

# Official Journal

## of the European Communities

ISSN 0378-6978

L 341

Volume 44

22 December 2001

English edition

## Legislation

### Contents

#### I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 2528/2001 of 17 December 2001 on the conclusion of the Protocol setting out the fishing opportunities and the financial contribution provided for in the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania for the period 1 August 2001 to 31 July 2006** ..... 1
- ★ **Council Regulation (EC) No 2529/2001 of 19 December 2001 on the common organisation of the market in sheepmeat and goatmeat** ..... 3
- Commission Regulation (EC) No 2530/2001 of 21 December 2001 establishing the standard import values for determining the entry price of certain fruit and vegetables ..... 15
- ★ **Commission Regulation (EC) No 2531/2001 of 21 December 2001 prohibiting fishing for whiting by vessels flying the flag of France** ..... 17
- ★ **Commission Regulation (EC) No 2532/2001 of 21 December 2001 prohibiting fishing for herring by vessels flying the flag of France** ..... 18
- ★ **Commission Regulation (EC) No 2533/2001 of 21 December 2001 laying down detailed rules for the application in 2002 of the tariff quotas for beef and veal products originating in Croatia, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia** ..... 19
- ★ **Commission Regulation (EC) No 2534/2001 of 21 December 2001 opening import quotas in respect of special preferential raw cane sugar from the ACP States and India for supply to refineries in the period 1 July 2001 to 28 February 2002** ..... 27
- ★ **Commission Regulation (EC) No 2535/2001 of 14 December 2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas** ..... 29

Price: EUR 29,50

(Continued overleaf)

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

★ Commission Regulation (EC) No 2536/2001 of 21 December 2001 amending, for the third time, Council Regulation (EC) No 1705/98 concerning the interruption of certain economic relations with Angola in order to induce the 'União Nacional para a Independência Total de Angola' (UNITA) to fulfil its obligations in the peace process, and repealing Regulation (EC) No 2229/97 .....	70
★ Commission Decision No 2537/2001/ECSC of 21 December 2001 fixing the rate of the levies for the 2002 financial year and amending Decision No 3/52/ECSC on the amount of and methods for applying the levies provided for in Articles 49 and 50 of the Treaty .....	71
★ Commission Regulation (EC) No 2538/2001 of 21 December 2001 on the management of textile quotas established under Council Regulation (EC) No 517/94 for the year 2002 .....	73
★ Commission Regulation (EC) No 2539/2001 of 21 December 2001 amending Regulation (EC) No 1555/96 on rules of application for additional import duties on fruit and vegetables .....	77
Commission Regulation (EC) No 2540/2001 of 21 December 2001 derogating from Regulation (EC) No 1148/2001 as regards conformity checks at the stage of import applicable to fresh fruit and vegetables .....	79
★ Commission Regulation (EC) No 2541/2001 of 21 December 2001 amending Regulation (EC) No 2125/95 opening and providing for the administration of tariff quotas for preserved mushrooms, and repealing Regulation (EC) No 1921/95 laying down detailed rules for the application of the system of import licences for products processed from fruit and vegetables .....	80
★ Commission Regulation (EC) No 2542/2001 of 21 December 2001 opening tariff quotas for the year 2002 for imports into the European Community of products originating in the Czech Republic, Slovakia, Romania, Hungary and Bulgaria .....	82
★ Commission Regulation (EC) No 2543/2001 of 21 December 2001 prohibiting fishing for hake by vessels flying the flag of the Netherlands .....	97
Commission Regulation (EC) No 2544/2001 of 21 December 2001 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid .....	98
Commission Regulation (EC) No 2545/2001 of 21 December 2001 fixing the maximum export refund on wholly milled round grain rice in connection with the invitation to tender issued in Regulation (EC) No 2007/2001 .....	100
Commission Regulation (EC) No 2546/2001 of 21 December 2001 fixing the maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain European third countries, in connection with the invitation to tender issued in Regulation (EC) No 2008/2001 .....	101
Commission Regulation (EC) No 2547/2001 of 21 December 2001 fixing the maximum export refund on wholly milled round grain, medium grain and long grain A rice to be exported to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 2009/2001 .....	102
Commission Regulation (EC) No 2548/2001 of 21 December 2001 concerning tenders submitted in response to the invitation to tender for the export to certain third countries of wholly milled long grain rice issued in Regulation (EC) No 2010/2001 .....	103

Commission Regulation (EC) No 2549/2001 of 21 December 2001 determining the world market price for unginned cotton .....	104
★ <b>Commission Regulation (EC) No 2550/2001 of 21 December 2001 laying down detailed rules for the application of Council Regulation (EC) No 2529/2001 on the common organisation of the market in sheepmeat and goatmeat as regards premium schemes and amending Regulation (EC) No 2419/2001 .....</b>	<b>105</b>
Commission Regulation (EC) No 2551/2001 of 21 December 2001 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip .....	118
Commission Regulation (EC) No 2552/2001 of 21 December 2001 suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of uniflorous (bloom) carnations originating in Israel .....	120
Commission Regulation (EC) No 2553/2001 of 21 December 2001 re-establishing the preferential customs duty on imports of uniflorous (bloom) carnations originating in the West Bank and the Gaza Strip .....	122
Commission Regulation (EC) No 2554/2001 of 21 December 2001 on the issue of system B export licences in the fruit and vegetables sector .....	124

## II Acts whose publication is not obligatory

### Council

2001/926/EC:

★ <b>Council Decision of 17 December 2001 on the conclusion of an Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol setting out the fishing opportunities and the financial contribution provided for in the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania for the period 1 August 2001 to 31 July 2006 .....</b>	<b>125</b>
Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol setting out the fishing opportunities and the financial contribution provided for in the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania for the period 1 August 2001 to 31 July 2006 .....	127
Protocol setting out the fishing opportunities and financial compensation provided for in the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania for the period 1 August 2001 to 31 July 2006 .....	128

## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 2528/2001  
of 17 December 2001**

**on the conclusion of the Protocol setting out the fishing opportunities and the financial contribution provided for in the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania for the period 1 August 2001 to 31 July 2006**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 in conjunction with Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament <sup>(1)</sup>,

Whereas:

- (1) In accordance with the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania <sup>(2)</sup>, the two Parties have held negotiations to determine any amendments or additions to be made to the Agreement.
- (2) As a result of those negotiations, a new Protocol setting out the fishing opportunities and the financial contribution provided for in the above Agreement for the period 1 August 2001 to 31 July 2006 was initialled on 31 July 2001.
- (3) It is in the Community's interest to approve this Protocol.
- (4) The method for allocating the fishing opportunities among the Member States should be defined,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Protocol setting out the fishing opportunities and the financial contribution provided for in the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania for the period 1 August 2001 to 31 July 2006 is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation <sup>(3)</sup>.

*Article 2*

The fishing opportunities set out in the Protocol shall be allocated among the Member States as follows:

Fishing category	Member State	Gross registered tonnage (GRT)	Number of vessels which may be used
Crustaceans except lobsters	Spain	4 364	
	Italy	1 091	
	Portugal	545	

<sup>(1)</sup> Opinion delivered on 13 December 2001 (not yet published in the Official Journal).

<sup>(2)</sup> OJ L 334, 23.12.1996, p. 20.

<sup>(3)</sup> See page 125 of this Official Journal.



Fishing category	Member State	Gross registered tonnage (GRT)	Number of vessels which may be used
Black hake	Spain	8 500	
Demersal species other than black hake	Spain	1 300	
Gear other than trawls	Portugal	2 000	
Demersal species — trawl	Spain	4 000	
Cephalopods	Spain		50
	Italy		5
Lobsters	Portugal	200	
Tuna seiners	Spain		18
	France		18
Pole-and-line tuna vessels	Spain		20
Surface longliners	Portugal		3
	France		8
Pelagic species			15

If licence applications from these Member States do not cover all the fishing opportunities fixed by the Protocol, the Commission may take into consideration licence applications from any other Member State.

#### Article 3

The Member States whose vessels are fishing under the Protocol shall notify the Commission of the quantities of each stock taken in Mauritania's fishing zone in accordance with the arrangements laid down in Commission Regulation (EC) No 500/2001 of 14 March 2001 laying down detailed rules for the application of Council Regulation (EEC) No 2847/93 on the monitoring of catches taken by Community fishing vessels in third country waters and on the high seas <sup>(1)</sup>.

#### Article 4

The President of the Council is hereby authorised to designate the persons empowered to sign the Protocol in order to bind the Community.

#### Article 5

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

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

Done at Brussels, 17 December 2001.

*For the Council*

*The President*

A. NEYTS-UYTTEBROECK

<sup>(1)</sup> OJ L 73, 15.3.2001, p. 8.

**COUNCIL REGULATION (EC) No 2529/2001****of 19 December 2001****on the common organisation of the market in sheepmeat and goatmeat**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 36 and 37 thereof,

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

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

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas:

- (1) The provisions concerning the common organisation of the market in sheepmeat and goatmeat have been established in a number of regulations. For reasons of clarity these regulations should be repealed and replaced by a new Regulation. Council Regulations (EEC) No 2644/80 of 14 October 1980 laying down general rules for intervention with regard to the sheepmeat and goatmeat sector <sup>(4)</sup>, (EEC) No 3901/89 of 12 December 1989 defining lambs fattened as heavy carcasses <sup>(5)</sup>, (EEC) No 1323/90 of 14 May 1990 instituting specific aid for sheep and goat farming in certain less-favoured areas of the Community <sup>(6)</sup>, (EEC) No 3493/90 of 27 November 1990 laying down general rules for the granting of premiums to sheepmeat and goatmeat producers <sup>(7)</sup>, (EEC) No 338/91 of 5 February 1991 determining the Community standard quality of fresh or chilled sheep carcasses <sup>(8)</sup> and Council Regulation (EC) No 2467/98 of 3 November 1998 on the common organisation of the market in sheepmeat and goatmeat <sup>(9)</sup> are replaced by new arrangements in this Regulation and should therefore be repealed.
- (2) A common organisation of the agricultural markets may take various forms depending on the product.
- (3) In order to attain the objectives set out in Article 33 of the Treaty, in particular market stability and a fair standard of living for the agricultural community

concerned, it is necessary to provide for certain arrangements facilitating adjustment of supply to market requirements. Provision should be made for internal market measures comprising, in particular, a premium to sheepmeat and goatmeat producers and a private storage scheme.

- (4) The amount of the premium to be granted to producers must take account of the different specialisations of production systems in the Community. The premium for she-goats should be granted to producers in specific areas where goat rearing is mainly directed towards the production of goatmeat and goat and sheep rearing techniques are similar in nature.
- (5) Provision should also be made for the payment of a supplementary premium to producers in areas where sheep and goat production constitutes a traditional activity or contributes significantly to the rural economy. The granting of the supplementary premium should be limited to producers whose holdings have at least 50 % of their area used for agriculture situated in less-favoured areas, as defined pursuant to Council Regulation (EC) No 1257/1999 of 27 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and appealing certain regulations <sup>(10)</sup>.
- (6) It is opportune for administrative purposes that the earliest date for the payment of the premiums should coincide with the beginning of the budgetary year. In order to achieve the desired economic impact, premiums must be granted within certain time limits.
- (7) It is necessary to provide for the possibility to change the amounts of the premiums in the light of developments in production, productivity and the markets.
- (8) In order to avoid encouraging production and increased expenditure it is appropriate to maintain individual ceilings for producers. The total number of premium rights of each Member State should be fixed on the basis of levels already established.

<sup>(1)</sup> OJ C 213 E, 31.7.2001, p. 275.

<sup>(2)</sup> Opinion delivered on 25 October 2001 (not yet published in the Official Journal).

<sup>(3)</sup> Opinion delivered on 17 October 2001 (not yet published in the Official Journal).

<sup>(4)</sup> OJ L 275, 18.10.1980, p. 8.

<sup>(5)</sup> OJ L 375, 23.12.1989, p. 4. Regulation as amended by Regulation (EC) No 1266/95 (OJ L 123, 3.6.1995, p. 3).

<sup>(6)</sup> OJ L 132, 23.5.1990, p. 17. Regulation as last amended by Regulation (EC) No 193/98 (OJ L 20, 27.1.1998, p. 18).

<sup>(7)</sup> OJ L 337, 4.12.1990, p. 7. Regulation as last amended by Regulation (EC) No 2825/2000 (OJ L 328, 23.12.2000, p. 1).

<sup>(8)</sup> OJ L 41, 14.2.1991, p. 1. Regulation as last amended by Regulation (EC) No 2536/97 (L 347, 18.12.1997, p. 6).

<sup>(9)</sup> OJ L 312, 20.11.1998, p.1. Regulation amended by Regulation (EC) No 1669/2000 (OJ L 193, 29.7.2000, p. 8).

<sup>(10)</sup> OJ L 160, 26.6.1999, p. 80.

- (9) New producers and existing producers whose individual ceilings do not correspond, for various reasons, to the changed circumstances of their flocks should not be excluded from entitlement to the premium. Provision should therefore be made to operate national reserves to be stocked and administered in accordance with Community criteria. For the same reason, the transfer of rights to premium without the transfer of the associated holding should be subject to rules whereby part of the rights transferred is withdrawn without compensatory payment and is allocated to that national reserve.
- (10) In order to permit producers to reduce their production for a limited period, Member States should be enabled to provide the option of a temporary transfer of premium rights.
- (11) A link should be established between sensitive zones or localities and the production of sheep and goats so as to ensure the maintenance of such production, especially in areas where such production is important for the local economy.
- (12) The conditions for sheep and goat production and the income situation of producers varies significantly in different production areas of the Community. Therefore, it is appropriate to provide for a flexible framework of additional Community payments for Member States to be determined and made within fixed global amounts and in accordance with certain common criteria in order to respond adequately to the structural and natural disparities and the diverse needs of the sector. The global amounts should be allocated to the Member States on the basis of their share of premia paid. The common criteria are intended, *inter alia*, to prevent additional payments from producing discriminatory effects and to take full account of the relevant multilateral commitments of the Community. In particular, it is essential that Member States be obliged to act exclusively on the basis of objective criteria, to pay full regard to the concept of equal treatment and to avoid market and competition distortions.
- (13) Intervention measures take the form of private storage aid, which least affects normal marketing of products. In order to ensure proper application of such aid, the Commission should be fully informed about the development of prices on the common market for sheep and goatmeat.
- (14) As a general rule, whenever certain market price criteria are met the decision to grant private storage aid should be taken in the context of a tendering procedure. However, private storage aid could be made more effective if the amount of the aid is fixed in advance, where urgent recourse to private storage proves necessary in the light of a particularly difficult market situation in one or more quotation areas. It is therefore necessary to authorise the Commission to carry out advance fixing of the aid where such a market situation has arisen, even if the market price criteria in question have not been met.
- (15) Trade arrangements, in combination with price arrangements, premiums and intervention arrangements and containing a system of import duties, should serve to stabilise the Community market.
- (16) The competent authorities should be placed in a position to follow trade developments constantly in order to appraise market developments and, when necessary, the possible application of measures provided for in this Regulation. To that end, provision should be made for issuing import licences and, where appropriate, the corresponding export licences providing a guarantee to ensure the fulfilment of dealings for which the licences are sought.
- (17) In order to prevent or counteract adverse effects on the market in the Community due to the importation of certain agricultural products, the importation of one or more of these products must be subject to additional import duties if certain conditions are fulfilled.
- (18) It is appropriate, under certain conditions, to empower the Commission to open and administer tariff quotas resulting from international agreements concluded in accordance with the Treaty or resulting from other acts of the Council.
- (19) In addition to the system described above, provision should be made to the extent necessary for its proper working, for prohibiting in whole or in part, the use of inward or outward processing arrangements, when the situation on the market so requires.
- (20) The customs duty arrangements make it possible to dispense with all other protective measures at the external frontiers of the Community. However, the mechanism of common prices and customs duties may, in exceptional circumstances, prove inadequate. In such cases, in order to avoid leaving the Community market without protection against consequential disturbances following the removal of import barriers, the Community should be able to take all necessary measures without delay. These measures must be in conformity with the Community's obligations, including its international obligations.
- (21) Measures may also have to be taken when a substantial rise or fall in price disturbs or threatens to disturb the Community market.

- (22) Restrictions on free movement resulting from the application of measures intended to prevent the spread of animal diseases may cause difficulties on the market of one or more Member States. Exceptional market support measures may have to be introduced in order to remedy such situations.
- (23) The proper working of a single market based on common prices would be jeopardised by the granting of certain aids. Therefore, the provisions of the Treaty governing State aid should apply to sheepmeat and goatmeat.
- (24) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(1)</sup>.
- (25) Expenditure incurred by the Member States in carrying out obligations under this Regulation falls within the scope of Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy <sup>(2)</sup>.
- (26) There are concerns about the environmental impact of sheep and goat production in certain regions of the Community. The Commission should draw up a report on this subject on the basis of experience gained if necessary accompanied by proposals.
- (27) The change from the arrangements under Regulation (EC) No 2467/98 to those provided for in this Regulation could give rise to difficulties, which are not dealt with in this Regulation. In order to deal with such difficulties, the Commission should be enabled to adopt transitional measures. The Commission should also be authorised to solve specific practical problems,
- HAS ADOPTED THIS REGULATION:

### Article 1

The common organisation of the market in sheepmeat and goatmeat shall comprise an internal market system and trading system and cover the following products:

	CN code	Description
(a)	0104 10 30	Lambs (up to one year old)
	0104 10 80	Live sheep other than pure-bred breeding animals and lambs
	0104 20 90	Live goats other than pure-bred breeding animals
	0204	Meat of sheep or goats, fresh, chilled or frozen
	0210 99 21	Meat of sheep and goats, with bone in, salted, in brine, dried or smoked
	0210 99 29	Meat of sheep and goats, boneless, salted, in brine, dried or smoked
(b)	0104 10 10	Live sheep — pure-bred breeding animals
	0104 20 10	Live goats — pure-bred breeding animals
	0206 80 99	Edible offal of sheep and goats, fresh or chilled, other than for the manufacture of pharmaceutical products
	0206 90 99	Edible offal of sheep and goats, frozen, other than for the manufacture of pharmaceutical products
	0210 99 60	Edible offal of sheep and goats, salted, in brine, dried or smoked
ex	1502 00 90	Fats of sheep or goats, other than those of 1503
(c)	1602 90 72	Other prepared or preserved meat or offal of sheep or goats, uncooked; mixtures of cooked and uncooked meat or offal
	1602 90 74	
(d)	1602 90 76	Other prepared or preserved meat or offal of sheep or goats, other than uncooked or mixtures
	1602 90 78	

### TITLE I

## INTERNAL MARKET

### Article 2

In order to encourage action by trade and joint trade organisations to facilitate the adjustment of supply to market requirements, the following Community measures may be taken in respect of the products listed in Article 1:

- (a) measures to improve sheep and goat farming;
- (b) measures to promote better organisation of production, processing and marketing;
- (c) measures to improve quality;
- (d) measures to permit the establishment of short- and long-term forecasts on the basis of the means of production used;

<sup>(1)</sup> OJ L 184, 17.7.1999, p. 23.

<sup>(2)</sup> OJ L 160, 26.6.1999, p. 103.

(e) measures to facilitate the recording of market price trends.

General rules concerning these measures shall be adopted in accordance with the procedure laid down in Article 37(2) of the Treaty.

## CHAPTER I

### DIRECT PAYMENTS

#### Article 3

For the purposes of this Title the following definitions shall apply:

- (a) 'producer' shall mean an individual farmer, whether a natural or a legal person or group of natural or legal persons, irrespective of the legal status conferred by national law on such a group or its members, whose holding is located in Community territory and who is engaged in rearing ovine or caprine animals;
- (b) 'holding' shall mean all production units managed by the producer and located within the territory of a single Member State;
- (c) 'ewe' shall mean any female of the ovine species having lambed at least once or aged at least one year;
- (d) 'she-goat' shall mean any female of the caprine species having kidded at least once or aged at least one year.

## Section 1

### Ewe and goat premium

#### Article 4

1. A producer keeping ewes on his holding may qualify, on application for a premium for maintaining ewes (ewe premium).

2. A producer keeping she-goats on his holding may qualify, on application for a premium for maintaining she-goats (goat premium). This premium shall be granted to producers in specific areas where the production meets the following two criteria:

- 1. goat rearing is mainly directed towards the production of goatmeat;
- 2. goat and sheep rearing techniques are similar in nature.

A list of such areas shall be established following the procedure referred to in Article 25(2).

3. The ewe premium and the goat premium shall be granted in the form of an annual payment per eligible animal per calendar year and per producer within the limits of individual ceilings. The minimum number of animals in respect of which an application for a premium is lodged shall be determined by the Member State. This minimum shall not be less than 10 or greater than 50.

4. Per ewe, the amount of the premium shall be EUR 21. However for producers marketing sheep's milk or products based on sheep's milk the premium per ewe shall be EUR 16,8.

5. Per she-goat the amount of the premium shall be EUR 16,8.

6. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 25(2).

## Section 2

### Supplementary premium

#### Article 5

1. A supplementary premium shall be paid to producers in areas where sheep and goat production constitutes a traditional activity or contributes significantly to the rural economy. Member States shall define these areas. In any event the supplementary premium shall only be granted to a producer whose holding has at least 50 % of its area used for agriculture situated in less-favoured areas defined pursuant to Regulation (EC) No 1257/1999.

2. The supplementary premium shall also be granted to a producer practising transhumance provided that:

- (a) at least 90 % of the animals for which the premium is applied are grazed for at least 90 consecutive days in an eligible area established in accordance with paragraph 1, and
- (b) the seat of the holding is situated in a well-defined geographical area for which it has been established by the Member State that transhumance is a traditional practice of sheep and/or goat rearing and that these animal movements are necessary owing to the absence of forage in sufficient quantity during the transhumance period.

3. The amount of the supplementary premium shall be set at EUR 7 per ewe and per she-goat. The supplementary premium shall be granted under the same conditions as those laid down for the grant of the ewe and goat premium.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 25(2).

## Section 3

### Common provisions

#### Article 6

1. Premiums shall be paid to recipient producers on the basis of the number of ewes and/or she-goats kept on their holding over a minimum period to be determined in accordance with the procedure referred to in Article 25(2).

Payments shall be made as soon as the inspections provided for in Council Regulation (EEC) No 3508/92 of 27 November 1992 establishing an integrated administration and control system for certain Community aid schemes <sup>(1)</sup> are carried out but not earlier than 16 October of the calendar year in respect of which they are applied for, and not later than 31 March of the following calendar year.

<sup>(1)</sup> OJ L 355, 5.12.1992, p. 1. Regulation as last amended by Regulation (EC) No 495/2001 (OJ L 72, 14.3.2001, p. 6).

2. Once a Regulation providing for new rules on the identification and registration of sheep and goats becomes applicable, to qualify for the premium an animal shall be identified and registered in accordance with these rules.

#### Article 7

The amounts of the premiums may be changed in the light of developments in production, productivity and the markets, in accordance with the procedure laid down in Article 37(2) of the Treaty.

### Section 4

#### Individual limits

#### Article 8

1. On 1 January 2002 the individual ceiling per producer, subject to paragraphs 2 and 3, shall be equal to the number of premium rights which he held on 31 December 2001 in accordance with the relevant Community rules.

2. Member States shall take the necessary measures to ensure that, from 1 January 2002, the sum of premium rights on their territory does not exceed the national ceilings set out in Annex I and that the national reserves referred to in Article 10 may be maintained.

3. Where the measures taken pursuant to paragraph 2 necessitate a reduction of individual ceilings held by producers, that reduction shall be carried out without compensatory payment and decided on the basis of objective criteria.

Those criteria shall include:

- (a) the rate at which producers have used their individual ceilings during the three reference years prior to the year 2001;
- (b) particular natural circumstances or the application of penalties, resulting in a non-payment or a reduced payment of the premium for at least one reference year;
- (c) additional exceptional circumstances having the effect that the payments made for at least one reference year do not correspond to the actual situation as established during the previous years.

4. Premium rights, which have been withdrawn pursuant to the measure taken pursuant to paragraph 2 shall be abolished.

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 25(2).

#### Article 9

1. When a producer sells or otherwise transfers his holding, he may transfer all his premium rights to the person who takes over his holding.

2. A producer may also transfer, in whole or in part, his rights to other producers without transferring his holding.

In the case of a transfer of rights without transfer of the holding, a part of the premium rights transferred, not exceeding 15 %, shall be surrendered, without compensation to

the national reserve of the Member State where his holding is situated for redistribution free of charge.

Member States may acquire premium rights from producers who agree, on a voluntary basis, to surrender their rights, in whole or in part. In this case payments for the acquisition of such rights may be made to such producers either from national budgets or as provided for under Article 11(2), fifth indent.

By way of derogation from paragraph 1 and in duly justified circumstances, Member States may provide that in the case of a sale or other transfer of the holding, the transfer of rights is carried out by the intermediary of the national reserve.

3. Member States may take the necessary measures to avoid premium rights being moved away from sensitive zones or regions where sheep production is especially important for the local economy.

4. Member States may authorise, before a date that they shall determine, temporary transfers of that part of the premium rights, which are not intended to be used by the producer who holds them.

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 25(2).

These detailed rules may concern in particular:

- (a) provisions enabling Member States to resolve specific problems linked to the transfer of premium rights by producers who do not own the areas on which their holdings are situated, and
- (b) specific rules relating to the minimum number, which may form the subject of a partial transfer.

#### Article 10

1. Each Member State shall maintain a national reserve of premium rights.

2. Any premium rights withdrawn pursuant to Article 9(2) or other Community provisions shall be added to the national reserve.

3. Member States may allocate premium rights to producers, within the limits of their national reserves. When making the allocation they shall give precedence in particular to newcomers, young farmers or other priority producers.

4. Detailed rules for the application of this Article, in particular, rules concerning the withdrawal and reallocation of unused premium rights, shall be laid down in accordance with the procedure referred to in Article 25(2).

### CHAPTER II

#### ADDITIONAL PAYMENTS

#### Article 11

1. Member States shall, on a yearly basis, make additional payments totalling the global amounts set out in Annex II.

Member States may decide to supplement the global amounts set out in Annex II by reducing the amounts of the payments referred to in Article 4. The reduction in the amounts, which may be applied on a regional basis, shall not exceed one euro.

The payments shall be made, on a yearly basis, according to objective criteria including, in particular, the relevant production structures and conditions, and in such a way as to ensure equal treatment between producers and to avoid market and competition distortions. Payments shall be made within the time limit provided for in Article 6. Moreover, such payments shall not be linked to fluctuations of market prices. They may be made on a regional basis.

2. Payments may include, in particular, the following:

- payments to producers engaged in specific types of production, in particular related to quality, which are important for the local economy or the protection of the environment;
- an increase in the premium set out in Article 4. The additional amounts may be subject to the application of stocking density requirements, to be determined by the Member State according to local conditions;
- support for restructuring of producers' holdings or the development of producers' organisations;
- area payments to producers, to be granted per hectare of forage area, which is available to a producer during the calendar year concerned and in respect of which no payments are claimed for the same year under the support system for producers of certain arable crops, under the aid system for dried fodder and under Community aid schemes for other permanent or horticultural crops;

## TITLE II

### TRADE WITH THIRD COUNTRIES

#### Article 13

1. Imports into the Community, or exports therefrom, of any of the products listed in Article 1 may be subject to presentation of an import or export licence.

Import and export licences shall be valid throughout the Community.

Licences shall be issued by the Member States to any applicant, irrespective of his place of establishment in the Community and without prejudice to measures taken for the application of Article 16.

The issuing of such licences may be subject to the lodging of a security guaranteeing that the products are imported or exported during the term of validity of the licence; except in cases of *force majeure*, the security shall be forfeited in whole or in part if import or export is not carried out, or is carried out only partially, within that period.

- payments to producers who surrender their rights on a voluntary basis pursuant to Article 9(2);
- support for the improvement and rationalisation of processing and marketing of sheep and goatmeat.

3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 25(2).

## CHAPTER III

### PRIVATE STORAGE

#### Article 12

1. The Commission may decide to grant private storage aid when there is a particularly difficult market situation in one or more quotation areas. Quotation area shall mean:

- (a) Great Britain;
- (b) Northern Ireland;
- (c) every other Member State taken separately.

The aid shall be introduced in the framework of a tendering procedure.

However, it may be decided to grant aid in the framework of an advance fixing procedure where urgent recourse to private storage proves necessary.

2. Detailed rules for the application of this Article shall be adopted and the granting of aids for private storage shall be decided in accordance with the procedure referred to in Article 25(2).

2. The list of products for which export licences are required, the term of validity of licences and other detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 25(2).

#### Article 14

The rates of duty in the Common Customs Tariff shall apply to the products listed in Article 1.

#### Article 15

1. In order to prevent or counteract adverse effects on the market in the Community which may result from imports of certain products listed in Article 1, imports of one or more of such products at the rate of duty laid down in the Common Customs Tariff shall be subject to payment of an additional import duty if the conditions to be determined by the Commission pursuant to paragraph 4, are fulfilled, unless the imports are unlikely to disturb the Community market, or where the effects would be disproportionate to the intended objective.

2. Imports made at a price below the level notified by the Community to the World Trade Organisation ('trigger price') may be subject to an additional import duty.

If the volume of imports in any year in which the adverse effects referred to in paragraph 1 arise or are likely to arise exceeds a level based on market access opportunities defined as imports as a percentage of the corresponding domestic consumption during the three previous years ('trigger volume'), an additional import duty may be imposed.

3. The import prices to be taken into consideration for imposing an additional import duty pursuant to paragraph 2, first subparagraph, shall be determined on the basis of the cif import prices of the consignment under consideration.

Cif import prices shall be checked to that end against the representative prices for the product on the world market or on the Community import market for that product.

4. The Commission shall adopt detailed rules for the application of this Article in accordance with the procedure laid down in Article 25(2). Such rules shall specify in particular the products to which additional import duties may be applied.

#### Article 16

1. Tariff quotas for the products listed in Article 1 resulting from agreements concluded in accordance with Article 300 of the Treaty or from any other act of the Council shall be opened and administered in accordance with detailed rules adopted under the procedure laid down in Article 25(2).

2. Quotas shall be administered by applying one of the following methods or a combination of them:

- (a) method based on chronological order of the lodgement of applications ('first-come, first served' principle);
- (b) method of distribution in proportion to the quantities requested when the applications were lodged (using the 'simultaneous examination method');
- (c) method based on taking traditional trade patterns into account (using the 'traditional/new arrival method').

Other appropriate methods may be adopted. They must avoid any discrimination between the operators concerned.

3. The methods of administration adopted shall, where appropriate, give due weight to the supply requirements of the Community market and the need to safeguard the equilibrium of that market.

4. The detailed rules referred to in paragraph 1 shall:

- (a) provide for annual quotas, suitably phased over the year, if necessary;
- (b) determine the administrative method to be used;
- (c) include, where appropriate, guarantees covering the nature, provenance and origin of the product and, where appropriate, the maintenance of traditional trade patterns;

(d) provide for recognition of the document used for verifying the guarantees referred to in (c); and

(e) establish the conditions under which import licences are issued and their term of validity.

#### Article 17

1. To the extent necessary for the proper working of the common organisation of the market in the products referred to in Article 1 of this Regulation, the Council, acting in accordance with the voting procedure laid down in Article 37(2) of the Treaty on a proposal from the Commission, may, in special cases, prohibit in whole or in part the use of inward processing arrangements in respect of products referred to in the said Article 1.

2. By way of derogation from paragraph 1, if the situation referred to in paragraph 1 arises with exceptional urgency and the Community market is disturbed or is liable to be disturbed by the inward or outward processing arrangements, the Commission shall, at the request of a Member State or on its own initiative, decide upon the necessary measures; the Council and the Member States shall be notified of such measures, which shall be valid for no more than six months and shall be immediately applicable. If the Commission receives a request from a Member State, it shall take a decision thereon within a week following receipt of the request.

3. Measures decided on by the Commission may be referred to the Council by any Member State within a week of the day on which they were notified. The Council, acting by a qualified majority, may confirm, amend or repeal the Commission decision.

If the Council has not acted within three months, the Commission decision shall be deemed to have been repealed.

#### Article 18

1. The general rules for the interpretation of the Combined Nomenclature and the detailed rules for its application shall apply to the tariff classification of products referred to in Article 1. The tariff nomenclature resulting from the application of this Regulation shall be incorporated into the Common Custom Tariff.

2. Save as otherwise provided for in this Regulation or in provisions adopted pursuant thereto, the following shall be prohibited in trade with third countries:

- (a) the levying of any charge having equivalent effect to a customs duty;
- (b) the application of any quantitative restriction or measure having equivalent effect.



*Article 19*

1. If, by reason of an increase in imports or exports, the Community market in one or more of the products referred to in Article 1 of this Regulation is affected by, or is threatened with, serious disturbance likely to jeopardise the achievement of the objectives set out in Article 33 of the Treaty, appropriate measures may be applied in trade with third countries until such disturbance or threat of disturbance has ceased.

The Council, acting by a qualified majority, on a proposal from the Commission, shall adopt general rules for the application of this paragraph and shall define the circumstances and limits within which Member States may adopt protective measures.

2. If the situation referred to in paragraph 1 arises, the Commission shall, at the request of a Member State or on its own initiative, decide upon the necessary measures. It shall

notify the Member States of those measures, which shall apply immediately. If the Commission receives a request from a Member State, it shall take a decision thereon within three working days following receipt of the request.

3. Measures decided upon by the Commission may be referred to the Council by any Member State within three working days of the day on which they were notified. The Council shall meet without delay. It may, acting by a qualified majority, amend or annul the measure in question.

4. This Article shall be applied having regard to the Community's obligations, including its international obligations.

## TITLE III

## GENERAL PROVISIONS

*Article 20*

Member States shall record prices of ovine animals and of meat of ovine animals on the basis of rules to be established by the Commission in accordance with the procedure referred to in Article 25(2).

*Article 21*

1. When a substantial rise or fall in prices is recorded on the Community market and this situation is likely to continue, thereby disturbing or threatening to disturb the market, the necessary measures may be taken in accordance with the procedure referred to in Article 25(2).

2. Detailed rules for the application of this Article shall be adopted by the Commission in accordance with the procedure referred to in Article 25(2).

*Article 22*

In order to take account of any restrictions on free movement which might result from the application of measures to prevent the spread of animal diseases, exceptional measures to support any market affected by such restrictions may be taken under the procedure referred to in Article 25(2), but only to the extent that and for such period as is strictly necessary for the support of that market.

*Article 23*

Save as otherwise provided in this Regulation, Articles 87, 88 and 89 of the Treaty shall apply to the production of, and trade in, the products referred to in Article 1 of this Regulation.

*Article 24*

Member States and the Commission shall communicate to each other the information necessary for implementing this Regulation.

Rules for the communication and distribution of such information shall be adopted in accordance with the procedure referred to in Article 25(2).

*Article 25*

1. The Commission shall be assisted by the Management Committee for Sheep and Goats composed of representatives of the Member States and chaired by the representative of the Commission.

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

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

3. The Committee shall adopt its rules of procedure.

*Article 26*

Measures which are both necessary and duly justified to resolve, in an emergency, practical and specific problems shall be adopted in accordance with the procedure referred to in Article 25(2).

Such measures may derogate from certain parts of this Regulation, but only to the extent that, and for such a period, as is strictly necessary.

*Article 27*

Regulation (EC) No 1258/1999 and the provisions adopted in implementation thereof shall apply to the expenditure incurred by the Member States in carrying out obligations under this Regulation.

*Article 28*

By 31 December 2005 at the latest, the Commission shall report to the European Parliament and the Council on the environmental consequences of sheep and goat farming in certain regions of the Community as well as on the impact of the premium regime and on the functioning of the additional payments system, taking into account the consequences of the improvement in the identification and registration of sheep and goat. If appropriate the report shall be accompanied by proposals. The report shall take account in particular of reports made by Member States on the implementation of measures provided for under Article 3 of Regulation (EC) No 1259/1999.

*Article 29*

Regulations (EEC) No 2644/80, (EEC) No 3901/89, (EEC) No 1323/90, (EEC) No 3493/90, (EEC) No 338/91, and (EC) No 2467/98 are hereby repealed.

References to the repealed Regulations shall be construed as references to this Regulation and should be read in accordance with the correlation table in Annex III.

*Article 30*

The measures required to facilitate the transition from the arrangements provided for in the Regulations referred to in Article 29 to those established by this Regulation shall be adopted in accordance with the procedure referred to in Article 25(2).

*Article 31*

1. This Regulation shall enter into force on the day of its publication in *the Official Journal of the European Communities*.
2. It shall apply as from 1 January 2002.
3. Regulations (EEC) No 2644/80, (EEC) No 3901/89, (EEC) No 1323/90, (EEC) No 3493/90, (EEC) No 338/91, and (EC) No 2467/98 shall continue to apply in relation to the 2001 marketing year.

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

Done at Brussels, 19 December 2001.

*For the Council*

*The President*

A. NEYTS-UYTTEBROECK

---

## ANNEX I

## INDIVIDUAL RIGHTS TO EWE AND GOAT PREMIUM

Member State	Rights (× 1 000)
Belgium	70
Denmark	104
Germany	2 432
Greece	11 023
Spain	19 580
France	7 842
Ireland	4 956
Italy	9 575
Luxembourg	4
Netherlands	930
Austria	206
Portugal <sup>(1)</sup>	2 690
Finland	80
Sweden	180
United Kingdom	19 492
<b>Total</b>	<b>79 164</b>

<sup>(1)</sup> Excluding the extensification programme set out in Council Regulation (EC) No 1017/94 of 26 April 1994 concerning the conversion of land currently under arable crops to extensive livestock farming in Portugal (OJ L 112, 3.5.1994, p. 2). Regulation as amended by Regulation (EC) No 1461/95 (OJ L 144, 28.6.1995, p. 4).

## ANNEX II

## GLOBAL AMOUNTS REFERRED TO IN ARTICLE 11

*(expressed in thousands of euro)*

Belgium	64
Denmark	79
Germany	1 793
Greece	8 767
Spain	18 827
France	7 083
Ireland	4 875
Italy	6 920
Luxembourg	4
Netherlands	743
Austria	185
Portugal	2 275
Finland	61
Sweden	162
United Kingdom	20 162

---

## ANNEX III

## CORRELATION TABLE

Regulation (EEC) No 1323/90	This Regulation
Article 1	Article 5
Regulation (EEC) No 3493/90	This Regulation
Article 1(1)	—
Article 1(2)	—
Article 1(3)	—
Article 1(4)	Article 3(a)
Article 1(5)	Article 3(b)
Article 2	Article 5
Article 3	—
Article 4	—
Regulation (EC) No 2467/98	This Regulation
Article 1	Article 1
Article 2	Article 2
Article 3	—
Article 4	Article 20
Article 5(1)	Article 4(1)
Article 5(2), 5(3)	Article 4(4)
Article 5(4)	—
Article 5(5)	Article 4(2)
Article 5(6)	Article 6
Article 5(7), 5(8), 5(9), 5(10)	—
Article 6(1), 6(2), 6(3)	—
Article 6(4)(a)	—
Article 6(4)(b)	Article 9(1), (2)
Article 6(4)(c)	Article 9(2), 9(3)
Article 6(4)(d)	Article 9(4)
Article 6(4)(e)	—
Article 6(4)(f)	Article 9(5)
Article 6(5)	—
Article 6(6)	—
Article 7	Article 10
Article 8	—
Article 9	—
Article 10	Article 8(2)
Article 11	—
Article 12	Article 12
Article 13	—
Article 14	Article 13
Article 15	Article 14
Article 16	Article 15
Article 17	Article 16
Article 18	Article 17
Article 19	Article 18
Article 20	Article 19
Article 21	Article 22
Article 22	Article 23
Article 23	Article 24
Article 25	Article 25
Article 26	—
Article 27	—
Article 28	—

**COMMISSION REGULATION (EC) No 2530/2001**  
**of 21 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1498/98 <sup>(2)</sup>, and in particular Article 4(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 22 December 2001.

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

Done at Brussels, 21 December 2001.

