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Contents

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

2001/83/CFSP:

- ★ **Council Common Position of 29 January 2001 concerning European Union support for the implementation of the Lusaka ceasefire agreement and the peace process in the Democratic Republic of Congo and repealing Common Position 1999/728/CFSP** 1

I Acts whose publication is obligatory

- Commission Regulation (EC) No 187/2001 of 30 January 2001 establishing the standard import values for determining the entry price of certain fruit and vegetables 3
- ★ **Commission Regulation (EC) No 188/2001 of 30 January 2001 amending Regulation (EC) No 1524/98 laying down detailed rules for the application of the specific measures adopted in respect of fruit and vegetables, plants and flowers for the benefit of the French overseas departments and determining the forecast supply balance for 2001** 5
- ★ **Commission Regulation (EC) No 189/2001 of 30 January 2001 amending Regulation (EC) No 1771/96 laying down detailed rules for the implementation of the specific measures for the supply of hops to the French overseas departments** 8
- ★ **Commission Regulation (EC) No 190/2001 of 30 January 2001 amending Regulation (EC) No 1772/96 laying down detailed rules for implementation of the specific measures for the supply of seed potatoes to the French overseas departments (supply balance)** 10
- ★ **Commission Regulation (EC) No 191/2001 of 30 January 2001 suspending the introduction into the Community of specimens of certain species of wild fauna and flora** 12
- ★ **Commission Regulation (EC) No 192/2001 of 30 January 2001 amending Regulation (EC) No 2342/1999 laying down detailed rules for premium schemes in the beef and veal sector** 27

Commission Regulation (EC) No 193/2001 of 30 January 2001 fixing the export refunds on rice and broken rice and suspending the issue of export licences	29
Commission Regulation (EC) No 194/2001 of 30 January 2001 setting the amounts of aid for the supply of rice products from the Community to the Canary Islands	32
Commission Regulation (EC) No 195/2001 of 30 January 2001 setting the amounts of aid for the supply of rice products from the Community to the Azores and Madeira	34
Commission Regulation (EC) No 196/2001 of 30 January 2001 on the issuing of export licences for products processed from fruit and vegetables	36
Commission Regulation (EC) No 197/2001 of 30 January 2001 on the issue of system B export licences in the fruit and vegetables sector	37

II Acts whose publication is not obligatory

Council

2001/84/EC:

- ★ **Council Decision of 22 December 2000 concerning the conclusion of an Agreement between the European Community and the Republic of Cyprus adopting the terms and conditions for the participation of the Republic of Cyprus in Community programmes in the fields of training, education and youth** 38

Agreement between the European Community and the Republic of Cyprus adopting the terms and conditions for the participation of the Republic of Cyprus in Community programmes in the fields of training, education and youth 40

Commission

2001/85/ECSC:

- ★ **Commission Decision of 20 September 2000 authorising France to grant aid to the coal industry for 1997, 1998 and 1999 ⁽¹⁾ (notified under document number C(2000) 2957)** 45

2001/86/EC:

- ★ **Commission Decision of 4 October 2000 on the aid scheme implemented by Portugal in favour of the pigfarming sector (notified under document number C(2000) 2755)** 49

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

COUNCIL COMMON POSITION

of 29 January 2001

concerning European Union support for the implementation of the Lusaka ceasefire agreement and the peace process in the Democratic Republic of Congo and repealing Common Position 1999/728/CFSP

(2001/83/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and in particular Article 15 thereof,

Having regard to Council Common Position 1999/728/CFSP of 15 November 1999 concerning EU support for the implementation of the Lusaka ceasefire agreement and the peace process in the Democratic Republic of Congo ⁽¹⁾, and in particular Article 9 thereof,

Whereas:

- (1) The European Council in Amsterdam on 16 and 17 June 1997 adopted conclusions regarding the process towards democracy in the Democratic Republic of Congo.
- (2) On 9 November 1998 and 22 May 2000 the Council adopted conclusions on the situation in the Great Lakes Region.
- (3) The Council has adopted Common Position 97/356/CFSP of 2 June 1997 concerning conflict prevention and resolution in Africa ⁽²⁾ and Common Position 98/350/CFSP of 25 May 1998 on human rights, democratic principles, the rule of law and good governance in Africa ⁽³⁾.
- (4) The signing of the Lusaka cease-fire agreement was completed on 31 August 1999 by all parties involved, i.e. the Democratic Republic of Congo, Angola, Namibia, Rwanda, Uganda, Zimbabwe, the 'Mouvement pour la Libération du Congo' and the 'Rassemblement Congolais pour la Démocratie'.
- (5) In accordance with the declarations of the Presidency on behalf of the European Union of 9 and 16 July, 3 and 22 September, 11 October and 26 November 1999, 12 April and 22 September 2000, the Union pledged its support to the implementation of the Lusaka agreement provided that the parties respect and implement the agreement in accordance with the terms set out therein.
- (6) The United Nations Security Council has adopted Resolutions 1234(1999), 1258(1999), 1291(2000), 1304(2000) and 1332(2000).

- (7) Common Position 1999/728/CFSP shall be repealed,

HAS ADOPTED THIS COMMON POSITION:

Article 1

The objective of the Common Position is to support through action by the European Union and its Member States the implementation of the Lusaka cease-fire agreement and the process towards peace in the Democratic Republic of Congo (DRC).

The European Union affirms that lasting peace in the DRC can be achieved only through a negotiated peace settlement which is fair to all parties, through respect for the territorial integrity and national sovereignty of the DRC and for democratic principles and human rights in all States of the region, and by taking account of the security interest of the DRC and its neighbouring countries.

Once peace is restored the European Union is ready to consider long-term cooperation in support of national reconstruction.

Article 2

The European Union will support action taken by the United Nations and the Organisation for African Unity in support of the implementation of the Lusaka cease-fire agreement and the peace process, and cooperate closely with these organisations and other relevant actors of the international Community in the implementation of this Common Position.

Article 3

The European Union will continue to support the Joint Military Commission to allow it to fulfil its tasks as specified in its Rules of Procedure.

Article 4

The European Union will further support a process of reconciliation and democratisation in the Democratic Republic of Congo, including support for the national dialogue, in accordance with the objectives and arrangements specified in the Lusaka cease-fire agreement.

⁽¹⁾ OJ L 294, 16.11.1999, p. 2.

⁽²⁾ OJ L 153, 11.6.1997, p. 1.

⁽³⁾ OJ L 158, 2.6.1998, p. 1.

Article 5

The Council notes that the Commission intends to direct its action towards achieving the objectives of this Common position, where appropriate, by pertinent Community measures, promoting in particular restoration of the democratic institutions and respect for human rights, democracy, good governance and the rule of law. Consideration will also be given to supporting the reintegration of refugees and displaced people and the demobilisation and reintegration of ex-combatants.

Article 6

In its cooperation with the countries involved in the conflict in the Democratic Republic of Congo, the European Union will promote support for activities which contribute to political stability and the alleviation of economic and social problems which contribute to instability in the Great Lakes region.

Article 7

The European Union will consider supporting the concept of and possible preparations for an international conference on peace, security, democracy and development in the Great Lakes region in order to enhance political stability, conflict management and resolution capacities, and economic integration in the region, as soon as the most important elements of the Lusaka agreement have been implemented.

Article 8

The European Union and its Member States reserve the right to modify or cancel any activities in support of the implementa-

tion of the Lusaka cease-fire agreement, if the parties do not abide by the terms of the agreement.

Article 9

Common Position 1999/728/CFSP shall be repealed.

Article 10

The implementation of this Common Position will be monitored regularly. The Common Position will be reviewed before 29 January 2002.

Article 11

This Common Position shall take effect on the day of its adoption.

Article 12

This Common Position shall be published in the Official Journal.

Done at Brussels, 29 January 2001.

For the Council

The President

M. WINBERG

I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 187/2001
of 30 January 2001
establishing the standard import values for determining the entry price of certain fruit and
vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 31 January 2001.

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

Done at Brussels, 30 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 30 January 2001 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	78,6
	204	45,7
	624	64,6
	999	63,0
0707 00 05	052	95,9
	624	193,9
	628	141,3
	999	143,7
0709 90 70	052	128,4
	204	89,7
	624	185,9
	999	134,7
0805 10 10, 0805 10 30, 0805 10 50	052	39,2
	204	49,0
	212	45,2
	624	72,7
	999	51,5
0805 20 10	204	101,2
	624	57,9
	999	79,5
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	70,7
	204	111,3
	600	75,5
	624	78,8
	662	47,1
	999	76,7
	999	76,7
0805 30 10	052	60,4
	600	72,7
	999	66,5
	999	66,5
0808 10 20, 0808 10 50, 0808 10 90	400	93,3
	404	94,1
	720	108,4
	728	79,8
	999	93,9
0808 20 50	052	189,0
	388	112,2
	400	98,5
	999	133,2

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

COMMISSION REGULATION (EC) No 188/2001

of 30 January 2001

amending Regulation (EC) No 1524/98 laying down detailed rules for the application of the specific measures adopted in respect of fruit and vegetables, plants and flowers for the benefit of the French overseas departments and determining the forecast supply balance for 2001

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 on introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments ⁽¹⁾, as last amended by Regulation (EC) No 1257/1999 ⁽²⁾, and in particular Article 2(6) thereof,

Whereas:

(1) Common detailed rules for implementing the specific measures for the supply of certain agricultural products to the French overseas departments are laid down in Commission Regulation (EEC) No 131/92 ⁽³⁾, as last amended by Regulation (EC) No 1736/96 ⁽⁴⁾, and the additional detailed rules for applying the arrangements for the supply of processed fruit and vegetables and the forecast balance determining the quantities eligible for the specific supply arrangements for the period 1 January to 31 December 2000 are laid down in Commission Regulation (EC) No 1524/98 ⁽⁵⁾, as last amended by Regulation (EC) No 2683/1999 ⁽⁶⁾.

(2) The quantities of products eligible for the specific supply balance are determined by means of forecast balances established periodically and subject to revision on the basis of essential market requirements in the French overseas departments and taking account of local production and traditional trade flows. A forecast supply balance for 2001 is accordingly established in the Annex hereto.

(3) This Regulation will enter into force after the expiry of the time limit for submitting licence applications in January 2001. To avoid a break in supplies to the French

overseas departments, provision should be made to derogate from Article 3(2) and 3(3) of Regulation (EC) No 1524/98 and to allow, for that month alone, the submission of licence applications in the five working days following the entry into force of this Regulation and to set the time limit for the issue of such licences at 10 working days following the entry into force of this Regulation.

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

HAS ADOPTED THIS REGULATION:

Article 1

Part A of Annex I to Regulation (EC) No 1524/98 is replaced by the Annex to this Regulation.

Article 2

1. By way of derogation from Article 3(2) of Regulation (EC) No 1524/98, for January 2001 applications for licences shall be submitted to the competent authority no later than the fifth working day following the entry into force of this Regulation.

2. By way of derogation from Article 3(3) of Regulation (EC) No 1524/98, for January 2001 licences shall be issued no later than the 10th working day after the entry into force of this Regulation.

Article 3

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

It shall apply from 1 January 2001.

⁽¹⁾ OJ L 356, 24.12.1991, p. 1.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

⁽³⁾ OJ L 15, 22.1.1992, p. 13.

⁽⁴⁾ OJ L 225, 6.9.1996, p. 3.

⁽⁵⁾ OJ L 201, 17.7.1998, p. 29.

⁽⁶⁾ OJ L 326, 18.12.1999, p. 22.

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

Done at Brussels, 30 January 2001.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

'Part A: Forecast supply balance for processed fruit and vegetables for the French overseas departments for 2001

Product group	CN code	Product	Quantity (tonnes)
A	ex 2007 91 ex 2007 99	Fruit purees, being cooked preparations, whether or not containing added sugar or other sweetening matter, for processing Citrus fruit Other, not including tropical fruit	100
B	ex 2008 30 ex 2008 40 ex 2008 50 ex 2008 60 ex 2008 70 ex 2008 80 ex 2008 92 ex 2008 99	Fruit pulps, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit not elsewhere specified or included, for processing Citrus fruit Pears Apricots Cherries Peaches Strawberries Mixtures not including tropical fruit Other not including tropical fruit	450
C	ex 2009 11 11 ex 2009 11 19 ex 2009 19 11 ex 2009 19 19	Concentrated fruit juice (including grape must), unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter, for processing } Orange juice	200
D	ex 2009 20 11 ex 2009 20 19	} Grapefruit or pomelo juice	250
	ex 2009 60 11 ex 2009 60 19 ex 2009 60 51 ex 2009 60 71	} Grape juice	
	ex 2009 70 11 ex 2009 70 19	} Apple juice	
	ex 2009 80 11 ex 2009 80 19	} Pear juice	
	ex 2009 80 35 ex 2009 80 38	} Juice of any other fruit not including tropical fruit	
	ex 2009 90 11 ex 2009 90 19	} Mixtures of apple and pear juice	
	ex 2009 90 21 ex 2009 90 29	} Other mixtures, not including tropical fruit	
Total			1 000'

COMMISSION REGULATION (EC) No 189/2001
of 30 January 2001
amending Regulation (EC) No 1771/96 laying down detailed rules for the implementation of the
specific measures for the supply of hops to the French overseas departments

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments ⁽¹⁾, as last amended by Regulation (EC) No 2826/2000 ⁽²⁾, and in particular Article 2(6) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1771/96 ⁽³⁾, as last amended by Regulation (EC) No 2797/1999 ⁽⁴⁾, establishes the quantities of the forecast supply balance for the French overseas departments of hops eligible for exemption from import duties or for Community aid from the rest of the Community as well as the amount of that aid. The above quantities should be established for the period 1 January to 31 December 2001.
- (2) This Regulation will enter into force after the expiry of the time limit for submitting licence applications in January 2001. To avoid a break in supplies to the French overseas departments, provision should be made to derogate from Article 4(1) and (2) of Regulation (EC) No 1771/96 and to allow, for that month alone, the submission of licence applications in the five working days following the entry into force of this Regulation and to set the time limit for the issue of such licences at 10 working days following the entry into force of this Regulation.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Hops,

Article 1

Article 1 of Regulation (EC) No 1771/96 is hereby replaced by the following:

'Article 1

For the purposes of Article 2 of Regulation (EEC) No 3763/91, the quantity for the forecast supply balance for hops falling within CN codes 1210 and 1302 13 00 eligible for exemption from duty on importation into the French overseas departments or, for products from the rest of the Community, eligible for Community aid is hereby set at 15 tonnes for the period 1 January to 31 December 2001. This quantity shall be allocated as laid down in the Annex.

The French authorities may adjust the allocation within the overall limit set. They shall inform the Commission of any such adjustment.'

Article 2

By way of derogation from Article 4(1) of Regulation (EC) No 1771/96, for January 2001 applications for licences shall be submitted to the competent authority no later than the fifth working day following the entry into force of this Regulation.

By way of derogation from Article 4(2) of Regulation (EC) No 1771/96, for January 2001 licences shall be issued no later than 10 working days after the entry into force of this Regulation.

Article 3

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

It shall apply from 1 January 2001.

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

Done at Brussels, 30 January 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 356, 24.12.1991, p. 1.

⁽²⁾ OJ L 328, 23.12.2000, p. 2.

⁽³⁾ OJ L 232, 13.9.1996, p. 11.

