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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 5/2001
of 19 December 2000
amending Regulation (EEC) No 1907/90 on certain marketing standards for eggs**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, and in particular Article 2(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Regulation (EEC) No 1907/90 ⁽²⁾ lays down certain marketing standards for eggs.
- (2) The method by which hens are farmed has become one of the major factors for consumers when purchasing eggs. The Commission has undertaken to propose an amendment of the marketing standards and to make it compulsory to indicate the farming method on eggs and packs so that consumers are not liable to be misled. To that end, clear and unambiguous compulsory labelling is the only way of ensuring that the consumer is able to make an informed choice between the various classes of egg on the basis of the farming method. Appropriate compulsory labelling is in line with the wishes expressed by consumers and consumer organisations.
- (3) To supplement consumer information, labelling may also indicate how the hens are fed.
- (4) It is necessary for compulsory labelling to apply to all eggs sold in the European Union and purchased by consumers outside the place of production, whether they are produced in the European Community or come from third countries. However, in the case of eggs produced in third countries, indication of the farming method may be replaced by the indication 'farming method not specified' and by an indication of origin if third country procedures do not offer sufficient guaran-

tees as to equivalence with the technical rules and standards applicable to Community procedures; this will guarantee that such eggs can be distinguished from those labelled by indicating the production method and will make subsequent labelling with misleading indications unfeasible.

- (5) Second quality or preserved eggs, Class B, account for only a minor part of the European Community market. Most of the trade is geared to supplying consumers with top-quality, Class A, eggs. The classification of eggs should, therefore, be simplified and the current Classes B and C (eggs intended for industry) should be amalgamated in a new Class B and the sale of such eggs should be exclusively for processing purposes.
- (6) No later than six months before the introduction of the compulsory indication of the farming method on eggs and packs, the Commission should submit a report, accompanied by suitable proposals taking account of the report's conclusions, on developments in the area of food hygiene rules, particularly as regards washed eggs, and on the outcome of World Trade Organisation negotiations,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1907/90 is hereby amended as follows:

1. in Article 6(1):
 - (a) the third indent shall be deleted;
 - (b) the second indent shall be replaced by the following:

— class B or "second quality or downgraded eggs intended for food industry undertakings approved in accordance with Directive 89/437/EEC and the non-food industry";

⁽¹⁾ OJ L 282, 1.11.1975, p. 49. Regulation as last amended by Regulation (EC) No 1516/96 (OJ L 189, 30.7.1996, p. 99).

⁽²⁾ OJ L 173, 6.7.1990, p. 5. Regulation as last amended by Regulation (EC) No 818/96 (OJ L 111, 4.5.1996, p. 1).

2. Article 7 shall be replaced by the following:

'Article 7

1. (a) A code designating the producer's distinguishing number and permitting the farming method to be identified shall be stamped on class A eggs.
- (b) The Commission shall evaluate the labelling methods in force in exporting third countries. If it finds that the procedures applied offer sufficient guarantees as to equivalence with the technical rules and Community standards applicable, eggs imported from the countries concerned may be given a distinguishing code as mentioned in (a). If that is not the case, however, imported eggs shall be given a distinguishing code enabling the unspecified nature of the farming method and the country of origin to be identified.
- (c) The Commission shall, where necessary, negotiate with those countries to arrive at appropriate ways of offering guarantees of compliance with labelling standards equivalent to Community procedures.
- (d) Use of these indications shall be governed by conditions to be determined in accordance with the procedure laid down in Article 20.

2. One or more of the following distinguishing marks may be stamped on class A eggs:

- (a) the date of minimum durability ("best before" date);
- (b) one or more further dates aimed at providing the consumer with additional information;
- (c) the quality grading;
- (d) the weight grading;
- (e) the packing centre number;
- (f) the name or business name of the packing centre;
- (g) the trade name or trade mark;
- (h) an indication of the origin of the eggs.

The indications provided for in (f) and (g) shall be used only in accordance with the relevant conditions laid down in the second clause of the sentence which constitutes Article 10(1)(a).

The indications provided for in (b) and (h) shall be used only in accordance with the relevant conditions laid down in Article 10(3).

Class A eggs may bear particulars of how laying hens are fed. These particulars shall be used only in accordance with the relevant conditions laid down in Article 10(3).;

3. Article 8 shall be replaced by the following:

'Article 8

1. Class B eggs, except for cracked eggs, shall bear a distinguishing mark showing their quality grading. They

may also bear one or more of the indications listed in Article 7.

2. Class A eggs which no longer have the characteristics fixed for that grade shall be downgraded to class B.

In such a case, they shall bear a distinguishing mark in accordance with paragraph 1. Any marks which may have been used in accordance either with Article 7 or with paragraph 1 of this Article may be retained, except for those concerning weight grading, which shall be altered if appropriate.

3. However, by way of derogation from paragraph 2, class A eggs which no longer have the characteristics fixed for that class may be delivered directly to food industry undertakings approved in accordance with Directive 89/437/EEC or the non-food industry, without the markings referred to in paragraph 2, provided that their packs are always clearly marked to show this destination.;

4. Article 10 is hereby amended as follows:

- (a) in paragraph 1, points (e) and (f) shall be replaced by the following:

'(e) the date of minimum durability ("best before" date) followed by appropriate storage recommendations for class A eggs, and the packing date for class B eggs;

(f) particulars as to refrigeration or to the method of preservation, in uncoded form, in respect of class B eggs;

(g) the farming method for class A eggs. These particulars shall be used pursuant to rules to be determined in accordance with the procedure laid down in Article 20.;

- (b) the following point shall be added to paragraph 2:

'(f) an indication of how laying hens are fed.;

- (c) paragraph 3 shall be replaced by the following:

'3. Further dates and indications concerning the farming method, the origin of the eggs and how laying hens are fed may be used only pursuant to rules to be determined in accordance with the procedure laid down in Article 20. These rules shall cover in particular the criteria concerning the farming method, the origin of the eggs and how laying hens are fed.

However, if use of the indications relating to the origin of the eggs and the farming method should prove to be harmful to the fluidity of the Community market, or if serious difficulties arise regarding control of the use of such indications and its effectiveness, the Commission, acting under the same procedure, may suspend use of the said indications.

Notwithstanding the above, where large packs contain small packs or eggs marked with any reference to the origin of the eggs, these particulars shall also be shown on the large packs.;

5. in Article 15(b), the following sub-point shall be added:

‘(gg) the farming method for the class A eggs referred to in Article 10(1)(g), or the following indication: “farming method not specified.”’;

6. the following paragraph shall be added to Article 20:

‘4. In accordance with the procedure laid down in Article 17 of Regulation (EEC) No 2771/75, the Commission shall adopt:

(a) the measures required to facilitate transition to the arrangements set up by the second indent of Article 6(1), by Articles 7 and 8, by Article 10(1), (e), (f) and (g), Article 10(2)(f), Article 10(3) and by Article 15(b), (gg);

(b) measures which are both necessary and duly justified to resolve, in an emergency, practical, specific and unforeseeable problems.’;

7. the following shall be inserted as Article 22a:

‘Article 22a

The Commission shall submit to the Council by no later than 30 June 2003 a report on developments with regard to egg consumption, the wishes of consumers and of consumer organisations and the issue of egg marking and egg monitoring, together with suitable proposals.’

Article 2

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

It shall apply from 1 January 2004.

However, the last subparagraph of the new Article 7(2) provided for in Article 1, point 2, Article 1, point 4(b) and (c) and Article 1, points 6 and 7, shall apply from 1 July 2001.

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

Done at Brussels, 19 December 2000.