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

---

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

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

## ANNEX

**to the Commission Regulation of 21 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 <sup>(1)</sup>	Standard import value
0702 00 00	052	84,4
	063	85,0
	204	78,8
	212	110,1
	999	89,6
0707 00 05	052	159,4
	212	95,2
	220	167,5
	628	207,8
0709 90 70	999	157,5
	052	177,2
	204	196,3
0805 10 10, 0805 10 30, 0805 10 50	999	186,8
	052	72,1
	204	58,3
	208	60,3
	388	23,9
	508	15,8
0805 20 10	999	46,1
	052	86,4
	204	72,1
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	999	79,3
	052	68,6
	204	66,5
	464	95,1
	624	85,2
	999	78,8
0805 30 10	052	49,4
	528	23,1
	600	54,8
	999	42,4
0808 10 20, 0808 10 50, 0808 10 90	052	75,0
	060	38,5
	400	91,4
	404	96,5
	720	113,6
	999	83,0
0808 20 50	052	97,2
	064	64,8
	400	101,6
	512	71,2
	720	126,3
	999	92,2

<sup>(1)</sup> 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 2531/2001**  
**of 21 December 2001**  
**prohibiting fishing for whiting by vessels flying the flag of France**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 1965/2001 <sup>(2)</sup>, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2848/2000 of 15 December 2000 fixing for 2001 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required <sup>(3)</sup>, as last amended by Regulation (EC) No 2425/2001 <sup>(4)</sup>, lays down quotas for whiting for 2001.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of whiting in the waters of ICES divisions II a (EC waters) and IV by vessels flying the flag of

France or registered in France have exhausted the quota allocated for 2001. France has prohibited fishing for this stock from 2 November 2001. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

*Article 1*

Catches of whiting in the waters of ICES divisions II a (EC waters) and IV by vessels flying the flag of France or registered in France are hereby deemed to have exhausted the quota allocated to France for 2001.

Fishing for whiting in the waters of ICES divisions II a (EC waters) and IV by vessels flying the flag of France or registered in France is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

*Article 2*

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

It shall apply from 2 November 2001.

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

Done at Brussels, 21 December 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 261, 20.10.1993, p. 1.

<sup>(2)</sup> OJ L 268, 9.10.2001, p. 23.

<sup>(3)</sup> OJ L 334, 30.12.2000, p. 1.

<sup>(4)</sup> OJ L 328, 13.12.2001, p. 7.



**COMMISSION REGULATION (EC) No 2532/2001**  
**of 21 December 2001**  
**prohibiting fishing for herring by vessels flying the flag of France**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 1965/2001 <sup>(2)</sup>, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2848/2000 of 15 December 2000 fixing for 2001 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required <sup>(3)</sup>, as last amended by Regulation (EC) No 2425/2001 <sup>(4)</sup>, lays down quotas for herring for 2001.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of herring in the waters of ICES divisions V b (EC waters), VI a north and VI b by vessels flying the

flag of France or registered in France have exhausted the quota allocated for 2001. France has prohibited fishing for this stock from 2 November 2001. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

*Article 1*

Catches of herring in the waters of ICES divisions V b (EC waters), VI a north and VI b by vessels flying the flag of France or registered in France are hereby deemed to have exhausted the quota allocated to France for 2001.

Fishing for herring in the waters of ICES divisions V b (EC waters), VI a north and VI b by vessels flying the flag of France or registered in France is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

*Article 2*

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

It shall apply from 2 November 2001.

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

Done at Brussels, 21 December 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 261, 20.10.1993, p. 1.

<sup>(2)</sup> OJ L 268, 9.10.2001, p. 23.

<sup>(3)</sup> OJ L 334, 30.12.2000, p. 1.

<sup>(4)</sup> OJ L 328, 13.12.2001, p. 7.

**COMMISSION REGULATION (EC) No 2533/2001  
of 21 December 2001**

**laying down detailed rules for the application in 2002 of the tariff quotas for beef and veal products originating in Croatia, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

part (7), lay down annual preferential tariff quotas of 9 400 tonnes and 1 650 tonnes respectively.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2007/2000 of 18 September 2000 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process, amending Regulation (EC) No 2820/98, and repealing Regulations (EC) No 1763/1999 and (EC) No 6/2000<sup>(1)</sup>, as last amended by Regulation (EC) No 2487/2001<sup>(2)</sup>, and in particular Articles 4(2) and 6 thereof,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal<sup>(3)</sup>, as last amended by Commission Regulation (EC) No 2345/2001<sup>(4)</sup>, and in particular Article 32(1) thereof,

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<sup>(5)</sup>, and in particular Article 2 thereof,

Whereas:

- (1) Article 4(2) of Regulation (EC) No 2007/2000 provides for an annual preferential tariff quota of 'baby beef' of 11 475 tonnes, distributed among Bosnia and Herzegovina and the Federal Republic of Yugoslavia including Kosovo.
- (2) The Interim Agreements with Croatia and the former Yugoslav Republic of Macedonia which were approved by Council Decision 2001/868/EC of 29 October 2001 concerning the signing on behalf of the Community and the provisional application of the Interim Agreement on trade and trade-related matters between the European Community, of the one part, and the Republic of Croatia, of the other part<sup>(6)</sup>, and by Council Decision 2001/330/EC of 9 April 2001 on the conclusion of the Interim Agreement on trade and trade-related matters between the European Community, of the one part, and the former Yugoslav Republic of Macedonia, of the other

- (3) For control purposes, Regulation (EC) No 2007/2000 makes imports under the quotas of 'baby beef' for Bosnia and Herzegovina and the Federal Republic of Yugoslavia including Kosovo subject to the presentation of a certificate of authenticity attesting that the goods originate from the issuing country and that they correspond exactly to the definition in Annex II to that Regulation. For the sake of harmonisation, it is essential that imports under the quotas of 'baby beef' originating in Croatia and the former Yugoslav Republic of Macedonia should also be made subject to the presentation of a certificate of authenticity attesting that the goods originate from the issuing country and that they correspond exactly to the definition in Annex III to the interim agreements with the former Yugoslav Republic of Macedonia and with Croatia. It is also necessary to establish a model for the authenticity certificates and lay down detailed rules for their use.
- (4) The quotas in question should be managed through the use of import licences. To this end, the provisions of Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products<sup>(8)</sup>, as amended by Regulation (EC) No 2299/2001<sup>(9)</sup>, and of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80<sup>(10)</sup>, as last amended by Regulation (EC) No 24/2001<sup>(11)</sup>, are applicable subject to the provisions of this Regulation.
- (5) In order to ensure proper management of the imports of the products in question, provision should be made for import licences to be issued subject to verification, in particular of entries on certificates of authenticity.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

<sup>(1)</sup> OJ L 240, 23.9.2000, p. 1.

<sup>(2)</sup> OJ L 335, 19.12.2001, p. 9.

<sup>(3)</sup> OJ L 160, 26.6.1999, p. 21.

<sup>(4)</sup> OJ L 315, 1.12.2001, p. 29.

<sup>(5)</sup> OJ L 304, 21.11.2001, p. 1.

<sup>(6)</sup> OJ L 330, 14.12.2001, p. 1.

<sup>(7)</sup> OJ L 124, 4.5.2001, p. 1.

<sup>(8)</sup> OJ L 152, 24.6.2000, p. 1.

<sup>(9)</sup> OJ L 308, 27.11.2001, p. 19.

<sup>(10)</sup> OJ L 143, 27.6.1995, p. 35.

<sup>(11)</sup> OJ L 3, 6.1.2001, p. 9.

HAS ADOPTED THIS REGULATION:

### Article 1

1. The following tariff quotas are hereby opened for the period 1 January to 31 December 2002:

- 9 400 tonnes of 'baby beef', expressed in carcase weight, originating in Croatia,
- 1 500 tonnes of 'baby beef', expressed in carcase weight, originating in Bosnia and Herzegovina,
- 1 650 tonnes of 'baby beef', expressed in carcase weight, originating in the former Yugoslav Republic of Macedonia,
- 9 975 tonnes of 'baby beef', expressed in carcase weight, originating in the Federal Republic of Yugoslavia including Kosovo.

The four quotas referred to in the first subparagraph shall bear the serial Nos 09.4503, 09.4504, 09.4505 and 09.4506 respectively.

For the purposes of attributing the said quotas, 100 kilograms live weight shall be equivalent to 50 kilograms carcase weight.

2. The customs duty applicable under the quotas referred to in paragraph 1 shall be 20 % of the *ad valorem* duty and 20 % of the specific duty as laid down in the Common Customs Tariff.

3. Importation under the quotas referred to in paragraph 1 shall be reserved for certain live animals and certain meat falling within CN codes:

- ex 0102 90 51, ex 0102 90 59, ex 0102 90 71 and ex 0102 90 79,
- ex 0201 10 00 and ex 0201 20 20,
- ex 0201 20 30,
- ex 0201 20 50,

referred to in Annex II to Regulation (EC) No 2007/2000 and in Annex III to the Interim Agreements concluded with Croatia and with the former Yugoslav Republic of Macedonia.

4. All applications for imports under the quotas referred to in paragraph 1 shall be accompanied by a certificate of authenticity issued by the competent authorities of the exporting country attesting that the goods originate in that country and that they correspond to the definition given, as the case may be, in Annex II to Regulation (EC) No 2007/2000 or Annex III to the Interim Agreements referred to in paragraph 3.

### Article 2

Imports of the quantities set out in Article 1 shall be subject to presentation, on release for free circulation, of an import licence issued in accordance with the following provisions:

- (a) box 8 of the licence applications and of the licences themselves must show the country of origin; licences shall carry with them an obligation to import from the country indicated;
- (b) box 20 of the licence application and of the licence itself shall show one of the following entries:

- «Baby beef» [Reglamento (CE) n° 2533/2001]
- »Baby beef« (forordning (EF) nr. 2533/2001)
- „Baby beef“ [Verordnung (EG) Nr. 2533/2001]
- «Baby beef» [Κανονισμός (ΕΚ) αριθ. 2533/2001]
- 'Baby beef' (Regulation (EC) No 2533/2001)
- «Baby beef» [règlement (CE) n° 2533/2001]
- «Baby beef» [regolamento (CE) n. 2533/2001]
- „Baby beef“ (Verordening (EG) nr. 2533/2001)
- «Baby beef» [Regulamento (CE) n.º 2533/2001]
- "Baby beef" (asetus (EY) N:o 2533/2001)
- "Baby beef" (förordning (EG) nr 2533/2001);

- (c) the original of the certificate of authenticity drawn up in accordance with Articles 3 and 4 plus a copy thereof shall be presented to the competent authority together with the application for the first import licence relating to the certificate of authenticity.

The original of the certificate of authenticity shall be kept by the abovementioned authority;

- (d) certificates of authenticity may be used for the issuing of more than one import licence for quantities not exceeding that shown on the certificate. Where more than one licence is issued in respect of a certificate, the competent authority shall endorse the certificate of authenticity to show the quantity attributed;
- (e) the competent authorities may issue import licences only after they are satisfied that all the information on the certificate of authenticity corresponds to that received each week from the Commission on the subject. The licences shall be issued immediately thereafter.

### Article 3

1. The certificate of authenticity referred to in Article 2 shall be made out in one original and two copies, to be printed and completed in one of the official languages of the European Community, in accordance with the model in Annexes I, II, III and IV respectively for the four exporting countries concerned; they may also be printed and completed in the official language or one of the official languages of the exporting country.

The competent authorities of the Member State in which the import licence application is submitted may require a translation of the certificate to be provided.

2. The original and copies thereof may be typed or handwritten. In the latter case, they must be completed in black ink and block capitals.

3. The certificate forms shall measure 210 × 297 mm. The paper used shall weigh not less than 40 g/m<sup>2</sup>. The original shall be white, the first copy pink and the second copy yellow.

4. Each certificate shall have its own individual serial number followed by the name of the issuing country.

The copies shall bear the same serial number and the same name as the original.

5. Certificates shall be valid only if they are duly endorsed by an issuing authority listed in Annex V.

6. Certificates shall be deemed to have been duly endorsed if they state the date and place of issue and if they bear the stamp of the issuing authority and the signature of the person or persons empowered to sign them.

#### Article 4

1. Each issuing authority listed in Annex V must:
  - (a) be recognised as such by the exporting country concerned;
  - (b) undertake to verify entries on the certificates;
  - (c) undertake to forward to the Commission at least once per week any information enabling the entries on the certificates of authenticity to be verified, in particular with regard to the number of the certificate, the exporter, the consignee, the country of destination, the product (live animals/meat), the net weight and the date of signature.
2. The list in Annex V may be revised by the Commission where the requirement referred to in paragraph 1(a) is no longer met or where an issuing authority fails to fulfil one or more of the obligations incumbent on it.

#### Article 5

Certificates of authenticity and import licences shall be valid for three months from their respective dates of issue. However, they shall expire on 31 December 2002.

#### Article 6

The authorities of the exporting countries concerned shall communicate to the Commission specimens of the stamp imprints used by their issuing authorities and the names and signatures of the persons empowered to sign certificates of authenticity. The Commission shall communicate this information to the competent authorities of the Member States.

#### Article 7

Save as otherwise provided in this Regulation, Regulations (EC) No 1291/2000 and (EC) No 1445/95 shall apply to importing operations under the quotas referred to in Article 1.

#### Article 8

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

It shall apply from 1 January 2002.

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

Done at Brussels, 21 December 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

---

## ANNEX I

1. Consignor (full name and address)	<b>CERTIFICATE No 0000</b> ORIGINAL CROATIA		
2. Consignee (full name and address)	CERTIFICATE OF AUTHENTICITY for exports to the European Community of bovine animals and meat of bovine animals (application of Regulation (EC) No .../...)		
Notes A. This certificate shall be prepared in one original and two copies B. The original and its two copies shall be typewritten or completed by hand; in the latter case, they must be completed in block letters and in black ink			
3. Marks, numbers, numbers and nature of packages or head of cattle; description of goods	4. Combined Nomenclature code	5. Gross weight (kg)	6. Net weight (kg)
7. Net weight (kg) (in words)			
8. I, the undersigned ....., acting on behalf of the authorised issuing body (box No 9) certify that the goods described above were subjected to health inspection at ....., in accordance with the attached veterinary certificate of ....., originate in and come from the Republic of Croatia and correspond exactly to the definition contained in Annex III to the Interim Agreement set out in Council Decision 2001/868/EC (OJ L 330, 14.12.2001, p. 1).			
9. Authorised issuing body	Place:		Date:
	(Stamp of issuing body)	(Signature)	

## ANNEX II

1. Consignor (full name and address)	<b>CERTIFICATE No 0000</b> ORIGINAL BOSNIA and HERZEGOVINA		
2. Consignee (full name and address)	CERTIFICATE OF AUTHENTICITY for exports to the European Community of bovine animals and meat of bovine animals (application of Regulation (EC) No .../...)		
Notes A. This certificate shall be prepared in one original and two copies B. The original and its two copies shall be typewritten or completed by hand; in the latter case, they must be completed in block letters and in black ink			
3. Marks, numbers, numbers and nature of packages or head of cattle; description of goods	4. Combined Nomenclature code	5. Gross weight (kg)	6. Net weight (kg)
7. Net weight (kg) (in words)			
8. I, the undersigned ....., acting on behalf of the authorised issuing body (box No 9) certify that the goods described above were subjected to health inspection at ....., in accordance with the attached veterinary certificate of ....., originate in and come from the Republic of Bosnia and Herzegovina and correspond exactly to the definition contained in Annex II to Council Regulation (EC) No 2007/2000 (OJ L 240, 23.9.2000, p. 1).			
9. Authorised issuing body	Place:		Date:
	(Stamp of issuing body)	(Signature)	

## ANNEX III

1. Consignor (full name and address)	<b>CERTIFICATE No 0000</b> ORIGINAL FORMER YUGOSLAV REPUBLIC OF MACEDONIA		
2. Consignee (full name and address)	CERTIFICATE OF AUTHENTICITY for exports to the European Community of bovine animals and meat of bovine animals (application of Regulation (EC) No .../...)		
Notes A. This certificate shall be prepared in one original and two copies B. The original and its two copies shall be typewritten or completed by hand; in the latter case, they must be completed in block letters and in black ink			
3. Marks, numbers, numbers and nature of packages or head of cattle; description of goods	4. Combined Nomenclature code	5. Gross weight (kg)	6. Net weight (kg)
7. Net weight (kg) (in words)			
8. I, the undersigned ....., acting on behalf of the authorised issuing body (box No 9) certify that the goods described above were subjected to health inspection at ....., in accordance with the attached veterinary certificate of ....., originate in and come from the Former Yugoslav Republic of Macedonia and correspond exactly to the definition contained in Annex III to the Interim Agreement set out in Council Decision 2001/330/EC (OJ L 124, 4.5.2001, p. 2).			
9. Authorised issuing body	Place:		Date:
	(Stamp of issuing body)	(Signature)	

## ANNEX IV

1. Consignor (full name and address)	<b>CERTIFICATE No 0000</b> ORIGINAL FEDERAL REPUBLIC OF YUGOSLAVIA		
2. Consignee (full name and address)	CERTIFICATE OF AUTHENTICITY for exports to the European Community of bovine animals and meat of bovine animals (application of Regulation (EC) No .../...)		
Notes A. This certificate shall be prepared in one original and two copies B. The original and its two copies shall be typewritten or completed by hand; in the latter case, they must be completed in block letters and in black ink			
3. Marks, numbers, numbers and nature of packages or head of cattle; description of goods	4. Combined Nomenclature code	5. Gross weight (kg)	6. Net weight (kg)
7. Net weight (kg) (in words)			
8. I, the undersigned ....., acting on behalf of the authorised issuing body (box No 9) certify that the goods described above were subjected to health inspection at ....., in accordance with the attached veterinary certificate of ....., originate in and come from the Federal Republic of Yugoslavia and correspond exactly to the definition contained in Annex II to Council Regulation (EC) No 2007/2000 (OJ L 240, 23.9.2000, p. 1).			
9. Authorised issuing body	Place:		Date:
	(Stamp of issuing body)		(Signature)



## ANNEX V

Issuing authorities:

- Republic of Croatia: 'Euroinspekt', Zagreb, Croatia
  - Republic of Bosnia and Herzegovina:
  - Former Yugoslav Republic of Macedonia:
  - Federal Republic of Yugoslavia:
-

**COMMISSION REGULATION (EC) No 2534/2001****of 21 December 2001****opening import quotas in respect of special preferential raw cane sugar from the ACP States and India for supply to refineries in the period 1 July 2001 to 28 February 2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector <sup>(1)</sup>, and in particular Article 23(2) and Article 39(6) thereof,

Whereas:

(1) Article 39 of Regulation (EC) No 1260/2001 lays down that, during the 2001/02 to 2005/06 marketing years and in order to ensure adequate supplies to Community refineries, a special reduced duty is to be levied on imports of raw cane sugar originating in states with which the Community has concluded supply arrangements on preferential terms. At present such agreements have been concluded by Council Decision 2001/870/EC <sup>(2)</sup> with the ACP States party to Protocol 3 on ACP sugar <sup>(3)</sup> attached to Annex V to the ACP-EC Partnership Agreement, and with the Republic of India.

(2) The quantities of special preferential sugar to be imported are calculated in accordance with the said Article 39 on the basis of a Community forecast supply balance. The balance indicates the need to import raw sugar and to open for the 2001/02 marketing year tariff quotas at the special reduced rate of duty as provided for in the above agreements so that the Community refineries' supply needs can be met for part of the year. In view of the forecasts for raw cane sugar production which are now available for the 2001/02 marketing year and as a result of the presumed maximum refining needs fixed by Member State and the shortfall resulting from the forecast supply balance, provision should be made to authorise imports for each refining Member State for the period 1 July 2001 to 28 February 2002.

(3) Those authorisations must take account of the quantities already authorised by Commission Decisions 2001/656/EC of 3 August 2001 laying down provisional measures for imports into Portugal and Finland of special preferential raw cane sugar for refining at the

start of the 2001/02 marketing year <sup>(4)</sup> and 2001/787/EC of 9 November 2001 laying down provisional measures for imports into Portugal of special preferential raw cane sugar for refining during the 2001/02 marketing year <sup>(5)</sup>.

(4) The agreements concluded by Decision 2001/870/EC lay down that the refiners in question must pay a minimum purchase price equal to the guaranteed price for raw sugar, minus the adjustment aid fixed for the marketing year in question. This minimum price must therefore be fixed by taking account of the factors applying in the 2001/02 marketing year.

(5) Since those agreements cover the period 1 July 2001 to 30 June 2006, the measures provided for in this Regulation should apply retroactively from 1 July 2001.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The following quotas are opened for the period 1 July 2001 to 28 February 2002 pursuant to Decision 2001/870/EC in respect of imports of raw cane sugar for refining falling within CN code 1701 11 10:

(a) a tariff quota of 161 000 tonnes expressed as white sugar originating in the ACP States covered by that Decision, bearing the serial No 09.4097;

and

(b) a tariff quota of 10 000 tonnes expressed as white sugar originating in India, bearing the serial No 09.4097.

*Article 2*

1. The special reduced duty per 100 kg of standard quality raw sugar applying to imports of the quantities referred to in Article 1 shall be EUR 0.

<sup>(1)</sup> OJ L 178, 30.6.2001, p. 1.

<sup>(2)</sup> OJ L 325, 8.12.2001, p. 21.

<sup>(3)</sup> OJ L 317, 15.12.2000, p. 267.

<sup>(4)</sup> OJ L 231, 29.8.2001, p. 11.

<sup>(5)</sup> OJ L 295, 13.11.2001, p. 22.

2. The minimum purchase price to be paid by Community refiners for the period referred to in Article 1 shall be EUR 49,68 per 100 kg of standard quality raw sugar.

3. The import duties paid on quantities already imported under Decisions 2001/656/EC and 2001/787/EC shall be reimbursed.

#### *Article 3*

The following quantities expressed as white sugar may be imported by the Member States under the quotas referred to in Article 1 and on the terms laid down in Article 2(1):

- (a) Finland 30 000 tonnes;
- (b) mainland Portugal 141 000 tonnes.

These quantities include the quantities authorised for import by Decisions 2001/656/EC and 2001/787/EC.

#### *Article 4*

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

It shall apply from 1 July 2001.

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

Done at Brussels, 21 December 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

---

## COMMISSION REGULATION (EC) No 2535/2001

of 14 December 2001

## laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EC) No 1670/2000 <sup>(2)</sup>, and in particular Article 26(3) and Article 29(1) thereof,

Whereas:

in the Community they are established and that all discrimination between importers must be avoided, whilst taking into account all the relevant provisions.

(1) Commission Regulation (EC) No 1374/98 of 29 June 1998 laying down detailed rules for the application of the import arrangements and opening tariff quotas for milk and milk products <sup>(3)</sup>, as last amended by Regulation (EC) No 594/2001 <sup>(4)</sup>, has been substantially amended several times. Since further amendments are to be made, in the interests of clarity and efficiency the said Regulation should be recast to include also the provisions of Commission Regulation (EEC) No 2967/79 of 18 December 1979 laying down the conditions under which certain cheeses benefiting from preferential import treatment are to be processed <sup>(5)</sup>, as last amended by Regulation (EC) No 1599/95 <sup>(6)</sup>, Commission Regulation (EC) No 2508/97 of 15 December 1997 laying down detailed rules for the application to milk and milk products of the schemes provided for in the Europe Agreements between the Community and the Republic of Hungary, the Republic of Poland, the Czech Republic, the Slovak Republic, Bulgaria, Romania and Slovenia and the Agreements on free trade between the Community and the Baltic States <sup>(7)</sup>, as last amended by Regulation (EC) No 2856/2000 <sup>(8)</sup>, and Commission Regulation (EC) No 2414/98 of 9 November 1998 laying down detailed rules for the application of the arrangements applicable to imports of milk products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EEC) No 1150/90 <sup>(9)</sup>.

(2) Articles 26 and 29 of Regulation (EC) No 1255/1999 stipulate that the Commission is to ensure that import licences are issued to all applicants irrespective of where

(3) In order to take account of certain features specific to the importation of milk products, additional provisions should be adopted as well as, where necessary, derogations from Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products <sup>(10)</sup>, as last amended by Regulation (EC) No 2299/2001 <sup>(11)</sup>.

(4) Specific provisions are needed for imports into the Community of milk products at reduced duty under the tariff concessions provided for in the following texts:

(a) the concessions set out in schedule CXL drawn up in the wake of the Uruguay Round of multilateral trade negotiations and the negotiations conducted under Article XXIV.6 of GATT following the accession to the European Community of Austria, Finland and Sweden (hereinafter called 'the CXL schedule');

(b) the tariff agreement with Switzerland concerning certain cheeses listed in position ex 0404 of the Common Customs Tariff, concluded on behalf of the Community by Council Decision 69/352/EEC <sup>(12)</sup>, as last amended by the Agreement in the form of an Exchange of Letters between the European Economic Community, of the one part, and the Swiss Confederation, of the other part, concerning certain agricultural products, approved by Council Decision 95/582/EC <sup>(13)</sup> (hereinafter called the 'Agreement with Switzerland');

(c) the Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Norway concerning certain agricultural products, approved by Decision 95/582/EC (hereinafter called 'the Agreement with Norway');

(d) Decision No 1/98 of the EC-Turkey Association Council of 25 February 1998 on the trade regime for agricultural products <sup>(14)</sup>;

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 48.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 10.

<sup>(3)</sup> OJ L 185, 30.6.1998, p. 21.

<sup>(4)</sup> OJ L 88, 28.3.2001, p. 7.

<sup>(5)</sup> OJ L 336, 29.12.1979, p. 23.

<sup>(6)</sup> OJ L 151, 1.7.1995, p. 10.

<sup>(7)</sup> OJ L 345, 16.12.1997, p. 31.

<sup>(8)</sup> OJ L 332, 28.12.2000, p. 49.

<sup>(9)</sup> OJ L 299, 10.11.1998, p. 7.

<sup>(10)</sup> OJ L 152, 24.6.2000, p. 1.

<sup>(11)</sup> OJ L 308, 27.11.2001, p. 19.

<sup>(12)</sup> OJ L 257, 13.10.1969, p. 3.

<sup>(13)</sup> OJ L 327, 30.12.1995, p. 17.

<sup>(14)</sup> OJ L 86, 20.3.1998, p. 1.

- (e) Council Regulation (EC) No 1706/98 of 20 July 1998 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EEC) No 715/90 <sup>(1)</sup>;
- (f) the Agreement on trade, development and cooperation between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part, provisionally applied under the Agreement in the Form of an Exchange of Letters concluded between the European Community and South Africa and approved by Council Decision 1999/753/EC <sup>(2)</sup> (hereinafter called 'the Agreement with South Africa');
- (g) Council Regulations (EC) No 1349/2000 <sup>(3)</sup>, as amended by Regulation (EC) No 2677/2000 <sup>(4)</sup>, (EC) No 1727/2000 <sup>(5)</sup>, (EC) No 2290/2000 <sup>(6)</sup>, (EC) No 2341/2000 <sup>(7)</sup>, (EC) No 2433/2000 <sup>(8)</sup>, (EC) No 2434/2000 <sup>(9)</sup>, (EC) No 2435/2000 <sup>(10)</sup>, (EC) No 2475/2000 <sup>(11)</sup>, (EC) No 2766/2000 <sup>(12)</sup> and (EC) No 2851/2000 <sup>(13)</sup>, establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for the adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreements with Estonia, Hungary, Bulgaria, Latvia, the Czech Republic, the Slovak Republic, Romania, Slovenia, Lithuania and the Republic of Poland, respectively;
- (h) the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus, signed on 19 December 1972, concluded on behalf of the Community by Council Regulation (EEC) No 1246/73 <sup>(14)</sup>, and in particular the Protocol laying down the conditions and procedures for the implementation of the second stage of the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus, signed on 19 December 1987 and concluded by Council Decision 87/607/EEC <sup>(15)</sup> (hereinafter called 'the Agreement with Cyprus').
- (5) The CXL schedule provides for certain tariff quotas under the arrangements for current and minimum access. Those quotas should be opened and rules laid down for administering them.
- (6) In order to ensure correct and fair management of the tariff quotas for unspecified countries of origin fixed in the CXL schedule and the tariff quotas for imports at reduced duty from the countries of central and eastern Europe, the ACP States, Turkey and the Republic of South Africa, licence applications should be subject to the lodging of a security greater than that required for normal imports and certain rules should be laid down for the submission of licence applications. The quotas should be spread out over the year and the procedure for allocating licences and their period of validity should be laid down.
- (7) In order to ensure that applications for import licences are genuine, to prevent speculation and ensure maximum utilisation of the quotas opened, individual applications should be restricted to 10 % of the quota concerned, applicants should no longer be permitted to refuse licences where the allocation factor is less than 0,8, quotas should be open only to importers who have imported or exported the products covered by those quotas, criteria should be laid down to restrict eligibility to apply for licences by requiring all applicants to provide documents proving their status and regular activity as traders and each importer should be allowed to lodge only one licence application per quota. To facilitate the selection and admission of eligible applicants by the national authorities, a procedure should be introduced for approving eligible applicants and drawing up a list of approved applicants valid for one year. To ensure that the restrictions on the number of applications are effective, there should be a penalty where such restrictions are not complied with.
- (8) Products subject to inward- and outward-processing transactions are neither imported, and consequently released for free circulation, nor exported and have therefore never been taken into account for the purposes of establishing the eligibility of applicants under the arrangements governed by Regulation (EC) No 1374/98. In the interests of clarity, it should be specified that these transactions may not be taken into account when calculating the reference quantity provided for in this Regulation.

<sup>(1)</sup> OJ L 215, 1.8.1998, p. 12.

<sup>(2)</sup> OJ L 311, 4.12.1999, p. 1.

<sup>(3)</sup> OJ L 155, 28.6.2000, p. 1.

<sup>(4)</sup> OJ L 308, 8.12.2000, p. 7.

<sup>(5)</sup> OJ L 198, 4.8.2000, p. 6.

<sup>(6)</sup> OJ L 262, 17.10.2000, p. 1.

<sup>(7)</sup> OJ L 271, 24.10.2000, p. 7.

<sup>(8)</sup> OJ L 280, 4.11.2000, p. 1.

<sup>(9)</sup> OJ L 280, 4.11.2000, p. 9.

<sup>(10)</sup> OJ L 280, 4.11.2000, p. 17.

<sup>(11)</sup> OJ L 286, 11.11.2000, p. 15.

<sup>(12)</sup> OJ L 321, 19.12.2000, p. 8.

<sup>(13)</sup> OJ L 332, 28.12.2000, p. 7.

<sup>(14)</sup> OJ L 133, 21.5.1973, p. 1.

<sup>(15)</sup> OJ L 393, 31.12.1987, p. 1.

- (9) For the purposes of administering the tariff quotas opened for specified countries of origin fixed in the CXL schedule and the quotas provided for under the Agreement with Norway, in particular the check that imported products comply with the description of the goods concerned and with the tariff quota, use should be made of the arrangements under which import licences are issued in a prescribed form on presentation of IMA 1 certificates (inward monitoring arrangements) on the

responsibility of the exporting country. These arrangements, under which the exporting country gives an assurance that the exported products conform with their description, considerably simplify the import procedure. They are also used by third countries to monitor compliance with tariff quotas.

- (10) In order to protect the Community's financial interests, however, declarations under the IMA 1 certificate arrangements must be verified at Community level by the random sampling of lots and the use of internationally recognised testing and statistical methods.
- (11) Additional detailed rules are necessary for implementing the IMA 1 certificate system, in particular regarding the completion, issue, cancellation, amendment and replacement of certificates by the issuing body, the period of validity of certificates and the conditions for their use with a corresponding import licence. End-of-year provisions are also needed, linked to normal shipping times, for releasing for free circulation products covered by an IMA 1 certificate and intended for import in the following year. To ensure compliance with the quota, import declarations should be monitored and an end-of-year audit carried out.
- (12) New Zealand butter imported under the current access quota must be identified to ensure that the full export refund and certain aid amounts are not paid. To that end, certain definitions are needed, along with instructions on how to complete the IMA 1 certificate, how to check the weight and fat content and what procedure to follow in the event of a dispute concerning the composition of the butter.
- (13) As an exception to Regulation (EC) No 1291/2000, imports of New Zealand butter under the current access quota should also be subject to additional conditions, in particular to link the quantity covered by an IMA 1 certificate to that covered by a corresponding import licence and require that both documents be used only once together with a declaration of release for free circulation.
- (14) Canadian cheddar is now the only product covered by the IMA 1 certificate system for which a minimum free-at-frontier value must be complied with. For this purpose the buyer and the Member State of destination must be indicated on the IMA 1 certificate.
- (15) As a result of poor management by the bodies issuing IMA 1 certificates in Norway, which led to a quota overrun, Norway has asked to replace the two issuing bodies indicated in Annex VII to Regulation (EC) No 1374/98 with a single body answering directly to the

Ministry of Agriculture. The necessary changes should therefore be made to comply with Norway's request.

- (16) Importers who intend to import certain cheeses originating in Switzerland must undertake to comply with a minimum free-at-frontier value in order to benefit from preferential treatment for those cheeses. In the past this undertaking was given in box 17 of the obligatory IMA 1 certificate, but this is no longer the case. In the interests of clarity, therefore, the notion of the free-at-frontier value and the conditions for ensuring that it is complied with should be specified in some other way.
- (17) In the case of the specific provisions relating to preferential imports not subject to quotas as referred to in Regulation (EC) No 1706/98, Annex I to Protocol 1 to Decision No 1/98 of the EC-Turkey Association Council, Annex IV to the Agreement with South Africa, and under the Agreement with Switzerland, it should be specified that the reduced rate of duty is to be applied only on presentation of the proof of origin provided for in the relevant Protocols to those Agreements.
- (18) In order better to protect the Community's own resources, and in the light of the experience gained, detailed rules are needed for import checks. In particular, the procedure to be followed in certain cases where the lot covered by a declaration of release for free circulation does not conform to that declaration should be specified in order to ensure adequate surveillance of quantities actually released for free circulation against quotas.
- (19) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

#### TITLE 1

### GENERAL PROVISIONS

#### Article 1

Except where otherwise stated, this Title shall apply to all imports into the Community of any of the products listed in Article 1 of Regulation (EC) No 1255/1999 (hereinafter called 'milk products'), including imports without quantitative restrictions or measures having equivalent effect and with exemption from customs duties and charges having equivalent effect under exceptional trade measures granted by the Community to certain countries and territories.

*Article 2*

Without prejudice to Title II of Regulation (EC) No 1291/2000, all imports of milk products shall be subject to presentation of an import licence.

*Article 3*

1. The security referred to in Article 15(2) of Regulation (EC) No 1291/2000 shall be EUR 10 per 100 kilograms net of product.

2. The eight-digit Combined Nomenclature code (hereinafter called 'CN code'), preceded by 'ex' where appropriate, shall be entered in box 16 of both import licence applications and the licences themselves. Licences shall be valid only for products so designated.

3. Licences shall be valid from the actual day of issue within the meaning of Article 23(2) of Regulation (EC) No 1291/2000 until the end of the third month following.

4. Licences shall be issued no later than the first working day following the day on which the application is submitted.

*Article 4*

1. CN code 0406 90 01, covering cheeses for processing, shall apply only to imports.

2. CN codes 0406 90 02 to 0406 90 06, 0406 20 10 and 0406 90 19 shall apply only to imported products originating in and coming from Switzerland in accordance with Article 20.

## TITLE 2

## SPECIFIC RULES ON IMPORTS AT REDUCED DUTY

## CHAPTER I

**Imports under quotas opened by the Community on the basis of an import licence alone**

## Section 1

*Article 5*

This Chapter shall apply to milk products imported under the following tariff quotas:

(a) quotas for unspecified countries of origin as referred to in the CXL schedule;

(b) the quotas provided for in Regulations (EC) Nos 1349/2000, 1727/2000, 2290/2000, 2341/2000, 2433/2000, 2434/2000, 2435/2000, 2475/2000, 2766/2000 and 2851/2000;

(c) the quotas provided for in Regulation (EC) No 1706/98;

(d) the quotas referred to in Annex I to Protocol 1 to Decision No 1/98 of the EC-Turkey Association Council;

(e) the quotas provided for in Annex IV to the Agreement with South Africa.

*Article 6*

Annex I to this Regulation sets out the tariff quotas, the duties to be applied, the maximum quantities to be imported each year, the 12-month import periods (hereinafter called 'import year') and their division into two equal parts for six-month periods.

The quantities set out in Annex I(B) and (D) for each import year shall be divided into two equal parts for the six-month periods commencing on 1 July and 1 January of each year.

## Section 2

*Article 7*

Applicants for import licences must be approved in advance by the competent authority of the Member State in which they are established.

The authority concerned shall assign an approval number to each approved importer.

*Article 8*

1. Approval shall be granted to all importers who submit a request to the competent authorities before 1 April, together with the following:

(a) proof that during the previous calendar year they imported into and/or exported from the Community at least 25 tonnes of milk products covered by Chapter 04 of the Combined Nomenclature in at least four separate operations;

(b) any document and information adequately substantiating their identity and status as traders, in particular:

(i) documents relating to business accounts and/or tax arrangements drawn up in accordance with national law, and

if provided for under national law:

(ii) their VAT number,

(iii) their registration in the commercial register.

2. For the purposes of the proof required under paragraph 1(a):

- (a) only customs declarations showing the name and address of the applicant in box 8 of import declarations and box 2 of export declarations shall be taken into account;
- (b) inward- and outward-processing transactions shall not be considered as imports or exports.

#### Article 9

Before 15 June, the competent authority shall inform applicants of the outcome of the approval procedure and their approval number where applicable. Approval shall be valid for one year.

#### Article 10

Before 20 June each year, the competent authorities of the Member States shall send their lists of approved importers to the Commission, which shall forward them to the competent authorities of the other Member States. Only importers included on a list shall be authorised to apply for licences during the period from 1 July to 30 June following, in accordance with Articles 11 to 14.

#### Section 3

#### Article 11

Licence applications may be lodged only in the Member State of approval, and must bear the importer's approval number.

#### Article 12

Importers may lodge only one licence application each for the same quota in the integrated tariff of the European Communities (TARIC) (hereinafter called 'quota number').

Licence applications shall be admissible only where applicants attach a written declaration that they have not submitted, and undertake not to submit, any other applications for the same quota under the import arrangements covered by this Chapter during the current period.

If an applicant submits more than one application for the same quota, all applications submitted by that applicant for the quotas covered by Chapter I of Title 2 shall be rejected for a six-month import period.

#### Article 13

1. Licence applications may show one or more of the CN codes listed in Annex I for the same quota and must indicate the quantity requested for each code.

However, a separate licence shall be issued for each code.

2. Licence applications shall relate to at least 10 tonnes and to no more than 10 % of the quantity available under the quota for the six-month period as referred to in Article 6.

However, in the case of the quotas referred to in Article 5(c), (d) and (e), licence applications shall relate to at least 10 tonnes and to no more than the quantity fixed for each period in accordance with Article 6.

#### Article 14

1. Licence applications may be lodged only during the first 10 days of each six-month period.

2. The security referred to in Article 15(2) of Regulation (EC) No 1291/2000 shall be EUR 35 per 100 kilograms net of product.

#### Section 4

#### Article 15

1. On the fifth working day following the end of the period for lodging applications, Member States shall notify the Commission of the applications lodged for each of the products concerned. Notifications shall include a list of applicants, their approval numbers and the quantities applied for under each CN code, broken down by country of origin in the case of Annex I(A).

2. All notifications, including notifications that no applications have been made, shall be made by telex, fax or electronic mail on the working day stipulated, in accordance with the specimen in Annex VI where no applications have been made and the specimens in Annexes VI and VII where applications have been made.

3. Notifications shall be made on separate forms for each of the quotas listed in Annex I and on separate forms for each country of origin in the case of the quotas listed in Annex 1(B)(2) and (3).

#### Article 16

1. The Commission shall decide as quickly as possible to what extent applications may be accepted and shall inform the Member States of its decision.

Licences shall be issued to applicants whose applications have been notified under Article 15 no more than five working days after the Member States have been informed of the decision referred to in the first subparagraph.

2. Where the total quantity covered by licence applications exceeds the quantity fixed, the Commission shall apply an allocation factor to the quantities applied for.



Where the total quantity covered by licence applications is less than the quantity available, the Commission shall determine the quantity remaining, which shall be added to that available for the following period of the same import year.

