- (5) In the case of veterinary medicinal products intended for use in laying birds, lactating animals or honey bees, maximum residue limits must also be established for eggs, milk or honey.
- (6) Difloxacin, flunixin, halofuginone and toltrazuril should be inserted into Annex I to Regulation (EEC) No 2377/90.
- (7) Calcium glycerophosphate should be inserted into Annex II to Regulation (EEC) No 2377/90.
- (8) An adequate period should be allowed before the entry into force of this Regulation in order to allow Member States to make any adjustment which may be necessary to the authorisations to place the veterinary medicinal products concerned on the market which have been granted in accordance with Council Directive 81/851/EEC <sup>(3)</sup>, as last amended by Commission Directive 2000/37/EC <sup>(4)</sup>, to take account of the provisions of this Regulation.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products,

HAS ADOPTED THE FOLLOWING REGULATION:

*Article 1*

Annexes I and II to Regulation (EEC) No 2377/90 are hereby amended as set out in the Annex hereto.

*Article 2*

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

It shall apply from the 60th day following its publication.

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

Done at Brussels, 29 December 2000.

*For the Commission*

Erkki LIIKANEN

*Member of the Commission*

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

<sup>(2)</sup> OJ L 291, 18.11.2000, p. 9.

<sup>(3)</sup> OJ L 317, 6.11.1981, p. 1.

<sup>(4)</sup> OJ L 139, 10.6.2000, p. 25.

## ANNEX

A. Annex I to Regulation (EEC) No 2377/90 is amended as follows

1. Anti-infectious agents

1.2. Antibiotics

1.2.3. Quinolones

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Difloxacin	Difloxacin	Bovine	400 µg/kg	Muscle	Not for use in animals from which milk is produced for human consumption'
			100 µg/kg	Fat	
			1 400 µg/kg	Liver	
			800 µg/kg	Kidney	
		Porcine	400 µg/kg	Muscle	
			100 µg/kg	Skin and fat	
			800 µg/kg	Liver	
			800 µg/kg	Kidney	

2. Anti-parasitic agents

2.4. Agents acting against protozoa

2.4.1. Triazinetrione derivatives

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Toltrazuril	Toltrazuril sulfone	Porcine	100 µg/kg	Muscle	
			150 µg/kg	Skin and fat	
			500 µg/kg	Liver	
			250 µg/kg	Kidney'	

2.4.2. Quinazolone derivatives

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Halofuginone	Halofuginone	Bovine	10 µg/kg	Muscle	Not for use in animals from which milk is produced for human consumption'
			25 µg/kg	Fat	
			30 µg/kg	Liver	
			30 µg/kg	Kidney	

## 4. Anti-inflammatory agents

## 4.1. Non-steroidal anti-inflammatory agents

## 4.1.2. Fenamate group derivatives

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Flunixin	Flunixin	Equidae	10 µg/kg 20 µg/kg 100 µg/kg 200 µg/kg	Muscle Fat Liver Kidney'	

B. Annex II to Regulation (EEC) No 2377/90 is amended as follows.

## 1. Inorganic chemicals

Pharmacologically active substance(s)	Animal species	Other provisions
'Calcium glycerophosphate	All food producing species'	

**COMMISSION REGULATION (EC) No 2909/2000**  
**of 29 December 2000**  
**on the accounting management of the European Communities' non-financial fixed assets**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities <sup>(1)</sup>, as last amended by Council Regulation (EC, ECSC, Euratom) No 2673/1999 <sup>(2)</sup>, and in particular Articles 65 to 72 thereof,

Having regard to Commission Regulation (Euratom, ECSC, EC) No 3418/93 of 9 December 1993 laying down detailed rules for the implementation of certain provisions of the Financial Regulation of 21 December 1977 <sup>(3)</sup>, as last amended by Decision 2000/716/EC <sup>(4)</sup>, and in particular Article 21 thereof,

Having consulted the Accounting Officers of the European Parliament, the Council, the Court of Justice, the Court of Auditors, the Economic and Social Committee, the Committee of the Regions and the European Ombudsman,

HAS ADOPTED THIS REGULATION:

TITLE I

**SCOPE**

*Article 1*

**Scope in relation to subject matter**

1. This Regulation shall apply to accounting operations relating to tangible and intangible fixed assets which form part of the property belonging to the Communities.

2. All tangible and intangible fixed assets which, being intended to serve the activities of the Communities on a lasting basis within the meaning of Article 65 of the Financial Regulation and Article 130 of Regulation (Euratom, ECSC, EC) No 3418/93, are to be entered in the inventory and shall form part of the property belonging to the Communities and shall be entered in the Communities' balance sheet.

*Article 2*

**Institutional scope**

1. This Regulation shall be applied by the Accounting Officers of all the Institutions.

2. The Institutions shall be those listed in Article 12 of the Financial Regulation.

<sup>(1)</sup> OJ L 356, 31.12.1977, p. 1.

<sup>(2)</sup> OJ L 326, 18.12.1999, p. 1.

<sup>(3)</sup> OJ L 315, 16.12.1993, p. 1.

<sup>(4)</sup> OJ L 290, 17.11.2000, p. 52.

TITLE II

**STRUCTURE OF THE BALANCE SHEET**

*Article 3*

**Structure of the balance sheet**

The fixed assets covered by this Regulation shall be entered on the assets side of the balance sheet under the heading 'fixed assets' and set out as follows:

- intangible assets,
- tangible assets:
  - land and buildings,
  - plant, machinery and tools,
  - furniture and vehicle fleet,
  - computer hardware,
  - finance leases and similar entitlements,
  - other tangible assets,
  - tangible assets in course of construction, advances and payments on account in respect of tangible assets.

TITLE III

**PROVISIONS RELATING TO THE DIFFERENT BALANCE SHEET ITEMS**

Chapter 1

**General provisions**

*Article 4*

**Finance leases and similar entitlements**

1. The classification of leases as fixed assets within the meaning of this Regulation shall be based on the extent to which the risks and rewards incident to ownership of the leased asset lie with the lessor or the lessee and shall depend on the substance of the transaction rather than the form of the contract.

2. A lease shall be classified as a finance lease or similar entitlement within the meaning of this Regulation if it transfers substantially the risks and rewards incident to ownership of the asset to the lessee.

3. Risks shall include the possibilities of losses from under-utilisation of capacity, obsolescence or changes in cost-effectiveness due to changing economic conditions. Rewards may be represented by the expectation of profitable operation over the asset's economic life and of gain from appreciation in value or realisation of a residual value.

4. Assets covered by a finance lease which does not transfer substantially the risks and rewards incident to their ownership to the lessee and assets covered by a lease of over five years shall be entered in the annex to the financial statements in the chapter for off-balance sheet commitments.

#### Article 5

##### **Assets ancillary to a main asset**

The value or useful life of assets which are inseparable from or permanently linked to another item of movable or immovable property shall be added to the value or useful life of the main asset to which they are attached.

#### Article 6

##### **Assets forming part of a whole**

Separate components of a piece of equipment or technical installation shall form part of a whole where they can only operate together. In that case, they shall be treated as a single asset.

#### Chapter 2

##### **Special provisions**

#### Article 7

##### **Land and buildings**

1. The heading 'land and buildings' shall comprise property rights and similar entitlements as defined by the national legislation of the country in which the asset is located.

The following shall be regarded as land:

- bare ground,
- developed land,
- built-up land.

2. The following shall be regarded as buildings:

- freehold buildings of the Institutions,
- buildings in shared ownership with co-proprietors,
- fixtures within the meaning of paragraph 3.

3. Any item of movable property which is permanently and inseparably attached to a building (such as defined under the first and second indents of paragraph 2) shall constitute a fixture.

#### Article 8

##### **Plant, machinery and tools**

Plant and machinery shall comprise the different plant, objects, instruments and machinery necessary for the functioning of scientific, technical or administrative activities. Tools shall

comprise all the instruments and tools whose use, in conjunction with an item of equipment, specialises that equipment for a particular use.

#### Article 9

##### **Furniture and vehicle fleet**

Furniture shall comprise the movable property, such as tables, chairs, cupboards and desk units.

The vehicle fleet shall mean the fleet of vehicles of all kinds.

#### Article 10

##### **Computer hardware**

Computer hardware shall comprise the specific installations, machinery and instruments whose use requires software and which are intended for the processing of information.

#### Article 11

##### **Tangible fixed assets in course of construction**

Uncompleted tangible fixed assets on the date when the accounts are closed shall be regarded as tangible fixed assets in course of construction. A fixed asset is considered as completed from the moment it is put into service.

#### Article 12

##### **Intangible fixed assets**

1. Identifiable assets that are non-monetary in nature and without physical substance shall be regarded as intangible fixed assets.

To be included in the assets on the balance sheet, such assets must be controlled by the Institution and must generate future economic benefits for the European Communities.

2. Computer software covered by a site licence or acquired under a large account contract shall be regarded as an intangible fixed asset.

Computer software developed within the Institutions does not constitute intangible fixed assets.

#### Article 13

##### **Other tangible or intangible fixed assets**

Tangible fixed assets within the meaning of Articles 7 to 11 which do not belong to the preceding categories, such as removable shelving units, partitions, false floors and ceilings, and wiring, shall be regarded as other tangible fixed assets. Intangible fixed assets within the meaning of Article 12 which do not belong to the preceding category (computer software) shall be regarded as other intangible fixed assets.

*Article 14***Advances and payments on account in respect of acquisitions of fixed assets**

Sums paid before a supplier begins to perform an order or following proof of partial performance of a contract or order shall be regarded as advances and payments on account.

## TITLE IV

## VALUATION RULES

## Chapter 1

**General provisions***Article 15***Valuation**

1. Fixed assets shall be valued at their acquisition price, with the exception of assets produced by the European Communities, which shall be valued at their production cost, without prejudice to the following paragraphs.

2. The acquisition price or production cost of fixed assets whose use is limited in time shall be reduced by means of valuation adjustments calculated in such a way as to depreciate those assets systematically over their useful life.

3. Valuation adjustments shall be made to fixed assets, whether or not their use is limited in time, so as to give them the lower value to be assigned to them at the balance sheet date where their decline in value is expected to be permanent.

Valuation at the lower value shall not be maintained where the reasons for the valuation adjustments no longer apply.

4. Fixed assets must be revalued where, following an independent expertise, it is shown that their real value exceeds their book value. Such appreciation must be permanent.

*Article 16***Book value**

The book value of a fixed asset shall be equal to its acquisition price or production cost, plus or minus revaluations, depreciation and other amounts written off.

*Article 17***Use of the euro**

1. Fixed assets shall be expressed in euro.

2. Where the purchase price is paid in a currency other than the euro, it shall be converted into euro at the rate applicable at the date of acquisition.

3. The date of acquisition or date of entry shall correspond to the date on which the risks of ownership of the asset are transferred to the European Communities, which in general corresponds to the accepted delivery of the asset and receipt of the invoice; at the balance sheet date, any discrepancies between invoicing, delivery and transfer of ownership shall be regularised.

*Article 18***Acquisition price — assets acquired for consideration**

1. The acquisition price shall be obtained by adding any incidental expenses and acquisition expenses to the purchase price.

2. Incidental expenses shall comprise the cost of transport for conveying the item to the place of its initial installation and the cost of installation, assembly and expertise for ensuring that it functions satisfactorily, unless such costs have been invoiced separately on a fixed-price basis. Incidental expenses shall also comprise improvement expenditure which has the effect of extending the fixed asset's useful life and/or improving its performance.

3. Acquisition expenses shall comprise architects' fees for the construction and fitting-out of buildings or parts of buildings.

4. The following items of expenditure shall not be included in the purchase price:

- (a) VAT and taxes that can be recovered from public authorities pursuant to the Protocol on the Privileges and Immunities of the European Communities or other similar agreements (Vienna Convention, headquarters agreements);
- (b) transport costs incurred after the item has been conveyed to the place of its initial installation;
- (c) maintenance and servicing costs, transfer taxes, professional fees other than architects' fees, commissions, legal costs, guarantee costs, guarantee extension costs;
- (d) interest on loans taken out in order to finance the purchase.

*Article 19***Assets acquired free of charge**

1. Assets acquired free of charge shall be valued at their market value. Nevertheless, works of art shall be valued at their insured value or appraised value or, where they have not been insured or appraised, at a token amount.

2. The market value of an asset shall be the price which a buyer would be prepared to pay for it, having due regard to its condition and location and on the assumption that it could continue to be used.

3. If the market value of an asset cannot be determined, the inventory value of a similar asset shall be taken.



*Article 20***Production cost**

1. Assets produced by the European Communities shall be valued at their production cost.
2. The production cost shall be obtained by adding to the acquisition price of the raw materials and consumables used the costs directly attributable to the production of the asset in question.
3. A reasonable proportion of the costs which are only indirectly attributable to the product in question may be added into the production costs to the extent that they relate to the period of production.

*Chapter 2***Special provisions***Article 21***Finance leases**

1. Assets covered by finance leases shall be valued at the date of entry into force of the lease at the lower of the following two values:
  - the market value of the asset,
  - the discounted value of the minimum lease payments due.
2. The minimum lease payments due shall be the total amount (including rental payments and, where appropriate, the cost of exercising the purchase option) which the Institution is required to pay during the term of the lease, excluding management fees and taxes.
3. The interest rate to be used for calculating the discounted value of the payments referred to in paragraph 2 is the discount rate mentioned in the contract. If this is not expressly mentioned in the contract, the discount rate, implicit in the lease, must be calculated.

*Article 22***Computer software**

1. The purchase price of computer software covered by a site licence requiring the Institution to pay a flat charge irrespective of the number of users shall be the remuneration paid to obtain that entitlement.
2. The purchase price of computer software acquired under a large account contract requiring the Institution to pay a fee per user shall be the total of the price paid in respect of each user.
3. In accordance with the provisions of Article 12, the following shall be added to the purchase price in order to arrive at the acquisition cost:
  - (a) the incidental expenses, associated directly or indirectly with acquisition, incurred in making the software fit for use, before it is put into service;
  - (b) expenditure incurred in improving existing software shall be included if it has the effect of extending useful life or improving performance of the software.

4. The following shall not be included in the acquisition cost:

- (a) data input costs incurred after the software has been put into service;
- (b) maintenance costs.

*Article 23***Advances and payments on account**

Advances and payments on account shall be valued at their face value.

*Article 24***Land and buildings**

There shall be no need to value a plot of land or a building which has been transferred subject to conditions precedent.

*Chapter 3***Replacement of one asset by another and improvements***Article 25***Replacement**

Where a new asset is acquired in pure exchange for an old one, or when the new asset is acquired in part in exchange of an old one and in part by a monetary payment, the old asset shall be taken off the balance sheet and the new asset entered on the balance sheet at market value, established in accordance with Article 19.

*Article 26***Improvements**

Improvements to assets entered on the balance sheet shall increase their book value. Improvements shall be valued in accordance with Chapters 1 and 2 of this Title.

*Chapter 4***Depreciation***Article 27***Definition**

1. Depreciation shall be understood as the accounting estimate of the durable and, normally, irreversible decline in value of a fixed asset resulting for example from its use over time or from technological evolution. It shall consist in spreading, over the expected useful life of the fixed asset, the value of the asset according to a pre-established schedule.
2. Depreciation shall begin in the year in which the asset is put into service and shall be calculated in whole years, irrespective of the point during the year when this takes place.
3. Where the real useful life of an asset exceeds its depreciation period, the asset shall remain on the balance sheet at the end of the depreciation period, with depreciation corresponding to 100 % of its book value.

