

English edition

Legislation

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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 2489/2001
of 19 December 2001
establishing the standard import values for determining the entry price of certain fruit and
vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 20 December 2001.

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

Done at Brussels, 19 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 19 December 2001 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	78,5
	063	85,0
	204	83,7
	212	110,1
	999	89,3
0707 00 05	052	159,4
	212	95,2
	220	167,5
	628	207,8
0709 90 70	999	157,5
	052	156,0
	204	197,8
0805 10 10, 0805 10 30, 0805 10 50	999	176,9
	052	56,7
	204	59,7
	208	60,3
	388	24,9
	508	22,7
	999	44,9
0805 20 10	052	93,8
	204	70,5
	999	82,2
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	66,1
	204	62,9
	464	154,4
	624	85,2
	999	92,1
0805 30 10	052	50,1
	528	14,8
	600	54,3
	999	39,7
0808 10 20, 0808 10 50, 0808 10 90	052	80,7
	060	32,6
	400	83,6
	404	94,0
	720	125,3
	999	83,2
	052	97,2
0808 20 50	064	64,8
	400	99,6
	512	71,2
	720	126,0
	999	91,8

⁽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 2490/2001
of 18 December 2001
establishing unit values for the determination of the customs value of certain perishable goods

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾, as last amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council ⁽²⁾,

Having regard to 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 ⁽³⁾, as last amended by Regulation (EC) No 993/2001 ⁽⁴⁾, and in particular Article 173(1) thereof,

Whereas:

- (1) Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation.

- (2) The result of applying the rules and criteria laid down in the abovementioned Articles to the elements communicated to the Commission in accordance with Article 173(2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 173(1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 21 December 2001.

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

Done at Brussels, 18 December 2001.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

⁽²⁾ OJ L 311, 12.12.2000, p. 17.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁴⁾ OJ L 141, 28.5.2001, p. 1.

ANNEX

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.10	New potatoes 0701 90 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
1.30	Onions (other than seed) 0703 10 19	a) b) c)	29,06 172,78 275,03	399,87 190,62 1 172,28	56,84 22,89 18,07	216,42 56 268,01	9 902,19 64,04	4 835,18 5 826,01
1.40	Garlic 0703 20 00	a) b) c)	151,80 902,56 1 436,66	2 088,80 995,74 6 123,57	296,89 119,55 94,37	1 130,53 293 924,43	51 725,61 334,52	25 257,28 30 433,03
1.50	Leeks ex 0703 90 00	a) b) c)	49,90 296,67 472,22	686,58 327,29 2 012,78	97,59 39,30 31,02	371,60 96 611,16	17 001,89 109,96	8 301,91 10 003,15
1.60	Cauliflowers 0704 10 00	a) b) c)	55,28 328,68 523,18	760,67 362,61 2 229,99	108,12 43,54 34,37	411,70 107 037,01	18 836,66 121,82	9 197,82 11 082,64
1.80	White cabbages and red cabbages 0704 90 10	a) b) c)	18,22 108,35 172,46	250,75 119,53 735,09	35,64 14,35 11,33	135,71 35 283,49	6 209,28 40,16	3 031,95 3 653,26
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> <i>L. convar. botrytis</i> (L.) Alef var. <i>italica</i> Plenck) ex 0704 90 90	a) b) c)	74,29 441,71 703,10	1 022,25 487,31 2 996,85	145,30 58,51 46,19	553,27 143 845,50	25 314,32 163,71	12 360,82 14 893,81
1.100	Chinese cabbage ex 0704 90 90	a) b) c)	56,49 335,87 534,63	777,32 370,55 2 278,80	110,48 44,49 35,12	420,71 109 379,89	19 248,97 124,49	9 399,15 11 325,23
1.110	Cabbage lettuce (head lettuce) 0705 11 00	a) b) c)	90,36 537,26 855,19	1 243,38 592,72 3 645,11	176,73 71,16 56,18	672,96 174 961,36	30 790,17 199,13	15 034,64 18 115,55
1.130	Carrots ex 0706 10 00	a) b) c)	56,00 332,96 530,00	770,58 367,34 2 259,03	109,53 44,10 34,82	417,06 108 431,12	19 082,00 123,41	9 317,62 11 226,99
1.140	Radishes ex 0706 90 90	a) b) c)	112,63 669,68 1 065,98	1 549,86 738,82 4 543,58	220,29 88,71 70,02	838,83 218 086,93	38 379,52 248,21	18 740,47 22 580,79
1.160	Peas (<i>Pisum sativum</i>) 0708 10 00	a) b) c)	498,08 2 961,44 4 713,91	6 853,71 3 267,18 20 092,43	974,16 392,27 309,66	3 709,44 964 414,26	169 720,21 1 097,62	82 873,27 99 855,75

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.170	Beans:							
1.170.1	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 00	a) b) c)	164,02 975,24 1 552,36	2 257,02 1 075,93 6 616,73	320,80 129,18 101,97	1 221,57 317 595,52	55 891,31 361,46	27 291,36 32 883,94
1.170.2	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 00	a) b) c)	120,76 718,01 1 142,90	1 661,69 792,13 4 871,45	236,19 95,11 75,08	899,36 233 823,97	41 148,97 266,12	20 092,77 24 210,21
1.180	Broad beans ex 0708 90 00	a) b) c)	157,74 937,88 1 492,88	2 170,55 1 034,71 6 363,22	308,51 124,23 98,07	1 174,77 305 427,23	53 749,91 347,61	26 245,73 31 624,03
1.190	Globe artichokes 0709 10 00	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
1.200	Asparagus:							
1.200.1	— green ex 0709 20 00	a) b) c)	401,56 2 387,58 3 800,46	5 525,61 2 634,07 16 198,95	785,39 316,26 249,65	2 990,63 777 531,49	136 832,08 884,93	66 814,21 80 505,85
1.200.2	— other ex 0709 20 00	a) b) c)	295,07 1 754,43 2 792,64	4 060,30 1 935,56 11 903,24	577,11 232,39 183,45	2 197,56 571 342,35	100 546,36 650,26	49 096,13 59 156,97
1.210	Aubergines (eggplants) 0709 30 00	a) b) c)	101,84 605,51 963,83	1 401,34 668,02 4 108,19	199,18 80,20 63,31	758,45 197 188,38	34 701,74 224,42	16 944,63 20 416,95
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	a) b) c)	135,14 803,51 1 278,99	1 859,57 886,46 5 451,53	264,31 106,43 84,02	1 006,46 261 667,53	46 048,95 297,81	22 485,40 27 093,14
1.230	Chantarelles 0709 51 30	a) b) c)	744,83 4 428,56 7 049,22	10 249,08 4 885,76 30 046,37	1 456,76 586,60 463,06	5 547,12 1 442 191,98	253 800,82 1 641,39	123 929,28 149 325,01
1.240	Sweet peppers 0709 60 10	a) b) c)	180,31 1 072,07 1 706,49	2 481,12 1 182,76 7 273,68	352,66 142,01 112,10	1 342,86 349 128,65	61 440,60 397,35	30 001,04 36 148,89
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	a) b) c)	71,74 426,55 678,96	987,16 470,58 2 893,98	140,31 56,50 44,60	534,28 138 907,62	24 445,34 158,09	11 936,50 14 382,54
2.10	Chestnuts (<i>Castanea</i> spp.), fresh ex 0802 40 00	a) b) c)	176,48 1 049,30 1 670,24	2 428,42 1 157,63 7 119,19	345,16 138,99 109,72	1 314,33 341 712,93	60 135,56 388,91	29 363,80 35 381,06
2.30	Pineapples, fresh ex 0804 30 00	a) b) c)	59,77 355,38 565,69	822,47 392,07 2 411,16	116,90 47,07 37,16	445,15 115 732,99	20 367,00 131,72	9 945,07 11 983,03

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.40	Avocados, fresh ex 0804 40 00	a) b) c)	113,75 676,30 1 076,51	1 565,18 746,12 4 588,50	222,47 89,58 70,72	847,12 220 242,77	38 758,92 250,66	18 925,73 22 804,01
2.50	Guavas and mangoes, fresh ex 0804 50 00	a) b) c)	99,64 592,44 943,02	1 371,09 653,60 4 019,52	194,88 78,47 61,95	742,08 192 932,27	33 952,74 219,58	16 578,90 19 976,27
2.60	Sweet oranges, fresh:							
2.60.1	— Sanguines and semi-sanguines 0805 10 10	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins 0805 10 30	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.60.3	— Others 0805 10 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:							
2.70.1	— Clementines ex 0805 20 10	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70.2	— Monreales and satsumas ex 0805 20 30	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70.3	— Mandarines and wilkings ex 0805 20 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.85	Limes (<i>Citrus aurantifolia</i> , <i>Citrus latifolia</i>), fresh ex 0805 30 90 ex 0805 90 00	a) b) c)	129,44 769,63 1 225,07	1 781,17 849,09 5 221,72	253,17 101,94 80,47	964,03 250 636,60	44 107,70 285,25	21 537,50 25 950,99
2.90	Grapefruit, fresh:							
2.90.1	— white ex 0805 40 00	a) b) c)	52,30 310,95 494,96	719,64 343,05 2 109,70	102,29 41,19 32,51	389,49 101 263,44	17 820,61 115,25	8 701,69 10 484,85
2.90.2	— pink ex 0805 40 00	a) b) c)	62,63 372,39 592,75	861,82 410,83 2 526,52	122,50 49,33 38,94	466,44 121 270,14	21 341,45 138,02	10 420,89 12 556,35
2.100	Table grapes 0806 10 10	a) b) c)	399,04 2 372,58 3 776,58	5 490,89 2 617,52 16 097,19	780,45 314,27 248,08	2 971,84 772 646,86	135 972,47 879,37	66 394,47 80 000,10

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.110	Water melons 0807 11 00	a) b) c)	81,83 486,57 774,50	1 126,07 536,80 3 301,20	160,05 64,45 50,88	609,46 158 454,07	27 885,17 180,34	13 616,15 16 406,38
2.120	Melons (other than water melons):							
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onteniente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	a) b) c)	54,96 326,77 520,14	756,25 360,51 2 217,04	107,49 43,28 34,17	409,31 106 415,66	18 727,31 121,11	9 144,42 11 018,31
2.120.2	— other ex 0807 19 00	a) b) c)	98,20 583,90 929,42	1 351,32 644,18 3 961,55	192,07 77,34 61,05	731,38 190 149,85	33 463,08 216,41	16 339,80 19 688,17
2.140	Pears							
2.140.1	Pears — nashi (<i>Pyrus pyrifolia</i>), Pears — Ya (<i>Pyrus bretschneideri</i>) ex 0808 20 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.140.2	Other ex 0808 20 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.150	Apricots 0809 10 00	a) b) c)	335,43 1 994,36 3 174,56	4 615,59 2 200,26 13 531,13	656,04 264,17 208,54	2 498,10 649 478,98	114 297,06 739,19	55 810,51 67 247,26
2.160	Cherries 0809 20 95 0809 20 05	a) b) c)	696,66 4 142,15 6 593,32	9 586,24 4 569,78 28 103,15	1 362,55 548,66 433,11	5 188,37 1 348 919,73	237 386,52 1 535,23	115 914,29 139 667,57
2.170	Peaches 0809 30 90	a) b) c)	684,30 4 068,66 6 476,34	9 416,16 4 488,71 27 604,55	1 338,37 538,93 425,43	5 096,32 1 324 987,24	233 174,82 1 508,00	113 857,74 137 189,59
2.180	Nectarines ex 0809 30 10	a) b) c)	389,37 2 315,10 3 685,09	5 357,87 2 554,11 15 707,22	761,54 306,66 242,07	2 899,85 753 928,74	132 678,41 858,06	64 786,00 78 062,02
2.190	Plums 0809 40 05	a) b) c)	342,60 2 037,00 3 242,43	4 714,27 2 247,31 13 820,43	670,07 269,82 212,99	2 551,51 663 365,33	116 740,81 754,99	57 003,78 68 685,05
2.200	Strawberries 0810 10 00	a) b) c)	396,47 2 357,32 3 752,30	5 455,59 2 600,70 15 993,70	775,43 312,25 246,49	2 952,74 767 679,55	135 098,31 873,71	65 967,62 79 485,78
2.205	Raspberries 0810 20 10	a) b) c)	848,90 5 047,31 8 034,13	11 681,08 5 568,40 34 244,42	1 660,30 668,56 527,76	6 322,16 1 643 693,99	289 261,69 1 870,72	141 244,59 170 188,59
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	a) b) c)	1 598,12 9 501,97 15 124,90	21 990,57 10 482,96 64 467,88	3 125,65 1 258,62 993,55	11 901,98 3 094 386,00	544 558,37 3 521,79	265 904,30 320 393,69
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 00	a) b) c)	127,40 757,50 1 205,77	1 753,10 835,71 5 139,42	249,18 100,34 79,21	948,83 246 686,41	43 412,54 280,76	21 198,06 25 541,99

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.230	Pomegranates ex 0810 90 85	a) b) c)	158,09 939,95 1 496,19	2 175,35 1 037,00 6 377,29	309,20 124,51 98,28	1 177,37 306 102,99	53 868,83 348,38	26 303,80 31 694,00
2.240	Khakis (including sharon fruit) ex 0810 90 85	a) b) c)	395,13 2 350,50 3 741,44	5 439,80 2 593,17 15 947,40	773,19 311,34 245,77	2 944,19 765 457,10	134 707,20 871,18	65 776,65 79 255,67
2.250	Lychees ex 0810 90 30	a) b) c)	266,87 1 586,76 2 525,75	3 672,27 1 750,58 10 765,67	521,96 210,18 165,92	1 987,54 516 740,31	90 937,35 588,11	44 404,11 53 503,45

COMMISSION REGULATION (EC) No 2491/2001
of 19 December 2001
amending Council Regulation (EEC) No 2092/91 on organic production of agricultural products and
indications referring thereto on agricultural products and foodstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs ⁽¹⁾, as last amended by Commission Regulation (EC) No 436/2001 ⁽²⁾, and in particular Article 13, second indent thereof,

Whereas:

- (1) Organic production of agricultural products has developed significantly in recent years. In many cases organic production is not anymore limited to local productions and local trade but, on the contrary, involves very often several operators and operations, such as import, transport, storage and packaging.
- (2) Annex III to Regulation (EEC) No 2092/91 lays down minimum inspection requirements and precautionary measures under the inspection scheme referred to in Articles 8 and 9 of that Regulation.
- (3) Annex III already comprises provisions for the main operators and different stages involved in the organic production of agricultural products. However, in order to ensure the traceability of organic agricultural products throughout the different stages of the trade chain, and

finally the compliance of these products with the provisions laid down in Regulation (EEC) No 2092/91 in the light of recent developments, it is necessary to adapt the provisions set out in Annex III.

- (4) It is necessary that Member States complete the measures set out in Annex III to ensure that consumers are given guarantees that the products have been produced in accordance with Regulation (EEC) No 2092/91.
- (5) Regulation (EEC) No 2092/91 should therefore be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 14 of Regulation (EEC) No 2092/91,

HAS ADOPTED THIS REGULATION:

Article 1

Annex III to Regulation (EEC) No 2092/91 is replaced by the text in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the 60th day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 19 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 198, 22.7.1991, p. 1.