For the Council

The President

J. GLAVANY

COMMISSION REGULATION (EC) No 6/2001**of 4 January 2001****laying down detailed rules for the application of Council Regulation (EC) No 1804/98 as regards the opening of a tariff quota for imports of residues from the manufacture of starch from maize falling within CN codes 2303 10 19 and 2309 90 20 and originating in the United States of America**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1804/98 of 14 August 1998 establishing an autonomous duty applicable for residues from the manufacture of starch from maize falling within CN codes 2303 10 19 and 2309 90 20 and introducing a tariff rate quota on imports of residues from the manufacture of starch from maize (corn gluten feed) falling within CN codes 2303 10 19 and 2309 90 20 originating in the United States of America ⁽¹⁾, and in particular Article 5 thereof,

Whereas:

- (1) Following the safeguard measure imposed by the United States in the form of a quantitative restriction on imports of wheat gluten originating *inter alia* in the Community, the Council adopted Regulation (EC) No 1804/98, which provides in particular for the application of an autonomous duty of EUR 50 per tonne on residues from the manufacture of starch from maize falling within CN codes 2303 10 19 and 2309 90 20 and originating in the United States and for the opening of an annual tariff import quota for 2 730 000 tonnes of such products subject to a customs duty of EUR 5 per tonne.
- (2) That Regulation is to apply from 1 June 2001 or five days from the date of a decision of the World Trade Organisation's Dispute Settlement Body acknowledging that the protective measure applied by the United States is incompatible with the WTO Agreements.
- (3) A decision by the WTO Dispute Settlement Body acknowledging that the safeguard measure applied by the United States is incompatible with the WTO Agreements is expected in January 2001. Under those circumstances the autonomous duty provided for in Regulation (EC) No 1804/98 will apply from the fifth day following the date of the WTO Dispute Settlement Body decision and the detailed rules governing the opening of the tariff quota from that date to 31 May 2001 must be laid down. The opening of any new tariff quota from 1 June 2001 will be dealt with in a subsequent regulation.
- (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 ⁽²⁾, as last amended by Regu-

lation (EC) No 2787/2000 ⁽³⁾, consolidates the provisions for managing tariff quotas, which are to be used in chronological order according to the dates of acceptance of the declarations of release for free circulation.

- (5) With a view to efficient management of the quota, a certificate testifying to the origin of the goods must be required.
- (6) For the sake of legal safety, transitional measures should be laid down for products that are in the process of shipment to the Community on the date of implementation of Regulation (EC) No 1804/98.
- (7) The exemption from customs duty will apply once more after the tariff quota of 2 730 000 tonnes has been used up.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The tariff quota set out in the Annex for products originating in the United States shall be open from the fifth day following the date of the decision of the WTO Dispute Settlement Body to 31 May 2001.

Access to the tariff quota shall be conditional on presentation of a certificate of origin meeting the conditions laid-down in Article 47 of Regulation (EEC) No 2454/93. Certificates of origin may be accepted only where the products in question meet the criteria for determining origin laid down in the relevant Community provisions.

Article 2

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

Article 3

1. This Regulation and the autonomous duty shall not apply to products that are in the process of shipment from the United States to the Community.

⁽¹⁾ OJ L 233, 20.8.1998, p. 1.

⁽²⁾ OJ L 318, 20.12.1993, p. 18.

⁽³⁾ OJ L 330, 27.12.2000, p. 1.

2. Products that:

Article 4

- have left the United States before the entry into force of this Regulation, and
- are loaded under cover of a transport document valid from the place of loading in the United States to the place of unloading in the Community and issued before the entry into force of this Regulation

The rate of customs duty applicable to quantities of products covered by this Regulation and imported in excess of the quantity laid down in the Annex before 1 June 2001 shall be zero and the tariff quota in question shall be closed immediately.

Article 5

shall be deemed to be in the process of shipment to the Community.

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

It shall apply from the fifth day following the date of the decision of the WTO Dispute Settlement Body.

3. Paragraph 1 shall apply on condition that the parties concerned provide proof to the satisfaction of the customs authorities that the conditions laid down in paragraph 2 are met.

The Commission shall publish a notice in the *Official journal of the European Communities* indicating the date of the WTO Dispute Settlement Body decision.

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

Done at Brussels, 4 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Serial number	CN code	Description	Quota from ... to 31 May 2001 (tonnes)	Tariff quota duty
09.0400	2303 10 19 2309 90 20	Residues from the manufacture of starch from maize	2 730 000	EUR 5/tonne

COMMISSION REGULATION (EC) No 7/2001
of 4 January 2001
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 5 January 2001.

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

Done at Brussels, 4 January 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 4 January 2001 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	120,2
	204	64,2
	624	211,3
	999	131,9
0707 00 05	052	104,3
	999	104,3
0707 10 00	220	162,6
	999	162,6
0709 90 70	052	93,6
	204	44,5
	999	69,0
0805 10 10, 0805 10 30, 0805 10 50	052	47,4
	204	50,3
	388	27,4
	999	41,7
0805 20 10	052	75,1
	204	85,7
	999	80,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	86,8
	204	79,1
	624	94,9
	999	86,9
0805 30 10	052	68,5
	220	62,5
	600	68,5
	999	66,5
0808 10 20, 0808 10 50, 0808 10 90	400	95,8
	720	65,5
	728	84,3
	999	81,9
0808 20 50	400	88,4
	999	88,4

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

COMMISSION REGULATION (EC) No 8/2001
of 4 January 2001
fixing 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 organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13(8),

Whereas:

- (1) Article 13(8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾, allows for the fixing of a corrective amount for the malt referred to

in Article 1(1)(c) of Regulation (EEC) No 1766/92. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 5 January 2001.

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

Done at Brussels, 4 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

ANNEX

to the Commission Regulation of 4 January 2001 fixing 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 2032/2000 (OJ L 243, 28.9.2000, p. 14).

COMMISSION REGULATION (EC) No 9/2001
of 4 January 2001
fixing 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 organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13 (8) thereof,

Whereas:

- (1) Article 13 (8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾, allows for the fixing of a corrective amount for the products listed in Article 1(1) (c) of Regulation (EEC) No 1766/92; that corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) The world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination.
- (4) The corrective amount must be fixed at the same time as the refund and according to the same procedure; it may be altered in the period between fixings.
- (5) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 5 January 2001.

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

Done at Brussels, 4 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

ANNEX

to the Commission Regulation of 4 January 2001 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 2032/2000 (OJ L 243, 28.9.2000, p. 14).

COMMISSION REGULATION (EC) No 10/2001**of 4 January 2001****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 1701/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2513/98⁽⁴⁾, and in particular Article 4 thereof,

Whereas:

- (1) An invitation to tender for the refund on exportation of common wheat to all third countries with the exclusion of certain ACP States was opened pursuant to Commission Regulation (EC) No 1701/2000⁽⁵⁾, as amended by Regulation (EC) No 2019/2000⁽⁶⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in

Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 29 December 2000 to 4 January 2001, pursuant to the invitation to tender issued in Regulation (EC) No 1701/2000, the maximum refund on exportation of common wheat shall be EUR 8,00/t.

Article 2

This Regulation shall enter into force on 5 January 2001.

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

Done at Brussels, 4 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 195, 1.8.2000, p. 18.

⁽⁶⁾ OJ L 241, 26.9.2000, p. 37.

COMMISSION REGULATION (EC) No 11/2001**of 4 January 2001****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 2014/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾, and in particular Article 7 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of common wheat to certain ACP States was opened pursuant to Commission Regulation (EC) No 2014/2000 ⁽⁵⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 29 December 2000 to 4 January 2001, pursuant to the invitation to tender issued in Regulation (EC) No 2014/2000, the maximum refund on exportation of common wheat shall be EUR 11,00/t.

Article 2

This Regulation shall enter into force on 5 January 2001.

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

Done at Brussels, 4 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 241, 26.9.2000, p. 23.

COMMISSION REGULATION (EC) No 12/2001
of 4 January 2001
fixing the maximum export refund on barley in connection with the invitation to tender issued in
Regulation (EC) No 2317/2000

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾, and in particular Article 4 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of barley to all third countries except for the United States of America and Canada was opened pursuant to Commission Regulation (EC) No 2317/2000 ⁽⁵⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria

referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax.

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 29 December 2000 to 4 January 2001, pursuant to the invitation to tender issued in Regulation (EC) No 2317/2000, the maximum refund on exportation of barley shall be EUR 0,00/t.

Article 2

This Regulation shall enter into force on 5 January 2001.

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

Done at Brussels, 4 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 267, 20.10.2000, p. 23.

COMMISSION REGULATION (EC) No 13/2001
of 4 January 2001
fixing the maximum export refund on rye in connection with the invitation to tender issued in
Regulation (EC) No 1740/2000

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾, and in particular Article 7 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of rye to all third countries was opened pursuant to Commission Regulation (EC) No 1740/2000 ⁽⁵⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 29 December 2000 to 4 January 2001, pursuant to the invitation to tender issued in Regulation (EC) No 1740/2000, the maximum refund on exportation of rye shall be EUR 39,98/t.

Article 2

This Regulation shall enter into force on 5 January 2001.

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

Done at Brussels, 4 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 199, 5.8.2000, p. 3.