*Article 28***Depreciable assets**

1. All assets entered on the balance sheet, with the exception of land, fixed assets in the course of construction, advances and payments on account as defined in Article 14 of this Regulation and works of art referred to in Article 19, shall be depreciated. This depreciation is specific for the asset to which it relates.
2. Assets with similar technical or juridical characteristics can be subject to a global depreciation.

*Article 29***Depreciation rules and method**

1. The Commission's Accounting Officer shall be responsible for stipulating the depreciation rules and rates and establishing the other criteria or arrangements for applying the principles for the depreciation of assets assigned to the Institutions.
2. The depreciation method to be applied shall be the straight-line method, apart from exceptions stipulated by the Commission's Accounting Officer.

*Article 30***Depreciation rates**

1. The depreciation rates applied shall be those set out in Annex I, without prejudice to later adjustments to be fixed by the Accounting Officer of the Commission pursuant to Article 29(1).
2. For certain categories of assets (including housing) held by the delegations, situated in non-member countries special rates may be fixed by the Commission's Accounting Officer.

*Article 31***Depreciation of revalued assets**

Where a fixed asset is revalued within the meaning of Article 15, depreciation of the revalued asset shall continue over its residual life, on the basis of the revalued value.

*Article 32***Replacement assets and improvements**

1. Where an asset is replaced by another, calculation of the depreciation shall take account of the value of the new asset, determined in accordance with the rules laid down in Article 25, and the date on which the new asset is put into service.
2. Where a fixed asset has undergone improvements, depreciation of the improved asset shall continue over its residual life having due regard to the new value.

*Chapter 5***Loss or disposal***Article 33***Loss or disposal**

Where an asset no longer forms part of the property belonging to the Communities as a result of sale, acceptance in part-exchange by a third party, scrapping, disposal free of charge, destruction, loss or theft or for any other reason, its value and the accumulated depreciation shall no longer appear on the balance sheet.

## TITLE V

**ENTRY IN THE ACCOUNTS***Article 34***Acquisition**

1. Assets acquired for consideration are shown on the assets side of the balance sheet under the heading 'fixed assets' for the amount corresponding to its acquisition price. The counterpart shall be a reduction of the amount of cash at bank.
2. Where an asset is acquired free of charge, its market value shall be debited to the heading 'fixed assets' and credited to the heading 'own capital'.
3. The goods produced by the Communities are debited on the assets side of the balance sheet under the heading 'fixed assets' at production cost. They are credited in the income and expenditure account 'adjustment result — production of fixed assets'.

*Article 35***Finance leases**

The value of assets covered by finance leases, calculated in accordance with the rules laid down in Article 21, shall be shown in the accounts on the assets side under the heading 'fixed assets' and on the liabilities side under the heading 'capital' for the paid amount and under the heading 'amounts payable after one year' and 'amounts payable within one year' for the amount still to be paid.

*Article 36***Value adjustments**

1. For the purposes of presentation on the balance sheet, value adjustments within the meaning of Article 15 made following depreciation, revaluation or amounts written off shall be included directly in the fixed assets.
2. The chart of accounts shall include accounts in which depreciation, amounts written off and revaluations are shown separately.
3. The amount of depreciation and amounts written off shall be debited in the profit and loss account 'adjustment results — depreciation/amounts written off'.
4. The amount of the revaluation is credited in the liabilities account 'revaluation reserve'.

*Article 37***Loss or disposal**

Where an asset no longer forms part of the property belonging to the Communities for one of the reasons referred to in Article 33, the (positive or negative) difference between its book value and the amount obtained on its loss or disposal shall be entered in the income and expenditure account 'adjustment results — withdrawal of fixed assets'.

## TITLE VI

**MANAGEMENT SYSTEMS***Article 38***Management systems**

The systems for managing assets belonging to the Communities shall be capable of providing all the data necessary for the identification of each item. The systems must permit the drawing of the periodic inventories to check accounting entries and the calculation of depreciation.

## TITLE VII

**FINAL PROVISIONS AND DEROGATIONS***Article 39***Adjustment**

The Commission may make any adjustments to this Regulation that automatically follow from amendments made to the Finan-

cial Regulation or Regulation (Euratom, ECSC, EC) No 3418/93.

*Article 40***Conformity**

The Accounting Officer of each Institution shall ensure that all internal rules concerning the management of inventories are in conformity with this Regulation.

*Article 41***Repeal**

All other rules which are in contradiction with the provisions of this Regulation shall be repealed, and in particular Articles 2, 3, 4, 5, 6, 7, 8, 10, 27, 28, 29, 55, 56 and 57 of the Regulation on inventories and management of the property of the European Commission adopted by written procedure on 22 January 1997.

*Article 42***Derogations**

By way of derogation from Article 18, buildings acquired before 1981 shall be entered in the accounts using the conversion rate for the ecu for the month of January 1981.

*Article 43***Entry into force**

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

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

Done at Brussels, 29 December 2000.

*For the Commission*

Michaele SCHREYER

*Member of the Commission*

## ANNEX

Table of depreciation rates

Type of asset	Straight-line depreciation rates (%)
Computer software	25
Computer hardware	25
<b>Plant, machinery and tools</b>	
<i>Kitchens — Cafeterias — Crèches</i>	
Small electrical appliances	25
Cash registers	25
Large kitchen appliances	12,50
Furniture specifically for kitchens and cafeterias	12,50
Furniture specifically for crèches	25
<i>Telecommunications and audiovisual equipment</i>	
Telephone sets and fax machines	25
Earphones, headsets, microphones	25
Video cameras	25
Video recorders	25
Tape recorders and dictating machines	25
Projectors (slides and overhead)	25
Photographic equipment	25
Projection screens	25
Television and radio sets, monitors (other than for computers)	25
<i>Technical equipment</i>	
Printing, mail, security, building, tools	12,50
Measuring or laboratory apparatus	25
Other plant, machinery and tools	12,50
Removable shelving units, partitions, false floors, false ceilings and wiring	25
Vehicle fleet	25
Movables	10
Immovables	4
Land	Not relevant

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DECISION

of 20 December 2000

**on the implementation of a programme to encourage the development, distribution and promotion of European audiovisual works (MEDIA Plus — Development, Distribution and Promotion) (2001-2005)**

(2000/821/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 157(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

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

Whereas:

- (3) The Report of the High-Level Group on Audiovisual Policy of 26 October 1998 entitled 'The Digital Age: European Audiovisual Policy' recognises the need to strengthen support measures for the cinematographic and audiovisual industry, in particular by endowing the MEDIA programme with resources commensurate with the size and strategic importance of the industry.
- (4) The challenges of production, distribution and availability of European audiovisual content were the main topics discussed at the Forum on Audiovisual Policy entitled 'European content for the digital millennium', organised in Helsinki on 10 and 11 September 1999 by the Presidency-in-office in cooperation with the Commission.
- (1) From 6 to 8 April 1998, the Commission, in cooperation with the Presidency-in-office, held a European audiovisual conference on 'Challenges and opportunities of the digital age' in Birmingham. This consultation process revealed the need for an enhanced programme of support for the European audiovisual industry, in particular in the area of the development, distribution and promotion of European audiovisual works. Moreover, in the digital age, activities in the audiovisual field also contribute towards the creation of new jobs, particularly in the production and dissemination of audiovisual content.
- (2) On 28 May 1998, the Council, in approving the outcome of the European Audiovisual Conference in Birmingham, highlighted the desirability of encouraging the development of a strong and competitive European audiovisual programme industry, taking particular account of Europe's cultural diversity and the specific conditions obtaining in restricted linguistic areas.
- (5) In the communication from the Commission to the European Parliament and the Council of Ministers entitled 'Audiovisual policy: Next Steps' the Commission recognises the need for increased public support, particularly at Community level, for strengthening the competitiveness of the European audiovisual industry.
- (6) The Green Paper on the 'The Convergence of the Telecommunications, Media and Information Technology Sectors, and the Implications for Regulation' underlines the risk of a shortage of good quality content on the digital and analogue television market.
- (7) The Commission's public consultation on the Green Paper, highlighted the need to establish a framework to underpin the distribution and promotion of European audiovisual content for the traditional and new media in a digital environment.

- (8) In its conclusions of 27 September 1999 concerning the results of the public consultation on the Convergence Green Paper <sup>(1)</sup>, the Council called upon the Commission to take account of these results when drawing up proposals for measures for the strengthening of the European audiovisual industry, including the multimedia industry.
- (9) In its Communication of 14 December 1999 on 'Principles and Guidelines for the Community's Audiovisual Policy in the Digital Age', the Commission defined its priorities in the audiovisual sector for the period 2000 to 2005.
- (10) The Commission implemented an 'Action programme to promote the development of the European audiovisual industry (MEDIA) (1991-1995)', adopted by Council Decision 90/685/EEC <sup>(2)</sup>, and which comprised in particular measures designed to support the development and distribution of European audiovisual works.
- (11) Further to the Green Paper 'Strategy options to strengthen the European programme industry in the context of the audiovisual policy of the European Union', the Commission submitted in November 1995 a proposal for a Council Decision establishing a European Guarantee Fund to promote cinema and television production <sup>(3)</sup>, on which the European Parliament delivered a favourable opinion on 22 October 1996 <sup>(4)</sup>.
- (12) The Community strategy for developing and strengthening the European audiovisual industry was confirmed under the MEDIA II Programme (1996-2000), adopted by Council Decision 95/563/EC <sup>(5)</sup> and by Council Decision 95/564/EC <sup>(6)</sup>. It is appropriate, on the basis of the experience acquired from the Programme, to ensure its extension, taking into account the results obtained.
- (13) In its report on the results obtained under the MEDIA II (1996-2000) programme, from 1 January 1996 to 30 June 1998, the Commission considers that the programme meets the principle of the subsidiarity of Community aid to national aid, since the areas in which MEDIA II intervenes complement the areas in which national support mechanisms traditionally intervene.
- (14) It is necessary to take cultural aspects of the audiovisual sector into account in accordance with Article 151(4) of the Treaty.
- (15) In accordance with the negotiating mandate given to the Commission by the Council, during the forthcoming World Trade Organisation (WTO) negotiations the Union should ensure, as in the Uruguay Round, that the Community and its Member States maintain the possibility to preserve and develop their capacity to define and implement their cultural and audiovisual policies for the purpose of preserving their cultural diversity.
- (16) Taking the same approach, the European Parliament, in its Resolution of 18 November 1999, recognised the European audiovisual sector's special role in sustaining cultural pluralism, a healthy economy and freedom of expression, reaffirmed its commitment to the freedom of action in the sphere of audiovisual policy obtained at the Uruguay Round, and took the view that the General Agreement on Trade in Services (GATS) rules on cultural services, in particular in the audiovisual sector, should not jeopardise the cultural diversity and autonomy of the WTO contracting parties.
- (17) In order to increase the added value of the Community measures, it is necessary to ensure complementarity between the measures taken at Community level and national forms of support.
- (18) It is necessary to establish consistency between this Decision and the action of the Commission on national measures to support the audiovisual sector, especially in the interests of preserving cultural diversity in Europe, by enabling national policies to develop adequately the potential for production in Member States. In addition, Community support can be combined with any public support.
- (19) The emergence of a European audiovisual market necessitates the development and production of European works, i.e. works originating in the Member States as well as works originating in European third countries participating in the MEDIA Plus programme or having a cooperation framework satisfying the conditions set out in Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities <sup>(7)</sup>.
- (20) In the next few years the digital revolution will mean that European audiovisual works will become more easily accessible thanks to new ways of transporting audiovisual content, and will become more widely available outside their country of origin.
- (21) The competitiveness of the audiovisual programme industry depends on the use of new technologies at the programme development, production and distribution stages. It is therefore appropriate to ensure suitable and effective coordination with the measures undertaken in the field of new technologies, in particular the Fifth Framework Programme of the European Community for research, technological development and demonstration activities (1998-2002), as adopted by Decision No 182/1999/EC of the European Parliament and of the Council <sup>(8)</sup>, the future Sixth Framework Programme, and new opportunities for multilingual production, in order to make for consistency with the measures to be undertaken under those programmes, focusing in particular on the needs and potential of small and medium-sized enterprises (SMEs) operating on the audiovisual market.

<sup>(1)</sup> OJ C 283, 6.10.1999, p. 1.

<sup>(2)</sup> OJ L 380, 31.12.1990, p. 37.

<sup>(3)</sup> OJ C 41, 13.2.1996, p. 8.

<sup>(4)</sup> OJ C 347, 18.11.1996, p. 33.

<sup>(5)</sup> OJ L 321, 30.12.1995, p. 25.

<sup>(6)</sup> OJ L 321, 30.12.1995, p. 33.

<sup>(7)</sup> OJ L 298, 17.10.1989, p. 23. Directive as amended by Directive 97/36/EC of the European Parliament and of the Council (OJ L 202, 30.7.1997, p. 60).

<sup>(8)</sup> OJ L 26, 1.2.1999, p. 1.

- (22) In order to support European audiovisual projects, the Commission will examine the possibility of additional funding under other Community instruments, notably in the framework of 'e-Europe' and the initiatives resulting from the Lisbon European Council conclusions, such as the European Investment Bank (EIB), the European Investment Fund (EIF) and the research framework programmes. The professionals in the audiovisual sector should be informed of the various support arrangements available to them within the framework of the European Union.
- (23) In accordance with the conclusions of the Lisbon European Council, the Council and Commission are to report by the end of 2000 on the ongoing review of EIB and EIF financial instruments in order to redirect funding towards business start-ups, high-tech firms and micro-enterprises, as well as other risk capital initiatives and guarantee arrangements proposed by the EIB and the EIF. In this connection, particular attention should be paid to the audiovisual industry, in order to improve its access to capital markets and increase its competitiveness.
- (24) In its report to the European Council, entitled 'Job Opportunities in the Information Society', the Commission referred to the major job-creation potential provided by the new audiovisual services.
- (25) In its Communication on Community policies in support of employment, the Commission recognised the MEDIA II Programme's positive impact on employment in the audiovisual sector.
- (26) It is appropriate therefore to facilitate the development of investment in the European audiovisual industry and to call on the Member States to encourage job-creation in that industry by various means.
- (27) The MEDIA Plus programme should allow the establishment of an environment conducive to entrepreneurial skills and investment, so as to guarantee a place for the European audiovisual sector in the global economy and the effective promotion of cultural diversity.
- (28) The contribution that SMEs can make to the development of the audiovisual sector should be turned to good account.
- (29) There is a need to improve the conditions for distributing and promoting European cinematographic works on the European and international markets. Cooperation between international and national distributors, cinema owners and producers should be encouraged; networking by distributors, in particular SMEs, should also be encouraged, and support should be given to concerted action to promote common programming measures at European level.
- (30) There is a need to improve the television broadcasting prospects of European works on the European and international markets. Given the leading role which television channels can play in disseminating European works and the inadequate time they currently devote to such works in their scheduling, it is important that European broadcasters (as defined in Article 2 of Directive 89/552/EEC), encourage the European transmission of programmes by purchasing works produced in other Member States.
- (31) There is a need to facilitate market access for independent European production and distribution companies, and to promote both European works and European companies in the audiovisual sector.
- (32) Public access to the European audiovisual heritage should be improved, in particular through its digitisation and networking at European level.
- (33) European content holders should be encouraged to digitise and network their catalogues, including their archives and cinematographic heritage.
- (34) Support for development, distribution and promotion should take account of structural objectives, such as developing potential in countries or regions with a low audiovisual production capacity and/or a restricted linguistic or geographical area, and/or the development of an independent European production sector, in particular SMEs.
- (35) The associated countries of Central and Eastern Europe, as well as Cyprus, Malta, Turkey and those EFTA countries which are parties to the EEA Agreement are recognised as potential participants in Community programmes on the basis of supplementary appropriations and in accordance with the procedures to be agreed with those countries.
- (36) The other countries of Europe which are parties to the European Convention on Transfrontier Television are an integral part of the European audiovisual area and should therefore be enabled to participate in this Programme on the basis of supplementary appropriations, in accordance with the procedures to be established in the agreements between the interested parties. Those countries should be able, if they wish, and regard being had to budgetary considerations or the priorities of their audiovisual industries, to participate in the programme and to benefit under a more limited cooperation formula, on the basis of supplementary appropriations and specific arrangements to be agreed between the interested parties.
- (37) The opening-up of the Programme to European third countries is subject to prior examination of the compatibility of their national legislation with the Community acquis, in particular with Council Directive 89/552/EEC.