⁽⁴⁾ OJ L 337, 30.12.1999, p. 39.

ANNEX

(tonnes)	
Hops falling within CN codes 1210 and 1302 13 00	
Guadeloupe	1
Martinique	3
Réunion	11

COMMISSION REGULATION (EC) No 190/2001**of 30 January 2001****amending Regulation (EC) No 1772/96 laying down detailed rules for implementation of the specific measures for the supply of seed potatoes to the French overseas departments (supply balance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments ⁽¹⁾, as last amended by Regulation (EC) No 2826/2000 ⁽²⁾, and in particular Article 2(6) thereof,

Whereas:

- (1) Pursuant to Article 2 of Regulation (EEC) No 3763/91, Commission Regulation (EC) No 1772/96 ⁽³⁾, as last amended by Regulation (EC) No 263/2000 ⁽⁴⁾, fixes the forecast supply balance for seed potatoes and the level of aid for their supply from the rest of the Community to the French overseas departments for the 2000 calendar year. The forecast supply balance should be fixed for the 2001 calendar year. The balance must be fixed on the basis of the needs of the French overseas departments.
- (2) Pursuant to Article 2(4) of Regulation (EEC) No 3763/91, the level of aid for the supply of seed potatoes from the rest of the Community to the French overseas departments should be fixed to ensure that potatoes are supplied under conditions equivalent for the end user to exemption from import duties on seed potatoes from third countries. That aid should be fixed taking account, *inter alia*, of the cost of supply from the world market.
- (3) This Regulation will enter into force after the expiry of the time limit for submitting licence applications in January 2001. To avoid a break in supplies to the French overseas departments, provision should be made to derogate from Article 4(1) and (2) of Regulation (EC) No 1772/96 and to allow, for that month alone, the submission of licence applications in the five working days following the entry into force of this Regulation and to set the time limit for the issue of such licences at 10 working days following the entry into force of this Regulation.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1772/96 is amended as follows:

1. Article 1 is replaced by the following:

'Article 1

For the purposes of applying Article 2 of Regulation (EEC) No 3763/91, the forecast supply balance for seed potatoes falling within CN code 0701 10 00 exempt from duty on importation into the French overseas departments or, for products from the rest of the Community, eligible for Community aid shall be as set out in the Annex.'

2. Article 2 is replaced by the following:

'Article 2

The aid provided for in Article 2(4) of Regulation (EEC) No 3763/91 for supplying the French overseas departments with seed potatoes from the Community market in accordance with the forecast supply balance shall be as set out in the Annex.'

Article 2

By way of derogation from Article 4(1) of Regulation (EC) No 1772/96, for January 2001 applications for licences shall be submitted to the competent authority no later than the fifth working day following the entry into force of this Regulation.

By way of derogation from Article 4(2) of Regulation (EC) No 1772/96, for January 2001 licences shall be issued no later than 10 working days after the entry into force of this Regulation.

Article 3

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

It shall apply from 1 January 2001.

⁽¹⁾ OJ L 356, 24.12.1991, p. 1.

⁽²⁾ OJ L 328, 23.12.2000, p. 2.

⁽³⁾ OJ L 232, 13.9.1996, p. 13.

⁽⁴⁾ OJ L 29, 4.2.2000, p. 3.

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

Done at Brussels, 30 January 2001.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

Supply balance for the French overseas departments for seed potatoes for the period 1 January 2001 to 31 December 2001

Department	Product (CN code)	Quantity (tonnes)	Supply aid (per 100 kg)
Réunion	Seed potatoes 0701 10 00	350	EUR 5,430

COMMISSION REGULATION (EC) No 191/2001
of 30 January 2001
suspending the introduction into the Community of specimens of certain species of wild fauna and flora

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein⁽¹⁾, as last amended by Commission Regulation (EC) No 2724/2000⁽²⁾, and in particular Article 19, point 2, thereof,

After consulting the Scientific Review Group,

Whereas:

- (1) Article 4(6) of Regulation (EC) No 338/97 provides for the establishment by the Commission of general restrictions, or restrictions relating to certain countries of origin, on the introduction into the Community of specimens of certain species and lays down the criteria for such restrictions.
- (2) The list of such restrictions has been last established with Commission Regulation (EC) No 1988/2000 of 20 September 2000 suspending the introduction into the Community of specimens of certain species of wild fauna and flora⁽³⁾, and this list now needs to be revised in accordance with the first paragraph of Article 4(6) of Regulation (EC) No 338/97. In the interest of clarity the list set out in Regulation (EC) No 1988/2000 should be replaced in its entirety and Regulation (EC) No 1988/2000 should accordingly be repealed.
- (3) The countries of origin of the species subject to these restrictions were consulted.

- (4) Article 41 of Commission Regulation (EC) No 939/97 of 26 May 1997 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 of the protection of species of wild fauna and flora by regulating trade therein⁽⁴⁾ as last amended by Regulation (EC) No 1006/98⁽⁵⁾, contains provisions for the implementation by the Member States of the restrictions established by the Commission.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Trade in Wild Fauna and Flora,

HAS ADOPTED THIS REGULATION:

Article 1

Subject to the provisions of Article 41 of Regulation (EC) No 939/97, the introduction into the Community of specimens of the species of wild fauna and flora mentioned in the Annex to this Regulation is hereby suspended.

Article 2

Regulation (EC) No 1988/2000 is hereby repealed.

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, 30 January 2001.

For the Commission
Margot WALLSTRÖM
Member of the Commission

⁽¹⁾ OJ L 61, 3.3.1997, p. 1.

⁽²⁾ OJ L 320, 18.12.2000, p. 1.

⁽³⁾ OJ L 237, 21.9.2000, p. 25.

⁽⁴⁾ OJ L 140, 30.5.1997, p. 9.

⁽⁵⁾ OJ L 145, 15.5.1998, p. 3.

ANNEX

Specimens of species included in Annex A to Regulation (EC) No 338/97 whose introduction into the Community is suspended

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
FAUNA				
MAMMALIA				
CARNIVORA				
Felidae				
<i>Lynx lynx</i>	Wild	All	Azerbaijan, Moldova, Lithuania, Ukraine	a
Bovidae				
<i>Ovis ammon nigrimontana</i>	Wild	All	Kazakhstan	a

Specimens of species included in Annex B to Regulation (EC) No 338/97 whose introduction into the Community is suspended