3. Import licences shall be valid for 150 days from the actual day of issue under Article 23(2) of Regulation (EC) No 1291/2000.

However, licences shall not be valid after the end of the import year for which they are issued.

4. Import licences issued under this Chapter may be transferred only to natural or legal persons approved in accordance with Section 2. When licences are transferred, the transferor shall notify the issuing body of the approval number of the transferee.

#### Article 17

As an exception to Article 8(4) of Regulation (EC) No 1291/2000, quantities imported under this Chapter may not exceed that shown in boxes 17 and 18 of the import licence. To that end, the figure '0' shall be entered in box 19 of the licence.

#### Article 18

1. Licence applications and licences shall show:

- (a) the country of origin in box 8;
- (b) in box 15:
  - (i) for imports originating in Turkey: the detailed description of the product as given in Annex I(D);
  - (ii) for other imports: a detailed description of the product, in particular the raw material used and the fat content by weight (%). For products falling within CN code 0406, the fat content, by weight (%), in the dry matter and the water content, by weight (%), in the non-fatty matter must also be indicated;
- (c) the CN code as indicated for the quota concerned, preceded by 'ex' where appropriate, in box 16;
- (d) in box 20, the quota and one of the following:
  - Reglamento (CE) n° 2535/2001, artículo 5,
  - Forordning (EF) nr. 2535/2001, artikel 5,
  - Verordnung (EG) Nr. 2535/2001, Artikel 5,
  - Κανονισμός (ΕΚ) αριθ 2535/2001, άρθρο 5,

- Article 5 of Regulation (EC) No 2535/2001,
- Règlement (CE) n° 2535/2001, article 5,
- Regolamento (CE) n. 2535/2001, articolo 5,
- Verordening (EG) nr 2535/2001, artikel 5,
- Regulamento (CE) n° 2535/2001 artigo 5.º,
- Asetus (EY) N:o 2535/2001 artikla 5,
- Förordning (EG) nr 2535/2001 artikel 5.

2. Licences shall carry an obligation to import from the country indicated in box 8, except in the case of imports under the quotas referred to in Annex I(A).

3. Box 24 of licences shall show the rate of duty applicable or the rate of duty expressed as a percentage of the basic duty or the rate of reduction of the duty expressed as a percentage, in accordance with the Annexes.

#### Article 19

1. The reduced rate of duty shall be applied only on presentation of the declaration of release for free circulation accompanied by the import licence and, in the case of the imports referred to below, the proof of origin issued, respectively, under the following Protocols:

- (a) Protocol 4 to the Europe Agreements concluded between the Community and Hungary <sup>(1)</sup>, Poland <sup>(2)</sup>, the Czech Republic <sup>(3)</sup>, the Slovak Republic <sup>(4)</sup>, Romania <sup>(5)</sup>, Bulgaria <sup>(6)</sup> and Slovenia <sup>(7)</sup>;
- (b) Protocol 3 to the Europe Agreements concluded between the Community and Latvia <sup>(8)</sup>, Estonia <sup>(9)</sup> and Lithuania <sup>(10)</sup>;
- (c) Protocol 1 to Annex IV to the ACP-EC Partnership Agreement signed at Cotonou on 23 June 2000, applicable by virtue of Decision No 1/2000 of the ACP-EC Council of Ministers <sup>(11)</sup> (hereinafter called the 'ACP-EC Partnership Agreement');
- (d) Protocol 3 to Decision No 1/98 of the EC-Turkey Association Council;
- (e) Protocol 1 to the Agreement with South Africa.

2. Release for free circulation of products imported under the agreements referred to in paragraph 1(a) and (b) shall be subject to either presentation of the EUR.1 certificate or a declaration by the exporter in accordance with the said Protocols.

<sup>(1)</sup> OJ L 347, 31.12.1993, p. 1.

<sup>(2)</sup> OJ L 348, 31.12.1993, p. 1.

<sup>(3)</sup> OJ L 360, 31.12.1994, p. 1.

<sup>(4)</sup> OJ L 359, 31.12.1994, p. 1.

<sup>(5)</sup> OJ L 357, 31.12.1994, p. 1.

<sup>(6)</sup> OJ L 358, 31.12.1994, p. 1.

<sup>(7)</sup> OJ L 51, 26.2.1999, p. 1.

<sup>(8)</sup> OJ L 26, 2.2.1998, p. 1.

<sup>(9)</sup> OJ L 68, 9.3.1998, p. 3.

<sup>(10)</sup> OJ L 51, 20.2.1998, p. 1.

<sup>(11)</sup> OJ L 195, 1.8.2000, p. 46.

## CHAPTER II

**Non-quota imports on the basis of an import licence alone**

## Article 20

1. This Chapter shall apply to preferential imports not subject to quotas as referred to in the following agreements and acts:

- (a) Regulation (EC) No 1706/98;
- (b) Annex I to Protocol 1 to Decision No 1/98 of the EC-Turkey Association Council;
- (c) Annex IV to the Agreement with South Africa;
- (d) the Agreement with Switzerland.

2. Annex II to this Regulation lists the products concerned and the rates of duty applicable.

## Article 21

1. Licence applications and licences shall show:

- (a) the country of origin in box 8;
- (b) in box 15:
  - (i) for imports originating in Turkey and Switzerland: the detailed description of the product as given in Annex II(B) and (D), respectively;
  - (ii) for other imports: a detailed description of the product, in particular the raw material used and the fat content by weight (%). For products falling within CN code 0406, the fat content, by weight (%), in the dry matter and the water content, by weight (%), in the non-fatty matter must also be indicated;
- (c) the CN code as indicated in the relevant Annex, preceded by 'ex' where appropriate, in box 16;
- (d) in box 20, one of the following:
  - Reglamento (CE) n° 2535/2001 artículo 20,
  - Förordning (EF) nr 2535/2001, artikel 20,
  - Verordnung (EG) Nr. 2535/2001, artikel 20,
  - Κανονισμός (ΕΚ) αριθ. 2535/2001, άρθρο 20,
  - Article 20 of Regulation (EC) No 2535/2001,
  - Règlement (CE) n° 2535/2001, article 20,
  - Regolamento (CE) n. 2535/2001, articolo 20,
  - Förordning (EG) nr. 2535/2001, artikel 20,
  - Regulamento (CE) n° 2535/2001, artigo 20,
  - Asetus (EY) N:o 2535/2001, artikla 20,

— Förordning (EG) nr 2535/2001, artikel 20.

2. Licences shall carry an obligation to import from the country indicated in box 8.

3. Box 24 of licences shall show the rate of duty applicable or the rate of duty expressed as a percentage of the basic duty or the rate of reduction of the duty expressed as a percentage.

## Article 22

The reduced rate of duty shall be applied only on presentation of the declaration of release for free circulation accompanied by the import licence and the proof of origin issued, respectively, under the following Protocols:

- (a) Protocol 1 to Annex V to the ACP-EC Partnership Agreement;
- (b) Protocol 3 to Decision No 1/98 of the EC-Turkey Association Council;
- (c) Protocol 1 to the Agreement with South Africa;
- (d) Protocol 3 to the Agreement between the European Economic Community and the Swiss Confederation signed at Brussels on 22 July 1972 <sup>(1)</sup>, as amended by Decision No 1/2001 of the EC-Switzerland Joint Committee of 24 January 2001 <sup>(2)</sup>.

## Article 23

For products originating in Switzerland and listed in Annex II(D) under serial numbers 3 to 10, import licences shall be issued only where the applications are accompanied by a written declaration by the applicant that the minimum free-at-frontier value referred to in Annex II(D) will be complied with.

At the request of the competent authorities, applicants shall supply any information and additional supporting documentation which the said authorities may judge necessary to demonstrate compliance with the minimum free-at-frontier value and shall allow any auditing of accounts required by those authorities. They shall not accept any discount, refund, or other rebate which may lead to the product concerned having a value less than the minimum import value fixed for such a product.

If the minimum free-at-frontier value is not complied with, in addition to the import duty set in Annex I to Council Regulation (EEC) No 2658/87 <sup>(3)</sup>, a penalty shall be paid equal to 25 % of the amount of the duty.

## CHAPTER III

**Imports under an import licence covered by an inward-monitoring arrangement (IMA 1) certificate**

## Section 1

## Article 24

1. This section shall apply to imports under:

- (a) the quotas for specified countries of origin listed in the CXL schedule;

<sup>(1)</sup> OJ L 300, 31.12.1972, p. 189.

<sup>(2)</sup> OJ L 51, 21.2.2001, p. 40.

<sup>(3)</sup> OJ L 256, 7.9.1987, p. 1.

(b) the quotas provided for under the Agreement with Norway;

*Article 27*

(c) the Agreement with Cyprus.

2. Annex III to this Regulation sets out the duties to be applied and, in the case of imports as referred to in paragraph 1(a) and (b), the maximum quantities to be imported each year and the import year.

As an exception to Article 8(4) of Regulation (EC) No 1291/2000, the quantity imported may not exceed that shown in boxes 17 and 18 of the import licence. To that end, the figure '0' shall be entered in box 19 of licences.

#### *Article 25*

1. Import licences for the products listed in Annex III at the rate of duty indicated shall be issued only on presentation of a corresponding IMA 1 certificate, for the total net quantity indicated therein.

IMA 1 certificates must meet the requirements laid down in Article 40(1) for butter under quota 09.4589 referred to in Annex III(A) (hereinafter called 'New-Zealand butter') and in Articles 29 to 33 for other products. Import licences must show the number and date of issue of the corresponding IMA 1 certificate.

2. Except in the case of New-Zealand butter and reduced-duty imports of the products referred to in Annex III(C), import licences may be issued only after the competent authority has verified that Article 33(1)(e) has been complied with.

The licence issuing bodies shall send the Commission by fax a copy of the IMA 1 certificate lodged with each import licence application no later than 18.00 (Brussels time) on the day it is lodged.

Import licence issuing bodies shall issue import licences on the fourth working day following, provided the Commission has not taken any special measures before that date.

The competent import licence issuing body shall retain a copy of each IMA 1 presented.

#### *Article 26*

1. IMA 1 certificates shall be valid from the date of issue up to the end of the eighth month following, but in no case may they remain valid for longer than the corresponding import licence or beyond 31 December of the import year for which they are issued.

2. From 1 November each year, IMA 1 certificates valid from the following 1 January may be issued for quantities covered by the quota for that import year. However, import licence applications may be lodged only from the first working day of the import year.

3. Annex VIII to this Regulation sets out the circumstances in which IMA 1 certificates may be cancelled, amended, replaced or corrected.

#### *Article 28*

1. Licence applications and licences shall show:

- (a) in boxes 7 and 8, the country of provenance and the country of origin;
- (b) in box 15, the product description as given in Annex III;
- (c) in box 16, the CN code as given in Annex III, preceded by 'ex' where appropriate;
- (d) in box 20, where applicable, the quota number, the number of the IMA 1 certificate and its date of issue, in one of the following ways:
  - Válido si va acompañado del certificado IMA 1 nº ... expedido el ...
  - Kun gyldig ledsaget af IMA 1-certifikat nr. ..., udstedt den ...
  - Nur gültig in Verbindung mit der Bescheinigung IMA 1 Nr. ..., ausgestellt am ...
  - Έγκυρο μόνο εφόσον συνοδεύεται από το πιστοποιητικό IMA 1 αριθ. ... που εξεδόθη στις ...
  - Valid if accompanied by the IMA 1 certificate No ... issued on ...
  - Valable si accompagné du certificat IMA nº ..., délivré le ...
  - Valido se accompagnato dal certificato IMA 1 n. ..., rilasciato il ...
  - Geldig indien vergezeld van een certificaat IMA nr. ... dat is afgegeven op ...
  - Válido quando acompanhado do certificado IMA 1 com o número ... emitido ...
  - Voimassa vain ... myönnetyn IMA 1-todistuksen N:o... kanssa
  - Gäller endast tillsammans med IMA 1-intyg nr ... utfärdat den ...

2. Licences shall carry an obligation to import from the country of origin indicated in box 8.

3. Box 24 of licences shall show the rate of duty applicable.

#### *Article 29*

1. IMA 1 certificates shall be drawn up on forms according to the specimen in Annex IX, except in the case of New Zealand butter, and in accordance with the requirements laid down in this Chapter.

2. Box 3 of IMA 1 certificates, relating to the buyer, and box 6 relating to the country of destination shall not be completed, except in the case of Cheddar cheese provided for under quota No 09.4513 in Annex III.

#### Article 30

1. The dimensions of the form referred to in Article 29 shall be 210 × 297 mm. The paper used shall weigh at least 40 g/m<sup>2</sup> and shall be white in colour.

2. The forms shall be printed and completed in one of the official languages of the Community. They may also be printed and completed in the official language or one of the official languages of the exporting country.

3. The form shall be completed either in typescript or in manuscript. Block letters shall be used if the form is completed in manuscript.

4. Each IMA 1 certificate shall bear a serial number assigned by the issuing body.

#### Article 31

1. A separate IMA 1 certificate must be drawn up for each type of product referred to in Annex III and for each form of presentation thereof.

2. IMA 1 certificates must contain the particulars set out in Annex XI for each type of product and each form of presentation, except for New Zealand butter.

#### Article 32

1. The original of the IMA 1 certificate shall be presented, along with the corresponding import licence and the products to which they relate, to the customs authorities of the importing Member State at the time the declaration of release for free circulation is lodged. Without prejudice to Article 26(1), it shall be presented while it is still valid, except in cases of *force majeure*.

However, where the original is lost or has become unusable, a copy duly authenticated and appropriately identified by the issuing body may be presented to the licensing authority and the competent customs authority.

2. IMA 1 certificates shall be valid only if duly completed and authenticated by an issuing body listed in Annex XII.

3. IMA 1 certificates shall be regarded as duly authenticated where they show the date and place of issue, are stamped by the issuing body and bear the signature or signatures of the person or persons authorised to sign them.

#### Article 33

1. Issuing bodies may be listed in Annex XII only if:

(a) they are recognised as such by the exporting country;

(b) they undertake to verify entries on the certificates;

(c) they undertake to supply the Commission and the Member States, upon request, with any information that may be required to assess the particulars set out in the certificates;

(d) they undertake, for the products listed in Annex III(A), to issue the IMA 1 certificate for the total quantity covered before the product it covers leaves the territory of the issuing country;

(e) they undertake to send to the Commission a faxed copy of each authenticated IMA 1 certificate for the total quantity covered on the date of issue or within seven days of that date at the latest and, where appropriate, notification of any cancellation, correction or amendment;

(f) in the case of products falling under CN code 0406, they undertake to notify the Commission by 15 January, for each quota separately, of:

(i) the number of IMA 1 certificates issued for the previous quota year with the identification number of each and the quantity covered by it together with the total number of certificates issued and the total quantity covered by them for the quota year concerned, and

(ii) the cancellation, correction or amendment of those IMA 1 certificates or the issue of copies if IMA 1 certificates, as provided for in Annex VIII(1) to (5), and in Article 32(1), and all relevant details thereof.

2. Annex XII shall be revised when the requirement referred to in paragraph 1(a) is no longer met or when an issuing body fails to fulfil one of the obligations it has undertaken.

#### Section 2

#### Article 34

1. This Section, and except where otherwise stated Section 1, shall apply to New Zealand butter.

2. The words 'at least six weeks old' in the description of the quota for New Zealand butter means at least six weeks old on the date on which a declaration of release for free circulation is presented to the customs authorities.

#### Article 35

1. The security referred to in Article 15(2) of Regulation (EC) No 1291/2000 shall be EUR 5 per 100 kilograms net of product.

2. Import licence applications may be submitted only in the United Kingdom.

The United Kingdom shall monitor all IMA 1 certificates issued, cancelled, amended, corrected, or in respect of which copies have been issued. It shall ensure that the total quantity for which import licences are issued does not exceed the quota for any import year.

3. Import licences, endorsed in accordance with Article 24 of Regulation (EC) No 1291/2000, shall be used for a single customs declaration of release for free circulation and shall cover a single lot. If the quantity released for free circulation is smaller than the quantity indicated in boxes 17 and 18 of the import licence, the security relating to the part not released shall be forfeited, and the licence concerned may not be used to import any further quantity.

#### Article 36

Where the New Zealand butter does not meet the compositional requirements, no preferential treatment shall be given for the whole lot.

Once non-conformity has been established, where the declaration of release for free circulation has been accepted the customs authorities shall collect the import duty set in Annex I to Council Regulation (EEC) No 2658/87, attribute the quantity shown in box 29 of the import licence and send the licence to the issuing authority, which shall amend it with a view to converting it into a full-duty import licence.

#### Article 37

As an exception to Article 26 of Regulation (EC) No 1291/2000, the competent licence-issuing authority shall endorse the licence in box 20 with one of the following:

- Certificado de importación con tipo reducido para el producto con el número de orden ... que se ha convertido en un certificado de importación con tipo pleno para el que se adeudaba, y se ha abonado, el tipo de derecho de .../100 kg; certificado ya anotado
- Ændret fra en importlicens med nedsat toldsats for et produkt under nr ... til en importlicens med fuld toldsats, hvor den skyldige importtold på .../100 kg er betalt; licensen er allerede afskrevet,
- Umwandlung einer Einfuhrlizenz zum ermäßigten Zollsatz für das Erzeugnis mit der lfd. Nr ... in eine Einfuhrlizenz zum vollen Zollsatz von .../100 kg, der entrichtet wurde; Lizenz abgeschrieben,
- Μετατροπή από πιστοποιητικό εισαγωγής με μειωμένο δασμό για προϊόν βάσει του αύξοντος αριθμού ... σε πιστοποιητικό εισαγωγής με πλήρη δασμό για το οποίο το ποσοστό δασμού ποσού .../100 kg οφειλετο και πληρώθηκε? το πιστοποιητικό ήδη χορηγήθηκε,

- Converted from a reduced duty import licence for product under order No ... to a full duty import licence on which the rate of duty of .../100 kg was due and has been paid; licence already attributed,
- Certificat d'importation à droit réduit pour le produit correspondant au contingent ..., converti en un certificat d'importation à taux plein, pour lequel le taux du droit applicable de .../100 kg a été acquitté; certificat déjà imputé,
- Conversione da un titolo d'importazione a dazio ridotto per il prodotto corrispondente al contingente ... ad un titolo d'importazione a dazio pieno, per il quale è stata pagata l'aliquota di .../100 kg; titolo già imputato,
- Invoercertificaat met verlaagd recht voor onder volgnummer ... vallend product omgezet in een invoercertificaat met volledig recht waarvoor het recht van .../100 kg verschuldigd was en is betaald; hoeveelheid reeds op het certificaat afgeschreven,
- Obtido por conversão de um certificado de importação com direito reduzido para o produto com o número de ordem ... num certificado de importação com direito pleno, relativamente ao qual a taxa de direito aplicável de .../100 kg foi paga; certificado já imputado,
- Muutettu etuuskohteluun oikeuttavasta kiintiötuontitodistuksesta vakiotuontitodistukseksi tavaralle, joka kuuluu järjestysnumeroon ... ja josta on kannettu tariffin mukainen tulli .../100 kg; vähennysmerkinnät tehty,
- Omvandlad från importlicens med sänkt tull för produkt med löpnummer ... till importlicens med hel tullavgift för vilken gällande tullsats .../100 kg har betalats. Redan avskriven licens.

The licence-issuing authority shall amend all accounting data to take this amendment into account. The customs authorities shall ensure that the trade and own-resources accounting is amended accordingly.

#### Article 38

In addition to the requirements set out in Article 33(a) to (e), issuing bodies may be listed in Annex XII only if:

- (a) they undertake to notify the Commission of the typical-process standard deviation of the fat content, as referred to in Annex IV(1)(e), of the New Zealand butter manufactured by each producer referred to in Annex IV(1)(a) according to each product purchasing specification;
- (b) they undertake to send the competent United Kingdom licence-issuing authority a faxed copy of each authenticated IMA 1 certificate for the total quantity covered on the date of issue or within seven days of that date at the latest and, where applicable, to notify any cancellation, correction or amendment;

- (c) they undertake to communicate the following information to the United Kingdom licence-issuing authority before the 10th of the following month for each month in the period January to October, and before Friday of the following week for each week or part thereof in November and December, separately for IMA 1 certificates issued for the current and following quota year:
- (i) the number of IMA 1 certificates issued in the month or week concerned, as the case may be, with their identification numbers and the quantities covered by them, together with the total number of certificates issued and the quantities covered by them for the quota year concerned, and
  - (ii) the cancellation, correction or amendment of those IMA 1 certificates or the issue of copies of IMA 1 certificates, as provided for in Annex VIII(1), (2), (4) and (5) and in Article 32(1), and all relevant details thereof.

#### Article 39

1. For the purpose of monitoring quantities of New Zealand butter, account shall be taken of all quantities for which declarations of release for free circulation have been accepted during the quota period concerned.

2. Member States shall notify the Commission, by 31 January following the end of a given quota year, of the definitive monthly quantities and the total quantity for that quota year of butter for which declarations of release for free circulation have been accepted under the tariff quota referred to in paragraph 1 during the previous quota year. The monthly notifications shall be made by the 10th of the month following that during which the declarations of release for free circulation are accepted.

3. By 28 February of each year, the United Kingdom shall communicate to the Commission, for the previous quota year, the quantity of butter for which a security has been lodged and the quantity of butter released for free circulation for which the security has been released. If complete data are not available on 28 February, they must be completed without undue delay.

By 31 January following the end of each quota year, the United Kingdom shall forward to the Commission an inventory for the quota year, based on the data referred to in Article 38(c), detailing each IMA 1 certificate issued, its identification number and the quantity covered by it together with the total number of certificates and the total quantity covered by them for the year. The inventory shall include all the relevant details of any cancellations, corrections or amendments to any IMA 1 certificates and of any copies issued.

#### Article 40

1. Annex IV to this Regulation sets out the rules to be followed for completing IMA 1 certificates and monitoring the

weight and fat content of the butter, and the consequences of such monitoring.

The typical-process standard deviation of the fat content as referred to in Annex IV(1)(e) and notified in accordance with Article 38(a) shall be approved by the Commission and the list shall be communicated to the Member States together with the date of entry into force for the purpose of issuing IMA 1 certificates.

The typical-process standard deviation shall be valid for at least one year unless exceptional circumstances, brought to the attention of the Commission by the New Zealand issuing agency, justify a modification, which must be approved by the Commission.

Each modified or additional typical-process standard deviation approved by the Commission shall be communicated to the Member States together with the date of entry into force for the purpose of issuing IMA 1 certificates.

2. Member States shall notify the Commission of the results of the monitoring carried out for each quarter under Annex IV using the standard form set out in Annex V by the 10th of the following month.

#### Article 41

1. At all stages in the marketing of New Zealand butter imported into the Community under this Chapter, the New Zealand origin shall be marked on its packaging and on the corresponding invoice or invoices.

2. As an exception to paragraph 1, where New Zealand butter is blended with Community butter and where the blended butter is intended for direct consumption and put up in packages of 500 grams or less, the New Zealand origin of the blended butter need be stated only on the corresponding invoice.

3. In the cases referred to in paragraphs 1 and 2, invoices shall also state:

'Butter imported under Section 2 of Chapter III of Commission Regulation (EC) No 2535/2001: not eligible for the grant of aid for butter under Article 1(1) of Commission Regulation (EEC) No 429/90 or under Article 1(2)(a) of Commission Regulation (EC) No 2571/97 nor for the grant of an export refund under Article 31(10) and (11) of Council Regulation (EC) No 1255/1999, except where provided for in Article 31(12) of that Regulation or in Article 7a of Commission Regulation (EC) No 1222/94.'

#### Article 42

IMA 1 certificates shall be drawn up according to the specimen in Annex X, in accordance with the requirements laid down in this Section and in Article 40(1) of this Regulation.

## CHAPTER IV

**Checks on reduced-duty imports**

## Article 43

1. The Community customs offices where products are declared for release for free circulation into the Community shall scrutinise the documents submitted in support of a declaration of release for free circulation claiming reduced-tariff treatment.

They shall also make physical checks on the products, on the basis of the said documents.

2. Member States shall take the necessary measures to establish a system to carry out the physical checks under the second subparagraph of paragraph 1 without prior warning, based on a risk-analysis assessment.

However, up to the end of 2003, the system shall ensure that at least 3 % of the declarations of release for free circulation per Member State and per calendar year are physically checked.

When calculating the minimum rate of physical checks to be carried out, Member States may opt to disregard import declarations involving quantities not exceeding 500 kg.

## Article 44

1. Commission Regulation (EC) No 213/2001<sup>(1)</sup> shall apply as regards the reference methods to be used for analysing products as provided for in this Regulation to determine whether their composition conforms to the declaration of release for free circulation.

2. Each customs office shall produce a detailed examination report for each physical check carried out. This report shall bear the examination date and shall be retained for at least three calendar years.

3. Where a physical check has been carried out, box 32 of import licences, or the message box in electronic licences, shall contain one of the following entries:

- Se ha realizado el control material [Reglamento (CE) no 2535/2001,
- Fysisk kontrol [förordning (EF) nr.2535/2001,
- Warenkontrolle durchgeführt [Verordnung (EG) Nr 2535/2001,
- Πραγματοποιήθηκε φυσικός έλεγχος [Κανονισμός (ΕΚ) αριθ. 2535/2001,

- Physical check carried out [Regulation (EC) No 2535/2001,
- Contrôle physique effectué [règlement (CE) n° 2535/2001,
- Controllo fisico effettuato [regolamento (CE) n. 2535/2001,
- Fysieke controle uitgevoerd [Verordening (EG) nr. 2535/2001,
- Controlo físico em conformidade com [Regulamento (CE) n° 2535/2001,
- Fyysinen tarkastus suoritettu [asetus (EY) N:o 2535/2001,
- Fysisk kontroll utförd [förordning (EG) nr 2535/2001.

The customs authorities shall assess the results of the first analysis within 20 working days of the date on which the physical check is carried out. Where the definitive results establish non-conformity, these results and, where appropriate, the licence shall be sent to the competent licence-issuing authority within 10 working days from the date on which the results are established.

Without prejudice to Article 248 of Commission Regulation (EEC) No 2454/93<sup>(2)</sup>, where a physical check for composition has been carried out prior to presentation of the endorsed import licence under Article 33(1)(a) of Regulation (EC) No 1291/2000, the security shall be released.

4. Each case of non-conformity with the declaration of release for free circulation shall be notified to the Commission within 10 working days of such non-conformity being established by the customs authorities, specifying in what way the products do not conform and the rate of duty applied as a result of the non-conformity finding.

## Article 45

1. For the purpose of monitoring quantities under tariff quotas, account shall be taken of all quantities for which declarations of release for free circulation have been accepted during the quota period concerned.

2. Each Member State shall notify the Commission by 15 March following each quota year ending on 31 December, and by 15 September following each quota year ending on 30 June, separately for each quota and country of origin, except in the case of New Zealand butter, of the definitive total quantity for the quota year for which declarations of release for free circulation have been accepted.

## TITLE 3

**TRANSITIONAL AND FINAL PROVISIONS**

## Article 46

The Member States shall take the measures necessary to check that the system of licences and certificates introduced by this Regulation is operating correctly.

<sup>(1)</sup> OJ L 37, 7.2.2001, p. 1.

<sup>(2)</sup> OJ L 253, 11.10.1993, p. 1.

*Article 47*

Approval as provided for in Article 7 shall not be required for the period from 1 January to 30 June 2002.

For that period, licence applications for the quotas covered by Chapter I of Title 2 may be lodged only in the Member State where the applicant is established, and shall be accepted only if the proof required under Article 8(1)(a) is presented, to the satisfaction of the competent authority, when the application is lodged.

The restrictions provided for in Article 16(4) shall not apply to transfers of import licences as referred to in Chapter I of Title 2 issued during the period from 1 January to 30 June 2002.

For the periods from 1 January to 30 June 2002 and from 1 July to 31 December 2002, the reference year referred to in Article 8(1)(a) shall be 2001, or 2000 if the importer concerned can prove that it was not able to import or export

the required quantities of milk products during 2001 as a result of exceptional circumstances.

*Article 48*

Regulations (EEC) No 2967/79, (EC) No 2508/97, (EC) No 1374/98 and (EC) No 2414/98 are hereby repealed.

They shall continue to apply to licences applied for before 1 January 2002.

References to the repealed Regulations shall be construed as references to this Regulation.

*Article 49*

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 import licences applied for from 1 January 2002.

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

Done at Brussels, 14 December 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

---



## ANNEX I

## I. A

## TARIFF QUOTAS NOT SPECIFIED BY COUNTRY OF ORIGIN

Quota number	CN code	Description <sup>(1)</sup>	Country of origin	Quota from 1 July to 30 June (quantity in tonnes)		Import duty (EUR/100 kg net weight)
				Annual	Six-monthly	
09.4590	0402 10 19	Skimmed-milk powder	All third countries	68 000	34 000	47,50
09.4599	0405 10 11 0405 10 19 0405 10 30 0405 10 50 0405 10 90 0405 90 10 (*) 0405 90 90 (*)	Butter and other fats and oils derived from milk	All third countries	10 000	5 000	94,80
				in butter equivalent		
09.4591	ex 0406 10 20 ex 0406 10 80	Pizza cheese, frozen, cut into pieces each weighing not more than 1 gram, in containers with a net content of 5 kg or more, of a water content, by weight, of 52 % or more, and a fat content by weight in the dry matter of 38 % or more	All third countries	5 300	2 650	13,00
09.4592	ex 0406 30 10 ex 0406 90 13	Processed Emmentaler Emmentaler	All third countries	18 400	9 200	71,90 85,80
09.4593	ex 0406 30 10 ex 0406 90 15	Processed Gruyère Gruyère, Sbrinz	All third countries	5 200	2 600	71,90 85,80
09.4594	0406 90 01	Cheese for processing <sup>(2)</sup>	All third countries	20 000	10 000	83,50
09.4595	0406 90 21	Cheddar	All third countries	15 000	7 500	21,00
09.4596	ex 0406 10 20 ex 0406 10 80  0406 20 90 0406 30 31 0406 30 39 0406 30 90 0406 40 10 0406 40 50 0406 40 90 0406 90 17 0406 90 18 0406 90 23 0406 90 25 0406 90 27 0406 90 29	Fresh (unripened or uncured) cheese, including whey cheese, and curd, other than pizza cheese of quota No 09.4591  Other grated or powdered cheese Other processed cheese  Blue-veined cheese  Bergkäse and Appenzell Fromage Fribourgeois, Vacherin Mont d'Or and Tête de Moine Edam Tilsit Butterkäse Kashkaval	All third countries	19 500	9 750	92,60 106,40 94,10 69,00 71,90 102,90 70,40  85,80 75,50

Quota number	CN code	Description <sup>(1)</sup>	Country of origin	Quota from 1 July to 30 June (quantity in tonnes)		Import duty (EUR/100 kg net weight)
				Annual	Six-monthly	
	0406 90 31	Feta, of sheep's milk or buffalo milk				
	0406 90 33	Feta, other				
	0406 90 35	Kefalo-Tyri				
	0406 90 37	Finlandia				
	0406 90 39	Jarlsberg				
	0406 90 50	Cheese of sheep's milk or buffalo milk				
ex	0406 90 63	Pecorino				94,10
	0406 90 69	Other				
	0406 90 73	Provolone				
ex	0406 90 75	Caciocavallo				75,50
ex	0406 90 76	Danbo, Fontal, Fynbo, Havarti, Maribo, Samsø				
	0406 90 78	Gouda				
ex	0406 90 79	Esrom, Italico, Kernhem, Saint-Paulin				
ex	0406 90 81	Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby, Monterey				
	0406 90 82	Camembert				
	0406 90 84	Brie				
	0406 90 86	Exceeding 47 %, but not exceeding 52 %				
	0406 90 87	Exceeding 52 %, but not exceeding 62 %				
	0406 90 88	Exceeding 62 %, but not exceeding 72 %				
	0406 90 93	Exceeding 72 %				
	0406 90 99	Other				92,60
						106,40

(\*) 1 kg product = 1,22 kg butter.

(<sup>1</sup>) 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 applicability of the preferential scheme being determined, for the purposes of this Annex, by the coverage of the CN codes. Where ex CN codes are indicated, the applicability of the preferential scheme is determined on the basis of the CN code and the corresponding description taken jointly.

(<sup>2</sup>) The cheeses referred to are considered as processed when they have been processed into products falling within subheading 0406 30 of the combined nomenclature. Articles 291 to 300 of Regulation (EEC) No 2454/93 apply.

**I. B**

TARIFF QUOTAS UNDER THE EUROPE AGREEMENTS BETWEEN THE COMMUNITY AND THE REPUBLICS OF HUNGARY AND POLAND, THE CZECH REPUBLIC, THE SLOVAK REPUBLIC, BULGARIA, ROMANIA, SLOVENIA AND THE BALTIC STATES

**1. Products originating in Poland**

Quota number	CN code	Description <sup>(1)</sup>	Applicable duty (% of MFN)	Annual quantities (tonnes)	
				From 1.7.2000 to 30.6.2001	Annual increase from 1.7.2001
09.4813	0402 10 19 0402 21 19 0402 21 99	Skimmed-milk powder Whole-milk powder Whole-milk powder	Free	10 000	1 000
09.4814	0405 10 11 0405 10 19 0405 10 30 0405 10 50 0405 10 90 0405 20 90	Butter and dairy spreads <sup>(2)</sup>	Free	6 000	600
09.4815	0406	Cheese and curd <sup>(2)</sup>	Free	9 000	900

**2. Products originating in the Czech Republic**

Quota number	CN code	Description <sup>(1)</sup>	Applicable duty (% of MFN)	Annual quantities (tonnes)	
				From 1.7.2000 to 30.6.2001	Annual increase from 1.7.2001
09.4611	0402 10 19 0402 21 19 0402 21 91	Skimmed-milk powder Whole-milk powder Whole-milk powder	20	2 875	0
09.4612	0405 10 11 0405 10 19 0405 10 30 0405 10 50 0405 20 90	Butter	20	1 250	0
09.4613	0406	Cheese and curd <sup>(2)</sup>	Free	5 100	765

**3. Products originating in the Slovak Republic**

Quota number	CN code	Description <sup>(1)</sup>	Applicable duty (% of MFN)	Annual quantities (tonnes)	
				From 1.7.2000 to 30.6.2001	Annual increase from 1.7.2001
09.4611	0402 10 19 0402 21 19 0402 21 91	Skimmed-milk powder Whole-milk powder Whole-milk powder	20	1 500	0
09.4612	0405 10 11 0405 10 19 0405 10 30 0405 10 50 0405 20 90	Butter	20	750	0
09.4613	0406	Cheese and curd <sup>(2)</sup>	Free	2 200	330

**4. Products originating in Hungary**

Quota number	CN code	Description <sup>(1)</sup>	Applicable duty (% of MFN)	Annual quantities (tonnes)	
				From 1.7.2000 to 30.6.2001	Annual increase from 1.7.2001
09.4731	0402 10	Milk and cream in powder or solid form, fat content < 1,5 %	Free	375	40
09.4733	0406	Cheese and curd <sup>(2)</sup>	Free	3 500	350

**5. Products originating in Romania**

Quota number	CN code	Description <sup>(1)</sup>	Applicable duty (% of MFN)	Annual quantities (tonnes)	
				From 1.7.2000 to 30.6.2001	Annual increase from 1.7.2001
09.4758	0406	Cheese and curd <sup>(2)</sup>	Free	2 000	200

**6. Products originating in Bulgaria**

Quota number	CN code	Description <sup>(1)</sup>	Applicable duty (% of MFN)	Annual quantities (tonnes)	
				From 1.7.2000 to 30.6.2001	Annual increase from 1.7.2001
09.4660	0406	Cheese and curd <sup>(2)</sup>	Free	5 500	300

**7. Products originating in Estonia**

Quota number	CN code	Description <sup>(1)</sup>	Applicable duty (% of MFN)	Annual quantities (tonnes)	
				From 1.7.2000 to 30.6.2001	Annual increase from 1.7.2001
09.4578	0401 30	Cream, of a fat content, by weight, exceeding 6 %	Free	500	150
09.4546	0402 10 19 0402 21 19	Skimmed-milk powder Whole milk powder	Free	10 000	3 000
09.4579	0403 10 11 0403 10 13 0403 10 19	Yoghurt, not flavoured	Free	300	90
09.4580	0403 90 59 0403 90 61 0403 90 63 0403 90 69	Milk and cream, fermented or acidified	Free	700	210
09.4547	0405 10 11 0405 10 19	Butter	Free	3 000	900
09.4581	ex 0406	Cheese, not including curd <sup>(2)</sup>	Free	2 000	600
09.4582	ex 0406 10	Curd <sup>(2)</sup>	Free	700	210

**8. Products originating in Latvia**

Quota number	CN code	Description <sup>(1)</sup>	Applicable duty (% of MFN)	Annual quantities (tonnes)	
				From 1.7.2000 to 30.6.2001	Annual increase from 1.7.2001
09.4549	0402 10 19 0402 21 19	Skimmed-milk powder Whole milk powder	Free	4 000	400
09.4550	0402 29	Whole milk powder, sweetened	20	250	0
09.4551	0405 10	Butter	Free	1 875	190
09.4552	0406	Cheese and curd <sup>(2)</sup>	Free	3 000	300

**9. Products originating in Lithuania**

Quota number	CN code	Description <sup>(1)</sup>	Applicable duty (% of MFN)	Annual quantities (tonnes)	
				From 1.7.2000 to 30.6.2002	Annual increase from 1.7.2002
09.4554	0402 10 19 0402 21 19	Skimmed-milk powder Whole milk powder	Free	5 500	500
09.4567	0402 99 11	Milk and cream, condensed, sweetened	20	300	—
09.4556	0405 10 11 0405 10 19	Butter	Free	1 925	175
09.4557	0406	Cheese and curd <sup>(2)</sup>	Free	6 600	600

**10. Products originating in Slovenia**

Quota number	CN code	Description <sup>(1)</sup>	Applicable duty (% of MFN)	Annual quantities (tonnes)	
				From 1.1.2000 to 30.6.2001	From 1.1.2002
09.4086	0402 10 0402 21	Skimmed-milk powder Whole-milk powder	20	1 400	1 500
09.4087	0403 10	Yoghurts	20	700	750
09.4088	0406 90	Other cheese	20	420	450

<sup>(1)</sup> 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 applicability of the preferential scheme being determined, for the purposes of this Annex, by the coverage of the CN codes. Where ex CN codes are indicated, the applicability of the preferential scheme is determined on the basis of the CN code and the corresponding description taken jointly.

<sup>(2)</sup> This concession is applicable only to products not benefiting from any kind of export subsidies.

## I. C

## TARIFF QUOTAS REFERRED TO IN ARTICLE 7(1) OF REGULATION (EC) No 1706/98

Quota number	CN code	Description <sup>(1)</sup>	Country of origin	Quota for 1 January to 31 December (in tonnes)		Reduction in customs duties
				Annual	Six-monthly	
09.4026	0402	Milk and cream, concentrated or containing added sugar or other sweetening matter	ACP	1 000	500	65 %
09.4027	0406	Cheese and curd	ACP	1 000	500	65 %

<sup>(1)</sup> 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 applicability of the preferential scheme being determined, for the purposes of this Annex, by the coverage of the CN codes. Where ex CN codes are indicated, the applicability of the preferential scheme is determined on the basis of the CN code and the corresponding description taken jointly.

## I. D

## TARIFF QUOTAS UNDER PROTOCOL 1 TO DECISION No 1/98 OF THE EC-TURKEY ASSOCIATION COUNCIL

Quota number	CN code	Description <sup>(1)</sup>	Country of origin	Annual quota from 1 January to 31 December (in tonnes)	Import duty (EUR/100 kg net weight)
09.4101	0406 90 29	Kashkaval cheese	Turkey	1 500	0
	ex 0406 90 31	Cheese made exclusively from sheep's milk or buffalo milk, in containers containing brine, or in sheep or goatskin bottles			
	ex 0406 90 50	Other cheese made exclusively from sheep's milk or buffalo milk, in containers containing brine, or in sheep or goatskin bottles			
	ex 0406 90 86 ex 0406 90 87 ex 0406 90 88	Tulum Peyniri, made from sheep's milk or buffalo milk, in packings of less than 10 kg			

<sup>(1)</sup> 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 applicability of the preferential scheme being determined, for the purposes of this Annex, by the coverage of the CN codes. Where ex CN codes are indicated, the applicability of the preferential scheme is determined on the basis of the CN code and the corresponding description taken jointly.