⁽²⁾ OJ L 63, 3.3.2001, p. 16.

ANNEX

'ANNEX III

MINIMUM INSPECTION REQUIREMENTS AND PRECAUTIONARY MEASURES UNDER THE INSPECTION SCHEME REFERRED TO IN ARTICLES 8 AND 9

GENERAL PROVISIONS

1. Minimum inspection requirements

The inspection requirements of this Annex shall apply without prejudice of the measures adopted by the Member States necessary to ensure traceability of the products, as referred to in Article 9(12)(a) and (c), during the entire production chain, and to ensure that the provisions of this Regulation are satisfied.

2. Implementation

The operators already in activity at the date mentioned in Article 2 of Regulation (EC) No 2491/2001 shall also be subject to the provisions referred to in point 3 and to the initial inspection provisions foreseen in sections A, B, C and D of the specific provisions of this Annex.

3. Initial inspection

When the inspection arrangements are first implemented, the operator responsible must draw up:

- a full description of the unit and/or premises and/or activity,
- all the practical measures to be taken at the level of the unit and/or premises and/or activity to ensure compliance with this Regulation, and in particular with the requirements in this Annex.

The description and practical measures concerned must be contained in a declaration, signed by the responsible operator.

In addition, this declaration must include an undertaking by the operator:

- to perform the operations in accordance with Articles 5, 6, 6a and, where relevant, Article 11,
- to accept, in the event of infringement or irregularities, the enforcement of the measures referred to in Article 9(9) and, where relevant, in Article 10(3), and
- to accept to inform in writing the buyers of the product in order to ensure that the indications referring to the organic production method are removed from this production.

This declaration must be verified by the inspection body or authority that issues a report identifying the possible deficiencies and non-compliances with the provisions of this Regulation. The operator must countersign this report and take the necessary corrective measures.

4. Communications

The operator responsible must notify any change in the description or of the practical measures referred to in point 3 and in the initial inspection provisions foreseen in sections A, B, C and D of the specific provisions of this Annex to the inspection body or authority in due time.

5. Inspection visits

The inspection body or authority must make a full physical inspection, at least once a year, of the production/preparation units or other premises. The inspection body or authority may take samples for testing of products not authorised under this Regulation or for checking production techniques not in conformity with this Regulation. Samples may also be taken and analysed for detecting possible contamination by unauthorised products. However, such analysis must be carried out where the use of unauthorised products is suspected. An inspection report must be drawn up after each visit, countersigned by the responsible person of the unit or his representative.

Moreover, the inspection body or authority shall carry out random inspection visits, announced or not. The visits shall cover in particular those holdings or situations where specific risk or exchange of products from organic production with other products may exist.

6. Documentary accounts

Stock and financial records must be kept in the unit or premises, to enable the operator and the inspection body or authority to trace:

- the supplier and, where different, the seller, or the exporter of the products,
- the nature and the quantities of agricultural products as referred to in Article 1 delivered to the unit and, where relevant, of all materials bought and the use of such materials,
- the nature, the quantities and the consignees and, where different, the buyers of any products as referred to in Article 1, which have left the unit or the first consignee's premises or storage facilities,
- any other information required by the inspection body or authority for the purpose of proper inspection.

The data in the accounts must be documented with appropriate justification documents.

The accounts must demonstrate the balance between the input and the output.

7. Packaging and transport of products to other production/preparation units or premises

The operators shall ensure that products as referred to in Article 1 may be transported to other units, including wholesalers and retailers, only in appropriate packaging, containers or vehicles closed in such a manner that substitution of the content cannot be achieved without manipulation or damage of the seal and provided with a label stating, without prejudice to any other indications required by law:

- (a) the name and address of the operator and, where different, of the owner or seller of the product;
- (b) the name of the product, including a reference to the organic production method, in accordance with Article 5;
- (c) the name and/or the code number of the inspection body or authority to which the operator is subject; and
- (d) where relevant, the lot identification mark according to a marking system either approved at national level or agreed with the inspection body or authority and which permits to link the lot with the accounts referred to in point 6.

The information under (a), (b), (c) and (d) can also be presented on an accompanying document, if such document can be undeniably linked with the packaging, container or vehicle of the product. This accompanying document shall include information on the supplier and/or the transporter.

However, the closing of packaging, containers or vehicles is not required where:

- transportation is direct between a producer and another operator who are both subject to the inspection system referred to in Article 9, and
- the products are accompanied by a document giving the information required under the previous subparagraph, and
- the inspection body or authority of both the expediting and the receiving operators have been informed of such transport operations and have agreed thereto. Such agreement might be provided for one or more transport operation(s).

8. Storage of products

For the storage of products, areas must be managed in order to ensure identification of lots and to avoid any mixing with or contamination by products and/or substances not in compliance with this Regulation.

9. Products suspected not to satisfy the requirements of the Regulation

Where an operator considers or suspects that a product which he has produced, prepared, imported or been delivered from another operator, is not in compliance with this Regulation, he shall initiate procedures either to withdraw from this product any reference to the organic production method or to separate and identify the product. He only may put it into processing or packaging or on the market after elimination of that doubt, unless it is placed on the market without indication referring to the organic production method. In case of such doubt, the operator shall immediately inform the inspection body or authority. The inspection body or authority may require that the product cannot be placed on the market with indications referring to the organic production method until it is satisfied, by the information received from the operator or from other sources, that the doubt has been eliminated.

Where an inspection body or authority has a substantiated suspicion that an operator intends to place on the market a product not in compliance with this Regulation but bearing a reference to the organic production method, this inspection body or authority can require that the operator may provisionally not market the product with this reference. This decision shall be supplemented by the obligation to withdraw from this product any reference to the organic production method if the inspection body or authority is sure that the product does not fulfil the requirements of this Regulation. However if the suspicion is not confirmed, the above decision shall be cancelled not later than a time period after having been taken. The inspection body or authority shall define this time period. The operator shall cooperate fully with the inspection body or authority in resolving the suspicion.

10. Access to facilities

The operator must give the inspection body or authority, for inspection purposes, access to all parts of the unit and all premises, as well as to the accounts and relevant supporting documents. He must provide the inspection body or authority with any information deemed necessary for the purposes of the inspection.

When requested by the inspection body or authority, the operator shall submit the results of its own voluntary inspection and sampling programmes.

In addition, importers and first consignees must submit any import authorisations under Article 11(6) and certificates of inspection for import from third countries.

11. Exchange of information

Where the operator and his subcontractors are inspected by different inspection bodies or authorities, the declaration referred to in point 3 must include an agreement by the operator on his behalf and that of his subcontractors, that the different inspection bodies or authorities can exchange information on the operations under their inspection and on the way this exchange of information can be implemented.

SPECIFIC PROVISIONS

A. *Production of plants, plant products, livestock and/or livestock products*

This section applies to any unit involved in production as defined in Article 4(2) of products referred to in Article 1(1)(a) for its own account or for account of a third party.

Production must take place in a unit of which the production premises, land parcels, pasturage, open-air exercise areas, open air runs, livestock buildings, and, where applicable, the premises for the storage of crops, crop products, livestock products, raw materials and inputs, are clearly separate from those of any other unit not producing in accordance with the rules laid down in this Regulation.

Processing, packaging and/or marketing may take place at the production unit, where these activities are limited to its own agricultural produce.

Quantities sold directly to the final consumer shall be accounted on a daily basis.

Storage, in the unit, of input products other than those permitted by Article 6(1)(b) and (c) and Article 6(3)(a), is prohibited.

On receipt of a product as referred to in Article 1, the operator shall check the closing of the packaging or container where it is required and the presence of the indications referred to in point 7 of the general provisions of this Annex. The result of this verification shall be explicitly mentioned in the documentary accounts referred to in point 6 of the general provisions.

A.1. *Plants and plant products from farm production or collection*

1. Initial inspection

The full description of the unit referred to under point 3 of the general provisions of this Annex must:

- be drawn up even where the producer limits his activity to the collection of wild plants,
- show the storage and production premises and land parcels and/or collection areas and, where applicable, premises where certain processing and/or packaging operations take place, and

- specify the date of the last application on the parcels and/or collection areas concerned of products, the use of which is not compatible with Article 6(1)(b).

In case of collection of wild plants, the practical measures referred to under point 3 of the general provisions of this Annex must include the guarantees given by third parties which the producer can provide to ensure that the provisions of Annex I, section A, point 4, are complied with.

2. Communications

Each year, before the date indicated by the inspection body or authority, the producer must notify the body or authority of its schedule of production of crop products, giving a breakdown by parcel.

3. Several production units run by the same operator

Where an operator runs several production units in the same area, the units producing crops or crop products not covered by Article 1, together with storage premises for input products (such as fertilisers, plant protection products, seed) must also be subject to the general inspection arrangements laid down in the general provisions of this Annex as well as to the specific inspections provisions as regards points 1, 2, 3, 4 and 6 of the general provisions.

The same variety as, or a variety that cannot be easily differentiated from those produced at the unit referred to in the second paragraph of section A, may not be produced at these units.

However, producers may derogate from the rule referred to in the last sentence of the preceding subparagraph:

- (a) in the case of the production of perennial crop products (edible fruit bearing trees, vines and hops) provided the following conditions are met:
 - 1. the production in question forms part of a conversion plan in respect of which the producer gives a firm undertaking and which provides for the beginning of the conversion of the last part of the area concerned to organic production in the shortest possible period which may not in any event exceed a maximum of five years,
 - 2. appropriate measures have been taken to ensure the permanent separation of the products obtained from each unit concerned,
 - 3. the inspection body or authority is notified of the harvest of each of the products concerned at least 48 hours in advance,
 - 4. immediately upon completion of the harvest, the producer informs the inspection body or authority of the exact quantities harvested on the units concerned together with any particular distinguishing features (such as quality, colour, average weight, etc.) and confirms that the measures taken to separate the products have been applied,
 - 5. the conversion plan and the measures referred to in point 1 and in point 3 of the general provisions have been approved by the inspection body or authority. This approval must be confirmed each year after the start of the conversion plan.
- (b) in the case of areas intended for agricultural research agreed by the Member States' competent authorities, provided that conditions 2, 3 and 4 and the relevant part of condition 5 referred to in (a) are met;
- (c) in the case of production of seed, vegetative propagating material and transplants, provided that conditions 2, 3 and 4 and the relevant part of condition 5 referred to in (a) are met;
- (d) in the case of grassland exclusively used for grazing.

A.2. Livestock and livestock products produced by animal husbandry

1. Initial inspection

When the inspection system applying specifically to livestock production is first implemented, the full description of the unit referred to under point 3 of the general provisions of this Annex must include:

- a full description of the livestock buildings, pasturage, open-air exercise areas, open-air runs, etc., and, where applicable, the premises for the storage, packaging and processing of livestock, livestock products, raw materials and inputs,
- a full description of the installations for the storage of livestock manure.

The practical measures referred to under point 3 of the general provisions of this Annex must include:

- plan for spreading manure agreed with the inspection body or authority, together with a full description of the areas given over to crop production,
- where appropriate, as regards the spreading of manure, the written arrangements with other holdings complying with the provisions of this Regulation,
- management plan for the organic-production livestock unit (e.g. management for feeding, reproduction, health, etc.).

2. Identification of livestock

The livestock must be identified permanently using techniques adapted to each species, individually in the case of large mammals and individually or by batch in the case of poultry and small mammals.

3. Livestock records

Livestock records must be compiled in the form of a register and kept available to the inspection authorities or bodies at all times at the address of the holding.

Such records, which are to provide a full description of the herd or flock management system, must contain the following information:

- by species, as regards livestock arriving at the holding: origin and date of arrival, conversion period, identification mark and veterinary record,
- as regards livestock leaving the holding: age, number of heads, weight in case of slaughter, identification mark and destination,
- details of any animals lost and reasons,
- as regards feed: type, including feed supplements, proportions of various ingredients of rations and periods of access to free-range areas, periods of transhumance where restrictions apply,
- as regards disease prevention and treatment and veterinary care: date of treatment, diagnosis, type of treatment product, method of treatment and practitioner's prescription for veterinary care with reasons and withdrawal periods applying before livestock products can be marketed.

4. Several production units run by the same operator

Where a producer, in accordance with points 1.6 of section B and 1.3 of section C of Annex I manages several production units, the units which produce livestock or livestock products not covered by Article 1 must also be subject to the inspection system as regards point 1 of this subsection on livestock and livestock products and as regards the provisions on livestock management, livestock records and the principles governing storage of animal husbandry products used.

A derogation with regard to the requirement of different involved species in point 1.6 of Annex I, part B, may be granted to holdings carrying out agricultural research by the inspection body or authority in agreement with the competent authority of the Member State, where the following conditions are met:

- appropriate measures, agreed with the inspection body or authority have been taken in order to guarantee the permanent separation between livestock, livestock products, manure and feedingstuffs of each of the units,
- the producer informs the inspection body or authority in advance of any delivery or selling of the livestock or livestock products,
- the operator informs the inspection body or authority of the exact quantities produced in the units together with all characteristics permitting the identification of the products and confirms that the measures taken to separate the products have been applied.

5. Other requirements

By way of a derogation from those rules, the storage of allopathic veterinary medicinal products and antibiotics is permitted on holdings provided that they have been prescribed by a veterinarian in connection with treatment as referred to in Annex I, that they are stored in a supervised location and that they are entered in the farm register.

B. Units for preparation of plant and livestock products and foodstuffs composed of plant and livestock products

This section applies to any unit involved in the preparation, as defined in Article 4(3), of products referred to in Article 1(1), for its own account or for account of a third party, and including in particular also:

- units involved in packaging and/or re-packaging of such products,
- units involved in labelling and/or re-labelling of such products.

1. Initial inspection

The full description of the unit referred to under point 3 of the general provisions of this Annex must show the facilities used for the reception, the processing, packaging, labelling and storage of agricultural products before and after the operations concerning them, as well as the procedures for the transport of the products.

2. Documentary accounts

The documentary accounts referred to in point 6 of the general provisions shall include the verification referred to in point 5 of this subsection.

3. Preparation units handling also products not from organic production

Where products not referred to in Article 1 are also prepared, packaged or stored in the preparation unit concerned:

- the unit must have areas separated by place or time within the premises for the storage of products as referred to in Article 1, before and after the operations,
- operations must be carried out continuously until the complete run has been dealt with, separated by place or time from similar operations performed on products not covered by Article 1,
- if such operations are not carried out at regular times or on a fixed day, they must be announced in advance, with a deadline agreed on with the inspection body or authority,
- every measure must be taken to ensure identification of lots and to avoid mixtures or exchanges with products not obtained in accordance with the rules laid down in this Regulation,
- operations on products in accordance with the rules laid down in this Regulation must be carried out only after cleaning of the production equipment. The effectiveness of the cleaning measures must be checked and recorded.