- (38) Cooperation with non-European third countries, developed on the basis of mutual and balanced interests, may enable the European audiovisual industry to derive an added value in terms of the promotion, market access, distribution, dissemination and exploitation of European works in those countries. The inclusion of third countries will increase awareness of the cultural diversity of Europe and promote the spread of common democratic values. Such cooperation should be developed on the basis of supplementary appropriations and specific arrangements to be established in the agreements between the interested parties.
- (39) A financial reference amount, within the meaning of point 34 of the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure<sup>(1)</sup> is included in this Decision for the entire duration of the programme, without prejudice to the powers of the budgetary authority as defined by the Treaty.
- (40) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>(2)</sup>,

HAS DECIDED AS FOLLOWS:

#### Article 1

##### Establishment and objectives of the Programme

1. A programme, (hereinafter referred to as 'the Programme'), is hereby established to encourage the development, distribution and promotion of European audiovisual works within and outside the Community, to run from 1 January 2001 to 31 December 2005, for the purpose of strengthening the European audiovisual industry.
2. The objectives of the Programme shall be as follows:
  - (a) an improvement in the competitiveness of the European audiovisual sector — including small and medium-sized enterprises — on the European and international markets, by supporting the development, distribution and promotion of European audiovisual works, taking account of the development of new technologies;
  - (b) strengthening the sectors which help improve the transnational movement of European works;
  - (c) respect for and promotion of linguistic and cultural diversity in Europe;
  - (d) enhancing the European audiovisual heritage, in particular by digitisation and networking;

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

<sup>(2)</sup> OJ L 184, 17.7.1999, p. 23.

- (e) development of the audiovisual sector in countries or regions with a low audiovisual production capacity and/or a restricted linguistic or geographical area and strengthening networking and transnational cooperation between small and medium-sized enterprises;
- (f) the dissemination of new types of audiovisual content using new technologies.

Those objectives shall be realised in accordance with the detailed arrangements set out in the Annex.

#### Article 2

##### Specific objectives of the Programme in the development field

In the development field, the specific objectives of the Programme shall be as follows:

- (a) to promote, by providing financial support, the development of production projects (dramas for cinema or television, creative documentaries, animated films for television or cinema, works exploiting the audiovisual and cinematographic heritage) submitted by independent enterprises, in particular small and medium-sized, and aimed at the European and international markets;
- (b) to promote, by providing financial support, the development of production projects that make use of new creation, production and dissemination technologies.

#### Article 3

##### Specific objectives of the Programme in the fields of distribution and dissemination

In the fields of distribution and dissemination, the specific objectives of the Programme shall be as follows:

- (a) to strengthen the European distribution sector in the field of cinema by encouraging distributors to invest in the production, acquisition, marketing and promotion of distribution rights and promotion of non-domestic European cinema films;
- (b) to foster the wider transnational dissemination of non-domestic European films, on the European and international markets, through initiatives to stimulate their distribution and their screening in cinemas, *inter alia* by encouraging coordinated marketing strategies;
- (c) to strengthen the distribution sector for European works on media intended for private use, by encouraging distributors to invest in digital technology and in the promotion of non-domestic European works;
- (d) to promote the movement, in the Community and outside it, of European television programmes produced by independent companies by encouraging cooperation between broadcasters, on one hand, and independent European distributors and producers, on the other hand;
- (e) to encourage the creation of catalogues of European works in digital format intended for exploitation on new media;



- (f) to support the linguistic diversity of European audiovisual and cinematographic works.

#### Article 4

### Specific objectives of the Programme in the field of promotion and market access

In the field of promotion and market access, the Programme shall aim to:

- (a) facilitate and encourage the promotion and movement of European audiovisual and cinematographic works at trade shows, fairs and audiovisual festivals in Europe and around the globe, insofar as such events may play an important role in the promotion of European works and the networking of professionals;
- (b) encourage the networking of European operators, by supporting joint activities on the European and international markets by national public or private promotion bodies.

#### Article 5

### Financial provisions

1. Beneficiaries of Community support shall provide a substantial proportion of funding, which may include any other public funding. Community funding shall not exceed 50 % of the cost of operations. However, in the cases expressly provided for in the Annex, this proportion may reach as much as 60 % of the cost of operations.
2. The financial reference amount for implementation of the Programme for the period referred to in Article 1(1) shall be EUR 350 million. An indicative breakdown of that amount by sector is set out in section 1.5 of the Annex. The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.
3. Without prejudice to the agreements and conventions to which the Community is a contracting party, undertakings benefiting from the Programme must be owned and continue to be owned, whether directly or by majority participation, by Member States and/or by nationals of Member States.

#### Article 6

### Financial support

Financial support under the Programme may be granted in the form of conditionally repayable advances, or subsidies, as defined in the Annex. The repayments under the Programme, together with the repayments from operations carried out under the MEDIA programme (1991-1995) and MEDIA II

programme (1996-2000), shall be allocated to the requirements of the MEDIA Plus Programme.

#### Article 7

### Implementation of this Decision

1. The measures necessary for the implementation of this Decision concerning the matters referred to below shall be adopted in accordance with the management procedure referred to in Article 8(2):
  - (a) the general guidelines for all the measures described in the Annex;
  - (b) the content of the calls for proposals, the definition of the criteria and the procedures for the selection of projects;
  - (c) questions concerning the annual internal breakdown of the Programme resources, including the breakdown between measures in the development, promotion and distribution sectors;
  - (d) the arrangements for monitoring and assessing actions;
  - (e) any proposal for the allocation of Community funds in excess of EUR 200 000 in the case of development, or EUR 300 000 in the case of distribution and EUR 200 000 per beneficiary and per year in the case of promotion. These thresholds may be reviewed by the Committee in the light of experience;
  - (f) the choice of pilot projects provided for in Article 10.
2. The measures necessary for the implementation of this Decision concerning all the other matters shall be adopted in accordance with the advisory procedure referred to in Article 8(3). This procedure shall also apply to the final choice of technical assistance offices.
3. Technical assistance shall be governed by the provisions adopted pursuant to the Financial Regulation.
4. The Commission shall give the European Parliament and the Council regular and timely notice of the implementation of this Decision, in particular the use of the available resources.

#### Article 8

### Committee procedure

1. The Commission shall be assisted by a committee.
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 3 and 7 of Decision 1999/468/EC shall apply.
4. The committee shall adopt its rules of procedure.

#### Article 9

##### **Consistency and complementarity**

1. When implementing the Programme, the Commission shall, in close cooperation with the Member States, ensure general consistency and complementarity with other Community policies, programmes and actions that impinge upon the audiovisual field.
2. The Commission shall ensure that there is effective liaison between this Programme and programmes and actions in the audiovisual field being carried out under Community cooperation with non-member countries and the relevant international organisations.

#### Article 10

##### **Pilot projects**

1. Pilot projects shall be implemented throughout the duration of the Programme aimed at improving access to European audiovisual content and at taking advantage of opportunities arising from the development and introduction of new and innovative technologies, including digitisation and new methods of dissemination.
2. In selecting the pilot projects to be implemented, the Commission shall be advised by technical consultation groups composed of experts designated by the Member States. The list of potential projects shall be submitted to the Committee regularly in accordance with the procedure laid down in Article 8(2).

#### Article 11

##### **Opening of the Programme to non-member countries**

1. The Programme shall be open to the participation of the associated countries of Central and Eastern Europe in accordance with the conditions laid down in the association agreements or their additional protocols relating to participation in Community programmes concluded or to be concluded with those countries.
2. The Programme shall be open to the participation of Cyprus, Malta, Turkey and those EFTA countries which are members of the EEA Agreement, on the basis of supplementary appropriations, in accordance with the procedures to be agreed with those countries.
3. The Programme shall be open to the participation of the countries which are parties to the Council of Europe Convention on Transfrontier Television other than those referred to in paragraphs 1 and 2, on the basis of supplementary appropria-

tions, in accordance with conditions to be established in the agreements between the interested parties.

4. The opening-up of the Programme to the European third countries referred to in paragraphs 1, 2 and 3 shall be subject to prior examination as to the compatibility of their national legislation with the Community acquis, including the second subparagraph of Article 6(1) of Directive 89/552/EEC.

5. The Programme shall also be open to cooperation with other third countries on the basis of supplementary appropriations and the specific arrangements, including cost sharing under agreed procedures, to be established in agreements between the interested parties. The European third countries referred to in paragraph 3 which do not wish to participate fully in the Programme may be eligible for cooperation with the Programme under the conditions set out in this paragraph.

#### Article 12

##### **Monitoring and evaluation**

1. The Commission shall guarantee that measures taken under this Decision are subject to prior appraisal, and to subsequent monitoring and evaluation. It shall ensure the accessibility of the programme and the transparency of its implementation.
2. After the completion of the projects, the Commission shall evaluate the manner in which they have been carried out and the impact of their implementation, in order to assess whether the original objectives have been achieved.
3. After two years' implementation, the Commission shall, after bringing the matter before the Media Committee, present to the European Parliament, the Council and the Economic and Social Committee an evaluation report on the impact and effectiveness of the Programme on the basis of the results obtained. This report shall be accompanied, if need be, by any proposals for adjustments.
4. On completion of the Programme the Commission shall submit to the European Parliament, the Council and the Economic and Social Committee a detailed report on the implementation and results of the Programme.

#### Article 13

##### **Entry into force**

This Decision shall take effect on 1 January 2001.

Done at Brussels, 20 December 2000.

*For the Council*  
*The President*  
É. GUIGOU

## ANNEX

## 1. MEASURES TO BE IMPLEMENTED

## 1.1 In the development of audiovisual works sector

In order to respond to business strategies reflecting the diversity of production structures and of projects, the Programme measures aim to provide financial assistance for enterprises in the audiovisual sector submitting:

- (a) proposals for developing project packages for companies with a larger investment capacity, or
- (b) proposals for developing project packages for companies with a smaller investment capacity, or
- (c) proposals for developing audiovisual works presented project by project.

The selection criteria will take account chiefly of the European and international nature of the projects, in particular of their:

- production potential;
- potential for transnational exploitation, and the marketing and distribution strategies envisaged;
- quality and originality.

Support for development will be granted on terms that require, once a project enters the production phase, the support for the project to be reinvested in the development of new production projects.

The contribution will generally be limited to 50 % of project costs but may be raised to 60 % for projects which contribute to the enhancement of European linguistic and cultural diversity.

In the report provided for in Article 12, the Commission will evaluate the comparative results of the systems referred to in this Annex with regard to the programme objectives. It will submit to the Committee, in accordance with the procedure laid down in Article 8(2), appropriate proposals for the implementing rules for the rest of the Programme.

## 1.2 In the distribution and dissemination sector

## 1.2.1 Cinema distribution:

The following lines of action will be implemented in order to achieve the objectives outlined in Article 3:

- (a) a support scheme in the form of a conditionally reimbursable advance for distributors of European cinematographic works outside their production territory. The aim of this scheme is to:
  - encourage the networking of European distributors in conjunction with international producers and distributors, in order to promote joint strategies for the European market;
  - encourage distributors in particular to invest in promotion and adequate distribution for European films;
  - support the multilingual aspects of European film-making (dubbing, subtitling, multilingual production and international sound tracking). That part of the support intended to finance the linguistic diversity of works will take the form of a subsidy.

The criteria for selecting beneficiaries may include provisions to distinguish between projects according to their budget category. Special attention will be given to films that enhance European linguistic and cultural diversity.

- (b) a system of 'automatic' support for European distributors proportional to the number of seats sold for non-domestic European films in States participating in the Programme, up to a fixed ceiling per film and adjusted for each country. The support thus generated may be used by distributors only for investment in the following:
  - the coproduction of non-domestic European films;
  - the acquisition of the screening rights, for example by means of minimum guarantees, of non-domestic European films;
  - editing costs (copying, dubbing and subtitling), promotion costs and publicity costs for non-domestic European films.

Reinvestment arrangements will generally be limited to 50 % of project costs, but may be raised to 60 %, particularly for investment in the production stage and in films that are of interest in enhancing European linguistic and cultural diversity.

- (c) a system to assist European companies specialising in the international distribution of cinema films (sales agents) according to their performance on the market over a reference period of at least one year. This type of assistance may be used by sales agents for investment in acquisition (minimum guarantees) and in costs arising from the promotion of new European works on the European and international markets.
- (d) appropriate assistance to encourage operators to screen a significant proportion of non-domestic European films in première cinemas for a minimum screening period. The support shall be made conditional on showing a minimum number of European films. The level of support may take account of the number of admission tickets sold for non-domestic European films during a reference period up to a fixed ceiling.

Support may also be granted for the creation and consolidation of networks of European operators running joint schemes to encourage such scheduling.

Support may be used for the development of educational activities and for raising awareness amongst young cinema-goers.

As far as possible, support for cinemas and networks will encourage a balanced geographical distribution.

#### 1.2.2 Distribution of European works off-line

This is understood to mean the distribution of European works on media intended for private use.

Automatic support: a system of automatic support for editors and distributors of European cinematographic and audiovisual works, excluding games, on media intended for private use (e.g. videocassettes and DVD) according to market performance over a reference period of at least one year. The evaluation of that performance may take account of the specific features of different national markets through appropriate weightings. The support granted may be used by distributors only for investment in the following:

- (a) the costs of editing and distributing new non-domestic European works in digital form; or
- (b) the costs of promoting new non-domestic European works in non-digital format.

This system is designed to:

- (a) encourage the use of new technologies in the production of European works intended for private use (production of a digital master for use by all European distributors);
- (b) encourage distributors in particular to invest in the promotion and adequate distribution of non-domestic European films and audiovisual works;
- (c) support the linguistic diversity of European productions (dubbing, subtitling and multilingual production).

#### 1.2.3 Television broadcasting:

Encourage independent producers to produce works (fiction, documentaries and animated films) involving no less than two broadcasters, and preferably more, in several States participating or cooperating on the programme, belonging to different language zones.

The criteria for selecting beneficiaries may include provisions that distinguish between projects by budget category and type. Special attention will be given to audiovisual works that are of interest in enhancing European heritage and linguistic and cultural diversity.

That part of the support which is intended to finance the linguistic diversity of works (including production of the sound track - music and effects) will take the form of a subsidy.

#### 1.2.4 Distribution of European works on-line.

This is taken to mean the distribution of European works on-line via advanced distribution services and new media (e.g. Internet, video-on-demand). The aim is to encourage the European audiovisual industry to adapt to the development of digital technology, particularly as regards advanced on-line distribution services.

Introduction of incentives to digitise works and create promotional and publicity material in digital form, so encouraging European companies (suppliers of on-line access, special-interest channels, etc.) to create catalogues of European works in digital format for exploitation via new media.