## I. E

## TARIFF QUOTAS UNDER ANNEX IV TO THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND SOUTH AFRICA

Quota number	CN code	Description <sup>(1)</sup>	Country of origin	Import year	Annual quota from 1 January to 31 December (in tonnes)		Import duty (EUR/100 kg net weight)
					Annual	Six-monthly	
09.4151	0406 10		Republic of South Africa	2000	5 000	2 500	0
	0406 20 90			2001	5 250	2 625	
	0406 30			2002	5 500	2 750	
	0406 40 90			2003	5 750	2 875	
	0406 90 01			2004	6 000	3 000	
	0406 90 21			2005	6 250	3 125	
	0406 90 50			2006	6 500	3 375	
	0406 20 69			2007	6 750	3 375	
	0406 90 78			2008	7 000	3 500	
	0406 90 86			2009	7 250	3 625	
	0406 90 87			2010	Unlimited	Unlimited	
	0406 90 88						
	0406 90 93						
	0406 90 99						

<sup>(1)</sup> 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 applicability of the preferential scheme being determined, for the purposes of this Annex, by the coverage of the CN codes. Where ex CN codes are indicated, the applicability of the preferential scheme is determined on the basis of the CN code and the corresponding description taken jointly.

## ANNEX II

## II. A

## CONCESSIONS REFERRED TO IN ARTICLE 7(2) OF REGULATION (EC) No 1706/98

CN code	Description <sup>(1)</sup>	Reduction in customs duties (%)
0401		16
0403 10 11 to 0403 10 39		16
0403 90 11 to 0403 90 69		16
0404		16
0405 10		16
0405 20 90		16
0405 90		16
1702 11 00		16
1702 19 00		16
2106 90 51		16
2309 10 15		16
2309 10 19		16
2309 10 39		16
2309 10 59		16
2309 10 70		16
2309 90 35		16
2309 90 39		16
2309 90 49		16
2309 90 59		16
2309 90 70		16

<sup>(1)</sup> 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 applicability of the preferential scheme being determined, for the purposes of this Annex, by the coverage of the CN code. Where ex CN codes are indicated, the applicability of the preferential scheme is determined on the basis of the CN code and the corresponding description taken jointly.

## II. B

## PREFERENTIAL IMPORT ARRANGEMENTS — TURKEY

Serial number	CN code	Description	Country of origin	Import duty (EUR/100 kg net weight without further indication)
1	0406 90 29	Kashkaval	Turkey	67,19
2	ex 0406 90 31 ex 0406 90 50	Cheese made exclusively from sheep's milk or buffalo milk, in containers containing brine, or in sheep- or goatskin bottles	Turkey	67,19
3	ex 0406 90 86 ex 0406 90 87 ex 0406 90 88	<i>Tulum peyniri</i> , made from sheep's milk or buffalo milk, in packings of less than 10 kg	Turkey	67,19



## II. C

## PREFERENTIAL IMPORT ARRANGEMENTS — SOUTH AFRICA

Quota number	CN code	Description (1)	Country of origin	Import duty as % of basic duty										
				Year										
				2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
14	0401 0403 10 11 0403 10 13 0403 10 19 0403 10 31 0403 10 33 0403 10 39		Republic of South Africa	91	82	73	64	55	45	36	27	18	9	0
	0402 91 0402 99 0403 90 51 0403 90 53 0403 90 59 0403 90 61 0403 90 63 0403 90 69  0404 10 48 0404 10 52 0404 10 54 0404 10 56 0404 10 58 0404 10 62 0404 10 72 0404 10 74 0404 10 76 0404 10 78 0404 10 82 0404 10 84  0406 10 20 0406 10 80 0406 20 90 0406 30 0406 40 90 0406 90 01 0406 90 21 0406 90 50 0406 90 69 0406 90 78 0406 90 86 0406 90 87 0406 90 88 0406 90 93 0406 90 99	For quantities imported in excess of the quotas referred to in Annex I(E)	Republic of South Africa	100	100	100	100	100	83	67	50	33	17	0

Quota number	CN code	Description <sup>(1)</sup>	Country of origin	Import duty as % of basic duty										
				Year										
				2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
	1702 11 00 1702 19 00  2106 90 51  2309 10 15 2309 10 19 2309 10 39 2309 10 59 2309 10 70 2309 90 35 2309 90 39 2309 90 49 2309 90 59 2309 90 70													

<sup>(1)</sup> 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 applicability of the preferential scheme being determined, for the purposes of this Annex, by the coverage of the CN code. Where ex CN codes are indicated, the applicability of the preferential scheme is determined on the basis of the CN code and the corresponding description taken jointly.

## II. D

### PREFERENTIAL IMPORT ARRANGEMENTS — SWITZERLAND

Quota number	CN code	Description <sup>(2)</sup> <sup>(3)</sup> <sup>(4)</sup>	Country of origin	Import duty (EUR/100 kg net weight without further indication)
1	0402 29 11 ex 0404 90 83	Special milk, for infants <sup>(1)</sup> , in hermetically-sealed containers of a net content not exceeding 500 g, of a fat content by weight exceeding 10 % but not exceeding 27 %	Switzerland	43,80
2	0406 20 10 0406 90 19	Glaris herb cheese (known as Schabziger) made from skimmed milk and mixed with finely ground herbs	Switzerland	6 % of the customs value
3	ex 0406 90 18	Fromage Fribourgeois, Vacherin Mont d'Or and Tête de Moine, of a minimum fat content of 45 % by weight in the dry matter, matured for at least 18 days in the case of Vacherin Mont d'Or, at least two months in the case of Fromage Fribourgeois and at least three months in the case of Fromage Fribourgeois and at least three months in the case of Tête de Moine: — Whole cheeses with rind, with a free-at-frontier value of not less than EUR 401,85 but less than EUR 430,62 per 100 kg net weight, — Pieces packed in vacuum or inert gas, with rind on at least one side, of a net weight of at least 1 kg but less than 5 kg and with a free-at-frontier value of not less than EUR 430,62 but less than EUR 459,39 per 100 kg net weight	Switzerland	19,32

Quota number	CN code	Description <sup>(2)</sup> <sup>(3)</sup> <sup>(4)</sup>	Country of origin	Import duty (EUR/100 kg net weight without further indication)
4	ex 0406 90 13 ex 0406 90 15 ex 0406 90 17 <sup>(6)</sup> ex 0406 90 18	Emmentaler, Gruyère, Sbrinz and Appenzell, of a minimum fat content of 45 % by weight in the dry matter, matured for at least three months: — Pieces with rind packed in vacuum or inert gas of a net weight of not more than 450 g and with a free-at-frontier value of not less than EUR 499,67 per 100 kg net weight  Fromage Fribourgeois, Vacherin Mont d'Or and Tête de Moine, of a minimum fat content of 45 % by weight in the dry matter, matured for at least 18 days in the case of Vacherin Mont d'Or, at least two months in the case of Fromage Fribourgeois and at least three months in the case of Tête de Moine: — Whole cheeses with rind, with a free-at-frontier value of not less than EUR 430,62 per 100 kg net weight, — Pieces packed in vacuum or inert gas, with rind on at least one side, of a net weight of at least 1 kg and with a free-at-frontier value of not less than EUR 459,39 per 100 kg net weight, — Pieces packed in vacuum or inert gas of a net weight of not more than 450 g and with a free-at-frontier value of not less than EUR 499,67 per 100 kg net weight	Switzerland	9,66
5	ex 0406 30 10	Processed cheese, not grated or powdered, in the manufacture of which only Emmentaler, Gruyère and Appenzell have been used and which may contain, as an addition, Glarus herb cheese (known as Schabziger), put up for retail sale <sup>(7)</sup> with a free-at-frontier value of not less than EUR 289,14 per 100 kg net weight and of a fat content not exceeding 56 % by weight in the dry matter	Switzerland	43,80
6	ex 0406 90 02 <sup>(6)</sup>	Emmentaler, Gruyère, Sbrinz and Appenzell: — Whole cheeses with a free-at-frontier value per 100 kg net weight of more than EUR 401,85 but not more than EUR 430,62, of a fat content of 45 % or more by weight in the dry matter and matured for three months or more	Switzerland	17,54
7	ex 0406 90 03 <sup>(6)</sup>	Emmentaler, Gruyère, Sbrinz and Appenzell: — Whole cheeses with a free-at-frontier value per 100 % of more than EUR 430,62, of a fat content of 45 % or more by weight in the dry matter and matured for three months or more	Switzerland	6,58
8	ex 0406 90 04 <sup>(6)</sup>	Emmentaler, Gruyère, Sbrinz and Appenzell: — Pieces packed in vacuum or inert gas, with rind on at least one side, of a net weight of 1 kg or more but less than 5 kg and with a free-at-frontier value of more than EUR 430,62 but less than EUR 459,39 per 100 kg net weight, of a fat content of 45 % or more by weight in the dry matter and matured for three months or more	Switzerland	17,54

Quota number	CN code	Description <sup>(2)</sup> <sup>(3)</sup> <sup>(4)</sup>	Country of origin	Import duty (EUR/100 kg net weight without further indication)
9	ex 0406 90 05 <sup>(6)</sup>	Emmentaler, Gruyère, Sbrinz and Appenzell: — Pieces packed in vacuum or inert gas, with rind on at least one side, of a net weight of 1 kg or more and with a free-at-frontier value of more than EUR 459,39 per 100 kg net weight, of a fat content of 45 % or more by weight in the dry matter and matured for three months or more	Switzerland	6,58
10	ex 0406 90 06 <sup>(6)</sup>	Emmentaler, Gruyère, Sbrinz and Appenzell: — Pieces without rind, of a net weight of less than 450 g and with a free-at-frontier value of more than EUR 499,67 per 100 kg net weight, of a fat content of 45 % or more by weight in the dry matter and matured for three months or more, packed in vacuum or inert gas, in packings bearing at least the description of the cheese, the fat content, the packer responsible and the country of manufacture	Switzerland	6,58
11	ex 0406 90 25	Tilsit, of a fat content not exceeding 48 % by weight in the dry matter	Switzerland	81,76
12	ex 0406 90 25	Tilsit, of a fat content exceeding 48 % by weight in the dry matter	Switzerland	110,96

<sup>(1)</sup> 'Special milk for infants' means products free from pathogenic germs and which have fewer than 10 000 revivable aerobic bacteria and fewer than two coliform bacteria per gram.

<sup>(2)</sup> 'Whole cheeses, with rind' means whole cheeses of the following net weights:

- Emmentaler: not less than 60 kg but not more than 130 kg,
- Gruyère: not less than 20 kg but not more than 45 kg,
- Sbrinz: not less than 20 kg but not more than 50 kg,
- Appenzell: not less than 6 kg but not more than 8 kg,
- Fromage Fribourgeois: not less than 6 kg but not more than 10 kg,
- Tête de Moine: not less than 0,700 kg but not more than 4 kg,
- Vacherin Mont d'Or: not less than 0,400 kg but not more than 3 kg.

For the purposes of these provisions, 'rind' is defined as follows:

'The rind of such cheeses is the outer layer formed from the cheese itself, having a distinctly more solid consistency and a distinctly darker colour'.

<sup>(3)</sup> 'Free-at-frontier value' means the free-at-frontier price or fob price in the country of export, plus an amount for delivery and insurance costs as far as the customs territory of the Community.

<sup>(4)</sup> The concession applies to rectangular blocks or pieces packed in vacuum or inert gas provided that the packaging of such goods bears at least the following particulars:

- the name of the cheese,
- the fat content by weight in the dry matter,
- the packer responsible,
- the country of origin of the cheese.

<sup>(5)</sup> 'Put up for retail sale' means cheese put up in immediate packings of a net weight not exceeding 1 kg containing portions or slices of an individual net weight not exceeding 100 g.

<sup>(6)</sup> Excluding Bergkäse.

## ANNEX III

## III. A

## TARIFF QUOTAS UNDER THE GATT/WTO AGREEMENTS SPECIFIED BY COUNTRY OF ORIGIN

Quota number	CN code	Description	Country of origin	Annual quota from 1 January to 31 December (in tonnes)	Import duty (EUR/100 kg net weight)	Rules for completing IMA 1 certificates
09.4589	ex 0405 10 11 ex 0405 10 19  ex 0405 10 30	Butter, at least six weeks old, of a fat content by weight of not less than 80 % but less than 82 %, manufactured directly from milk or cream without the use of stored materials, in a single, self-contained and uninterrupted process  Butter, at least six weeks old, of a fat content by weight of not less than 80 % but less than 82 %, manufactured directly from milk or cream without the use of stored materials, in a single, self-contained and uninterrupted process which may involve the cream passing through a stage where the butterfat is concentrated and/or fractionated (the processes referred to as 'Ammix' and 'Spreadable')	New Zealand	76 667	86,88	See Annex IV
09.4515	0406 90 01	Cheese for processing <sup>(1)</sup>	New Zealand	4 000	17,06	See Annex XI(C) and (D)
09.4522	0406 90 01	Cheese for processing <sup>(1)</sup>	Australia	500	17,06	See Annex XI(C) and (D)
09.4514	ex 0406 90 21	Whole Cheddar cheeses (of the conventional flat cylindrical shape of a net weight of not less than 33 kg but not more than 44 kg and cheeses in cubic blocks or in parallelepipedshape, of a net weight of 10 kg or more) of a fat content of 50 % or more by weight in the dry matter, matured for at least three months	New Zealand	7 000	17,06	See Annex XI(B)
09.4521	ex 0406 90 21	Whole Cheddar cheeses (of the conventional flat cylindrical shape of a net weight of not less than 33 kg but not more than 44 kg and cheeses in cubic blocks or in parallelepiped shape, of a net weight of 10 kg or more) of a fat content of 50 % or more by weight in the dry matter, matured for at least three months	Australia	3 250	17,06	See Annex XI(B)
09.4513	ex 0406 90 21	Cheddar made from unpasteurised milk, of a fat content of 50 % or more, by weight, in the dry matter, matured for at least nine months, with a free-at-frontier value <sup>(2)</sup> per 100 kg net, of not less than: — EUR 334,20 for whole cheeses — EUR 354,83 for cheeses of a net weight of not less than 500 g — EUR 368,58 for cheeses of a net weight of less than 500 g	Canada	4 000	13,75	See Annex XI(A)

Quota number	CN code	Description	Country of origin	Annual quota from 1 January to 31 December (in tonnes)	Import duty (EUR/100 kg net weight)	Rules for completing IMA 1 certificates
		<p>The expression 'whole cheeses' means:</p> <ul style="list-style-type: none"> <li>— cheeses of the conventional flat cylindrical shape of a net weight of not less than 33 kg but not more than 44 kg.</li> <li>— cubic blocks or parallelepipeds of cheese of a net weight of not less than 10 kg.</li> </ul>				

(<sup>1</sup>) Utilisation for this particular purpose will be monitored by applying the Community provisions laid down on the subject. The cheeses concerned are considered as processed when they have been processed into products falling within subheading 0406 30 of the combined nomenclature. Articles 291 to 300 of Regulation (EEC) No 2454/93 apply.

(<sup>2</sup>) Free-at-frontier value' means the free-at-frontier price or fob price in the country of export, plus an amount for delivery and insurance costs as far as the customs territory of the Community.

### III. B

#### TARIFF QUOTAS FIXED IN ACCORDANCE WITH DECISION 95/582/EC UNDER THE AGREEMENT WITH NORWAY

Quota number	CN code	Description ( <sup>1</sup> )	Country of origin	Annual quota from 1 January to 31 December (tonnes)				Import duty (EUR/100 kg net weight)	Rules for completing IMA 1 certificates
				2001	2002	2003	2004 and following		
09.4597	ex 0406 90 39	<p>Jarlsberg of a minimum fat content of 45 % by weight in the dry matter, and of a minimum dry matter content of 56 % by weight, matured for at least three months:</p> <ul style="list-style-type: none"> <li>— Whole cheeses with rind, from 8 to 12 kg</li> <li>— Rectangular blocks of a net weight not exceeding 7 kg (<sup>2</sup>)</li> <li>— Pieces packed in vacuum or inert gas, of a net weight of not less than 150 g but not exceeding 1 kg (<sup>2</sup>)</li> </ul>	Norway	2 351	2 266	2 265	2 351	66,41	See Annex XI,(G)
	ex 0406 90 86 ex 0406 90 87 ex 0406 90 88	<p>Ridder, of a minimum fat content of 60 % by weight in the dry matter, matured for at least four weeks:</p> <ul style="list-style-type: none"> <li>— Whole cheeses with rind, from 1 to 2 kg</li> <li>— Pieces packed in vacuum or inert gas, with rind on at least one side, of a net weight of not less than 150 g (<sup>2</sup>)</li> </ul>							

Quota number	CN code	Description <sup>(1)</sup>	Country of origin	Annual quota from 1 January to 31 December (tonnes)				Import duty (EUR/100 kg net weight)	Rules for completing IMA 1 certificates
				2001	2002	2003	2004 and following		
09.4665	ex 0406 10 20 ex 0406 10 80	Whey cheese		357	352	357	357	7,5	See Annex XI(H)
09.4666	0406 30	Processed cheese, not grated or powdered		—	—	—	8	43,8	

<sup>(1)</sup> 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, for the purposes of this Annex, by the coverage of the CN code. Where ex CN codes are referred to the applicability of the preferential arrangements is determined on the basis of the CN code and the corresponding description taken jointly.

<sup>(2)</sup> The concession applies to rectangular blocks or pieces packed in vacuum or inert gas provided that the packaging of such goods bears at least the following particulars:

- the name of the cheese,
- the fat content by weight in the dry matter,
- the packer responsible,
- the country of origin of the cheese.

### III. C

#### PREFERENTIAL IMPORT ARRANGEMENTS — OTHER

Quota number	CN code	Description	Country of origin	Import duty (EUR/100 kg net weight without further indication)	Rules for completing IMA 1 certificates
1	ex 0406 90 29	Kashkaval, made exclusively from sheep's milk, matured for at least two months, of a minimum fat content of 45 % by weight in the dry matter and a minimum dry matter content, by weight, of 58 %, in whole cheeses not exceeding 10 kg, whether wrapped in plastic or not	Cyprus	67,19	See Annex XI(E)
2	ex 0406 90 31 ex 0406 90 50	Cheese made exclusively from sheep's milk or buffalo milk, in containers containing brine, or in sheep or goatskin bottles	Cyprus	67,19	See Annex XI(F)
3	ex 0406 90 50 ex 0406 90 86 ex 0406 90 87 ex 0406 90 88	Halloumi	Cyprus	27,63	See Annex XI(F)

## ANNEX IV

**CHECKING THE WEIGHT AND FAT CONTENT OF BUTTER ORIGINATING IN NEW ZEALAND IMPORTED UNDER ARTICLE 2(1)(a) OF REGULATION (EC) No 2535/2001****1. DEFINITIONS**

For the purpose of this Annex the definitions set out below apply:

- (a) 'producer': a single production plant or factory in which butter is produced for export to the Community under the tariff quota referred to in Annex III(A) under quota number 09.4589;
- (b) 'cypher': the quantity of butter produced according to one product-purchasing specification in one production plant during a single manufacturing run;
- (c) 'lot': a quantity of butter covered by an IMA 1 certificate and by a corresponding import licence which has been issued for the identical product and quantity as the IMA 1 presented to the competent customs authority for entry for free circulation under the tariff quota referred to in Annex III(A) under quota number 09.4589;
- (d) 'competent authorities': the authorities in the Member States responsible for controls on imported products;
- (e) 'typical-process standard deviation of the fat content': the standard deviation of the fat content of butter recorded by the IMA 1 issuing body;
- (f) 'product identification list': a list which identifies, for each lot, the quota number of its corresponding IMA 1 certificate, the production plant or factory and the cypher or cyphers, and which also provides a description of the butter. It may also identify the specification to which the butter was manufactured, the production season, the number of cartons corresponding to each cypher, the total number of cartons, the nominal weight of the cartons, the exporter's serial number, the means of transport from New Zealand to the European Community and the voyage number.

**2. COMPLETION AND VERIFICATION OF THE IMA 1 CERTIFICATE**

- 2.1. An IMA 1 certificate shall cover butter manufactured according to one product-purchasing specification in one plant. It may cover more than one cypher of the same product-purchasing specification from the same plant.
- 2.2. The IMA 1 certificate shall be considered to be duly completed within the meaning of Article 32(2) only if it contains all the following information:
  - (a) in box 1, the name and address of the seller;
  - (b) in box 2, the quota number of issue identifying the country of origin, the import arrangements, the product, the quota year and the individual certificate number, starting again from one each year;
  - (c) in box 4, the number and date of the invoice;
  - (d) in box 5, 'New Zealand';
  - (e) in box 7:
    - reference to the product identification list (product ID list), which must be attached,
    - the CN code preceded by 'ex' and the detailed description as given in Annex III(A),
    - identification of the product-purchasing specification and the date of the last modification,
    - the factory registration number,
    - the date of manufacture of the butter, and
    - the arithmetic mean of the tare weight of the wrapper;
  - (f) in box 8, the gross weight in kilograms;
  - (g) in box 9:
    - the net nominal weight par carton,
    - the total net weight in kilograms,
    - the number of cartons,
    - the arithmetic mean of the net weight of the cartons designated by the symbol 'μ',
    - the standard deviation of the net weight of the cartons designated by the symbol 'σ';
  - (h) in box 10: from milk or cream;



- (i) in box 13:
    - not less than 80 % but less than 82 % fat,
    - the typical-process standard deviation of the fat content of the butter, made to the product-purchasing specification and in the factory indicated in box 7, and its entry-into-force date for the purpose of issuing IMA1 certificates;
  - (j) in box 16: 'New Zealand butter quota for . . . [year] in accordance with Regulation (EC) No . . . / . . .';
  - (k) in box 17:
    - the date on which the most recently manufactured butter covered by the IMA 1 was or will be six weeks old,
    - the total quota for the year in question,
    - the date of issue and, where appropriate, the last day of validity,
    - signature and stamp of the issuing body;
  - (l) in box 18, exact address and contact details of the issuing body.
- 2.3. Verification by the IMA 1 issuing body of the percentage fat content in box 13 under Article 23(1)(b) must entail analysing between 10 and 25 samples per cypher to check the arithmetic mean of the percentage fat content found by the producer.

Verification must show that the arithmetic mean does not exceed  $\bar{M}$  (the maximum mean milk fat content of the sample) where:

$$\bar{M} = 81,99 - 1,645 \sigma$$

where  $\sigma$  is the typical-process standard deviation.

### 3. CHECKING THE WEIGHT

#### 3.1. Community controls

Controls by the competent authorities shall be carried out on one lot.

The competent authorities shall take a random sample from the lot. The sample size shall be determined according to the following formula:

$$n = \sqrt[3]{N}$$

where  $n$  is the sample size; and

$N$  is the number of cartons in the lot.

However, the minimum sample size,  $n$ , shall be 10.

The competent authorities shall calculate the arithmetic mean and standard deviation of the net weights obtained from the sample.

The competent authorities shall make appropriate checks to verify the information on tare weight given on the IMA 1 certificate, which may include a comparison with the weight of plastic wrappers used in the Community or examination of a certificate from the manufacturer of the plastic wrappers used on the lot.

#### 3.2. Interpretation of control results — standard deviation

The standard deviation of the net weight of the cartons specified in the IMA 1 certificate shall be checked according to the following procedure.

The ratio  $s/\sigma$  shall be compared with the minimum ratio specified for a given sample size in the following table, where  $s$  is the sample standard deviation and  $\sigma$  is the standard deviation of the net weight of the cartons specified in the IMA 1 certificate.

Where the ratio  $s/\sigma$  is lower than the appropriate minimum ratio in the reference data table then  $s$  shall be used when the control results are interpreted under point 3.3 rather than  $\sigma$ .

Minimum ratio (\*)  $s/\sigma$  for a given sample size ( $n$ )

$n$	$s/\sigma$	$n$	$s/\sigma$	$n$	$s/\sigma$
10 (**)	0,608	21	0,737	32	0,789
11	0,628	22	0,743	33	0,792
12	0,645	23	0,749	34	0,795
13	0,660	24	0,754	35	0,798
14	0,673	25	0,760	36	0,801
15	0,685	26	0,764	37	0,804
16	0,696	27	0,769	38	0,807

n	s/σ	n	s/σ	n	s/σ
17	0,705	28	0,773	39	0,809
18	0,714	29	0,778	40	0,812
19	0,722	30	0,781	41	0,814
20	0,730	31	0,785	42	0,816
				43	0,819

(\*) The minimum ratios have been calculated using tabulated Chi2-values (5 % quantile; n-1 degrees of freedom).

(\*\*) The minimum sample size, n, shall be 10.

### 3.3. Interpretation of control resolution — arithmetic mean

The competent authorities shall compare the results of sampling with the information on the IMA 1 certificate using the following formula:

$$w \leq W + \frac{2,326\sigma}{\sqrt{n}}$$

where  $w$  is the arithmetic mean of the net weight of the sample cartons,

$W$  is the mean net weight per carton specified on the IMA 1 certificate,

$\sigma$  is the standard deviation of the net weight per carton specified on the IMA 1 certificate. However, the sample standard deviation of the net weight per carton(s) shall be used instead of  $\sigma$  where required under point 3.2, and

$n$  is the sample size.

Where  $w$  satisfies the above formula, the mean net weight specified on the IMA 1 certificate ( $W$ ) shall be used to determine the net weight of the lot imported into the Community.

Where  $w$  does not satisfy the above formula,  $w$  shall be used to determine the net weight of the lot imported into the Community. The declared weight shall be attributed in part 2 of column 29 of the import licence and the excess over the declared weight shall be imported in accordance with article 26 of Council Regulation (EC) No 1255/1999.

## 4. CHECKING THE FAT CONTENT

### 4.1. Community controls

The competent authorities shall check the percentage fat content on half of the cartons which are sampled under point 3. However, the minimum sample size,  $n$ , shall be 5.

The sampling method to be used shall be International Dairy Federation (IDF) Standard 50C/1995.

The method for determining the fat content to be used shall be that laid down in Annexes IX, X and XI to Commission Regulation (EC) No 213/2001 (OJ L 37, 7.2.2001).

### 4.2. Interpretation of control results — standard deviation

The standard deviation of the fat content of the butter specified in the IMA 1 certificate shall be checked according to the following procedure.

The ratio  $s/\sigma$  shall be compared with the maximum ratio specified for a given sample size in the following table where  $s$  is the sample standard deviation and  $\sigma$  is the standard deviation of the fat content of the butter specified in the IMA 1 certificate.

Where the ratio  $s/\sigma$  is higher than the appropriate reference value in the reference data table then  $s$  shall be used when the control results are interpreted under point 4.3 rather than  $\sigma$ .

Maximum ratio (\*)  $s/\sigma$  for a given sample size ( $n$ )

n	s/σ	n	s/σ	n	s/σ
5 (**)	1,540	11	1,353	17	1,282
6	1,488	12	1,337	18	1,274
7	1,448	13	1,324	19	1,266
8	1,417	14	1,311	20	1,259
9	1,392	15	1,301	21	1,253
10	1,371	16	1,291	22	1,247

(\*) The maximum ratios have been calculated using tabulated Chi2-values (95 % quantile; n-1 degrees of freedom).

(\*\*) The minimum sample size,  $n$ , shall be 5.

#### 4.3. Interpretation of control results — arithmetic mean

Compliance with the fat content requirements shall be assumed if the arithmetic mean of the sample results ( $\bar{x}$ ) does not exceed  $\bar{M}$ , where:

$$\bar{M} = 81,99 - 1,645 \sigma$$

where  $\sigma$  is the typical-process standard deviation of the fat content specified on the IMA 1 certificate. However, the sample standard deviation of the fat content ( $s$ ) shall be used instead of  $\sigma$  where required under point 4.2.

#### 4.4. Further check

Where the arithmetic mean of the sample results exceeds the value  $\bar{M}$  referred to in point 4.3, then a further calculation shall be carried out to establish the import terms for the lot concerned.

In this calculation, the arithmetic mean of the test results ( $\bar{x}$ ) shall be compared with  $\bar{M}$  using the following formula:

$$\bar{x} \leq \bar{M} + 1,645\sigma_{\bar{x}}$$

where  $\sigma_{\bar{x}}$  is obtained using the following formula:

$$\sigma_{\bar{x}} = \sqrt{\frac{\sigma^2}{n} + \sigma_L^2 + \frac{\sigma_r^2}{n}}$$

where  $\sigma$  is the typical-process standard deviation of the fat content specified on the IMA 1 certificate.

$\sigma_L$  is the between-laboratory standard deviation calculated as:

$$\sigma_L = \sqrt{\sigma_R^2 - \sigma_r^2} = 0,102 \%$$

$\sigma_r$  is the repeatability standard deviation = 0,079 %,

$\sigma_R$  is the reproducibility standard deviation = 0,129 %,

$n$  is the sample size.

If  $\bar{x}$  satisfies the above formula, then the lot may be imported under the quota referred to in Annex III(A) under quota number 09.4589.

If  $\bar{x}$  does not satisfy the above equation then non-compliance with the fat content requirements shall be established. In this case the lot shall be imported in accordance with Article 36.

The competent authorities shall notify the Commission without delay of each case dealt with under this point.

#### 4.5. Disputed results

The importer concerned may challenge the results of the analysis obtained by a competent authorities' laboratory within seven working days of receiving these results, undertaking to pay for the costs of testing the duplicate samples. In this case the competent authorities shall send sealed duplicates of the samples analysed by its laboratory to a second laboratory. This second laboratory shall be authorised by a Member State to carry out official analyses and be recognised by that Member State as having competence in applying the method referred to in point 4.1, as demonstrated by meeting the repeatability criterion when analysing blind duplicates and by successful participation in proficiency tests.

This second laboratory shall communicate the results of its analysis to the competent authorities promptly.

The procedure laid down in point 4.6 shall apply for the evaluation of the results obtained by the two laboratories. The result of this evaluation shall be communicated by the competent authorities to the importer promptly.

#### 4.6 Procedure applicable when the results of an analysis are disputed:

- (a) where the reproducibility requirement is respected for each sampling unit:

For each sampling unit the arithmetic mean of the test results obtained by both laboratories is reported as the final result. The final results obtained in this way are used to check compliance as described in points 4.2, 4.3 and 4.4. One non-compliance with the reproducibility limit per 10 sampling units is accepted.

$y$ : arithmetic mean of all results obtained by both laboratories

$R$ : reproducibility limit ( $R = 0,36 \%$ )

- (b) where the reproducibility requirement is not respected in more than one case (more than one sampling unit per 10 sampling units analysed):

The consignment is finally rejected if the results of both laboratories lead to this conclusion. Otherwise, the consignment is accepted.

## ANNEX V

## APPLICATION OF ARTICLE 40(2) OF REGULATION (EC) No 2535/2001

COMMISSION OF THE EUROPEAN COMMUNITIES  
DG AGRI/D/1 — Milk products

	Description of the field (Column 1)	Box No (Column 2)	Value (Column 3)	Unit or format
General information	Name of the butter manufacturer:	1		—
	Lot identification code:	2		—
	Size of the lot:	3		kg
	Date of checks	4		day/month/year
Weight check	Size of the random sample:	5		No of cartons
	Mean	Arithmetic mean of the net weight per carton: (as specified on the IMA 1 certificate — box 9)	6	kg
		Arithmetic mean of the net weight of the sample cartons:	7	kg
		The arithmetic mean of the net weight determined in the EU shows a significant difference to the declared value:	8	N = No Y = Yes
	Standard deviation	Standard deviation of the net weight per carton: (as specified on the IMA 1 certificate — box 9)	9	kg
		Standard deviation of the net weight of the sample cartons:	10	kg
		The standard deviation of the net weight determined in the EU shows a significant difference to the declared value:	11	N = No Y = Yes
Check of fat content	Size of the random sample:	12		Number of cartons
	Mean	Maximum mean fat content resulting from the reported typical-process standard deviation:	13	% fat
		Arithmetic mean of the fat content of the sample cartons:	14	% fat
		The arithmetic mean of the fat content determined in the EU shows a significant difference to the maximum mean fat content:	15	N = No Y = Yes
	Standard deviation	Typical-process standard deviation of the fat content: (as specified on the IMA 1 certificate — box 13)	16	% fat
		Standard deviation of the fat content of the sample cartons:	17	% fat
		The standard deviation of the fat content determined in the EU shows a significant difference to the declared value:	18	N = No Y = Yes

To be sent to the European Commission by e-mail (DGAGRI-D1-Milk@cec.eu.int) or by fax (+32-2-2953310)



## ANNEX VII

## APPLICATION OF ARTICLE 15 OF REGULATION (EC) No 2535/2001

(Page / )

COMMISSION OF THE EUROPEAN COMMUNITIES  
DG AGRI/D/1 — MILK AND MILK PRODUCTS

## APPLICATIONS FOR IMPORT LICENCES AT REDUCED DUTIES

... SIX-MONTH PERIOD

**Member State:** \_\_\_\_\_

[illegible]

## ANNEX VIII

**CIRCUMSTANCES UNDER WHICH AN IMA 1 CERTIFICATE OR PART THEREOF MAY BE CANCELLED, AMENDED, REPLACED OR CORRECTED**

1. Cancellation of the IMA 1 certificate when full duty is due and paid for non-compliance with compositional requirements.

Where full duty is paid on a lot because the maximum fat content requirement is not complied with, the corresponding IMA 1 certificate may be cancelled and the IMA 1 issuing body may add the quantities concerned to those for which IMA 1 certificates may be issued for the same quota year. The customs authorities shall retain the corresponding import licence and send it to the import-license issuing authority, which shall amend it to convert it into a full-duty import licence for the quantity concerned in accordance with Article 36.

2. Produce destroyed or rendered unfit for sale.

IMA 1 issuing bodies may cancel an IMA 1 certificate or part thereof for a quantity covered by it which is destroyed or rendered unfit for sale in circumstances beyond the control of the exporter. Where part of the quantity covered by an IMA 1 certificate is destroyed or rendered unfit for sale, a replacement certificate may be issued for the remaining quantity. In the case of New Zealand butter referred to in Annex III(A) under quota number 09.4589, the original product identification list shall be used for this purpose. The replacement certificate shall be valid only up to the same date as the original. In this case, box 17 of the replacement IMA 1 certificate shall contain the words 'valid up to 00.00.0000'.

Where all or part of the quantity covered by an IMA 1 certificate is destroyed or rendered unfit for sale due to circumstances beyond the exporters' control, the IMA 1 issuing body may add these quantities to those for which IMA 1 certificates may be issued for the same quota year.

3. Change of Member State of destination

When the exporter is obliged to change the Member State of destination indicated on an IMA 1 certificate before a corresponding import licence is issued, the original IMA 1 certificate may be amended by the IMA 1 issuing body. Such an amended original IMA 1 certificate, duly authenticated and appropriately identified by the issuing body, may be presented to the licensing authority and to the customs authorities.

4. When a clerical or technical error is discovered on an IMA 1 certificate before a corresponding import licence is issued, the original certificate may be corrected by the issuing body. Such a corrected original IMA 1 certificate may be presented to the licensing authority and to the customs authorities.
5. When, in exceptional circumstances beyond the control of the exporter, a product intended for import in a given year becomes unavailable and the only means of filling the quota, in the light of normal shipping time from the country of origin, is to replace it with a product originally intended for import the following year, the issuing body may issue a new IMA 1 certificate for the replacement quantity, on the sixth working day after giving due notification to the Commission of the details of the IMA 1 certificate or part thereof to be cancelled for the year concerned and of the first IMA 1 certificate or part thereof issued for the following year to be cancelled.

If the Commission considers that this provision does not apply to the circumstances of the case concerned, it may object within five working days, stating the reason for its objection. Where the quantity to be replaced is greater than that covered by the first IMA 1 certificate issued for the following year, the required quantity may be obtained by cancelling additional IMA 1 certificates, in sequence, or part thereof as necessary.

All quantities in respect of which IMA 1 certificates or part thereof have been cancelled for the year concerned shall be added to the quantities for which IMA 1 certificates may be issued for that quota year.

All quantities brought forward from the following quota year for which an IMA 1 certificate or certificates have been cancelled shall be added back to the quantities for which IMA 1 certificates may be issued for that quota year.

---

## ANNEX IX

## IMA 1 CERTIFICATE

1. Seller	2. Serial No of issue	<b>ORIGINAL</b>	
3. Buyer	CERTIFICATE for the entry of certain milk products under certain headings or subheadings of the combined nomenclature		
4. Number and date of invoice	5. Country of origin	6. Member State of destination	
<b>IMPORTANT</b> A. A separate certificate must be made out for each form of presentation of each product. B. The certificate must be in an official language of the European Community. It may also contain a translation into the official language or one official language of the exporting country. C. The certificate must be made out in accordance with the Community provisions in force. D. The original and, where appropriate, a copy of the certificate must be presented to the customs office in the Community at the time when the product is being put into free circulation.			
7. Marks, numbers, quantity and kind of packages; detailed description of product and particulars of its form of presentation		8. Gross weight (kg)	9. Net weight (kg)
10. Raw material used			
11. Fat content by weight (%) in the dry matter			
12. Water content by weight (%) in the non-fatty matter			
13. Fat content by weight (%)			
14. Ripening period			
15. Community free-at-frontier price (EUR) per 100 kg net weight equal to or more than:			
16. Observations: (a) tariff quota <sup>(1)</sup> (b) intended for processing <sup>(1)</sup>			
17. IT IS HEREBY CERTIFIED — that the particulars set out above accurate and comply with the Community provisions in force, — that for the products described above no discount, refund, or any other rebate has been or will be granted to the buyer which may lead to the product in question having a value less than the minimum import value fixed for such product <sup>(2)</sup>			
18. Issuing body		Place <span style="float: right;"> <div style="border-bottom: 1px solid black; width: 50px; display: inline-block;"></div> <div style="border-bottom: 1px solid black; width: 50px; display: inline-block;"></div> <div style="border-bottom: 1px solid black; width: 50px; display: inline-block;"></div> <div style="border-bottom: 1px solid black; width: 50px; display: inline-block;"></div>          year/month/day       </span>  (Signature and stamp of issuing body)	

<sup>(1)</sup> Delete as appropriate.<sup>(2)</sup> This clause is deleted for cheeses of sheep's or buffalo milk, for Glaris, Tilsit and Butterkäse and for special milk for infants.



## ANNEX X

## IMA 1 CERTIFICATE

1. Seller	2. Serial No of issue	ORIGINAL	
	CERTIFICATE for the entry of certain New Zealand butter subject to the tariff quota referred to under quota No 09.4589 of Annex III(A)		
4. Number and date of invoice	5. Country of origin		
IMPORTANT A. A separate certificate must be made out for each form of presentation of each product. B. The certificate must be in an official language of the European Community. It may also contain a translation into the official language or one official language of the exporting country. C. The certificate must be made out in accordance with the Community provisions in force. D. The original and, where appropriate, a copy of the certificate together with its corresponding import licence and a declaration for release for free circulation must be presented to the customs office in the Community at the time when the product is being released for free circulation.			
7. Marks, numbers, number and kind of packages, detailed CN description and eight-digit CN code of the product preceded by 'ex' and particulars of its form of presentation. — See product-identification list attached, reference: — CN code ex 0405 10 — Butter, at least six weeks old, of a fat content by weight not less than 80 %, but less than 82 %, manufactured directly from milk or cream — Product purchasing specification — Factory registration No — Date of manufacture — Arithmetic mean of the tare weight of plastic wrapping		8. Gross weight (kg)	9. Net weight (kg)
10. Raw material used			
13. — Fat content by weight (%) — Typical-process standard deviation of the fat content of the butter made in the factory according to the product purchasing specification indicated in box 7 and its date of entry into force for the purpose of issuing IMA 1 certificates			
16. Observations: a) tariff quota <sup>(1)</sup> b) intended for processing <sup>(1)</sup>			
17. IT IS HEREBY CERTIFIED: — that the most recently manufactured butter covered by this certificate is/will be <sup>(1)</sup> at least six weeks old since/on <sup>(1)</sup> — that the particulars set out above are accurate and comply with the Community provisions in force. — that the total quota for the year 200. is ..... kg.			
18. Issuing body	Place		<div> <div></div> <div></div> <div></div> </div> Year/Month/Day
	Valid until		<div> <div></div> <div></div> <div></div> </div> Year/Month/Day
	(Signature and stamp of issuing body)		

(<sup>1</sup>) Delete as appropriate.