4. Packaging and transport of products to preparation units

Milk, eggs and egg-products from organic farming shall be collected independently from products not produced in accordance with this Regulation. By derogation, and subject to the prior approval by the inspection body or authority, simultaneous collection may occur, where appropriate measures are taken to prevent any possible mixture or exchange with products not produced in accordance with this Regulation and to ensure the identification of the products produced in accordance with the provisions of this Regulation. The operator keeps the information relating to collection days, hours, circuit and date and time of reception of the products available to the inspection body or authority.

5. Reception of products from other units

On receipt of a product as referred to in Article 1, the operator shall check the closing of the packaging or container where it is required and the presence of the indications referred to in point 7 of the general provisions of this Annex. The operator shall crosscheck the information on the label referred to in point 7 of the general provisions with the information on the accompanying documents. The result of these verifications shall be explicitly mentioned in the documentary accounts referred to in point 6 of the general provisions.

C. Imports of plants, plant products, livestock, livestock products and foodstuffs composed of plant products and/or livestock products from third countries

This section applies to any operator involved, as importer and/or as first consignee, in the import and/or reception, for its own account or for account of another operator, of products referred to in Article 1(1). For the purpose of this section:

- the importer shall mean the natural or legal person within the European Community who presents a consignment for release for free circulation into the European Community, either on its own, or through a representative,
- the first consignee shall mean the natural or legal person referred to in Article 11(3)(a) to whom the consignment is delivered and who will receive it for further preparation and/or marketing.

1. Initial inspection

Importers

- The full description of the unit referred to under point 3 of the general provisions of this Annex must include the importer's premises and of his import activities, indicating the points of entry of the products into the Community and any other facilities the importer intends to use for the storage of the imported products pending their delivery to the first consignee,
- In addition, the declaration referred to under point 3 of the general provisions must include an undertaking by the importer to ensure that any facilities that the importer will use for storage of products are submitted to inspection, to be carried out either by the inspection body or authority or, when these storage facilities are situated in another Member State or region, by an inspection body or authority approved for inspection in that Member State or region.

First consignee

- The full description of the unit referred to under point 3 of the general provisions must show the facilities used for the reception and storage. Where other activities, like processing, packaging, labelling and storage of agricultural products before and after the operations concerning them, as well the transport of the products, take place, the relevant provisions under section B shall apply.

When the importer and the first consignee are the same legal person and operating in one single unit, the reports referred to in point 3 of the general provisions can be formalised within one single report.

2. Documentary accounts

When the importer and the first consignee are not operating in one single unit, both of them must keep stock and financial records.

On request of the inspection body or authority, any details on the transport arrangements from the exporter in the third country to the first consignee and, from the first consignee's premises or storage facilities to the consignees within the Community must be provided.

3. Information on imported consignments

The importer shall, at the latest by the time that the certificate is submitted to the relevant Member State's authority in accordance with Article 4 point 1 of Commission Regulation (EC) No 1788/2001 of 7 September 2001 laying down detailed rules for implementing the provisions concerning the certificate of inspection for imports from third countries under Article 11 of Council Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs⁽¹⁾, inform the inspection body or authority of each consignment to be imported into the Community, giving:

- the name and address of the first consignee,
- any details this body or authority may require, such as a copy of the inspection certificate for the importation of products from organic farming. On the request of the inspection body or authority of the importer, the latter must pass the information to the inspection body or authority of the first consignee.

4. Importers and first consignees handling also products not from organic production

When imported products referred to in Article 1 are stored in storage facilities where also other agricultural products or foodstuffs are stored:

- the products as referred to in Article 1 must be kept separate from the other agricultural products and/or foodstuffs,
- every measure must be taken to ensure identification of consignments and to avoid mixtures or exchanges with products not obtained in accordance with the rules laid down in this Regulation.

⁽¹⁾ OJ L 243, 13.9.2001, p. 3.

5. Inspection visits

The inspection body or authority shall inspect the stock and financial records mentioned in section C, point 2 and the certificates referred to in Article 11(1)(b) and Article 11(3) and established by Regulation (EC) No 1788/2001.

Where the importer performs the import operations by different units or premises, he must make available on request, the reports foreseen under point 3 and 5 of the general provisions of this Annex for each of these facilities.

6. Reception of products from a third country

Products as referred to in Article 1 shall be imported from a third country in appropriate packaging or containers, closed in a manner preventing substitution of the content and provided with identification of the exporter and with any other marks and numbers serving to identify the lot with the certificate of inspection for import from third countries.

On receipt of a product as referred to in Article 1, imported from a third country, the first consignee shall check the closing of the packaging or container and the correspondence of the identification of the consignment with the certificate referred to in Regulation (EC) No 1788/2001. The result of this verification shall be explicitly mentioned in the accounts referred to in section C, point 2.

D. Units involved in the production, preparation or import of products referred to in Article 1(1) and which have contracted out to third parties in part or in total the actual operations concerned**Initial inspection**

With regard to the operations, which are contracted out to third parties, the full description referred to in point 3 of the general provisions shall include:

- a list of the subcontractors with a description of their activities and the inspection bodies or authorities to which they are subject; these subcontractors must have agreed to have their holding being subject to the inspection regime of Article 9, in accordance with the relevant sections of Annex III,
- all the practical measures, including *inter alia* an appropriate system of documentary accounts, to be taken at the level of the unit to ensure that the products the operator places on the market can be traced to their suppliers, and, where different, their sellers, as well as to their consignees and, where different, their buyers.'

COMMISSION REGULATION (EC) No 2492/2001
of 19 December 2001
amending Regulation (EC) No 1445/95 on rules of application for import and export licences in the
beef and veal sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Regulation (EC) No 1445/95 is amended as follows:

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Commission Regulation (EC) No 2345/2001 ⁽²⁾, and in particular Article 29(2) thereof,

Whereas:

(1) Commission Regulation (EC) No 2789/98 ⁽³⁾, as last amended by Regulation (EC) No 1204/2001 ⁽⁴⁾, grants a temporary derogation until 31 December 2001 from Commission Regulation (EC) No 1445/95 ⁽⁵⁾, as last amended by Regulation (EC) No 24/2001 ⁽⁶⁾.

(2) In view of the difficult economic conditions applying to exports of beef and veal and the experience gained as a result of the derogations granted, certain conditions which have been temporarily relaxed as regards the period of validity of export licences with advance fixing of the refund and the application of Article 10(5) of Regulation (EC) No 1445/95 to products falling within CN code 0202, should be made permanent. Those conditions should therefore be included in Regulation (EC) No 1445/95.

(3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

1. The first subparagraph of Article 8(1) is replaced by the following:

The period of validity of licences for exports of products for which a refund is claimed and which are subject to the issuing of an export licence with advance fixing of the refund shall be:

- five months plus the current month for products falling within CN code 0102 10 and 75 days for products falling within CN codes 0102 90 and 1602,
- 60 days for other products,

from the date of issue within the meaning of Article 23(2) of Commission Regulation (EC) No 1291/2000 (*).

(*) OJ L 152, 24.6.2000, p. 1.

2. The first sentence and the first part of the second sentence of Article 10(5) are replaced by the following:

'Paragraph 1 notwithstanding, licence applications for a quantity not exceeding 22 tonnes of products falling within CN codes 0201 and 0202 shall not be subject to the five-day time-lag. In this case, Article 8 notwithstanding, the validity of licences issued shall be restricted to five working days from the date of issue within the meaning of Article 23(2) of Regulation (EC) No 1291/2000, and applications and licences shall carry the following entry in box 20:'.

Article 2

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

It shall apply to applications for export licences with advance fixing of the refund from 1 January 2002.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 315, 1.12.2001, p. 29.

⁽³⁾ OJ L 347, 23.12.1998, p. 33.

⁽⁴⁾ OJ L 163, 20.6.2001, p. 13.

⁽⁵⁾ OJ L 143, 27.6.1995, p. 35.

⁽⁶⁾ OJ L 3, 6.1.2001, p. 9.

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

Done at Brussels, 19 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

**COMMISSION REGULATION (EC) No 2493/2001
of 19 December 2001**

on the disposal of certain fishery products which have been withdrawn from the market

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products ⁽¹⁾, and in particular Article 17(5) and Article 21(8) thereof,

Whereas:

- (1) Under Regulation (EC) No 104/2000, fishery products withdrawn from the market by producer organisations are to be disposed of in such a way as not to interfere with normal marketing of other products. Financial compensation may be granted provided this requirement as to the disposal of products is met.
- (2) Market stabilisation measures can be fully effective only if the withdrawn products are not reintroduced into the usual distribution network for those products. Any use which could, by substitution, influence the consumption of products which have not been the subject of market stabilisation measures must therefore be ruled out.
- (3) It is therefore necessary to provide for options for disposing of products withdrawn from the market which meet that requirement and to specify the terms on which those options may be used.
- (4) Commission Regulation (EEC) No 1501/83 of 9 June 1983 on the disposal of certain fishery products which have been the subject of measures to stabilise the market ⁽²⁾ should therefore be repealed and replaced.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

1. Fishery products withdrawn from the market by producer organisations in accordance with Article 17 of Regulation (EC) No 104/2000 and not intended to be eligible for the carry-over

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

⁽²⁾ OJ L 152, 10.6.1983, p. 22.

aid referred to in Article 23 of that Regulation shall be disposed of in one of the following ways:

- (a) under the responsibility of the Member States, distributed free of charge in the natural state for their own consumption to philanthropic or charitable institutions established in the Community or to persons who are recognised by the national legislation of the Member State concerned as being entitled to public assistance;
- (b) used in the fresh or preserved state for animal feed;
- (c) used, after processing into meal, for animal feed;
- (d) used as bait;
- (e) used for non-food purposes.

2. Disposal options other than those provided for in paragraph 1 may be authorised by the Commission on an ad hoc basis at the request of a Member State.

Article 2

1. Disposal of the products for the purposes indicated in Article 1(1)(b), (c), (d) or (e) shall be subject to the condition that the products are:

- (a) rendered unfit for human consumption immediately after their withdrawal from the market;
- (b) offered for sale open to any interested operators in accordance with customary regional and local practice. Purchasers must specify the use to which they undertake to put the products so purchased.

2. An invoice or receipt shall be issued immediately following the sale referred to in paragraph 1, indicating the identity of the vendor and purchaser, the use to which the products are to be put, the selling price and the quantities concerned. A copy of that invoice or receipt shall be sent by the producer organisation to the competent authorities of the Member State at least every three months.

3. Where producer organisations have satisfied the Member State concerned that the products have not found a purchaser since the offer for sale as provided for in paragraph 1, the products shall be rendered unusable by the producer organisations under the control of the Member State. The quantities in question shall be notified by the producer organisations to the competent authorities of the Member State at the intervals set out in the second sentence of paragraph 2.

Article 3

Member States shall take all appropriate measures to prevent and prosecute fraudulent infringements of the system laid down by this Regulation. They shall ensure that the products disposed of are not diverted from the use specified. Each Member State shall notify the Commission no later than one month from the entry into force of this Regulation of the measures taken for its implementation.

Article 4

Regulation (EEC) No 1501/83 is hereby repealed.

Article 5

This Regulation shall enter into force on 1 January 2002.

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

Done at Brussels, 19 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2494/2001
of 19 December 2001
amending Regulation (EC) No 80/2001 as regards the options for disposing of fishery products
withdrawn from the market

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products ⁽¹⁾, and in particular Article 34(2) thereof,

Whereas:

- (1) In accordance with Commission Regulation (EC) No 80/2001 of 16 January 2001 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards notifications concerning recognition of producer organisations, the fixing of prices and intervention within the scope of the common organisation of the market in fishery and aquaculture products ⁽²⁾, Member States notify the Commission, for each product withdrawn from the market, of the value and quantities

disposed of, broken down by the disposal options set out in Commission Regulation (EEC) No 1501/83 ⁽³⁾.

- (2) Regulation (EEC) No 1501/83 has been repealed and replaced by Regulation (EC) No 2493/2001 ⁽⁴⁾ which increases the number of disposal options available.
- (3) Regulation (EC) No 80/2001 should therefore be amended accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

Table 9 in Annex VIII to Regulation (EC) No 80/2001 is replaced by the following:

TABLE 9

Use of withdrawals

Code	Use of withdrawals
FMEAL	Use following processing into meal (animal feed)
OTHER	Use fresh or preserved (animal feed)
NOALIM	Use for purposes other than feed
DIST	Free distribution
BAIT	Bait*

Article 2

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

It shall apply from 1 January 2002.

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

Done at Brussels, 19 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

⁽²⁾ OJ L 13, 17.1.2001, p. 3.

⁽³⁾ OJ L 152, 10.6.1983, p. 22.

⁽⁴⁾ See page 20 of this Official Journal.

COMMISSION REGULATION (EC) No 2495/2001
of 19 December 2001
amending Council Regulation (EC) No 2406/96 laying down common marketing standards for
certain fishery products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products ⁽¹⁾, and in particular Article 2(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2406/96 ⁽²⁾, as last amended by Regulation (EC) No 2578/2000 ⁽³⁾, introduced in particular a new scale of size categories for herring of the species *Clupea harengus*. In the case of Baltic herring this scale establishes a specific size for products taken and landed north of 59° 30', and a single specific size for products taken and landed south of 59° 30'.
- (2) The specific size for Baltic herring taken and landed north of 59° 30' no longer meets the real requirements of the market in this area and a larger number of size categories should be defined.
- (3) The average weight and length of herring in the Main Basin of the Baltic Sea have in fact fallen considerably over the past 15 years. As a result, the northern type of herring (small size but advanced age) constitutes the bulk of the stock and of catches in the Main Basin. The International Baltic Sea Fishery Commission (IBSFC) has not fixed a minimum size for Baltic herring.

(4) Provision should therefore be made for the marketing of this herring, by fixing a larger number of size categories.

(5) The sizes currently in force in the northern part of the Baltic Sea should therefore be amended. This amendment will constitute a change to the common marketing standards provided for in Article 2(3) of Regulation (EC) No 104/2000.

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

HAS ADOPTED THIS REGULATION:

Article 1

In Annex II to Regulation (EC) No 2406/96, the size categories applicable to Baltic herring (*Clupea harengus*) taken and landed north of 59° 30' are hereby amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 2002.

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

Done at Brussels, 19 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

⁽²⁾ OJ L 334, 23.12.1996, p. 1.

⁽³⁾ OJ L 298, 25.11.2000, p. 1.