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
FAUNA				
MAMMALIA				
MONOTREMATA				
Tachyglossidae				
<i>Zaglossus bruijini</i>	Wild	All	All	b
PRIMATES				
Loridae				
<i>Arctocebus aureus</i>	Wild	All	Central African Republic, Gabon	b
<i>Arctocebus calabarensis</i>	Wild	All	Nigeria	b
<i>Nycticebus pygmaeus</i>	Wild	All	All	b
Galagonidae				
<i>Euticus pallidus</i> (synonym <i>Galago elegantulus pallidus</i>)	Wild	All	Nigeria	b
<i>Galago matschiei</i> (synonym <i>G. inustus</i>)	Wild	All	Rwanda	b
<i>Galago senegalensis</i>	Wild	All	Djibouti	b
<i>Galagoides demidoff</i> (synonym <i>Galago demidovii</i>)	Wild	All	Burkina Faso, Central African Republic, Kenya, Senegal	b
<i>Galagoides zanzibaricus</i> (synonym <i>Galago zanzibaricus</i>)	Wild	All	Malawi	b
Callitrichidae				
<i>Callithrix argentata</i>	Wild	All	Paraguay	b
<i>Callithrix geoffroyi</i> (synonym <i>C. jacchus geoffroyi</i>)	Wild	All	Brazil	b
<i>Saguinus labiatus</i>	Wild	All	Colombia	b
Cebidae				
<i>Alouatta fusca</i>	Wild	All	All	b
<i>Alouatta seniculus</i>	Wild	All	Trinidad and Tobago	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
<i>Ateles belzebuth</i>	Wild	All	All	b
<i>Ateles fusciceps</i>	Wild	All	All	b
<i>Ateles geoffroyi</i>	Wild	All	All	b
<i>Ateles paniscus</i>	Wild	All	Peru	b
<i>Callicebus torquatus</i>	Wild	All	Ecuador	b
<i>Cebus albifrons</i>	Wild	All	Guyana	b
<i>Cebus capucinus</i>	Wild	All	Belize, Venezuela	b
<i>Cebus olivaceus</i>	Wild	All	Peru	b
<i>Cebus torquatus</i>	Wild	All	Ghana	b
<i>Chiropotes satanas</i>	Wild	All	Brazil	b
<i>Lagothrix lagothricha</i>	Wild	All	All	b
Cercopithecidae				
<i>Allenopithecus nigroviridis</i>	Wild	All	All	b
<i>Cercopithecus ascanius</i>	Wild	All	Burundi	b
<i>Cercopithecus cephus</i>	Wild	All	Central African Republic	b
<i>Cercopithecus dryas</i> (including <i>C. salango</i>)	Wild	All	Democratic Republic of Congo	b
<i>Cercopithecus erythrogaster</i>	Wild	All	All	b
<i>Cercopithecus erythrotis</i>	Wild	All	All	b
<i>Cercopithecus hamlyni</i>	Wild	All	All	b
<i>Cercopithecus pogonias</i>	Wild	All	Cameroon, Equatorial Guinea, Nigeria	b
<i>Cercopithecus preussi</i> (synonym <i>C. lhoesti preussi</i>)	Wild	All	Cameroon, Equatorial Guinea, Nigeria	b
<i>Colobus guereza</i>	Wild	All	Equatorial Guinea	b
<i>Colobus polykomos</i>	Wild	All	Côte d'Ivoire, Ghana, Nigeria	b
<i>Lophocebus albigena</i> (synonym <i>Cercocebus albigena</i>)	Wild	All	Kenya, Nigeria	b
<i>Macaca arctoides</i>	Wild	All	India, Malaysia, Thailand	b
<i>Macaca assamensis</i>	Wild	All	Nepal	b
<i>Macaca cyclopis</i>	Wild	All	All	b
<i>Macaca fascicularis</i>	Wild	All	Bangladesh, India	b
<i>Macaca maura</i>	Wild	All	Indonesia	b
<i>Macaca nemestrina</i>	Wild	All	China	b
<i>Macaca nemestrina pagensis</i>	Wild	All	Indonesia	b
<i>Macaca nigra</i>	Wild	All	Indonesia	b
<i>Macaca ochreata</i>	Wild	All	Indonesia	b
<i>Macaca sylvanus</i>	Wild	All	Algeria, Morocco	b
<i>Papio hamadryas</i>	Wild	All	Guinea-Bissau, Liberia, Libya	b
<i>Procolobus badius</i> (synonym <i>Colobus badius</i>)	Wild	All	All	b
<i>Procolobus verus</i> (synonym <i>Colobus verus</i>)	Wild	All	Benin, Côte d'Ivoire, Ghana, Sierra Leone, Togo	b
<i>Trachypithecus phayrei</i> (synonym <i>Presbytis phayrei</i>)	Wild	All	Cambodia, China, India	b
<i>Trachypithecus vetulus</i> (synonym <i>Presbytis senex</i>)	Wild	All	Sri Lanka	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
XENARTHRA				
<i>Myrmecophagidae</i>				
<i>Myrmecophaga tridactyla</i>	Wild	All	Belize, Uruguay	b
RODENTIA				
<i>Sciuridae</i>				
<i>Ratufa affinis</i>	Wild	All	Singapore	b
<i>Ratufa bicolor</i>	Wild	All	China	b
CARNIVORA				
<i>Canidae</i>				
<i>Chrysocyon brachyurus</i>	Wild	All	Bolivia, Peru	b
<i>Viverridae</i>				
<i>Cynogale bennettii</i>	Wild	All	Brunei, China, Indonesia, Malaysia, Singapore, Thailand, Vietnam	b
<i>Eupleres goudotii</i>	Wild	All	Madagascar	b
<i>Fossa fossana</i>	Wild	All	Madagascar	b
<i>Felidae</i>				
<i>Leptailurus serval</i>	Wild	All	Algeria	b
<i>Oncifelis colocolo</i>	Wild	All	Chile	b
<i>Prionailurus bengalensis</i>	Wild	All	Macao	b
PERISSODACTYLA				
<i>Equidae</i>				
<i>Equus zebra hartmannae</i>	Wild	All	Angola	b
ARTIODACTYLA				
<i>Hippopotamidae</i>				
<i>Hexaprotodon liberiensis</i> (synonym <i>Choeropsis liberiensis</i>)	Wild	All	Côte d'Ivoire, Guinea, Guinea-Bissau, Nigeria, Sierra Leone	b
<i>Hippopotamus amphibius</i>	Wild	All	Gambia, Liberia, Niger, Nigeria, Sierra Leone	b
<i>Camelidae</i>				
<i>Lama guanicoe</i>	Wild	All, except: — specimens that form part of the registered stock in Argentina, provided that permits are confirmed by the Secretariat before being accepted by the Member State of import, — products obtained from the shearing of live animals carried out under the approved management programme, appropriately marked and registered, — non-commercial exports of limited quantities of wool for industrial testing, up to 500 kg annually	Argentina	b
	Wild	All	Chile	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
Moschidae				
<i>Moschus chrysogaster</i>	Wild	All	China	b
<i>Moschus berezovskii</i>	Wild	All	China	b
<i>Moschus fuscus</i>	Wild	All	China	b
<i>Moschus moschiferus</i>	Wild	All	China, Russian Federation	b
Bovidae				
<i>Ovis ammon</i> (except subspecies <i>nigrimontana</i> and <i>hagdsonii</i>)	Wild	All	All	b
AVES				
CICONIIFORMES				
Balaenicipitidae				
<i>Balaeniceps rex</i>	Wild	All	Zambia	b
ANSERIFORMES				
Anatidae				
<i>Anas bernieri</i>	Wild	All	Madagascar	b
FALCONIFORMES				
Accipitridae				
<i>Accipiter brachyurus</i>	Wild	All	Papua New Guinea	b
<i>Accipiter gundlachi</i>	Wild	All	Cuba	b
<i>Accipiter imitator</i>	Wild	All	Papua New Guinea, Solomon Islands	b
<i>Buteo galapagoensis</i>	Wild	All	Ecuador	b
<i>Buteo ridgwayi</i>	Wild	All	Dominican Republic, Haiti	b
<i>Erythrotriorchis radiatus</i>	Wild	All	Australia	b
<i>Gyps coprotheres</i>	Wild	All	Mozambique, Namibia, Swaziland	b
<i>Gyps rueppelli</i>	Wild	All	Guinea	b
<i>Harpyopsis novaeguineae</i>	Wild	All	Indonesia, Papua New Guinea	b
<i>Leucopternis lacernulata</i>	Wild	All	Brazil	b
<i>Leucopternis occidentalis</i>	Wild	All	Ecuador, Peru	b
<i>Lophoictinia isura</i>	Wild	All	Australia	b
<i>Spizaetus bartelsi</i>	Wild	All	Indonesia	b
Falconidae				
<i>Falco deiroleucus</i>	Wild	All	Belize, Guatemala	b
<i>Falco fasciinucha</i>	Wild	All	Botswana, Ethiopia, Kenya, Malawi, Mozambique, South Africa, Sudan, Tanzania, Zambia, Zimbabwe	b
<i>Falco hypoleucos</i>	Wild	All	Australia, Papua New Guinea	b
<i>Micrastur plumbeus</i>	Wild	All	Colombia, Ecuador	b
GALLIFORMES				
Phasianidae				
<i>Polyplectron schleiermacheri</i>	Wild	All	Indonesia, Malaysia	b
GRUIFORMES				
Gruidae				
<i>Balearica pavonina</i>	Wild	All	Guinea, Mali	b
<i>Balearica regulorum</i>	Wild	All	Angola, Botswana, Burundi, Democratic Republic of Congo, Kenya, Lesotho, Malawi, Mozambique, Namibia, Rwanda, South Africa, Swaziland, Tanzania, Uganda, Zambia, Zimbabwe	b
<i>Grus carunculatus</i>	Wild	All	All	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
COLUMBIFORMES				
<i>Columbidae</i>				
<i>Goura cristata</i>	Wild	All	Indonesia	b
<i>Goura scheepmakeri</i>	Wild	All	Indonesia	b
<i>Goura victoria</i>	Wild	All	Indonesia	b
PSITTACIFORMES				
<i>Psittacidae</i>				
<i>Agapornis fischeri</i>	Wild	All	Tanzania	b
	Ranched	All	Mozambique	b
<i>Agapornis lilianae</i>	Wild	All	Tanzania	b
<i>Agapornis nigrigenis</i>	Wild	All	All	b
<i>Agapornis pullarius</i>	Wild	All	Angola, Kenya, Togo	b
<i>Agapornis roseicollis</i>	Wild	All	Botswana	b
<i>Alisterus chloropterus chloropterus</i>	Wild	All	Indonesia	b
<i>Amazona agilis</i>	Wild	All	Jamaica	b
<i>Amazona auropalliata</i>	Wild	All	Honduras	b
<i>Amazona autumnalis</i>	Wild	All	Ecuador	b
<i>Amazona collaria</i>	Wild	All	Jamaica	b
<i>Amazona mercenaria</i>	Wild	All	Venezuela	b
<i>Amazona oratrix</i>	Wild	All	Belize, Guatemala, Honduras, Mexico	b
<i>Amazona xanthops</i>	Wild	All	Bolivia, Paraguay	b
<i>Ara ararauna</i>	Wild	All	Trinidad and Tobago	b
<i>Ara chloropterus</i>	Wild	All	Argentina, Panama	b
<i>Ara couloni</i>	Wild	All	Bolivia, Brazil	b
<i>Ara severa</i>	Wild	All	Guyana	b
<i>Aratinga acuticaudata</i>	Wild	All	Uruguay	b
<i>Aratinga aurea</i>	Wild	All	Argentina	b
<i>Aratinga auricapilla</i>	Wild	All	All	b
<i>Aratinga erythrogenys</i>	Wild	All	Peru	b
<i>Aratinga euops</i>	Wild	All	Cuba	b
<i>Aratinga solstitialis</i>	Wild	All	Venezuela	b
<i>Bolborhynchus ferrugineifrons</i>	Wild	All	Columbia	b
<i>Cacatua sanguinea</i>	Wild	All	Indonesia	b
<i>Cacatua sulphurea</i>	Wild	All	Indonesia	b
<i>Charmosyna amabilis</i>	Wild	All	Fiji	b
<i>Charmosyna diadema</i>	Wild	All	All	b
<i>Cyanoliseus patagonus</i>	Wild	All	Chile, Uruguay	b
<i>Deroptyus accipitrinus</i>	Wild	All	Peru	b
<i>Eclectus roratus</i>	Wild	All	Indonesia	b
<i>Eunymphicus cornutus</i>	Wild	All	New Caledonia	b
<i>Forpus xanthops</i>	Wild	All	Peru	b
<i>Hapalopsittaca amazonina</i>	Wild	All	All	b
<i>Hapalopsittaca fuertesi</i>	Wild	All	Colombia	b
<i>Hapalopsittaca pyrrhops</i>	Wild	All	All	b
<i>Leptosittaca branickii</i>	Wild	All	All	b
<i>Lorius domicella</i>	Wild	All	Indonesia	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
<i>Nannopsittaca panychlora</i>	Wild	All	Brazil	b
<i>Neophema splendida</i>	Wild	All	Australia	b
<i>Pionus chalcopterus</i>	Wild	All	Peru	b
<i>Poicephalus cryptoxanthus</i>	Wild	All	Tanzania	b
<i>Poicephalus meyeri</i>	Wild	All	Tanzania	b
<i>Poicephalus robustus</i>	Wild	All	Botswana, Gambia, Mali, Namibia, Nigeria, Senegal, South Africa, Swaziland, Togo	b
<i>Poicephalus rufiventris</i>	Wild	All	Tanzania	b
<i>Polytelis alexandrae</i>	Wild	All	Australia	b
<i>Prioniturus luconensis</i>	Wild	All	Philippines	b
<i>Psittacula alexandri</i>	Wild	All	Indonesia	b
<i>Psittacula finschii</i>	Wild	All	Bangladesh, Cambodia	b
<i>Psittacula roseata</i>	Wild	All	China	b
<i>Psittacus erithacus</i>	Wild	All	Benin, Burundi, Liberia, Mali, Togo	b
<i>Psittinus cyanurus</i>	Wild	All	Vietnam	b
<i>Psittrichas fulgidus</i>	Wild	All	All	b
<i>Pyrrhura albipectus</i>	Wild	All	Ecuador	b
<i>Pyrrhura calliptera</i>	Wild	All	Colombia	b
<i>Pyrrhura leucotis</i>	Wild	All	Brazil	b
<i>Pyrrhura orcesi</i>	Wild	All	Ecuador	b
<i>Pyrrhura picta</i>	Wild	All	Colombia	b
<i>Pyrrhura viridicata</i>	Wild	All	Colombia	b
<i>Tanygnathus gramineus</i>	Wild	All	Indonesia	b
<i>Touit melanonotus</i>	Wild	All	Brazil	b
<i>Touit surda</i>	Wild	All	Brazil	b
<i>Trichoglossus johnstoniae</i>	Wild	All	Philippines	b
<i>Triclaria malachitacea</i>	Wild	All	Argentina, Brazil	b
CUCULIFORMES				
Musophagidae				
<i>Tauraco corythaix</i>	Wild	All	Mozambique	b
<i>Tauraco fischeri</i>	Wild	All	Tanzania	b
<i>Tauraco macrorhynchus</i>	Wild	All	Guinea	b
<i>Tauraco ruspolii</i>	Wild	All	Ethiopia	b
STRIGIFORMES				
Tytonidae				
<i>Phodilus prigoginei</i>	Wild	All	Democratic Republic of Congo	b
<i>Tyto aurantia</i>	Wild	All	Papua New Guinea	b
<i>Tyto inexpectata</i>	Wild	All	Indonesia	b
<i>Tyto manusi</i>	Wild	All	Papua New Guinea	b
<i>Tyto nigrobrunnea</i>	Wild	All	Indonesia	b
<i>Tyto sororcula</i>	Wild	All	Indonesia	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
Strigidae				
<i>Asio clamator</i>	Wild	All	Peru	b
<i>Bubo philippensis</i>	Wild	All	Philippines	b
<i>Bubo vosseleri</i>	Wild	All	Tanzania	b
<i>Glaucidium albertinum</i>	Wild	All	Democratic Republic of Congo, Rwanda	b
<i>Ketupa blakistoni</i>	Wild	All	China, Japan, Russian Federation	b
<i>Ketupa ketupu</i>	Wild	All	Singapore	b
<i>Nesasio solomonensis</i>	Wild	All	Papua-New Guinea, Solomon Islands	b
<i>Ninox affinis</i>	Wild	All	India	b
<i>Ninox rudolfi</i>	Wild	All	Indonesia	b
<i>Otus angelinae</i>	Wild	All	Indonesia	b
<i>Otus fuliginosus</i>	Wild	All	Philippines	b
<i>Otus longicornis</i>	Wild	All	Philippines	b
<i>Otus magicus</i>	Wild	All	Seychelles	b
<i>Otus mindorensis</i>	Wild	All	Philippines	b
<i>Otus mirus</i>	Wild	All	Philippines	b
<i>Otus pauliani</i>	Wild	All	Comoros	b
<i>Otus roboratus</i>	Wild	All	Peru	b
<i>Otus rutilus</i>	Wild	All	Comoros	b
<i>Pulsatrix melanota</i>	Wild	All	Peru	b
<i>Scotopelia ussheri</i>	Wild	All	Côte d'Ivoire, Ghana, Guinea, Liberia, Sierra Leone	b
<i>Strix davidi</i>	Wild	All	China	b
<i>Strix woodfordii</i>	Wild	All	Guinea	b
APODIFORMES				
Trochilidae				
<i>Chalcostigma olivaceum</i>	Wild	All	Peru	b
<i>Heliodoxa rubinoides</i>	Wild	All	Peru	b
CORACIIFORMES				
Bucerotidae				
<i>Buceros rhinoceros</i>	Wild	All	Thailand	b
PASSERIFORMES				
Pittidae				
<i>Pitta nympha</i>	Wild	All	All	b
REPTILIA				
TESTUDINES				
Emydidae				
<i>Callagur borneoensis</i>	Wild	All	All	b
<i>Trachemys scripta elegans</i>	All	Live	All	d