## ANNEX XI

## RULES FOR COMPLETING CERTIFICATES

In addition to boxes 1, 2, 4, 5, 9, 17 and 18 of the IMA 1 certificate, the following must be completed:

- A. As regards Cheddar cheeses listed under quota number 09.4513 in Annex IIIA and falling within CN code ex 0406 90 21:
1. box 3, by specifying the buyer;
  2. box 6, by specifying the country of destination;
  3. box 7, by specifying, as appropriate:
    - whole Cheddar cheeses
    - Cheddar cheese other than whole cheeses, of a net weight of not less than 500 g
    - Cheddar cheese other than whole cheeses, of a net weight of less than 500 g
  4. box 10, by specifying 'exclusively unpasteurised home-produced cows' milk';
  5. box 11, by specifying 'at least 50 %';
  6. box 14, by specifying 'at least nine months';
  7. box 15 and 16, by specifying the period for which the quota is valid.
- B. As regards Cheddar cheeses listed under quota numbers 09.4514 and 09.4521 in Annex III(A) and falling within CN code ex 0406 90 21:
1. box 7, by specifying 'whole Cheddar cheeses';
  2. box 10, by specifying 'exclusively home-produced cows' milk';
  3. box 11, by specifying 'at least 50 %';
  4. box 14, by specifying 'at least three months';
  5. box 16, by specifying the period for which the quota is valid.
- C. As regards Cheddar cheeses intended for processing listed under quota numbers 09.4515 and 09.4522 in Annex III(A) and covered by CN code ex 0406 90 01:
1. box 7, by specifying 'whole Cheddar cheeses';
  2. box 10, by specifying 'exclusively home-produced cows' milk';
  3. box 16, by specifying the period for which the quota is valid.
- D. As regards cheeses other than Cheddar cheese intended for processing listed under quota numbers 09.4515 and 09.4522 in Annex III(A) and covered by CN code ex 0406 90 01:
1. box 10, by specifying 'exclusively home-produced cows' milk';
  2. box 16, by specifying the period for which the quota is valid.
- E. As regards Kashkaval cheeses listed under serial number 1 in Annex III(C) and falling within CN code ex 0406 90 29:
1. box 7, by specifying 'Kashkaval cheese, made from sheep's milk, matured for at least two months, of a minimum dry matter content by weight of 58 %, in whole cheeses not exceeding 10 kg net, whether or not wrapped in plastic';
  2. box 10, by specifying 'exclusively home-produced sheep's milk';
  3. box 11.
- F. As regards cheeses of sheep's milk or buffalo milk in containers containing brine, or in sheep- or goatskin bottles, and 'Halloumi' cheese listed under serial numbers 2 and 3 in Annex III(C) and covered by CN codes ex 0406 90 31, ex 0406 90 50, ex 0406 90 86, ex 0406 90 87 and ex 0406 90 88:
1. box 7, by specifying, as appropriate, 'cheese of sheep's milk' or 'cheese of buffalo milk' and 'in containers containing brine' or 'in sheep- or goatskin bottles' or 'Halloumi' cheese, which is to be presented in individual plastic packings of a net content not exceeding 1 kg or in metal or plastic containers of a net content not exceeding 12 kg;
  2. box 10, by specifying, as appropriate, 'exclusively home-produced sheep's milk' or 'exclusively home-produced buffalo milk' or, in the case of 'Halloumi' cheese, 'home-produced milk';
  3. box 11 and 12.

G. As regards Jarlsberg and Ridder cheeses listed under quota number 09.4597 in Annex III(B) and covered by CN codes ex 0406 90 39, ex 0406 90 86, ex 0406 90 87 and ex 0406 90 88:

1. box 7, by specifying:

either 'Jarlsberg cheese', and as appropriate:

— whole cheeses, with rind, of a net weight of not less than 8 but not more than 12 kg,

— rectangular blocks of a net weight of not more than 7 kg,

or

— pieces packed in vacuum or inert gas, of a net weight of at least 150 g and not more than 1 kg,

or 'Ridder cheese', and as appropriate:

— whole cheeses with rind of 1 kg to 2 kg,

or

— pieces packed in vacuum or inert gas, with rind on at least one side, of a net weight of at least 150 g;

2. box 11, by specifying as appropriate 'at least 45 %' or 'at least 60 %';

3. box 14, by specifying as appropriate 'at least three months' or 'at least four months'.

H. As regards whey cheese listed under quota number 09.4665 in Annex III(B) and covered by CN codes ex 0406 10 20 and ex 0406 10 80:

1. box 7, by specifying 'whey cheese'.

---

## ANNEX XII

## ISSUING BODIES

Third country	CN code and product description		Issuing body	
			Name	Location
Australia	0406 90 01 0406 90 21	Cheddar and other cheese for processing  Cheddar	Australian Quarantine Inspection Service  Department of Agriculture, Fisheries and Forestry	PO Box 60 World Trade Centre Melbourne VIC 3005 Australia Tel.: (61 3) 92 46 67 10 Fax: (61 3) 92 46 68 00
Canada	0406 90 21	Cheddar	Canadian Dairy Commission Commission canadienne du lait	Ottawa 1525 Carling Avenue Suite 300 Tel.: (1 613) 998 44 92 Fax: (1 613) 988 44 92
Cyprus	ex 0406 90 29 0406 90 31 ex 0406 90 50 ex 0406 90 86 ex 0406 90 87 ex 0406 90 88	Kashkaval Cheese of sheep's milk or buffalo milk Halloumi	Minister of Trade, Industry and Tourism	1421 Nicosia Cyprus Tel.: (02) 86 71 00 Fax: (02) 37 51 20
Norway	ex 0406 10 20 ex 0406 10 80 0406 30 ex 0406 90 39 ex 0406 90 86 ex 0406 90 87 ex 0406 90 88	Whey cheese  Processed cheese Jarlsberg - Ridder	Norwegian Agricultural Authority	Postboks 8140 Dep, NO — 0033 Oslo Norway Tel.: (47 24) 13 10 00 Fax: (47 24) 13 10 05 e-mail: postmottak@slf.dep.no imal@slf.dep.no
New Zealand	ex 0405 10 11 ex 0405 10 19 ex 0405 10 30 ex 0406 90 01 ex 0406 90 21	Butter Butter Butter Cheese for processing Cheddar	MAF Food Assurance Authority Ministry of Agriculture and Forestry	ASB Bank House 101-103 The Terrace PO Box 2526 Wellington New Zealand Tel.: (64-4) 471 41 00 Fax: (64-4) 471 42 40

**COMMISSION REGULATION (EC) No 2536/2001  
of 21 December 2001**

**amending, for the third time, Council Regulation (EC) No 1705/98 concerning the interruption of certain economic relations with Angola in order to induce the 'União Nacional para a Independência Total de Angola' (UNITA) to fulfil its obligations in the peace process, and repealing Regulation (EC) No 2229/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1705/98 of 28 July 1998 concerning the interruption of certain economic relations with Angola in order to induce the 'União Nacional para a Independência Total de Angola' (UNITA) to fulfil its obligations in the peace process, and repealing Regulation (EC) No 2229/97 <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 2231/2001 <sup>(2)</sup>, and in particular article 9 thereof,

Whereas:

- (1) Article 9 of Regulation (EC) No 1705/98 empowers the Commission to amend the annexes to the Regulation on the basis of determinations by either the competent authorities of the United Nations or the Government of Unity and National Reconciliation of Angola or in the case of Annex VIII on the basis of information and notification supplied by the Member States.
- (2) In Annex II to Regulation (EC) No 2231/2001 replacing Annex VII to Regulation (EC) No 1705/98 corrections of the spelling of certain names have proved necessary. Therefore Annex VII should be amended accordingly. Annex VII to Regulation (EC) No 1705/98 lists the persons covered by the freeze of funds under that Regulation.
- (3) Annex VIII lists the names and addresses of the competent national authorities. The Government of Ireland has informed the Commission of changes in the Irish competent authority and therefore Annex VIII should be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 1705/98 is amended as follows:

(a) in Annex VII:

'Chisuku Enriques' is replaced by 'Chisuku Henriques',  
'Kalunda Alfonso Figueiredo Pinto' is replaced by 'Kalunda Alfonso Figueiredo Pinto',  
'Kanvualuku Julian' is replaced by 'Kanyualuku Julian',  
'Kassene Pedro' is replaced by 'Kassesse Pedro';

(b) in Annex VIII:

'Central Bank of Ireland  
Financial Markets Department  
PO Box 559  
Dame St  
Dublin 2  
tel.: (351-1) 671 66 66

and

Department of Foreign Affairs  
Bilateral Economic Relations Division  
76-78 Harcourt St  
Dublin 2  
tel.: (353-1) 408 24 92'

shall be added to the list of competent national authorities for Ireland.

*Article 2*

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

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

Done at Brussels, 21 December 2001.

*For the Commission*

Christopher PATTEN

*Member of the Commission*

<sup>(1)</sup> OJ L 215, 1.8.1998, p. 1.

<sup>(2)</sup> OJ L 301, 17.11.2001, p. 17.

**COMMISSION DECISION No 2537/2001/ECSC****of 21 December 2001****fixing the rate of the levies for the 2002 financial year and amending Decision No 3/52/ECSC on the amount of and methods for applying the levies provided for in Articles 49 and 50 of the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Articles 49 and 50 thereof,

Whereas:

- (1) In view of the variations in average values recorded during the reference period, Article 2 of Decision No 3/52/ECSC of the High Authority <sup>(1)</sup>, as last amended by Commission Decision No 2749/2000/ECSC <sup>(2)</sup> should be amended.
- (2) The requirements of the European Coal and Steel Community are estimated in the operating budget for the 2002 financial year at EUR 167 794 520. The budget, which was adopted by the Commission on 13 December 2001 in the form shown in the Annex to this Decision, indicates the amount of income to be yielded by levies in 2002, namely EUR 0 million.
- (3) The estimated yield of levies at a rate of 0,01 % is EUR 5,726 million,

HAS ADOPTED THIS DECISION:

*Article 1*

The rate of the levies on output from 1 January 2002 shall be 0 % of the figures used as the basis of assessment for such levies.

*Article 2*

Article 2 of Decision No 3/52/ECSC is replaced by the following:

*'Article 2*

The average value in euro of the products on which the levies are assessed shall, from 1 January 2002, be as follows:

(EUR/tonne)	
Product	Average value
Brown coal briquettes and semi-coke derived from brown coal	37,8
Hard coal of all categories	47,4
Pig iron other than that used for making ingots	192,15
Steel in ingots	249,25
Finished products and end products of iron and steel as described in Annex I to the Treaty	422,25'

*Article 3*

This Decision shall enter into force on 1 January 2002.

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

Done at Brussels, 21 December 2001.

*For the Commission*

Michaela SCHREYER

*Member of the Commission*<sup>(1)</sup> OJ L 1, 30.12.1952, p. 4/52.<sup>(2)</sup> OJ L 318, 16.12.2000, p. 13.

## ANNEX

## ECSC OPERATING BUDGET FOR 2002

(EUR)

Requirements		Resources	
Operations to be financed from resources for the financial year (non-repayable)	Forecast	Resources for the financial year	Forecast
1. Administrative expenditure	2 794 520	1. Current resources	
2. Aid for redeployment (Article 56) <sup>(1)</sup>	64 000 000	1.1 Yield from levy at a rate of 0,00 %	p.m.
3. Aid for research (Article 55) <sup>(2)</sup>	72 000 000	1.2 Net balance	31 000 000
3.1 Steel	52 000 000	1.3 Fines and surcharges for late payment	p.m.
3.2 Coal	20 000 000	1.4 Miscellaneous	1 000 000
4. Social measures — coal (Article 56)	29 000 000	2. Cancellation of commitments not likely to be implemented	17 000 000
		3. Drawings on provision for financing ECSC budget	118 794 520
Total budget	167 794 520	Total budget	167 794 520

<sup>(1)</sup> The indicative breakdown for aid for redeployment is EUR 31 million for coalworkers and EUR 33 million for steelworkers.

<sup>(2)</sup> Including projects with an impact on technical measures to combat harmful effects at the workplace and around steel plants (indicative amount of EUR 4 million), industrial hygiene and mine safety (indicative amount of EUR 3 million).

**COMMISSION REGULATION (EC) No 2538/2001****of 21 December 2001****on the management of textile quotas established under Council Regulation (EC) No 517/94 for the year 2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

ceiling on the quantities which can be allocated to each operator by that method.

Having regard to the Treaty establishing the European Community,

(6) To guarantee a degree of continuity in trade and efficient quota administration, operators should be allowed to make their initial import authorisation application for 2002 equivalent to the quantity which they imported in 2001.

Having regard to Council Regulation (EC) No 517/94 of 7 March 1994 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Community import rules <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 2245/2001 <sup>(2)</sup>, and in particular Article 17(3) and (6) and Article 21(2) and (3) thereof,

(7) To achieve optimum use of the quantities, an operator who has used at least 50 % of the amount already authorised should be permitted to apply for a further amount provided quantities are available in the quotas.

Whereas:

(8) For the sake of sound administration, import authorisations should be valid for nine months from the date of issue but until the end of the year at the latest. Member States should issue licences only after being notified by the Commission that quantities are available and only if an operator can prove the existence of a contract and certify (except where specifically provided otherwise) that he has not already been allocated a Community import authorisation under this Regulation for the categories and countries concerned. The competent national authorities should, however, be authorised, in response to importers' applications, to extend by three months and up to 31 March 2003 licences of which at least 50 % has been used by the application date.

(1) Regulation (EC) No 517/94 established quantitative restrictions on imports of certain textile products originating in certain third countries to be allocated on a first come, first served basis.

(2) Under that Regulation, it is possible, in certain circumstances, to use other allocation methods, to divide quotas into tranches or to set aside part of a specific quantitative limit exclusively for applications which are backed up by proof of the results of previous imports.

(3) Rules for management of the quotas established for 2002 should be adopted before the quota year begins so that the continuity of trade flows is not affected unduly.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Textiles Committee,

(4) The measures adopted in previous years, such as those in Commission Regulation (EC) No 2833/2000 of 22 December 2000 establishing rules for the management and distribution of textile quotas established for the year 2001 under Council Regulation (EC) No 517/94 <sup>(3)</sup>, proved to be satisfactory and it is therefore appropriate to adopt similar rules for 2002.

HAS ADOPTED THIS REGULATION:

(5) In order to satisfy the greatest possible number of operators it is therefore appropriate to make the 'first come, first served' allocation method more flexible by placing a

*Article 1*

The purpose of this Regulation is to lay down rules concerning the management of quantitative quotas for imports of certain textiles products set out in Annexes IIIB and IV to Regulation (EC) No 517/94 for the year 2002.

<sup>(1)</sup> OJ L 67, 10.3.1994, p. 1.

<sup>(2)</sup> OJ L 303, 20.11.2001, p. 17.

<sup>(3)</sup> OJ L 328, 23.12.2000, p. 20.



*Article 2*

The quotas referred to in Article 1 shall be allocated on a 'first come, first served' basis according to the chronological order of receipt by the Commission of Member States' notifications of applications from individual operators, for amounts not exceeding the maximum quantities per operator set out in the Annex.

These maximum quantities shall not, however, apply to operators able to prove to the competent national authorities when making their first application for 2002 that they imported, for given categories, given third countries and under import licences granted to them for 2001, more than the maximum quantities specified for each category.

In the case of such operators, the competent authorities may authorise imports of no more than the quantities imported in 2001 for given third countries and given categories, provided that enough quota is available.

*Article 3*

Any importer who has used 50 % or more of the amount allocated to him under this Regulation may make a further application, in respect of the same category and country of origin, for amounts not exceeding the maximum quantities laid down in the Annex.

*Article 4*

1. The competent national authorities may notify the Commission of the amounts of requests for import authorisations from 10.00 on 3 January 2002, Brussels time.

2. The competent national authorities shall issue authorisations only after being notified by the Commission that quantities are available in accordance with Article 17(2) of Regulation (EC) No 517/94.

They shall issue authorisation only if an operator:

- (a) proves the existence of a contract relating to the provision of the goods, and
- (b) certifies in writing that, in respect of the categories and countries concerned:
  - (i) he has not already been allocated an authorisation under this Regulation, or
  - (ii) he has been allocated an authorisation under this Regulation but has used up at least 50 % of it.

3. Import authorisation shall be valid for nine months from the date of issue, but until 31 December 2002 at the latest.

The competent national authorities may, however, at the importer's request, grant a three-month extension for authorisations which are at least 50 % used up at the time of the request.

*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, 21 December 2001.

*For the Commission*

Pascal LAMY

*Member of the Commission*

## ANNEX

## Maximum amounts referred to in Article 2

Country concerned	Category	Unit	Maximum amount
North Korea	1	Kilograms	10 000
	2	Kilograms	10 000
	3	Kilograms	10 000
	4	Pieces	10 000
	5	Pieces	10 000
	6	Pieces	10 000
	7	Pieces	10 000
	8	Pieces	10 000
	9	Kilograms	10 000
	12	Pairs	10 000
	13	Pieces	10 000
	14	Pieces	10 000
	15	Pieces	10 000
	16	Pieces	10 000
	17	Pieces	10 000
	18	Kilograms	10 000
	19	Pieces	10 000
	20	Kilograms	10 000
	21	Pieces	10 000
	24	Pieces	10 000
	26	Pieces	10 000
	27	Pieces	10 000
	28	Pieces	10 000
	29	Pieces	10 000
	31	Pieces	10 000
	36	Kilograms	10 000
	37	Kilograms	10 000
	39	Kilograms	10 000
	59	Kilograms	10 000
	61	Kilograms	10 000
	68	Kilograms	10 000
	69	Pieces	10 000
	70	Pieces	10 000
	73	Pieces	10 000
	74	Pieces	10 000
	75	Pieces	10 000
	76	Kilograms	10 000
	77	Kilograms	5 000
	78	Kilograms	5 000
	83	Kilograms	10 000
	87	Kilograms	10 000
	109	Kilograms	10 000
	117	Kilograms	10 000
	118	Kilograms	10 000
	142	Kilograms	10 000
	151A	Kilograms	10 000
	151B	Kilograms	10 000
	161	Kilograms	10 000

Country concerned	Category	Unit	Maximum amount
Federal Republic of Yugoslavia	1	Kilograms	20 000
	2	Kilograms	20 000
	2a	Kilograms	10 000
	3	Kilograms	10 000
	5	Pieces	10 000
	6	Pieces	10 000
	7	Pieces	10 000
	8	Pieces	10 000
	9	Kilograms	10 000
	15	Pieces	10 000
	16	Pieces	10 000
	67	Kilograms	10 000

**COMMISSION REGULATION (EC) No 2539/2001**  
**of 21 December 2001**  
**amending Regulation (EC) No 1555/96 on rules of application for additional import duties on fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 911/2001 <sup>(2)</sup>, and in particular Article 33(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1555/96 <sup>(3)</sup>, as last amended by Regulation (EC) No 2135/2001 <sup>(4)</sup>, provides for surveillance of imports of the products listed in the Annex thereto. That surveillance is to be carried out in accordance with the rules on the surveillance of preferential imports laid down in Article 308d of Commission Regulation (EEC) No 2454/93 <sup>(5)</sup>, as last amended by Regulation (EC) No 993/2001 <sup>(6)</sup>.
- (2) For the purposes of Article 5(4) of the Agreement on Agriculture <sup>(7)</sup> concluded during the Uruguay Round of multilateral trade negotiations and in the light of the

latest data available for 1998, 1999 and 2000, the trigger levels for additional duties on courgettes, lemons, apples and pears should be amended.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EC) No 1555/96 is replaced by the Annex hereto.

*Article 2*

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

It shall apply from 1 January 2002.

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

Done at Brussels, 21 December 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

---

<sup>(1)</sup> OJ L 297, 21.11.1996, p. 1.

<sup>(2)</sup> OJ L 129, 11.5.2001, p. 3.

<sup>(3)</sup> OJ L 193, 3.8.1996, p. 1.

<sup>(4)</sup> OJ L 287, 31.10.2001, p. 19.

<sup>(5)</sup> OJ L 253, 11.10.1993, p. 1.

<sup>(6)</sup> OJ L 141, 28.5.2001, p. 1.

<sup>(7)</sup> OJ L 336, 23.12.1994, p. 22.

## ANNEX

## ‘ANNEX

Without prejudice to the rules for the interpretation of the Combined Nomenclature, the description of the products is deemed to be indicative only. The scope of the additional duties for the purposes of this Annex is determined by the scope of the CN codes as they exist at the time of the adoption of this Regulation. Where “ex” appears before the CN code, the scope of the additional duties is determined both by the scope of the CN code and the corresponding trigger period.

Serial No	CN code	Description	Trigger period	Trigger level (tonnes)
78.0015	ex 0702 00 00	Tomatoes	— 1 October to 31 March	718 828
78.0020			— 1 April to 30 September	1 174 823
78.0065	ex 0707 00 05	Cucumbers	— 1 May to 31 October	11 881
78.0075			— 1 November to 30 April	6 621
78.0085	ex 0709 10 00	Artichokes	— 1 November to 30 June	69 158
78.0100	0709 90 70	Courgettes	— 1 January to 31 December	82 028
78.0110	ex 0805 10 10 ex 0805 10 30 ex 0805 10 50	Oranges	— 1 December to 31 May	758 268
78.0120	ex 0805 20 10	Clementines	— 1 November to end of February	85 146
78.0130	ex 0805 20 30 ex 0805 20 50 ex 0805 20 70 ex 0805 20 90	Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids	— 1 November to end of February	93 931
78.0155	ex 0805 30 10	Lemons	— 1 June to 31 December	162 700
78.0160			— 1 January to 31 May	46 783
78.0170	ex 0806 10 10	Table grapes	— 21 July to 20 November	205 769
78.0175	ex 0808 10 20 ex 0808 10 50 ex 0808 10 90	Apples	— 1 January to 31 August	881 540
78.0180			— 1 September to 31 December	35 471
78.0220	ex 0808 20 50	Pears	— 1 January to 30 April	219 058
78.0235			— 1 July to 31 December	126 370
78.0250	ex 0809 10 00	Apricots	— 1 June to 31 July	178 499
78.0265	ex 0809 20 95	Cherries, other than sour cherries	— 21 May to 10 August	153 116
78.0270	ex 0809 30	Peaches, including nectarines	— 11 June to 30 September	255 305
78.0280	ex 0809 40 05	Plums	— 11 June to 30 September	54 177'

**COMMISSION REGULATION (EC) No 2540/2001  
of 21 December 2001**

**derogating from Regulation (EC) No 1148/2001 as regards conformity checks at the stage of import  
applicable to fresh fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 911/2001 <sup>(2)</sup>, and in particular Article 10 thereof,

Whereas:

- (1) Articles 6 and 7 of Commission Regulation (EC) No 1148/2001 of 12 June 2001 on checks on conformity to the marketing standards applicable to fresh fruit and vegetables <sup>(3)</sup>, as amended by Regulation (EC) No 2379/2001 <sup>(4)</sup>, lay down provisions applicable at the point of import, in particular the possibility for the Commission to approve checking operations performed in third countries at the point of export, and general provisions on imports that have not been checked in third countries at the point of export.
- (2) Since for the moment the Commission has approved checking operations in only one third country, the scope of Article 6(4) of that Regulation should be extended temporarily to cover all lots, irrespective of weight, with

a low risk of non-conformity. Since a number of requests from other third countries are under examination at present and may be approved during the first half of 2002, that extension should be limited to 30 June 2002.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Until 30 June 2002, the competent inspection bodies at the point of import may apply Article 6(4) of Regulation (EC) No 1148/2001 to any lot for which they consider the risk of non-conformity to be low.

*Article 2*

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

It shall apply from 1 January 2002.

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

Done at Brussels, 21 December 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

---

<sup>(1)</sup> OJ L 297, 21.11.1996, p. 1.

<sup>(2)</sup> OJ L 129, 11.5.2001, p. 3.

<sup>(3)</sup> OJ L 156, 13.6.2001, p. 9.

<sup>(4)</sup> OJ L 321, 6.12.2001, p. 15.

**COMMISSION REGULATION (EC) No 2541/2001  
of 21 December 2001**

**amending Regulation (EC) No 2125/95 opening and providing for the administration of tariff quotas for preserved mushrooms, and repealing Regulation (EC) No 1921/95 laying down detailed rules for the application of the system of import licences for products processed from fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

ucts <sup>(9)</sup>, as amended by Regulation (EC) No 2299/2001 <sup>(10)</sup>.

Having regard to the Treaty establishing the European Community,

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products <sup>(1)</sup>, as last amended by Regulation (EC) No 1239/2001 <sup>(2)</sup>, and in particular Article 11(2) and Article 15(1) thereof,

HAS ADOPTED THIS REGULATION:

Whereas:

*Article 1*

Regulation (EC) No 2125/95 is hereby amended as follows:

- (1) Commission Regulation (EC) No 1921/95 <sup>(3)</sup>, as last amended by Regulation (EC) No 308/2001 <sup>(4)</sup>, laid down detailed rules for the application of the system of import licences for products processed from fruit and vegetables and set out a list of products covered by that system. The aim of the system is to allow the Commission to ensure continuous monitoring of imports of the products in question in order to facilitate the adoption of appropriate measures in the event of disturbance or threatened disturbance of the Community market. This objective may be attained in a way that is less restrictive for importers by carrying out surveillance in accordance with Article 308d of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code <sup>(5)</sup>, as last amended by Regulation (EC) No 993/2001 <sup>(6)</sup>. Regulation (EC) No 1921/95 should therefore be repealed.
- (2) Commission Regulation (EC) No 2125/95 of 6 September 1995 opening and providing for the administration of tariff quotas for preserved mushrooms <sup>(7)</sup>, as last amended by Regulation (EC) No 2858/2000 <sup>(8)</sup>, refers to a number of provisions of Regulation (EC) No 1921/95. Such reference should therefore, subject to specific provisions to be specified, be replaced by reference to Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural prod-

1. Article 3 is replaced by the following:

*'Article 3*

1. Commission Regulation (EC) No 1291/2000 <sup>(\*)</sup> shall apply to the system introduced by this Regulation, subject to the special provisions thereof.
2. Import licences shall be valid for a period of nine months from the effective date of issue within the meaning of Article 23(2) of Regulation (EC) No 1291/2000, but shall not be valid after 31 December of the year concerned.
3. The amount of the security referred to in Article 15(2) of Regulation (EC) No 1291/2000 shall be EUR 24 per tonne net.
4. The country of origin shall be entered in box 8 of both the licence application and the import licence and the word "yes" shall be marked with a cross. The import licence shall be valid only for imports originating in the country indicated.

<sup>(\*)</sup> OJ L 152, 24.6.2000, p. 1.'

2. Article 4(4) is replaced by the following:

'4. Notwithstanding Article 9 of Regulation (EC) No 1291/2000, the rights arising from import certificates shall not be transferable.'

3. Article 6(1) is replaced by the following:

'1. Member States shall notify the Commission of the quantities for which import licence applications have been submitted, as follows:

— each Wednesday in the case of applications made on Monday and Tuesday,

<sup>(1)</sup> OJ L 297, 21.11.1996, p. 29.

<sup>(2)</sup> OJ L 171, 26.6.2001, p. 1.

<sup>(3)</sup> OJ L 185, 4.8.1995, p. 10.

<sup>(4)</sup> OJ L 44, 15.2.2001, p. 33.

<sup>(5)</sup> OJ L 253, 11.10.1993, p. 1.

<sup>(6)</sup> OJ L 141, 28.5.2001, p. 1.

<sup>(7)</sup> OJ L 212, 7.9.1995, p. 16.

<sup>(8)</sup> OJ L 332, 28.12.2000, p. 59.

<sup>(9)</sup> OJ L 152, 24.6.2000, p. 1.

<sup>(10)</sup> OJ L 308, 27.11.2001, p. 19.

- each Friday in the case of applications made on Wednesday and Thursday,
- each Monday in the case of applications made on Friday of the previous week.

These notifications shall be broken down by product, according to the combined nomenclature, and giving separate figures for the quantities applied for pursuant to Article 4(1)(a) and (b) respectively.'

4. Article 9 is replaced by:

*'Article 9*

1. Article 35(6) of Regulation (EC) No 1291/2000 shall apply.
2. In the case of quantities imported within the tolerance referred to in Article 8(4) of Regulation (EC) No

1291/2000 the import duty provided for in the Common Customs Tariff (CCT) shall be levied in full.'

*Article 2*

1. Regulation (EC) No 1921/95 is hereby repealed.
2. At the request of parties concerned, import licences issued under Regulation (EC) No 1921/95 shall be cancelled in respect of quantities unused on the date of entry into force of this Regulation. In such cases the security shall be released.

*Article 3*

This Regulation shall enter into force on the third 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, 21 December 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

---



**COMMISSION REGULATION (EC) No 2542/2001****of 21 December 2001****opening tariff quotas for the year 2002 for imports into the European Community of products originating in the Czech Republic, Slovakia, Romania, Hungary and Bulgaria**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

Having regard to Council Decision 99/67/EC of 22 October 1998 relating to the conclusion of a protocol for the adaptation of the trade aspects of the Europe Agreement between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part, to take

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

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

Whereas:

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

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

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

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

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

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

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

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

- (6) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code, <sup>(1)</sup> as last amended by Regulation (EC) No 993/2001 <sup>(2)</sup>, consolidated the arrangements for managing the tariff quotas to be used in chronological order of the dates of acceptance of the declarations for release for free circulation.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed agricultural products not listed in Annex I,

HAS ADOPTED THIS REGULATION

*Article 1*

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

hereby opened from 1 January 2002 to 31 December 2002 under the conditions set out in the said Annexes.

*Article 2*

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

*Article 3*

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

It shall apply with effect from 1 January 2002.

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

Done at Brussels, 21 December 2001.

*For the Commission*

Erkki LIIKANEN

*Member of the Commission*

---

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

<sup>(2)</sup> OJ L 141, 28.5.2001, p. 1.

## ANNEX I

## CZECH REPUBLIC

Serial No	CN code	Description	Quota for 2002	Rate of duty applicable
09.5417	0403 10 51 to 0403 10 99	Yogurt, flavoured or containing added fruit, nuts or cocoa	EUR 5 436 000	0 + RAC (!)
	0403 90 71 to 0403 90 99	Other, flavoured or containing added fruit, nuts or cocoa		
	0405 20 10 0405 20 30	Dairy spreads of a fat content, by weight, of 39 % or more, but not exceeding 75 %		
	1517 10 10	Margarine, excluding liquid margarine, containing more than 10 % but not more than 15 % by weight of milk fats		
	1517 90 10	Other, containing more than 10 % but not more than 15 % by weight of milk fats		
	ex 1704	Sugar confectionery (including white chocolate), not containing cocoa, excluding liquorice extract containing more than 10 % by weight of sucrose but not containing other added substances, falling within CN code 1704 90 10		
	ex 1806	Chocolate and other food preparations containing cocoa other than those of CN code 1806 10 15		
	ex 1901	Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of CN codes 0401 to 0404, not containing cocoa powder or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included, other than in CN code 1901 90 91		
	ex 1902	Pasta, whether or not cooked or stuffed or otherwise prepared, excluding stuffed pasta falling within CN codes 1902 20 10 and 1902 20 30, couscous, whether or not prepared		
	1903 00 00	Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or similar forms		
	1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals, (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour and meal), precooked, or otherwise prepared, not elsewhere specified or included		

Serial No	CN code	Description	Quota for 2002	Rate of duty applicable
09.5417 (cont'd)	1905	Bread, pastry cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products		
	2101 12 98	Preparations with a basis of extracts, essences or concentrates of coffee or with a basis of coffee, other than those of CN code 2101 12 92		
	ex 2101 20 98	Extracts, essences and concentrates of tea or maté, and preparations with a basis of these extracts, essences and concentrates or with a basis of tea or maté not falling within CN codes 2101 20 20 and 2101 20 92 excluding products containing no milkfats, milk proteins, sucrose, isoglucose, glucose or starch or containing less than 1,5 % milkfat, 2,5 % milk proteins, 5 % sucrose or isoglucose, 5 % glucose or starch		
	2101 30 19	Roasted coffee substitutes		
	2101 30 99	Extracts, essences and concentrates of roasted coffee substitutes excluding those of roasted chicory		
	2102 10 31 2102 10 39	Baker's yeast		
	2105 00	Ice cream and other edible ice, whether or not containing cocoa		
	ex 2106	Food preparations not elsewhere specified or included other than those falling within CN codes 2106 10 20, 2106 90 20 and 2106 90 92 and other than flavoured or coloured sugar syrups		
	2202 90 91 2202 90 95 2202 90 99	Non-alcoholic beverages, not including fruit or vegetable juices of CN code 2009, containing products of CN codes 0401 to 0404 or fat obtained from products of CN codes 0401 to 0404		
	ex 3302 10	Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used for the beverages industries:		
	3302 10 29	----- Other		
09.5641	1516 20 10	Hydrogenated castor oil, so called 'opal-wax'	314 tonnes	0 %

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

## ANNEX II

## SLOVAKIA

Serial No	CN code	Description	Quota for 2002	Rate of duty applicable
09.5417	0403 10 51 to 0403 10 99	Yogurt, flavoured or containing added fruit, nuts or cocoa	EUR 2 718 000	0 + RAC (!)
	0403 90 71 to 0403 90 99	Other, flavoured or containing added fruit, nuts or cocoa		
	0405 20 10 0405 20 30	Dairy spreads of a fat content, by weight, of 39 % or more, but not exceeding 75 %		
	1517 10 10	Margarine, excluding liquid margarine, containing more than 10 % but not more than 15 % by weight of milk fats		
	1517 90 10	Other, containing more than 10 % but not more than 15 % by weight of milk fats		
	ex 1704	Sugar confectionery (including white chocolate), not containing cocoa, excluding liquorice extract containing more than 10 % by weight of sucrose but not containing other added substances, falling within CN code 1704 90 10		
	ex 1806	Chocolate and other food preparations containing cocoa other than those of CN code 1806 10 15		
	ex 1901	Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of CN codes 0401 to 0404, not containing cocoa powder or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included, other than in CN code 1901 90 91		
	ex 1902	Pasta, whether or not cooked or stuffed or otherwise prepared, excluding stuffed pasta falling within CN codes 1902 20 10 and 1902 20 30, couscous, whether or not prepared		
	1903 00 00	Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or similar forms		
	1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals, (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour and meal), pre-cooked, or otherwise prepared, not elsewhere specified or included		

Serial No	CN code	Description	Quota for 2002	Rate of duty applicable
09.5417 (cont'd)	1905	Bread, pastry cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products		
	2101 12 98	Preparations with a basis of extracts, essences or concentrates of coffee or with a basis of coffee, other than those of CN code 2101 12 92		
	ex 2101 20 98	Extracts, essences and concentrates of tea or maté, and preparations with a basis of these extracts, essences and concentrates or with a basis of tea or maté not falling within CN codes 2101 20 20 and 2101 20 92 excluding products containing no milkfat, milk proteins, sucrose, isoglucose, glucose or starch or containing less than 1,5 % milkfat, 2,5 % milk proteins, 5 % sucrose or isoglucose, 5 % glucose or starch		
	2101 30 19	Roasted coffee substitutes		
	2101 30 99	Extracts, essences and concentrates of roasted coffee substitutes excluding those of roasted chicory		
	2102 10 31 2102 10 39	Baker's yeast		
	2105 00	Ice cream and other edible ice, whether or not containing cocoa		
	ex 2106	Food preparations not elsewhere specified or included other than those falling within CN codes 2106 10 20, 2106 90 20 and 2106 90 92 and other than flavoured or coloured sugar syrups		
	2202 90 91 2202 90 95 2202 90 99	Non-alcoholic beverages, not including fruit or vegetable juices of CN code 2009, containing products of CN codes 0401 to 0404 or fat obtained from products of CN codes 0401 to 0404		
	ex 3302 10	Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used for the beverages industries:		
	3302 10 29	----- Other		

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

## ANNEX III

## ROMANIA

Serial No	CN code	Description	Quota for 2002 (tonnes)	Rate of duty applicable <sup>(1)</sup>
09.5431	ex 1704	Sugar confectionery (including white chocolate), not containing cocoa, excluding liquorice extract containing more than 10 % by weight of sucrose but not containing other added substances, falling within CN code 1704 90 10 <sup>(2)</sup>	2 100	0 + RAC
09.5433	ex 1806	Chocolate and other food preparations containing cocoa <sup>(2)</sup> other than those falling within CN codes 1806 10 15 or 1806 20 70	1 500	0 + RAC
09.5435	ex 1902	Pasta, whether or not cooked or stuffed or otherwise prepared, excluding stuffed pasta falling within CN codes 1902 20 10 and 1902 20 30, couscous, whether or not prepared	600	0 + RAC
09.5437	ex 1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals, (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour and meal), precooked, or otherwise prepared, not elsewhere specified or included, excluding products falling within CN code 1904 20 10	438	0 + RAC
09.5439	1905	Bread, pastry cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	1 875	0 + RAC
09.5441	2101 30 19 2101 30 99	Roasted coffee substitutes Extracts, essences and concentrates of roasted coffee substitutes excluding those of roasted chicory	163	0 + RAC
09.5443	2105 00	Ice cream and other edible ice, whether or not containing cocoa	114	0 + RAC
09.5445	0405 20 10 0405 20 30 ex 2106 ex 3302 10 3302 10 29	Dairy spreads of a fat content, by weight, of 39 % or more, but not exceeding 75 % Food preparations not elsewhere specified or included other than those falling within CN codes 2106 10 20, 2106 90 20 and 2106 90 92 and other than flavoured or coloured sugar syrups <sup>(2)</sup> Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used for the beverages industries: ----- Other	1 050	0 + RAC

Serial No	CN code	Description	Quota for 2002 (tonnes)	Rate of duty applicable <sup>(1)</sup>
09.5447	2202 90 91 2202 90 95 2202 90 99	Non-alcoholic beverages, not including fruit or vegetable juices of CN code 2009, containing products of CN codes 0401 to 0404 or fat obtained from products of CN codes 0401 to 0404	100	0 + RAC

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

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



## ANNEX IV

## HUNGARY

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

Serial No	CN code	Description	Quota for 2002 (tonnes)	Rate of duty applicable (%)
09.5616	0403 10 51 to 0403 10 99	Yoghurt, flavoured or containing added fruit, nuts or cocoa	110	0 + RAC
09.5257	0405 20 10 0405 20 30	Dairy spreads of a fat content, by weight, of 39 % or more, but less than 75 %	1 876	0 + RAC
	ex 2106	Food preparations not elsewhere specified or included other than those falling within CN codes 2106 10 20, 2106 90 20 and 2106 90 92 and other than flavoured or coloured sugar syrups		0 + RAC
	2106 10 20	Protein concentrates and textured protein substances containing no milk fats, sucrose, isoglucose, glucose or starch or containing by weight less than 1,5 % milk fat, 5 % sucrose or isoglucose, and 5 % glucose or starch		5,2 %
	2106 90 92	Other, containing no milk fats, sucrose, isoglucose, glucose or starch or containing by weight less than 1,5 % milk fat, 5 % sucrose or isoglucose, and 5 % glucose or starch:		
		– Containing by weight more than 2,5 % milk proteins		0 + RAC
		– Other		2,8 %
	ex 3302 10	Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used for the beverages industries:		
	3302 10 21	----- Containing no milkfats, sucrose, isoglucose, glucose or starch or containing by weight less than 1,5 % milkfat, 5 % sucrose or isoglucose, and 5 % glucose or starch		2,8 %
09.5209	0710 40 00 0711 90 30	----- Other	12 490	0 + RAC
		Sweetcorn		0 + RAC
09.5213	ex 1704	Sugar confectionery (including white chocolate), not containing cocoa, excluding liquorice extract containing more than 10 % by weight of sucrose but not containing other added substances, falling within CN code 1704 90 10	4 732	0 + RAC
09.5215	1803	Cocoa paste, whether or not defatted	1 064	0 %

Serial No	CN code	Description	Quota for 2002 (tonnes)	Rate of duty applicable (%)
09.5217	1804 00 00	Cocoa butter, fat and oil	1 975	0 %
09.5219	1805 00 00	Cocoa powder, not containing added sugar or other sweetening matter	49	0 %
09.5221	ex 1806	Chocolate and other food preparations containing cocoa other than those of CN code 1806 10 15	4 966	0 + RAC
	1806 10 15	Cocoa powder, containing added sugar or other sweetening matter, containing no sucrose or containing less than 5 % by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose		0 %
	ex 1901	Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of products falling within CN codes 0401 to 0404, not containing cocoa powder or containing less than 5 % by weight of cocos calculated on a totally defatted basis, not elsewhere specified or included:		
09.5223	1901 10 00	– Preparations for infant use, put up for retail sale	126	0 + RAC
09.5225	1901 20 00	– Mixes and doughs for the preparation of bakers' wares of heading No 1905	1 162	0 + RAC
09.5227	1901 90	– Other	2 360	0 + RAC
09.5228	ex 1902	Pasta, whether or not cooked or stuffed or otherwise prepared, excluding stuffed pasta falling within CN codes 1902 20 10 and 1902 20 30, couscous, whether or not prepared	1 040	0 + RAC
09.5229	1903 00 00	Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or similar forms	55	0 + RAC
09.5231	1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals, (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour and meal), precooked, or otherwise prepared, not elsewhere specified or included	182	0 + RAC
09.5233	1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	3 852	0 + RAC

Serial No	CN code	Description	Quota for 2002 (tonnes)	Rate of duty applicable (%)
09.5235	2001 90 30 2004 90 10 2005 80 00	Sweetcorn	14 074	0 + RAC
09.5617	2008 99 85  2008 99 91	Maize (corn) other than sweetcorn ( <i>Zea mays</i> var. <i>saccharata</i> )  Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch	200	0 + RAC
09.5237	2101 12 98  2101 20  2101 20 20  2101 20 92  2101 20 98	Preparations with a basis of extracts, essences or concentrates of coffee or with a basis of coffee, other than those of CN code 2101 12 92  – Extracts, essences and concentrates of tea or maté, and preparations with a basis of these extracts, essences or concentrates of with a basis of tea or maté:  – – Extracts, essences and concentrates  – – Preparations:  – – – With a basis of extracts, essences or concentrates of tea or maté  – – – Other	21	0 + RAC   2,2 %  0 %  0 + RAC
09.5239	2101 30 11 2101 30 19 2101 30 91 2101 30 99	Roasted chicory Roasted coffee substitutes Extracts, essences and concentrates of roasted chicory Extracts, essences and concentrates of roasted coffee substitutes, excluding roasted chicory	924	4,9 % 0 + RAC 5,5 % 0 + RAC
09.5619	2102 20 11 2102 20 19	Inactive yeast	260	0 %
09.5241	ex 2103  2103 10 00 2103 20 00 2103 30 90  2103 90 90	Sauces and preparations therefor; mixed condiments and mixed seasonings; mustard flour and meal and prepared mustard:  – Soya sauce  – Tomato ketchup and other tomato sauces:  – – Prepared mustard  – Other:  – – Other	3 968	  2,8 % 3,8 % 4,2 %  3,2 %
09.5243	2104 10 2104 20 00	Soups and broths and preparations therefore Homogenised composite food preparations	1 078	4,5 % 5,5 %

Serial No	CN code	Description	Quota for 2002 (tonnes)	Rate of duty applicable <sup>(1)</sup>
09.5245	2105 00	Ice cream and other edible ice, whether or not containing cocoa	88	0 + RAC
09.5251	2202 10 00	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured	3 006	0 %
	2202 90 10	Non-alcoholic beverages, not including fruit or vegetable juices of CN code 2009, not containing products of CN codes 0401 to 0404 or fat obtained from products of CN codes 0401 to 0404		2,8 %
	2202 90 91 2202 90 95 2202 90 99	Other non-alcoholic beverages		0 + RAC
09.5253	2203 00 <sup>(2)</sup>	Beer made from malt	2 128	1,8 %
09.5255	2205	Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances	616	0 %
09.5211	3823 12 00	Oleic acid	1 154	0 %
	3823 70 00	Industrial fatty alcohols		2,1 %

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

<sup>(2)</sup> The quota is applicable only in the period 1 June to 30 June 2002.