ANNEX

Scale of weights				Minimum sizes to be observed in the conditions laid down in the Regulations referred to in Article 7		
Species	Size	Kg/fish	Number of fish/kg	Region	Geographical area	Minimum size
Atlantic herring (<i>Clupea harengus</i>)	1	0,250 and over	4 or less	1	ICES Vb (EC zone)	20 cm
	2	0,125 to 0,250	5 to 8	2	(a)	20 cm
	3	0,085 to 0,125	9 to 11		(b)	18 cm
	4(a)	0,050 to 0,085	12 to 20	3		20 cm
Baltic herring caught and landed, south of 59° 30'	4(b)	0,036 to 0,085	12 to 27			
Baltic herring caught and landed, north of 59° 30'	4(c)	0,057 to 0,085	12 to 17			
	5	0,031 to 0,057	18 to 32			
	6	0,023 to 0,031	33 to 44			

**COMMISSION REGULATION (EC) No 2496/2001
of 19 December 2001**

providing for compensation to producer organisations for tuna delivered to the processing industry between 1 January and 31 March 2001

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the market in fishery and aquaculture products ⁽¹⁾, and in particular Article 27(6) thereof,

Whereas:

- (1) The compensatory allowance provided for in Article 27 of Regulation (EC) No 104/2000 is to be granted under certain conditions to Community tuna producer organisations for quantities of tuna delivered to the processing industry during the calendar quarter for which prices had been recorded, where both the average quarterly selling price recorded on the Community market and the import price plus any applicable countervailing charge were lower than 87 % of the Community producer price for the product concerned.
- (2) An examination of the situation on the Community market has shown that between 1 January and 31 March 2001 both the average quarterly selling price and the import price as referred to in Article 27 of Regulation (EC) No 104/2000 for skipjack or stripe-bellied bonito (*Euthynnus (Katsuwonus) pelamis*) were lower than 87 % of the Community producer price in force, as laid down in Council Regulation (EC) No 2764/2000 ⁽²⁾.
- (3) Entitlement to the compensatory allowance should be determined on the basis of sales covered by invoices bearing a date falling within the quarter concerned and which have been used to calculate the average monthly selling price referred to in Article 4 of Commission Regulation (EC) No 142/98 ⁽³⁾.
- (4) The level of the compensation provided for in Article 27(2) of Regulation (EC) No 104/2000 may not in any case exceed either the difference between the triggering threshold and the average selling price of the product in question on the Community market or a flat-rate amount equivalent to 12 % of that threshold.
- (5) The quantities on which compensation as provided for in Article 27(1) of Regulation (EC) No 104/2000 is payable may under no circumstances exceed the limits laid down in paragraph 3 of that Article for the quarter concerned.
- (6) The quantities of skipjack or stripe-bellied bonito *Euthynnus (Katsuwonus) pelamis* sold and delivered to the processing industry established in the customs territory of the Community were higher during the quarter

concerned than the quantities sold and delivered during the same quarter of the three previous fishing years. Since those quantities exceed the limit set in Article 27(3) of Regulation (EC) No 104/2000, the total quantities of those products on which compensation is payable should therefore be limited.

- (7) In accordance with the ceilings laid down in Article 27(4) of Regulation (EC) No 104/2000 for the purpose of calculating the allowance to be granted to each producer organisation, the quantities on which the allowance is payable should be allocated among the producer organisations concerned in proportion to the quantities produced by them in the same quarter of the 1998, 1999 and 2000 fishing years.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

The compensatory allowance provided for in Article 27 of Regulation (EC) No 104/2000 shall be granted for the period from 1 January to 31 March 2001 in respect of the following products:

(EUR/tonne)	
Product	Maximum allowance in accordance with the first and second indents of Article 27(2) of Regulation (EC) No 104/2000
Skipjack or stripe-bellied bonito (<i>Euthynnus (Katsuwonus) pelamis</i>)	10

Article 2

1. The total quantities on which the allowance for these species is payable shall be:

Skipjack or stripe-bellied bonito (*Euthynnus (Katsuwonus) pelamis*): 10 423,829 tonnes.

2. The allocation of the total quantity among the producer organisations concerned shall be as set out in the Annex hereto.

Article 3

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

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

⁽²⁾ OJ L 321, 19.12.2000, p. 1.

⁽³⁾ OJ L 17, 22.1.1998, p. 8.

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

Done at Brussels, 19 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Allocation among producer organisations of quantities of tuna on which the compensatory allowance is payable for the period from 1 January to 31 March 2001 in accordance with Article 27(4) of Regulation (EC) No 104/2000, broken down by compensation percentage band

(tonnes)

Skipjack or stripe-bellied bonito (<i>Euthynnus (Katsuwonus palamis)</i>)	Quantities 100 % of which is eligible for compensation (first indent of Article 27(4))	Quantities 50 % of which is eligible for compensation (second indent of Article 27(4))	Total quantities on which compensation is payable (first and second indents of Article 27(4))
Opagac	4 704,347	0	4 704,347
Optuc	4 100,371	208,116	4 308,487
OP 42 (Can.)	0	0	0
Orthongel	208,802	1 202,193	1 410,995
Apasa	0	0	0
Madeira	0	0	0
EU — Total	9 013,520	1 410,309	10 423,829

COMMISSION REGULATION (EC) No 2497/2001**of 19 December 2001****opening and providing for the administration of Community tariff quotas for certain fish and fishery products originating in the Republic of Croatia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2248/2001 of 19 November 2001 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part, and for applying the Interim Agreement between the European Community and the Republic of Croatia ⁽¹⁾, and in particular Articles 4 and 5 thereof,

Whereas:

- (1) The Council is in the process of concluding a Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part, hereinafter referred to as 'the Stabilisation and Association Agreement'.
- (2) Pending the completion of the procedure necessary for the ratification and entry into force of the Stabilisation and Association Agreement, the Council is also in the process of concluding an Interim Agreement between the European Community, of the one part, and the Republic of Croatia, of the other part, covering trade and trade-related matters, hereinafter referred to as 'the Interim Agreement', which will be applied as of 1 January 2002.
- (3) The Interim Agreement and the Stabilisation and Association Agreement stipulate that certain fish and fishery products originating in Croatia may be imported into the Community, within the limits of Community tariff quotas, at a reduced or a zero-rate of customs duty.
- (4) The tariff quotas provided for in the Interim Agreement and in the Stabilisation and Association Agreement are annual and are repeated for an indeterminate period. The Commission should adopt the implementing measures for the opening and the administration of the Community tariff quotas.
- (5) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽²⁾, as last amended by Regulation (EC) No 993/2001 ⁽³⁾, has codified the manage-

ment rules for tariff quotas designed to be used following the chronological order of dates of customs declarations.

- (6) Particular care should be taken to ensure that all Community importers have equal and continuous access to the tariff quotas and that the rates laid down for the quotas are applied uninterruptedly to all imports of the products in question into all Member States until the quotas are exhausted. In order to ensure the efficiency of a common administration of these quotas, there is no obstacle to authorising the Member States to draw from the quota volumes the necessary quantities corresponding to actual imports. However, this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quotas are used up and inform the Member States accordingly. For reasons of speed and efficiency, communication between the Member States and the Commission should, as far as possible, take place by telematic link.
- (7) This Regulation should be applied upon the entry into force or the date of provisional application of the Interim Agreement and should remain in application upon the entry into force of the Stabilisation and Association Agreement.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

1. When products originating in Croatia and listed in the Annex are put into free circulation in the Community, accompanied by a proof of origin as provided for in the Origin Protocol to the Interim Agreement and to the Stabilisation and Association Agreement, they shall benefit from a reduced or a zero-rate of customs duty, at the levels and within the limits of the annual Community tariff quotas specified in that Annex.

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

⁽¹⁾ OJ L 304, 21.11.2001, p. 1.

⁽²⁾ OJ L 253, 11.10.1993, p. 1.

⁽³⁾ OJ L 141, 28.5.2001, p. 1.

3. Each Member State shall ensure that importers of the products in question have equal and uninterrupted access to the tariff quotas for as long as the balance of the relevant quota volume so permits.
4. Communications referring to the management of tariff quotas between the Member States and the Commission shall be effected, as far as possible, by telematic link.

Article 2

The Member States and the Commission shall cooperate closely to ensure compliance with this Regulation.

Article 3

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

It shall apply from 1 January 2002, and it shall remain in application upon the entry into force of the Stabilisation and Association Agreement.

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

Done at Brussels, 19 December 2001.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

ANNEX

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of CN codes. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken

Order No	CN code	TARIC subdivision	Description	Quota volume per year	Rate of duty
09.1581	0301 91 10		Trout (<i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> , <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> , <i>Oncorhynchus gilae</i> , <i>Oncorhynchus apache</i> and <i>Onchorhynchus chrysogaster</i>); live; fresh or chilled; frozen; dried, salted or in brine, smoked; fillets and other fish meat; flours, meals and pellets, fit for human consumption	30 tonnes	Free
	0301 91 90				
	0302 11 10				
	0302 11 90				
	0303 21 10				
	0303 21 90				
	0304 10 11				
	ex 0304 10 19	40			
	ex 0304 10 91	10			
	0304 20 11				
	ex 0304 20 19	50			
	ex 0304 90 10	11, 17, 40			
	ex 0305 10 00	10			
	ex 0305 30 90	50			
	0305 49 45				
	ex 0305 59 90	61			
	ex 0305 69 90	61			
09.1582	0301 93 00		Carp: live; fresh or chilled; frozen; dried, salted or in brine, smoked; fillets and other fish meat; flours, meals and pellets, fit for human consumption	210 tonnes	Free
	0302 69 11				
	0303 79 11				
	ex 0304 10 19	30			
	ex 0304 10 91	20			
	ex 0304 20 19	40			
	ex 0304 90 10	16			
	ex 0305 10 00	20			
	ex 0305 30 90	60			
	ex 0305 49 80	30			
	ex 0305 59 90	63			
	ex 0305 69 90	63			
09.1583	ex 0301 99 90	80	Sea bream (<i>Dentex dentex</i> and <i>Pagellus</i> spp.); live; fresh or chilled; frozen; dried, salted or in brine, smoked; fillets and other fish meat; flours, meals and pellets, fit for human consumption	35 tonnes	Free
	0302 69 61				
	0303 79 71				
	ex 0304 10 38	80			
	ex 0304 10 98	77			
	ex 0304 20 95	50			
	ex 0304 90 97	82			
	ex 0305 10 00	30			
	ex 0305 30 90	70			
	ex 0305 49 80	40			
	ex 0305 59 90	65			
	ex 0305 69 90	65			

Order No	CN code	TARIC subdivision	Description	Quota volume per year	Rate of duty
09.1584	ex 0301 99 90	23, 28	Sea bass (<i>Dicentrarchus labrax</i>): live; fresh or chilled; frozen; dried, salted or in brine, smoked; fillets and other fish meat; flours, meals and pellets, fit for human consumption	550 tonnes	Free
	0302 69 94				
	ex 0303 77 00	10			
	ex 0304 10 38	85			
	ex 0304 10 98	79			
	ex 0304 20 95	60			
	ex 0304 90 97	84			
	ex 0305 10 00	40			
	ex 0305 30 90	80			
	ex 0305 49 80	50			
	ex 0305 59 90	67			
	ex 0305 69 90	67			
09.1585	1604 13 11	10, 19	Prepared or preserved sardines	180 tonnes	6 %
	1604 13 19				
	ex 1604 20 50				
09.1586	1604 16 00		Prepared or preserved anchovies	40 tonnes	12,5 %
	1604 20 40				

**COMMISSION REGULATION (EC) No 2498/2001
of 19 December 2001
fixing the import duties in the rice sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1987/2001 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector ⁽³⁾, as last amended by Regulation (EC) No 2831/98 ⁽⁴⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Article 11 of Regulation (EC) No 3072/95 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties.
- (2) Pursuant to Article 12(3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market or on the Community import market for the product.

- (3) Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice sector.
- (4) The import duties are applicable until new duties are fixed and enter into force. They also remain in force in cases where no quotation is available from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing.
- (5) In order to allow the import duty system to function normally, the market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1503/96 results in import duties being fixed as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the rice sector referred to in Article 11(1) and (2) of Regulation (EC) No 3072/95 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 20 December 2001.

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

Done at Brussels, 19 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 271, 12.10.2001, p. 5.

⁽³⁾ OJ L 189, 30.7.1996, p. 71.

⁽⁴⁾ OJ L 351, 29.12.1998, p. 25.

ANNEX I

Import duties on rice and broken rice

(EUR/t)

CN code	Duties ⁽¹⁾				
	Third countries (except ACP and Bangladesh) ⁽²⁾	ACP ⁽¹⁾ ⁽²⁾ ⁽³⁾	Bangladesh ⁽⁴⁾	Basmati India and Pakistan ⁽⁵⁾	Egypt ⁽⁶⁾
1006 10 21	(7)	69,51	101,16		158,25
1006 10 23	(7)	69,51	101,16		158,25
1006 10 25	(7)	69,51	101,16		158,25
1006 10 27	(7)	69,51	101,16		158,25
1006 10 92	(7)	69,51	101,16		158,25
1006 10 94	(7)	69,51	101,16		158,25
1006 10 96	(7)	69,51	101,16		158,25
1006 10 98	(7)	69,51	101,16		158,25
1006 20 11	250,20	83,23	120,76		187,65
1006 20 13	250,20	83,23	120,76		187,65
1006 20 15	250,20	83,23	120,76		187,65
1006 20 17	264,00	88,06	127,66	14,00	198,00
1006 20 92	250,20	83,23	120,76		187,65
1006 20 94	250,20	83,23	120,76		187,65
1006 20 96	250,20	83,23	120,76		187,65
1006 20 98	264,00	88,06	127,66	14,00	198,00
1006 30 21	(7)	133,21	193,09		312,00
1006 30 23	(7)	133,21	193,09		312,00
1006 30 25	(7)	133,21	193,09		312,00
1006 30 27	(7)	133,21	193,09		312,00
1006 30 42	(7)	133,21	193,09		312,00
1006 30 44	(7)	133,21	193,09		312,00
1006 30 46	(7)	133,21	193,09		312,00
1006 30 48	(7)	133,21	193,09		312,00
1006 30 61	(7)	133,21	193,09		312,00
1006 30 63	(7)	133,21	193,09		312,00
1006 30 65	(7)	133,21	193,09		312,00
1006 30 67	(7)	133,21	193,09		312,00
1006 30 92	(7)	133,21	193,09		312,00
1006 30 94	(7)	133,21	193,09		312,00
1006 30 96	(7)	133,21	193,09		312,00
1006 30 98	(7)	133,21	193,09		312,00
1006 40 00	(7)	41,18	(7)		96,00

⁽¹⁾ The duty on imports of rice originating in the ACP States is applicable, under the arrangements laid down in Council Regulation (EC) No 1706/98 (OJ L 215, 1.8.1998, p. 12) and amended Commission Regulation (EC) No 2603/97 (OJ L 351, 23.12.1997, p. 22).

⁽²⁾ In accordance with Regulation (EC) No 1706/98, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

⁽³⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11(3) of Regulation (EC) No 3072/95.

⁽⁴⁾ The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ L 337, 4.12.1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ L 88, 9.4.1991, p. 7).

⁽⁵⁾ No import duty applies to products originating in the OCT pursuant to Article 101(1) of amended Council Decision 91/482/EEC (OJ L 263, 19.9.1991, p. 1).

⁽⁶⁾ For husked rice of the Basmati variety originating in India and Pakistan, a reduction of EUR/t 250 applies (Article 4a of amended Regulation (EC) No 1503/96).

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

⁽⁸⁾ The duty on imports of rice originating in and coming from Egypt is applicable under the arrangements laid down in Council Regulation (EC) No 2184/96 (OJ L 292, 15.11.1996, p. 1) and Commission Regulation (EC) No 196/97 (OJ L 31, 1.2.1997, p. 53).