### 1.3 Promotion

#### 1.3.1 In the field of promotion and access to professional markets:

The programme measures aim to:

- (a) improve the conditions governing access by professionals to trade shows and professional audiovisual markets within and outside Europe and via specific technical and financial support schemes as part of events such as:
  - the main European and international cinema markets;
  - the main European and international television markets;
  - special-interest markets, particularly for animated films, documentaries, multimedia and new technologies;
- (b) encourage the creation of a database and/or a network of databases on catalogues of European programmes, intended for professionals;

- (c) whenever possible, encourage support to promote cinematographic works, as from the production phase of the work in question.

To this end, the Commission is encouraging the networking of operators at European level, notably by supporting joint initiatives involving public or private national promotional bodies.

Support will generally be limited to 50 % of project costs but may be raised to 60 % for projects that enhance European linguistic and cultural diversity.

#### 1.3.2 In the field of festivals:

The programme measures aim to:

- (a) support audiovisual festivals realised in partnership that screen a significant proportion of European works;
- (b) encourage cooperative projects with a European dimension involving audiovisual events from at least eight States participating or cooperating in the programme, with a common action plan to promote European audiovisual works and their movement.

Particular attention will be paid to festivals which help to promote works from Member States or regions with a low audiovisual production capacity and works by young European directors, and which establish an active policy for promoting and encouraging the distribution of the European works featured.

Priority will be given to projects from networks which encourage lasting cooperation between events.

Support will generally be limited to 50 % of project costs but may be raised to 60 % for projects that contribute to the enhancement of European linguistic and cultural diversity.

#### 1.3.3 Activities to promote European films and audiovisual Programmes:

To encourage professionals, in close association with the Member States, to organise activities to promote European cinema and audiovisual productions intended for the general public.

### 1.4 Pilot projects

Pilot projects, the objectives of which are defined in Article 10, may focus, *inter alia*, on the following areas, with a view to the enhancement, networking and promotion of:

- (a) cinematographic heritage;
- (b) European audiovisual programme archives;
- (c) catalogues of European audiovisual works;
- (d) digital dissemination of European content through, for instance, advanced distribution services.

The pilot projects will give rise to exchanges of experience; their results will be publicised widely in order to encourage the dissemination of best practices.

Once the programme has been implemented for two years, the Commission will verify the results of the pilot projects and propose adjustments to the programme.

### 1.5 Breakdown of resources

The funds available will be broken down according to the following guidelines:

Development:	at least 20 %
Distribution:	at least 57,5 %
Promotion:	approximately 8,5 %
Pilot projects:	approximately 5 %
Horizontal costs:	at least 9 %

All the percentage figures are indicative and are subject to changes by the Committee provided for in Article 8, in accordance with the procedure referred to in Article 8(2).

## 2 IMPLEMENTATION PROCEDURE

### 2.1 Approach

In implementing the Programme, the Commission will ensure compliance with the objectives set out in Article 1(2).

In implementing the Programme, the Commission, assisted by the Committee provided for in Article 8, will work closely with the Member States. It will also consult the partners concerned and ensure that the participation of professionals in the Programme reflects European cultural diversity.

## 2.2 Funding

### 2.2.1 Community contribution

Community funding will not exceed 50 % of the final cost of the measures (other than in the cases expressly provided for in this Annex, where a ceiling of 60 % applies) and will be granted in the form of conditionally reimbursable advances or subsidies. Only costs directly linked to execution of the measure receiving support will be eligible, even if the costs are defrayed in part by the beneficiary before the selection procedure. For multilingual support, the Community contribution will be in the form of subsidies.

### 2.2.2 Prior appraisal, monitoring and subsequent evaluation

Prior to approving a request for Community support, the Commission will carefully evaluate it to check that it complies with this Decision and with the conditions set out in subsections 2 and 3 of this section of the Annex.

Requests for Community support must include the following:

- (a) a financial plan setting out all the project funding components, including the financial support requested from the Commission;
- (b) a provisional work timetable;
- (c) any other relevant information required by the Commission.

### 2.2.3 Financial provisions and control

The Commission will set out the rules on commitments and payments for the measures undertaken pursuant to this Decision, in compliance with the appropriate provisions of the financial regulations.

It will particularly ensure that the administrative and financial procedures used are geared to the objectives pursued and to the practice and interests of the audiovisual industry.

## 2.3 Implementation

2.3.1 The Commission will implement the Programme. It may, to this end, call upon independent consultants and technical assistance offices to be selected, after a call for tenders, on the basis of their expertise in the sector, experience acquired in the MEDIA II programme, or other experience acquired in this area. The technical assistance will be financed by the Programme's budget. The Commission may also conclude, in accordance with the procedure referred to in Article 8(2), partnerships for operations with specialist bodies, including those which have been set up under other European initiatives such as Audiovisual Eureka, EURIMAGES and the European Audiovisual Observatory in order to implement joint measures that meet the Programme objectives in the field of promotion.

The Commission will make the final selection of the beneficiaries of the Programme and decide on the financial support to be granted, in accordance with Article 8, on the basis of preparatory work conducted by the technical assistance offices. It will give grounds for its decisions to applicants for Community support and ensure the transparency of implementation of the programme.

In order to execute the Programme and, in particular, evaluate the projects benefiting from Programme funding and networking activities, the Commission will draw on recognised, independent audiovisual experts in the fields of development, production, distribution and promotion, who are, where necessary, proficient in the area of the management of rights, especially in the new digital environment.

2.3.2 The Commission will take the necessary steps to provide information on the opportunities offered by the Programme, and will ensure its promotion. The Commission will also provide via the Internet comprehensive information concerning the support arrangements available under the European Union's policies which are of relevance to the audiovisual sector.

In particular, the Commission and the Member States will take the necessary steps, by continuing with the activities of the network of MEDIA Desks and Antennae and ensuring that their professional skills are enhanced, in order to:

- (a) inform professionals in the audiovisual sector of the various support arrangements available under European Union policies;
  - (b) publicise and promote the Programme;
  - (c) encourage maximum participation in the Programme's activities by professionals;
  - (d) assist professionals with the presentation of projects in response to calls for proposals;
  - (e) foster transborder cooperation between professionals;
  - (f) liaise between the various support bodies in the Member States with a view to ensuring that Programme activities complement national support measures.
-

**COUNCIL DECISION****of 22 December 2000****on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Tunisia concerning reciprocal liberalisation measures and amendment of the Agricultural Protocols to the EC/Tunisia Association Agreement**

(2000/822/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133, in conjunction with the first sentence of Article 300(2), thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Article 16 of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part <sup>(1)</sup>, which is in force since 1 March 1998, states that the Community and Tunisia are to liberalise gradually their reciprocal trade in agricultural and fishery products.
- (2) Article 18 of the Euro-Mediterranean Agreement provides that from 1 January 2000 the Community and the Republic of Tunisia are to assess the situation with a view to determining the liberalisation measures to be applied by the two Contracting Parties with effect from 1 January 2001.
- (3) The Community and the Republic of Tunisia have agreed to amend Protocols Nos 1 and 3 to the Agreement by means of an Agreement in the form of an Exchange of Letters. This Agreement should be approved.
- (4) The measures necessary for the implementation of this Decision should be adapted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(2)</sup>,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement in the form of an Exchange of Letters between the European Community and the Republic of Tunisia concerning reciprocal liberalisation measures and amendment

of the Agricultural Protocols to the EC/Tunisia Association Agreement is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

*Article 2*

1. The Commission shall be assisted by the Management Committee for Cereals established by Article 23 of Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(3)</sup> or, where appropriate, by the committees established by the corresponding provisions of other regulations on the common organisation of markets or by the Customs Code Committee established by Article 248a of Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code <sup>(4)</sup>.

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 one month.

3. The Committee shall adopt its rules of procedure.

*Article 3*

The President of the Council is hereby authorised to designate the person empowered to sign the Agreement so as to bind the Community.

Done at Brussels, 22 December 2000.

*For the Council*

*The President*

D. VOYNET

<sup>(1)</sup> OJ L 97, 30.3.1998, p. 1.

<sup>(2)</sup> OJ L 184, 17.7.1999, p. 23.

<sup>(3)</sup> OJ L 181, 1.7.1992, p. 21. Regulation last amended by Regulation (EC) No 1666/2000 (OJ L 193, 29.7.2000, p. 37).

<sup>(4)</sup> OJ L 302, 19.10.1992, p. 1.

**AGREEMENT****in the form of an Exchange of Letters between the European Community and the Republic of Tunisia concerning reciprocal liberalisation measures and amendment of the Agricultural Protocols to the EC/Tunisia Association Agreement**

Letter No 1

*Letter from the European Community*

Brussels, 22.12.2000

Sir,

I have the honour of referring to the negotiations which took place under Article 16 of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, in force since 1 March 1998, which states that the Community and Tunisia are to gradually liberalise their reciprocal trade in agricultural and fishery products.

These negotiations were held in accordance with Article 18 of the Euro-Mediterranean Agreement which stipulates that, from 1 January 2000, the Community and the Republic of Tunisia are to assess the situation with a view to determining the liberalisation measures to be applied by the Parties with effect from 1 January 2001.

On the conclusion of the negotiations the two Parties agreed to the following:

1. The dates in Article 1(5) of Protocol No 1 shall be replaced by 'from 1 January 2002 to 1 January 2005'.
2. In Article 2:

(a) the designation 'Côteaux de Teboura' in the second sentence should read 'Côteaux de Tebourba'.

(b) the following paragraph shall be added:

'Wines with a designation of origin originating in Tunisia must be accompanied by a certificate indicating their origin in accordance with the model specified in the preferential agreement or by documents V I 1 or V I 2 completed in accordance with Article 9 of Regulation (EEC) No 3590/85 on the certificate and analysis report required for the importation of wine, grape juice and grape must.'

3. Article 3 of Protocol No 1 shall be replaced by the following:

*'Article 3*

1. Imports of untreated olive oil falling within CN codes 1509 10 10 and 1509 10 90, wholly obtained in Tunisia and transported direct from Tunisia to the Community, shall be allowed to enter the Community at a zero rate of duty from 1 January 2001, up to a maximum of 50 000 tonnes.

2. Starting on 1 January 2002, this quantity shall be increased annually by 1 500 tonnes over four years, with a view to achieving an annual quantity of 56 000 tonnes from 1 January 2005.

3. If these imports risk harming the balance on the Community market in olive oil, especially because of the Community's obligations regarding this product in the WTO, the Contracting Parties shall consult each other with a view to finding measures appropriate to the situation, acceptable to both Parties and capable of resolving the problem.'



4. The Annexes to Protocols Nos 1 and 3 shall be replaced by Annexes 1A and 1B hereto; a new Annex 2, comprising the model certificate for wines with a designation of origin, shall be added to Protocol No 1.
5. From 1 January 2005 the Community and the Republic of Tunisia will assess the situation with a view to determining the liberalisation measures to be applied by the Community and Tunisia from 1 January 2006, in accordance with the objective laid down in Article 16 of the Association Agreement.

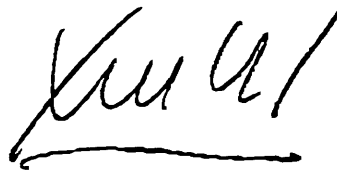
This Agreement shall be approved by the Contracting Parties in accordance with their own procedures.

The provisions of this Agreement shall be applicable from 1 January 2001.

I would be grateful if you could confirm the agreement of your Government to the above.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of the Council of the European Union*

A handwritten signature in black ink, consisting of stylized cursive letters, likely representing the President of the Council of the European Union at the time.

## Letter No 2

*Letter from the Republic of Tunisia*

Brussels, 22.12.2000

Sir,

I have the honour to acknowledge receipt of your letter of today's date, worded as follows:

'I have the honour of referring to the negotiations which took place under Article 16 of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, in force since 1 March 1998, which states that the Community and Tunisia are to gradually liberalise their reciprocal trade in agricultural and fishery products.

These negotiations were held in accordance with Article 18 of the Euro-Mediterranean Agreement which stipulates that, from 1 January 2000, the Community and the Republic of Tunisia are to assess the situation with a view to determining the liberalisation measures to be applied by the Parties with effect from 1 January 2001.

On the conclusion of the negotiations the two Parties agreed to the following:

1. The dates in Article 1(5) of Protocol No 1 shall be replaced by "from 1 January 2002 to 1 January 2005".

2. In Article 2:

(a) the designation "Côteaux de Teboura" in the second sentence should read "Côteaux de Tebourba".

(b) the following paragraph shall be added:

"Wines with a designation of origin originating in Tunisia must be accompanied by a certificate indicating their origin in accordance with the model specified in the preferential agreement or by documents V I 1 or V I 2 completed in accordance with Article 9 of Regulation (EEC) No 3590/85 on the certificate and analysis report required for the importation of wine, grape juice and grape must."

3. Article 3 of Protocol No 1 is replaced by the following:

*"Article 3*

1. Imports of untreated olive oil falling within CN codes 1509 10 10 and 1509 10 90, wholly obtained in Tunisia and transported direct from Tunisia to the Community, shall be allowed to enter the Community at a zero rate of duty from 1 January 2001, up to a maximum of 50 000 tonnes.

2. Starting on 1 January 2002, this quantity shall be increased annually by 1 500 tonnes over four years, with a view to achieving an annual quantity of 56 000 tonnes from 1 January 2005.

3. If these imports risk harming the balance on the Community market in olive oil, especially because of the Community's obligations regarding this product in the WTO, the Contracting Parties shall consult each other with a view to finding measures appropriate to the situation, acceptable to both Parties and capable of resolving the problem."

4. The Annexes to Protocols Nos 1 and 3 are replaced by Annexes 1A and 1B hereto; a new Annex 2, comprising the model certificate for wines with a designation of origin, is hereby added to Protocol No 1.
5. From 1 January 2005 the Community and the Republic of Tunisia will assess the situation with a view to determining the liberalisation measures to be applied by the Community and Tunisia from 1 January 2006, in accordance with the objective laid down in Article 16 of the Association Agreement.

This Agreement shall be approved by the Contracting Parties in accordance with their own procedures.


The provisions of this Agreement shall be applicable from 1 January 2001.

I would be grateful if you could confirm the agreement of your Government to the above.'

The Republic of Tunisia has the honour of confirming its agreement with the contents of this letter.

Please accept, Sir, the assurance of my highest consideration.