COMMISSION REGULATION (EC) No 14/2001**of 4 January 2001****fixing the maximum export refund on oats in connection with the invitation to tender issued in Regulation (EC) No 2097/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾,

Having regard to Commission Regulation (EC) No 2097/2000 of 3 October 2000 on a special intervention measure for cereals in Finland and Sweden ⁽⁵⁾ and in particular Article 8 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland or Sweden to all third countries was opened pursuant to Regulation (EC) No 2097/2000.
- (2) Article 8 of Regulation (EC) No 2097/2000 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in

Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 29 December 2000 to 4 January 2001, pursuant to the invitation to tender issued in Regulation (EC) No 2097/2000, the maximum refund on exportation of oats shall be EUR 35,97/t.

Article 2

This Regulation shall enter into force on 5 January 2001.

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

Done at Brussels, 4 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 249, 4.10.2000, p. 15.

COMMISSION REGULATION (EC) No 15/2001**of 4 January 2001****fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 2831/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on maize imported into Spain was opened pursuant to Commission Regulation (EC) No 2831/2000⁽³⁾.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 1839/95⁽⁴⁾, as last amended by Regulation (EC) No 2235/2000⁽⁵⁾, the Commission, acting under the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, may decide to fix maximum reduction in the import duty. In fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account. A contract is

awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty.

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 1 to 4 January 2001, pursuant to the invitation to tender issued in Regulation (EC) No 2831/2000, the maximum reduction in the duty on maize imported shall be 38,95 EUR/t and be valid for a total maximum quantity of 330 500 tonnes.

Article 2

This Regulation shall enter into force on 5 January 2001.

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

Done at Brussels, 4 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 328, 23.12.2000, p. 14.

⁽⁴⁾ OJ L 177, 28.7.1995, p. 4.

⁽⁵⁾ OJ L 256, 10.10.2000, p. 13.

COMMISSION REGULATION (EC) No 16/2001**of 4 January 2001****fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 2830/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on maize imported into Portugal was opened pursuant to Commission Regulation (EC) No 2830/2000⁽³⁾.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 1839/95⁽⁴⁾, as last amended by Regulation (EC) No 2235/2000⁽⁵⁾, the Commission, acting under the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, may decide to fix maximum reduction in the import duty. In fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account. A contract is

awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty.

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 1 to 4 January 2001, pursuant to the invitation to tender issued in Regulation (EC) No 2830/2000, the maximum reduction in the duty on maize imported shall be 22,23 EUR/t and be valid for a total maximum quantity of 30 000 t.

Article 2

This Regulation shall enter into force on 5 January 2001.

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

Done at Brussels, 4 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 328, 23.12.2000, p. 13.

⁽⁴⁾ OJ L 177, 28.7.1995, p. 4.

⁽⁵⁾ OJ L 256, 10.10.2000, p. 13.

COMMISSION REGULATION (EC) No 17/2001**of 4 January 2001****determining the world market price for unginned cotton and the rate for the aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

ments to reflect differences in product quality and the nature of offers and quotations. These adjustments are specified in Article 2 of Regulation (EEC) No 1201/89.

Having regard to the Treaty establishing the European Community,

(3) Application of the above rules gives the world market price for unginned cotton indicated hereunder.

Having regard to the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 on cotton, as last amended by Council Regulation (EC) No 1553/95 ⁽¹⁾,

(4) The second subparagraph of Article 5(3a) of Regulation (EC) No 1554/95 stipulates that the advance payment rate for the aid is to be the guide price less the world market price and less a further amount calculated by the formula applicable when the guaranteed maximum quantity is based on the revised production estimate for unginned cotton plus at least 7,5 %. Commission Regulation (EC) No 2714/2000 ⁽⁶⁾ fixes the revised production estimate for the 2000/2001 marketing year, and the relevant percentage increase. The application of this method results in the fixing of the advance payment rate for each Member State at the levels set out below,

Having regard to Council Regulation (EC) No 1554/95 of 29 June 1995 ⁽²⁾ laying down general rules for the system of aid for cotton and repealing Regulation (EEC) No 2169/81, as last amended by Regulation (EC) No 1419/98 ⁽³⁾, and in particular Articles 3, 4 and 5 thereof,

Whereas:

HAS ADOPTED THIS REGULATION:

(1) Article 3 of Regulation (EC) No 1554/95 requires a world market price for unginned cotton to be periodically determined from the world market price determined for ginned cotton, using the historical relationship between the two prices as specified in Article 1(2) of Commission Regulation (EEC) No 1201/89 of 3 May 1989 laying down rules for implementing the system of aid for cotton ⁽⁴⁾, as last amended by Regulation (EC) No 1624/1999 ⁽⁵⁾. If it cannot be determined in this way it is to be based on the last price determined.

(2) Article 4 of Regulation (EC) No 1554/95 requires the world market price for ginned cotton to be determined for a product of specific characteristics using the most favourable offers and quotations on the world market of those considered representative of the real market trend. To this end an average is to be calculated of offers and quotations on one or more European exchanges for a cif product to a North European port from the supplier countries considered most representative as regards international trade. These rules for determination of the world market price for ginned cotton provide for adjust-

Article 1

1. The world market price for unginned cotton as indicated in Article 3 of Regulation (EC) No 1554/95 is set at 36,661 EUR/100 kg.

2. The advance payment of the aid referred to in Article 5(3a), second subparagraph, of Regulation (EC) No 1554/95 is fixed at:

- 55,076 EUR/100 kg in Spain,
- 30,627 EUR/100 kg in Greece,
- 69,639 EUR/100 kg in other Member States.

Article 2

This Regulation shall enter into force on 5 January 2001.

⁽¹⁾ OJ L 148, 30.6.1995, p. 45.

⁽²⁾ OJ L 148, 30.6.1995, p. 48.

⁽³⁾ OJ L 190, 4.7.1998, p. 4.

⁽⁴⁾ OJ L 123, 4.5.1989, p. 23.

⁽⁵⁾ OJ L 192, 24.7.1999, p. 39.

⁽⁶⁾ OJ L 313, 13.12.2000, p. 7.

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

Done at Brussels, 4 January 2001.

For the Commission
Franz FISCHLER
Member of the Commission

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 19 December 2000

amending Decision 95/408/EC on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorised to import certain products of animal origin, fishery products or live bivalve molluscs

(2001/4/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Decision 95/408/EC of 22 June 1995 on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorised to import certain products of animal origin, fishery products or live bivalve molluscs⁽¹⁾ and in particular Article 9 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The interim period provided by Decision 95/408/EC ends on 31 December 2000.
- (2) For administrative reasons, the drawing up of the definitive lists of third country establishments from which Member States are authorised to import certain products in accordance with the Directives on health rules applicable to those products has been delayed.
- (3) The proposed revision of certain veterinary legislation as set out in the White Paper on Food Safety will include a modified regime for the approval of third country establishments from which Member States are authorised to import certain products.

- (4) In order to prevent any disruptions in traditional trade patterns, the interim period during which a simplified system may be applied to the drawing up of lists of third country establishments exporting certain products of animal origin, fishery products or live bivalve molluscs should be extended,

HAS ADOPTED THIS DECISION:

Article 1

In Article 9 of Decision 95/408/EC the date '31 December 2000' shall be replaced by '31 December 2003'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 19 December 2000.

For the Council

The President

J. GLAVANY

⁽¹⁾ OJ L 243, 11.10.1995, p. 17. Decision as last amended by Decision 98/603/EC (OJ L 289, 28.10.1998, p. 36).

COMMISSION

COMMISSION DECISION of 12 December 2000

authorising the Member States temporarily to provide for derogations from certain provisions of Council Directive 2000/29/EC in respect of plants of *Vitis* L., other than fruits, originating in Switzerland

(notified under document number C(2000) 3743)

(2001/5/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, and in particular Article 15(1) thereof,

Having regard to the request made by France, in respect of plants of *Vitis* L., other than fruits, originating in Switzerland,

Whereas:

- (1) Under the provisions of Directive 2000/29/EC, plants of *Vitis* L., other than fruits, originating in third countries, may, in principle, not be introduced into the Community.
- (2) By Decisions 97/159/EC⁽²⁾, 1999/166/EC⁽³⁾ and 2000/189/EC⁽⁴⁾ the Commission authorised Member States to provide for derogations in respect of plants of *Vitis* L., other than fruits, originating in Switzerland under specified conditions in the 1997, 1999 and 2000 seasons.
- (3) Due to technical reasons there were no imports made under Decisions 97/159/EC and 1999/166/EC.
- (4) There have been no confirmed findings of harmful organisms of quarantine concern during the inspections on the plants introduced pursuant to Decision 2000/189/EC.
- (5) The circumstances justifying the authorisation in respect of Switzerland still obtain.