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
<i>Testudinidae</i>				
<i>Geochelone chilensis</i>	Wild	All	Argentina	b
	Wild	Live	All	c
<i>Geochelone denticulata</i>	Wild	All	Bolivia, Ecuador	b
	Wild	Live	All	c
<i>Geochelone elegans</i>	Wild	All	Bangladesh, Pakistan	b
	Wild	Live	All	c
<i>Geochelone gigantea</i>	Wild	All	Seychelles	b
<i>Geochelone pardalis</i>	Wild	All	Democratic Republic of Congo, Mozambique, Tanzania, Zambia	b
	Ranched	All	Mozambique	b
<i>Geochelone platynota</i>	Wild	All	Myanmar	b
<i>Gopherus agassizii</i>	Wild	All	All	b
<i>Gopherus berlandieri</i>	Wild	All	All	b
<i>Gopherus polyphemus</i>	Wild	All	United States of America	b
<i>Homopus areolatus</i>	Wild	Live	All	c
<i>Homopus boulengeri</i>	Wild	Live	All	c
<i>Homopus femoralis</i>	Wild	Live	All	c
<i>Homopus signatus</i>	Wild	Live	All	b
<i>Indotestudo elongata</i>	Wild	All	Bangladesh, China, India	b
<i>Indotestudo forstenii</i>	Wild	All	All	b
<i>Kinixys belliana</i>	Wild	All	Mozambique	b
	Ranched	All	Benin, Mozambique	b
	Wild	Live	All	c
<i>Kinixys erosa</i>	Wild	All	Togo	b
	Wild	Live	All	c
<i>Kinixys homeana</i>	Ranched	All	Benin	b
	Wild	Live	All	c
<i>Kinixys natalensis</i>	Wild	Live	All	c
<i>Manouria emys</i>	Wild	All	Bangladesh, Brunei, Cambodia, China, India, Indonesia, Laos, Myanmar, Thailand, Vietnam	b
	Wild	Live	All	c
<i>Manouria impressa</i>	Wild	All	All	b
	Wild	Live	All	c
<i>Psammobates</i> spp.	Wild	Live	All	c
<i>Pyxis arachnoides</i>	Wild	All	All	b
	Wild	Live	All	c
<i>Testudo horsfieldii</i>	Wild	Live	All	c
	Wild	All	China, Pakistan	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
Pelomedusidae				
<i>Erymnochelys madagascariensis</i>	Wild	All	Madagascar	b
<i>Podocnemis erythrocephala</i>	Wild	All	Colombia, Venezuela	b
<i>Podocnemis expansa</i>	Wild	All	Colombia, Ecuador, Guyana, Peru, Trinidad and Tobago, Venezuela	b
<i>Podocnemis lewyana</i>	Wild	All	All	b
<i>Podocnemis sextuberculata</i>	Wild	All	Peru	b
<i>Podocnemis unifilis</i>	Wild	All	Suriname	b
CROCODYLIA				
Alligatoridae				
<i>Caiman crocodilus</i>	Wild	All	El Salvador, Guatemala, Mexico	b
SAURIA				
Agamidae				
<i>Uromastix acanthinurus</i>	Wild	All	Sudan	b
<i>Uromastix aegyptica</i>	Animals born in captivity, but for which the criteria of Chapter III of Regulation (EC) No 939/97 are not met	All	Egypt	b
<i>Uromastix maliensis</i>	Wild	All	All	b
Chamaeleonidae				
<i>Chamaeleo angeli</i>	Wild	All	Madagascar	b
<i>Chamaeleo antimenia</i>	Wild	All	Madagascar	b
<i>Chamaeleo balteatus</i>	Wild	All	Madagascar	b
<i>Chamaeleo belalandaensis</i>	Wild	All	Madagascar	b
<i>Chamaeleo bifidus</i>	Wild	All	Madagascar	b
<i>Chamaeleo boettgeri</i>	Wild	All	Madagascar	b
<i>Chamaeleo brevicornis</i>	Wild	All	Madagascar	b
<i>Chamaeleo campani</i>	Wild	All	Madagascar	b
<i>Chamaeleo capuroni</i>	Wild	All	Madagascar	b
<i>Chamaeleo cucullatus</i>	Wild	All	Madagascar	b
<i>Chamaeleo deremensis</i>	Wild	All	Tanzania	b
<i>Chamaeleo elliotti</i>	Wild	All	Burundi	b
<i>Chamaeleo fallax</i>	Wild	All	Madagascar	b
<i>Chamaeleo furcifer</i>	Wild	All	Madagascar	b
<i>Chamaeleo gallus</i>	Wild	All	Madagascar	b
<i>Chamaeleo gastrotaenia</i>	Wild	All	Madagascar	b
<i>Chamaeleo globifer</i>	Wild	All	Madagascar	b
<i>Chamaeleo gracilis</i>	Ranched	All	Togo	b
<i>Chamaeleo guibei</i>	Wild	All	Madagascar	b
<i>Chamaeleo hilleniusi</i>	Wild	All	Madagascar	b
<i>Chamaeleo labordi</i>	Wild	All	Madagascar	b
<i>Chamaeleo linotus</i>	Wild	All	Madagascar	b
<i>Chamaeleo malthe</i>	Wild	All	Madagascar	b
<i>Chamaeleo minor</i>	Wild	All	Madagascar	b
<i>Chamaeleo monoceras</i>	Wild	All	Madagascar	b
<i>Chamaeleo nasutus</i>	Wild	All	Madagascar	b
<i>Chamaeleo oshaughnessyi</i>	Wild	All	Madagascar	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
<i>Chamaeleo parsonii</i>	Wild	All	Madagascar	b
<i>Chamaeleo petteri</i>	Wild	All	Madagascar	b
<i>Chamaeleo peyrieresi</i>	Wild	All	Madagascar	b
<i>Chamaeleo rhinocerotus</i>	Wild	All	Madagascar	b
<i>Chamaeleo tsaratananensis</i>	Wild	All	Madagascar	b
<i>Chamaeleo tuzetae</i>	Wild	All	Madagascar	b
<i>Chamaeleo werneri</i>	Wild	All	Tanzania	b
<i>Chamaeleo willsii</i>	Wild	All	Madagascar	b
Gekkonidae				
<i>Phelsuma abbotti</i>	Wild	All	Madagascar	b
<i>Phelsuma antanosy</i>	Wild	All	Madagascar	b
<i>Phelsuma barbouri</i>	Wild	All	Madagascar	b
<i>Phelsuma befotakensis</i>	Wild	All	Madagascar	b
<i>Phelsuma breviceps</i>	Wild	All	Madagascar	b
<i>Phelsuma cepediana</i>	Wild	All	Madagascar	b
<i>Phelsuma chekei</i>	Wild	All	Madagascar	b
<i>Phelsuma dubia</i>	Wild	All	Madagascar	b
<i>Phelsuma edwardnewtonii</i>	Wild	All	Mauritius	b
<i>Phelsuma flavigularis</i>	Wild	All	Madagascar	b
<i>Phelsuma guttata</i>	Wild	All	Madagascar	b
<i>Phelsuma klemmeri</i>	Wild	All	Madagascar	b
<i>Phelsuma leiogaster</i>	Wild	All	Madagascar	b
<i>Phelsuma minuthi</i>	Wild	All	Madagascar	b
<i>Phelsuma modesta</i>	Wild	All	Madagascar	b
<i>Phelsuma mutabilis</i>	Wild	All	Madagascar	b
<i>Phelsuma pronki</i>	Wild	All	Madagascar	b
<i>Phelsuma pusilla</i>	Wild	All	Madagascar	b
<i>Phelsuma seippi</i>	Wild	All	Madagascar	b
<i>Phelsuma serraticauda</i>	Wild	All	Madagascar	b
<i>Phelsuma standingi</i>	Wild	All	Madagascar	b
<i>Phelsuma trilineata</i>	Wild	All	Madagascar	b
Iguanidae				
<i>Conolophus pallidus</i>	Wild	All	Ecuador	b
<i>Conolophus subcristatus</i>	Wild	All	Ecuador	b
<i>Iguana iguana</i>	Wild	All	El Salvador	b
Helodermatidae				
<i>Heloderma horridum</i>	Wild	All	Guatemala, Mexico	b
<i>Heloderma suspectum</i>	Wild	All	Mexico, United States of America	b
Scincidae				
<i>Corucia zebrata</i>	Wild	All	Solomon Islands	b
Varanidae				
<i>Varanus albigularis</i>	Wild	All	Lesotho	b
<i>Varanus beccarii</i>	Wild	All	Indonesia	b
<i>Varanus bogerti</i>	Wild	All	Papua New Guinea	b
<i>Varanus dumerilii</i>	Wild	All	Indonesia	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
<i>Varanus exanthematicus</i>	Wild	All	Benin	b
	Ranched	All	Benin, Togo	b
<i>Varanus jobiensis</i> (synonym <i>V. karlschmidti</i>)	Wild	All	Indonesia	b
<i>Varanus niloticus</i>	Wild	All	Burundi, Mozambique	b
	Ranched	All	Benin, Togo	b
<i>Varanus rudicollis</i>	Wild	All	Philippines	b
<i>Varanus salvadorii</i>	Wild	All	Indonesia	b
<i>Varanus salvator</i>	Wild	All	China, India, Singapore	b
<i>Varanus telenestus</i>	Wild	All	Papua New Guinea	b
<i>Varanus teriae</i>	Wild	All	Australia	b
<i>Varanus yemenensis</i>	Wild	All	Saudi Arabia, Yemen	b
SERPENTES				
Boidae				
<i>Boa constrictor</i>	Wild	All	El Salvador, Honduras	b
<i>Calabaria reinhardtii</i>	Ranched	All	Benin, Togo	b
<i>Eryx colubrinus</i>	Wild	All	Tanzania	b
<i>Eunectes deschauenseei</i>	Wild	All	Brazil	b
<i>Eunectes murinus</i>	Wild	All	Paraguay	b
<i>Morelia boeleni</i>	Wild	All	Indonesia	b
<i>Python molurus</i>	Wild	All	China, Vietnam	b
<i>Python reticulatus</i>	Wild	All	India, Singapore	b
<i>Python sebae</i>	Wild	All	Mauritania, Mozambique	b
	Ranched	All	Mozambique	b
Colubridae				
<i>Ptyas mucosus</i>	Wild	All	China	b
	Wild	All, except specimens from the marked and registered stockpiles of 102 285 skins that were acquired before 30 September 1993 provided that the CITES secretariat has confirmed the validity of the Indonesian export permit	Indonesia	b
AMPHIBIA				
ANURA				
Ranidae				
<i>Mantella aurantiaca</i>	Wild	All	Madagascar	b
<i>Mantella baroni</i> (synonym <i>Phrynomantis maculatus</i>)	Wild	All	Madagascar	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
<i>Mantella aff. baroni</i>	Wild	All	Madagascar	b
<i>Mantella bernhardi</i>	Wild	All	Madagascar	b
<i>Mantella cowani</i>	Wild	All	Madagascar	b
<i>Mantella crocea</i>	Wild	All	Madagascar	b
<i>Mantella expectata</i>	Wild	All	Madagascar	b
<i>Mantella haraldmeieri</i> (synonym <i>M. madagascariensis haraldmeieri</i>)	Wild	All	Madagascar	b
<i>Mantella laevigata</i>	Wild	All	Madagascar	b
<i>Mantella madagascariensis</i>	Wild	All	Madagascar	b
<i>Mantella manery</i>	Wild	All	Madagascar	b
<i>Mantella milotympanum</i> (synonym <i>M. auran-tiaca milotympanum</i>)	Wild	All	Madagascar	b
<i>Mantella nigricans</i> (synonym <i>M. cowani nigricans</i>)	Wild	All	Madagascar	b
<i>Mantella pulchra</i>	Wild	All	Madagascar	b
<i>Mantella viridis</i>	Wild	All	Madagascar	b
<i>Rana catesbeiana</i>	All	Live	All	d
ARTHROPODA				
INSECTA				
LEPIDOPTERA				
Papilionidae				
<i>Ornithoptera croesus</i>	Wild	All	Indonesia	b
<i>Ornithoptera meridionalis</i>	Wild	All	Indonesia	b
<i>Ornithoptera urvillianus</i>	Wild	All	Solomon Islands	b
<i>Ornithoptera tithonus</i>	Wild	All	Indonesia	b
<i>Ornithoptera victoriae</i>	Wild	All	Solomon Islands	b
<i>Troides andromache</i>	Wild	All	Indonesia	b
	Ranched	All	Indonesia	b
MOLLUSCA				
BIVALVIA				
VENEROIDA				
Tridacnidae				
<i>Hippopus hippopus</i>	Wild	All	Federated States of Micronesia, Vanuatu	b
<i>Tridacna derasa</i>	Wild	All	Tonga	b
<i>Tridacna gigas</i>	Wild	All	Guam, Federated States of Micronesia, Fiji, Indonesia, Marshall Islands, Palau, Papua New Guinea, Vanuatu	b
<i>Tridacna rosewateri</i>	Wild	All	Mauritius	b
<i>Tridacna squamosa</i>	Wild	All	Tonga	b
<i>Tridacna tevoroa</i>	Wild	All	All	b
MESOGASTROPODA				
Strombidae				
<i>Strombus gigas</i>	Wild	All	Antigua and Barbuda, Barbados, Dominica, Saint Lucia, Trinidad and Tobago	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
CNIDARIA				
SCLERACTINIA				
Caryophylliidae				
<i>Catalaphyllia jardinei</i>	Wild	All	Indonesia	b
FLORA				
Amaryllidaceae				
<i>Galanthus nivalis</i>	Wild	All	Bosnia and Herzegovina, Bulgaria, Czech Republic, Moldova, Slovakia, Switzerland, Ukraine	b
Euphorbiaceae				
<i>Euphorbia millotii</i>	Wild	All	Madagascar	b
Orchidaceae				
<i>Aceras anthropophorum</i>	Wild	All	Turkey	b
<i>Aerantes henrici</i>	Wild	All	Madagascar	b
<i>Anacamptis pyramidalis</i>	Wild	All	Estonia, Slovakia, Switzerland, Turkey	b
<i>Barlia robertiana</i>	Wild	All	Malta, Turkey	b
<i>Cephalanthera damasonium</i>	Wild	All	Poland, Slovakia	b
<i>Cephalanthera rubra</i>	Wild	All	Latvia, Lithuania, Norway, Poland, Slovakia	b
<i>Cypripedium japonicum</i>	Wild	All	China, Democratic People's Republic of Korea, Japan, Republic of Korea	b
<i>Cypripedium macranthos</i>	Wild	All	China, Democratic People's Republic of Korea, Japan, Republic of Korea, Russian Federation	b
<i>Cypripedium margaritaceum</i>	Wild	All	China	b
<i>Cypripedium micranthum</i>	Wild	All	China	b
<i>Dactylorhiza fuchsii</i>	Wild	All	Czech Republic, Poland	b
<i>Dactylorhiza incarnata</i>	Wild	All	Norway, Slovakia	b
<i>Dactylorhiza latifolia</i>	Wild	All	Norway, Poland, Slovakia	b
<i>Dactylorhiza maculata</i>	Wild	All	Czech Republic, Lithuania, Norway	b
<i>Dactylorhiza romana</i>	Wild	All	Turkey	b
<i>Dactylorhiza russowii</i>	Wild	All	Czech Republic, Lithuania, Norway, Poland	b
<i>Dactylorhiza traunsteineri</i>	Wild	All	Liechtenstein, Poland	b
<i>Dendrobium bellatulum</i>	Wild	All	Cambodia, China, India, Lao People's Democratic Republic, Myanmar, Thailand, Vietnam	b
<i>Gymnadenia conopsea</i>	Wild	All	Czech Republic, Lithuania, Slovakia	b
<i>Himantoglossum hircinum</i>	Wild	All	Czech Republic, Hungary, Switzerland	b
<i>Nigritella nigra</i>	Wild	All	Norway	b
<i>Ophrys apifera</i>	Wild	All	Hungary	b
<i>Ophrys holoserica</i>	Wild	All	Turkey	b
<i>Ophrys insectifera</i>	Wild	All	Czech Republic, Hungary, Latvia, Liechtenstein, Norway, Romania, Slovakia	b
<i>Ophrys pallida</i>	Wild	All	Algeria	b
<i>Ophrys scolopax</i>	Wild	All	Hungary, Romania	b
<i>Ophrys sphegodes</i>	Wild	All	Hungary, Romania, Switzerland	b
<i>Ophrys tenthredinifera</i>	Wild	All	Malta, Turkey	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
<i>Ophrys umbilicata</i>	Wild	All	Turkey	b
<i>Orchis coriophora</i>	Wild	All	Poland, Russian Federation, Switzerland	b
<i>Orchis italica</i>	Wild	All	Malta, Turkey	b
<i>Orchis laxiflora</i>	Wild	All	Switzerland	b
<i>Orchis mascula</i>	Wild	All	Estonia, Lithuania, Poland	b
	Wild/Ranched	All	Albania	b
<i>Orchis militaris</i>	Wild	All	Lithuania, Poland, Slovakia	b
<i>Orchis morio</i>	Wild	All	Estonia, Lithuania, Poland, Slovakia, Turkey	b
<i>Orchis pallens</i>	Wild	All	Hungary, Poland, Russian Federation, Slovakia	b
<i>Orchis papilionacea</i>	Wild	All	Romania, Slovenia	b
<i>Orchis provincialis</i>	Wild	All	Switzerland	b
<i>Orchis punctulata</i>	Wild	All	Turkey	b
<i>Orchis purpurea</i>	Wild	All	Poland, Slovakia, Switzerland, Turkey	b
<i>Orchis simia</i>	Wild	All	Bosnia and Herzegovina, Croatia, Macedonia, Romania, Slovenia, Switzerland, Turkey, Yugoslavia	b
<i>Orchis tridentata</i>	Wild	All	Czech Republic, Slovakia, Turkey	b
<i>Orchis ustulata</i>	Wild	All	Estonia, Latvia, Lithuania, Poland, Russian Federation, Slovakia	b
<i>Serapias cordigera</i>	Wild	All	Turkey	b
<i>Serapias lingua</i>	Wild	All	Malta	b
<i>Serapias parviflora</i>	Wild	All	Turkey	b
<i>Serapias vomeracea</i>	Wild	All	Malta, Switzerland, Turkey	b
<i>Spiranthes spiralis</i>	Wild	All	Czech Republic, Liechtenstein, Poland, Switzerland	b
Primulaceae				
<i>Cyclamen intaminatum</i>	Wild	All	Turkey	b
<i>Cyclamen mirabile</i>	Wild	All	Turkey	b
<i>Cyclamen parviflorum</i>	Wild	All	Turkey	b
<i>Cyclamen persicum</i>	Wild	All	Turkey	b
<i>Cyclamen pseudibericum</i>	Wild	All	Turkey	b
<i>Cyclamen trochopteranthum</i>	Wild	All	Turkey	b

COMMISSION REGULATION (EC) No 192/2001
of 30 January 2001
amending Regulation (EC) No 2342/1999 laying down detailed rules for premium schemes in the
beef and veal sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, and in particular Article 4(8), Article 13(5) and the second indent of Article 50 thereof,

Whereas:

(1) For the purposes of the extensification payment provided for in Article 32 of Commission Regulation (EC) No 2342/1999 of 28 October 1999 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 on the common organisation of the market in beef and veal as regards premium schemes ⁽²⁾, as last amended by Regulation (EC) No 2733/2000 ⁽³⁾, the holding's stocking density factor is established in particular on the basis of the number of male bovine animals, cows and heifers present on the holding in the calendar year concerned. Because of the difficult situation on the beef and veal market resulting from the sharp drop in demand due in particular to disaffection on the part of consumers worried by the increase in the recorded number of bovine spongiform encephalopathy cases, the livestock is remaining on the production unit longer than normal. These animals are taken into account when establishing the holding's stocking density and producers can accordingly find themselves ineligible for the extensification payment, a situation running counter to the intended aim.

(2) In order to avoid penalising producers in these exceptional circumstances, a corrective flat-rate coefficient should therefore be applied for a limited period to the number of livestock units (LUs) recorded on the holding for the period in question when establishing the stocking density factor, provided that this exceptional market situation is shown to be having an impact on the length of time the animals are kept on the holding without this being a deliberate betrayal of the principle of extensification.

(3) Article 42 of Regulation (EC) No 2342/1999 lays down the rules on the allocation year for animals covered in particular by the special premium. Because of the difficult situation on the beef and veal market resulting from the sharp drop in demand due in particular to disaffection on the part of consumers worried by the increase in

the recorded number of bovine spongiform encephalopathy cases, livestock slaughter and exports continue to be severely curtailed or have stopped altogether and producers have had the planned slaughter or export of their animals in 2000 postponed to 2001. Because of this exceptional situation, producers in those Member States that have decided to grant the special premium at the moment of slaughter or export in accordance with Article 8 of the above Regulation will not receive the special premium in 2000, an outcome contrary to the measure's intended aim.

- (4) Provision should therefore be made to allow producers who have had slaughter or export postponed until 2001 to lodge, for a limited period, an application for a special premium in respect of 2000.
- (5) In view of these developments, this Regulation must come into force immediately.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2342/1999 is amended as follows:

1. The following paragraph 12 is added to Article 32:

'12. In the period between 15 October 2000 and 15 March 2001 inclusive, for the purposes of applying this Article the number of LUs recorded on the holding shall be multiplied by a coefficient of 0,8.