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	(¹)	264,00	416,00	250,20	416,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	256,19	251,54	310,70	290,15	—
(b) fob price (EUR/tonne)	—	—	—	277,41	256,86	—
(c) Sea freight (EUR/tonne)	—	—	—	33,29	33,29	—
(d) Source	—	USDA and operators	USDA and operators	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 26 November 2001

appointing a Swedish member of the Economic and Social Committee

(2001/906/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 258 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 166 thereof,

Having regard to the Council Decision of 15 September 1998 appointing the members of the Economic and Social Committee for the period from 21 September 1998 to 20 September 2002 ⁽¹⁾,

Whereas a member's seat on that Committee has fallen vacant following the resignation of Mr Sture LINDMARK, of which the Council was informed on 29 November 2000;

Having regard to the nominations submitted by the Government of Sweden,

Having obtained the opinion of the Commission of the European Communities,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Inger SOLDÉUS is hereby appointed a member of the Economic and Social Committee in place of Mr Sture LINDMARK for the remainder of the latter's term of office, which ends on 20 September 2002.

Done at Brussels, 26 November 2001.

For the Council
The President
R. LANDUYT

⁽¹⁾ OJ L 257, 19.9.1998, p. 37.

COUNCIL DECISION
of 26 November 2001
appointing a Danish member of the Economic and Social Committee

(2001/907/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 258 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 166 thereof,

Having regard to the Council Decision of 15 September 1998 appointing the members of the Economic and Social Committee for the period from 21 September 1998 to 20 September 2002 ⁽¹⁾,

Whereas a member's seat on that Committee has fallen vacant following the resignation of Ms Helle BUNDGAARD, of which the Council was informed on 24 April 2001;

Having regard to the nominations submitted by the Danish Government,

Having obtained the opinion of the Commission of the European Communities,

HAS DECIDED AS FOLLOWS:

Sole Article

Ms Elly KJEMS HOVE is hereby appointed a member of the Economic and Social Committee in place of Ms Helle BUNDGAARD for the remainder of the latter's term of office, which runs until 20 September 2002.

Done at Brussels, 26 November 2001.

For the Council

The President

R. LANDUYT

⁽¹⁾ OJ L 257, 19.9.1998, p. 37.

COUNCIL DECISION
of 26 November 2001
appointing a Swedish member of the Economic and Social Committee

(2001/908/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 258 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 166 thereof,

Having regard to the Council Decision of 15 September 1998 appointing the members of the Economic and Social Committee for the period from 21 September 1998 to 20 September 2002 ⁽¹⁾,

Whereas a member's seat on that Committee has fallen vacant following the resignation of Ms Aina Margareta REGNELL, of which the Council was informed on 30 May 2001;

Having regard to the nominations submitted by the Swedish Government,

Having obtained the opinion of the Commission of the European Communities,

HAS DECIDED AS FOLLOWS:

Sole Article

Ms Ingrid JERNECK is hereby appointed a member of the Economic and Social Committee in place of Ms Aina Margareta REGNELL for the remainder of the latter's term of office, which runs until 20 September 2002.

Done at Brussels, 26 November 2001.

For the Council

The President

R. LANDUYT

⁽¹⁾ OJ L 257, 19.9.1998, p. 37.

COUNCIL DECISION
of 26 November 2001
appointing a French member of the Economic and Social Committee

(2001/909/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 258 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 166 thereof,

Having regard to the Council Decision of 15 September 1998 appointing the members of the Economic and Social Committee for the period from 21 September 1998 to 20 September 2002 ⁽¹⁾,

Whereas a member's seat on that Committee has fallen vacant following the resignation of Mr Bernard MALIBIRADE, of which the Council was informed on 14 September 2000;

Having regard to the nominations submitted by the Government of the French Republic,

Having obtained the opinion of the Commission of the European Communities,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Laurent GENSOU is hereby appointed a member of the Economic and Social Committee in place of Mr Bernard MALIBIRADE for the remainder of the latter's term of office, which ends on 20 September 2002.

Done at Brussels, 26 November 2001.

For the Council

The President

R. LANDUYT

⁽¹⁾ OJ L 257, 19.9.1998, p. 37.

**COUNCIL DECISION
of 26 November 2001
appointing a Dutch member of the Economic and Social Committee**

(2001/910/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 258 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 166 thereof,

Having regard to the Council Decision of 15 September 1998 appointing the members of the Economic and Social Committee for the period from 21 September 1998 to 20 September 2002 ⁽¹⁾,

Whereas a member's seat on that Committee has fallen vacant following the resignation of Mr Colin LUSTENHOUWER, of which the Council was informed on 22 November 2000;

Having regard to the nominations submitted by the Netherlands Government,

Having obtained the opinion of the Commission of the European Communities,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr K.B. van POPTA is hereby appointed a member of the Economic and Social Committee in place of Mr Colin LUSTENHOUWER for the remainder of the latter's term of office, which runs until 20 September 2002.

Done at Brussels, 26 November 2001.

For the Council

The President

R. LANDUYT

⁽¹⁾ OJ L 257, 19.9.1998, p. 37.

COMMISSION

COMMISSION DECISION

of 19 December 2001

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

*(notified under document number C(2001) 4601)***(Text with EEA relevance)**

(2001/911/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Commission Decision 2001/740/EC ⁽⁴⁾, as last amended by Decision 2001/848/EC ⁽⁵⁾, concerns certain protection measures with regard to foot-and-mouth disease in the United Kingdom.
- (2) Certain counties in Great Britain, which are listed in Annex III, have had no outbreak of foot-and-mouth disease during this epidemic, while others have remained free from the disease for more than 3 months. It appears therefore appropriate to further enlarge the area from which dispatch of certain meats is authorized.
- (3) The improved animal health situation would allow to lay down conditions for the controlled dispatch from certain areas in Great Britain of live susceptible animals to other Member States. However such conditions must take into account the provisions of Council Decision

98/256/EC concerning emergency measures to protect against bovine spongiform encephalopathy ⁽⁶⁾.

- (4) Furthermore, because there have been very few outbreaks of foot-and-mouth disease in pigs and moreover the most important pig breeding and rearing areas in Great Britain have remained free of the disease throughout this epidemic, it appears appropriate to allow under controlled conditions the dispatch of live porcine animals from Great Britain to other Member States.
- (5) Certain residence and contact requirements necessary to ensure the certified health status may be reduced for pigs moving between holdings considered under the United Kingdom legislation as a single epidemiological group which would ensure that any movement of susceptible animals into one of the holdings subject to a single occupancy licence would prohibit the dispatch from any of the holdings covered by that licence under the terms of this Decision.
- (6) It is also considered appropriate to allow the collection of live animals for slaughter from a limited number of holdings situated in the areas listed in Annex III and consequently to adapt the disinfection requirements.
- (7) The test requirements for donor bulls and boars at semen collection centres situated in the areas listed in Annex III can be withdrawn and the certification of equidae dispatched from Great Britain can be eased.
- (8) The situation shall be reviewed at the meeting of the Standing Veterinary Committee scheduled for 15-16 January 2002 and the measures adapted where necessary.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 395, 30.12.1989, p. 13.

⁽⁴⁾ OJ L 277, 20.10.2001, p. 30.

⁽⁵⁾ OJ L 315, 1.12.2001, p. 64.

⁽⁶⁾ OJ L 113, 15.4.1998, p. 38.

HAS ADOPTED THIS DECISION:

Article 1

Decision 2001/740/EC is amended as follows:

1. Article 1 point 2 is replaced by the following:

'2. no live animals of the bovine, ovine, caprine and porcine species and other biungulates are dispatched from or moved through those parts of its territory listed in Annex I and Annex II;

2.1. Without prejudice to the restrictions on movement of susceptible animals within and through Great Britain applied by the competent authorities of the United Kingdom, and derogating from the provisions in the first paragraph the competent authorities may authorize the direct and uninterrupted transit of biungulate animals through the areas listed in Annex I and Annex II on main roads and railway lines.

2.2. Without prejudice to the provisions of Council Directive 64/432/EEC (*) and the restrictions on movement of susceptible animals within and through Great Britain applied by the competent authorities of the United Kingdom, and derogating from the provisions in the first paragraph the competent authorities may authorize the dispatch of live porcine animals under the following conditions:

- the animals have been reared within the areas specified in the appropriate column in Annex III,
- the dispatch of such animals is authorized by the competent veterinary authorities of the United Kingdom and notified at least three working days in advance to the competent central veterinary authorities in the Member State of destination and any Member State of transit,
- there has been no outbreak of foot-and-mouth disease in the county listed in Annex III during the past 90 days,
- during the past 30 days prior to loading, the animals have remained under the supervision of the competent veterinary authorities on a single holding situated within the areas listed in Annex III in the centre of a circle around the holding of at least 10 km radius where there has been no outbreak of foot-and-mouth disease during at least the past 30 days,
- no animal of species susceptible to foot-and-mouth disease has been introduced into the holding referred to in the fourth indent during the past 30 days prior to loading, except in the case of pigs coming from a supplying holding or holdings subject to a single occupancy licence which meet(s) the requirements laid down in the fourth indent, in which case this period may be reduced to 7 days,

— during transport such animals do not come into contact with animals not of the same holding of dispatch, unless all the animals are consigned for direct slaughter, in which case they may be collected en route from not more than three holdings referred to in the fourth indent,

— animals for breeding and production shall be consigned to not more than three holdings of destination in not more than one other Member State,

— the animals shall be transported under official control in means of transport that have been cleaned and disinfected before loading or collecting animals for dispatch outside the areas listed in Annex III from holdings referred to in the fourth indent,

— the health certificates provided for in Directive 64/432/EEC accompanying live porcine animals consigned from parts of the territory of the United Kingdom listed in Annex III to other Member States shall bear the following words:

"Animals conforming to Commission Decision 2001/740/EC of 19 October 2001 concerning certain protective measures with regard to foot-and-mouth disease in the United Kingdom."

(*) OJ 121, 29.7.1964, p. 1977/64.'

2. Article 2(2)(d) fifth and sixth indents are replaced by the following:

'— no animal of species susceptible to foot-and-mouth disease has been introduced into the holding referred to in the fourth indent during the past 30 days prior to loading, or in the case of farmed game prior to on-farm slaughtering, except in the case of pigs coming from a supplying holding or holdings subject to a single occupancy licence which meet(s) the requirements laid down in the third indent, in which case this period may be reduced to 7 days,

— the animals or, in the case of farmed game slaughtered on the farm the carcasses, have been transported under official control in means of transport that have been cleaned and disinfected before loading or before collecting animals for slaughter for dispatch of fresh meat outside the areas listed in Annex III from holdings referred to in the fourth indent to the designated slaughterhouse which is situated in an area listed in Annex III.'

3. In Article 6(3)(c) the following words are added to the sixth indent:

'However this test shall not be required for donor animals accommodated in semen collection centres referred to in the fourth indent situated in the areas listed in Annex III.'

4. Article 12(2) is deleted.
5. A new paragraph is added to Article 13 as follows:
‘3. Member States shall ensure that no live animals of susceptible species are moved out of a holding which had received live animals of susceptible species referred to in Article 1 point 2.2 during the previous 30 days. The competent authorities may reduce this stand-still period to not less than 7 days.’
6. The date of 31 January 2002 in Article 16 is replaced by ‘28 February 2002’.
7. Annex III is replaced by the Annex to the present Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 19 December 2001.

For the Commission

David BYRNE

Member of the Commission

ANNEX

‘ANNEX III

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

Group	ADNS	Administrative Unit	GIS	B	S/G	P	FG	WG	LP
	96	Hamilton consisting of		+	+	+	+	+	+
		East Dunbartonshire	83						
		East Renfrewshire	84						
		City of Glasgow	86						
		Inverclyde	87						
		North Lanarkshire	89						
		Renfrewshire	91						
		South Lanarkshire	93						
		West Dunbartonshire	95						
	97	Ayr consisting of		+	+	+	+	+	+
		East Ayrshire	82						
		North Ayrshire	132						
		South Ayrshire	133						
	98	Stranraer consisting of		+	+	+	+	-	-
		Part of Dumfries & Galloway	134						
	99	Dumfries consisting of		+	+	+	+	-	-
		Part of Dumfries & Galloway	134						
England	01	Bedfordshire consisting of		+	+	+	+	+	+
		Bedford	137						
		Luton District	56						
	02	Berkshire consisting of		+	+	+	+	+	+
		Bracknell Forest	41						
		Reading	63						
		West Berkshire	75						
		Windsor & Maidenhead	76						
		Wokingham	77						
		Slough	66						
	03	Buckinghamshire		+	+	+	+	+	+
		Buckinghamshire County	138						
		Milton Keynes	59						
	05	Cambridgeshire consisting of		+	+	+	+	+	+
		Cambridgeshire County	139						
		City of Peterborough	48						
	06	Cheshire consisting of							
		Halton	54	+	+	+	+	+	+
		Cheshire County	140	+	+	+	+	+	-
		Warrington	74	+	+	+	+	+	-
	07	Cornwall County		+	+	+	+	+	-
		Cornwall County	171						

Group	ADNS	Administrative Unit	GIS	B	S/G	P	FG	WG	LP
	09	Derbyshire consisting of							
		City of Derby	44	+	+	+	+	+	+
		Derbyshire County	142	+	+	+	+	+	-
	10	Devon consisting of							
		Torbay	73	+	+	+	+	+	+
		City of Plymouth	136	+	+	+	+	+	+
		Devon County	170	+	+	+	+	+	-
	11	Dorset consisting of		+	+	+	+	+	+
		Dorset County	143						
		Bournemouth	40						
		Poole	62						
	13	Essex consisting of							
		Southend-on-Sea	67	+	+	+	+	+	+
		Essex County	146	+	+	+	+	+	-
		Thurrock	72	+	+	+	+	+	-
	14	Gloucestershire consisting of		+	+	+	+	+	-
		South Gloucestershire	68						
		Gloucestershire County	147						
	15	Hampshire consisting of		+	+	+	+	+	+
		Hampshire County	148						
		City of Portsmouth	135						
		City of Southampton	49						
	16	Isle of Wight		+	+	+	+	+	+
		Isle of Wight	114						
	17	Hereford & Worcester consisting of							
		Worcestershire County	167	+	+	+	+	+	-
		County of Herefordshire	51	+	+	+	+	+	-
	18	Hertfordshire		+	+	+	+	+	+
		Hertfordshire	149						
	20	Kent consisting of		+	+	+	+	+	-
		Medway	57						
		Kent County	150						
	21	Lancashire consisting of							
		Blackburn with Darwen	38	+	+	+	+	+	+
		Blackpool	39	+	+	+	+	+	+
		Lancashire County	151	+	+	+	+	-	-