- (6) Therefore a derogation should be authorised for a limited period, provided that it includes specific conditions and without prejudice to Council Directive 68/193/EEC⁽⁵⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and any implementing measures made thereunder.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

1. The Member States are hereby authorised to provide, under the conditions laid down in paragraph 2, for exceptions from Article 4(1) of Directive 2000/29/EC, with regard to the prohibitions referred to in Part A(15) of Annex III thereto for plants of *Vitis* L., other than fruits, originating in Switzerland.
2. In addition to the requirements laid down in Annexes I and II to Directive 2000/29/EC in relation to plants of *Vitis* L., the following specific conditions shall be satisfied:
 - (a) the plants shall be propagating material in the form of dormant bud material of the following varieties:
 - Chasselat blanc
 - Gamaret
 - Humagne
 - Diolinoir
 - Petite Arvine
 - Amigne
 - Cornalin
 - Garanoir;

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

⁽²⁾ OJ L 62, 4.3.1997, p. 36.

⁽³⁾ OJ L 55, 3.3.1999, p. 16.

⁽⁴⁾ OJ L 59, 4.3.2000, p. 18.

⁽⁵⁾ OJ L 93, 17.4.1968, p. 15.

(b) the buds shall be intended to be grafted in the Community, at premises referred to in (h), on to rootstocks produced in the Community;

(c) the buds intended for the Community shall be:

— harvested in stock nurseries, which are officially registered. The lists of the registered nurseries shall be made available to the Member States making use of the derogation and to the Commission, at the latest by 15 January 2001. These lists shall include the name(s) of the varieties, the number of rows planted with these varieties, the number of plants per row for each of these nurseries, as far as they are deemed suitable for dispatch to the Community in 2001, under the conditions laid down in this Decision,

— properly packed and the packaging made recognisable with a marking, enabling the identification of the registered nursery and the variety,

— accompanied by a phytosanitary certificate issued in Switzerland in accordance with Articles 7 and 13 of Directive 2000/29/EC, on the basis of the examination laid down therein, in particular freedom from the following harmful organisms:

- *Daktulosphaira vitifoliae* (Fitch),
- *Xylophilus ampelinus* (Panagopoulos) Willems et al.,
- Grapevine Flavescence dorée MLO.

The certificate shall state under 'Additional declaration', the indication 'This consignment meets the conditions laid down in Decision 2001/5/EC';

(d) the official plant-protection organisation of Switzerland shall ensure the identity of the buds from the time of harvesting as referred to in (c), first indent, until the time of loading for export to the Community;

(e) the buds shall be introduced through points of entry situated within the territory of a Member State and designated for the purpose of this derogation by that Member State; these points of entry and the name and address of the responsible official body referred to in Directive 2000/29/EC in charge of each point shall be notified sufficiently in advance by the Member States to the Commission and shall be held available on request to other Member States. In those cases where the introduction into the Community takes place in a Member State other than the Member State making use of this derogation, the said responsible official bodies of the Member State of introduction shall inform and cooperate with the said responsible official bodies of the Member States making use of this derogation to ensure that the provisions of this Decision are complied with;

(f) prior to introduction into the Community, the importer shall be officially informed of the conditions laid down in (a) to (k); the said importer shall notify details of each introduction sufficiently in advance to the responsible official bodies in the Member State of introduction and that Member State, without delay, shall convey the details of the

notification to the Commission, indicating:

- the type of material,
- the variety and the quantity,
- the declared date of introduction and confirmation of the point of entry,
- the names, addresses and the locations of the premises referred to in (h) where the buds will be grafted and/or where the grafted plants will subsequently be planted.

The importer shall provide details of any changes to the aforementioned advance notification, to the responsible official bodies of his own Member State, preferably as soon as they are known and in any case prior to the time of import, and that Member State, without delay, shall convey the details of the changes to the Commission;

(g) the inspections including testing, as appropriate, required pursuant to Article 13 of Directive 2000/29/EC and in accordance with provisions laid down in the present Decision shall be made by the responsible official bodies, referred to in the said Directive; of these inspections, the plant health checks shall be carried out by the Member State making use of this derogation and where appropriate, in cooperation with the said bodies of the Member State in which the buds will be grafted. Furthermore during the said plant health check that Member State(s) shall also inspect for all other harmful organisms. Sub-samples shall be kept available for subsequent examination by other Member States. Without prejudice to the monitoring referred to in Article 21(3), second indent, first possibility of the said Directive, the Commission shall determine to which extent the inspections referred to in Article 21(3), second indent, second possibility, of the said Directive shall be integrated into the inspection programme in accordance with Article 21(5) of that Directive;

(h) the buds shall be grafted on to rootstocks and the grafted plants subsequently planted only at premises:

- for which the names, addresses and the locations have been notified by the person who intends to use the buds imported pursuant to this Decision, to the said responsible official bodies of the Member State in which the premises are situated, and
- officially registered and approved for the purposes of this derogation.

In those cases where the place of grafting or planting is situated in a Member State other than the Member State making use of this derogation, the said responsible official bodies of the Member State making use of this derogation, at the moment of receipt of the aforementioned advance notification from the importer, shall inform the said responsible official bodies of the Member State in which the buds will be grafted or planted giving the names, addresses and the locations of the premises where the plants will be grafted or planted;

- (i) the said responsible official bodies shall ensure that any bud not used in accordance with (h) shall be destroyed under the control of the said responsible official bodies. Records shall be kept available to the Commission on the numbers of plants destroyed;
- (j) at the premises referred to in (h):
 - the material which has been found free from the harmful organisms referred to in (g) may then be used for grafting and the grafted plants shall be planted and grown in fields belonging to the premises referred to in (h) and shall remain on the premises, until they are moved to a destination outside the Community as referred to in (k),
 - the grafted plants shall be, in the growing period following importation, visually inspected by the said responsible official bodies of the Member State in which the grafted plants are planted, at appropriate times, for the presence of any harmful organism or for signs or symptoms caused by any harmful organism including those of *Daktulosphaira vitifoliae* (Fitch); as a result of such visual inspection any harmful organism having caused such signs or symptoms shall be identified by an appropriate testing procedure,
 - any plant which has not been found free during the said inspections or testing, referred to in the previous indents, from the harmful organisms listed under (c), third indent, or otherwise of quarantine concern, shall be immediately destroyed under control of the said responsible bodies;
- (k) any grafted plant resulting from a successful grafting using the buds referred to in (a) shall be only released as grafted plants in 2002 to a destination outside the Community. The said responsible official bodies shall ensure that any plant not so moved shall be officially destroyed. Records shall be kept available to the Commission on the amounts of successfully grafted plants, of officially destroyed plants and of plants sold as well as on the country of destination of the plants sold.

Article 2

Member States shall inform the other Member States and the Commission, by means of the notification referred to in Article 1(2)(f), of any use of the authorisation. They shall provide the Commission and the other Member States, before 1 November 2001, with the information on amounts imported pursuant to this Decision and with a detailed technical report of the official examination referred to in Article 1(2)(g) and (j). Furthermore, any other Member State in which the buds are grafted on to rootstocks and in which the grafted plants are planted, after the import, shall also provide the Commission and the other Member States, before 1 November 2001, with a detailed technical report, of the official examination referred to in Article 1(2)(j).

Article 3

Without prejudice to the provisions laid down in Article 15(3) of Directive 2000/29/EC, the Member States concerned shall notify the Commission and the other Member States of all cases of consignments introduced pursuant to this Decision which were subsequently found not to comply with the conditions laid down herein.

Article 4

Article 1 shall apply during the period between 1 February 2001 and 15 March 2001. The present Decision shall be revoked if it is established that the conditions laid down in Article 1(2) are not sufficient to prevent the introduction of harmful organisms or have not been complied with.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 12 December 2000.