This measure shall apply if it can be demonstrated to the satisfaction of the Member State that, because of the exceptional market situation, the animals are being kept longer on the holding than is normally the case.'

2. The following third paragraph is inserted into Article 42:

'Notwithstanding the preceding paragraphs and Article 35(1), where a special premium is granted under one of the options provided for in Article 8, if the animal is slaughtered between 1 January and 28 February 2001 and if the premium application for that animal is lodged no later than 15 March 2001 in respect of the 2000 calendar year, at the producer's request the allocation year shall be 2000 and the amount of the premium shall be that valid on 31 December 2000.'

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 281, 4.11.1999, p. 30.

⁽³⁾ OJ L 316, 15.12.2000, p. 44.

Article 2

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

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

Done at Brussels, 30 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 193/2001**of 30 January 2001****fixing the export refunds on rice and broken rice and suspending the issue of export licences**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1667/2000 ⁽²⁾, and in particular the second subparagraph of Article 13(3) and (15) thereof,

Whereas:

- (1) Article 13 of Regulation (EC) No 3072/95 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Article 13(4) of Regulation (EC) No 3072/95, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other. The same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market with limits resulting from agreements concluded in accordance with Article 300 of the Treaty.
- (3) Commission Regulation (EEC) No 1361/76 ⁽³⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum.
- (4) Export possibilities exist for a quantity of 14 119 tonnes of rice to certain destinations. The procedure laid down in Article 7(4) of Commission Regulation (EC) No 1162/95 ⁽⁴⁾, as last amended by Regulation (EC) No 2110/2000 ⁽⁵⁾ should be used. Account should be taken of this when the refunds are fixed.
- (5) Article 13(5) of Regulation (EC) No 3072/95 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated.
- (6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (7) A separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets.
- (8) The refund must be fixed at least once a month; whereas it may be altered in the intervening period.
- (9) It follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto.
- (10) For the purposes of administering the volume restrictions resulting from Community commitments in the context of the WTO, the issue of export licences with advance fixing of the refund should be restricted.
- (11) 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 export refunds on the products listed in Article 1 of Regulation (EC) No 3072/95 with the exception of those listed in paragraph 1(c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

With the exception of the quantity of 14 119 tonnes provided for in the Annex, the issue of export licences with advance fixing of the refund is suspended.

Article 3

This Regulation shall enter into force on 1 February 2001.

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 193, 29.7.2000, p. 3.

⁽³⁾ OJ L 154, 15.6.1976, p. 11.

⁽⁴⁾ OJ L 117, 24.5.1995, p. 2.

⁽⁵⁾ OJ L 250, 5.10.2000, p. 23.

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

Done at Brussels, 30 January 2001.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 30 January 2001 fixing the export refunds on rice and broken rice and suspending the issue of export licences

Product code	Destination	Unit of measurement	Amount of refunds (¹)	Product code	Destination	Unit of measurement	Amount of refunds (¹)
1006 20 11 9000	R01	EUR/t	173,00	1006 30 65 9100	R01	EUR/t	217,00
1006 20 13 9000	R01	EUR/t	173,00		R02	EUR/t	222,00
1006 20 15 9000	R01	EUR/t	173,00		R03	EUR/t	227,00
1006 20 17 9000	—	EUR/t	—		064	EUR/t	181,00
1006 20 92 9000	R01	EUR/t	173,00		A97	EUR/t	222,00
1006 20 94 9000	R01	EUR/t	173,00		021 and 023	EUR/t	222,00
1006 20 96 9000	R01	EUR/t	173,00	1006 30 65 9900	R01	EUR/t	217,00
1006 20 98 9000	—	EUR/t	—		064	EUR/t	181,00
1006 30 21 9000	R01	EUR/t	173,00		A97	EUR/t	222,00
1006 30 23 9000	R01	EUR/t	173,00	1006 30 67 9100	021 and 023	EUR/t	222,00
1006 30 25 9000	R01	EUR/t	173,00		064	EUR/t	181,00
1006 30 27 9000	—	EUR/t	—	1006 30 67 9900	064	EUR/t	181,00
1006 30 42 9000	R01	EUR/t	173,00	1006 30 92 9100	R01	EUR/t	217,00
1006 30 44 9000	R01	EUR/t	173,00		R02	EUR/t	222,00
1006 30 46 9000	R01	EUR/t	173,00		R03	EUR/t	227,00
1006 30 48 9000	—	EUR/t	—		064	EUR/t	181,00
1006 30 61 9100	R01	EUR/t	217,00		A97	EUR/t	222,00
	R02	EUR/t	222,00		021 and 023	EUR/t	222,00
	R03	EUR/t	227,00	1006 30 92 9900	R01	EUR/t	217,00
	064	EUR/t	181,00		A97	EUR/t	222,00
	A97	EUR/t	222,00		064	EUR/t	181,00
	021 and 023	EUR/t	222,00	1006 30 94 9100	R01	EUR/t	217,00
1006 30 61 9900	R01	EUR/t	217,00		R02	EUR/t	222,00
	A97	EUR/t	222,00		R03	EUR/t	227,00
	064	EUR/t	181,00		064	EUR/t	181,00
1006 30 63 9100	R01	EUR/t	217,00		A97	EUR/t	222,00
	R02	EUR/t	222,00		021 and 023	EUR/t	222,00
	R03	EUR/t	227,00	1006 30 94 9900	R01	EUR/t	217,00
	064	EUR/t	181,00		A97	EUR/t	222,00
	A97	EUR/t	222,00		064	EUR/t	181,00
	021 and 023	EUR/t	222,00	1006 30 96 9100	R01	EUR/t	217,00
1006 30 63 9900	R01	EUR/t	217,00		R02	EUR/t	222,00
	064	EUR/t	181,00		R03	EUR/t	227,00
	A97	EUR/t	222,00		064	EUR/t	181,00
	021 and 023	EUR/t	222,00		A97	EUR/t	222,00
	R01	EUR/t	217,00	1006 30 96 9900	021 and 023	EUR/t	222,00
	064	EUR/t	181,00		R01	EUR/t	217,00
	A97	EUR/t	222,00		A97	EUR/t	222,00
					064	EUR/t	181,00
				1006 30 98 9100	021 and 023	EUR/t	222,00
				1006 30 98 9900	—	EUR/t	—
				1006 40 00 9000	—	EUR/t	—

(¹) The procedure laid down in Article 7(4) of Regulation (EC) No 1162/95 applies to licences applied for under that Regulation for the following quantities, depending on destination:

Destination R01: 2 054 t

Destinations R02, R03: 2 850 t

Destinations 021 and 023: 420 t

Destination 064: 8 495 t

Destination A97: 300 t

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

The numeric destination codes are set out in Commission Regulation (EC) No 2032/2000 (OJ L 243, 28.9.2000, p. 14).

The other destinations are defined as follows:

R01 Switzerland, Liechtenstein, communes of Livigno and Campione d'Italia.

R02 Morocco, Algeria, Tunisia, Malta, Egypt, Israel, Lebanon, Libya, Syria, Ex-Spanish Sahara, Cyprus, Jordan, Iraq, Iran, Yemen, Kuwait, United Arab Emirates, Oman, Bahrain, Qatar, Saudi Arabia, Eritrea, West Bank/Gaza Strip, Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovenia, Slovakia, Norway, Faroe Islands, Iceland, Russia, Belarus, Bosnia and Herzegovina, Croatia, Yugoslavia, Former Yugoslav Republic of Macedonia, Albania, Romania, Bulgaria, Georgia, Armenia, Azerbaijan, Moldova, Ukraine, Kazakstan, Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan.

R03 Colombia, Ecuador, Peru, Bolivia, Chile, Argentina, Uruguay, Paraguay, Brazil, Venezuela, Canada, Mexico, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, Cuba, Bermuda, South Africa, Australia, New Zealand, Hong Kong SAR, A40, A11 except Suriname, Guyana, Madagascar.

COMMISSION REGULATION (EC) No 194/2001
of 30 January 2001
setting the amounts of aid for the supply of rice products from the Community to the Canary Islands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Canary Islands ⁽¹⁾, as last amended by Regulation (EC) No 2826/2000 ⁽²⁾, and in particular Article 3 thereof,

Whereas:

- (1) Pursuant to Article 3 of Regulation (EEC) No 1601/92, the requirements of the Canary Islands for rice are to be covered in terms of quantity, price and quality by the mobilisation, on disposal terms equivalent to exemption from the levy, of Community rice, which involves the grant of an aid for supplies of Community origin. This aid is to be fixed with particular reference to the costs of the various sources of supply and in particular is to be based on the prices applied to exports to third countries.
- (2) Commission Regulation (EC) No 2790/94 ⁽³⁾, as last amended by Regulation (EC) No 1620/1999 ⁽⁴⁾, lays down common detailed rules for implementation of the

specific arrangements for the supply of certain agricultural products, including rice, to the Canary Islands.

- (3) As a result of the application of these detailed rules to the current market situation in the rice sector, and in particular to the rates of prices for these products in the European part of the Community and on the world market, the aid for supply to the Canary Islands should be set at the amounts given in the Annex.
- (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

Pursuant to Article 3 of Regulation (EEC) No 1601/92, the amount of aid for the supply of rice of Community origin under the specific arrangements for the supply of the Canary Islands shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 February 2001.

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

Done at Brussels, 30 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27.6.1992, p. 13.

⁽²⁾ OJ L 328, 23.12.2000, p. 2.

⁽³⁾ OJ L 296, 17.11.1994, p. 23.

⁽⁴⁾ OJ L 192, 24.7.1999, p. 19.

ANNEX

**to the Commission Regulation of 30 January 2001 setting the amounts of aid for the supply of rice products
from the Community to the Canary Islands**

(EUR/t)

Product (CN code)	Amount of aid
Milled rice (1006 30)	230,00
Broken rice (1006 40)	51,00

COMMISSION REGULATION (EC) No 195/2001**of 30 January 2001****setting the amounts of aid for the supply of rice products from the Community to the Azores and Madeira**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira ⁽¹⁾, as last amended by Regulation (EC) No 2826/2000 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) Pursuant to Article 10 of Regulation (EEC) No 1600/92, the requirements of the Azores and Madeira for rice are to be covered in terms of quantity, price and quality by the mobilization, on disposal terms equivalent to exemption from the levy, of Community rice, which involves the grant of an aid for supplies of Community origin. This aid is to be fixed with particular reference to the costs of the various sources of supply and in particular is to be based on the prices applied to exports to third countries.
- (2) Commission Regulation (EEC) No 1696/92 ⁽³⁾, as last amended by Regulation (EEC) No 2596/93 ⁽⁴⁾, lays down common detailed rules for implementation of the specific arrangements for the supply of certain agricultural products, including rice, to the Azores and Madeira. Commission Regulation (EEC) No 1983/92 of 16 July 1992 laying down detailed rules for implementation of the specific arrangements for the supply of rice

products to the Azores and Madeira and establishing the forecast supply balance for these products ⁽⁵⁾, as last amended by Regulation (EC) No 1683/94 ⁽⁶⁾, lays down detailed rules which complement or derogate from the provisions of the aforementioned Regulation.

- (3) As a result of the application of these detailed rules to the current market situation in the rice sector, and in particular to the rates of prices for these products in the European part of the Community and on the world market the aid for supply to the Azores and Madeira should be set at the amounts given in the Annex.
- (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

Pursuant to Article 10 of Regulation (EEC) No 1600/92, the amount of aid for the supply of rice of Community origin under the specific arrangements for the supply of the Azores and Madeira shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 February 2001.

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

Done at Brussels, 30 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27.6.1992, p. 1.

⁽²⁾ OJ L 328, 23.12.2000, p. 2.

⁽³⁾ OJ L 179, 1.7.1992, p. 6.

⁽⁴⁾ OJ L 238, 23.9.1993, p. 24.

⁽⁵⁾ OJ L 198, 17.7.1992, p. 37.

⁽⁶⁾ OJ L 178, 12.7.1994, p. 53.

ANNEX

**to the Commission Regulation of 30 January 2001 setting the amounts of aid for the supply of rice products
from the Community to the Azores and Madeira**

(EUR/t)

Product (CN code)	Amount of aid	
	Destination	
	Azores	Madeira
Milled rice (1006 30)	230,00	230,00

COMMISSION REGULATION (EC) No 196/2001
of 30 January 2001
on the issuing of export licences for products processed from 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 1429/95 of 23 June 1995 on implementing rules for export refunds on products processed from fruit and vegetables other than those granted for added sugars ⁽¹⁾, as last amended by Regulation (EC) No 1007/97 ⁽²⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2302/2000 ⁽³⁾ specifies the quantities which may be covered by applications submitted for export licences with advance fixing of the refund other than those applied for in connection with food aid.
- (2) Article 4 of Regulation (EC) No 1429/95 lays down the conditions under which special measures may be taken by the Commission to prevent an overrun in the quantities for which export licence applications may be submitted.
- (3) In view of the information available to the Commission as of today, the quantity of 293 tonnes of preserved cherries in the Annex to Regulation (EC) No 2302/2000, reduced or increased by the quantities referred to in

Article 4(1) of Regulation (EC) No 1429/95, would be exceeded if licences were issued with advanced fixing of refunds without restriction in response to applications submitted since 25 January 2001. A reducing factor should accordingly be applied to the quantities applied for on 25 January 2001, and applications for export licences with advance fixing of refunds submitted subsequently with a view to such licences being issued during the current period should be rejected,

HAS ADOPTED THIS REGULATION:

Article 1

Export licences with advance fixing of the refund for preserved cherries for which applications were submitted on 25 January 2001 pursuant to Article 1 of Regulation (EC) No 2302/2000 shall be issued for 94,5 % of the quantities applied for.

Applications for export licences with advance fixing of refunds for the above product submitted after 25 January 2001 and before 24 February 2001 shall be rejected.

Article 2

This Regulation shall enter into force on 31 January 2001.

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

Done at Brussels, 30 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 141, 24.6.1995, p. 28.

⁽²⁾ OJ L 144, 5.6.1997, p. 16.

⁽³⁾ OJ L 263, 18.10.2000, p. 8.

COMMISSION REGULATION (EC) No 197/2001
of 30 January 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 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 298/2000 ⁽²⁾, and in particular Article 5(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2/2001 ⁽³⁾ 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 30 January 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 2/2001, export declarations for which are accepted after 30 January 2001 and before 17 March 2001 are hereby rejected.

Article 2

This Regulation shall enter into force on 31 January 2001.

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

Done at Brussels, 30 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 292, 15.11.1996, p. 12.

⁽²⁾ OJ L 34, 9.2.2000, p. 16.

⁽³⁾ OJ L 1, 4.1.2001, p. 3.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 22 December 2000

concerning the conclusion of an Agreement between the European Community and the Republic of Cyprus adopting the terms and conditions for the participation of the Republic of Cyprus in Community programmes in the fields of training, education and youth

(2001/84/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 149 and 150, in conjunction with Article 300(2), first sentence, and (3), first sub-paragraph thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) The participation of Cyprus in Community programmes is an important element of the pre-accession strategy for Cyprus as set out in Council Regulation (EC) No 555/2000 of 13 March 2000 on the implementation of operations in the framework of the pre-accession strategy for the Republic of Cyprus and the Republic of Malta ⁽²⁾.
- (2) Council Decision 1999/382/EC of 26 April 1999 establishing the second phase of the Community vocational training action programme 'Leonardo da Vinci' ⁽³⁾, and in particular Article 10 thereof, Decision No 253/2000/EC of 24 January 2000 of the European Parliament and of the Council establishing the second phase of the Community action programme in the field of education 'Socrates' ⁽⁴⁾, and in particular Article 12 thereof, and Decision No 1031/2000/EC of 13 April 2000 of the European Parliament and of the Council

establishing the 'Youth' Community action programme ⁽⁵⁾, and in particular Article 11 thereof, provide that these programmes shall be open to the participation of Cyprus.