Group	ADNS	Administrative Unit	GIS	B	S/G	P	FG	WG	LP
	22	Leicestershire consisting of							
		City of Leicester	46	+	+	+	+	+	+
		Rutland	65	+	+	+	+	+	+
		Leicestershire County	152	+	+	+	+	+	-
	24	Lincolnshire		+	+	+	+	+	+
		Lincolnshire County	153						
	25	Merseyside consisting of		+	+	+	+	+	+
		Knowsley District	12						
		Liverpool District	14						
		Sefton District	23						
		St. Helens District	28						
	26	East London		+	+	+	+	+	-
		Greater London Authority	168						
	27	South East London		+	+	+	+	+	-
		Greater London Authority	168						
	28	Norfolk		+	+	+	+	+	+
		Norfolk County	154						
	29	Northamptonshire		+	+	+	+	+	-
		Northamptonshire County	155						
	32	Nottinghamshire consisting of		+	+	+	+	+	+
		City of Nottingham	47						
		Nottinghamshire County	157						
	33	Oxfordshire		+	+	+	+	+	-
		Oxfordshire County	158						
	34	Avon consisting of							
		Bath & North East Somerset	37	+	+	+	+	+	+
		City of Bristol	43	+	+	+	+	+	-
		South Gloucestershire	68	+	+	+	+	+	-
		North Somerset	120	+	+	+	+	+	+
	35	Shropshire consisting of		+	+	+	+	+	-
		Telford and Wrekin	71						
		Shropshire County	159						
	36	Somerset		+	+	+	+	+	-
		Somerset County	160						
	37	Staffordshire consisting of							
		City of Stoke-on-Trent	50	+	+	+	+	+	+
		Staffordshire County	161	+	+	+	+	+	-
	38	Suffolk		+	+	+	+	+	+
		Suffolk County	162						
	39	Isles of Scilly		+	+	+	+	+	+
		Isles of Scilly	172						

Group	ADNS	Administrative Unit	GIS	B	S/G	P	FG	WG	LP
	40	Surrey		+	+	+	+	+	+
		Surrey County	163						
	41	East Sussex consisting of		+	+	+	+	+	+
		Brighton & Hove	42						
		East Sussex County	145						
	42	West Sussex		+	+	+	+	+	+
		West Sussex County	165						
	43	Warwickshire		+	+	+	+	+	—
		Warwickshire County	164						
	44	Greater Manchester consisting of							
		Tameside District	30	+	+	+	+	+	+
		Oldham District	18	+	+	+	+	+	+
		Rochdale District	19	+	+	+	+	+	+
		Bury District	5	+	+	+	+	+	+
		Bolton District	3	+	+	+	+	+	+
		Salford District	21	+	+	+	+	+	+
		Trafford District	31	+	+	+	+	+	+
		Manchester District	15	+	+	+	+	+	+
		Stockport District	27	+	+	+	+	+	+
		Wigan District	34	+	+	+	+	+	—
	45	Wiltshire consisting of							
		Swindon	70	+	+	+	+	+	+
		Wiltshire County	166	+	+	+	+	+	—
	46	West Midlands consisting of		+	+	+	+	+	+
		Birmingham District	2						
		Dudley District	9						
		Sandwell District	22						
		Solihull District	25						
		Walshall District	33						
		Wolverhampton District	36						
		Coventry District	7						
	47	South Yorkshire consisting of		+	+	+	+	+	+
		Barnsley District	1						
		Doncaster District	8						
		Rotherham District	20						
		Sheffield District	24						
	49	West Yorkshire consisting of		+	+	+	+	—	+
		Wakefield District	32						
		Kirklees District	11						
		Calderdale District	6						

Group	ADNS	Administrative Unit	GIS	B	S/G	P	FG	WG	LP
	50	Beverley-North Yorkshire consisting of		+	+	+	+	-	+
		York	78						
		Selby District	177						
	51	Humberside consisting of		+	+	+	+	-	+
		East Riding of Yorkshire	53						
		City of Kingston upon Hull	45						
		North East Lincolnshire	60						
		North Lincolnshire	61						
	Wales	52	Powys consisting of		+	+	+	+	-
			North Powys	174					
			South Powys	173					
		53	Gwynedd consisting of						
			Conwy	103	+	+	+	+	+
			Gwynedd	116	+	+	+	+	+
			Isle of Anglesey	115	+	+	+	+	-
		55	Dyfed consisting of		+	+	+	+	+
			Sir Gaerfyrddin-Carmarthenshire	110					
			Sir Ceredigion-Ceredigion	118					
			Sir Benfro-Pembrokeshire	119					
		56	Clwyd consisting of		+	+	+	+	+
			Sir Ddinbych-Denbigshire	108					
			Sir Y Fflint-Flintshire	111					
			Wrecsam-Wrexham	113					
		57	South Glamorgan consisting of		+	+	+	+	+
			Bro Morgannwg-The Vale of Glamorgan	99					
			Caerdydd-Cardiff	117					
		58	Mid Glamorgan consisting of						
			Caerffili-Caerphilly	100	+	+	+	+	-
			Merthyr Tudful-Merthyr Tydfil	104	+	+	+	+	+
			Pen-y-Bont Ar Ogwr-Bridgend	105	+	+	+	+	+
			Rhondda/Cyin/Taf-Rhondda/Cyon/Taff	107	+	+	+	+	-

Group	ADNS	Administrative Unit	GIS	B	S/G	P	FG	WG	LP
	59	West Glamorgan consisting of							
		Abertawe-Swansea	97	+	+	+	+	+	+
		Castell-Nedd Port Talbot-Neath Port Talbot	102	+	+	+	+	+	—
	60	Gwent consisting of							
		Blaneau Gwent — Blaneau Gwent	98	+	+	+	+	+	+
		Casnewydd-Newport	101	+	+	+	+	+	—
		Sir Fynwy — Monmouthshire	109	+	+	+	+	+	—
		Tor-Faen — Torfean	112	+	+	+	+	+	+

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

GIS = Administrative Unit Code

B = bovine meat

S/G = sheep and goat meat

P = pig meat

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

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

LP = live pigs'

EUROPEAN CENTRAL BANK

DECISION OF THE EUROPEAN CENTRAL BANK

of 8 November 2001

on certain conditions regarding access to the Counterfeit Monitoring System (CMS)

(ECB/2001/11)

(2001/912/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty establishing the European Community and in particular to Article 106(1) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular to Article 16 thereof,

Whereas:

- (1) Council Regulation (EC) No 1338/2001 of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting⁽¹⁾ establishes certain measures in connection with the collection and storage of data related to counterfeit banknotes and coins and with access to these data.
- (2) The fight against counterfeiting cannot be dealt with only at a euro area level; to this effect, the Council of the European Union has taken measures in relation to the euro under Title VI of the Treaty on European Union (i.e. the third pillar); also, Council Regulation (EC) No 1339/2001 extends the effects of Council Regulation (EC) No 1338/2001 to those Member States which have not adopted the euro as their single currency⁽²⁾.
- (3) The processes and systems already in place for the analysis of counterfeits and for the collection of information relating to counterfeiting need to be built on; the ECB had established the Counterfeit Analysis Centre and the Counterfeit Currency Database; it has become appropriate to reorganise and rename the latter as the 'Counterfeit Monitoring System' (CMS) and define its characteristics.
- (4) The ECB provides for the conditions that ensure the appropriate procedures for access to the relevant data of the CMS in compliance with Regulations (EC) No 1338/2001 and (EC) No 1339/2001. For this purpose, all national central banks (NCBs) of the European System of Central Banks need to establish their respective National

Counterfeit Centres (NCCs) within each NCB and create the role of security administrator of the NCC. The ECB also reaches the necessary arrangements and agreements with the Commission and Europol in order to provide for their appropriate access to the data of the CMS and for the access of the European Technical and Scientific Centre also in compliance with Regulation (EC) No 1338/2001. Any access should respect the relevant minimum security standards. This respect is essential because of the confidential nature of the data of the CMS. The confidential nature of the data means that the information that each of the users of the CMS obtains from the CMS should be used exclusively for the purpose of fulfilling their responsibilities in the fight against counterfeiting of the euro. Limiting access to the data of the CMS helps to ensure confidentiality.

- (5) A manual of procedures and the minimum security standards in connection with the CMS are in the process of being approved by the Governing Council of the ECB. They will not be published due to the confidential nature of the data to be introduced and to be accessible in the CMS and to the importance of maintaining a confidential environment for the use of the CMS,

HAS DECIDED AS FOLLOWS:

Article 1

Definitions

The definitions contained in Regulation (EC) No 1338/2001 shall apply in this Decision.

Article 2

Counterfeit Monitoring System

1. The Counterfeit Currency Database (CCD) is renamed as the Counterfeit Monitoring System (CMS). All references to the CCD contained in any previous legal acts are now deemed to be made to the CMS.

⁽¹⁾ OJ L 181, 4.7.2001, p. 6.

⁽²⁾ OJ L 181, 4.7.2001, p. 11.

2. The CMS consists of a central database containing all technical and statistical information on counterfeiting, both on euro banknotes and coins, whether originated in the Member States or in third countries. The CMS includes, *inter alia*, browsing and editing applications and facilities for the downloading and uploading of data and networks linking the different users of the CMS to the CMS.

3. The organisation and management of the CMS are the competence of the Executive Board of the ECB, which takes account for these purposes of the views of the Banknote Committee.

Article 3

Access to the data of the Counterfeit Monitoring System

1. Apart from the access of the NCBs to the CMS, access to the relevant data of the CMS is granted to the other competent national authorities, including the National Analysis Centres (NACs) and the Coin National Analysis Centres (CNACs), as regards data related to coins, in accordance with Regulation (EC) No 1338/2001. For this purpose, the conditions established in Articles 5 to 9 of this Decision apply.

2. Access by the European Commission, the European Technical and Scientific Centre (ETSC) and Europol to the relevant data of the CMS is granted in accordance with Regulation (EC) No 1338/2001. The procedures for this access are specified in bilateral arrangements and agreements with the ECB, as appropriate.

3. Subject to any agreements concerning monetary relations between the Community and third parties, the ECB may grant access to the relevant data of the CMS to the designated authorities or centres of these third parties.

4. In addition to paragraph 3 above and on the basis of Article 9 of Regulation (EC) No 1338/2001, the ECB may grant access to the relevant data of the CMS to the designated authorities or centres of third countries. They may also be provided with ad hoc data of the CMS when this is deemed necessary by the Counterfeit Analysis Centre (CAC) of the ECB.

Article 4

Introduction of data into the Counterfeit Monitoring System by National Analysis Centres and Coin National Analysis Centres

The introduction by any and all NACs into the CMS of data relating to counterfeit euro banknotes which are discovered and the sending of every new type of suspected counterfeit euro banknotes to the CAC of the ECB takes place in accordance with Regulation (EC) No 1338/2001 and with the relevant manual of procedures approved by the Governing Council of the ECB with the contribution of the General Council of the ECB. Those NACs that are not an NCB or which have not been established within an NCB are consulted on the manual of

procedures. The necessary adaptations of the manual of procedures regarding the introduction of data related to coins by the ETSC and the CNACs into the CMS will also take place.

Article 5

National Counterfeit Centres

1. The task of administering access to the CMS referred to in Article 3 in the Member States is performed by an NCC established in each NCB. This NCC also facilitates communication regarding all CMS-related matters in the Member States. The role of security administrator is created within each NCC in connection with these tasks.

2. Upon agreement of the ECB, the NCC authorises the different levels of access to the CMS referred to in Article 3, in accordance with paragraph one above. For this purpose, the necessary users names and the different categories of users and different levels of access among these users are created and established by the security administrator of the NCC referred to above.

Article 6

Compliance with the security standards of the Counterfeit Monitoring System

The minimum security standards to be followed by all authorities or centres (NAC and/or CNAC) where there are users of the CMS and by such users, in connection with access to the CMS, are adopted by the Governing Council of the ECB with the contribution of the General Council of the ECB. They are notified to the NCCs.

Article 7

Confidentiality

1. Each authority or centre in which there are users of the CMS informs them of the confidential nature of the data of the CMS and of any limitations on access applicable to each of the users of that authority or centre and of the other authorities or centres, as these limitations are communicated to the latter by the security administrator of the relevant NCC from time to time. The relevant NCC may request that each authority or centre signs a confidentiality declaration in which it states that it has taken due notice of the content of this Decision. Each authority or centre consults with the relevant NCC on any relevant matter in connection with the confidentiality of the data of the CMS. The NCCs consult with the CAC of the ECB about the outcome of any such request or consultation.

2. The relevant NCC is consulted on communications containing CMS data addressed to the public, to credit institutions and to the manufacturers of relevant equipment. It also consults with the CAC of the ECB.

3. The ECB consults with the relevant NCC in connection with any suspension of access. Both the ECB and the relevant NCC may suspend access to the CMS of any users of the CMS when this is necessary to preserve the confidential nature of the data of the CMS. The relevant NCC consults with the authority or centre to which such users belong in order for the appropriate conditions for the utilisation of the CMS to be restored.

4. The minimum security standards mentioned in Article 6, as well as the manual of procedures mentioned in Article 4, once approved by the Governing Council, shall not be published due to their confidential nature.

Article 8

Monitoring

NCCs establish, in consultation with the relevant authorities or centres, procedures allowing the monitoring of their compliance with Articles 6 and Article 7 and the adoption of appropriate measures in connection therewith. These procedures also allow for the participation of the ECB in such monitoring. In consultation with the NCBs, the ECB also establishes procedures to monitor compliance by the NCCs with this Decision.

Article 9

Implementation

The Executive Board of the ECB shall take any measures to implement this Decision which are necessary for the efficiency and the security of the CMS, including any measures relating to the manual of procedures or the minimum security standards respectively mentioned in Articles 4 and 6. For these purposes, it shall take account of the views of the Banknote Committee. The Executive Board shall inform the Governing Council of any measures that it takes in application of this Article. In addition, the ECB may generally provide technical clarifications and specifications concerning the utilisation or the security of the CMS.

Article 10

Final provisions

This Decision shall enter into force on 1 December 2001.

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Frankfurt am Main, 8 November 2001.

The President of the ECB

Willem F. DUISENBERG

DECISION OF THE EUROPEAN CENTRAL BANK
of 6 December 2001
on the issue of euro banknotes

(ECB/2001/15)

(2001/913/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty establishing the European Community (hereinafter referred to as the 'Treaty'), in particular to Article 106(1) thereof, and to the Statute of the European System of Central Banks and of the European Central Bank (hereinafter referred to as the 'Statute'), in particular to Article 16 thereof,

Whereas:

- (1) Under Article 106(1) of the Treaty and Article 16 of the Statute, the Governing Council of the European Central Bank (ECB) has the exclusive right to authorise the issue of banknotes within the Community; under these provisions, the ECB and the national central banks (NCBs) may issue banknotes which are the only banknotes to have the status of legal tender within the participating Member States. Community law has foreseen a system of a plurality of issuers of banknotes. The ECB and the NCBs shall issue euro banknotes.
- (2) Pursuant to Article 10 of Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro ⁽¹⁾, from 1 January 2002, the ECB and the NCBs (hereinafter referred to as the 'Eurosystème') will put into circulation banknotes denominated in euro. Euro banknotes are expressions of the same and single currency, and subject to a single legal regime.
- (3) The issue of euro banknotes need not be subject to quantitative or other limits, since putting banknotes into circulation is a demand driven process.
- (4) Decision ECB/2001/7 of 30 August 2001 on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes ⁽²⁾, as amended by Decision ECB/2001/14 ⁽³⁾, contains common rules on euro banknotes. The ECB has established common technical specifications for euro banknotes and quality control measures to ensure that the euro banknotes comply with such specifications. As a consequence all euro banknotes have the same physical appearance and level of quality and no distinction is to be made between banknotes of the same denomination.