For the Commission

David BYRNE

Member of the Commission

COMMISSION DECISION

of 12 December 2000

recognising in principle the completeness of the dossier submitted for detailed examination in view of the possible inclusion of QRD 133 WP (*Bacillus subtilis* strain QST 713) in Annex I to Council Directive 91/414/EEC concerning the placing of plant-protection products on the market

(notified under document number C(2000) 3747)

(Text with EEA relevance)

(2001/6/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant-protection products on the market ⁽¹⁾ as last amended by Commission Directive 2000/68/EC ⁽²⁾ and in particular Article 6(3) thereof,

Whereas:

- (1) Directive 91/414/EEC (hereinafter 'the Directive') provides for the development of a Community list of active substances authorised for incorporation in plant-protection products.
- (2) A dossier for the active substance QRD 133 WP (*Bacillus subtilis* strain QST 713) was submitted by AgraQuest to the authorities of Germany on 19 April 2000 with a view to obtaining its inclusion in Annex I to the Directive.
- (3) The authorities of Germany have indicated to the Commission that, on preliminary examination, the dossier appears to satisfy the data and information requirements of Annex II to the Directive. Further, they believe that the dossier contains the data and information required by Annex III to the Directive in respect of one plant-protection product containing that active substance. Subsequently, in accordance with the provisions of Article 6(2), the dossier was forwarded by the applicant to the Commission and other Member States.
- (4) The dossier was referred to the Standing Committee on Plant Health on 1 September 2000.
- (5) Article 6(3) of the Directive requires formal confirmation at Community level that each dossier is considered as satisfying in principle the data and information requirements provided for in Annex II and, for at least one plant-protection product containing the active substance concerned, the requirements of Annex III to the Directive.
- (6) Such confirmation is necessary in order to permit the detailed examination of the dossier as well as to allow Member States the possibility of granting provisional authorisation for plant protection products containing this active substance in accordance with Article 8(1) of the Directive.
- (7) This Decision does not prejudice the right of the Commission to request the applicant to submit further data or information to the rapporteur Member State in order to clarify certain points in the dossier. The request for the submission of further data necessary to clarify the dossier shall not affect the time limit for the submission of the report referred to under point 9.
- (8) The Member States and the Commission agree that Germany will pursue the detailed examination for the dossier for QRD 133 WP (*Bacillus subtilis* strain QST 713)
- (9) Germany will report the conclusions of its examinations accompanied by any recommendations on the inclusion or non-inclusion and any conditions related thereto to the Commission as soon as possible and at the latest within a period of one year from the date of publication of this Decision.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

The dossier submitted by AgraQuest to the Commission and the Member States with a view to the inclusion of QRD 133 WP (*Bacillus subtilis* strain QST 713) as an active substance in Annex I to Directive 91/414/EEC, which was referred to the Standing Committee on Plant Health on 1 September 2000, satisfies in principle the data and information requirements provided for in Annex II to the Directive. The dossier satisfies the data and information requirements set out in Annex III to the Directive in respect of one plant-protection product containing QRD 133 WP (*Bacillus subtilis* strain QST 713), taking into account the uses proposed.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 276, 28.10.2000, p. 41.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 12 December 2000.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 19 December 2000

amending Annex I, Chapter 14 of Council Directive 92/118/EEC laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC

*(notified under document number C(2000) 3866)***(Text with EEA relevance)**

(2001/7/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/118/EEC laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(I) to Directive 89/662/EEC and, as regards pathogens to Directive 90/425/EEC ⁽¹⁾, and in particular Article 15 thereof, as last amended by Commission Decision 1999/724/EC ⁽²⁾,

Whereas:

- (1) There are some linguistic translation differences between the German text and the other language versions concerning the cross-border trade in unprocessed manure which should be resolved and it is opportune in view of possible disease risks to introduce better controls on such movements.
- (2) It is necessary to take into account in such cross-border movements the disease situation of Member States.
- (3) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

In Annex I, Chapter 14, Part I.A, to Council Directive 92/118/EEC point 1(a), is replaced with:

- ‘1. (a) Trade in unprocessed manure of species other than poultry or equidae is prohibited, except for manure:

from an area or holding which is not subject to restrictions by virtue of a serious transmissible disease,

and

intended for spreading under the control of the competent authorities on land forming part of or belonging to the same holding, whether separated or not, located on both sides of the frontier between Member States and within a distance of approximately 20 kilometres. Records should be kept by the owner of the holding concerning these cross-frontier movements in order to be approved. The competent authority shall keep a register of such approved holdings.’

Article 2

This Decision shall apply from 1 January 2001.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 19 December 2000.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 62, 15.3.1993, p. 49.

⁽²⁾ OJ L 290, 12.11.1999, p. 32.

COMMISSION DECISION

of 29 December 2000

amending Decision 2000/764/EC on the testing of bovine animals for the presence of bovine spongiform encephalopathy and updating Annex IV of Decision 98/272/EC on epidemic-surveillance for transmissible spongiform encephalopathies

(notified under document number C(2000) 4411)

(Text with EEA relevance)

(2001/8/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, as last amended by Directive 92/118/EEC ⁽²⁾, and in particular Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽³⁾, as last amended by Directive 92/118/EEC, and in particular Article 10(4) thereof,

Whereas:

- (1) Commission Decision 2000/764/EC of 29 November 2000 on the testing of bovine animals for the presence of bovine spongiform encephalopathy ⁽⁴⁾, lays down reinforced rules for the testing of bovine animals entering the food chain.
- (2) Commission Decision 98/272/EC of 23 April 1998 on epidemic-surveillance for transmissible spongiform encephalopathies ⁽⁵⁾, as last amended by Decision 2000/764/EC, lays down the methods and protocols to be followed when examining bovine animals for the presence of bovine spongiform encephalopathy (BSE).
- (3) Commission Regulation (EC) No 2777/2000 of 18 December 2000 adopting exceptional support measures for the beef market ⁽⁶⁾ provides for a scheme where bovine animals over 30 months of age can be purchased for destruction instead of being slaughtered for human consumption. It is necessary to clarify that the obligation to examine certain groups of animals at risk applies where such animals are purchased for destruction.
- (4) It is appropriate to clarify the rules on the health marking of carcasses from animals having been examined for BSE.

- (5) The Council has invited the Commission to specify the modalities under which laboratory testing for bovine spongiform encephalopathy (BSE) shall be carried out and the methods by which the testing shall be controlled by competent authorities and monitored by the Commission.
- (6) Decision 2000/764/EC and Decision 98/272/EC need to be amended accordingly.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2000/764/EC is amended as follows:

1. Article 1(1) is replaced by the following:

'1. Member States shall ensure that all bovine animals over 30 months of age:

- subject to "special emergency slaughtering" as defined in Article 2(n) of Council Directive 64/433/EEC ^(*), or
- slaughtered in accordance with Annex I, Chapter VI, point 28(c) to Directive 64/433/EEC

are examined by one of the approved rapid tests listed in Annex IVA to decision 98/272/EC as of 1 January 2001.

The provisions of this paragraph shall also apply to animals, as referred to in the first subparagraph, which are purchased for destruction in accordance with Regulation (EC) No 2777/2000.

^(*) OJ 121, 29.7.1964, p. 2012/64.'

2. Article 2 is replaced by the following:

'Article 2

All parts of the body, including the hide, of animals examined in accordance with Article 1 shall be retained under official supervision until a negative test result has been obtained or until it has been destroyed by incineration or, under exceptional circumstances, burned or

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 224, 18.8.1990, p. 29.

⁽⁴⁾ OJ L 305, 6.12.2000, p. 35.

⁽⁵⁾ OJ L 122, 24.4.1998, p. 59.

⁽⁶⁾ OJ L 321, 19.12.2000, p. 47.

buried in strict compliance with the conditions laid down in Article 3(2) of Council Directive 90/667/EEC (**). Where an animal slaughtered for human consumption is examined, the health marking provided for in Chapter XI of Annex I to Directive 64/433/EC shall not be carried out on the carcase of that animal until a negative test result has been obtained, unless an official system is in place ensuring that no parts of examined animals leave the slaughterhouse before a negative test result has been obtained except when they are sent under official supervision for destruction by incineration.

(**) OJ L 363, 27.12.1990, p. 51.'

3. Article 3 is replaced by the following:

'Article 3

1. Member States shall ensure that any sampling for BSE in bovine animals is carried out in accordance with Annex IV(1) to Decision 98/272/EC, as amended by the present Decision.

2. Member States shall ensure that any laboratory testing for BSE in bovine animals is carried out in laboratories approved for that purpose and using the methods and protocols laid down in Annex IV(2) and (3) to Decision 98/272/EC, as amended by the present Decision.

3. The national reference laboratory in each Member State, as set out in Annex V to Decision 98/272/EC, shall ensure coordination of diagnostic methods and protocols between laboratories approved for carrying out laboratory testing for BSE in bovine animals, regularly verify the correct use of those diagnostic methods and protocols, and, as appropriate, organise periodical comparative tests.