- (3) In conformity with the negotiating guidelines adopted by the Council on 14 February 2000, the Commission has negotiated, on behalf of the European Community, an agreement to enable Cyprus to participate in these programmes.
- (4) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the Republic of Cyprus adopting the terms and conditions for the participation of the Republic of Cyprus in Community programmes in the fields of training, education and youth is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to appoint the person(s) empowered to sign the Agreement in order to bind the Community.

⁽¹⁾ Opinion delivered on 13 December 2000 (not yet published in the Official Journal).

⁽²⁾ OJ L 68, 16.3.2000, p. 3.

⁽³⁾ OJ L 146, 11.6.1999, p. 33.

⁽⁴⁾ OJ L 28, 3.2.2000, p. 1.

⁽⁵⁾ OJ L 117, 18.5.2000, p. 1.

Article 3

The President of the Council shall, on behalf of the Community, give the notifications provided for in Article 4 of the Agreement.

Done at Brussels, 22 December 2000.

For the Council
The President
C. PIERRET

AGREEMENT

between the European Community and the Republic of Cyprus adopting the terms and conditions for the participation of the Republic of Cyprus in Community programmes in the fields of training, education and youth

THE EUROPEAN COMMUNITY,

of the one part, and

THE REPUBLIC OF CYPRUS, hereinafter referred to as Cyprus,

of the other part,

Whereas:

- (1) Council Decision 1999/382/EC of 26 April 1999 establishing the second phase of the Community vocational training action programme 'Leonardo da Vinci' ⁽¹⁾, and in particular Article 10 thereof, and Decision No 253/2000/EC of 24 January 2000 of the European Parliament and of the Council establishing the second phase of the Community action programme in the field of education 'Socrates' ⁽²⁾, and in particular Article 12 thereof, and Decision No 1031/2000/EC of 13 April 2000 of the European Parliament and of the Council establishing the 'Youth' Community action programme ⁽³⁾, and in particular Article 11 thereof, provide that these programmes shall be open to the participation of Cyprus.
- (2) Cyprus has expressed the wish to participate in these programmes.
- (3) The participation of Cyprus in these programmes constitutes a significant step in the pre-accession strategy of Cyprus as set out in Council Regulation (EC) No 555/2000 of 13 March 2000 on the implementation of operations in the framework of the pre-accession strategy for the Republic of Cyprus and the Republic of Malta ⁽⁴⁾.

HAVE AGREED AS FOLLOWS:

Article 1

Cyprus shall participate, from 2001, in the second phase of the European Community action programmes Leonardo da Vinci and Socrates ('Leonardo da Vinci II' and 'Socrates II') and in the 'Youth' Community action programme ('Youth') according to the terms and conditions set out in Annexes I and II which shall form an integral part of this Agreement.

Article 2

This Agreement shall apply from 1 January 2001 until the end of the programmes.

Article 3

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other, to the territory of Cyprus.

Article 4

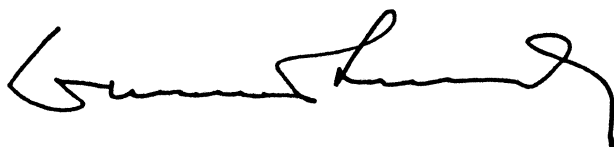
This Agreement shall enter into force on the day of the notification by the Contracting Parties of the completion of their respective procedures.

Article 5

This Agreement is drawn up in duplicate in the Danish, Dutch, English, French, Finnish, German, Greek, Italian, Portuguese, Spanish and Swedish languages, each of these texts being equally authentic.

Done at Brussels, 22 December 2000.

For the European Community



For the Republic of Cyprus



⁽¹⁾ OJ L 146, 11.6.1999, p. 33.

⁽²⁾ OJ L 28, 3.2.2000, p. 1.

⁽³⁾ OJ L 117, 18.5.2000, p. 1.

⁽⁴⁾ OJ L 68, 16.3.2000, p. 3.

ANNEX I

Terms and conditions for the participation of Cyprus in Leonardo da Vinci II, Socrates II and Youth

1. Cyprus will participate in Leonardo da Vinci II, Socrates II and Youth ('Programmes') in conformity, unless otherwise provided in this Agreement, with the objectives, criteria, procedures and deadlines as defined in Decision 1999/382/EC, Decision No 253/2000/EC and Decision No 1031/2000/EC. It will participate in all the activities of the Programmes, with the exception of certain activities within Youth which are devoted to cooperation with third countries which are not full participants in that programme.
2. In conformity with the terms of respective Articles 5 of the said Decisions and with the provisions relating to the responsibilities of the Member States and of the Commission of the European Communities concerning the Leonardo da Vinci, Socrates and Youth National Agencies adopted by the Commission, Cyprus shall establish the appropriate structures for the coordinated management of the implementation of the programme actions at national level and take the measures needed to ensure the adequate funding of these Agencies, which will receive programme grants for their activities. Cyprus will take all other necessary steps for the efficient running of the Programmes at national level.
3. To participate in the Programmes, Cyprus will pay each year a contribution to the general budget of the European Union according to the detailed arrangements described in Annex II.

If necessary in order to take into account programme developments, or the evolution of Cyprus's absorption capacity, the Association Council is entitled to adapt this contribution, so as to avoid budgetary imbalance in the implementation of the programmes.

4. The terms and conditions for the submission, assessment and selection of applications related to eligible institutions, organisations and individuals of Cyprus will be the same as those applicable to eligible institutions, organisations and individuals of the Community.

Cypriot experts may be taken into consideration by the Commission when appointing independent experts according to the relevant provisions of the decisions establishing the programmes to assist it in the project evaluation.

5. With a view to ensuring the Community dimension of the Programmes, to be eligible for Community financial support, projects and activities will have to include at least a partner from one of the Member States of the Community.
6. For the mobility activities referred to in Annex I, section III.1 of the Leonardo da Vinci II decision, and for the actions to be managed on a decentralised basis within Socrates and Youth, as well as for financial support to the activities of the National Agencies set up in accordance with point 2 of this Annex, funds will be allocated to Cyprus on the basis of the annual programme budget breakdown decided at Community level and Cyprus's contribution to the programme. The maximum amount of financial support to the activities of the National Agencies will not exceed 50 % of the budget for the National Agencies' work programmes.
7. The Member States of the Community and Cyprus will make every effort, within the framework of existing provisions, to facilitate the free movement and residence of students, teachers, trainees, trainers, university administrators, young people and other eligible persons moving between Cyprus and the Member States of the Community for the purpose of participating in activities covered by this Agreement.
8. Activities covered by this Agreement shall be exempt from imposition by Cyprus of indirect taxes, customs duties, prohibitions and restrictions on imports and exports in respect of goods and services intended for use under such activities.
9. Without prejudice to the responsibilities of the Commission of the European Communities and the Court of Auditors of the European Communities in relation to the monitoring and evaluation of the programmes pursuant to the decisions concerning Leonardo da Vinci II, Socrates II and Youth (Articles 13, 14 and 13 respectively), the participation of Cyprus in the programmes will be continuously monitored on a partnership basis involving the Commission of the European Communities and Cyprus. Cyprus will submit to the Commission relevant reports and take part in other specific activities set out by the Community in that context.
10. In conformity with the Community's financial regulations, contractual arrangements concluded with, or by, entities of Cyprus shall provide for controls and audits to be carried out by, or under the authority of, the Commission and the Court of Auditors. As far as financial audits are concerned, they may be carried out with the purpose of controlling such entities' income and expenditures, related to the contractual obligations towards the Community. In a spirit of cooperation and mutual interest, the relevant authorities of Cyprus shall provide any reasonable and feasible assistance as may be necessary or helpful under the circumstances to perform such controls and audits.

The provisions relating to the responsibilities of the Member States and of the Commission concerning the Leonardo da Vinci, Socrates and Youth National Agencies adopted by the Commission will apply to the relations between Cyprus, the Commission and the Cypriot National Agencies. In the event of irregularity, negligence or fraud imputable to the Cypriot National Agencies, the Cypriot authorities shall be responsible for the funds not recovered.

11. Without prejudice to the procedures referred to in Article 7 of the Decision on Leonardo da Vinci II and respective Articles 8 of the Decisions on Socrates II and Youth, representatives of Cyprus will participate as observers in the Programme Committees, for the points which concern them. These committees shall meet without the presence of representatives of Cyprus for the rest of the points, as well as at the time of voting.
 12. The language to be used in all contacts with the Commission, as regards the application process, contracts, reports to be submitted and other administrative arrangements for the programmes, will be any of the official languages of the Community.
 13. The Community and Cyprus may terminate activities under this Agreement at any time upon twelve months' notice in writing. Projects and activities in progress at the time of termination shall continue until their completion under the conditions laid down in this Agreement.
-

ANNEX II

Financial contribution of Cyprus to Leonardo da Vinci II, Socrates II and Youth**1. Leonardo da Vinci**

The financial contribution to be paid by Cyprus to the general budget of the European Union to participate in the Leonardo da Vinci II programme will be the following (in euro):

Year 2001	Year 2002	Year 2003	Year 2004	Year 2005	Year 2006
497 000	529 000	552 000	574 000	603 000	626 000

2. Socrates

The financial contribution to be paid by Cyprus to the general budget of the European Union to participate in the Socrates II programme will be the following (in euro):

Year 2001	Year 2002	Year 2003	Year 2004	Year 2005	Year 2006
681 000	697 000	712 000	731 000	753 000	780 000

3. Youth

The financial contribution to be paid by Cyprus to the general budget of the European Union to participate in the Youth programme will be the following (in euro):

Year 2001	Year 2002	Year 2003	Year 2004	Year 2005	Year 2006
533 000	565 000	598 000	627 000	658 000	698 000

4. Cyprus will pay the contribution mentioned above partly from the Cypriot national budget, and partly from Cyprus's pre-accession funds. Subject to a separate programming procedure within the framework of Regulation (EC) No 555/2000, the requested pre-accession funds will be transferred to Cyprus by means of a separate Financing Memorandum. Together with the part coming from Cyprus's State budget, these funds will constitute Cyprus's national contribution, out of which it will make payments in response to annual calls for funds from the Commission.

5. The pre-accession funds will be requested according to the following schedule:

— for the contribution to the Leonardo da Vinci II programme, the following yearly amounts (in euro)

Year 2001	Year 2002	Year 2003	Year 2004	Year 2005	Year 2006
200 000	200 000	200 000	200 000	200 000	150 000

— for the contribution to the Socrates II programme, the following yearly amounts (in euro)

Year 2001	Year 2002	Year 2003	Year 2004	Year 2005	Year 2006
400 000	350 000	300 000	300 000	200 000	150 000

— for the contribution to the Youth programme, the following yearly amounts (in euro)

Year 2001	Year 2002	Year 2003	Year 2004	Year 2005	Year 2006
400 000	300 000	250 000	200 000	200 000	150 000

The remaining part of the contribution of Cyprus will be covered from the Cypriot State budget.

6. The financial regulation applicable to the general budget of the European Union will apply, notably to the management of the contribution of Cyprus.

Travel costs and subsistence costs incurred by representatives and experts of Cyprus for the purposes of taking part as observers in the work of the committees referred to in Annex I, Point 11 or other meetings related to the implementation of the Programmes shall be reimbursed by the Commission on the same basis as and in accordance with the procedures currently in force for nongovernmental experts of the Member States.

7. After the entry into force of this Agreement and at the beginning of each following year, the Commission will send to Cyprus a call for funds corresponding to its contribution to each of the respective programmes under this Agreement.

This contribution shall be expressed in euros and paid into an euro bank account of the Commission.

Cyprus will pay its contribution according to the call for funds:

- by 1 May for the part financed from its national budget, provided that the call for funds is sent by the Commission before 1 April, or at the latest one month after the call for funds is sent if later;
- by 1 May for the part financed from the pre-accession funds, provided that the corresponding amounts have been sent to Cyprus by this time, or at the latest in a period of 30 days after these funds have been sent to Cyprus.

Any delay in the payment of the contribution shall give rise to the payment of interest by Cyprus on the outstanding amount from the due date. The interest rate corresponds to the rate applied by the European Central Bank, on the due date, for its operations in euro, increased by 1,5 percentage points.

COMMISSION

COMMISSION DECISION

of 20 September 2000

authorising France to grant aid to the coal industry for 1997, 1998 and 1999

(notified under document number C(2000) 2957)

(Only the French text is authentic)

(Text with EEA relevance)

(2001/85/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 3632/93/ECSC of 28 December 1993 establishing Community rules for State aid to the coal industry ⁽¹⁾, and in particular Article 2(1) thereof,

Having regard to Commission Decision 95/465/ECSC of 19 July 1995 approving the French coal industry's plan for the reduction of activity ⁽²⁾,

Whereas:

links which exist between Charbonnages de France and the French authorities suggested that the loan issues floated by the company were tacitly guaranteed by the French State. The letter of formal notice in particular stated that the financial position of Charbonnages de France does not allow it to borrow on the financial market on the basis of ordinary law without at least a tacit guarantee from the State. Charbonnages de France has planned to cease all mining activity in 2005. By that date, it is not merely unlikely that it will have repaid the loans currently outstanding, but it may have issued others, both because the mining operations are structurally loss-making and to repay previous loans. The Commission therefore considered that these loans constituted aid within the meaning of Article 1 of Decision No 3632/93/ECSC.

I

(1) By letters of 31 July 1997, 13 August 1998 and 10 May 1999, France notified the Commission, in accordance with Article 9(1) of Decision No 3632/93/ECSC, of the financial aid which it proposed to grant to the coal industry for 1997, 1998 and 1999 respectively.

(2) The Commission noted that the aid as notified by France, which consisted of direct subsidies under the general State budget and capital injections from a special Treasury account, did not enable the operating losses for the current production to be covered. The outstanding amount of the losses for the three years has been covered, according to a memorandum from the French authorities of 25 March 1998, by loan issues floated by Charbonnages de France on the financial market.

(3) In its letter of formal notice to France of 26 July 1999 ⁽³⁾, the Commission considered that the conditions under which these loan issues were floated and the close

(4) France confirmed the Commission's position in a letter of 26 October 1999 in reply to the letter of formal notice of 26 July 1999 and expressly stated that the loan issues floated by Charbonnages de France could be regarded as issued on behalf of the French State. Several convergent factors also suggest the existence of an implicit guarantee by the French State for the loan issues floated by Charbonnages de France, in particular the fact that, as indicated by the French authorities in their letter of 26 October 1999, the status of CDF (Charbonnages de France) as a public undertaking means its rights and obligations are transferred to the State once it has been wound up and will entail the French State taking over the undertaking's debt when it is wound up after mining activities cease in 2005.

⁽¹⁾ OJ L 329, 30.12.1993, p. 12.