- (5) All euro banknotes should be subject to identical acceptance and processing requirements by the Eurosystem members irrespective of which put them into circulation. The current practice of repatriation of banknotes denominated in national currency units to the issuing central bank will therefore not apply to euro banknotes. The regime for the issue of the euro banknotes is based on the principle of non-repatriation of euro banknotes.
- (6) Pursuant to Article 29.1 of the Statute, each of the members of the European System of Central Banks is assigned a weighting in the key for subscription to the ECB's capital, as laid down by Decision ECB/1998/13 of 1 December 1998 on the national central banks' percentage shares in the key for the capital of the ECB ⁽⁴⁾; this weighting is based on the population and gross domestic product of each Member State and governs the contributions to the ECB's capital, the transfers of the NCB's foreign reserve assets to the ECB, the monetary income allocation of the NCBs, and the distribution of profits and sharing of losses of the ECB.
- (7) Euro banknotes are legal tender in all participating Member States, will freely circulate within the euro area, be reissued by the members of the Eurosystem, and may also be stored or used outside the euro zone. The liabilities in respect of the issue of the total value of euro banknotes in circulation should therefore be allocated to the members of the Eurosystem in accordance with an objective criterion. An appropriate criterion is the share of each NCB in the paid-up capital of the ECB. This share results from a proportional application of the capital key referred to in Article 29.1 of the Statute to NCBs. This criterion not being applicable to the ECB, the percentage share of euro banknotes to be issued by the ECB is to be determined by the Governing Council.
- (8) Under Article 9.2 and Article 12.1 of the Statute, establishing the principle of decentralisation for Eurosystem operations, the NCBs are to be entrusted with putting into and withdrawing from circulation all euro banknotes including those issued by the ECB. Consistent with this principle of decentralisation, the physical handling of euro banknotes is also to be carried out by the NCBs.

⁽¹⁾ OJ L 139, 11.5.1998, p. 1.

⁽²⁾ OJ L 233, 31.8.2001, p. 55.

⁽³⁾ Not yet published in the Official Journal.

⁽⁴⁾ OJ L 125, 19.5.1999, p. 33.

- (9) The difference between the value of euro banknotes allocated to each NCB in accordance with the banknote allocation key and the value of the euro banknotes that such NCB puts into circulation should give rise to intra-Eurosystem balances. The ECB not putting euro banknotes into circulation, it should hold intra-Eurosystem claims on NCBs for a value equivalent to the share of euro banknotes that it issues. The remuneration of these intra-Eurosystem balances has an effect on the income positions of NCBs and is therefore the subject of Decision ECB/2001/16 of 6 December 2001 on the allocation of monetary income of the national central banks of participating Member States from the financial year 2002 ⁽¹⁾, based on Article 32 of the Statute,

HAS DECIDED AS FOLLOWS:

Article 1

Definitions

For the purposes of this Decision:

- (a) 'NCBs' shall mean the national central banks of the Member States that have adopted the single currency in accordance with the Treaty establishing the European Community;
- (b) 'euro banknotes' shall mean those banknotes complying with the requirements of Decision ECB/2001/7, and with the technical specifications laid down by the Governing Council;
- (c) 'subscribed capital key' shall mean the percentages that result from applying to the NCBs the weighting in the key referred to in Article 29.1 of the Statute and as laid down in Decision ECB/1998/13;
- (d) 'banknote allocation key' shall mean the percentages that result from taking into account the ECB's share in the total euro banknote issue and applying the subscribed capital key (rounded to the nearest multiple of 0,0005 percentage point) to the NCBs' share in such total. The Annex to this Decision specifies the banknote allocation key applying on 1 January 2002.

Article 2

Issue of euro banknotes

The ECB and the NCBs shall issue euro banknotes.

Article 3

Obligations of issuers

1. NCBs shall put into and withdraw from circulation euro banknotes, and perform any physical handling in relation to all euro banknotes, including those issued by the ECB.

2. NCBs shall accept all euro banknotes on the request of the holder for exchange against euro banknotes of the same value or, in the case of account holders, to be credited to accounts held at the recipient NCB.

3. NCBs shall treat all euro banknotes accepted by them as liabilities and process them in an identical manner.

4. NCBs shall not transfer euro banknotes accepted by them to other NCBs and shall keep such euro banknotes available for reissue. As an exception, and in accordance with any rules laid down by the Governing Council of the ECB:

- (a) mutilated, damaged, worn or withdrawn euro banknotes may be destroyed by the recipient NCB;
- (b) euro banknotes held by NCBs may, for logistical reasons, be redistributed in bulk within the Eurosystem.

Article 4

Allocation of euro banknotes within the Eurosystem

1. The total value of euro banknotes in circulation shall be allocated to the Eurosystem members by application of the banknote allocation key.

2. The difference between the value of euro banknotes allocated to each NCB in accordance with the banknote allocation key and the value of the euro banknotes that such NCB puts into circulation shall give rise to intra-Eurosystem balances. The ECB shall hold intra-Eurosystem claims on NCBs in proportion to their shares in the subscribed capital key, for a value equivalent to the value of euro banknotes that it issues.

Article 5

Final provisions

1. This Decision shall enter into force on 1 January 2002.
2. This Decision shall be published in the *Official Journal of the European Communities*.

Done at Frankfurt am Main, 6 December 2001.

On behalf of the Governing Council of the
ECB

Willem F. DUISENBERG

⁽¹⁾ See page 55 of this Official Journal.

ANNEX

BANKNOTE ALLOCATION KEY ON 1 JANUARY 2002

European Central Bank	8 %
Nationale Bank van België/Banque Nationale de Belgique	3,2550 %
Deutsche Bundesbank	27,8215 %
Bank of Greece	2,3360 %
Banco de España	10,1020 %
Banque de France	19,1210 %
Central Bank of Ireland	0,9650 %
Banca d'Italia	16,9190 %
Banque centrale du Luxembourg	0,1695 %
De Nederlandsche Bank	4,8595 %
Oesterreichische Nationalbank	2,6800 %
Banco de Portugal	2,1845 %
Suomen Pankki	1,5870 %
Total	100,000 %

DECISION OF THE EUROPEAN CENTRAL BANK
of 6 December 2001
on the allocation of monetary income of the national central banks of participating Member States
from the financial year 2002

(ECB/2001/16)

(2001/914/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank (hereinafter referred to as the 'Statute'), and in particular to Article 32 thereof,

Whereas:

- (1) According to Article 32.1 of the Statute, monetary income is the income accruing to the national central banks (NCBs) in the performance of the monetary policy function. Under the provisions of Article 32.2 of the Statute, the amount of each NCB's monetary income shall be equal to its annual income derived from its assets held against notes in circulation and deposit liabilities to credit institutions. These assets are to be earmarked by NCBs in accordance with the guidelines of the Governing Council. As from the financial year 2003, NCBs should earmark the assets ensuing from the performance of the monetary policy function as assets held against the notes in circulation and deposit liabilities to credit institutions. According to Article 32.4 of the Statute, the amount of each NCB's monetary income shall be reduced by an amount equivalent to any interest paid by that NCB on its deposit liabilities to credit institutions in accordance with Article 19 of the Statute.
- (2) Pursuant to Article 32.5 of the Statute, the sum of the monetary income of the NCBs shall be allocated to them in proportion to their paid-up shares in the capital of the European Central Bank (ECB).
- (3) According to Article 32.6 and Article 32.7 of the Statute, the Governing Council of the ECB is empowered to establish guidelines for the clearing and settlement by the ECB of the balances arising from the allocation of monetary income and to take all other measures necessary for the application of Article 32 of the Statute.
- (4) Pursuant to Article 10 of Council Regulation (EC) 974/98 of 3 May 1998 on the introduction of the euro ⁽¹⁾, from 1 January 2002, the ECB and the NCBs (hereinafter referred to as the 'Eurosystème') shall put into circulation banknotes denominated in euro. Article 15 of this Regulation provides for the continuation of the legal tender status of banknotes denominated in national currency

units during a maximum period of six months after the end of the transitional period. The year 2002 should thus be regarded as a special year, since banknotes in circulation denominated in national currency units may still account for a considerable proportion of the total value of Eurosystem banknotes in circulation and with different patterns in Member States. This situation is comparable to the situation from 1999 to 2001 and, therefore, for the financial year 2002 monetary income should be calculated by a method analogous to that provided for in Decision ECB/2000/19 of 3 November 1998 as amended by Decision of 14 December 2000 on the allocation of monetary income of the national central banks of participating Member States and losses of the ECB for the financial years 1999 to 2001 ⁽²⁾ in order to ensure that changes in the patterns of banknotes circulation do not significantly affect the relative income positions of NCBs. For 2002, Article 32.3 of the Statute allows the Governing Council to decide, by way of derogation from Article 32.2, that monetary income be measured according to an alternative method.

- (5) Article 9(1) of Guideline ECB/2001/1 of 10 January 2001 adopting certain provisions on the 2002 cash changeover ⁽³⁾ provides that euro banknotes frontloaded to credit institutions or to their appointed agents shall be debited in their respective accounts with the NCBs, as the case may be, for their face value, according to the following 'linear debiting model': one third of the frontloaded sum on 2 January 2002, one third on 23 January 2002, and the last third on 30 January 2002. The calculation of monetary income for the year 2002 needs to take account of this 'linear debiting model'.
- (6) This Decision is related to Decision ECB/2001/15 of 6 December 2001 on the issue of euro banknotes ⁽⁴⁾ that provides that the ECB and the NCBs shall issue euro banknotes. Decision ECB/2001/15 establishes the allocation of euro banknotes in circulation to the NCBs in proportion to their paid-up shares in the capital of the ECB. The same Decision allocates to the ECB 8 % of the total value of euro banknotes in circulation. The allocation of euro banknotes among Eurosystem members

⁽²⁾ OJ L 336, 30.12.2000, p. 119.

⁽³⁾ OJ L 55, 24.2.2001, p. 80.

⁽⁴⁾ See page 52 of this Official Journal.

⁽¹⁾ OJ L 139, 11.5.1998, p. 1.

gives rise to intra-Eurosystem balances. The remuneration of these intra-Eurosystem balances on euro banknotes in circulation has a direct effect on the income of each Eurosystem member, and therefore it should be regulated under this Decision. The income accruing to the ECB on the remuneration of its intra-Eurosystem claims on NCBs related to its share of euro banknotes in circulation should in principle be distributed to the NCBs in accordance with the decisions of the Governing Council, in proportion to their shares in the subscribed capital key in the same financial year it accrues.

- (7) The net balance of the intra-Eurosystem claims and liabilities on euro banknotes in circulation should be remunerated by applying an objective criterion defining the cost of money. In this context, the main refinancing operations rate used by the Eurosystem in its tenders for main refinancing operations is regarded as appropriate.

- (8) The net intra-Eurosystem liabilities on euro banknotes in circulation should be included in the liability base for the purposes of the calculation of the NCBs monetary income under Article 32.2 of the Statute as they are equivalent to banknotes in circulation. The settlement of interest on intra-Eurosystem balances on euro banknotes in circulation will therefore result in the distribution of a substantial amount of the Eurosystem's monetary income among NCBs in proportion to their paid-up shares in the capital of the ECB. These intra-Eurosystem balances should be adjusted to allow for a gradual adaptation of the NCBs' balance sheets and profit and loss accounts. The adjustments should be based on the value of banknotes in circulation of each NCB during a period prior to the introduction of euro banknotes. These adjustments should take account of the special circumstances of the year 2002, during which Member States have different changeover scenarios, and during which credit institutions will increase to different levels their normal cash holdings, and should apply on a yearly basis in accordance with a fixed formula for no more than five years thereafter.

- (9) The adjustments to the intra-Eurosystem balances on euro banknotes in circulation have been calculated in order to compensate for any significant changes in the NCBs' income positions as a consequence of the introduction of the euro banknotes and the subsequent allocation of monetary income. The Governing Council has therefore decided not to have recourse to the derogation from Article 32 of the Statute, allowed by Article 51 of the Statute.

- (10) The adjustments to the intra-Eurosystem balances on euro banknotes in circulation need to take account of the special situation of the Grand Duchy of Luxembourg arising from its recent monetary history.
- (11) The Governing Council of the ECB has adopted this Decision with the expectation that its economic results and the financial equilibrium that such economic results entail remain unchanged during the period of application of Article 4 of this Decision and, therefore, it is the firm commitment of the Governing Council of the ECB to ensure the maintenance of the regime provided for by this Decision until 31 December 2007,

HAS DECIDED AS FOLLOWS:

Article 1

Definitions

For the purposes of this Decision:

- (a) 'participating Member States' shall mean the Member States which have adopted the single currency in accordance with the Treaty establishing the European Community';
- (b) 'NCBs' shall mean the national central banks of the participating Member States;
- (c) 'liability base' shall be the amount of qualifying liabilities, within the balance sheet of each NCB, specified in accordance with Annex I to this Decision;
- (d) ' earmarkable assets ' shall be the amount of assets held against the liability base, within the balance sheet of each NCB, specified in accordance with Annex II to this Decision;
- (e) 'intra-Eurosystem balances on euro banknotes in circulation' shall mean the claims and liabilities arising between a NCB and the ECB and between a NCB and the other NCBs as a result of the application of Article 4 of Decision ECB/2001/15 of 6 December 2001 on the issue of euro banknotes;
- (f) 'subscribed capital key' shall mean the percentages that result from applying to the NCBs the weighting in the key referred to in Article 29.1 of the Statute and as laid down in Decision ECB/1998/13 of 1 December 1998 on the national central banks' percentage shares in the key for the capital of the European Central Bank ⁽¹⁾;
- (g) 'credit institutions' shall mean credit institutions subject to minimum reserve requirements under Regulation ECB/1998/15 ⁽²⁾ on the application of minimum reserves, as amended by Regulation ECB/2000/8 ⁽³⁾;

⁽¹⁾ OJ L 125, 19.5.1999, p. 33.

⁽²⁾ OJ L 356, 30.12.1998, p. 1.

⁽³⁾ OJ L 229, 9.9.2000, p. 34.

- (h) 'HBS' shall mean the harmonised balance sheet as structured in Annex IX to the Guideline ECB/2000/18 on the legal framework of accounting and reporting in the European System of Central Banks as amended on 15 December 1999 and 14 December 2000 ⁽¹⁾;
- (i) 'reference rate' shall be the latest available marginal interest rate used by the Eurosystem in its tenders for main refinancing operations under paragraph 3.1.2 of Annex I to Guideline ECB/2000/7 of 31 August 2000 on monetary policy instruments and procedures of the Eurosystem ⁽²⁾. Where more than one main refinancing operation is conducted for settlement on the same day, a simple average of the marginal rates of the operations conducted in parallel is used.