4. The Commission shall monitor the sampling and laboratory testing for BSE in bovine animals carried out in the Member States by regular inspections on the spot

in accordance with Commission Decision 98/139/EC (***) and by organising a comparative test for the national reference laboratories.

(***) OJ L 38, 12.2.1998, p. 10.'

Article 2

Decision 98/272/EC is amended as follows:

1. Annex IV is replaced by the text in the Annex to this Decision.

2. In Annex V, the following national reference laboratory is added for Spain:

'Laboratorio Central de Veterinaria de Algete
Madrid
Spain
(only BSE tests as referred to in Annex IVA).'

Article 3

This Decision shall apply from 1 January 2001.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 29 December 2000.

For the Commission

David BYRNE

Member of the Commission

ANNEX

'ANNEX IV

SAMPLING AND LABORATORY TESTING FOR THE PRESENCE OF BSE IN BOVINE ANIMALS**1. Collection of samples**

The competent authority shall ensure that samples are collected using the methods and protocols laid down in the Manual of standards for diagnostic tests and vaccines of the World Organisation for Animal Health (Office International des Epizooties), latest edition. In the absence of such methods and protocols, the competent authority shall ensure that the samples are collected in a manner appropriate for the correct application of tests.

The competent authority shall ensure that samples are correctly marked as to the identity of the sampled animal.

2. Laboratory testing**2.1. Suspect cases**

Tissues from bovine animals sent for laboratory testing pursuant to the provisions of Article 3(2) shall be subject to a histopathology examination as laid down in the Manual of standards for diagnostic tests and vaccines of the World Organisation for Animal Health (Office International des Epizooties), latest edition, except where the material is autolysed. Where the result of the histopathology examination is inconclusive or negative or where the material autolysed, the tissues shall be subjected to an examination by one of the other diagnostic methods laid down in the above Manual (immunocytochemistry, immuno-blotting or demonstration of characteristic fibrils by electron microscopy).

2.2. Animals examined in the framework of the annual monitoring programme or subject to routine examination at slaughter

Bovine animals examined in the framework of the annual monitoring programme as laid down in Annex I(A), the targeted surveillance programme as laid down in Annex I(C) or examined in accordance with Article 1 of Decision 2000/764/EC shall be examined in an approved laboratory by one of the tests listed in Annex IVA.

Where the result of the monitoring test is inconclusive or positive, the tissues shall immediately be subject to confirmatory examinations in an official laboratory. The confirmatory examination shall start by a histopathology examination of the brainstem as laid down in the Manual of standards for diagnostic tests and vaccines of the World Organisation for Animal Health (Office International des Epizooties), latest edition, except where the material is autolysed or otherwise not suitable for examination by histopathology. Where the result of the histopathology examination is inconclusive or negative or where the material is autolysed, the tissues shall be subjected to an examination by one of the other diagnostic methods mentioned in point 2.1, however, the method must not be the same as the method used in the monitoring test.

3. Interpretation of results

An animal examined as referred to in point 2.1 shall be regarded a positive BSE case, if the result of one of the tests is positive.

An animal examined as referred to in point 2.2 shall be regarded as a positive BSE case if the result of the monitoring test is positive or inconclusive, and

- the result of the subsequent histopathology examination is positive, or
- the result of another diagnostic method mentioned in point 2.1. is positive.

4. Reporting of results

All positive BSE cases shall immediately be reported to the competent authority. The competent authority shall notify positive BSE cases in accordance with Directive 82/894/EEC ⁽¹⁾.

⁽¹⁾ OJ L 378, 31.12.1982, p. 58.

ANNEX IVA

1. Immunoblotting test based on a western blotting procedure for the detection of the protease-resistant fragment PrP^{Res} (prionics check test).
 2. Chemiluminiscent ELISA involving an extraction procedure and an ELISA technique, using an enhanced chemiluminiscent reagent (Enfer test).
 3. Sandwich immunoassay for PrP^{Res} carried out following denaturation and concentration steps (Bio-Rad).'
-

COMMISSION DECISION

of 29 December 2000

concerning control measures required for the implementation of Council Decision 2000/766/EC concerning certain protection measures with regard to transmissible spongiform encephalopathies and the feeding of animal protein

(notified under document number C(2000) 4412)

(Text with EEA relevance)

(2001/9/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, as last amended by Directive 92/118/EEC ⁽²⁾, and in particular Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽³⁾, as last amended by Directive 92/118/EEC, and in particular Article 10(4) thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽⁴⁾, and in particular Article 22 thereof,

Whereas:

- (1) Council Decision 2000/766/EC of 4 December 2000 concerning certain protection measures with regard to transmissible spongiform encephalopathies and the feeding of animal protein ⁽⁵⁾, prohibits the feeding of processed animal proteins to certain farmed animals. This prohibition does not apply to certain processed animal proteins subject to conditions to be established.
- (2) On 26 June 1998, the Scientific Steering Committee (SSC) adopted an opinion on the safety of dicalcium phosphate precipitated from ruminant bones. That opinion was updated by the SSC on 26 and 27 October 2000. In order to take account of that scientific opinion, it is necessary to lay down requirements for the production of dicalcium phosphate.
- (3) On 22 and 23 October 1998, the Scientific Steering Committee (SSC) adopted an opinion on the safety of hydrolysed proteins produced from bovine hides. This opinion was updated by the SSC on 25 and 26 May 2000. In order to take account of that scientific opinion,

it is necessary to lay down requirements for the production of hydrolysed proteins. The SSC stated that a maximum molecular weight of 10 000 Daltons, for the final product produced, may be used as an indicator of the effectiveness of the production process.

- (4) Decision 2000/766/EC establishes that placing on the market, trade, importation and exportation of processed animal proteins for animals not kept, fattened or bred for the production of food may be allowed by Member States. It is necessary to set conditions to ensure that such proteins cannot be used for non authorised purposes.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

1. Member States shall authorise the feeding of fishmeal to animals other than ruminants, only in accordance with the conditions laid down in Annex I.
2. Member States shall authorise the feeding of dicalcium phosphate to animals other than ruminants only in accordance with the conditions laid down in Annex II.
3. Member States shall authorise the feeding of hydrolysed proteins to animals other than ruminants, only in accordance with the conditions laid down in Annex III.
4. Member States shall ensure that, for the purpose of trade, dicalcium phosphate and hydrolysed proteins are accompanied by an official certificate as laid down in Annex IV.
5. Member States shall forward to the other Member States and to the Commission the list of approved processing plants producing fishmeal, dicalcium phosphate and hydrolysed proteins, which operate in accordance with the conditions laid down by this Decision, within 15 days after the entry into force of this Decision. Any modification to the list shall be notified immediately to the other Member States and to the Commission.

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 224, 18.8.1990, p. 29.

⁽⁴⁾ OJ L 24, 30.1.1998, p. 9.

⁽⁵⁾ OJ L 306, 7.12.2000, p. 32.

Article 2

Member States shall ensure that feedingstuffs, including pet food, containing processed animal proteins as defined by Decision 2000/766/EC, other than fishmeal, dicalcium phosphate and hydrolysed proteins, which is destined to animals which are not kept, fattened or bred for the production of food, is manufactured in plants which prepare exclusively feed for those animals.

Article 3

1. Member States may send to other Member States processed animal proteins, as defined in Decision 2000/766/EC, provided they are destined for uses not prohibited by Article 3(1)(a) of that Decision, and only if the following additional conditions are fulfilled:

- (a) the Member State of destination must have authorised the receipt of the processed animal proteins;
- (b) the processed animal proteins shall be accompanied by an official certificate as laid down in Annex V;
- (c) the processed animal proteins must be transported in sealed, covered containers or vehicles, in such a way as to prevent loss and conveyed directly to the petfood or feed plants;
- (d) Member States which send processed animal proteins to other Member States must inform by means of the ANIMO system ⁽¹⁾ the competent authority of the place of destination of each consignment sent. The words 'not for feed destined to animals which are kept, fattened or bred for the production of food' must be contained in the ANIMO message;
- (e) Member States of destination must inform the competent authority of the place of origin, by means of the ANIMO system, of the arrival of each consignment; if such information is not provided, Member States of origin shall immediately take appropriate action;
- (f) Member States of destination must ensure that the designated plants on their territory use the consignment only for the authorised purposes.