*For the Government of the Republic of Tunisia*



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## ANNEX 1-A

## PROTOCOL No 1

## 1. Arrangements applying to imports into the Community of agricultural products originating in Tunisia

## 2. Designation of origin certificate

CN code	Description	Rate of reduction of of customs duties (%)	Tariff quotas (tonnes)	Rate of reduction of customs duties outside existing or future tariff quotas (%)	Reference quantity (tonnes)	Specific provisions
		a	b	c	d	e
0101 19 90	Horses other than those for slaughter	100		80		Art. 1 (6)
ex 0204	Meat of sheep or goats, fresh, chilled or frozen, other than meat of domestic sheep	100		—		
0208	Other meat and edible meat offal, fresh, chilled or frozen	100		—		
0407 00 90	Bird's eggs, in shell, fresh, preserved or cooked, other than of poultry	100				
0409 00 00	Natural honey	100	50			
ex 0602 40	Roses, grafted or not, other than cuttings	100		—		
0603 10	Cut flowers and flower buds, fresh	100	1 000	—		Art. 1 (5)
ex 0701 90 50	New potatoes, from 1 January to 31 March <sup>(1)</sup>	100	16 800	50		Art. 1 (5)
0702 00	Tomatoes, from 1 October to 31 May	100 (*)		60 (*)		Art. 1 (6)
0703 10 11 0703 10 19	Onions, from 15 February to 15 May	100		60		Art. 1 (6)
0703 20 00	Garlic, from 1 November to 31 March	100		60		Art. 1 (6)
ex 0706 10 00	Carrots, from 1 January to 31 March	100		40		Art. 1 (6)
0707 00 05	Cucumbers, from 1 October to 31 March	100 (*)		0		Art. 1 (6)
0708 10 00	Peas ( <i>Pisum sativum</i> ), from 1 October to 30 April	100		60		Art. 1 (6)

CN code	Description	Rate of reduction of customs duties (%)	Tariff quotas (tonnes)	Rate of reduction of customs duties outside existing or future tariff quotas (%)	Reference quantity (tonnes)	Specific provisions
		a	b	c	d	e
0708 20 00	Beans ( <i>Vigna</i> spp. <i>Phaseolus</i> spp.), from 1 November to 30 April	100		60		Art. 1 (6)
0709 10 00	Globe artichokes, from 1 October to 31 December	100 (*)		30 (*)		Art. 1 (6)
0709 20 00	Asparagus, from 1 October to 31 March	100		0		Art. 1 (6)
0709 30 00	Aubergines, from 1 December to 30 April	100		—		Art. 1 (6)
0709 40 00	Celery other than celeriac, from 1 November to 31 March	100		0		Art. 1 (6)
0709 60 10	Sweet peppers	100		40		Art. 1 (6)
0709 60 99	Other peppers of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i>	100		—		
0709 90 50	Fennel, from 1 November to 31 March	100		0		Art. 1 (6)
0709 90 70	Courgettes, from 1 December to 15 March	100 (*)		—		
ex 0709 90 90	Wild onions of the species <i>Muscari comosum</i> , from 15 February to 15 May	100		60		Art. 1 (6)
	Parsley, from 1 November to 31 March	100		0		
0710 80 59	Other peppers of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i>	100		—		
0711 20 10	Olives for uses other than the production of oil (2)	100	10	—		
0711 30 00	Capers	100		90		Art. 1 (6)
0711 90 10	Peppers of the genus <i>Capsicum</i> or the genus <i>Pimenta</i> , other than sweet peppers	100		—		
ex 0713 50 00	Broad beans and horse beans, for sowing	100		60		Art. 1 (6)
ex 0713	Leguminous vegetables, other than those for sowing	100		—		
0802 11 90 0802 12 90	Almonds, whether or not shelled, other than bitter almonds	100		0	1 120	Art. 1 (5)
ex 0804 10 00	Dates, in immediate packings of a net content of 35 kg or less	100		—		

CN code	Description	Rate of reduction of customs duties (%)	Tariff quotas (tonnes)	Rate of reduction of customs duties outside existing or future tariff quotas (%)	Reference quantity (tonnes)	Specific provisions
		a	b	c	d	e
ex 0805 10	Fresh oranges	100 (*)	35 123	80 (*)		Art. 1 (5)
ex 0805 10 80	Oranges, other than fresh	100		0	1 680	Art. 1 (5)
ex 0805 20	Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids	100 (*)		80 (*)		Art. 1 (6)
ex 0805 10 80	Lemons, fresh	100 (*)		80 (*)		Art. 1 (6)
0805 40 00	Grapefruit	80		—		
0806 10 10	Tables grapes, fresh, from 15 November to 31 July	100 (*)		—		
0807 11 00	Watermelons, from 1 April to 15 June	100		—		
0807 19 00	Melons, from 1 November to 31 May	100		50		Art. 1 (6)
0809 10 00	Apricots	100 (*)		0	2 240	Art. 1 (5)
0809 40 05	Plums, from 1 November to 15 June	100 (*)		—		
0810 10 00	Strawberries, from 1 November to 31 March	100		60		Art. 1 (6)
0810 20 10	Raspberries, from 15 May to 15 June	50		—		
ex 0810 90 85	Pomegranates	100				
ex 0810 90 85	Prickly pears	100				
ex 0812 90 20	Oranges, finely shredded, provisionally preserved	80		—		
ex 0812 90 95	Other citrus fruit, finely shredded, provisionally preserved	80		—		
0904 12 00	Pepper, crushed or ground	100		—		
0904 20 90	Peppers, crushed or ground	100		—		
0910	Ginger, saffron, turmeric (curcuma), thyme, bay leaves, curry and other spices	100		—		
1209 91 90	Other vegetable seeds (3)	100		60		Art. 1 (6)
1209 99 99	Other seeds or fruit for sowing (3)	100		60		Art. 1 (6)
1211 90 30	Tonquin beans	100		—		

CN code	Description	Rate of reduction of customs duties (%)	Tariff quotas (tonnes)	Rate of reduction of customs duties outside existing or future tariff quotas (%)	Reference quantity (tonnes)	Specific provisions
		a	b	c	d	e
1212 10	Locust beans, including locust bean seeds	100		—		
ex 1302 20	Pectic substances and pectinates	25		—		
1509 10	Olive oil and its fractions, virgin	100	50 000			Art. 3 (2)
ex 2001 10 00	Cucumbers, with no added sugar	100		—		
ex 2001 20 00	Onions, with no added sugar	100		—		
2001 90 20	Fruit of the genus <i>Capsicum</i> , other than sweet peppers or pimentos	100		—		
ex 2001 90 50	Mushrooms, with no added sugar	100		—		
ex 2001 90 65	Olives, with no added sugar	100		—		
ex 2001 90 70	Sweet peppers, with no added sugar	100		—		
ex 2001 90 75	Salad beetroot, with no added sugar	100		—		
ex 2001 90 85	Red cabbage, with no added sugar	100		—		
ex 2001 90 96	Other, with no added sugar	100		—		
2002 10 10	Tomatoes, peeled	100		30		Art. 1 (6)
ex 2002 90	Tomato concentrate	100	4 000	0		(4)
2003 10 20	Mushrooms of the genus <i>Agaricus</i> provisionally preserved, completely cooked					
	— of the species <i>Psalliota</i>	100 (*)		50 (*)		Art. 1 (6)
	— other	100 (*)		60 (*)		Art. 1 (6)
2003 10 30	Other mushrooms of the genus <i>Agaricus</i>					
	— of the species <i>Psalliota</i>	100 (*)		50 (*)		Art. 1 (6)
	— other	100 (*)		60 (*)		Art. 1 (6)
2003 10 80	Other mushrooms	100		60		Art. 1 (6)
2003 20 00	Truffles	100	5	—		
2004 10 99	Other potatoes	100		50		Art. 1 (6)

CN code	Description	Rate of reduction of customs duties (%)	Tariff quotas (tonnes)	Rate of reduction of customs duties outside existing or future tariff quotas (%)	Reference quantity (tonnes)	Specific provisions
		a				
ex 2004 90 30	Capers and olives	100		—		
2004 90 50	Peas ( <i>Pisum sativum</i> ) and green beans	100		20		Art. 1 (6)
2004 90 98	Asparagus, carrots and mixtures	100		20		Art. 1 (6)
	Other	100		50		Art. 1 (6)
2005 10 00	Homogenised vegetables:					
	Asparagus, carrots and mixtures	100		20		Art. 1 (6)
	Other	100		50		Art. 1 (6)
2005 20 20	Potatoes, thinly sliced, fried or baked, whether or not salted or flavoured, in airtight packings, suitable for immediate consumption	100		50		Art. 1 (6)
2005 20 80	Other potatoes	100		50		Art. 1 (6)
2005 40 00	Peas ( <i>Pisum sativum</i> )	100		20		Art. 1 (6)
2005 51 00	Beans, shelled	100		50		Art. 1 (6)
2005 59 00	Other beans	20		—		
2005 60 00	Asparagus	20		—		
2005 70	Olives	100		—		
2005 90 10	Fruit of the genus <i>Capsicum</i> , other than sweet peppers or pimentos	100		—		
2005 90 30	Capers	100		—		
2005 90 50	Globe artichokes	100		50		Art. 1 (6)
2005 90 60	Carrots	100		20		Art. 1 (6)
2005 90 70	Mixtures of vegetables	100		20		Art. 1 (6)
2005 90 80	Other	100		50		Art. 1 (6)
2007 10 91	Homogenised preparations of tropical fruit	50		—		
2007 10 99	Other	50		—		
2007 91 90	Citrus fruit, other	50		—		
2007 99 91	Apple purée, including compotes	50		—		
2007 99 98	Other	50		—		



CN code	Description	Rate of reduction of customs duties (%)	Tariff quotas (tonnes)	Rate of reduction of customs duties outside existing or future tariff quotas (%)	Reference quantity (tonnes)	Specific provisions
		a	b	c	d	e
2008 30 51 2008 30 71 ex 2008 30 91 ex 2008 30 99	Grapefruit segments	80		—		
ex 2008 30 55 ex 2008 30 75	Mandarins (including tangerines and satsumas) finely shredded, clementines, wilkings and similar	80		—		
ex 2008 30 59 ex 2008 30 79	Oranges and lemons, finely shredded	80		—		
ex 2008 30 91 ex 2008 30 99	Citrus fruit, finely shredded	80		—		
ex 2008 30 91	Citrus pulp	40		—		
2008 50 61 2008 50 69	Apricots	100		20		Art. 1 (6)
ex 2008 50 92 ex 2008 50 94 ex 2008 50 99	Apricot halves	100		50		Art. 1 (6)
ex 2008 50 92 ex 2008 50 94	Apricot pulp	100	5 160	30		
ex 2008 70 92 ex 2008 70 94	Peach (including nectarine) halves	50		—		
ex 2008 70 99	Peach (including nectarine) halves	100		50		Art. 1 (6)
2008 92 51 2008 92 59 2008 92 72 2008 92 74 2008 92 76 2008 92 78	Mixtures of fruit	100	1 000 (5)	55		
2009 11 2009 19	Orange juice	70 (*)		—		
2009 20	Grapefruit juice	70 (*)		—		
2009 30 11 2009 30 19	Juice of all other citrus fruit	60 (*)		—		
ex 2009 30 31 ex 2009 30 39	Juice of all other citrus fruit, other than lemon juice	60		—		

CN code	Description	Rate of reduction of customs duties (%)	Tariff quotas (tonnes)	Rate of reduction of customs duties outside existing or future tariff quotas (%)	Reference quantity (tonnes)	Specific provisions
		a	b	c	d	e
ex 2204	Wine of fresh grapes	100	179 200 hl	80		
ex 2204	Wine of fresh grapes with a designation of origin	100	56 000 hl	0		Conditions laid down in Article 2
ex 2302	Brans, sharps and other residues, whether or not in the form of pellets, derived from the sifting, milling or other working of cereals or of leguminous plants, other than maize or rice	60		—		

(\*) The rate of reduction applies only to the *ad valorem* customs duty.

(†) Once Community rules governing potatoes come into force, this period will be extended to 15 April and the reduction in the rate of duty applying to quantities in excess of the quota will be 50 %.

(‡) Entry under this subheading is subject to the conditions laid down in the relevant Community provisions [see Articles 291 to 300 of Regulation (EEC) No 2454/93 (OJ L 253, 11.10.1993, p. 71) and subsequent amendments].

(§) This concession relates only to seeds complying with the directives on the marketing of seeds and plants.

(§) The quantity of tomato concentrate will rise to 4 000 tonnes in accordance with the following timetable: 1.1.2001 — 2 500 tonnes; 1.1.2002 — 2 875 tonnes; 1.1.2003 — 3 250 tonnes; 1.1.2004 — 3 625 tonnes; from 1.1.2005 — 4 000 tonnes.

(§) Tariff quota common to the six headings relating to mixtures of fruit.



1. Exporter (Name, full address, country):	2. Number	00000	
	3. Name of the authority guaranteeing the designation of origin:		
4. Consignee (Name, full address, country):	5. <b>CERTIFICATE OF DESIGNATION OF ORIGIN</b>		
	7. Designation of origin		
6. Means of transport:			
8. Place of unloading:			
9. Marks and numbers — number and kind of packages		10. Gross weight	11. Litres
12. Litres (in words):			
13. Certificate of the issuing authority:			
14. Customs stamp:		(See the translation under No 15)	

15. We hereby certify that the wine described in this certificate is wine produced within the wine district of .....  
and is considered by Tunisian legislation as entitled to the designation of origin '.....'

The alcohol added to this wine is alcohol of vinous origin.

16. <sup>(1)</sup>

<sup>(1)</sup> Space reserved for additional details given in the exporting country.

## ANNEX 1-B

## PROTOCOL No 3

**on the arrangements applying to imports into Tunisia of agricultural products originating in the Community**

## Sole Article

The customs duties on imports into Tunisia of the products originating in the Community listed in the Annex shall not be higher than those shown in column (a) within the limits of the tariff quotas shown in column (b)

CN code	Description	Maximum customs duties (%)	Preferential tariff quotas (%)	Specific provisions
		a	b	
0102 10	Live bovine animals, pure-bred breeding animals	17	2 000	
0102 90	Other than pure-bred breeding animals	27	35	(*)
0105 11	Fowls of the species <i>Gallus domesticus</i> (day-old chicks)	43	40	
0105 12	Turkeys (day-old chicks)			
0201 20	Meat of bovine animals, fresh or chilled, other cuts with bone in	27	8 000 <sup>(1)</sup>	(*)
0201 30	Meat of bovine animals, fresh or chilled, boneless	27	8 000 <sup>(1)</sup>	(*)
0202 20	Meat of bovine animals, frozen, other cuts with bone in	27	8 000 <sup>(1)</sup>	(*)
0202 30	Meat of bovine animals, frozen, boneless	27	8 000 <sup>(1)</sup>	(*)
0207 12	Poultry not cut in pieces, frozen (fowls of the species <i>Gallus domesticus</i> )	43	400	<sup>(2)</sup>
0402 10	Milk and cream, concentrated or containing added sugar or other sweetening matter, in powder, granules or other solid forms, of a fat content, by weight, not exceeding 1,5 %	17	9 700 <sup>(3)</sup>	(*)
0402 21	Milk and cream, not containing added sugar or other sweetening matter, in powder, granules or other solid forms, of a fat content, by weight, exceeding 1,5 %	17	9 700 <sup>(3)</sup>	(*)
0402 99	Milk and cream, concentrated, other than in powder or other solid forms, whether or not with added sugar or other sweetening matter	17	9 700 <sup>(3)</sup>	(*)
0405	Butter and other fats and oils derived from milk; dairy spreads	35	250	(*)
0406 30	Processed cheese, not grated or powdered	27	450	(*)
0407 00	— Birds' eggs, in shell, fresh, preserved or cooked	—	1 100	<sup>(2)</sup>
	— for hatching	20		
	— gamebirds' eggs	43		
	— other	43		
0602 90	Other live plants (including their roots) other than those falling within subheadings 0602 10, 0602 20, 0602 30 00, 0602 40 and 0602 90 10	43	200	