⁽²⁾ OJ L 267, 9.11.1995, p. 46.

⁽³⁾ OJ C 280, 2.10.1999, p. 3.

- (5) The Commission therefore concludes that the part of the loan issues floated by Charbonnages de France to cover the balance of the operating losses for 1997, 1998 and 1999 which are not covered by direct subsidies and capital injections constitutes aid within the meaning of Article 1 of Decision No 3632/93/ECSC.
- (6) In the light of the above and the information communicated by France, the Commission is required to take a decision, pursuant to Decision No 3632/93/ECSC, on the following financial measures:
- (a) for 1997:
- aid amounting to FRF 2 489 million for the reduction of activity to cover operating losses,
 - aid amounting to FRF 3 869 million to cover exceptional costs;
- (b) for 1998:
- aid amounting to FRF 2 578 million for the reduction of activity to cover operating losses,
 - aid amounting to FRF 4 059 million to cover exceptional costs;
- (c) for 1999:
- aid amounting to FRF 2 369 million for the reduction of activity to cover operating losses,
 - aid amounting to FRF 4 135 million to cover exceptional costs.
- (7) The financial measures envisaged by France for its coal industry are covered by Article 1 of Decision No 3632/93/ECSC and must therefore be approved by the Commission in accordance with Article 9, which refers in particular to the general objectives and criteria laid down in Article 2 and the specific criteria set out in Articles 4 and 5 of the above Decision. In its assessment, the Commission checks, in accordance with Article 9(6) of the Decision, whether the measures are in conformity with the plans for the reduction of activity which have been approved by the Commission.
- (8) The sums of FRF 2 489 million, FRF 2 578 million and FRF 2 369 million which France is proposing to grant to the coal industry under Article 4 of Decision No 3632/93/ECSC for the years 1997, 1998 and 1999 respectively are intended to cover the difference between the production cost and the selling price of coal freely agreed between the contracting parties in the light of the prevailing conditions on the world market for coal of similar quality from third countries. This aid forms part of the plan for the reduction of activity by the company, which plans to cease all mining activities in 2005. In view of the exceptional social and regional consequences of the reduction of activity by the company, the French Government, in agreement with the two sides of industry, has decided to stagger the closures up to 2005.
- (9) Although coal production has been reduced from 5,361 million tce⁽¹⁾ in 1997 to 3,673 million tce in 1999, a reduction of 30 %, the Commission notes that the amount of aid has remained relatively stable over this period. The fall in coal prices on the international markets and the rise in the production costs — from FRF 825 per tce in 1997 to FRF 975 per tce in 1999 — have neutralised the effect of reducing the volume of production to the overall amount of aid. This trend in the cost of mining coal merely serves to confirm France's decision to cease all mining by 2005.
- (10) In accordance with Article 3(1) of the above Decision, the Commission has checked that, for the coal mining years 1997 and 1998, the aid notified per tonne does not exceed for each production unit the difference between production costs and actual revenue. The Commission has checked for the coal mining year 1999 that the aid notified by tonne does not exceed for each production unit the difference between production costs and foreseeable revenue.
- (11) The Commission has furthermore checked whether, in accordance with Article 2(2) of Decision No 3632/93/ECSC, the aid proposed by France has been entered in the Member State's national, regional or local public budgets or channelled through strictly equivalent mechanisms. As the direct subsidies from the general State budget and the capital injections have been entered in the Treasury's special allocation account, these two categories of aid do comply with the requirements of Article 2(2) of Decision No 3632/93/ECSC. For the loan issues floated by Charbonnages de France, France has informed the Commission, in its letter of 26 October 1999, that the French State will accept responsibility for the interest on these loans from 2000 onwards. The interest on these loans due for 1998 and 1999 has been covered by loan issues floated for those years. As the French authorities have provided the Commission with proof, by letter of 3 July 2000, that the interest due for the year 2000 is

II

⁽¹⁾ tce = tonne coal equivalent.

entered in the State budget for 1999, the Commission considers that the loans meet the requirement of Article 2(2) of Decision No 3632/93/ECSC. In accordance with the seventh recital of point III of the above Decision, the requirement in Article 2(2) is intended to provide the best guarantees of transparency in the aid systems. As the interest due for the year 2000 has been budgeted for, that objective may be regarded as fulfilled in as much as the interest is accessory to the sum of the loans. As the loan interest is budgeted for, the sum itself of the loans complies *ipso facto* with the objective of the transparency of aid in Article 2(2) of Decision No 3632/93/ECSC.

- (12) In accordance with Article 2(1), second indent, the aid helps to solve the social and regional problems created by total or partial reductions in the activity of production units.
- (13) Except for the sum of FRF 35 million for the year 1997, and the sum of FRF 45 million for each of the years 1998 and 1999, on the basis of the information provided by France, the aid proposed for these three years is compatible with the objectives of Decision No 3632/93/ECSC and with the proper functioning of the common market. The Commission will subsequently take a decision on the balances of FRF 35 million for 1997 and FRF 45 million for the years 1998 and 1999, in particular in the light of France's replies to the questions in the Commission's letter of formal notice of 9 February 1999 in the context of complaint No 97/4717 of 26 August 1997 against Charbonnages de France, which has been lodged by five French undertakings, including the company Thion et Cie.
- (14) This Decision is also without prejudice to the decision which the Commission will be required to take after consideration of the complaints submitted against Charbonnages de France, in particular Cokes de Drocourt SA, in the context of the coke market.

III

- (15) The sums of FRF 3 869 million, FRF 4 059 million and FRF 4 135 million which France proposes to grant to its coal industry for 1997, 1998 and 1999 respectively are intended to cover exceptional costs due to modernisation, rationalisation and the restructuring of the coal industry which are not related to current production (inherited liabilities).
- (16) In accordance with Article 5 of Decision No 3632/93/ECSC, this aid covers costs which are expressly referred to in the Annex to the Decision, namely:

- FRF 631 million, FRF 731 million and FRF 837 million towards the cost of paying social-welfare benefits for 1997, 1998 and 1999 respectively resulting from the pensioning-off of workers before they reach statutory retirement age;
- FRF 154 million, FRF 244 million and FRF 157 million as other exceptional expenditure in 1997, 1998 and 1999 respectively on workers losing their jobs as a result of restructuring and rationalisation;
- FRF 47 million, FRF 67 million and FRF 86 million towards residual costs for 1997, 1998 and 1999 respectively resulting from administrative, legal or tax provisions;
- FRF 143 million, FRF 198 million and FRF 246 million towards additional work in 1997, 1998 and 1999 respectively resulting from restructuring;
- FRF 10 million, FRF 7 million and FRF 12 million towards mining damage in 1997, 1998 and 1999 respectively attributable to pits previously in service;
- FRF 73 million, FRF 45 million and FRF 45 million towards exceptional intrinsic depreciation in 1997, 1998 and 1999 respectively resulting from the restructuring of the industry;
- FRF 2 811 million, FRF 2 767 million and FRF 2 752 million towards the increase in the contributions, outside the statutory system in 1997, 1998 and 1999 respectively to cover social security costs as a result of the drop, following restructuring, in the number of contributors.

- (17) In accordance with Article 5(1) of Decision No 3632/93/ECSC, this aid may be regarded as compatible with the common market if it does not exceed the costs arising from or having arisen from the modernisation, rationalisation or restructuring of the coal industry which are not related to current production. Having checked the data communicated, the Commission concludes that this requirement has been fulfilled. In the light of the above and on the basis of the information provided by France, the aid planned for 1997, 1998 and 1999 is compatible with the objectives of Decision No 3632/93/ECSC and with the proper functioning of the common market.

IV

- (18) In accordance with the second indent of Article 3(1) and Article 9(2) and (3) of Decision No 3632/93/ECSC, the Commission has to check that the aid authorised for current production is only for the purposes stipulated in Article 4 of the Decision. To this end, it must be informed of the amounts of such payments and the way they are broken down for 1999,

HAS ADOPTED THIS DECISION:

Article 1

France is authorised to apply the following measures in favour of its coal industry for 1997:

- (a) aid for the reduction of activity, amounting to FRF 2 454 million, intended to cover operating losses. The Commission will take a decision on a balance of FRF 35 million at a later date;
- (b) aid to cover exceptional costs amounting to FRF 3 869 million.

Article 2

France is authorised to apply the following measures in favour of its coal industry for 1998:

- (a) aid for the reduction of activity, amounting to FRF 2 533 million, intended to cover operating losses. The Commission will take a decision on a balance of FRF 45 million at a later date;
- (b) aid to cover exceptional costs amounting to FRF 4 059 million.

Article 3

France is authorised to apply the following measures in favour of its coal industry for 1999:

- (a) aid for the reduction of activity, amounting to FRF 2 324 million, intended to cover operating losses. The Commission will take a decision on a balance of FRF 45 million at a later date;
- (b) aid to cover exceptional costs amounting to FRF 4 135 million.

Article 4

France shall communicate the amounts of aid actually paid under this Decision for 1999 no later than 30 September 2000.

Article 5

This Decision is addressed to the French Republic.

Done at Brussels, 20 September 2000.

For the Commission

Loyola DE PALACIO

Vice-President

COMMISSION DECISION
of 4 October 2000
on the aid scheme implemented by Portugal in favour of the pigfarming sector

(notified under document number C(2000) 2755)

(Only the Portuguese text is authentic)

(2001/86/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 88(2) thereof,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat ⁽¹⁾, as last amended by Regulation (EC) No 1365/2000 ⁽²⁾, and in particular Article 21 thereof,

Having called on interested parties to submit their comments pursuant to the provision cited above ⁽³⁾ and having regard to their comments,

Whereas:

I

PROCEDURE

- (1) Following articles in the press, on 8 December 1998 the Commission sent the Portuguese authorities a letter requesting information about a possible aid package in favour of the pigfarming sector.
- (2) By letter of 16 December 1998, recorded as received on 21 December 1998, the Portuguese Permanent Representation to the European Union notified the Commission of the abovementioned aid measures pursuant to Article 88(3) of the Treaty.
- (3) The aid measures notified were adopted by Decree-Law No 4/99 of 4 January 1999 and published in the *Diário da República* ⁽⁴⁾.
- (4) By letter of 17 March 1999, recorded as received on 18 March 1999, the Portuguese Permanent Representation to the European Union sent the Commission the additional information it had requested by letter of 5 February 1999.
- (5) By letter SG(99)D/4066 of 4 June 1999, the Commission informed Portugal of its decision to initiate the procedure laid down in Article 88(2) of the EC Treaty in respect of the aid measures. The procedure was recorded under Aid No C 31/99.

- (6) The Commission's decision to initiate the procedure was published in the *Official Journal of the European Communities* ⁽⁵⁾. The Commission called on other interested parties to submit their comments on the measures.
- (7) By letters of 4 August 1999, recorded as received on 5 August 1999, 23 September 1999, recorded as received on 28 September 1999, and 22 June 2000, recorded as received on 26 June 2000, the Portuguese authorities submitted their observations to the Commission on the procedure in question.
- (8) The Commission has received no comments from other interested parties.

II

DESCRIPTION

- (9) Portuguese Decree-Law No 4/99 is applicable to undertakings engaged in the closed-cycle production, fattening and finishing of piglets.
- (10) Article 2 of the abovementioned Decree-Law grants a moratorium on short-term loans taken out by the above undertakings under Decree-Laws No 145/94 of 24 May 1994 and No 298/98 of 28 October 1998 and reduces the interest rates applicable. The moratorium provides for a one-year extension of reimbursement plans for the loans taken out and will cover both capital and interest due.
- (11) Article 3 of the Decree-Law No 4/99 makes additional short-term credit lines available to the abovementioned undertakings at a subsidised rate of interest. The loans cannot exceed one year in duration.
- (12) For both measures, the interest-rate subsidy is to amount to 70 % in general and 100 % for those undertakings with up to 20 breeding sows. The interest will be calculated on the basis of the rational reference rate laid down in Decree-Law No 359/89 of 18 October 1989 ⁽⁶⁾, except where that rate is higher than the actual rate applied by the banks. In the latter case, the interest rate will be reduced to that actually applied.
- (13) When initiating the Article 88(2) procedure, the Commission was of the opinion that the measures fell within the scope of Article 87(1) of the Treaty.

⁽¹⁾ OJ L 282, 1.11.1975, p. 1.

⁽²⁾ OJ L 156, 29.6.2000, p. 5.

⁽³⁾ OJ C 220, 31.7.1999, p. 19.

⁽⁴⁾ *Diário da República* No 2 (I Series-A), 4.1.1999.

⁽⁵⁾ See footnote 3.

⁽⁶⁾ Currently 8 %.

(14) Portugal has traditionally used subsidised short-term loans to offset the handicaps facing the farming sector. Decree-Law No 145/94 of 24 May 1994 refers to the national aid scheme that was in force until 30 June 1998. That scheme was replaced by the scheme that is currently in force, approved by Decree-Law No 298/98 of 28 September 1998, in order to adapt the measures to the new Community guidelines set out in the Commission Communication on State aids: subsidised short-term loans in agriculture (crédits de gestion) ⁽⁷⁾.

(15) Both those Decree-Laws were notified to the Commission pursuant to Article 88(3) of the Treaty and were approved under the rules on State aid (Aid measures N 382/94 and N 408/98). By letter No SG(99)D/419 of 21 January 1999, the Commission informed Portugal that it had decided to raise no objections to the aid scheme currently in force (Aid N 408/98).

(16) The Commission took the view that the schemes under consideration, which are supplementary to the aid schemes approved, did not comply with the conditions for authorising short-term loans in agriculture. First, the maximum duration of the loans exceeds one year. Secondly, both measures (moratorium and new credit line) are specific to pigfarmers and are not available to all operators in the agricultural sector. Thirdly, the maximum interest-rate reduction seems to exceed the difference between the interest rate paid by a typical agricultural operator and the rate applying in the rest of the economy of the Member State. Consequently, the Commission concluded that the Community guidelines on State aids in the form of short-term loans were not respected.

(17) Furthermore and following claims that the existing scheme for short-term loans (Aid N 408/98) would not be applicable to pigfarmers, the Commission called on Portugal to forward any legislation excluding the pigfarming sector from such support.

(18) The Commission also took the view that the measures referred to could not be considered investments as the rules on investments, currently set out in Council Regulation (EC) No 950/97 of 20 May 1997 on improving the efficiency of agricultural structures ⁽⁸⁾ in the case of primary production and the Guidelines for State aid in connection with investments in the processing and marketing of agricultural products ⁽⁹⁾, pertained solely to the acquisition of capital goods. Equally, the Commission considered that the aid measures notified could not be considered aid to companies in financial difficulties within the meaning of the Community Guidelines on

State aid for rescuing and restructuring firms in difficulty ⁽¹⁰⁾.

(19) In the absence of any other legal basis suggested by the Portuguese authorities for the examination and possible approval of the aid measures, the Commission considered that the aid must be regarded as operating aid, i.e. aid intended to relieve pigfarmers of the expenses which they would normally have to bear themselves in the daily management of their activities, which is deemed incompatible in principle with the common market ⁽¹¹⁾. The Commission also took the view that the measures constituted an infringement of the relevant common market organisation.

III

COMMENTS FROM PORTUGAL

(20) The Portuguese authorities submitted their comments by letters of 4 August and 23 September 1999 and 22 June 2000.