2. Member States may export to third countries processed animal proteins, as defined in Decision 2000/766/EC, provided they are destined for uses not prohibited by Article 3(1)(a) of that Decision, only if the following conditions are fulfilled:

- (a) a bilateral agreement with the third country shall be made prior to exportation, which includes an undertaking from the third country to respect the final use and not to export the processed animal protein unless incorporated in a product destined for uses not prohibited by Article 3(1)(a) of Decision 2000/766/EC;
- (b) the processed animal proteins shall be accompanied by an official certificate as laid down in Annex V.

Member States which allow such exportation shall inform the Commission and the other Member States of all terms and conditions as agreed with the third country concerned, for the effective implementation, of this Decision, in the context of the Standing Veterinary Committee.

3. Member States shall ensure that imported processed animal proteins, as defined in Decision 2000/766/EC, destined for uses not prohibited by Article 3(1)(a) of that Decision, shall be dealt with in accordance with the conditions laid down in Article 8 of Council Directive 97/78/EC ⁽²⁾.

4. Member States shall carry out documentary checks and tests on feed materials and compound feedingstuffs throughout the production and distribution chain to ensure compliance with the provisions of this Decision and Decision 2000/766/EC. These checks and tests shall be carried out, *inter alia*, in farms in which ruminants are kept with other animal species.

Member States shall inform the Commission of the results of these checks by 31 May 2001.

5. The additional control measures set out in paragraphs 1, 2 and 3 shall not apply:

- to pet food referred to by Chapter 4 of Annex I to Directive 92/118/EEC, and
- to products exempted by Article 2(2) of Decision 2000/766/EC, from the prohibition established by Article 2(1) of that Decision, provided they fulfil, where applicable, the conditions set out in the Annexes I to III to the present Decision.

6. The additional control measures set out in paragraph 1 shall not apply to processed animal proteins referred to in Article 4 of Commission Decision 97/735/EC ⁽³⁾, as last amended by Decision 1999/534/EC ⁽⁴⁾.

Article 4

Article 2 of Decision 97/735/EC shall not apply to consignments of processed animal proteins which are accompanied by the health certificate referred to in Article 3(1)(b) of the present Decision.

Article 5

This Decision shall apply from 1 January 2001.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 29 December 2000.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ Commission Decision 91/398/EEC (OJ L 221, 9.8.1991, p. 30).

⁽²⁾ OJ L 24, 30.1.1998, p. 9.

⁽³⁾ OJ L 294, 28.10.1997, p. 7.

⁽⁴⁾ OJ L 204, 4.8.1999, p. 37.

ANNEX I

CONDITIONS REFERRED TO IN ARTICLE 1(1)

1. Fishmeal shall be produced in processing plants dedicated only to fishmeal production, which are approved for this purpose by the competent authority in accordance with Article 5(2) of Directive 90/667/EEC.
2. Before release for free circulation in Community territory, each consignment of imported fishmeal shall be analysed in accordance with Commission Directive 98/88/EC⁽¹⁾.
3. Fishmeal shall be transported directly from the processing plants to the establishments manufacturing animal feed, by means of vehicles which at the same time do not transport other feed materials. If the vehicle is subsequently used for the transport of other products, it shall be thoroughly cleaned and inspected before and after the transport of fishmeal.
4. Fishmeal shall be transported directly from the border inspection post to the establishments manufacturing animal feed, in accordance with the conditions laid down in Article 8 of Directive 97/78/EC, by means of vehicles which at the same time do not transport other feed materials. If the vehicle is subsequently used for the transport of other products, it shall be thoroughly cleaned and inspected before and after the transport of fishmeal.
5. By way of derogation from points 3 and 4, intermediate storage of fishmeal may be allowed only if it is carried out in dedicated storage plants which are authorised for this purpose by the competent authority.
6. Feedingstuffs containing fishmeal can be produced only in establishments manufacturing animal feed which do not prepare feedingstuffs for ruminant animals and which are authorised for this purpose by the competent authority.

By way of derogation from this provision, the production of feedingstuffs for ruminant animals in establishments which also produce feedingstuffs containing fishmeal for other animal species may be permitted by the competent authority on condition that:

 - the transport and storage of feed materials destined to ruminant animals is completely separate from feed material prohibited for feeding to ruminant animals, and
 - the storage, transport, manufacturing and packaging facilities for the compound feedingstuffs destined to ruminant animals are completely separate, and
 - records detailing the purchases and uses of fishmeal and the sales of feedingstuff containing fishmeal are made available to the competent authority, and
 - routine tests are carried out on feedingstuffs destined to ruminant animals to ensure that prohibited processed animal proteins as defined by Article 1 of Decision 2000/766/EC are not present.
7. The labelling of feedingstuffs containing fishmeal shall clearly indicate the words 'it contains fishmeal — cannot be fed to ruminant animals'.
8. Bulk feedingstuffs containing fishmeal shall be transported by means of vehicles which at the same time do not transport feed for ruminant animals. If the vehicle is subsequently used for the transport of other products, it shall be thoroughly cleaned and inspected before and after the transport of bulk feedingstuffs containing fishmeal.
9. The use and storage of feedingstuffs, other than pet food referred to by Chapter 4 of Annex I to Directive 92/118/EEC, containing fishmeal shall be prohibited in farms where ruminant animals are kept, fattened or bred for the production of food.

By way of derogation from this provision, the competent authority may permit the use and storage of feedingstuffs containing fishmeal in farms where ruminant animals are kept, if they are satisfied that on-farm measures are implemented to prevent that feedingstuffs containing fishmeal is fed to ruminant animals.

⁽¹⁾ OJ L 318, 27.11.1998, p. 45.

ANNEX II

CONDITIONS REFERRED TO IN ARTICLE 1(2)

1. Dicalcium phosphate shall be produced in processing plants approved by the competent authority in accordance with Article 5(2) of Directive 90/667/EEC.
2. Dicalcium phosphate from defatted bones shall:
 - be derived from bones fit for human consumption following ante- and post-mortem inspection,
 - be produced by a process which ensures that all bone-material is finely crushed and degreased with hot water and treated with dilute hydrochloric acid (at a minimum concentration of 4 % and pH < 1,5) over a period of at least two days followed by a treatment of the obtained phosphoric liquor with lime, resulting in a precipitate of dicalcium phosphate at pH 4 to 7, which is finally air dried with inlet temperature of 65 °C to 325 °C and end temperature between 30 °C to 65 °C or by an equivalent process approved in accordance with the procedure of Article 17 of Directive 89/662/EEC.
3. Feedingstuffs containing dicalcium phosphate from defatted bones can be produced only in establishments manufacturing animal feed which do not prepare feedingstuffs for ruminant animals and which are authorised for this purpose by the competent authority.

By way of derogation from this provision, the production of feedingstuffs for ruminant animals in establishments which also produce feedingstuffs containing dicalcium phosphate from defatted bones for other animal species may be permitted by the competent authority on condition that:

- the transport and storage of feed materials destined for ruminant animals is completely separate from feed material prohibited for feeding to ruminant animals, and
 - the storage, transport, manufacturing and packaging facilities for the compound feedingstuffs destined for ruminant animals are completely separate, and
 - records detailing the purchases and uses of dicalcium phosphate from defatted bones and the sales of feedingstuff containing dicalcium phosphate from defatted bones are made available to the competent authority, and
 - routine tests are carried out on feedingstuffs destined for ruminant animals to ensure that prohibited processed animal proteins as defined by Article 1 of Decision 2000/766/EC are not present.
4. The labelling of the feedingstuffs containing dicalcium phosphate from defatted bones shall clearly indicate the words 'it contains dicalcium phosphate from defatted bones — cannot be fed to ruminant animals'.
 5. Bulk feedingstuffs containing dicalcium phosphate from defatted bones shall be transported by mean of vehicles which at the same time do not transport feed for ruminant animals. If the vehicle is subsequently used for the transport of other products, it shall be thoroughly cleaned and inspected before and after the transport of bulk feedingstuffs containing dicalcium phosphate from defatted bones,
 6. The use and storage of feedingstuffs, other than pet food referred to by Chapter 4 of Annex I to Directive 92/118/EEC, containing dicalcium phosphate from defatted bones shall be prohibited in farms where ruminant animals are kept, fattened or bred for the production of food.

By way of derogation from this provision, the competent authority may permit the use and storage of feedingstuffs containing dicalcium phosphate from defatted bones in farms where ruminant animals are kept, if they are satisfied that on-farm measures are implemented to prevent that feedingstuffs containing dicalcium phosphate from defatted bones is fed to ruminant animals.