CN code	Description	Maximum customs duties (%)	Final customs duties (%)	Preferential tariff quotas (%)	Specific provisions
		a		b	
0701 10 00	Seed potatoes, fresh or chilled	15	0	16 500	( <sup>4</sup> )
0701 90	Potatoes, fresh or chilled, other than seed potatoes	43		16 500	( <sup>5</sup> )
0713 10 10	Peas ( <i>Pisum sativum</i> ), dried, shelled, whether or not skinned or split, for sowing	43		200	
0802 22 00	Hazelnuts or filberts, shelled	43	0	200	( <sup>4</sup> )
1001 10 00	Durum wheat	17		17 000	(*)
1001 90 00	Other than durum wheat	17		230 000	(*)
		17	0	230 000	( <sup>4</sup> ) ( <sup>6</sup> )
1003 00	Barley	17		12 000	(*)
1005 90 00	Maize (corn), other than seed	20	0	15 000	( <sup>4</sup> )
1006 30	Semi-milled or wholly milled rice, whether or not polished or glazed	27	0	4 000	( <sup>4</sup> )
1103 11	Groats and meal of wheat	43		300	
1103 13	Groats and meal of maize (corn)	43		800	
1107 10	Malt, not roasted	43		3 500	
1108 12 00	Maize (corn) starch	31	0	1 000	( <sup>4</sup> )
1210 20	Hop cones, ground	43		50	
1214 10	Lucerne (alfalfa) meal and pellets	29	0	15 000	( <sup>4</sup> )
1502 00	Fats of bovine animals, sheep or goats, other than those falling within heading 1503	27		600	
1507 10	Soya bean oil, crude, whether or not degummed	15	0	100 000	(**) ( <sup>4</sup> )
1508 10	Ground-nut oil, crude				
1511 10	Palm oil and its fractions, crude				
1512 11	Sunflower oil, crude				
1512 21	Cotton-seed oil, crude				
1514 10	Rape, colza or mustard oil, crude				
1515 11 00	Linseed oil, crude				
1515 21	Maize (corn) oil, crude				
1511 90	Palm oil and its fractions, whether or not refined, but not chemically modified, other than crude	43		300	

CN code	Description	Maximum customs duties (%)	Final customs duties (%)	Preferential tariff quotas (%)	Specific provisions
		a		b	
1514 90	Rape, colza or mustard oil, other than crude	43		900	
1516 10	Animal fats and oils, and their fractions	31		300	
1701 99	Cane or beet sugar and chemically pure sucrose, other than raw sugar, not containing added flavouring or colouring matter	15		72 000	(*)
1702 30	Glucose and glucose syrup:			650	
	— Glucose containing added flavouring or colouring matter	43			
	— Other	20			
1702 90	Sugars, including invert sugar, other than lactose, maple sugar, glucose and fructose, and their syrups			200	
	— other sugars containing added flavouring or colouring matter	43			
	— other	29			
2304 00 00	Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of soya-bean oil	20	0	6 000	(4)
2309 10 00	Dog or cat food, put up for retail sale	43		35	
2309 90 00	Other animals foods	43		2 800	
2401 10 00	Tobacco, not stemmed/stripped	25		2 800	

(\*) The quantities imported under the tariff quota opened by Tunisia within the WTO framework under the current access arrangements are deducted from the preferential tariff quota.

(\*\*) Overall quota for the eight subheadings.

(1) The figure of 8 000 tonnes covers all four subheadings.

(2) From 1 July to end February.

(3) The figure of 9 700 tonnes covers all three subheadings.

(4) The rate will be reduced to 0 % in five equal steps between 1 January 2001 and 1 January 2005.

(5) From 1 October to 31 May.

(6) Additional quota to the existing one subject to customs duties of 17 %.



# EUROPEAN CENTRAL BANK

## DECISION OF THE EUROPEAN CENTRAL BANK of 16 November 2000

**providing for the paying-up of capital and the contribution to the reserves and provisions of the ECB by the Bank of Greece, and for the initial transfer of foreign-reserve assets to the ECB by the Bank of Greece and related matters**

**(ECB/2000/14)**

**(2000/823/EC)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

the key referred to in Article 29.1 of the Statute is 2,0564 %.

Having regard to the Statute of the European System of Central Banks and of the European Central Bank (hereinafter referred to as the 'Statute') and in particular to Articles 28, 30, 34 and 49 thereof,

Whereas:

- (1) Pursuant to Council Decision 2000/427/EC of 19 June 2000 in accordance with Article 122(2) of the Treaty on the adoption by Greece of the single currency on 1 January 2001 <sup>(1)</sup>, Greece fulfils the necessary conditions for the adoption of the single currency, and the derogation in favour of Greece laid down in recital 4 of Council Decision 98/317/EC of 3 May 1998 in accordance with Article 109j(4) of the Treaty <sup>(2)</sup> shall be abrogated with effect from 1 January 2001. As a result, and with effect from 1 January 2001, the Bank of Greece becomes a national central bank (NCB) of a Member State without a derogation for purposes of this Decision.
- (2) Article 28.1 of the Statute provides that the capital of the European Central Bank (ECB), which became operational upon its establishment, shall be EUR 5 000 million. Article 28.2 of the Statute provides that the NCBs of the Member States of the European Union shall be the sole subscribers to and holders of the capital of the ECB and that the subscription of capital shall be according to the key established in accordance with Article 29. As provided in Decision ECB/1998/13 of 1 December 1998 on the NCBs' percentage shares in the key for the capital of the ECB <sup>(3)</sup> and in accordance with Council Decision (EC) No 382/98 of 5 June 1998 on the statistical data to be used for the determination of the key for subscription of the capital of the European Central Bank <sup>(4)</sup> the weighting of the Bank of Greece in

- (3) Article 49.1 of the Statute provides that the central bank of a Member State whose derogation has been abrogated shall pay up its share of the capital of the ECB to the same extent as the central banks of other Member States without a derogation. Article 28.3 of the Statute provides that the Governing Council of the ECB shall determine the extent to which and the form in which the capital shall be paid up. The Governing Council of the ECB determined in Decision ECB/1998/2 of 9 June 1998 laying down the measures necessary for the paying-up of the capital of the European Central Bank <sup>(5)</sup> that the subscriptions of the NCBs of the Member States without a derogation shall be paid up in full. The Bank of Greece shall therefore pay up its share of the subscribed capital of the ECB in full.
- (4) Article 48 of the Statute provides that, by way of derogation from Article 28.3 of the Statute, the central banks of Member States with a derogation shall not pay up their subscribed capital unless the General Council of the ECB, acting by a majority representing at least two thirds of the subscribed capital of the ECB and at least half of the shareholders, decides that a minimal percentage has to be paid up as a contribution to the operation costs of the ECB. The General Council of the ECB decided in Decision ECB/1998/14 of 1 December 1998 laying down the measures necessary for the paying-up of the capital of the ECB by the non-participating NCBs <sup>(6)</sup> that the NCBs of Member States with a derogation shall pay up 5 % of their subscription to the ECB's capital. In accordance with Decision ECB/1998/14, the Bank of Greece paid, as at 1 June 1998, an amount of EUR 5 141 000 of its subscribed capital of EUR 102 820 000. The Bank of Greece shall therefore be required to pay up in full the balance of its share of the subscribed capital not already paid up.

<sup>(1)</sup> OJ L 167, 7.7.2000, p. 19.

<sup>(2)</sup> OJ L 139, 11.5.1998, p. 30.

<sup>(3)</sup> OJ L 125, 19.5.1999, p. 33.

<sup>(4)</sup> OJ L 171, 17.6.1998, p. 33.

<sup>(5)</sup> OJ L 8, 14.1.1999, p. 33.

<sup>(6)</sup> OJ L 110, 28.4.1999, p. 33.

- (5) Article 30.1 of the Statute, in conjunction with Articles 43.1 and 43.4, provides that the ECB shall be provided by the NCB's of Member States without a derogation with foreign-reserve assets, other than Member States' currencies, euro, IMF reserve positions and special drawing rights (SDRs), up to an amount equivalent to EUR 50 000 million. Article 30.1 of the Statute further provides that the ECB shall have the full right to hold and manage the foreign reserves that are transferred to it and to use them for the purposes set out in the Statute.
- (6) Article 30.1 of the Statute further provides that the Governing Council of the ECB shall decide on the proportion to be called up by the ECB following its establishment and the amounts to be called up at later dates. The Governing Council of the ECB decided in the Guideline of 3 November 1998, as amended by Guideline ECB/2000/15 of 16 November 2000, on the composition, valuation and modalities for the initial transfer of foreign-reserve assets, and the denomination and remuneration of equivalent claims, attached as Annex to this Decision, that the NCBs of the Member States which adopted the single currency on 1 January 1999 transfer to the ECB foreign-reserve assets equivalent to the aggregate euro amount of EUR 39 468 950 000. It is considered appropriate, for reasons of transparency, to publish Guideline ECB/2000/15 as Annex to this Decision on the occasion of the initial transfer of foreign reserve assets to the ECB by the Bank of Greece.
- (7) Article 30.2 of the Statute, in conjunction with Article 43.6, provides that the contribution of each NC shall be fixed in proportion to its share in the capital of the ECB subscribed by the NCB's of Member States without a derogation.
- (8) Article 49.1 of the Statute provides that the central bank of a Member State whose derogation has been abrogated shall transfer to the ECB foreign-reserve assets in accordance with Article 30.1 of the Statute. Article 49.1 of the Statute further provides that the sum to be transferred shall be determined by multiplying the euro value at current exchange rates of the foreign-reserve assets which have already been transferred to the ECB in accordance with Article 30.1, by the ratio between the number of shares subscribed by the NCB concerned and the number of shares already paid up by the other NCBs. The 'foreign-reserves assets which have already been transferred to the ECB in accordance with Article 30.1' of the Statute comprise assets in or denominated in US dollars, Japanese yen and gold in the form of London Good Delivery Bars which were transferred to the ECB in accordance with the provisions of Guideline ECB/2000/15, attached as Annex to this Decision, by the NCB's of the Member States which adopted the single currency on 1 January 1999. The number of shares paid up by the other NCBs' shall, in view of Article 30.2 of the Statute in conjunction with Article 43.6, be taken to refer to the number of shares paid up by the other central banks of Member States without a derogation. The resulting sum is the aggregate euro-equivalent amount of foreign reserves which are required to be transferred under Article 49.1 of the Statute.
- (9) Article 30.6 of the Statute provides that the Governing Council of the ECB shall take all other measures necessary for the application of Article 30 of the Statute. The Governing Council of the ECB considers that the Bank of Greece should, in compliance with the requirements set forth in recital 8, transfer the same amounts of foreign-reserve assets in or denominated in US dollars, Japanese yen and gold that would have been transferred to the ECB by the Bank of Greece if the Bank of Greece had been a NCB of a Member State without a derogation on 1 January 1999. The Governing Council of the ECB notes that the aggregate amount of these US dollar, Japanese yen and gold amounts of foreign-reserve assets shall be equal to the euro-equivalent amount of foreign-reserve assets that is required to be transferred by the Bank of Greece to the ECB pursuant to Article 49.1 of the Statute.
- (10) Article 30.3 of the Statute provides that each NCB shall be credited by the ECB with a claim equivalent to its contribution; Article 30.3 of the Statute further provides that the Governing Council of the ECB shall determine the denomination and remuneration of such claims. The Governing Council of the ECB has determined the denomination and remuneration of such claims credited to the NCBs whose Member States adopted the single currency on 1 January 1999 in Guideline ECB/2000/15, attached as Annex to this Decision. Subject to the specifications provided for in this Decision, the provisions of Guideline ECB/2000/15 shall be applicable to the denomination and remuneration of the claim required to be credited by the ECB to the Bank of Greece in accordance with Article 30.3 of the Statute.
- (11) Article 49.2 of the Statute provides that in addition to the payment to be made in accordance with Article 49.1, the central bank of a Member State whose derogation has been abrogated shall contribute to the reserves of the ECB, to those provisions equivalent to reserves, and to the amount still to be appropriated to the reserves and provisions corresponding to the balance of the profit and loss account as at 31 December of the year prior to the abrogation of the derogation. Article 49.2 of the Statute further provides that the sum to be contributed shall be determined by multiplying the amount of the reserves, as defined above and as stated in the approved balance sheet of the ECB, by the ratio between the number of shares subscribed by the central bank concerned and the number of shares already paid up by the other central banks. Article 33.1, in conjunction with Article 43.5 of the Statute, provides that following the transfer of up to 20 % of the net profit of the ECB to the general reserve fund, the remaining net profit shall be transferred to the central banks of Member States without a derogation in proportion to their paid-up shares. The 'number of shares already paid up by the other central banks' shall, in view of Article 33.1, in conjunction with Article 43.5 of the Statute, be taken to refer to the number of shares paid up by the other central banks of Member states without a derogation.

- (12) Article 10.3 of the Statute, in conjunction with Article 43.4, provides that for any decisions to be taken under Articles 28 and 30 of the Statute, the votes in the Governing Council of the ECB shall be weighted according to the shares in the capital of the ECB subscribed by the central banks of Member States without a derogation.
- (13) In accordance with Article 3.4 of the ECB Rules of Procedure, the Governor of the Bank of Greece has attended the meeting of the Governing Council adopting this Decision,

HAS ADOPTED THIS DECISION:

#### Article 1

##### Definitions

For the purposes of this Decision:

- 'cash' shall mean the lawful currency of the United States (US dollar) or Japan (Japanese yen),
- 'foreign-reserve assets' shall mean securities, gold or cash,
- 'gold' shall mean fine troy ounces of gold in the form of London Good Delivery Bars, as specified by the London Bullion Market Association,
- 'securities' shall mean any eligible security or financial instrument as specified by the ECB.

#### Article 2

##### Payment of capital

The Bank of Greece shall pay up 95 % of its subscription to the ECB's capital in an amount equal to EUR 97 679 000. The amounts required to be paid by the Bank of Greece shall be due as of 1 January 2001. The Bank of Greece shall, in due course, give instructions for the transfer of such amount, and of accrued interest thereon, on 2 January 2001, through Target (Trans-European automated real-time settlement express transfer system) or to an account of the ECB at the Bank of International Settlements, as specified by the ECB. Accrued interest shall be calculated at a rate equal to the marginal interest rate used by the ESCB in its most recent main refinancing operation, and the calculation of interest shall be effected on a daily basis, using the actual over-360-day method of calculation.

#### Article 3

##### Transfer of foreign-reserve assets

1. The Bank of Greece shall transfer the same amounts of foreign-reserve assets in or denominated in US dollars, Japanese yen and gold that would have been transferred to the ECB by the Bank of Greece if the Bank of Greece had been a NCB of a Member State without a derogation on 1 January 1999.
2. The Bank of Greece shall transfer to the ECB a portfolio of securities and cash in or denominated in US dollars or Japanese yen within deviation bands around the modified durations of the tactical benchmark portfolios as are specified by the ECB, and in conformity with such credit limits as are specified by the ECB.

3. The settlement dates for securities and cash to be transferred to the ECB shall be specified by the ECB, and in due course the Bank of Greece shall give instructions for the transfer of the ownership of securities and for the transfer of cash to the ECB on the settlement dates. The value of all securities shall be calculated on the basis of prices designated by the ECB, and the Bank of Greece shall transfer securities and cash to such accounts as are specified by the ECB.

4. The Bank of Greece shall transfer gold on such dates, to such accounts and at such locations as are specified by the ECB.

#### Article 4

##### Denomination, remuneration and maturity of the claim equivalent to the Bank of Greece's contribution, and transitional regime of foreign-exchange losses

1. Subject to the specifications provided for in this Decision, the provisions of Articles 3 and 4 of Guideline ECB/2000/15, attached as Annex to this Decision, shall be applicable with effect from 1 January 2001 to the claim required to be credited by the ECB to the Bank of Greece in accordance with Article 30.3 of the Statute.
2. For purposes of calculating the claim required to be credited by the ECB to the Bank of Greece in accordance with Article 30.3 of the Statute and Article 3.1 of Guideline ECB/2000/15, the aggregate euro equivalent value of the foreign-reserve assets transferred by the Bank of Greece shall be calculated on the basis of the exchange rates between the euro and the US dollar or Japanese yen established as a result of the daily concertation teleconference procedure on 29 December 2000 among those central banks that participate in such procedure and, in the case of gold, on the basis of the US dollar price of gold per fine troy ounce established in the London gold fixing at 10.30 a.m., London time, on 29 December 2000. The amount so calculated shall be confirmed by the ECB to the Bank of Greece as soon as possible on 29 December 2000.