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

Serial No	CN code	Description	Quota for 2002 (tonnes)	Rate of duty applicable <sup>(1)</sup>
09.5351	0403 10 51 to 0403 10 99	Yogurt, flavoured or containing added fruit, nuts or cocoa	10	<i>ad val.</i> CCT+AC (94/95)
09.5352	0405 20 10 0405 20 30	Dairy spreads of a fat content, by weight, of 39 % or more, but less than 75 %	2 213	<i>ad val.</i> CCT+AC (94/95)
	ex 2106	Food preparations not elsewhere specified or included other than those falling within CN 2106 10 20, 2106 90 20 and 2106 90 92 and other than flavoured or coloured sugar syrups		
	ex 2106 90 92	Containing no milk fats, sucrose, isoglucose, glucose or starch or containing by weight less than 1,5 % milk fat, 5 % sucrose or isoglucose, and 5 % glucose or starch  – Containing by weight more than 2,5 % milk proteins		
	ex 3302 10  3302 10 29	Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of kind used for the beverages industries:  ----- Other		

Serial No	CN code	Description	Quota for 2002 (tonnes)	Rate of duty applicable <sup>(1)</sup>
09.5353	0710 40 00 0711 90 30	Sweetcorn	4 392	3 % + AC (94/95)
09.5354	ex 1806	Chocolate and the other food preparations containing cocoa other than those of CN 1806 10 15	1 350	5 % + AC (94/95)
09.5355	1901 20 00	Mixes and doughs for the preparation of bakers' wares of heading No 1905	376	0 % + AC (94/95)
09.5356	1905	Bread, pastry, cakes, biscuits and the other bakers' wares, whether or not containing cocoa, communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	312	6 % + AC (94/95)

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

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

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

## ANNEX V

## BULGARIA

Order No	CN code	Description	Quota for 2002 (tonnes)	Preference <sup>(1)</sup>
09.5481	0405 20 10 0405 20 30  ex 2106	Dairy spreads of a fat content, by weight, of 39 % or more, but not exceeding 75 %  Food preparations not elsewhere specified or included other than those falling within CN codes 2106 10 20, 2106 90 20 and 2106 90 92 and other than flavoured or coloured sugar syrups	490	0 + RAC
09.5461	ex 1704	Sugar confectionery (including white chocolate), not containing cocoa; excluding liquorice extract containing more than 10 % by weight of sucrose but not containing other added substances, falling within CN code 1704 90 10	175	0 + RAC
09.5463	ex 1806	Chocolate and other food preparation containing cocoa other than those of CN code 1806 10 15	525	0 + RAC
09.5485	ex 1901	Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa powder or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of heading Nos 0401 to 0404, not containing cocoa powder or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included, other than in CN code 1901 90 91	106	0 + RAC
09.5469	ex 1902	Pasta, whether or not cooked or otherwise prepared excluding stuffed pasta falling within CN codes 1902 20 10 and 1902 20 30; couscous, whether or not prepared	350	0 + RAC
09.5471	1904	Prepared food obtained by the swelling or roasting of cereals or cereal products (for example corn flakes); cereals (other than maize (corn)), in grain form, or in the form of flakes or other worked grains (except flour and meal), pre-cooked, or otherwise prepared, not elsewhere specified or included	263	0 + RAC
09.5473	1905	Bread, pastry, cakes biscuits and other bakers' wares, whether or not containing cocoa communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	613	0 + RAC

Order No	CN code	Description	Quota for 2002 (tonnes)	Preference <sup>(1)</sup>
09.5474	2101 12 98	Preparations with a basis of extracts, essences or concentrates of coffee or with a basis of coffee, other than those of CN code 2101 12 92	175	0 + RAC
	2101 20 98	Extracts, essences and concentrates of tea or maté, and preparations with a basis of these extracts, essences and concentrates or with a basis of tea or maté not falling within CN codes 2101 20 20 and 2101 20 92		
09.5476	2101 30 19	Roasted coffee substitutes	23	0 + RAC
	2101 30 99	Extracts, essences and concentrates of roasted coffee substitutes excluding those of roasted chicory		
09.5477	2102 10 31 2102 10 39	Baker's yeast	88	0 + RAC
09.5479	2105 00	Ice cream and other edible ice, whether or not containing cocoa	88	0 + RAC
09.5483	2202 90 91 2202 90 95 2202 90 99	Non-alcoholic beverages not including fruit or vegetable juices of CN code 2009 containing products of CN codes 0401 to 0404 or fat obtained from products of CN codes 0401 to 0404	18	0 + RAC

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

**COMMISSION REGULATION (EC) No 2543/2001**  
**of 21 December 2001**  
**prohibiting fishing for hake by vessels flying the flag of the Netherlands**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 1965/2001 <sup>(2)</sup>, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2848/2000 of 15 December 2000 fixing for 2001 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required <sup>(3)</sup>, as last amended by Regulation (EC) No 2425/2001 <sup>(4)</sup>, lays down quotas for hake for 2001.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of hake in the waters of ICES divisions II a (EC waters) and North Sea (EC water) by vessels flying

the flag of the Netherlands or registered in the Netherlands have exhausted the quota allocated for 2001. The Netherlands have prohibited fishing for this stock from 16 November 2001. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

*Article 1*

Catches of hake in the waters of II a (EC waters) and North Sea (EC waters) by vessels flying the flag of the Netherlands or registered in the Netherlands are hereby deemed to have exhausted the quota allocated to the Netherlands for 2001.

Fishing for hake in the waters of ICES divisions II a (EC waters) and North Sea (EC waters) by vessels flying the flag of the Netherlands or registered in the Netherlands is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

*Article 2*

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

It shall apply from 16 November 2001.

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

Done at Brussels, 21 December 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 261, 20.10.1993, p. 1.

<sup>(2)</sup> OJ L 268, 9.10.2001, p. 23.

<sup>(3)</sup> OJ L 334, 30.12.2000, p. 1.

<sup>(4)</sup> OJ L 328, 13.12.2001, p. 7.



**COMMISSION REGULATION (EC) No 2544/2001****of 21 December 2001****fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(3)</sup>, as last amended by Regulation (EC) No 1987/2001 <sup>(4)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid <sup>(5)</sup> lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section.
- (2) In order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid

actions, the level of the refunds granted for these actions should be determined.

- (3) The general and implementing rules provided for in Article 13 of Regulation (EEC) No 1766/92 and in Article 13 of Regulation (EC) No 3072/95 on export refunds are applicable *mutatis mutandis* to the abovementioned operations.
- (4) The specific criteria to be used for calculating the export refund on rice are set out in Article 13 of Regulation (EC) No 3072/95.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

For Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

*Article 2*

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, 21 December 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(4)</sup> OJ L 271, 12.10.2001, p. 5.

<sup>(5)</sup> OJ L 288, 25.10.1974, p. 1.

## ANNEX

**to the Commission Regulation of 21 December 2001 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

*(EUR/t)*

Product code	Refund
1001 10 00 9400	0,00
1001 90 99 9000	0,00
1002 00 00 9000	26,00
1003 00 90 9000	0,00
1005 90 00 9000	24,00
1006 30 92 9100	202,00
1006 30 92 9900	202,00
1006 30 94 9100	202,00
1006 30 94 9900	202,00
1006 30 96 9100	202,00
1006 30 96 9900	202,00
1006 30 98 9100	202,00
1006 30 98 9900	202,00
1006 30 65 9900	202,00
1007 00 90 9000	24,00
1101 00 15 9100	0,00
1101 00 15 9130	0,00
1102 10 00 9500	35,00
1102 20 10 9200	26,11
1102 20 10 9400	22,38
1103 11 10 9200	0,00
1103 13 10 9100	33,57
1104 12 90 9100	0,00

NB: The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), amended.

**COMMISSION REGULATION (EC) No 2545/2001****of 21 December 2001****fixing the maximum export refund on wholly milled round grain rice in connection with the invitation to tender issued in Regulation (EC) No 2007/2001**

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1987/2001 <sup>(2)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2007/2001 <sup>(3)</sup>.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 <sup>(4)</sup>, as last amended by Regulation (EC) No 299/95 <sup>(5)</sup>, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2007/2001 is hereby fixed on the basis of the tenders submitted from 14 to 20 December 2001 at 199,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 22 December 2001.

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

Done at Brussels, 21 December 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 271, 12.10.2001, p. 5.

<sup>(3)</sup> OJ L 272, 13.10.2001, p. 13.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 35, 15.2.1995, p. 8.

**COMMISSION REGULATION (EC) No 2546/2001  
of 21 December 2001**

**fixing the maximum export refund on wholly milled medium grain and long grain A rice to be  
exported to certain European third countries, in connection with the invitation to tender issued in  
Regulation (EC) No 2008/2001**

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 organization of the market in rice <sup>(1)</sup>, as last amended by Regulation (EC) No 1987/2001 <sup>(2)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2008/2001 <sup>(3)</sup>.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 <sup>(4)</sup>, as last amended by Regulation (EC) No 299/95 <sup>(5)</sup>, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain European third countries pursuant to the invitation to tender issued in Regulation (EC) No 2008/2001 is hereby fixed on the basis of the tenders submitted from 14 to 20 December 2001 at 216,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 22 December 2001.

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

Done at Brussels, 21 December 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

---

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 271, 12.10.2001, p. 5.

<sup>(3)</sup> OJ L 272, 13.10.2001, p. 15.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 35, 15.2.1995, p. 8.

**COMMISSION REGULATION (EC) No 2547/2001  
of 21 December 2001**

**fixing the maximum export refund on wholly milled round grain, medium grain and long grain A rice to be exported to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 2009/2001**

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1987/2001 <sup>(2)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2009/2001 <sup>(3)</sup>.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 <sup>(4)</sup>, as last amended by Regulation (EC) No 299/95 <sup>(5)</sup>, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum export refund on wholly milled grain, medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2009/2001 is hereby fixed on the basis of the tenders submitted from 14 to 20 December 2001 at 202,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 22 December 2001.

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

Done at Brussels, 21 December 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

---

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 271, 12.10.2001, p. 5.

<sup>(3)</sup> OJ L 272, 13.10.2001, p. 17.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 35, 15.2.1995, p. 8.

**COMMISSION REGULATION (EC) No 2548/2001****of 21 December 2001****concerning tenders submitted in response to the invitation to tender for the export to certain third countries of wholly milled long grain rice issued in Regulation (EC) No 2010/2001**

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1987/2001 <sup>(2)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued under Commission Regulation (EC) No 2010/2001 <sup>(3)</sup>.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 <sup>(4)</sup>, as last amended by Regulation (EC) No 299/95 <sup>(5)</sup>, allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award.

- (3) On the basis of the criteria laid down in Article 13 of Regulation (EC) No 3072/95 a maximum refund should not be fixed.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

No action shall be taken on the tenders submitted from 14 to 20 December 2001 in response to the invitation to tender for the export refund on wholly milled long grain rice to certain third countries issued in Regulation (EC) No 2010/2001.

*Article 2*

This Regulation shall enter into force on 22 December 2001.

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

Done at Brussels, 21 December 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 271, 12.10.2001, p. 5.

<sup>(3)</sup> OJ L 272, 13.10.2001, p. 19.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 35, 15.2.1995, p. 8.

**COMMISSION REGULATION (EC) No 2549/2001  
of 21 December 2001  
determining the world market price for ungin­  
ned cotton**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Protocol 4 on cotton, annexed to the Act of Accession of Greece, as last amended by Council Regulation (EC) No 1050/2001 <sup>(1)</sup>,

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton <sup>(2)</sup>, and in particular Article 4 thereof,

Whereas:

- (1) In accordance with Article 4 of Regulation (EC) No 1051/2001, a world market price for ungin­  
ned cotton is to be determined periodically from the price for ginned  
cotton recorded on the world market and by reference  
to the historical relationship between the price recorded  
for ginned cotton and that calculated for ungin­  
ned cotton. That historical relationship has been established  
in Article 2(2) of Commission Regulation (EC) No 1591/  
2001 of 2 August 2001 <sup>(3)</sup>. Where the world market  
price cannot be determined in this way, it is to be based  
on the most recent price determined.
- (2) In accordance with Article 5 of Regulation (EC) No  
1051/2001, the world market price for ungin­  
ned cotton is to be determined in respect of a product of specific  
characteristics and by reference to the most favourable  
offers and quotations on the world market among those

considered representative of the real market trend. To  
that end, an average is to be calculated of offers and  
quotations recorded on one or more European  
exchanges for a product delivered cif to a port in the  
Community and coming from the various supplier coun­  
tries considered the most representative in terms of  
international trade. However, there is provision for  
adjusting the criteria for determining the world market  
price for ginned cotton to reflect differences justified by  
the quality of the product delivered and the offers and  
quotations concerned. Those adjustments are specified in  
Article 3(2) of Regulation (EC) No 1591/2001.

- (3) The application of the above criteria gives the world  
market price for ungin­  
ned cotton determined herein­  
after,

HAS ADOPTED THIS REGULATION:

*Article 1*

The world price for ungin­  
ned cotton as referred to in Article 4  
of Regulation (EC) No 1051/2001 is hereby determined as  
equalling EUR 21,764/100 kg.

*Article 2*

This Regulation shall enter into force on 22 December 2001.

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

Done at Brussels, 21 December 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 148, 1.6.2001, p. 1.

<sup>(2)</sup> OJ L 148, 1.6.2001, p. 3.

<sup>(3)</sup> OJ L 210, 3.8.2001, p. 10.

**COMMISSION REGULATION (EC) No 2550/2001  
of 21 December 2001**

**laying down detailed rules for the application of Council Regulation (EC) No 2529/2001 on the common organisation of the market in sheepmeat and goatmeat as regards premium schemes and amending Regulation (EC) No 2419/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2529/2001 of December 2001 on the common organisation of the market in sheepmeat and goatmeat <sup>(1)</sup>, and in particular Articles 4(6), 5(4), 8(5), 9(5), 10(4) and 11(3) thereof,

Having regard to Council Regulation (EEC) No 3508/92 of 27 November 1992 establishing an integrated administration and control system for certain Community aid schemes <sup>(2)</sup> as last amended by Commission Regulation (EC) No 495/2001 <sup>(3)</sup>, and in particular Article 12 thereof,

Whereas:

- (1) Regulation (EC) No 2529/2001 sets up a new system of premia to replace the system set out in Council Regulation (EC) No 2467/98, of 3 November 1998 on the common organisation of the market in sheepmeat and goatmeat <sup>(4)</sup>, as amended by Regulation (EC) No 1669/2000 <sup>(5)</sup>. In order to take account of the new arrangements and in the interests of clarity, it is necessary to establish new rules to replace those set out in Commission Regulations (EEC) No 2814/90 of 28 September 1990 laying down detailed rules for the definition of lambs fattened as heavy carcasses <sup>(6)</sup>, as last amended by Regulation (EC) No 2234/98 <sup>(7)</sup>, (EEC) No 2385/91 of 6 August 1991 laying down detailed rules for certain special cases regarding the definition of sheepmeat and goatmeat producers and producer groups, as last amended by Regulation (EC) No 2254/1999 <sup>(8)</sup>, (EEC) No 2230/92 <sup>(9)</sup> of 31 July 1992 laying down certain detailed rules for the application in the Canary Islands of the ewe and she-goat premium scheme <sup>(10)</sup>, (EEC) No 3567/92 of 10 December 1992 laying down detailed

rules for the application of the individual limits, national reserves and transfer of rights provided for in Article 5a to 5c of Council Regulation (EEC) No 3013/89 on the common organisation of the market in sheepmeat and goatmeat <sup>(11)</sup>, as last amended by Regulation (EC) No 1311/2000 <sup>(12)</sup>, (EEC) No 2700/93 of 30 September 1993 on detailed rules for the application of the premium in favour of sheepmeat and goatmeat producers <sup>(13)</sup>, as last amended by Regulation (EC) No 1410/1999 <sup>(14)</sup> and (EC) No 2738/1999 of 21 December 1999 determining the mountain areas in which the premium for goatmeat producers is granted <sup>(15)</sup> and to repeal these regulations.

- (2) The ewe premium scheme referred to in Article 4 of Regulation (EC) No 2529/2001 falls within the scope of Regulation (EEC) No 3508/92. As a result, this Regulation should be restricted to the regulation of outstanding matters which have not been covered by Commission Regulation (EC) No 2419/2001 of 11 December 2001 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes established by Council Regulation (EEC) No 3508/92 <sup>(16)</sup> (hereinafter referred to as the 'integrated system'), in particular those concerning the periods and conditions related to the applications for the premium and for the supplement to the premium as well as the duration of the retention period.
- (3) Article 4(2) of Regulation (EC) No 2529/2001 provides for the granting of a premium to goatmeat producers in certain areas of the Community. The areas in question should therefore be determined in accordance with the criteria laid down in this provision.
- (4) In accordance with Article 5(1) of Regulation (EC) No 2529/2001 producers whose holdings have at least 50 % of their area used for agriculture situated in some disadvantaged or remote areas may qualify for a supplementary premium. Article 4(2) makes reference to the specific geographical zones where goatmeat producers meet the necessary conditions to qualify for the goat premium. Provisions should be made for a declaration to be provided by producers meeting these criteria to enable Member States to determine whether the appropriate conditions for granting the aid are met in order to avoid any unjustified payments to holdings that are not

<sup>(1)</sup> See page 3 of this Official Journal.

<sup>(2)</sup> OJ L 355, 5.12.1992, p. 1.

<sup>(3)</sup> OJ L 72, 14.3.2001, p. 6.

<sup>(4)</sup> OJ L 312, 20.11.1998, p. 1.

<sup>(5)</sup> OJ L 193, 29.7.2000, p. 8.

<sup>(6)</sup> OJ L 268, 29.9.1990, p. 35.

<sup>(7)</sup> OJ L 281, 17.10.1998, p. 6.

<sup>(8)</sup> OJ L 219, 7.8.1991, p. 15.

<sup>(9)</sup> OJ L 275, 26.10.1999, p. 9.

<sup>(10)</sup> OJ L 218, 1.8.1992, p. 97.

<sup>(11)</sup> OJ L 362, 11.12.1992, p. 41.

<sup>(12)</sup> OJ L 148, 22.6.2000, p. 31.

<sup>(13)</sup> OJ L 245, 1.10.1993, p. 99.

<sup>(14)</sup> OJ L 164, 30.6.1999, p. 53.

<sup>(15)</sup> OJ L 328, 22.12.1999, p. 59.

<sup>(16)</sup> OJ L 327, 12.12.2001, p. 11.



eligible. When producers are not required under the integrated system to submit an 'area' aid application, provision should be made for a specific declaration as documentary proof that at least half of the land they are using for agricultural production is located in less favoured areas or in areas which qualify for the goat premium.

- (5) Council Regulation (EC) No 1454/2001 of 28 June 2001 introducing specific measures for certain agricultural products for the Canary Islands and repealing Regulation (EEC) No 1601/92 (Poseican) <sup>(1)</sup> provides for the application of specific measures relating to sheep and goat farming in the Canary Islands. Those measures entail the grant of a supplement to the premium of an amount, which has to be specified.
- (6) The criteria for eligibility for direct payments and, in particular the conditions required need to be clarified.
- (7) For the purpose of monitoring the system of granting of premiums and the sheepmeat and goatmeat market Member States should notify the Commission regularly on that matter.
- (8) With a view to implementing the system of individual limits as introduced by Articles 8 to 10 of Regulation (EC) No 2529/2001, the rules governing the determination of those limits and their communication to the producers should be specified.
- (9) Appropriate measures should also be taken to ensure that rights granted free of charge from the national reserve are used by the beneficiaries solely for the intended purposes.
- (10) Bearing in mind the regulating effect which the system of individual limits will have on the market, provision should be made for premium rights not used by their holder during a specific period to revert to the national reserve. However, this rule should not apply in some exceptional and duly justified circumstances, such as the case of small producers or of producers participating in extensification programmes and early retirement schemes contemplated in Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations <sup>(2)</sup>.
- (11) It is opportune to encourage the mobilisation of premium rights and equally to foresee measures that will lead to rights being restored to producers who will benefit from them. To this end, a minimum percentage of use of rights to the premium should be fixed. This percentage needs to be sufficient to avoid under-utilisation of the rights available in certain Member States, which might give rise to problems for priority producers applying for rights through the national reserve. Member

States should therefore be authorised to raise the minimum percentage of use of rights, which should not, however, exceed 90 %.

- (12) The uniform implementation of the provisions relating to the transfer and temporary leasing of rights entails the laying-down of certain administrative rules. In order to avoid excessive administrative work, Member States should be permitted to fix a minimum number of rights which may be transferred or leased. Such rules should also prevent infringement of the undertaking provided for in Article 9 of Regulation (EC) No 2529/2001 to surrender, each time that rights are transferred without transfer of the holding, a certain percentage of such transferred rights to the national reserve. Moreover, provision should be made for this temporary leasing to be limited in time so as to avoid abuse of the transfer rules.
- (13) Provision should be made to allow flexibility in meeting the administrative deadlines for the transfer of rights when a producer can prove that he has legally inherited rights from a deceased producer. Producers should be notified in case of change of individual ceiling.
- (14) The special case where a producer uses only publicly or collectively owned land for grazing and transfers all his rights to another farmer, thus ceasing production, should be deemed equivalent to the transfer of a holding.
- (15) Where in some Member States the transfers of rights without transfer of the holding are conducted solely via the national reserve, there is a need to establish some rules to preserve the consistency with the system of direct transfers between producers. Objective criteria should be established for the determination of the sum to be paid by the national reserve to the producer who has transferred his rights and the sum to be paid by the producer who receives equivalent rights from the national reserve.
- (16) It is necessary to establish rules for the calculations and adjustments to individual limits on premium rights to ensure that only whole numbers are used.
- (17) The Commission is to monitor the new arrangements and as a result it needs to be properly provided by the Member States with the essential information regarding the implementation of the premium rules.
- (18) Detailed information on the national rules on, and implementing of, the additional payments must be forwarded to the Commission.
- (19) In order to implement the premium rules efficiently and to avoid any market distortion, Member States should adopt the necessary measures for the correct application of this Regulation.

<sup>(1)</sup> OJ L 198, 21.7.2001, p. 45.

<sup>(2)</sup> OJ L 160, 26.6.1999, p. 80.

- (20) Some transitional arrangements are needed for Member States to have enough time to prepare for applying this Regulation. In the light of the higher amount of aid under the new regime and of the greater transparency resulting from a fixed flat-rate premium provision should be made in order to protect the interests of producers for applications already made under the previous regime to be considered as applications under the new.
- (21) To protect the Community's financial interest effectively adequate measures should be adopted sanctioning irregularities and fraud. It is necessary to introduce appropriate provisions for the sheep and goat premium schemes in Regulation (EC) No 2529/2001.
- (22) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sheep and Goats and the Committee for the European Agricultural Guidance and Guarantee Fund,

HAS ADOPTED THIS REGULATION:

#### Article 1

This Regulation lays down in particular the detailed rules for the application of the direct payments laid down in Articles 4, 5, 6, 8, 9 and 10 of Regulation (EC) No 2529/2001.

#### CHAPTER I

#### DIRECT PAYMENTS

#### Article 2

#### Applications

1. In addition to the requirements under the integrated system, pursuant to Regulations (EEC) No 3508/92 and (EC) No 2529/2001, producers must indicate in the premium applications whether they are marketing sheep's milk, or milk products based on sheep's milk, during the year in respect of which the premium is requested.

2. Applications for a premium in favour of sheepmeat and goatmeat producers shall be submitted to the authority designated by the Member State, during a fixed period within a period commencing on 1 November preceding the commencement of the year and ending on 30 April following the commencement of the year in respect of which the applications are submitted.

However, the United Kingdom may set a different period in respect of Northern Ireland from that set for Great Britain.

3. The retention period during which the producer undertakes to keep on his holding the number of ewes and/or goats in respect of which the premium is requested shall be 100 days

starting on the first day following the last day of the period for the submission of applications referred to in paragraph 2.

#### Article 3

#### Areas eligible for the premium for goatmeat producers

The criteria referred to in Article 4(2) of Regulation (EC) No 2529/2001 are met in the areas listed in Annex I.

#### Article 4

#### Application for supplementary premium and for the goat premium

1. In order to benefit from the supplementary premium or the goat premium, a producer whose holding has at least 50 % but less than 100 % of its area used for agriculture situated in areas referred to in Article 5(1) of Regulation (EC) No 2529/2001 or in areas eligible for the goat premium, shall submit a declaration or declarations indicating the location of his land, in accordance with the following rules:

- (a) a producer who is required to submit each year a declaration of the total utilised agricultural area of his holding, by means of an 'area' aid application form, as provided for in Article 6 of Regulation (EC) No 2529/2001 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes, shall indicate in that declaration those parcels used for agriculture which are located in areas referred to in Article 5(1) of Regulation (EC) No 2529/2001 or in areas listed in Annex I as appropriate;
- (b) a producer who is not required to submit the declaration referred to under (a), shall submit each year a specific declaration using, where appropriate, the system for identifying agricultural parcels provided for under the integrated system.

That declaration shall indicate the location of all the land he owns, rents or uses under whatever arrangements, indicating its area and detailing those parcels used for agriculture which are located in areas referred to in Article 5(1) of Regulation (EC) No 2529/2001 or in areas listed in Annex I as appropriate. Member States may provide for the specific declaration to be included in the application for the ewe and/or goat premium. Member States may also demand that the specific declaration be made by means of an 'area' aid application form.

2. The competent national authority may demand the presentation of a property deed, a rental contract or a written agreement between producers and, where appropriate, an attestation from the local or regional authority which has made land used for agriculture available to the producer concerned. The attestation shall indicate the area of land granted to the producer and the parcels located in areas referred to in Article 5(1) of Regulation (EC) No 2529/2001 or areas listed in Annex I as appropriate.

*Article 5***Producers practising transhumance**

1. Premium applications submitted by producers the registered addresses of whose farms are in one of the geographical areas referred to in Article 5(2) of Regulation (EC) No 2529/2001 and who wish to qualify for the supplementary premium must indicate:

- the place or places where transhumance is to be carried out for the current year,
- the period of at least 90 days referred to in the said paragraph and laid down for the current year.

2. Premium applications from producers as referred to in paragraph 1 must be accompanied by documents certifying that transhumance has actually been carried out, except in cases of force majeure or due to the impact of duly justified natural circumstances affecting the life of the flock, during two previous years and in particular by an attestation from the local or regional authority at the place of transhumance certifying that it has actually taken place during at least 90 consecutive days.

When carrying out administrative checks on applications Member States shall ensure that the place of transhumance specified in the premium application is actually within an area referred to in Article 5(1) of Regulation (EC) No 2529/2001.

*Article 6***Canary Islands supplement**

Pursuant to Article 6 of Regulation (EC) No 1454/2001, the supplement to the premium to be granted to producers marketing sheep's and goatmeat located in the Canary Islands, shall be EUR 4,2 per ewe and/or she-goat.

*Article 7***Eligibility**

1. Premiums shall be paid to producers on the basis of the number of ewes and/or she-goats kept on his holding throughout the retention period referred to in Article 2(3).

2. Animals satisfying the conditions provided for in the definitions referred to in Article 3 of Regulation (EC) No 2529/2001 on the final day of the retention period shall be considered eligible animals.

*Article 8***Inventory of sheep producers marketing sheep's milk or sheep's milk products**

For each year Member States shall draw up, no later than the 30th day of the retention period, an inventory of sheep producers marketing sheep's milk or sheep's milk products. The inventory shall be drawn up on the basis of the producers' declarations referred to in Article 2(1). In addition, Member States shall, when drawing up the inventory, take account of the results of controls and any other source of information

available to the competent authority, in particular information obtained from processors or distributors relating to the marketing of sheep's milk or sheep's milk products by producers.

*Article 9***Notification**

1. Member States shall notify the Commission by 31 July of each year at the latest of the information relating to premium applications submitted for the current year. For that purpose they shall use the model form included in Annex II hereto. They shall also notify by 31 July of the premiums paid the previous year with the form provided in Annex III and by 31 October of any changes in the list of geographical areas practising transhumance and referred to in Article 5(2) of Regulation (EC) No 2529/2001 and Article 5 of the present Regulation. The information shall be made available to the national bodies responsible for drawing up official statistics in the sheepmeat and goatmeat sector, at their request.

2. Where the information required by the compulsory notifications changes, in particular as a result of the checks or corrections or improvements of previous figures, an update shall be communicated to the Commission within one month after the occurrence of the change.

## CHAPTER II

**LIMITS, RESERVES AND TRANSFERS***Article 10***Rights obtained free of charge**

Where a producer has obtained premium rights free of charge from the national reserve and except in duly justified exceptional circumstances he shall not be authorised to transfer his rights or to lease them temporarily during the three following years.

*Article 11***Use of rights**

1. A producer holding rights may make use of them by availing himself of those rights and/or leasing those rights to another producer.

2. Where a producer has not made use of the minimum percentage of his rights set out in accordance with paragraph 4, during each year, the part not used shall be transferred to the national reserve, except:

- (a) in the case of producers holding a maximum of 20 premium rights, where this producer has not made use of the minimum percentage of his rights, during each of two consecutive calendar years, the part not used during the last calendar year shall be transferred to the national reserve;
- (b) in the case of a producer participating in an extensification programme recognised by the Commission;

(c) in the case of a producer participating in an early retirement scheme recognised by the Commission in which the transfer and/or temporary leasing of rights is not obligatory, or

(d) in exceptional and duly justified circumstances.

3. Temporary leasing shall be only in respect of whole years and shall involve at least the minimum number of animals provided for in Article 12(1). At the end of each period of temporary leasing, which may not exceed three consecutive years, a producer shall, except in the event of a transfer of rights, recover all his rights for himself, for at least two consecutive years. If the producer does not avail himself of at least the minimum percentage of his rights, fixed in accordance with paragraph 4, during each of the two years, the Member State shall, except in exceptional and duly justified cases, withdraw and return annually to the national reserve that part of the rights not used by the producer.

However, in the case of producers participating in early retirement schemes recognised by the Commission, Member States may provide for the total duration of the temporary leasing on the basis of such schemes to be increased.

Producers who have undertaken to participate in an extensification programme in accordance with the measure referred to in Article 2(1)(c) of Council Regulation (EEC) No 2078/92<sup>(1)</sup> or in an extensification programme in accordance with Articles 22 and 23 of Regulation (EC) No 1257/1999 shall not be authorised to temporarily lease and/or to transfer their rights throughout the period of that participation. However, this provision shall not apply in cases where the programme permits the transfer and/or temporary leasing of rights to producers whose participation in the measures other than those referred to in this subparagraph requires the acquisition of rights.

4. The minimum percentage of use of rights to the premium shall be 70 %.

However, Member States may increase this percentage up to 90 %. They shall inform the Commission in advance of the percentage they intend to apply.

#### Article 12

##### Transfer of rights and temporary leasing

1. Member States may lay down, on the basis of their production structures, a minimum number of premium rights which may be the subject of a partial transfer not involving the transfer of a holding. This minimum may not exceed 10 premium rights.

2. Transfers of premium rights and temporary leasing of such rights shall be effective only after they have been notified to the competent authorities of the Member State by the

producer transferring and/or leasing the rights and by the producer receiving the rights.

Such notifications shall be made within a deadline set by the Member State and not later than the date on which the premium application period ends in that Member State, except in those cases where the transfer takes place through an inheritance. In that case, the producer who receives the rights shall be in a position to furnish appropriate legal documents to prove that he or she is the beneficiary of the deceased producer.

3. In the case of a transfer without a transfer of the holding, the number of rights transferred without compensation to the national reserve may in no case be less than one.

#### Article 13

##### Change of individual ceiling

In the case of transfers or temporary leasing of premium rights, Member States shall set the new individual ceiling and shall notify the producers concerned of the number of premium rights to which they are entitled not later than 60 days from the last day of the period during which the producer submitted his application.

The first subparagraph shall not apply in the case where the transfer takes effect through an inheritance under the conditions referred to in Article 12(2).

#### Article 14

##### Producers who do not own the land they farm

Producers farming only publicly or collectively owned land who decide to stop using that land for grazing and to transfer all their rights to another producer shall be treated in the same way as producers selling or transferring their holdings. In all other cases such producers shall be treated in the same way as producers transferring their premium rights only.

#### Article 15

##### Transfer through the national reserve

Where Member States provide that the transfer of rights is to take place via the national reserve, they shall apply national provisions analogous to those in this chapter. Moreover, in such cases:

- Member States may provide for temporary leasing to be carried out via the national reserve,
- in the event of the transfer of premium rights or temporary leasing pursuant to the first indent, transfer to the reserve shall not become effective until after notification by the competent authorities of the Member State to the producer transferring and/or leasing the rights, and transfers from the reserve to another producer shall not become effective until after notification to that producer by the authorities.

<sup>(1)</sup> OJ L 215, 30.7.1992, p. 85.

In addition, such provisions must ensure that the part of the rights not covered by the second subparagraph of Article 9(2) of Regulation (EC) No 2529/2001 must be offset by a payment by the Member State corresponding to the payment which would have resulted from a direct transfer between producers, account being taken in particular of the trend in production in the Member State concerned. This payment shall be equal to the payment charged to a producer who receives equivalent rights from the national reserve.

#### Article 16

##### Calculation of individual limits

Only whole number shall be used in the initial calculations and in subsequent adjustments to individual limits on premium rights.

To that end, where the final result of the arithmetical calculations is not a whole number, the nearest whole number shall be used. However, where the result of the calculations falls exactly between whole numbers, the higher whole number shall be used.

#### Article 17

##### Notification

1. Member States shall notify the Commission by 1 March 2002 at the latest of the procedures used to implement the reduction of individual ceilings in accordance with Article 8(3) of Regulation (EC) No 2529/2001, as well as the total number of rights granted to producers and the number of rights allocated to the reserve.

2. Member States shall notify the Commission by 1 March 2002 at the latest of the method of calculating the reduction in accordance Article 9(2) of Regulation (EC) No 2529/2001 and where applicable of the measures taken under Article 9(3) and, before 1 January each year, of any amendments.

3. Using the table set out in Annexes IV and V, Member States shall notify the Commission at the latest by 30 April for each year of:

- (a) the number of premium rights returned without compensatory payment to the national reserve following transfers of rights without transfers of holdings during the preceding year;
- (b) the number of unused premium rights as referred to in Article 10(2) of Regulation (EC) No 2529/2001 transferred to the national reserve during the preceding year;
- (c) the number of rights granted under Article 10(3) of Regulation (EC) No 2529/2001 during the preceding year;
- (d) the number of premium rights granted to producers in less-favoured areas from the national reserve during the preceding year;
- (e) the dates concerning the periods and deadlines related to the transfers of rights and to the applications for the premium.

### CHAPTER III

#### ADDITIONAL PAYMENTS

##### Article 18

By 30 April 2002 Member States shall provide information to the Commission on their national arrangements concerning the granting of the additional payments foreseen under Article 11 of Regulation (EC) No 2529/2001. Where applicable this information shall include in particular:

1. Headage payments:
  - (a) indicative amounts per head and grant arrangements;
  - (b) an indicative forecast of total expenditure and the number of animals concerned;
  - (c) specific stocking density requirements;
  - (d) other information on the rules of application.
2. Area payments (where necessary):
  - (a) calculation of regional base areas;
  - (b) indicative amounts per hectare;
  - (c) an indicative forecast of total expenditure and of the number of hectares concerned;
  - (d) other information on the rules of application.
3. Details of other schemes that have been established to make additional payments.
4. Member States shall notify the Commission of any changes in the arrangements within a period of one month after any such changes.

### CHAPTER IV

#### TRANSITIONAL AND FINAL PROVISIONS

##### Article 19

##### National implementing measures

Member States shall adopt all suitable measures necessary to ensure that this Regulation is applied properly. They shall inform the Commission thereof.

##### Article 20

##### Transitional measures

Applications for the premium in respect of 2002 made before the date of application of this regulation within the framework of the premium regime provided for in Article 5 of Regulation (EC) No 2467/98 shall be considered as applications under the regime established in Regulation (EC) No 2529/2001.