(21) The Portuguese authorities confirm that there are no national legislative provisions governing the granting of short-term loans in agriculture other than Decree-Law No 298/98 of 28 September 1998 (Aid N 408/98). Consequently, the pigfarming sector is not specifically excluded from the general scheme for subsidised short-term loans.

(22) Portugal argues that the measures were taken in view of the small scale and the difficult financial situation of the Portuguese pigfarming sector, aggravated by the serious crisis affecting it. Portugal adds that pigfarmers are seen as high-risk clients, who can only secure loans at high interest rates. There was therefore a serious risk of a large number of bankruptcies in the sector.

(23) Portugal concludes that the measures should be seen as exceptional measures to ensure the survival of a whole production sector.

IV

ASSESSMENT

(24) In accordance with Article 87(1) of the Treaty, any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods is, in so far as it affects trade between Member States, incompatible with the common market.

⁽⁷⁾ OJ C 44, 16.2.1996, p. 2.

⁽⁸⁾ OJ L 142, 2.6.1997, p. 1.

⁽⁹⁾ OJ C 29, 2.2.1996, p. 4.

⁽¹⁰⁾ OJ C 283, 19.9.1997, p. 2.

⁽¹¹⁾ Judgment of the Court of First Instance in Case T-459/93 *Siemens v Commission* [1995] ECR II-1675 and the case law cited therein.

- (25) Under Article 21 of Regulation (EEC) No 2759/75, Articles 87, 88 and 89 of the Treaty apply to the production of, and trade in, the products listed in Article 1(1) of that Regulation.
- (26) The Community produces 22,31 million tonnes of meat and other products derived from pigfarming and other intensive livestock production ⁽¹²⁾. Portugal's production is 0,54 million tonnes. There is appreciable trade in these products between Portugal and the rest of the Community: in 1997 Portugal's imports and exports of these products totalled 75 900 tonnes and 4 100 tonnes respectively. The exports were worth EUR 6,0 million and the imports EUR 160,5 million.
- (27) The measures in question are therefore likely to affect trade in pigmeat products between Member States since the aid benefits operators in one Member State and not in the others. The measures have a direct and immediate effect on the production costs of pigfarms in Portugal. Consequently, they give these farms an economic advantage denied to farms in other Member States which do not have access to such aid. They accordingly distort, or threaten to distort, competition.
- (28) In the light of the foregoing, the measures must be regarded as State aid within the meaning of Article 87(1) of the Treaty.

Possible derogations under Article 87 of the Treaty

- (29) There is provision for derogations from the principle of incompatibility laid down in Article 87(1) of the Treaty.
- (30) The exceptions to such incompatibility, which are set out in Article 87(2) of the Treaty, are manifestly not applicable in this case, however, and were not invoked by the Portuguese authorities.
- (31) The derogations provided for in Article 87(3) of the Treaty must be interpreted strictly when regional or sectoral aid programmes or individual instances of the application of general aid schemes are examined. They can be granted only where the Commission can establish that the aid is necessary for the achievement of one of the objectives concerned. To allow aid not fulfilling that condition to benefit under such derogations would be to permit distortion of competition and of trade between Member States without any justification in terms of the Community interest and, by the same token, to grant undue advantages to operators in certain Member States.
- (32) The Commission considers that the aid measures are not intended to promote the execution of an important project of common European interest, to remedy a serious disturbance of the economy of a Member State within the meaning of Article 87(3)(b) of the Treaty, or

to promote cultural or heritage conservation within the meaning of Article 87(3)(d). Consideration must therefore be given to whether the application of the measures provided for may qualify for a derogation under Article 87(3)(a) or (c) of the Treaty.

Article 87(3)(c)

- (33) In accordance with Article 87(3)(c), aid may be regarded as compatible with the common market if it is intended to facilitate the development of certain economic activities or of certain economic areas and does not adversely affect trading conditions to an extent contrary to the common interest.
- (34) Both measures (moratorium and new credit line) can be considered short-term loans in agriculture, to which the relevant Community Guidelines must be applied ⁽¹³⁾. Those Guidelines state that:
- subsidised loans must have a maximum duration of one year,
 - subsidised loans should not be used to aid specific sectors or operators in agriculture selectively on grounds not solely related to difficulties in access to such loans,
 - the maximum aid element involved in the loans may not exceed the difference between the interest rate paid by a typical agricultural operator and the interest rate paid in the rest of the economy of the Member State concerned for short-term loans of a similar amount per operator, not linked with investments.
- (35) When initiating the Article 88(2) procedure in respect of the aid measures, the Commission concluded that none of those conditions was fulfilled in the case in point. The Commission notes that Portugal did not contest the Commission's assessment at the time the Article 88(2) procedure was initiated.
- (36) First, the maximum duration of the loans exceeds one year. Decree-Laws No 145/94 and No 298/98 both lay down one year for the maximum duration of the short-term loans. The one-year moratorium granted to pigfarmers under the draft Decree-Law under examination has the practical effect of extending by one year the maximum duration of loans taken out under the previous legislative provisions. The maximum duration of short-term loans would accordingly be two years for pigfarmers.

⁽¹²⁾ Source: Eurostat 1997.

⁽¹³⁾ See footnote 7.

- (37) Secondly, both measures (moratorium and new credit line) are specifically for pigfarmers and are not available to all operators in the agricultural sector. Portugal argues, in very general terms, that owing to the pig market crisis, pigfarmers are seen as high-risk clients by the banks and pay higher rates of interest on loans. The Commission accepts that the market crisis in the pigfarming sector in late 1998 may have put Portuguese pigfarmers in a difficult financial situation that may have had an impact on their borrowing capacity. However, subsidised short-term loans are aimed at bridging existing structural shortcomings in access to credit and not at coping with a one-off market crisis. Portugal has failed to demonstrate that the pigfarming sector suffers from an inherent permanent handicap in access to credit as compared with other agricultural sectors such as to justify higher support levels in short-term loans.
- (38) Thirdly, the aid element involved in the reduced interest rates is not limited to the difference between the interest rate paid by a typical agricultural operator and that paid in the rest of the economy of the Member State concerned. Indeed, in the worst-case scenario the interest-rate subsidy may rise to 100 %.
- (39) The Commission maintains that the measures under examination do not fall within the definition of investment support and that they only cover the acquisition, construction or reconstruction of immovable property or the acquisition of machinery.
- (40) In their comments the Portuguese authorities argue that this was an emergency measure to tackle the pigfarmers' difficult financial situation and to forestall a large number of bankruptcies in the sector. Consequently, the Commission should assess to what extent the conditions of the Community Guidelines on State aid for rescuing and restructuring firms in difficulty⁽¹⁴⁾ are fulfilled. According to point 101 of those Guidelines, the Commission is to examine the compatibility with the common market of any aid granted without its authorisation on the basis of the Guidelines in force at the time the aid is granted. At the time of adoption of Decree-Law No 4/99 of 4 January 1999, the guidelines in force were the 1997 Community Guidelines on State aid for rescuing and restructuring firms in difficulty⁽¹⁵⁾. Consequently, the Commission should assess the aid measures in the light of those Guidelines.
- (41) With regard to the definition of companies 'in difficulty', the Commission accepts that Portuguese pigfarmers (like all other EC pigfarmers) were affected by a major market crisis in late 1998. However, all pigfarmers may, without exception, benefit under the measures notified and in order to qualify they need not be recognised first as being in a difficult situation on the basis of objective accounting and financial data.
- (42) Pursuant to point 2.1 of the applicable Community guidelines, rescue aid enables firms facing a substantial deterioration in their financial position, reflected in an acute liquidity crisis or technical insolvency, to maintain their position temporarily while an analysis of the circumstances of the company's difficulties is performed and a suitable plan devised to remedy the situation. In other words, rescue aid provides a brief respite, generally for not more than six months, from a firm's financial problems, while a long-term solution is being worked out. Restructuring, on the other hand, should be based on a feasible, coherent and far-reaching plan to restore the firm's long-term viability.
- (43) In order to be approved by the Commission, rescue aid must:
- consist of liquidity help in the form of loan guarantees or loans at normal commercial interest rates,
 - be restricted to the amount needed to keep a firm in business (for example, covering wage and salary costs and routine supplies),
 - be paid only for the time needed (generally not exceeding six months) to devise the necessary and feasible recovery plan,
 - be warranted on the grounds of serious social difficulties and have no undue adverse effects on the industrial and agricultural sectors in other Member States,
 - in principle involve a one-off operation.
- (44) The Commission considers that the case under examination fails to meet at least the conditions set out in the first and third indents above. The moratorium and the new loans are granted at rates below the market rates and both the moratorium and the new short-term credit line, the term of which is one year, exceed the limit of six months laid down. Moreover, the aid is not granted subject to any time limit for assessing the prospects of the individual pigfarmers in terms of viability. Consequently, the measures cannot be considered rescue aid within the meaning of the relevant Community guidelines.
- (45) Equally, the measures cannot be considered restructuring aid. Access to the scheme does not depend on the presentation and implementation of a feasible, coherent and far-reaching restructuring plan to restore the firm's long term viability. Consequently, there is no need to assess the specific conditions required to evaluate restructuring schemes.

⁽¹⁴⁾ OJ C 288, 9.10.1999, p. 2.

⁽¹⁵⁾ See footnote 10.

- (46) Since no other legal basis has been put forward by the Portuguese authorities for the examination and possible approval of the aid measures, the aid must be considered operating aid, i.e. aid intended to relieve pigfarmers of the expenses which they would normally have to bear themselves in the daily management of their activities. In principle, operating aid is deemed incompatible with the common market because it does not contribute to the development of economic activities in accordance with Article 87(3)(c) of the Treaty. Having regard to the principles laid down in the case law referred to in point 19, the Commission is therefore bound to conclude that the measures under consideration cannot qualify under the derogation provided for in Article 87(3)(c) of the Treaty.

Article 87(3)(a)

- (47) The applicability of Article 87(3)(a) has not been invoked explicitly by the Portuguese authorities. Indeed, Portugal introduced these schemes as sectoral aid. Moreover, in the agriculture sector, which covers the production, processing and marketing of Annex I products, it has been constant Commission policy for many years to prohibit the payment of operating aid in all regions, including those which fall within the scope of Article 87(3)(a) of the Treaty. By its very nature, such aid is likely to interfere with the mechanisms of the common organisation of the markets, which take precedence over the competition rules laid down in the Treaty in accordance with Community case law, and in particular the judgment of the Court of Justice in Case 177/78 *Pigs and Bacon Commission v McCarren* ⁽¹⁶⁾. The Court of Justice has consistently held, in particular in its judgment in Case 35/88 *KYDEP* ⁽¹⁷⁾ that Member States are barred from adopting national measures which are liable to undermine the machinery of price formation established by a common market organisation. Given the precedence of the common agricultural policy over the rules on competition laid down in the Treaty (Article 36 of the Treaty), national measures hampering the common organisation of an agricultural market may in no case be approved under a State aid scheme on the grounds that a derogation applies. This policy has been confirmed many times ⁽¹⁸⁾, and was recently incorporated in the Community Guidelines for State aid in the agriculture sector ⁽¹⁹⁾.

- (48) In view of the above, it must be concluded that the provisions notified constitute State aid within the

meaning of Article 87(1), which cannot qualify for any of the exceptions provided for in Article 87(2) or (3).

V

CONCLUSIONS

- (49) The Commission considers that the aid measures implemented by Portugal constitute State aid within the meaning of Article 87(1) of the Treaty. The Commission regrets that Portugal has infringed Article 88(3) of the Treaty by unlawfully implementing the abovementioned aid measures.
- (50) For the reasons set out above, aid falling within the scope of Article 87(1) of the Treaty cannot qualify under any of the exemptions provided for in Article 87(2) or (3). The aid measures under consideration are therefore incompatible with the common market.
- (51) Where non-notified aid is introduced without awaiting the Commission's final decision, as is the case of the measures under consideration, the binding nature of the procedural rules set out in Article 88(3) of the Treaty, the direct effect of which was recognised by the Court of Justice in its judgments in Case 77/72 *Carmine Capolongo v Azienda Agricola Maya* ⁽²⁰⁾, Case 120/73 *Gebr. Lorenz GmbH v Federal Republic of Germany* ⁽²¹⁾ and Case 78/76 *Steinicke und Weinlig v Federal Republic of Germany* ⁽²²⁾, prevents any retrospective legalisation of the aid (judgment in Case C-354/90 *Fédération nationale du commerce extérieur des produits alimentaires and others v France* ⁽²³⁾).
- (52) Article 14(1) of Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 88 of the EC Treaty ⁽²⁴⁾ provides that when a negative decision is taken in a case of unlawful aid the Commission is to decide that the Member State concerned is to take all necessary action to recover the aid from the recipients. Reimbursement is necessary in order to restore the previous situation by removing all financial advantages unduly gained by the recipients since the date of granting of the aid.
- (53) Article 14(2) of Regulation (EC) No 659/1999 states that the aid to be recovered is to include interest at an appropriate rate set by the Commission. Interest runs from the date on which the illegal aid was made available to the recipients until that of its recovery.

⁽¹⁶⁾ [1979] ECR 2161.

⁽¹⁷⁾ [1990] ECR I-3125.

⁽¹⁸⁾ 20th Report on Competition Policy, 1990, points 337 and 347; 21st Report on Competition Policy, 1991, points 316 and 317; 22nd Report on Competition Policy, 1992, points 503 and 504; 23rd Report on Competition Policy, 1993, points 547 and 548; 25th Report on Competition Policy, 1995, pp. 238 to 240; 26th Report on Competition Policy, 1996, pp. 251 to 255.

⁽¹⁹⁾ OJ C 28, 1.2.2000, p. 2.

⁽²⁰⁾ [1973] ECR 611.

⁽²¹⁾ [1973] ECR 1471.

⁽²²⁾ [1977] ECR 595.

⁽²³⁾ [1991] ECR I-5505.

⁽²⁴⁾ OJ L 83, 27.3.1999, p. 1.

- (54) The aid should be repaid in accordance with the procedures of Portuguese law. The aid is to bear interest from the date on which it was granted to the date on which it is actually recovered. It is to be calculated on the basis of the market rate, by reference to the rate used for calculating the grant-equivalent of regional aid ⁽²⁵⁾.
- (55) This Decision is without prejudice to any conclusions that the Commission may draw as regards the financing of the common agricultural policy by the European Agricultural Guidance and Guarantee Fund (EAGGF),

HAS ADOPTED THIS DECISION:

Article 1

The State aid that Portugal has granted in favour of the pigfarming sector under Decree-Law No 4/99 of 4 January 1999 in the form of a moratorium on short-term loan agreements and a new short-term credit line are incompatible with the common market.

Article 2

1. Within two months of notification of this Decision the Portuguese authorities shall take all measures necessary to

recover from the beneficiaries the aid referred to in Article 1 and unlawfully made available to them.

2. The aid shall be recovered in accordance with the procedures of Portuguese law. The sums to be recovered shall include interest payable from the date on which they were made available to the beneficiaries until their actual recovery. Interest shall be calculated on the basis of the reference rate used for calculating the grant-equivalent of regional aid.

Article 3

Within two months of notification of this Decision Portugal shall inform the Commission of the measures it has taken to comply with it.

Article 4

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 4 October 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽²⁵⁾ OJ C 74, 10.3.1998, p. 9.