Article 2

Intra-Eurosystem balances on euro banknotes in circulation

1. The intra-Eurosystem balances on euro banknotes in circulation shall be calculated on a monthly basis and shall be recorded in the books of the ECB and the NCBs on the first business day of the month with a value date of the last business day of the preceding month.

The first calculation of the intra-Eurosystem balances on euro banknotes in circulation under the previous paragraph shall be made for frontloaded euro banknotes on 2 January 2002 with a value date of 1 January 2002.

2. The intra-Eurosystem balances on euro banknotes in circulation, including those resulting from the application of Article 4 of this Decision, shall be remunerated at the reference rate.

3. The remuneration referred to in the previous paragraph shall be settled by Target payments on a quarterly basis.

4. In derogation from the previous paragraph, for the financial year 2002, the remuneration referred to in paragraph 2 shall be settled at the end of the year.

Article 3

Method for measuring monetary income

1. In 2002, the amount of each NCB's monetary income shall be determined in accordance with the following formula:

$$MI = LB \times RR,$$

whereby:

MI is the amount of each NCB's monetary income to be pooled,

LB is the liability base of each NCB,

RR is the reference rate.

2. From 2003 the amount of each NCB's monetary income shall be determined by measuring the actual income that derives from the earmarkable assets recorded in its books. As

an exception thereof, gold shall be considered to generate no income.

3. Where the value of a NCB's earmarkable assets exceeds or falls short of the value of its liability base, the difference shall be offset by applying to the value of the difference the average rate of return on the earmarkable assets of all NCBs taken together.

This average rate of return shall be calculated in the following manner. The total income accrued by all NCBs on their earmarkable assets, excluding all income arising from net intra-Eurosystem claims resulting from TARGET transactions (Annex II, A.3) and net intra-Eurosystem claims on euro banknotes in circulation including those resulting from the application of Article 4 (Annex II, A.4), shall be divided by the average amount of the total earmarkable assets of the Eurosystem. The average rate of return shall be applied on a 360 days basis.

Article 4

Adjustments to intra-Eurosystem balances

1. For the purposes of monetary income calculation, each NCB's intra-Eurosystem balances on euro banknotes in circulation shall be adjusted by a compensatory amount determined in accordance with the following formula:

$$CA = (K - A) \times C,$$

whereby:

CA is the compensatory amount,

K is the amount for each NCB that results from the application of the subscribed capital key to the average value of banknotes in circulation during the period 1 July 1999 to 30 June 2001,

A is the average value for each NCB of banknotes in circulation during the period 1 July 1999 to 30 June 2001,

C is the following coefficient for each financial year:

Financial year	Coefficient
2002	1
2003	0,8606735
2004	0,7013472
2005	0,5334835
2006	0,3598237
2007	0,1817225

⁽¹⁾ OJ L 33, 2.2.2001, p. 21.

⁽²⁾ OJ L 310, 11.12.2000, p. 1.

2. The sum of the compensatory amounts of the NCBs shall be 0.

3. The compensatory amounts and the accounting entries to balance those compensatory amounts shall be recorded on separate intra-Eurosystem accounts in the books of each NCB with a value date of 1 January on the first business day of each year. The accounting entries to balance the compensatory amounts shall not be remunerated.

4. In the event that the value of euro banknotes that the Banque centrale du Luxembourg puts into circulation in 2002 exceeds the average value of its banknotes in circulation during the period from 1 July 1999 to 30 June 2001 by 25 % or more, letter 'A' in the formula of paragraph 1 shall be for the Banque centrale du Luxembourg the value of banknotes put into circulation by the Banque centrale du Luxembourg in 2002 up to a maximum limit of EUR 2,2 billion. Upon application of this derogation, all compensatory amounts calculated on the basis of Article 4(1) shall be subject to retroactive adjustments at the end of 2002, in order to ensure compliance with paragraph 2. Such retroactive adjustments shall be in proportion to the subscribed capital key.

5. In derogation from paragraph 1, upon the occurrence of specific contingencies relative to changes in patterns of banknote circulation as described in Annex III to this Decision, each NCB's intra-Eurosystem balances on euro banknotes in circulation shall be adjusted in accordance with the provisions set out in that Annex.

6. The adjustments to intra-Eurosystem balances provided for in this Article shall cease to apply from 1 January 2008.

Article 5

Calculation and allocation of monetary income

1. The calculation of each NCB's monetary income shall be effected by the ECB on a daily basis. The calculation shall be based on accounting data reported by NCBs to the ECB. The ECB shall inform the NCBs of the cumulative amounts on a quarterly basis.

2. The amount of each NCB's monetary income shall be reduced by an amount equivalent to any interest accrued or paid on liabilities included within the liability base, and in accordance with any decision of the Governing Council of the ECB under the second paragraph of Article 32.4 of the Statute.

3. The allocation of the sum of each NCB's monetary income in proportion to the subscribed capital key shall take place at the end of each financial year.

Article 6

Final provisions

1. This Decision shall enter into force on 1 January 2002.

2. This Decision shall be published in the *Official Journal of the European Communities*.

Done at Frankfurt am Main, 6 December 2001.

On behalf of the Governing Council of the
ECB

Willem F. DUISENBERG

ANNEX I

COMPOSITION OF THE LIABILITY BASE

- A. The liability base shall include, with the exclusion of any other item:
1. banknotes in circulation
In the financial year 2002, for the purposes of this Annex and for each NCB, 'banknotes in circulation':
 - (i) shall also include banknotes issued by it and denominated in its national currency unit; and
 - (ii) shall be reduced by the value of the non-remunerated loans related to frontloaded euro banknotes that have not been yet debited (part of asset item 6 of the harmonised balance sheet (HBS)).From the financial year 2003, for the purposes of this Annex and for each NCB, 'banknotes in circulation' shall include banknotes denominated in euro, to the exclusion of any other banknotes;
 2. liabilities to euro area credit institutions related to monetary policy operations denominated in euro, including:
 - (a) current accounts including minimum reserve requirements under Article 19.1 of the Statute (liability item 2.1 of the HBS);
 - (b) amounts in deposit under the Eurosystem deposit facility (liability item 2.2 of the HBS);
 - (c) fixed-term deposits (liability item 2.3 of the HBS);
 - (d) liabilities arising from fine-tuning reverse operations (liability item 2.4 of the HBS);
 - (e) deposits related to margin calls (liability item 2.5 of the HBS);
 3. intra-Eurosystem liabilities of NCBs arising from the issue to the ECB of promissory notes backing the issuance of ECB debt certificates under Chapter 3.3 of Annex I to Guideline ECB/2000/7 (liability item 10.2 of the HBS);
 4. net intra-Eurosystem liabilities resulting from TARGET transactions (part of liability item 10.3 of the HBS);
 5. net intra-Eurosystem liabilities on euro banknotes in circulation, including those resulting from the application of Article 4 of this Decision.
- B. The amount of each NCB's liability base shall be calculated in accordance with the harmonised accounting principles and rules established in Guideline ECB/2000/18 on the legal framework of accounting and reporting in the European System of Central Banks as amended on 15 December 1999 and 14 December 2000.⁽¹⁾
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⁽¹⁾ OJ L 33, 2.2.2001, p. 21.

ANNEX II

EARMARKABLE ASSETS

- A. Earmarkable assets shall include, with the exclusion of any other item:
1. lending to euro area credit institutions related to monetary policy operations denominated in euro (asset item 5 of the harmonised balance sheet (HBS));
 2. intra-Eurosystem claims equivalent to the transfer of foreign reserve assets other than gold to the ECB under Article 30 of the Statute (part of asset item 9.2 of the HBS);
 3. net intra-Eurosystem claims resulting from TARGET transactions (part of asset item 9.4 of the HBS);
 4. net intra Eurosystem claims on euro banknotes in circulation including those resulting from the application of Article 4 of this Decision;
 5. gold, including claims in respect of gold transferred to the ECB, in an amount permitting each NCB to earmark a proportion of its gold that corresponds to the application of its share in the subscribed capital key to the total amount of gold earmarked by all NCBs. (asset item 1 and part of asset item 9.2 of the HBS).
- For the purposes of this Decision, and at least until the calculation of monetary income for the financial year 2007, gold shall be valued on the basis of the gold price in euro per fine ounce as at 31 December 2002.
- B. The value of each NCB's earmarkable assets shall be calculated in accordance with the harmonised accounting principles and rules established in Guideline ECB/2000/18 on the legal framework of accounting and reporting in the European System of Central Banks as amended on 15 December 1999 and 14 December 2000 ⁽¹⁾.
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⁽¹⁾ OJ L 33, 2.2.2001, p. 21.

ANNEX III

SPECIAL CONTINGENT ADJUSTMENTS**A. First contingent adjustment**

In the event that the total average of banknotes in circulation in 2002 is lower than the total average of banknotes, denominated in the national currency of the Member States that have adopted the euro, in the period of 1 July 1999 to 30 June 2001, the coefficient 'C' applying to the financial year 2002 in accordance with Article 4(1) shall be reduced with retroactive effect in the same proportion as the decrease in the total average of banknotes in circulation.

The reduction shall not result in a coefficient lower than 0,8606735. Upon application of this derogation, one quarter of the resulting reduction to the NCBs compensatory amounts 'CA' applicable in the year 2002 shall be added to each of the NCBs compensatory amounts applicable in 2004, 2005, 2006, and 2007 under Article 4(1).

B. Second contingent adjustment

In the event that those NCBs for which the compensatory amount referred to in Article 4(1) is a positive figure, pay net remuneration on intra-Eurosystem balances on banknotes in circulation that, when added to the item 'net result of pooling of monetary income' in their profit and loss account at the end of the year, results in a net expense, the coefficient 'C' applying to the financial year 2002 in accordance with Article 4(1) shall be reduced to the extent necessary to eliminate this condition.

The reduction shall not result in a coefficient lower than 0,8606735. Upon application of this derogation, one quarter of the resulting reduction to the NCBs compensatory amounts 'CA' applicable in the year 2002 shall be added to each of the NCBs compensatory amounts applicable in 2004, 2005, 2006, and 2007 under Article 4(1).

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

COUNCIL JOINT ACTION
of 19 December 2001
appointing the Special Representative of the European Union to act as Coordinator of the Stability
Pact for South-Eastern Europe

(2001/915/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 14 December 2000 the Council adopted Joint Action 2000/793/CFSP appointing the Special Representative of the European Union to act as Coordinator of the Stability Pact for South-Eastern Europe, and repealing Joint Action 1999/523/CFSP ⁽¹⁾. That Joint Action expires on 31 December 2001.
- (2) The mandate of the said Special Representative should be extended and a successor to Mr Bodo Hombach appointed.
- (3) On 19 November 2001 the Council adopted conclusions on the European Union's position on the future orientation with regard to the Stability Pact.
- (4) On 30 March 2000 the Council adopted guidelines on the procedure for appointing Special Representatives of the European Union (EUSRs) and administrative arrangements concerning them,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Mr Erhard BUSEK is hereby appointed Special Representative of the European Union to carry out the functions of Special Coordinator for the Stability Pact for South-Eastern Europe (hereinafter 'Special Coordinator') according to the arrangements provided for in point 13 of the Stability Pact document.

Article 2

1. The Special Representative shall carry out the tasks envisaged by the Stability Pact for South-Eastern Europe, as follows:
 - promote achievement of the Pact's objectives within, and between, the individual countries;
 - chair the South-Eastern Europe Regional Table;
 - establish and maintain close contact with all participants and facilitating States, organisations and institutions of the

Pact, as well as pertinent regional initiatives and organisations;

- provide periodic progress reports to the Chairman-in-Office of the Organisation for Security and Cooperation in Europe, according to its procedures, on behalf of the South-Eastern Europe Regional Table;
- participate in the High Level Steering Group of the donors coordination process;
- cooperate closely with all institutions of the European Union in order to promote the role of the European Union in the Pact in accordance with points 18, 19 and 20 of the Stability Pact document;
- meet periodically and as necessary with the Chairmen of the Working Tables to ensure overall coordination;
- provide the secretariat of the South-Eastern Europe Regional Table and the three Working Tables.

2. As part of his duties, and in consultation with the participants in the Pact, the Special Representative shall make an evaluation of the present activities and working methods of the Pact and shall submit a report to the Council not later than March 2002, containing suggestions for improvement. The Special Representative is also asked to establish, within the framework of the priorities adopted by the Regional Table on 28 June 2001, a list of priority actions for all the Working Tables to implement during the course of 2002.

Article 3

The Union shall, by providing its Special Representative with the necessary human and logistical resources, make a contribution to his functions as Special Coordinator in accordance with this Joint Action.

The Union looks to the other participants in the Stability Pact for South-Eastern Europe also to make a contribution to the functioning of the Pact.

Article 4

The Special Representative shall liaise closely with the Office of the High Representative in Bosnia and Herzegovina and with the United Nations Civil Administration in Kosovo.

⁽¹⁾ OJ L 318, 16.12.2000.

Article 5

1. The financial reference amount intended to cover the operational expenditure related to the mission of the Special Representative shall be EUR 1 420 290 for 2002.
2. The amount specified in paragraph 1 shall be allocated to financing the operating expenditure of the Central Office of the Stability Pact for South-Eastern Europe in Brussels over the period in question.
3. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the European Community procedures and rules applicable to the budget.
4. The management of operational expenditure shall be subject to a contract between the Special Representative and the Commission.

Article 6

1. The Special Representative shall conclude a contract with the Council.
2. The Special Representative shall be responsible for implementing his mandate, including the constitution of his team, in consultation with the Presidency, assisted by the Secretary-General/High Representative, and in full association with the Commission.
3. Member States and institutions of the European Union may propose the secondment of staff to work with the Special Representative. The remuneration of personnel who might be seconded by a Member State or an institution of the European Union to the Special Representative shall be covered respectively by the Member State or the institution of the European Union concerned.
4. All A-type posts shall be published in Member States and in the institutions of the European Union and filled by the best-qualified applicants.
5. The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission of the Special Representative and the members of his staff shall be defined with the parties. Member States and the Commission shall grant all necessary support to such effect.

The equipment, supplies and premises for the Brussels office of the Stability Pact for South-Eastern Europe shall be purchased or rented on behalf of and for the European Communities.

6. The Presidency, Commission and/or Member States, as appropriate, shall provide logistical support in the region.

Article 7

The Special Representative shall report directly to the Secretary-General/High Representative. He shall be accountable to the Secretary-General/High Representative for administrative expenditure incurred in respect of his activities.

Article 8

1. The Special Representative shall submit regular reports, on his own initiative or when requested, to the Council through the Secretary-General/High Representative. These reports shall also be forwarded to the Commission.
2. The implementation of this Joint Action shall be kept under regular review, taking into account notably the development of, and consistency with, other contributions of the European Union to the region.

Article 9

Positions of the European Union in the context of the Stability Pact for South-Eastern Europe shall be determined in accordance with the guidelines adopted by the Council.

Article 10

This Joint Action shall enter into force on 1 January 2002.
It shall apply until 31 December 2002.

Article 11

This Joint Action shall be published in the Official Journal.

Done at Brussels, 19 December 2001.

For the Council

The President

A. NEYTS-UYTTEBROECK