ANNEX III

CONDITIONS REFERRED TO IN ARTICLE 1(3)

1. Hydrolysed proteins from hides and skins shall:
 - be derived from hides and skins obtained from animals which have been slaughtered in a slaughterhouse and whose carcasses have been found fit for human consumption following ante- and post-mortem inspection,
 - be produced by a production process which involves appropriate measures to minimise contamination of hides and skins, preparation of the raw material by brining, liming and intensive washing followed by exposure of the material to a pH of > 11 for > 3 hours at temperature > 80 °C and followed by heat treatment at > 140 °C for 30 minutes at > 3,6 bar, or by an equivalent production process approved in accordance with the procedure of Article 17 of Directive 89/662/EEC,
 - be produced in a processing plant dedicated only to hydrolysed proteins production, which are approved for this purpose by the competent authority in accordance with Article 5(2) of Directive 90/667/EEC,
 - be sampled after processing and found to have a molecular weight below 10 000 Dalton.
2. Feedingstuffs containing hydrolysed proteins can be produced only in plants manufacturing animal feedingstuffs which do not prepare feedingstuffs for ruminant animals and which are authorised for this purpose by the competent authority.

By way of derogation from this provision, the production of feedingstuffs for ruminant animals in establishments which also produce feedingstuffs containing hydrolysed proteins for other animal species may be permitted by the competent authority on condition that:

 - the transport and storage of feed materials destined to ruminant animals is completely separate from feed material prohibited for feeding to ruminant animals, and
 - the storage, transport, manufacturing and packaging facilities for the compound feedingstuffs destined to ruminant animals are completely separate, and
 - records detailing the purchases and uses of hydrolysed proteins and the sales of feedingstuff containing hydrolysed proteins are made available to the competent authority, and
 - routine tests are carried out on feedingstuffs destined to ruminant animals to ensure that prohibited processed animal proteins as defined by Article 1 of Decision 2000/766/EC are not present.
3. The labelling of feedingstuffs containing hydrolysed proteins shall clearly indicate the words 'it contains hydrolysed proteins — cannot be fed to ruminant animals'.
4. Bulk feedingstuffs containing hydrolysed proteins shall be transported by means of vehicles which at the same time do not transport feed for ruminant animals. If the vehicle is subsequently used for the transport of other products, it shall be thoroughly cleaned and inspected before and after the transport of bulk feedingstuffs containing hydrolysed proteins.
5. The use and storage of feedingstuffs, other than pet food referred to by Chapter 4 of Annex I to Directive 92/118/EEC, containing hydrolysed proteins shall be prohibited in farms where ruminants are kept, fattened or bred for the production of food.

By way of derogation for this provision, the competent authority may permit the use and storage of feedingstuffs containing hydrolysed proteins in farms where ruminant animals are kept, if they are satisfied that on-farm measures are implemented to prevent that feedingstuffs containing hydrolysed proteins is fed to ruminant animals.

ANNEX IV

HEALTH CERTIFICATE

for hydrolysed proteins from hides and skins/dicalcium phosphate from defatted bones ⁽¹⁾, intended for intra-Community trade

Reference No of this health certificate:

Member State of destination:

Member State of origin:

Responsible ministry:

Certifying department:

I. Identification of the consignment

Hydrolysed proteins of/ dicalcium phosphate from defatted bones of ⁽¹⁾:

.....
(species)

Nature of packaging:

Number of packages:

Net weight:

Batch production reference No:

II. Origin of the consignment

Address and approval number of the processing plant:

.....

III. Destination of the consignment

The hydrolysed proteins / The dicalcium phosphate from defatted bones ⁽¹⁾ will be sent

from:
(place of loading)

to:
(country and place of destination)

by the following means of transport:

— type:

— plate number or name of the vessel:

No of seal:

Name and address of consignor:

Name and address of consignee:

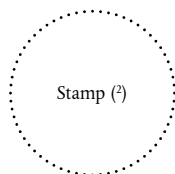
⁽¹⁾ Delete as appropriate.

IV. Health attestation

I the undersigned, official veterinarian, certify that the product described above:

- was produced in a plant approved in accordance with Directive 90/667/EEC,
- was produced in accordance with the conditions laid down in Annex II/Annex III ⁽¹⁾ to Decision 2001/9/EC and cannot be used for the feeding of ruminant animals,
- was subjected to a sampling from each batch and the product was found to have a molecular weight below 10 000 Daltons ⁽¹⁾.

Done at ,
(place) (date)



.....
(signature of the official veterinarian) ⁽²⁾

.....
(name, qualification and title, in capital letters)

⁽¹⁾ Delete as appropriate

⁽²⁾ The signature and the stamp must be in a different colour to that of the printing.

ANNEX V

HEALTH CERTIFICATE

for processed animal proteins as defined by Decision 2000/766/EC, other than pet food referred to in Annex I, Chapter 4 of Directive 92/118/EEC and processed animal protein listed in Article 2(2) of that Decision, destined for uses not prohibited by Article 3(1)(a) of Decision 2000/766/EC and intended for intra-Community trade or for export to third countries

Reference No of this health certificate:

Country of destination:

Member State of origin:

Responsible ministry:

Certifying department:

I. Identification of the consignment

Nature of the processed animal protein or product:

Processed animal protein of:
(species)

Nature of packaging:

Number of packages:

Net weight:

Batch production reference No:

II. Origin of the consignment

Address and approval No of the processing plant:

.....

III. Destination of the consignment

The processed animal proteins will be sent

from:
(place of loading)

to:
(country and place of destination)

by the following means of transport:

— type:

— plate number or name of the vessel:

No of seal:

Name and address of consignor:

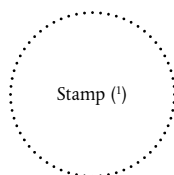
Name and address of consignee:

IV. Health attestation

I the undersigned, official veterinarian, certify that the product described above:

- was produced in a plant approved in accordance with Directive 90/667/EEC,
- contains processed animal proteins as defined by Decision 2000/766/EC and cannot be used for the feeding of farmed animals which are kept, fattened or bred for the production of food.

Done at ,
(place) (date)



.....
(signature of the official veterinarian) (1)

.....
(name, qualification and title,
in capital letters)

(1) The signature and the stamp must be in a different colour to that of the printing.

CORRIGENDA**Corrigendum to Council Regulation (EC) No 2792/1999 of 17 December 1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector**

(Official Journal of the European Communities L 337 of 30 December 1999)

On page 16, in Article 12(3)(d):

for: '(d) granting individual premiums to fishermen younger than 3
5 years ...',

read: '(d) granting individual premiums to fishermen younger than
35 years ...'.

Corrigendum to Council Regulation (EC) No 969/2000 of 8 May 2000 imposing a definitive anti-dumping duty on imports of potassium chloride originating in Belarus, Russia and Ukraine

(Official Journal of the European Communities L 112 of 11 May 2000)

On page 24, in Article 1(2):

(a) in the penultimate sentence:

for: 'Such a mixture is subject to an anti-dumping duty if the K₂O content of the mixture or blend is 35 % or more, by weight, of the dry anhydrous product.'

read: 'Such a mixture is subject to an anti-dumping duty if the K₂O content of the mixture or blend is equal to or exceeds 35 %, up to a content of 62 %, by weight, of the dry anhydrous product.'

(b) the last sentence:

'Such product will fall under "other than standard" grade.' shall be deleted.

On pages 24, 25 and 26, in Article 1(3), in the second table under 'Belarus', 'Russia' and 'Ukraine':

for:

	'With a potassium content evaluated as K ₂ O, by weight, equal or exceeding 35 % but not exceeding 40 % on the dry anhydrous product	With a potassium content evaluated as K ₂ O, by weight, exceeding 40 % but equal to or not exceeding 62 % on the dry anhydrous product
TARIC code	3105 20 10 10, 3105 20 90 10, 3105 60 90 10, 3105 90 91 10, 3105 90 99 10	
Fixed amount (EUR/tonne)'

read:

	'With a potassium content evaluated as K ₂ O, by weight, equal to or exceeding 35 % but not exceeding 40 % on the dry anhydrous product	With a potassium content evaluated as K ₂ O, by weight, exceeding 40 % but equal to or not exceeding 62 % on the dry anhydrous product
TARIC Code	3105 20 10 10, 3105 20 90 10, 3105 60 90 10, 3105 90 91 10, 3105 90 99 10	3105 20 10 20, 3105 20 90 20, 3105 60 90 20, 3105 90 91 20, 3105 90 99 20
Fixed amount (EUR/tonne)	... (*)	... (*)

(*) The fixed amounts shall remain unchanged in each table.'