#### Article 5

##### Contribution to reserves and provisions of the ECB

1. In accordance with Article 49.2 of the Statute, the Bank of Greece shall contribute to the reserves of the ECB, to those provisions equivalent to reserves, and to the amount still to be appropriated to the reserves and provisions corresponding to the balance of the profit and loss account as at 31 December of the financial year ending 31 December 2000. The sum to be contributed by the Bank of Greece shall be determined by multiplying the amount of the reserves, as defined above and as stated in the approved balance sheet of the ECB as at 31 December 2000, by the ratio between the number of shares subscribed by the Bank of Greece and the number of shares already paid up by the other central banks of Member States without a derogation.
2. For the purposes of paragraph 1 above, 'reserves of the ECB' and 'provisions equivalent to reserves' shall, without limiting the generality of the foregoing, include the general reserve fund of the ECB and the provisions equivalent to reserves for valuation losses with respect to foreign-exchange rates and market prices.

3. The amounts required to be paid by the Bank of Greece in accordance with paragraph 1 shall be due as of 1 January 2001. The ECB shall, in due course, calculate and confirm to the Bank of Greece the amounts required to be contributed by the Bank of Greece to the ECB in accordance with paragraph 1, and the Bank of Greece shall give instructions for the transfer to the ECB on 30 March 2001 of any such amounts, and of accrued interest thereon, through Target or to an account of the ECB at the Bank for International Settlements, as specified by the ECB. Accrued interest shall be calculated from 1 January through 30 March 2001 at a rate equal to the marginal interest rate used by the ESCB in its most recent main refinancing operation, and the calculation of interest shall be effected on a daily basis, using the actual over-360-day method of calculation.

*Article 6*

**Final provisions**

Guideline ECB/2000/15 is hereby attached as Annex to this Decision for reasons of transparency.

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Frankfurt am Main, 16 November 2000.

*The President of the ECB*

Willem F. DUISENBERG

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## ANNEX

**GUIDELINE OF THE EUROPEAN CENTRAL BANK**  
**of 3 November 1998**  
**as amended by the Guideline of 16 November 2000**  
**on the composition, valuation and modalities for the initial transfer of foreign-reserve assets, and the denomi-**  
**nation and remuneration of equivalent claims**

(ECB/2000/15)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank (hereinafter referred to as the 'Statute') and in particular to Articles 12.1, 14.3, 30 and 32 thereof,

Whereas:

- (1) Article 30.1 of the Statute, in conjunction with Articles 43.1 and 43.4, provides that the European Central Bank (ECB) shall be provided by the national central banks (NCBs) of Member States which have adopted the single currency in accordance with the Treaty establishing the European Community (participating NCBs) with foreign-reserve assets, other than Member States' currencies, euro, IMF reserve positions and special drawing rights (SDRs), up to an amount equivalent to EUR 50 000 million. Article 30.1 of the Statute further provides that the Governing Council of the ECB shall decide on the proportion to be called up by the ECB following its establishment and the amounts to be called up at later dates. Article 30.1 of the Statute further provides that the ECB shall have the full right to hold and manage the foreign reserves that are transferred to it and to use them for the purposes set out in the Statute.
- (2) Article 30.2 of the Statute, in conjunction with Article 43.6, provides that the contribution of each participating NCB shall be fixed in proportion to its share in the capital of the ECB subscribed by the NCBs of Member States without a derogation.
- (3) Article 30.3 of the Statute provides that each NCB shall be credited by the ECB with a claim equivalent to its contribution. Article 30.3 of the Statute further provides that the Governing Council of the ECB shall determine the denomination and remuneration of such claims.
- (4) Article 30.6 of the Statute provides that the Governing Council of the ECB shall take all other measures necessary for the application of Article 30 of the Statute.
- (5) Article 33.2 of the Statute provides that in the event of a loss incurred by the ECB the shortfall may be offset against the general reserve fund of the ECB and, if necessary, against the monetary income of the relevant financial year in proportion and up to the amounts allocated to the participating NCBs in accordance with Article 32.5 of the Statute. In accordance with Article 32.5 of the Statute, the Governing Council of the ECB adopted the Decision of 3 November 1998 on the allocation of monetary income of the national central banks of participating Member States and losses of the ECB for the financial years 1999 to 2001 <sup>(1)</sup>.
- (6) Article 32.7 of the Statute provides that the Governing Council of the ECB shall take all other measures necessary for the application of Article 32 of the Statute.
- (7) Article 10.3 of the Statute, in conjunction with Article 43.4, provides that for any decisions to be taken under Article 30 of the Statute, the votes in the Governing Council of the ECB shall be weighted according to the NCBs' shares in the capital of the ECB subscribed by the central banks of Member States without a derogation.
- (8) In accordance with Articles 12.1 and 14.3 of the Statute, ECB Guidelines form an integral part of Community law,

HAS ADOPTED THIS GUIDELINE:

*Article 1*

**Definitions**

For the purposes of this Guideline:

- 'cash' shall mean the lawful currency of the United States (US dollar) or Japan (Japanese yen),
- 'foreign-reserve assets' shall mean securities, gold or cash,

<sup>(1)</sup> See page 119 of this Official Journal.

- 'gold' shall mean fine troy ounces of gold in the form of London Good Delivery Bars, as specified by the London Bullion Market Association,
- 'participating Member States' shall mean those Member States which adopted the single currency on 1 January 1999 in accordance with the Treaty,
- 'participating NCBs' shall mean national central banks of participating Member States,
- 'securities' shall mean any eligible security or financial instrument as specified by the ECB,
- 'transitional period' shall mean the period between 1 January 1999 and 31 December 2001.

#### Article 2

##### **Transfers of foreign-reserve assets by participating NCBs**

1. Each participating NCB shall transfer to the ECB foreign-reserve assets in or denominated in US dollars, Japanese yen and gold equivalent to the euro amounts set out in the Appendix to this Guideline.
2. The US dollar amount, the Japanese yen amount and the gold amount (in fine troy ounces) equivalent to the euro amounts set out in the Appendix to this Guideline shall be calculated on the basis of the exchange rates between the ecu and the US dollar or Japanese yen established as a result of the concertation teleconference procedure at 11.30 a.m., Brussels time, on 31 December 1998 among those central banks that participate in such procedure and, in the case of gold, on the basis of the US dollar price of gold per fine troy ounce established in the London gold fixing at 10.30 a.m., London time, on 31 December 1998. The amounts so calculated shall be confirmed by the ECB to the participating NCBs as soon as possible on 31 December 1998.
3. Each participating NCB shall transfer to the ECB a portfolio of securities and cash in or denominated in US dollars or Japanese yen within deviation bands around the modified durations of the tactical benchmark portfolios as are specified by the ECB, and in conformity with such credit limits as are specified by the ECB.
4. The settlement dates for securities and cash to be transferred to the ECB shall be specified by the ECB, and in due course each participating NCB shall give instructions for the transfer of the ownership of securities and for the transfer of cash to the ECB on the settlement dates. The value of all securities shall be calculated on the basis of prices designated by the ECB, and each participating NCB shall transfer securities and cash to such accounts as are specified by the ECB.
5. Each participating NCB shall transfer gold on such dates, to such accounts and at such locations as are specified by the ECB.

#### Article 3

##### **Denomination, remuneration and maturity of claims equivalent to participating NCBs' contributions**

1. The ECB shall credit each participating NCB with a claim denominated in euro-equivalent to the aggregate euro amount of each participating NCB's contribution of foreign-reserve assets.
2. The aggregate euro equivalent values of the foreign-reserve assets transferred by each participating NCB shall be as set out in the Appendix to this Guideline.
3. The claim credited by the ECB to each participating NCB shall be remunerated at a rate that shall be equivalent to 85 % of the marginal interest rate used by the ESCB in its main refinancing operations. The calculation of interest on each participating NCB's claim shall be effected by the ECB on a daily basis, using the actual over-360-day method of calculation.
4. The claim shall be remunerated at the end of each financial year. The ECB shall inform the NCBs on a quarterly basis of the cumulative amounts.
5. The claims are not redeemable.

#### Article 4

##### **Transitional regime for foreign exchange losses**

1. Each participating NCB shall waive the claim credited to such participating NCB by the ECB to the extent set out in paragraphs 2 and 4 in the event that the ECB incurs an unrealised loss in any financial year during the transitional period owing to a decline in the euro-equivalent value of the ECB's foreign-reserve assets resulting solely from exchange rate or gold price fluctuations, provided that such shortfall cannot be offset in accordance with Article 33.2 of the Statute.
2. In the event of any unrealised losses as referred to in paragraph 1, the shortfall resulting solely from such losses for the relevant financial year shall be offset by each participating NCB waiving a part of the original value of its claim corresponding to its share of such losses in an amount up to the limit set out in paragraph 4.
3. The offsetting of losses in accordance with paragraph 2 shall take place on an annual basis, together with the calculation of the monetary income of the ESCB for the corresponding financial year.

4. Waivers of the value of each participating NCB's claim shall be fixed in proportion to each participating NCB's share in the capital of the ECB subscribed by the central banks of Member States without a derogation. The maximum cumulative waivers of the value of each participating NCB's claim during the transitional period shall not exceed 20 % of the original value of the claim.

*Article 5*

**Final provisions**

This Guideline is addressed to the national central banks of participating Member States.

This Guideline shall be published in the *Official Journal of the European Communities*.

Done at Frankfurt am Main, 3 November 1998, and amended and approved for publication in the *Official Journal of the European Communities* on 16 November 2000.

*On behalf of the Governing Council of the ECB*

*The President*

Willem F. DUISENBERG

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## Appendix

**Euro-equivalent amounts of foreign reserve assets to be transferred by each participating NCB whose Member State shall have adopted the single currency on 1 January 1999**

National central bank	Euro-equivalent amounts of US dollar and Japanese yen securities and cash	Euro-equivalent amounts of gold	Aggregate euro-equivalent amounts of foreign-reserve assets
Nationale Bank van België/Banque Nationale de Belgique	1 217 965 000	214 935 000	1 432 900 000
Deutsche Bundesbank	10 409 737 500	1 837 012 500	12 246 750 000
Banco de España	3 779 737 500	667 012 500	4 446 750 000
Banque de France	7 154 322 500	1 262 527 500	8 416 850 000
Central Bank of Ireland	361 080 000	63 720 000	424 800 000
Banca d'Italia	6 330 375 000	1 117 125 000	7 447 500 000
Banque centrale du Luxembourg	63 410 000	11 190 000	74 600 000
De Nederlandsche Bank	1 818 150 000	320 850 000	2 139 000 000
Österreichische Nationalbank	1 002 745 000	176 955 000	1 179 700 000
Banco de Portugal	817 360 000	144 240 000	961 600 000
Suomen Pankki	593 725 000	104 775 000	698 500 000
<b>Total</b>	<b>33 548 607 500</b>	<b>5 920 342 500</b>	<b>39 468 950 000</b>



**DECISION OF THE EUROPEAN CENTRAL BANK**  
**of 14 December 2000**  
**on the approval of the volume of coin issuance in 2001**  
**(ECB/2000/17)**  
**(2000/824/EC)**

THE COVERING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty establishing the European Community (hereinafter referred to as the 'Treaty') and in particular to Article 106(2) thereof,

Whereas:

- (1) The European Central Bank (ECB) has the exclusive right to approve the volume of coins issued by the Member States as from 1 January 1999.
- (2) Member States have submitted to the ECB for approval their estimates of the volume of national coins to be issued in 2001, supplemented by explanatory notes on the forecasting methodology,

HAS DECIDED AS FOLLOWS:

*Article 1*

**Approval of the volume of national coins to be issued in 2001**

The ECB hereby approves the volume of coins to be issued by the participating Member States in 2001 as described in the following table:

<i>(million EUR)</i>	
	Issuance of coins intended for circulation and issuance of collector coins (not intended for circulation) in 2001
Belgium	38,3
Germany	153,9
Greece	23,0
Spain	217,5

*(million EUR)*

	Issuance of coins intended for circulation and issuance of collector coins (not intended for circulation) in 2001
France	82,4
Ireland	45,0
Italy	18,7
Luxembourg	0,6
Netherlands	49,9
Austria	105,9
Portugal	30,0
Finland	25,2

*Article 2*

**Final provisions**

This Decision is addressed to the participating Member States.

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Frankfurt am Main, 14 December 2000.

*The President of the ECB*  
 Willem F. DUISENBERG

**DECISION OF THE EUROPEAN CENTRAL BANK**  
**of 3 November 1998**  
**as amended by Decision of 14 December 2000**  
**on the allocation of monetary income of the national central banks of participating Member States**  
**and losses of the ECB for the financial years 1999 to 2001**  
**(ECB/2000/19)**  
**(2000/825/EC)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank (hereinafter referred to as the 'Statute') and in particular to Article 32 and the fifth paragraph of Article 34.2 thereof,

Whereas:

- (1) According to Article 32.2 of the Statute, the amount of monetary income of each participating national central bank (NCB) shall be equal to its annual income derived from its assets held against notes in circulation and deposit liabilities to credit institutions. According to Article 32.3 of the Statute, if the balance-sheet structures of participating NCBs after the start of the third stage do not permit the application of the method foreseen in Article 32.2 of the Statute for the allocation of monetary income of participating NCBs, the Governing Council may temporarily adopt an alternative method.
- (2) According to Article 32.4 of the Statute, the amount of each participating NCB's monetary income shall be reduced by an amount equivalent to any interest paid by that NCB on its deposit liabilities to credit institutions in accordance with Article 19 of the Statute. According to Article 32.5 of the Statute, the sum of the participating NCBs' monetary income shall be allocated to the participating NCBs in proportion to their paid-up shares in the capital of the ECB.
- (3) According to Articles 32.6 and 32.7 of the Statute, it is for the Governing Council of the ECB to arrange for the clearing and settlement at the ECB of the balances arising from the allocation of monetary income and to take all other measures necessary for the application of Article 32 of the Statute.
- (4) Article 10.3 of the Statute stipulates that for any decision taken under Article 32 of the Statute, the votes of the Governing Council of the ECB shall be weighted according to the NCBs' shares in the subscribed capital of the ECB.
- (5) Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro <sup>(1)</sup>, in particular Articles 1, 9 and 10 thereof, has provided for a continuation, during the transitional period (i.e. the period between 1 January 1999 and 31 December 2001), of the territorial

limits for the legal-tender status of banknotes denominated in a national currency unit. Such national banknotes are issued by the participating NCBs. Banknotes denominated in euro will only be put into circulation on 1 January 2002. During the transitional period the ESCB's monetary policy function is unlikely to have any material impact on banknotes in circulation.