Regulation (EC) No 2419/2001 in its version prior to the entry into force of this regulation shall apply to all such applications.

## Article 21

**Repeal**

Regulations (EEC) No 2814/90, (EEC) No 2385/91, (EEC) No 2230/92, (EEC) No 3567/92, (EEC) No 2700/93, and (EC) No 2738/1999 are repealed with effect from 1 January 2002. They shall remain applicable to applications submitted in respect of the 2001 and previous marketing years. References to the repeated Regulations shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex VI.

## Article 22

**Amendment to the integrated system**

The text of Article 40 of Regulation (EC) No 2419/2001 is replaced by the following:

*'Article 40*

1. Where, in respect of applications for aid under the ovine/caprine aid scheme, a difference is found in accordance with Article 36(3), Article 38(2), (3) and (4) shall apply *mutatis mutandis* as from the first animal in respect of which irregularities are found.
2. If it is established that a sheep producer marketing sheep's milk and sheep's milk products failed to declare on his premium application that he was doing so, the amount of the aid to which he is entitled shall be reduced to the premium payable to sheep producers marketing sheep's milk and sheep's milk products less the difference between this and the full amount of the ewe premium.
3. Where, in respect of applications for the supplementary premium, it is determined that less than 50 % of the area of the holding used for agriculture is located in areas referred to in Article 5(1) of Council Regulation (EC) No 2529/2001 (\*), the supplementary premium shall not be

paid and the ewe and goat premium shall be reduced by an amount equivalent to 50 % of the supplementary premium.

4. Where it is determined that the percentage of the area of the holding used for agriculture located in areas listed in Annex I of Commission Regulation (EC) No 2550/2001 (\*\*) is below 50 %, the goat premium shall not be paid.

5. Where, it is established that the producer practising transhumance who submits an application for the supplementary premium has not grazed 90 % of his animals for at least 90 days in an area referred to in Article 5(2)(b) of Regulation (EC) No 2529/2001 the supplementary premium shall not be paid and the ewe or goat premium shall be reduced by an amount equivalent to 50 % of the supplementary premium.

6. Where it is found that the irregularity referred to in paragraphs 2, 3, 4 and 5 results from intentional non-compliance the total amount of aid referred to in these paragraphs shall be refused. In this case, the farmer shall be excluded once again from receiving aid equal to that amount.

This amount shall be off-set against aid payments under the ovine/caprine aid scheme to which the farmer is entitled in the context of applications he lodges in the course of the three calendar years following the calendar year of the finding.

(\*) OJ L 341, 22.12.2001, p. 3.

(\*\*) OJ L 341, 22.12.2001, p. 105.'

## Article 23

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

It shall apply from 1 January 2002.

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

Done at Brussels, 21 December 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

## ANNEX I

**Areas eligible for receiving the goat premium**

1. France: Corsica and all mountain areas within the meaning of Article 18 of Regulation (EC) No 1257/1999 situated outside this region.
  2. Greece: the whole country.
  3. Italy: Lazio, Abruzzo, Molise, Campania, Apulia, Basilicata, Calabria, Sicily and Sardinia and all mountain areas within the meaning of Article 18 of Regulation (EC) No 1257/1999 situated outside these regions.
  4. Spain: the autonomous regions of Andalusia, Aragon, the Balearic Islands, Castile-La Mancha, Castile-Leon, Catalonia, Extremadura, Galicia (with the exception of the provinces of Coruña and Lugo), Madrid, Murcia, La Rioja, Comunidad Valenciana and the Canary Islands and all mountain areas within the meaning of Article 18 of Regulation (EC) No 1257/1999 situated outside these regions.
  5. Portugal: the whole country, with the exception of the Azores.
  6. Austria: all mountain areas within the meaning of Article 18 of Regulation (EC) No 1257/1999.
-

## ANNEX II

**Applications for ewe and she-goat premiums**

Member State: .....

Year: .....

Date: .....

Transmission deadline: 31 July each year

Type of female		Non-milking ewes	Milking ewes	She-goats	Total females
Number of applications <sup>(1)</sup>					
Total number of females declared per producer claim <sup>(2)</sup>	10-20 <sup>(3)</sup>				
	21-50				
	51-100				
	101-500				
	501-1 000				
	+ 1 000				
Number of premiums claimed	Total				
	Of which: with premium supplement <sup>(4)</sup>				

<sup>(1)</sup> For example, in a mixed farm having non-milking ewes and goats there will be a '1' in the cells of this line concerning non-milking ewes and goats — also in the column 'total females' — and a '0' in the cell for milking ewes. This implies that in this row the column 'total females' may have a value which is lower than the sum of the other three figures of the row.

<sup>(2)</sup> The row to be used (size of the flock) has to be based on the total of females. For the rows of this heading the column 'total females' must be equal to the sum of the number of 'non-milking ewes', 'milking ewes' and 'she-goats' of the three previous columns.

<sup>(3)</sup> According to Regulation (EC) No 2529/2001 it is not possible to introduce a claim for less than 10 ewes and/or goats.

<sup>(4)</sup> In accordance with Article 4 of the current Regulation (less favoured areas).



## ANNEX III

**Payments for ewe and she-goat premiums**

Member State: .....

Year: .....

Date: .....

Transmission deadline: 31 July each year

Type of female		Non-milking ewes	Milking ewes	She-goats	Total females
Number of premiums paid	With premium supplement <sup>(1)</sup>				
	Without premium supplement				
	Total				

<sup>(1)</sup> In accordance with Article 4 of the current Regulation (less favoured areas).

## ANNEX IV

**Operation of the national reserve**

Member State: .....

Year: .....

Date: .....

Transmission deadline: 30 April each year

Transfers of rights during the current year		Number of premium rights
(a) Balance of the national reserve at the beginning of the current year (= end of the previous year)		
Returned without compensatory payment to the national reserve	(b) Following transfer of rights without transfer of holdings	
	(c) From unused premium rights (insufficient usage)	
	(d) Total = (b) + (c)	
(e) Rights allocated		
(f) Rights granted to producers in less favoured areas		
(g) Balance of the national reserve at the end of the current year = (a) + (d) - (e)		

## ANNEX V

**Periods and deadlines related to transfers of rights and premium applications**

Member State: .....

Year: .....

Date: .....

Transmission deadline: 30 April each year

	Initial date	Final date
Deadline for permanent transfers of rights	XXXXX	
Deadline for temporary leasing of rights	XXXXX	
Period of application for rights from the national reserve		
Deadline for attributing rights from the national reserve	XXXXX	
Period of application for the premium		
Period of retention		

## ANNEX VI

**Correlation table**

Regulation (EEC) No 2700/93	This Regulation
—	Article 1
Article 1	Article 2
—	Article 3
Article 1a(1) and (2)	Article 4
Article 3	Article 7
Article 4(2)	Article 8
Article 1a(6)	Article 22
Article 2	Article 9
Annex I	Annex II
Annex II	—
—	Annex III
—	Annex IV
Regulation (EEC) No 3567/92	This Regulation
Article 6	Article 10
Article 6a	Article 11
Article 7	Article 12
Article 9	Article 13
Article 10	Article 14
Article 11	Article 15
Article 12	Article 16
—	Article 17
Article 15	Article 18
Regulation (EEC) No 2814/90	This Regulation
All articles	—
Regulation (EEC) No 2385/91	This Regulation
Article 3(1), (2) and (3)	Article 5
Regulation (EEC) No 2230/92	This Regulation
Article 1	Article 6
Regulation (EEC) No 2738/1999	This Regulation
Article 1	Article 3 and Annex I
Regulation (EEC) No 2467/98	This Regulation
Annex 1	Annex I

**COMMISSION REGULATION (EC) No 2551/2001  
of 21 December 2001**

**fixing Community producer and import prices for carnations and roses with a view to the  
application of the arrangements governing imports of certain floricultural products originating in  
Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip <sup>(1)</sup>, as last amended by Regulation (EC) No 1300/97 <sup>(2)</sup>, and in particular Article 5(2)(a) thereof,

Whereas:

Pursuant to Article 2(2) and Article 3 of abovementioned Regulation (EEC) No 4088/87, Community import and producer prices are fixed each fortnight for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses and apply for two-weekly periods. Pursuant to Article 1b of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the

Gaza Strip <sup>(3)</sup>, as last amended by Regulation (EC) No 2062/97 <sup>(4)</sup>, those prices are determined for fortnightly periods on the basis of weighted prices provided by the Member States. Those prices should be fixed immediately so the customs duties applicable can be determined. To that end, provision should be made for this Regulation to enter into force immediately,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Community producer and import prices for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses as referred to in Article 1b of Regulation (EEC) No 700/88 for a fortnightly period shall be as set out in the Annex.

*Article 2*

This Regulation shall enter into force on 22 December 2001. It shall apply from 26 December 2001 to 8 January 2002.

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

Done at Brussels, 21 December 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 382, 31.12.1987, p. 22.

<sup>(2)</sup> OJ L 177, 5.7.1997, p. 1.

<sup>(3)</sup> OJ L 72, 18.3.1988, p. 16.

<sup>(4)</sup> OJ L 289, 22.10.1997, p. 1.

## ANNEX

**to the Commission Regulation of 21 December 2001 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip**

(EUR/100 pieces)

Period: from 26 December 2001 to 8 January 2002

Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	17,31	11,39	50,86	20,03
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	14,01	—	14,38	13,82
Morocco	20,73	15,13	—	—
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	18,63	—	—	—

**COMMISSION REGULATION (EC) No 2552/2001****of 21 December 2001****suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of uniflorous (bloom) carnations originating in Israel**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

the detailed rules for the application of the arrangements.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco and the West Bank and the Gaza Strip <sup>(1)</sup>, as last amended by Regulation (EC) No 1300/97 <sup>(2)</sup>, and in particular Article 5(2)(b) thereof,

Whereas:

(1) Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers.

(2) Council Regulation (EC) No 747/2001 <sup>(3)</sup> opens and provides for the administration of Community tariff quotas for certain products originating in Cyprus, Egypt, Israel, Malta, Morocco, the West Bank and the Gaza Strip, Tunisia and Turkey, and providing detailed rules for extending and adapting these tariff quotas.

(3) Commission Regulation (EC) No 2551/2001 <sup>(4)</sup> fixes the Community producer and import prices for carnations and roses for the application of the import arrangements.

(4) Commission Regulation (EEC) No 700/88 <sup>(5)</sup>, as last amended by Regulation (EC) No 2062/97 <sup>(6)</sup>, lays down

(5) On the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2(2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for uniflorous (bloom) carnations originating in Israel. The Customs duty should be re-established.

(6) The quota for the products in question covers the period 1 January to 31 December 2001. As a result, the suspension of the preferential duty and the reintroduction of the Common Customs Tariff duty apply up to the end of that period at the latest.

(7) In between meetings of the Management Committee for Live Plants and Floriculture Products, the Commission must adopt such measures,

HAS ADOPTED THIS REGULATION:

*Article 1*

For imports of uniflorous (bloom) carnations (CN code ex 0603 10 20) originating in Israel, the preferential customs duty fixed by Regulation (EC) No 747/2001 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

*Article 2*

This Regulation shall enter into force on 23 December 2001.

<sup>(1)</sup> OJ L 382, 31.12.1987, p. 22.

<sup>(2)</sup> OJ L 177, 5.7.1997, p. 1.

<sup>(3)</sup> OJ L 109, 19.4.2001, p. 2.

<sup>(4)</sup> See page 118 of this Official Journal.

<sup>(5)</sup> OJ L 72, 18.3.1988, p. 16.

<sup>(6)</sup> OJ L 289, 22.10.1997, p. 1.

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

Done at Brussels, 21 December 2001.

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

---



**COMMISSION REGULATION (EC) No 2553/2001****of 21 December 2001****re-establishing the preferential customs duty on imports of uniflorous (bloom) carnations originating in the West Bank and the Gaza Strip**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco and the West Bank and the Gaza Strip <sup>(1)</sup>, as last amended by Regulation (EC) No 1300/97 <sup>(2)</sup>, and in particular Article 5(2)(b) thereof,

Whereas:

- (1) Regulation (EEC) No 4088/87 fixes conditions for the application of a preferential customs duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports of fresh cut flowers into the Community.

- (2) Council Regulation (EC) No 747/2001 <sup>(3)</sup> opens and provides for the administration of Community tariff quotas for certain products originating in Cyprus, Egypt, Israel, Malta, Morocco, the West Bank and the Gaza Strip, Tunisia and Turkey, and providing detailed rules for extending and adapting these tariff quotas.

- (3) Commission Regulation (EC) No 2551/2001 <sup>(4)</sup> fixed Community producer and import prices for carnations and roses for application of the arrangements for importation from the countries in question.

- (4) Commission Regulation (EEC) No 700/88 <sup>(5)</sup>, as last amended by Regulation (EC) No 2062/97 <sup>(6)</sup>, laid down detailed rules for the application of these arrangements.

- (5) The preferential customs duty fixed for uniflorous (bloom) carnations originating in Israel by Regulation (EC) No 747/2001 was suspended by Commission Regulation (EC) No 2413/2001 <sup>(7)</sup>.

- (6) On the basis of price recordings made as specified in Regulations (EEC) No 4088/87 and (EEC) No 700/88 it must be concluded that the requirement for reintroduction of the preferential customs duty laid down in Article 2(4) of Regulation (EEC) No 4088/87 is met for uniflorous (bloom) carnations originating in the West Bank and the Gaza Strip. The preferential customs duty should be reintroduced.

- (7) In between meetings of the Management Committee for Live Plants and Floriculture Products, the Commission must adopt such measures,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. For imports of uniflorous (bloom) carnations (CN code ex 0603 10 20) originating in the West Bank and the Gaza Strip the preferential customs duty set by Regulation (EC) No 747/2001 is reintroduced.

2. Regulation (EC) No 2413/2001 is hereby repealed.

*Article 2*

This Regulation shall enter into force on 23 December 2001.

<sup>(1)</sup> OJ L 382, 31.12.1987, p. 22.

<sup>(2)</sup> OJ L 177, 5.7.1997, p. 1.

<sup>(3)</sup> OJ L 109, 19.4.2001, p. 2.

<sup>(4)</sup> See page 118 of this Official Journal.

<sup>(5)</sup> OJ L 72, 18.3.1988, p. 16.

<sup>(6)</sup> OJ L 289, 22.10.1997, p. 1.

<sup>(7)</sup> OJ L 326, 11.12.2001, p. 20.

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

Done at Brussels, 21 December 2001.

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

---

**COMMISSION REGULATION (EC) No 2554/2001**  
**of 21 December 2001**  
**on the issue of system B export licences in the fruit and vegetables sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1961/2001 of 8 October 2001 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables <sup>(1)</sup>, and in particular Article 6(6) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2102/2001 <sup>(2)</sup> fixes the indicative quantities for system B export licences other than those sought in the context of food aid.
- (2) In the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for lemons will shortly be exceeded. This overrun will prejudice the

proper working of the export refund scheme in the fruit and vegetables sector.

- (3) To avoid this situation, applications for system B licences for lemons exported after 21 December 2001 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

*Article 1*

Applications for system B export licences for lemons submitted pursuant to Article 1 of Regulation (EC) No 2102/2001, export declarations for which are accepted after 21 December 2001 and before 15 January 2002, are hereby rejected.

*Article 2*

This Regulation shall enter into force on 22 December 2001.

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

Done at Brussels, 21 December 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

---

<sup>(1)</sup> OJ L 268, 9.10.2001, p. 8.

<sup>(2)</sup> OJ L 283, 27.10.2001, p. 3.

## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 17 December 2001

**on the conclusion of an Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol setting out the fishing opportunities and the financial contribution provided for in the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania for the period 1 August 2001 to 31 July 2006**

(2001/926/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Community and the Islamic Republic of Mauritania have held negotiations with a view to determining amendments or additions to be made to the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania <sup>(1)</sup>.
- (2) As a result of these negotiations, a new Protocol was initialled on 31 July 2001.
- (3) Under that Protocol, Community fishermen have fishing opportunities in the waters under the sovereignty or jurisdiction of the Islamic Republic of Mauritania for the period 1 August 2001 to 31 July 2006.
- (4) In order to ensure uninterrupted fishing activities by Community vessels, it is essential that the new Protocol be applied as quickly as possible; for this reason, the two parties have initialled an Agreement in the form of an Exchange of Letters providing for the provisional

application of the initialled Protocol from 1 August 2001.

- (5) The method for allocating the fishing opportunities among the Member States should be defined,

HAS DECIDED AS FOLLOWS:

*Article 1*

An Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol setting out the fishing opportunities and the financial contribution provided for in the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania for the period 1 August 2001 to 31 July 2006 is hereby approved on behalf of the Community.

The texts of the Agreement in the form of an Exchange of Letters and of the Protocol are attached to this Decision.

*Article 2*

The fishing opportunities fixed in the Protocol shall be allocated among the Member States as follows:

Fishing category	Member State	Gross registered tonnage (GRT)	Number of vessels which may be used
Crustaceans except lobsters	Spain	4 364	
	Italy	1 091	
	Portugal	545	

<sup>(1)</sup> OJ L 334, 23.12.1996, p. 20.

Fishing category	Member State	Gross registered tonnage (GRT)	Number of vessels which may be used
Black hake	Spain	8 500	
Demersal species other than black hake	Spain	1 300	
Gear other than trawls	Portugal	2 000	
Demersal species — trawl	Spain	4 000	
Cephalopods	Spain		50
	Italy		5
Lobsters	Portugal	200	
Tuna seiners	Spain		18
	France		18
Pole-and-line tuna vessels	Spain		20
Surface longliners	Portugal		3
	France		8
Pelagic species			15

If licence applications from these Member States do not cover all the fishing opportunities fixed by the Protocol, the Commission may take into consideration licence applications from any other Member State.

### Article 3

The President of the Council is hereby authorised to designate the persons empowered to sign the Agreement in the form of an Exchange of Letters in order to bind the Community.

Done at Brussels, 17 December 2001.

*For the Council*

*The President*

A. NEYTS-UYTTEBROECK

**AGREEMENT**

**in the form of an Exchange of Letters concerning the provisional application of the Protocol setting out the fishing opportunities and the financial contribution provided for in the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania for the period 1 August 2001 to 31 July 2006**

*A. Letter from the European Community*

Sir,

With reference to the Protocol setting out the fishing opportunities and the financial contribution provided for in the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania for the period 1 August 2001 to 31 July 2006, initialled in Brussels on 31 July 2001, I have the honour to inform you that the European Community is prepared to apply the Protocol on a provisional basis with effect from 1 August 2001, pending its entry into force, provided that the Islamic Republic of Mauritania is prepared to do the same.

This is on the understanding that the first instalment of the financial consideration specified in Article 2 of the Protocol is paid no later than 31 December 2001, in accordance with Article 3 of the Protocol. However, the Community shall do its utmost to act sooner.

I should be obliged if you would acknowledge receipt of this letter and confirm that you are in agreement with its contents.

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

*On behalf of the Council of the European Union*

*B. Letter from the Government of the Islamic Republic of Mauritania*

Sir,

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

'With reference to the Protocol setting out the fishing opportunities and the financial contribution provided for in the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania for the period 1 August 2001 to 31 July 2006, initialled in Brussels on 31 July 2001, I have the honour to inform you that the European Community is prepared to apply the Protocol on a provisional basis with effect from 1 August 2001, pending its entry into force, provided that the Islamic Republic of Mauritania is prepared to do the same.

This is on the understanding that the first instalment of the financial consideration specified in Article 2 of the Protocol is paid no later than 31 December 2001, in accordance with Article 3 of the Protocol. However, the Community shall do its utmost to act sooner.

I should be obliged if you would acknowledge receipt of this letter and confirm that you are in agreement with its contents.'

I have the honour to confirm that the above is acceptable to the Government of the Islamic Republic of Mauritania and that your letter and this letter constitute an agreement in accordance with your proposal.

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

*For the Government of the Islamic Republic of Mauritania*

---

## PROTOCOL

### setting out the fishing opportunities and financial compensation provided for in the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania for the period 1 August 2001 to 31 July 2006

#### Article 1

For a period of five years from 1 August 2001, the fishing opportunities granted under Article 5 of the Agreement shall be as fixed in the fishing datasheets included in this Protocol.

#### Article 2

1. For the period of application of this Protocol, the total financial contribution referred to in Article 7 of the Agreement shall be EUR 86 million per year (comprising EUR 82 million financial compensation and EUR 4 million for the financial contributions set out in Article 5 of this Protocol).

2. The Government of the Republic of Mauritania shall have full discretion regarding the use to which the financial compensation is put.

#### Article 3

1. The financial compensation shall be paid into an account opened by the Central Bank of Mauritania with a financial body designated by the Mauritanian authorities.

2. The financial contribution for the first year as provided for in Article 2(1) shall be paid no later than 31 December 2001. The contribution for the subsequent years shall be paid no later than 1 August each year.

#### Article 4

The state of resources shall be reviewed periodically by the Joint Committee on the basis of the available scientific data.

The fishing opportunities referred to in Article 1 may be adjusted in the light of the state of fisheries resources with the agreement of both Parties from 1 January 2004. In that case, the total financial contribution referred to in Article 2 shall be adjusted proportionately by common agreement.

For the duration of this Protocol, the Commission and the Mauritanian authorities shall take all the necessary measures to assess the state of cephalopod stocks in Mauritania's fishing zone. A joint scientific working party shall be set up for that purpose, to meet regularly under the auspices of the Mauritanian National Oceanographic and Fisheries Research Centre (CNROP) at least once each year. This working party shall be made up of scientists selected by mutual agreement by both Parties.

On the basis of the conclusions of the scientific working party and in the light of the best available scientific advice, the Parties shall hold consultations in the Joint Committee provided for in Article 10 of the Cooperation Agreement in the second half of

2003 with a view to adjusting by mutual agreement the fishing opportunities and conditions for cephalopods should this be necessary. Any decision to hold a review shall be taken no later than 31 December 2003.

Both Parties undertake to appoint the members of the scientific working party before 31 December 2001. They shall also schedule a meeting of the Joint Committee as soon as possible in order to determine the necessary review procedure and a detailed timetable.

#### Article 5

The measures set out below shall be financed from the financial compensation provided for in Article 2(1), broken down as follows:

- (a) EUR 800 000 per year for assistance for research to improve information on fishery resources, monitoring changes in the state of those resources in Mauritania's fishing zone, running the CNROP and improving health conditions in the fisheries sector;
- (b) EUR 1,5 million per year for support for fisheries surveillance, intended to finance the operating costs of the DSPCM and possibly the introduction of new means of surveillance;
- (c) EUR 300 000 per year for institutional support to maritime training with a view to developing and strengthening human resources;
- (d) EUR 50 000 per year for institutional support for developing fisheries statistics;
- (e) EUR 50 000 per year for institutional support for rescue services at sea;
- (f) EUR 50 000 per year for institutional support for the arrangements for managing fishing licences;
- (g) EUR 50 000 per year for institutional support for managing seamen;
- (h) EUR 400 000 per year to cover the expenses of organising and participating in international seminars and meetings;
- (i) EUR 800 000 per year for support to develop small-scale fishing.

These measures, and the amounts to be allocated to them each year, shall be decided on by the Ministry, which will inform the Commission thereof. The annual amounts shall be paid into an account of the Central Bank of Mauritania opened with a financial body designated by the Mauritanian authorities, no later than 31 December 2001 for the first year, and the anniversary date of the Protocol in subsequent years.

*Article 6*

No later than three months after the anniversary date of the entry into application of this Protocol, the Mauritanian Ministry shall transmit to the Commission Delegation an annual report on the implementation of these measures and the results achieved, as well as on any difficulties encountered.

The Commission reserves the right to request additional information on these results from the competent national authorities and, if necessary, to review the payments concerned in the light of the actual implementation of the measures, after holding consultations with the Mauritanian authorities in the Joint Committee provided for in Article 10 of the Cooperation Agreement.

*Article 7*

Should the Commission not make the payments provided for in Article 2 of this Protocol, Mauritania reserves the right to suspend application of the Cooperation Agreement.

*Article 8*

The Contracting Parties shall mutual foster cooperation in the fisheries sector. They shall encourage the convergence of interests among Community and Mauritanian private-sector concerns through associations of undertakings, joint ventures and other forms of partnership to exploit fisheries resources and process and market fishery products.

*Article 9*

Community shipowners shall own the authorised catches by their vessels in their entirety and be free to decide upon their sale. However, the Contracting Parties shall encourage their own operators involved in marketing fishery products to establish permanent joint consultation in order to prevent any competition liable to destabilise the market. The shipowners shall, wherever possible, use port services and other services supplied by Mauritania.

*Article 10*

Community shipowners shall be free to choose the local agents for their vessels, although they must be of Mauritanian nationality.

The names and addresses of such agents shall be forwarded to the Ministry.

*Article 11*

This Protocol and the Annexes thereto shall enter into force on the date on which the Contracting Parties notify each other that the procedures necessary for its implementation have been completed.

It shall apply with effect from 1 August 2001.



**FISHING DATASHEET No 1**

FISHING CATEGORY: FISHING VESSELS SPECIALISING IN CRUSTACEANS OTHER THAN CRAWFISH

## 1. Fishing category:

## 1.1. North of latitude 19° 21' N, outside the zone marked by the following points:

20° 46,3' N      17° 03' W  
 20° 40' N      17° 07,5' W  
 20° 05' N      17° 07,5' W  
 19° 35,5' N      16° 47' W  
 19° 28' N      16° 45' W  
 19° 21' N      16° 45' W

## 1.2. South of latitude 19° 21' N: west of the six-mile line from the low-water mark.

## 2. Authorised gear: Bottom shrimp trawl

Doubling of the cod-end is prohibited.

Doubling of the twine forming the cod-end is prohibited.

## 3. Minimum authorised mesh size: 50 mm

## 4. Biological recovery: Two months: September and October

The Contracting Parties may decide by common agreement within the Joint Committee to adjust, increase or reduce the above period of biological recovery.

## 5. By-catches: 20 % fish and 15 % cephalopods

## 6. Authorised tonnage/Fees:

	1.8.2001— 31.7.2002	1.8.2002— 31.7.2003	1.8.2003— 31.7.2004	1.8.2004— 31.7.2005	1.8.2005— 31.7.2006
Authorised tonnage (GRT) per year	6 000	6 000	6 000	6 000	6 000
Fees in EUR/GRT/per year	355	358	361	364	367

## 7. Comments: -/-

**FISHING DATASHEET No 2**FISHING CATEGORY: BLACK HAKE TRAWLERS <sup>(1)</sup> AND BOTTOM LONGLINERS

## 1. Fishing zone:

## 1.1. North of latitude 19° 15,6' N, west of the line joining the following points:

20° 46,3' N	17° 03' W
20° 36' N	17° 11' W
20° 36' N	17° 36' W
20° 03' N	17° 36' W
19° 45,7' N	17° 03' W
19° 29' N	16° 51,5' W
19° 15,6' N	16° 51,5' W
19° 15,6' N	16° 49,6' W

## 1.2. South of latitude 19° 15,6' N as far as latitude 17° 50' N, west of the 18-mile line from the low-water mark.

## 1.3. South of latitude 17° 50' N: west of the 12-mile line from the low-water mark.

## 2. Authorised gear:

— bottom trawl

— bottom trawl for hake

Doubling of the cod-end is prohibited.

Doubling of the twine forming the cod-end is prohibited.

## 3. Minimum authorised mesh size: 70 mm for the trawl net.

## 4. Biological recovery: September and October

The Contracting Parties may decide by common agreement within the Joint Committee to adjust, increase or reduce the above period of biological recovery.

## 5. By-catches: 25 % fish for trawlers and 50 % fish for bottom longliners; 0 % cephalopods and 0 % crustaceans

## 6. Authorised tonnage/Fees:

	1.8.2001— 31.7.2002	1.8.2002— 31.7.2003	1.8.2003— 31.7.2004	1.8.2004— 31.7.2005	1.8.2005— 31.7.2006
Authorised tonnage (GRT) per year	8 500	8 500	8 500	8 500	8 500
Fees in EUR/GRT/per year	154	159	163	167	172

## 7. Comments:

<sup>(1)</sup> This category does not include freezer trawlers.

**FISHING DATASHEET No 3**

FISHING CATEGORY: VESSELS FISHING FOR DEMERSAL SPECIES OTHER THAN BLACK HAKE WITH GEAR OTHER THAN TRAWLS

1. Fishing zone:
  - 1.1. North of latitude 19° 48,5' N: 3 nautical miles from the baseline of Cap Blanc — Cap Timiris;
  - 1.2. South of latitude 19° 48,5' N as far as latitude 19° 21' N, west of longitude 16° 45' W
  - 1.3. South of latitude 19° 21' N: from 3 nautical miles from the low-water mark.
2. Authorised gear <sup>(1)</sup>:
  - longline
  - fixed gillnets with a maximum depth of 7 m and a maximum length of 100 m. Gillnets made of polyamide monofilaments are authorised
  - handline
  - basket
  - seine for fishing for live bait
3. Minimum authorised mesh size: 120 mm for the gillnet.
4. Biological recovery: two months: September and October  
 The Contracting Parties may decide by common agreement within the Joint Committee to adjust, increase or reduce the above period of biological recovery.
5. By-catches: 0 % cephalopods and 0 % crustaceans.
6. Authorised tonnage/Fees:

	1.8.2001— 31.7.2002	1.8.2002— 31.7.2003	1.8.2003— 31.7.2004	1.8.2004— 31.7.2005	1.8.2005— 31.7.2006
Authorised tonnage (GRT) per year	3 300	3 300	3 300	3 300	3 300
Fees in EUR/GRT/per year	174	178	182	186	190
Fees in EUR/GRT/per year	259	263	267	271	275

7. Comments:
  - (<sup>1</sup>) Notification of the type of fishing gear to be used should be made when applying for the licence.  
 Gillnets made of polyamide monofilaments are authorised provided they are not banned by Community legislation or in the legislation of one of the Member States.  
 Seines may be used only to fish for bait for use in line and basket fishing.  
 Use of baskets is authorised for no more than seven vessels of less than 80 GRT each.

**FISHING DATASHEET No 4**

FISHING CATEGORY: PELAGIC FREEZER TRAWLERS FISHING FOR DEMERSAL SPECIES

## 1. Fishing zone:

## 1.1. North of latitude 19° 15,6' N, west of the line joining the following points:

20° 46,3' N	17° 03' W
20° 36' N	17° 11' W
20° 36' N	17° 36' W
20° 03' N	17° 36' W
19° 45,7' N	17° 03' W
19° 29' N	16° 51,5' W
19° 15,6' N	16° 51,5' W
19° 15,6' N	16° 49,6' W

## 1.2. South of latitude 19° 15,6' N as far as latitude 17° 50' N, west of the 18-mile line from the low-water mark.

## 1.3. South of latitude 17° 50' N: west of the 12-mile line from the low-water mark.

## 2. Authorised gear: trawl net

Doubling of the cod-end is prohibited.

Doubling of the twine forming the cod-end is prohibited.

## 3. Minimum authorised mesh size: 70 mm

## 4. Biological recovery: two months: September and October.

The Contracting Parties may decide by common agreement within the Joint Committee to adjust, increase or reduce the above period of biological recovery.

## 5. By-catches: 10 % of which a maximum of 5 % shrimp and 5 % squid and cuttlefish (0 % octopus)

## 6. Authorised tonnage/Fees:

	1.8.2001— 31.7.2002	1.8.2002— 31.7.2003	1.8.2003— 31.7.2004	1.8.2004— 31.7.2005	1.8.2005— 31.7.2006
Authorised tonnage (GRT) per year	4 000	4 000	4 000	4 000	4 000
Fees in EUR/GRT/per year	203	207	211	215	219

## 7. Comments: -/-

**FISHING DATASHEET No 5**

## FISHING CATEGORY: CEPHALOPODS

1. Fishing zone: Same as laid down by the Mauritanian law applying to its national vessels.

North of latitude 19° 15,6' N, outside the zone marked by the following points:

20° 46,3' N      17° 03' W  
 20° 40' N      17° 07,5' W  
 19° 57' N      17° 07,5' W  
 19° 28,2' N      16° 48' W  
 19° 18,5' N      16° 48' W  
 19° 18,5' N      16° 40,5' W  
 19° 15,6' N      16° 38' W

South of latitude 19° 15,6' N as far as latitude 17° 50' N, west of the 9-mile line from the low-water mark.

South of latitude 17° 50' N: west of the 6-mile line from the low-water mark.

2. Authorised gear: bottom trawl

Doubling of the cod-end is prohibited.

Doubling of the twine forming the cod-end is prohibited.

3. Minimum authorised mesh size: 70 mm

4. Biological recovery: two months: September and October

The Contracting Parties may decide by common agreement within the Joint Committee to adjust, increase or reduce the above period of biological recovery.

5. By-catches: -/-

6. Authorised tonnage/Fees:

	1.8.2001— 31.7.2002	1.8.2002— 31.7.2003	1.8.2003— 31.7.2004	1.8.2004— 31.7.2005	1.8.2005— 31.7.2006
Authorised tonnage (GRT) per year <sup>(1)</sup>	16 500	16 500	16 500	16 500	16 500
Number of vessels	55	55	55	55	55
Fees in EUR/GRT/per year	447	450	453	456	459

7. Comments:

<sup>(1)</sup> The authorised tonnage (GRT) may vary by a maximum of 2 %.

**FISHING DATASHEET No 6**

FISHING CATEGORY: CRAWFISH

1. Fishing zone:
  - 1.1. north of latitude 19° 21' N: 20 nautical miles from the baseline Cap Blanc — Cap Timiris
  - 1.2. south of latitude 19° 21' N: 15 nautical miles from the low-water mark
2. Authorised gear: pots
3. Minimum authorised mesh size: -/-
4. Biological recovery: two months: September and October.  
The Contracting Parties may decide by common agreement within the Joint Committee to adjust, increase or reduce the above period of biological recovery.
5. By-catches: 0 %
6. Authorised tonnage/Fees:

	1.8.2001— 31.7.2002	1.8.2002— 31.7.2003	1.8.2003— 31.7.2004	1.8.2004— 31.7.2005	1.8.2005— 31.7.2006
Authorised tonnage (GRT) per year	200	200	200	200	200
Fees in EUR/GRT/per year	315	321	327	333	339

7. Comments: -/-

**FISHING DATASHEET No 7**

FISHING CATEGORY: FREEZER TUNA SEINERS

1. Fishing zone:
  - 1.1. north of latitude 19° 21' N: 30 nautical miles from the baseline Cap Blanc — Cap Timiris
  - 1.2. south of latitude 19° 21' N: 30 nautical miles from the low-water mark
2. Authorised gear: seine
3. Minimum authorised mesh size: recommended ICCAT standard
4. Biological recovery: -/-
5. By-catches: 0 %
6. Number of vessels/Fees:

	1.8.2001— 31.7.2002	1.8.2002— 31.7.2003	1.8.2003— 31.7.2004	1.8.2004— 31.7.2005	1.8.2005— 31.7.2006
Number of vessels authorised to fish	36	36	36	36	36
Advance in EUR/ vessel/per year	1 250	1 250	1 250	1 250	1 250

7. Comments: -/-

**FISHING DATASHEET No 8**

FISHING CATEGORY: POLE-AND-LINE TUNA VESSELS AND SURFACE LONGLINERS

1. Fishing zone:
  - 1.1. north of latitude 19° 21' N: 15 nautical miles from the baseline Cap Blanc — Cap Timiris
  - 1.2. south of latitude 19° 21' N: 12 nautical miles from the low-water mark
2. Authorised gear: Pole-and-line and surface longlines
3. Minimum authorised mesh size: -/-
4. Biological recovery: -/-
5. By-catches: 0 %
6. Number of vessels/Fees:

	1.8.2001— 31.7.2002	1.8.2002— 31.7.2003	1.8.2003— 31.7.2004	1.8.2004— 31.7.2005	1.8.2005— 31.7.2006
Number of vessels authorised to fish	31	31	31	31	31
Advance in EUR/ vessel/per year	2 500	2 500	2 500	2 500	2 500

7. Comments:
 

Live-bait fishing

  - 7.1. Fishing zone authorised for live-bait fishing:
 

North of latitude 19° 48,5' N: 3 nautical miles from the baseline of Cap Blanc — Cap Timiris;

South of latitude 19° 48,5' N as far as latitude 19° 21' N, west of longitude 16° 45' W

South of latitude 19° 21' N: from 3 nautical miles from the low-water mark.
  - 7.2. Minimum authorised mesh size for live-bait fishing: 8 mm
  - 7.3. In accordance with the relevant ICCAT and FAO recommendations, fishing for the basking shark (*Cetorhinus maximus*), white shark (*Carcharodon carcharias*), sand tiger shark (*Carcharias taurus*) and tope shark (*Galeorhinus galeus*) is prohibited.



**FISHING DATASHEET No 9**

FISHING CATEGORY: PELAGIC FREEZER TRAWLERS

## 1. Fishing zone:

## 1.1. North of latitude 19° 21' N, outside the zone marked by the following points:

20° 46,3' N      17° 03' W  
 20° 36' N      17° 11' W  
 20° 36' N      17° 24,1' W  
 19° 57' N      17° 24,1' W  
 19° 45,7' N      17° 03' W  
 19° 29' N      16° 51,5' W  
 19° 21' N      16° 45' W

## 1.2. South of latitude 19° 21' N as far as 17° 50' N: from 13 nautical miles from the low-water mark.

## 1.3. South of latitude 17° 50' N as far as 16° 04' N: from 12 nautical miles from the low-water mark.

## 2. Authorised gear: Pelagic trawl

## 3. Minimum authorised mesh size: 40 mm

## 4. Biological recovery: -/-

## 5. By-catches: 3 % fish, 0 % cephalopods and 0 % crustaceans

## 6. Authorised tonnage/Number of vessels/Fees:

	1.8.2001- 31.7.2002	1.8.2002- 31.7.2003	1.8.2003- 31.7.2004	1.8.2004- 31.7.2005	1.8.2005- 31.7.2006
Number of vessels authorised to fish at the same time	15	15	15	15	15
Fees in EUR/GRT/per month	2,5	2,5	2,5	2,5	2,5

## 7. Comments:

The vessels fall into three categories:

- Category 1: gross tonnage of less than or equal to 3 000 GT; ceiling: 12 500 T/vessel/year.
- Category 2: gross tonnage of more than 5 000 GT but less than or equal to 8 000 GT; ceiling: 17 500 T/vessel/year.
- Category 3: gross tonnage of more than 5 000 GT but less than or equal to 9 500 GT; ceiling: 22 500 T/vessel/year.

During the first year of application of this protocol, the Contracting Parties shall examine the possibility of including under this Cooperation Agreement fishing by vessels of more than 9 500 GT which have already fished in the Mauritanian EEZ before 31 July 2001.

The decision will be taken on the basis of the situation of stocks, their rational exploitation, the technical characteristics of the vessels, the history of those vessels in Mauritania's EEZ and taking account of the benefits for Mauritania of allowing these vessels into its zone.

## ANNEX I

**CONDITIONS FOR THE EXERCISE OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN MAURITANIA'S FISHING ZONE**

## Chapter I

## DOCUMENTS REQUIRED FOR LICENCE APPLICATIONS

1. On each vessel's first licence application, the Commission shall submit to the Ministry a licence application form duly completed in respect of each vessel for which a licence is requested in accordance with the model in Appendix 1 to this Annex. The particulars relating to the name of the vessel, its tonnage in GRT, external registration number, radio call sign, engine power, overall length and home port, shall be as contained in the register of Community fishing vessels.
2. On a first licence application, the shipowner shall include with the application:
  - a copy certified by the Member State of the tonnage certificate giving the tonnage of the vessel expressed in GRT;
  - a recent, certified colour photograph showing a side view of the vessel in its current state. The photograph shall be at least 15 cm by 10 cm.
3. Any alteration to the tonnage of a vessel shall oblige the shipowner concerned to submit a copy certified by the Member State of the new tonnage certificate and any supporting documents concerning the alteration and, in particular, the copy of the application lodged by the shipowner with the competent authorities, the agreement of those authorities and the details of the changes made.

Where the structure or external appearance of the vessel is changed, a new photograph must also be submitted.