- (6) The introduction of the euro in Greece on 1 January 2001 has entailed the need for adapting numerous ECB legal acts and also this Decision. This Decision should consequently enter into force on the abovementioned date,

HAS DECIDED AS FOLLOWS:

#### *Article 1*

#### **Definitions**

For the purposes of this Decision:

- 'equivalent claims' shall mean the claims of the participating NCBs against the ECB arising from the transfer of foreign-reserve assets from the NCBs to the ECB under Article 30 of the Statute,
- 'euro area financial sector counterparties' shall mean (i) credit institutions as defined in Article 1(1) of Directive 2000/12/EC of the European Parliament and of the Council of 20 March 2000 relating to the taking up and pursuit of the business of credit institutions <sup>(2)</sup>, other than participating NCBs, the registered or head office of which is located in a participating Member State; and (ii) branches of credit institutions, as defined in Article 1(3) of Directive 2000/12/EC in a participating Member State, which have neither their registered nor their head office in a participating Member State,
- 'HBS' shall mean the harmonised balance sheet as structured in Annex IX of Guideline ECB/2000/18 of 1 December 1998 on the legal framework of accounting and reporting in the European System of Central Banks <sup>(3)</sup>, as amended on 15 December 1999 and on 14 December 2000,
- 'liability base' shall be the amount of qualifying liabilities, within the balance sheet of each participating NCB, specified in accordance with the Annex to this Decision,

<sup>(1)</sup> OJ L 139, 11.5.1998, p. 1.

<sup>(2)</sup> OJ L 126, 26.5.2000, p. 1.

<sup>(3)</sup> Not yet published in the Official Journal.

- 'participating NCB' shall mean a national central bank of a Member State which has adopted the single currency in accordance with the Treaty establishing the European Community,
- 'reference rate' shall be the latest available interest rate used by the ESCB in its main refinancing operations under paragraph 3.1.2 of Annex I to Guideline ECB/2000/7 of 31 August 2000 on monetary policy instruments and procedures of the Eurosystem<sup>(1)</sup>,
- 'transitional period', shall mean the period between 1 January 1999 and 31 December 2001.

#### Article 2

##### Method for measuring monetary income

1. During the transitional period, the amount of each participating NCB's monetary income shall be determined in accordance with the following formula:

$$MI = [LB \times RR]$$

where:

- MI is the amount of each participating NCB's monetary income to be pooled,
  - LB is the liability base of each participating NCB, and
  - RR is the reference rate.
2. The amount of each participating NCB's monetary income shall be reduced by an amount equivalent to any interest paid on liabilities included within the liability base.

#### Article 3

##### Calculation and allocation of monetary income

1. The calculation of each participating NCB's monetary income shall be effected by the ECB on a daily basis. The calculation shall be based on accounting data reported by participating NCBs to the ECB under Guideline ECB/2000/18.
2. The sum of each participating NCB's monetary income shall be allocated to the participating NCBs in proportion to their paid-up shares in the capital of the ECB. Such allocation of monetary income shall take place at the end of each financial year. The ECB shall inform the NCBs of the cumulative amounts on a quarterly basis.
3. The amount of monetary income to be allocated to each participating NCB shall be adjusted in accordance with any decision by the Governing Council of the ECB made in relation to the second paragraph of Article 32.4 of the Statute.
4. The amount of monetary income to be allocated to each participating NCB shall be offset against the amounts due by the same participating NCB as calculated in accordance with Article 2. The net balances arising from the allocation of monetary income shall be settled at the ECB.

#### Article 4

##### Transitional direct charge on income accruing to participating NCBs from national banknotes in circulation

1. There shall be a charge on income accruing to each participating NCB from assets held against national banknotes in circulation (NCB's seigniorage). Such charge shall give the ECB the right to access an NCB's seigniorage with the exclusive purpose of covering those losses of the ECB that cannot be funded during the financial years 1999, 2000 and 2001 either (i) in the manner outlined under Article 33.2 of the Statute; or (ii) against that portion of the equivalent claims which can be partially offset against foreign-exchange losses under the Guideline ECB/2000/15 of 3 November 1998 as amended by the Guideline of 16 November 2000 on the composition, valuation and modalities for the initial transfer of foreign reserve assets, and the denomination and remuneration of equivalent claims<sup>(2)</sup>.
2. The Governing Council of the ECB, in addition to approving the annual accounts of the ECB each financial year, shall decide the amount of the charge and establish the modalities for settlement of unfunded losses.
3. The amount of the charge shall have a maximum upper limit equivalent to the increase in the total monetary income of the ESCB that would have arisen if banknotes denominated in national currency units had been included in the liability base. The amount of the charge of each participating NCB shall be in proportion to its key for subscription to the capital of the ECB. This limit shall be reduced to the extent necessary to ensure that no participating NCB shall be liable for more than the total of its seigniorage income from national banknotes in circulation for the relevant financial year. For the purposes of this paragraph, national seigniorage shall be calculated by applying the reference rate to the amount of national banknotes in circulation.

#### Article 5

##### Final provisions

This Decision, as amended by Decision ECB/2000/NP17, shall enter into force on 1 January 2001.

This Decision applies to the financial years of 1999, 2000 and 2001.

Done in Frankfurt am Main on 3 November 1998, and amended and approved for publication in the *Official Journal of the European Communities* on 14 December 2000.

*The President of the ECB*

Willem F. DUISENBERG

<sup>(1)</sup> OJ L 310, 11.12.2000, p. 1.

<sup>(2)</sup> See page 114 of this Official Journal.

## ANNEX

**COMPOSITION OF THE LIABILITY BASE**

- A. The liability base shall include, with the exclusion of any other item:
1. Liabilities to euro area financial sector counterparties denominated in euro, including:
    - (a) current accounts (item 2.1 of the HBS);
    - (b) reserve requirements under Article 19.1 of the Statute (item 2.1 of the HBS);
    - (c) amounts in deposit under the ESCB deposit facility (item 2.2 of the HBS);
    - (d) fixed-term deposits (item 2.3 of the HBS);
    - (e) deposits related to margin calls arising from ESCB monetary policy operations (item 2.5 of the HBS);
    - (f) liabilities arising from liquidity-absorbing repurchase operations (reserve repos) under Chapter 3.1 of Annex I to Guideline ECB/2000/7 of 31 August 2000 on monetary policy instruments and procedures of the Eurosystem <sup>(1)</sup>.
  2. Liabilities of participating NCBs arising from the issuance to the ECB of promissory notes in connection with the issuance by the ECB of debt certificates under Chapter 3.3 of Annex I to Guideline ECB/2000/7 (item 10.2 of the HBS).
- B. The amount of each participating NCB's liability base shall be calculated in accordance with the harmonised accounting principles and rules established in Guideline ECB/2000/18 of 1 December 1998 on the legal framework of accounting and reporting in the European System of Central Banks as amended on 15 December 1999 and on 14 December 2000 <sup>(2)</sup>.
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<sup>(1)</sup> OJ L 310, 11.12.2000, p. 1.

<sup>(2)</sup> Not yet published in the Official Journal

**AGREEMENT  
of 16 November 2000**

**between the European Central Bank and the Bank of Greece regarding the claim credited to the  
Bank of Greece by the European Central Bank under Article 30.3 of the Statute of the ESCB and  
related matters**

THE EUROPEAN CENTRAL BANK AND THE BANK OF GREECE,

ting the amount required to be contributed by the Bank of Greece in accordance with recital 2.

Whereas:

(1) Pursuant to Article 30.3 of the Statute of the European System of Central Banks and of the European Central Bank (hereinafter referred to as the 'Statute') and Article 4(1) of Decision ECB/2000/14 of 16 November 2000 providing for the paying up of the capital and the contribution to the reserves and provisions of the ECB by the Bank of Greece, and for the initial transfer of foreign-reserve assets to the ECB by the Bank of Greece and related matters <sup>(1)</sup>, the European Central Bank (ECB) shall credit the Bank of Greece with a claim denominated in euro equivalent to the aggregate euro amount of the Bank of Greece's contribution of foreign-reserve assets. The Governing Council of the ECB has decided that the Bank of Greece shall, in compliance with the requirements of Article 49.1 of the Statute, transfer the same amounts of foreign-reserve assets in or denominated in US dollars, Japanese yen and gold that would have been transferred to the ECB by the Bank of Greece if the Bank of Greece had been a national central bank (NCB) of a Member State which has adopted the single currency (participating NCBs) on 1 January 1999. Pursuant to Article 4(2) of Decision ECB/2000/14, the aggregate euro equivalent value of the foreign-reserve assets transferred by the Bank of Greece shall be calculated on the basis of the exchange rates between the euro and the US dollar or Japanese yen established as a result of the daily concertation teleconference procedure on 29 December 2000 among those central banks that participate in such procedure and, in the case of gold, on the basis of the US dollar price of gold per fine troy ounce established in the London gold fixing at 10.30 a.m., London time, on 29 December 2000, and the amount so calculated shall be confirmed by the ECB to the Bank of Greece as soon as possible on 29 December 2000.

(2) Article 49.2 of the Statute requires the Bank of Greece to contribute to the reserves of the ECB, to those provisions equivalent to reserves, and to the amount still to be appropriated to the reserves and provisions corresponding to the balance of the profit and loss account as at 31 December of the year ending 31 December 2000.

(3) The ECB and the Bank of Greece agree that the claim required to be credited by the ECB to the Bank of Greece in accordance with recital 1 may be reduced by offset-

(4) The ECB and the Bank of Greece agree to reduce the claim to be credited by the ECB to the Bank of Greece following the offsetting set forth in recital 3 to an amount equal to EUR 1 028 200 000 in order to ensure that the ratio between the amount in euro of the claim credited to the Bank of Greece and the aggregate amount in euro of the claims credited to the other participating NCBs shall be equal to the ratio between the Bank of Greece's weighting in the key for subscription of the ECB's capital and the other participating NCBs' aggregate weighting in the key for subscription of the ECB's capital.

(5) The ECB and the Bank of Greece agree on other modalities for the crediting of the claim required to be credited by the ECB to the Bank of Greece, including the possibility that it may, depending on exchange-rate movements, be necessary to increase rather than reduce such claim to an amount equal to EUR 1 028 200 000.

(6) In view of the agreement of the parties reflected herein it is necessary to adapt the provisions of Article 4 of the Guideline of 3 November 1998, as amended by Guideline ECB/2000/15 of 16 November 2000, on the composition, valuation and modalities for the initial transfer of foreign-reserve assets, and the denomination and remuneration of equivalent claims, attached as Annex to Decision ECB/2000/14, relating to the waiver by participating NCBs of the claims credited to such NCBs by the ECB in the event that the ECB incurs an unrealised loss in any financial year during the transitional period between 1 January 1999 and 31 December 2001 owing to a decline in the euro-equivalent value of the ECB's foreign-reserve assets resulting solely from exchange-rate or gold price fluctuation. For the purposes of the application of Article 4(2) of Guideline ECB/2000/15, attached as Annex to Decision ECB/2000/14, the original value of the Bank of Greece's claim shall be taken to be EUR 1 028 200 000.

(7) Article 10.3 of the Statute, in conjunction with Article 43.4, provides that for any decisions to be taken under Article 30 of the Statute, the votes in the Governing Council of the ECB shall be weighted according to the shares in the capital of the ECB subscribed by the central banks of Member States without a derogation. The Governing Council of the ECB has approved the ECB's entry into this Agreement in accordance with such procedure specified under Article 10.3 of the Statute,

<sup>(1)</sup> See page 110 of this Official Journal.

HAVE AGREED AS FOLLOWS:

#### Article 1

##### Modalities for crediting of Bank of Greece's claim

1. If the aggregate amount of the claim required to be credited by the ECB to the Bank of Greece in accordance with Article 30.3 of the Statute and Article 4(1) of Decision ECB/2000/14 is greater than EUR 1 028 200 000 on the final date on which the ECB receives foreign reserve assets from the Bank of Greece, the amount of such claim shall be reduced on such date to an amount equal to EUR 1 028 200 000. Such reduction shall be made by offsetting the amount required to be contributed by the Bank of Greece as of 1 January 2001 to the provisions equivalent to reserves of the ECB for valuation losses with respect to foreign-exchange rates, pursuant to Article 49.2 of the Statute together with Article 5 of Decision ECB/2000/14. Such offsetting shall be treated as an advance contribution to the provisions equivalent to reserves for valuation losses with respect to foreign-exchange rates and market prices, and such advance contribution shall be deemed to have been made as of the date of such offsetting.

2. If the amount required to be contributed by the Bank of Greece to the provisions equivalent to reserves of the ECB for valuation losses with respect to foreign-exchange rates, is less than the difference between (a) the aggregate amount of the claim required to be credited by the ECB to the Bank of Greece in accordance with Article 30.3 of the Statute and Article 4(1) of Decision ECB/2000/14 and (b) EUR 1 028 200 000, then the amount of such claim shall be reduced to an amount equal to EUR 1 028 200 000 (1) by offsetting in accordance with paragraph 1, and (2) by the ECB paying the Bank of Greece an amount in euro equal to the amount of the shortfall remaining after such offsetting. Any amount required to be paid by the ECB in accordance with this paragraph 2 shall be due from 1 January 2001. The ECB shall, in due course, give instructions for the transfer of such amount, and of net accrued interest thereon, through Target (Trans-European automated real-time gross settlement express transfer system). Accrued interest shall be calculated at a rate equal to the marginal interest rate used by the ESCB in its most recent main refinancing operation, and the calculation of interest shall be effected on a daily basis, using the actual over-360-day method of calculation.

3. If the aggregate amount of the claim required to be credited by the ECB to the Bank of Greece in accordance with Article 30.3 of the Statute and Article 4(1) of Decision ECB/2000/14 is lower than EUR 1 028 200 000 on the final date on which the ECB receives foreign-reserve assets from the Bank of Greece, the amount of such claim shall be increased on such date to an amount equal to EUR 1 028 200 000. The amount of such claim shall be increased by the Bank of Greece paying the ECB an amount in euro equal to the amount of such

difference. Any amount required to be paid by the Bank of Greece in accordance with this paragraph 3 shall be due from 1 January 2001, and shall be paid in accordance with the procedures specified in Article 5(3) of Decision ECB/2000/14.

#### Article 2

##### Waiver of the Bank of Greece's claim

1. If the participating NCBs other than the Bank of Greece have waived the claims credited to such participating NCBs by the ECB in accordance with the provisions of Article 4 of Guideline ECB/2000/15, attached as Annex to Decision ECB/2000/14, in the event that the ECB incurs an unrealised loss in the financial year ending 31 December 2000 giving rise to such waiver, the amount of the Bank of Greece's claim of EUR 1 028 200 000 shall be reduced by the same percentage by which the original value of the other participating NCBs' claims shall have been so waived. In the event of such a reduction in the claim credited to the Bank of Greece, the ECB shall pay the Bank of Greece an amount in euro equal to the amount of such reduction.

2. The amount required to be paid by the ECB in accordance with paragraph 1 shall be due as of the date such waiver becomes effective. The ECB shall, in due course, give instructions for the transfer to the Bank of Greece on 30 March 2001 of any such amounts, and of accrued interest thereon, through Target. Accrued interest shall be calculated from the date such waiver becomes effective until 30 March 2001 at a rate equal to the marginal interest rate used by the ESCB in its most recent main refinancing operation, and the calculation of interest shall be effected on a daily basis, using the actual over-360-day method of calculation.

#### Article 3

##### Final provisions

This Agreement shall enter into force on 1 January 2001.

This Agreement shall be drawn up in two duly signed originals in the English language, one of which shall be retained by each of the ECB and the Bank of Greece.

This Agreement shall be published in the *Official Journal of the European Communities*.

Done at Frankfurt am Main, 16 November 2000.

European Central Bank

Willem F. DUISENBERG

President

Bank of Greece

Lucas D. PAPADEMOS

Governor

### **NOTICE TO READERS**

Owing to a technical problem occurring between the publication of Regulation (EC) No 2119/2000 (OJ L 252, 6.10.2000, p. 11) and that of Regulation (EC) No 2220/2000 (OJ L 253, 7.10.2000, p. 1), document Nos 2120/2000 to 2219/2000 have not been assigned.