4. Applications for fishing licences shall be lodged for those vessels for which the documents required under points 1, 2 and 3 have been sent.
5. Before the end of 2003, the Contracting Parties, acting in the Joint Committee, undertake to replace all references in this Protocol by GRT with GT and to adapt all the provisions affected thereby accordingly. This replacement will be preceded by appropriate technical consultations between the parties.

## Chapter II

## LICENCES — APPLICATION, ISSUE AND VALIDITY

**1. Eligibility to fish**

- 1.1. Each vessel wishing to fish under this Agreement must be eligible for fishing in Mauritania's fishing zone.
- 1.2. For a vessel to be eligible, neither the owner, the master nor the vessel itself must be prohibited from fishing in Mauritania. They must be in order vis-à-vis the Mauritanian authorities insofar as they must have fulfilled all prior obligations arising from their fishing activities in Mauritania under fisheries agreements concluded with the Community.

**2. Licence applications**

- 2.1. For licences for ocean-going freezer trawlers, the Commission shall submit applications to the Fisheries Ministry at least eight days before the start of fishing operations accompanied by the documents attesting to the technical characteristics. For all other types of licence, the Commission shall submit to the Ministry quarterly lists of the vessels wishing to engage in fishing activities within the limits specified for each fishing category in the fishing datasheets included in the Protocol, at least 30 days before the start of the period of validity of the licences requested. Such lists shall be accompanied by proof of payment. Licence applications failing to arrive within the deadline will not be handled.
- 2.2. These list shall specify clearly, by fishing category, the tonnage, the number of vessels and, for each vessel, its main characteristics, including its fishing gear, the amount of fees and the scientific observers' expenses due for the period concerned and the number of Mauritanian seamen.

Any changes to the particulars of the vessel occurring either since the licence application form was submitted or since the last licence application for such vessels, shall be indicated on a supplementary list. No amendment relating to particulars contained in the register of Community fishing vessels may be made until that register itself has been updated.

- 2.3. A datafile containing all the particulars required to draw up the fishing licences, including any amendments to the vessel data, shall also be attached to the licence application in a format compatible with software used by the Ministry.
- 2.4. Licence applications shall be accepted only in respect of eligible vessels which have completed all the formalities specified in points 2.1, 2.2 and 2.3.
- 2.5. In order to facilitate inspections on entering or leaving the zone, vessels holding fishing licences for neighbouring countries may indicate in their licence applications the country and species concerned and the period of validity of such licences.

### 3. Issue of licences

- 3.1. The Ministry shall issue the licences to the vessel following receipt of the appropriate payments referred to in Chapter 4 at least 10 days before the start of their period of validity. That deadline shall be five days in the case of ocean-going vessels. The licences may be obtained from the offices of the Ministry in Nouadhibou or Nouakchott.
- 3.2. Licences shall be drawn up in accordance with the data in the fishing datasheets included in the Protocol. They shall also mention the period of validity, the vessel's technical characteristics, the number of Mauritanian seamen and the payment references of the fees.
- 3.3. Fishing licences may be issued only for vessels which have complied with all the administrative formalities required for the issue of licences.
- 3.4. The Commission Delegation shall be notified of licence applications refused by the Mauritanian authorities. Where appropriate, the Ministry shall provide a credit note against payments relating to these after deduction of the balance of any outstanding unpaid fines.

### 4. Validity and utilisation of licences

- 4.1. Licences shall be valid only for the period covered by the fees paid and for the fishing zone, the type of gear and fishing category specified in the licence in question.

Licences shall be issued for periods of three, six or twelve months. They shall be renewable.

Licences for ocean-going trawlers may be issued for one month.

The period of validity of licences shall be determined on the basis of the following annual periods:

first period: from 1 August 2001 to 31 December 2001

second period: from 1 January 2002 to 31 December 2002

third period: from 1 January 2003 to 31 December 2003

fourth period: from 1 January 2004 to 31 December 2004

fifth period: from 1 January 2005 to 31 December 2005

sixth period: from 1 January 2006 to 31 July 2006

Licences may not start running during one annual period and expire during the next.

- 4.2. Licences shall be issued for a given vessel and shall not be transferable. However, in the event of *force majeure* duly established by the competent authorities of the flag Member State and at the request of the Commission, a licence issued for one vessel shall be replaced as soon as possible by a licence issued for another vessel of the same category on condition that the tonnage authorised for that category is not exceeded.
- 4.3. The licence to be replaced shall be returned to the Ministry, which shall then issue the new licence.
- 4.4. Any adjustments in the amounts paid as a result of withdrawal before the first day of validity of the licence or a licence being transferred shall be effected before the replacement licence is issued.
- 4.5. Licences must be held on board the eligible vessel at all times and presented to the inspection authorities on the occasion of any inspection.

## Chapter III

### FEES

1. Fees shall be calculated for each vessel on the basis of the annualised rates laid down in the fishing datasheets included in the Protocol. In the case of three-month and six-month licences, the fees shall be calculated on a pro rata basis according to the length of time, plus 3 % and 2 % respectively.
2. They shall be payable in quarterly periods with the exception of the shorter periods stipulated in the Agreement or consequent on its application, in which case they shall be payable pro rata for the actual duration of the licence.

3. A quarter shall consist of one of the three-month periods beginning 1 October, 1 January, 1 April or 1 July, except for the first period of the Protocol, commencing on 1 August 2001.

#### Chapter IV

##### METHODS OF PAYMENT

1. Payments shall be made in euro as follows:
  - (a) fees:
    - by transfer to one of the foreign accounts of the Central Bank of Mauritania payable to the Trésor de la Mauritanie;
  - (b) scientific observers' expenses
    - by transfer to one of the foreign accounts of the Central Bank of Mauritania payable to the Ministry;
  - (c) fines
    - by transfer to one of the foreign accounts of the Central Bank of Mauritania payable to the Trésor de la Mauritanie.
2. The amounts referred to in point 1 shall be considered as actually received on receipt of confirmation from the Treasury or the Ministry following notification by the Central Bank of Mauritania.

#### Chapter V

##### COMMUNICATION OF CATCH DATA

1. The duration of a voyage by a Community vessel shall be defined as follows:
  - either the period elapsing between entering and leaving Mauritania's fishing zone;
  - or the period elapsing between entering Mauritania's fishing zone and a transhipment;
  - or the period elapsing between entering Mauritania's fishing zone and a landing in Mauritania.
2. **Fishing log**
  - 2.1. Masters of vessels shall make a daily record of all the operations specified in the fishing log as shown in the model attached as Appendix 2 to this Annex. This document must be completed legibly and signed by the master of the vessel. For vessels fishing for highly-migratory species, Chapter XIV of this Annex shall apply.
  - 2.2. Fishing logs from which entries have been omitted or which contain invalid information shall be deemed not to have been duly kept.
  - 2.3. At the end of each voyage, the original of the fishing log shall be sent by the master of the vessel direct to the surveillance authorities. The shipowner must forward a copy of the log to the Delegation.
  - 2.4. Failure to comply with points 2.1, 2.2 or 2.3 shall entail, irrespective of the penalties laid down by Mauritanian law, automatic suspension of the fishing licence until the shipowner has met such obligations.
3. **Fishing log annex**
  - 3.1. Masters of vessels shall keep the fishing log annex as shown in the model attached as Appendix 3 to this Annex. The log shall be completed legibly on each landing or transhipment and signed by the master of the vessel.
  - 3.2. At the end of each landing, the shipowner shall send the original of the fishing log annex by mail to the surveillance authorities within a period of no more than 30 days.
  - 3.3. At the end of each authorised transhipment, the shipowner shall immediately send the original of the fishing log annex to the surveillance authorities.
  - 3.4. Failure to comply with points 3.1, 3.2 or 3.3 shall entail automatic suspension of the fishing licence until the shipowner has met such obligations.

#### 4. **Quarterly catch declarations**

- 4.1. By the end of the third month of each quarter the Commission shall notify the Ministry of the quantities caught in the previous quarter by all Community vessels.
- 4.2. This information should be broken down by month, by type of fishing, by vessel and by species.

#### 5. **Reliability of data**

The information in the documents referred to in points 1, 2, 3 and 4 must reflect the actual fishing situation in order to constitute one of the bases for monitoring changes in marine resources.

### Chapter VI

#### BY-CATCHES

1. In accordance with Mauritanian law, the percentage of by-catches laid down in the datasheet in the Protocol shall be calculated at any time during fishing according to the total weight of the catch.
2. Where these percentages exceed the authorised by-catches, penalties shall be imposed in accordance with Mauritanian law and may result in the complete banning of the offenders, both masters and vessels, from all fishing activities in Mauritania.
3. The keeping of crawfish on board vessels other than crawfish pot vessels shall be forbidden. Offenders shall be punished in accordance with Mauritanian law.

### Chapter VII

#### LANDINGS IN MAURITANIA

Vessels shall not be obliged to land fishery products, except in the case of the compulsory landings provided for below:

Category 4 vessels, i.e. demersal trawlers, shall be obliged to land catches as follows:

- 1st year of the Protocol: 8 landings
- 2nd year of the Protocol: 11 landings
- 3rd year of the Protocol: 14 landings
- 4th year of the Protocol: 17 landings
- 5th year of the Protocol: 20 landings

#### **General conditions and financial incentives**

1. Landings shall be made at the Mauritanian port of Nouadhibou. Shipowners shall choose the landing dates. They shall inform the Mauritanian port authorities of the chosen date by fax 72 hours before their expected arrival at the port, indicating the estimated total quantity to be landed. The port authorities shall confirm by fax within 24 hours, to the shipowner or agent, that the landing operations can take place within 24 hours of the vessel's arrival in port. Where the port authorities fail to confirm the landing notification within the deadline laid down, the landing obligation of the vessel concerned shall be deemed to have been fulfilled.
2. Landing operations must have been completed within 24 hours following a vessel's arrival in port, failing which the vessel shall be entitled to leave the port and its landing obligation shall be deemed to have been fulfilled. A certificate equivalent to the certificate provided for in point 3 below must be issued to the master.
3. At the end of landing operations, the competent port authorities shall issue a landing certificate to the master.
4. If the number of landings provided for in this Protocol has not been achieved by the end of the third quarter of a given year, the Commission shall notify the Ministry of the list of vessels which are due to make landings during the fourth quarter when it makes its application for licences for that quarter.
5. Where a vessel included in the list referred to in point 4 is unable to make a landing, it may either defer its landing to a subsequent trip or arrange to be replaced by another vessel in the same category. The Commission must be notified immediately to that effect, and shall inform the Ministry forthwith.

6. Any vessel failing to comply with the point of exit and to fulfil its landing obligation shall be penalised in accordance with Chapter I of Annex II to this Protocol.
7. Deep-sea fishermen shall be entitled to free transit with a seaman's licence.
8. Community vessels making landings at Nouadhibou shall have their licence fees reduced for the period during which the landings are made. That reduction shall be 25 % of the cost of the current licence.
9. Detailed rules: Copies of the landing certificate(s) for the landing operations carried out by the vessel concerned shall be transmitted to the Delegation. When submitting a new licence application for that vessel, the Delegation shall send the Ministry the copies of the certificates together with a request for reduction of the fees. Unless the Ministry decides otherwise, the reduction shall be applied automatically to the amount of the fee for the new licence.

Before the end of the first three months of application of this Protocol, the Ministry shall send the following information to the Delegation:

- the general rules on landings, including port charges;
- the establishments approved under the relevant Community regulations;
- the bonded warehouses;
- the maximum size and number of vessels which can have access to them;
- storage conditions and capacity for fresh, chilled and deep-frozen ( $-22^{\circ}\text{C}$ ) products;
- means and frequency of transport to bring fresh fishery products to external markets;
- average supply prices and terms (fuel, provisions, etc.);
- radio call sign, telephone and fax numbers, telex addresses, working hours of the port authorities' offices;
- any other information which can facilitate landing operations.

#### **Tax and financial conditions**

Community vessels landing at Nouadhibou shall be exempt from all taxes or charges having an equivalent effect other than port fees and charges which apply on the same terms to Mauritanian vessels.

The fishery products landed shall be under customs control arrangements in accordance with Mauritanian legislation. They shall therefore be exempt from all customs procedures and duties or charges having an equivalent effect when they enter the Mauritanian port or at the time of export, and shall be treated as 'temporarily-admitted goods' (temporary storage).

Shipowners shall decide on the destination of the their vessels' production. It may be processed, stored under customs control, sold in Mauritania or exported (in foreign currency).

Sales in Mauritania intended for the Mauritanian market shall be subject to the same charges and levies as Mauritanian fishery products.

Profits may be exported without additional charges (exemption from customs duties and charges having an equivalent effect).

Vessels not covered by the obligation to land under this Protocol but which nevertheless choose to land catches in Mauritania shall receive favourable treatment.

### **Chapter VIII**

#### **SIGNING-ON OF MAURITANIAN SEAMEN**

1. Each Community vessel shall take on board Mauritanian seamen, including officers, trainee officers and the scientific observer for the duration of the voyage. There shall be at least:
  - 1.1. — 4 seamen on vessels of less than 200 GRT;
    - 5 seamen on vessels of at least 200 and less than 250 GRT;
    - 6 seamen on vessels of at least 250 and less than 300 GRT;
    - 7 seamen on vessels of at least 300 and less than 350 GRT;
  - vessels of 350 GRT or more shall take on board a number of seamen equivalent to 35 % of the crew, but not less than 7.

- 1.2. Shipowners shall endeavour to take on board additional Mauritanian seamen.
- 1.3. Shipowners shall be free to choose the Mauritanian seamen, officers and trainee officers to take on board their vessels.
2. The seamen's employment contracts shall be drawn up in Mauritania between the shipowners or their representatives and the seamen. The contracts shall cover the social security arrangements applicable to the seamen concerned, including life, accident and health insurance.
3. The pay conditions may not be less than those applying to the crews of Mauritanian vessels. To avoid discrimination, the agreed wages shall be paid in accordance with the provisions of the contract of employment.
4. Owners of Community vessels shall ensure the same terms for the signing-on of, and shall entrust equivalent tasks to, Mauritanian seamen, officers and trainee officers as those reserved for seamen, officers and trainee officers of other countries.
5. Seamen shall report to the master of the vessel designated on the day before its proposed sailing date. If a seaman fails to report at the time scheduled for its departure, the vessel is authorized to leave the Mauritanian port once in possession of a certificate of absence for the seaman issued by the surveillance authorities.

The shipowner shall take all necessary steps to ensure that the number of seamen required by this Protocol sign on his vessel by the next trip at the latest.

6. Twice a year on 1 January and 1 July shipowners shall send the Ministry a list by vessel of Mauritanian seamen signed on board.

Pending receipt of the list, the issue of the licence shall be suspended.

7. Failure to comply with any of the provisions contained in point 1 shall be penalised in accordance with Mauritanian law and may entail the suspension or definitive withdrawal of the licence in case of repeated offending.

## Chapter IX

### TECHNICAL INSPECTION

1. Once a year and after any alteration in tonnage or changes to the fishing category necessitating the use of a different type of gear, all Community vessels shall report to the port of Nouadhibou to undergo the inspections required by the legislation in force. Such inspections shall take place within 48 hours of the vessel's putting into port.

As an exception to the previous paragraph, the technical inspection procedures applying to tuna vessels, surface longliners and freezer trawlers fishing for pelagic species shall be as laid down in Chapters XIV and XV of this Annex.

2. Once the technical inspection has been completed satisfactorily, the captain of the vessel shall be issued with a certificate having the same period of validity as the licence and which shall be automatically extended in the case of vessels renewing their licence within the year. However, the maximum validity may not exceed one year. This certificate must be kept on board at all times.
3. The technical inspection shall check the conformity of the vessel's technical characteristics and gear and ensure that the provisions relating to its Mauritanian crew have been complied with.
4. The cost of the inspection shall be borne by the shipowner at the rates laid down by Mauritanian law. It may not be greater than the amount normally paid by other vessels for the same services.
5. Failure by the shipowner to comply with points 1 and 2 shall result in automatic suspension of the fishing licence until such obligations have been met.

## Chapter X

### VESSEL IDENTIFICATION

1. The identification marks of all Community vessels must conform to the relevant Community legislation. The Ministry must be notified of such legislation before this Protocol enters into force. The Ministry must further be notified of any amendment to the legislation at least 30 days before its entry into force.
2. Any vessel attempting to disguise its external identification marks shall be liable to the penalties laid down in the legislation in force.

## Chapter XI

## SUSPENSION OR WITHDRAWAL OF LICENCES

Where the Mauritanian authorities decide to suspend or definitively withdraw the licence of a Community vessel, in application of this Protocol and Mauritanian law, the master of that vessel shall cease fishing activities and make for the port of Nouadhibou. On arrival at Nouadhibou, he shall send the original of his licence to the competent authorities. Once the required obligations have been duly completed, the Ministry shall notify the Commission of the lifting of the suspension and the licence shall be returned.

## Chapter XII

## OTHER INFRINGEMENTS

1. Except for the cases specifically provided for in this Protocol, all other infringements shall be penalised in accordance with Mauritanian law.
2. In the event of serious or very serious fisheries infringements as defined by Mauritanian law, the Ministry reserves the right to prohibit the vessels, masters and, where applicable, the shipowners concerned, provisionally or definitively from all fishing activities in Mauritanian waters.

## Chapter XIII

## FINES

The amount of fines imposed on Community vessels shall be calculated within minimum and maximum limits specified in Mauritanian law. This amount shall be decided in accordance with the procedure laid down in point 3 of Chapter VII of Annex II.

## Chapter XIV

## PROVISIONS RELATING TO VESSELS FISHING HIGHLY MIGRATORY SPECIES

## (TUNA VESSELS AND SURFACE LONGLINERS)

1. As an exception to Chapters I and II of Annex I, licences for tuna seiners shall be issued for a periods of 12 months.

The original licence must be kept on board at all times and presented on request of the competent Mauritanian authorities.

However, on receipt of notification of payment of the advance sent to the Mauritanian authorities by the Commission, the vessel shall be entered on a list of vessels authorised to fish, which shall be sent to the Mauritanian authorities responsible for fisheries inspection. A copy of the said licence may be obtained by fax pending arrival of the licence itself; that copy shall be kept on board.

2. Before receiving its licence, each vessel must be presented for the inspections required by the legislation in force. As an exception to Chapter IX of this Annex, such inspections may be carried out in a foreign port to be agreed. All expenses linked to such inspection shall be borne by the shipowner.
3. The fee to be paid by the shipowner shall be set at EUR 25 per tonne caught within Mauritania's fishing zone.
4. Licences shall be issued following payment to one of the foreign accounts of the Central Bank of Mauritania, payable to the Trésor de la Mauritanie, of a lump sum corresponding to the advance specified in the datasheets in the Protocol.
5. A log-book in accordance with the ICCAT model in Appendix 4 to this Annex shall be kept on vessels for each fishing period spent in Mauritanian waters. It shall be filled in even when no catches are made.

For periods when a vessel is not in Mauritanian waters, the words 'Outside Mauritania's EEZ' shall be entered in the abovementioned log-book.

The log-books referred to in this paragraph shall be sent to the Mauritanian authorities within 15 working days of vessels arriving in a port.

Copies of these documents shall be sent to the scientific institutes referred to in the third subparagraph of paragraph 6 below.



6. The Mauritanian authorities shall draw up the statement of fees due for the past calendar year on the basis of the catch declarations for each Community vessel and of any other information in their possession.

The previous year's statement shall reach the Commission by 31 March, for forwarding simultaneously to the shipowners and national authorities of the Member States concerned by 15 April.

Where the shipowners dispute the statement presented by Mauritania, they may request the relevant scientific institutes, e.g. France's Institut de Recherche pour le Développement (IRD), the Instituto Español de Oceanografía (IEO) and the Instituto Português de Investigação Marítima (IPIMAR), to verify the catch data before consulting with the Mauritanian authorities with a view to drawing up the final statement by 15 May of the current year. In the absence of any observations from the shipowners by that date, the statement drawn up by the Mauritanian authorities shall be deemed final. Member States shall forward to the Commission the final statements relating to their own fleets.

Any payment due in addition to the advance shall be made by the shipowners to Mauritania's fisheries authorities no later than 31 May of that year.

However, if the amount of the final statement is lower than the advance referred to in paragraph 4, the resulting balance shall not be reimbursable to the shipowner.

7. As an exception to Chapter I of Annex II, vessels shall be obliged within three hours of entering or leaving the zone to communicate their position and the volume of the catch on board direct to the Mauritanian authorities preferably by fax or, failing that, by radio.

The fax number and radio frequency shall be notified by the surveillance authorities.

A copy of the fax messages or of the record of radio communications shall be kept by the Mauritanian authorities and the shipowners until both parties have approved the final statement of fees referred to in paragraph 6.

8. As an exception to Chapter VIII of this Annex, tuna seiners shall endeavour to sign on at least one Mauritanian seaman per vessel while pole-and-line tuna vessels must sign on three Mauritanian seamen per vessel for the duration of the voyage. This includes officers, trainee officers and scientific observers.
9. As an exception to point I of Chapter V of Annex II, one scientific observer per vessel may be taken on board tuna seiners for an agreed period at the request of the Mauritanian authorities and by common agreement with the shipowners concerned.

## Chapter XV

### RULES ON OCEAN-GOING FREEZER TRAWLERS

1. The fishing licence shall be held on board each vessel. If for practical reasons the original licence cannot be delivered to the vessel, a copy or fax may also be kept on board.
2. As an exception to Chapter IX of this Annex, prior inspections of vessels shall take place in Europe. The travel and subsistence expenses of two persons designated by the Ministry to carry out the said inspections shall be payable by the shipowners.
3. The fees, inclusive of all national and local charges and taxes, and the ceilings for catches by type of vessel are specified in the datasheets contained in the Protocol.

Shipowners shall pay a sum of EUR 19 to the Mauritanian public treasury for each tonne caught in excess of the ceiling fixed by type of vessel. Declarations of catch shall be drawn up by common agreement no later than one month after the end of each year.

The fees and any additional amounts due shall be paid to one of the Central Bank of Mauritania's foreign accounts payable to the Trésor de la Mauritanie.

4. As an exception to Chapter I of Annex II, all vessels shall communicate to the surveillance authorities the date, the time and their position each time they enter or leave Mauritania's fishing zone, giving 12 hours' advance notice when entering and 24 hours' when leaving.

5. As an exception to Chapter VIII of this Annex, for the first three years of the Protocol vessels must sign on at least the following numbers of Mauritanian seamen:
  - 5, including one scientific observer, on board each vessel with a total crew of 30 or less;
  - 6, including one scientific observer, on board each vessel with a total crew of 30 or more.

For the last two years of the Protocol, those figures shall be increased by one.

6. Shipowners must take all appropriate measures to transport the Mauritanian seamen and scientific observers at their expense.
7. At least 15 transshipments shall be carried out in Mauritania's territorial waters each year, in accordance with the procedure set out in Chapter III of Annex II to the Protocol.
8. If an offence is detected during an inspection, the master shall sign the statement to that effect. As an exception to point 2 of Chapter VII of Annex II, the vessel shall thus be allowed to continue its fishing activities. The shipowners shall immediately contact the Ministry in order to reach a solution. If a solution cannot be found within 72 hours, the owners must provide a bank security covering the amount of any fines imposed.

---

## Appendix 1

**Mauritania-European Community fishing agreement**

## APPLICATION FORM FOR A FISHING LICENCE

## I. APPLICANT

1. Name of shipowner: .....
2. Name of the shipowner's association or representative: .....
3. Address of the shipowner's association or representative: .....  
.....
4. Telephone: ..... Fax: ..... Telex: .....
5. Master's name: ..... Nationality: .....

## II. VESSEL:

1. Name of vessel: .....
2. Flying the flag of: .....
3. External registration number: .....
4. Home port: .....
5. Year and place of construction: .....
6. Radio call sign: ..... Call frequency: .....
7. Hull construction material:      Steel ☐      Wood ☐      Polyester ☐      Other ☐

## III. TECHNICAL CHARACTERISTICS AND EQUIPMENT

1. Overall length ..... Width: .....
2. Tonnage (expressed in GRT): .....
3. Horse power of main engine: ..... Make: ..... Type: .....
4. Type of vessel: ..... Fishing category: .....
5. Fishing gear: .....
6. Crew complement: .....
7. Method of conservation on board:      Fresh ☐      Cold storage ☐      Mixed ☐      Freezing ☐
8. Freezing capacity in tonnes/24 hours: .....
9. Hold capacity: ..... Number: .....

Done at ....., on .....

Signature of applicant: .....

---

## Appendix 2

ISLAMIC REPUBLIC OF MAURITANIA  
FISHING LOG

ISLAMIC REPUBLIC OF MAURITANIA FISHING LOG									
Name of vessel (1) .....	Left (4) .....	Date (6)	Day	Month	Year	Hour			
Radio call sign (2) .....	Returned (5) .....	Date (6)							
Master's name (3) .....									
Fishing gear (7)	Gear code (8)	Mesh size (9)	Gear measurements (10)				Master's signature (11)		

[illegible]

ISLAMIC REPUBLIC OF MAURITANIA  
LANDING/TRANSHIPMENT DECLARATION

(A) Name of vessel (1)	Left (4)
Call sign (2)	
Master's name (3)	Returned (5)

Nationality	Call sign	Name of receiving vessel	Name of the master of the vessel

GIVE WEIGH IN KG

[illegible]



## ANNEX II

**COOPERATION IN THE MONITORING OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN MAURITANIA'S FISHING ZONE**

## Chapter I

## ENTERING AND LEAVING THE FISHING ZONE

1. Except for tuna vessels and surface longliners and pelagic freezer trawlers, Community vessels operating under this Agreement shall enter and leave Mauritania's fishing zone by one of two passages in the presence of the surveillance authorities:

- the northern passage, the coordinates of which are 20° 40' N — 17° 04' W,
- the southern passage, the coordinates of which are 16° 20' N — 16° 40' W.

2. Shipowners shall notify the surveillance authorities of their entry into and exit from Mauritania's fishing zone by telex, fax or mail to the numbers or address in Appendix 1 to this Annex.

The Commission Delegation shall be given 15 days prior notice of any changes in the numbers or addresses for notification.

3. The notification referred to in point 2 shall be given in the following manner:

(a) *Entry:*

Notice must be given at least 24 hours beforehand and contain the following particulars:

- the position of the vessel at the time of notification,
- the point of entry,
- the day, date and time of exit,
- the amount and species of catch held on board at that time, where vessels have previously stated that they hold a fishing licence for another fishing zone in the subregion, in which case the surveillance authorities will have access to the fishing log concerning that zone and the checks may last longer than the period laid down in point 5 of this Chapter.

(b) *Exit*

Notice must be given at least 48 hours beforehand in the case of the northern passage and at least 72 hours beforehand in the case of the southern passage. The following particulars must be provided:

- the position of the vessel at the time of notification,
- the point of exit,
- the day, date and time of exit,
- the amount and species of catch held on board at that time.

4. At each entry or exit, vessels shall tune their radios to the frequency of the surveillance authorities at least six hours before the time specified in the notification.
5. Controls should not normally exceed more than one hour on entry and three hours on exit.
6. In the event of the surveillance authorities being overdue or failing to appear, vessels may continue on their way once the periods laid down in point 5 have expired.

In the event of a vessel being overdue or failing to appear, the surveillance authorities may consider the entry or exit notice void once the periods laid down in point 5 have expired.

7. In the event of mass entries or exits, control operations shall be accelerated.
8. Failure to comply with the provisions of points 1 to 6 shall result in the following sanctions:

(a) *the first time:*

- the vessel shall be diverted,
- the catch on board shall be unloaded and confiscated on behalf of the Treasury,
- the vessel shall pay the minimum fine provided for in Mauritanian law;

(b) *the second time:*

- the vessel shall be diverted,
- the catch on board shall be unloaded and confiscated on behalf of the Treasury,
- the vessel shall pay a fine in accordance with Mauritanian law,
- the licence shall be revoked for the remainder of its period of validity;

(c) *the third time:*

- the vessel shall be diverted,
- the catch on board shall be unloaded and confiscated on behalf of the Treasury,
- the licence shall be definitively revoked,
- the master and the vessel shall be banned from exercising their activities in Mauritania.

## Chapter II

### INNOCENT PASSAGE

When Community fishing vessels are exercising their right of innocent passage and navigation in Mauritania's fishing zone in accordance with the United Nations Convention on the Law of the Sea and relevant national and international legislation, they shall keep all their fishing gear stowed on board in such a way that it cannot be immediately utilised.

## Chapter III

### TRANSSHIPMENT

1. The catches of Community vessels shall be transhipped within Mauritanian ports.
2. Any Community vessel wishing to tranship catches shall be subject to the procedure laid down in points 3 and 4 below.
3. The owners of such vessels shall notify the surveillance authorities at least 24 hours beforehand, using the means of communications specified in point 2 of Chapter I of this Annex, of the following:
  - the names of the transshipping fishing vessels,
  - the name of the cargo vessels,
  - the tonnage by species to be transhipped,
  - the day, date and time of transshipment.
4. Transshipment shall be considered as an exit from Mauritania's fishing zone. Vessels must therefore provide the surveillance authorities with the originals of the fishing log and the fishing log annex and state whether they intend to continue fishing or leave Mauritania's fishing zone.
5. Any transshipment of catches not covered by points 1 to 4 shall be prohibited in Mauritania's fishing zone. Any person infringing this provision shall be liable to the penalties provided for by Mauritanian law.

## Chapter IV

### INSPECTION AND MONITORING

1. Masters of Community fishing vessels shall allow and facilitate boarding and the discharge of their duties by any Mauritanian official responsible for the inspection and control of fishing activities.

These officials shall not remain on board for longer than is necessary for the discharge of their duties.

Once the inspection has been completed, a certificate shall be issued to the captain of the vessel.

2. The Community hereby undertakes to maintain the specific monitoring programme in Community ports. Summaries of reports on the controls carried out shall be sent periodically to the Ministry.



## Chapter V

## MAURITANIAN SCIENTIFIC OBSERVERS ON BOARD COMMUNITY VESSELS

A system for observation on board Community vessels is hereby established.

1. Any Community vessel holding a licence for Mauritania's fishing zone, except for tuna seiners, shall take on board a Mauritanian scientific observer. There shall be only one observer at a time per vessel.

The Ministry shall supply the Commission each quarter before licences are issued with a list of vessels designated to take on board an observer.

2. The period spent on board a vessel by a scientific observer shall be the length of a trip. However, at the express request of the Ministry this period may be spread over several trips according to the average duration of trip for a particular vessel. This request will be made by the Ministry when the name of the observer designated to board the vessel in question is notified.

Likewise, in the event of a trip being curtailed, the observer may have to make a further voyage on the same vessel.

3. The Ministry shall inform the Commission of the names of designated observers, along with the requisite documents, at least seven working days before the scheduled date of their embarkation.
4. All costs arising out of the activities of observers, including their salary, emoluments and allowances, shall be borne by the Ministry. If an observer is taken on board or disembarked at a foreign port, travelling expenses and daily allowances shall be borne by the shipowner until the observer boards the vessel or arrives at a Mauritanian port.
5. Masters of vessels designated to take on board a scientific observer shall make all the arrangements to facilitate boarding and disembarkation by the observer.

Observers shall enjoy the same treatment on board as the vessel's officers.

Observers shall be offered every facility needed to carry out their duties. The master shall give them access to the means of communication needed for the discharge of their duties, to documents directly concerned with the vessel's fishing activities, i.e. to the fishing log, the fishing log annex and navigation log, and to those parts of the vessel necessary to facilitate the exercise of their tasks as observer.

6. Observers shall normally board (and disembark) at a Mauritanian port at the start of the first trip, following notification of the list of designated vessels, which must take place at least 20 days before the beginning of the trip.

Within 15 days of that notification, the shipowners concerned shall give notice using the means of communication specified in Chapter I to this Annex, of the date and port selected for taking on the observer.

7. Observers must report to the master of the designated vessel the day before the proposed date of embarkation. Should the observer fail to report at the time specified, the vessel is entitled to leave the Mauritanian port with a certificate from the surveillance authorities confirming the absence of an observer.
8. Shipowners shall contribute EUR 3,5 per GRT per quarter per vessel to the costs of scientific observation. This contribution shall be payable at the same time as, and be additional to, the fee payable by the shipowner.

The owners of ocean-going vessels shall pay a contribution of EUR 350 per month and per vessel to the cost of scientific observers, regardless of whether an observer is on board.

9. Failure by a shipowner to comply with the provisions relating to observers shall result in the automatic suspension of the fishing licence until the shipowner has complied with these obligations.
10. Scientific observers should have:
  - a professional qualification,
  - adequate fisheries experience, and
  - a thorough understanding of this Protocol and the Mauritanian rules applicable.

11. Scientific observers shall ensure that Community vessels operating in Mauritania's fishing zone comply with the terms of this Protocol.

They shall compile a report on this subject. In particular, they shall:

- observe the fishing activities of vessels,
- verify the position of vessels engaged in fishing operations,
- take biological samples as part of scientific programmes,
- record particulars of the fishing gear and the mesh sizes of the nets used,
- verify the entries in the fishing log.

12. Observation shall be confined to fishing activities and related activities governed by this Protocol.

13. Scientific observers shall:

- take all appropriate steps to ensure that the conditions of their boarding and presence on the vessel neither interrupt nor hamper fishing operations,
- use the instruments and procedures approved for measuring the mesh size of nets used under this Agreement, and
- treat with due care property and equipment on board the vessel and respect the confidentiality of all the vessel's papers.

14. At the end of the observation period and before leaving the vessel, observers shall draw up a report in accordance with the model in Appendix 2 to this Annex. They shall sign such reports in the presence of the master, who may add or cause to be added to it any observations which he considers relevant, followed by his signature. A copy of the report shall be handed to the master when the observer is put ashore.

15. The competent authorities receiving reports from scientific observers shall be obliged to check their content and conclusions as soon as possible.

Where the competent authorities find that infringements have been committed, they shall take appropriate action including, in accordance with their national laws, the initiation of administrative proceedings against the natural or legal persons responsible. The proceedings initiated must, in accordance with the relevant provisions of national law, be such as effectively to deprive those responsible of any material gain from the infringement or to produce effects proportional to the gravity of the infringement so as effectively to discourage other infringements of the same nature.

Where the port of disembarkation is situated in a Member State other than the flag Member State the former shall inform the flag Member State of the measures taken.

## Chapter VI

### MUTUAL OBSERVATION SYSTEM FOR SHORE-BASED CONTROLS

The Contracting Parties agree to set up a mutual observation system for shore-based controls with a view to improving their effectiveness.

#### 1. Objectives

To observe the controls and inspections carried out by the national inspection authorities in order to ensure compliance with the provisions of the Protocol.

#### 2. Status of observers

The competent authorities of each Contracting Party shall designate an observer and notify the name to the other Contracting Party.

This observer should have:

- a professional qualification,
- adequate fisheries experience, and
- thorough knowledge of the provisions of the Agreement and of this Protocol.

Inspections shall be carried out by the national inspection authorities and the observer in attendance may not, on his own initiative, exercise the powers of inspection conferred on national officials.

When accompanied by national officials, the observer shall have access to the vessels, premises and documents subject to inspection by the said officials.

### 3. Duties of observers

The observer shall accompany the national inspection authorities on their visits to the ports, on board ships in dock, to public auction houses, fish wholesalers' shops, cold stores and other premises for unloading and stocking fish before it is placed on the market.

The observer shall draw up and submit a report every four months detailing the inspections attended. This report shall be addressed to the competent authorities, who shall send a copy to the other Contracting Party.

### 4. Implementation

The competent inspection authority of each Contracting Party shall give ten days' written notice to the other Contracting Party of the shore inspections, on a case-by-case basis, which it intends to carry out.

The other Contracting Party shall give five days' notice of its intention to send an observer.

The duration of the observer mission should not exceed 15 days.

### 5. Confidentiality

The observer shall respect the plant and equipment on board the vessel, and any other installations, and also the confidentiality of all documents to which access is provided.

The observer shall disclose information on the results of the work solely to the competent authorities.

### 6. Location

This programme shall be implemented in the Community ports of landing and Mauritanian ports.

### 7. Financing

Each Contracting Party shall bear the costs of its observer, including travel and board.

## Chapter VII

### BOARDING AND APPLICATION OF PENALTIES

#### 1. Transmission of information

The Ministry shall inform the Delegation within 48 hours of any boarding of or application of a penalty to a Community fishing vessel operating in Mauritania's fishing zone and shall provide a brief report of the circumstances and reasons for this boarding.

#### 2. Statement of boarding

After the Mauritanian surveillance authorities have drawn up a statement, the master of the vessel shall sign it.

This signature does not prejudice the rights of the master or any defence which he may make to the alleged infringement.

He shall take the vessel to the port of Nouadhibou. In the case of minor infringements, the surveillance authorities may authorise the vessel to continue its fishing activities.

#### 3. Settlement of boarding

3.1. In accordance with this Protocol and Mauritanian law, infringements may be settled administratively or by legal proceedings.

3.2. In the case of an administrative settlement the amount of the fine shall be determined in accordance with Mauritanian legislation laying down minimum and maximum figures.

3.3. If there is no administrative settlement and the matter is brought before a competent judicial body, a bank security amounting to the equivalent in euro of the maximum fine provided for in Mauritanian legislation shall be lodged by the shipowner with a bank designated by the Ministry.

3.4. The bank security shall be irrevocable until the legal proceedings have been concluded. It shall be released by the Ministry once legal proceedings end without a conviction. Similarly, in the event of a conviction leading to a fine of less than the security lodged, the balance shall be released by the Ministry.

3.5. The vessel shall be released and its crew authorised to leave the port:

- either as soon as the obligations imposed by the administrative settlement procedure have been completed on presentation of the receipt for the settlement, or
- when the bank security referred to in point 3.3 has been lodged and accepted by the Ministry, pending completion of the legal proceedings.

#### Chapter VIII

##### DISCARDING AT SEA

The Contracting Parties shall look into the problem of discards from fishing vessels and shall examine ways of making use of them.

#### Chapter IX

##### FIGHT AGAINST ILLEGAL FISHING

In an effort to curb illegal fishing activities in Mauritania's fishing zone which jeopardise fisheries management policy, the Contracting Parties agree to exchange information on these activities on a regular basis.

In addition to the measures already applied by the Contracting Parties under existing legislation, they shall consult one another on the possibility of taking supplementary joint or individual action. To this end, they shall step up cooperation, in particular on the fight against illegal fishing.

---

#### *Appendix I*

##### **MAURITANIA-EUROPEAN COMMUNITY FISHERIES AGREEMENT**

##### **ADDRESS OF THE SURVEILLANCE AUTHORITIES**

1. Address: Boîte Postale (BP) 260 Nouadhibou  
Mauritania
  2. Telephone: (222) 574 57 01/574 56 26
  3. Fax: (222) 574 63 12/574 90 94
  4. E-mail: dspcm@toptechnology.mr
-

## Appendix 2

## European Community-Mauritania fisheries agreement

## REPORT OF THE MAURITANIAN SCIENTIFIC OBSERVER

Name of observer: .....

Vessel: ..... Nationality: .....  
 Number and port of registration: .....  
 Identity marking: ..... tonnage: ..... GT Power .....HP  
 Licence: ..... No.: ..... Type: .....  
 Master's name: ..... Nationality: .....

Boarded: date: ..... Port: .....  
 Disembarked: date: ..... Port: .....

Authorised fishing method: .....  
 Gear used: .....  
 Mesh size and/or dimensions: .....  
 Fishing zones frequented: .....  
 Distance from coast: .....  
 Number of Mauritanian crew on board: .....  
 Entry into .... / .... / .... and departure .... / .... / .... from the fishing zone

Observer's estimate  
 Overall production (kg): ..... Overall production (kg): ..... declared  
 on ..... GT  
 By-catches: species ..... estimated: ..... %  
 Discards: species: ..... Quantity ..... (kg): .....

Species retained						
Quantity (kg)						
Species retained						
Quantity (kg)						

## Overserver's findings

Nature of findings	date	position

Observer's comments (general) .....  
.....  
.....  
.....

Done at ....., on .....

Observer's signature .....

Master's comments  
.....  
.....  
.....  
Copy of report received (date) ..... Master's signature .....

Report forwarded to .....  
Quality: .....

\_\_\_\_\_