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Legislation

Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 663/2001 of 2 April 2001 establishing the standard import values for determining the entry price of certain fruit and vegetables	1
Commission Regulation (EC) No 664/2001 of 2 April 2001 on the supply of vegetable oil as food aid	3
Commission Regulation (EC) No 665/2001 of 2 April 2001 on the supply of cereals as food aid	9
Commission Regulation (EC) No 666/2001 of 2 April 2001 on the supply of split peas as food aid	13
Commission Regulation (EC) No 667/2001 of 2 April 2001 on the supply of white sugar as food aid	16
Commission Regulation (EC) No 668/2001 of 2 April 2001 opening a standing invitation to tender for the export of barley held by the German intervention agency	20
Commission Regulation (EC) No 669/2001 of 2 April 2001 repealing Regulation (EC) No 229/2001 relating to the issuing of a standing invitation to tender for the resale on the internal market of 250 000 tonnes of barley held by the German intervention agency	25
Commission Regulation (EC) No 670/2001 of 2 April 2001 repealing Regulation (EC) No 2026/2000 relating to the issuing of a standing invitation to tender for the sale of rye held by the United Kingdom intervention agency	26
★ Commission Regulation (EC) No 671/2001 of 30 March 2001 prohibiting fishing for herring by vessels flying the flag of a Member State	27
★ Commission Regulation (EC) No 672/2001 of 2 April 2001 amending Regulation (EC) No 1750/1999 laying down detailed rules for the application of Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF)	28

★ Commission Regulation (EC) No 673/2001 of 2 April 2001 fixing the ceilings on financing for measures to improve the quality of olive oil production in the 2001/2002 production cycle and derogating from Article 3(3) of Regulation (EC) No 528/1999	29
Commission Regulation (EC) No 674/2001 of 2 April 2001 on the issuing of system B export licences for fruit and vegetables	30
Commission Regulation (EC) No 675/2001 of 2 April 2001 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip	32
Commission Regulation (EC) No 676/2001 of 2 April 2001 correcting the import duties in the cereals sector	34
Commission Regulation (EC) No 677/2001 of 2 April 2001 fixing, for March 2001, the specific exchange rate for the amount of the reimbursement of storage costs in the sugar sector	36

II Acts whose publication is not obligatory

Council

2001/258/EC:

★ Council Decision of 15 March 2001 concerning the conclusion of an Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or Iceland or Norway	38
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Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway	40
--	----

Declarations	47
--------------------	----

Commission

2001/259/EC:

★ Commission Decision of 31 January 2001 on the State-aid scheme proposed by Greece for fruit and vegetable growers (notified under document number C(2001) 323)	48
---	----

2001/260/EC:

★ Commission Decision of 21 March 2001 on the basic parameters of the command-control and signalling subsystem of the trans-European high-speed rail system referred to as 'ERTMS characteristics' in Annex II(3) to Directive 96/48/EC ⁽¹⁾ (notified under document number C(2001) 746)	53
--	----

2001/261/EC:

★ Commission Decision of 22 March 2001 setting the dates for Spain for the deduction of expenditure excluded from the Community financing of monthly advances (notified under document number C(2001) 747)	57
---	----

2001/262/EC:

★ Commission Decision of 2 April 2001 amending Decision 2001/223/EC concerning certain protection measures with regard to foot-and-mouth disease in the Netherlands ⁽¹⁾ (notified under document number C(2001) 1035)	58
---	----

2001/263/EC:

★ Commission Decision of 2 April 2001 concerning restrictions to the movement of animals of susceptible species in all Member States with regard to foot-and-mouth disease and amending for the fifth time Decision 2001/172/EC ⁽¹⁾ (notified under document number C(2001) 1037)	59
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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 663/2001
of 2 April 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 3 April 2001.

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

Done at Brussels, 2 April 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 2 April 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	76,2
	204	39,6
	212	71,2
	624	85,7
	999	68,2
0707 00 05	052	156,7
	624	89,6
	999	123,1
0709 90 70	052	124,4
	204	84,4
	624	63,1
	999	90,6
0805 10 10, 0805 10 30, 0805 10 50	052	80,3
	204	49,8
	212	44,4
	220	57,2
	600	54,5
	624	59,3
	999	57,6
0808 10 20, 0808 10 50, 0808 10 90	388	94,6
	400	87,9
	404	110,5
	508	90,3
	512	77,4
	524	92,2
	528	90,2
	720	107,8
	999	93,9
	388	72,3
0808 20 50	512	68,8
	528	74,5
	999	71,9

⁽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 664/2001
of 2 April 2001
on the supply of vegetable oil as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security ⁽¹⁾, and in particular Article 24(1)(b) thereof,

Whereas:

- (1) The abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage.
- (2) Following the taking of a number of decisions on the allocation of food aid, the Commission has allocated vegetable oil to certain beneficiaries.
- (3) It is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied under Council Regulation (EC) No 1292/96 as Community food aid ⁽²⁾. It is necessary to specify the time limits and conditions of supply to determine the resultant costs.
- (4) In order to ensure that the supplies are carried out for a given lot, provision should be made for tenderers to be able to mobilise either rapeseed oil or sunflower oil. The

contract for the supply of each such lot is to be awarded to the tenderer submitting the lowest tender,

HAS ADOPTED THIS REGULATION:

Article 1

Vegetable oil shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The supply shall cover the mobilisation of vegetable oil produced in the Community. Mobilisation may not involve a product manufactured and/or packaged under inward processing arrangements.

Tenders shall cover either rapeseed oil or sunflower oil. Tenders shall be rejected unless they specify the type of oil to which they relate.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 2 April 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOT A

1. **Action No:** 66/00
2. **Beneficiary** ⁽²⁾: World Food Programme (WFP), Via Cesare Giulio Viola 68, I-00148 Roma, tel. (39-06) 6513 2988; fax 6513 2844/3; telex 626675 WFP I
3. **Beneficiary's representative:** to be designated by the beneficiary
4. **Country of destination:** Djibouti
5. **Product to be mobilized:** refined rapeseed oil or refined sunflower oil
6. **Total quantity (tonnes net):** 200
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾: see OJ C 312, 31.10.2000, p. 1 (D.1 or D.2)
9. **Packaging:** see OJ C 267, 13.9.1996, p. 1 (10.8, A, B and C.2)
10. **Labelling or marking** ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (III.A(3))
 - Language to be used for the markings: French
 - Supplementary markings: —
11. **Method of mobilisation of the product:** mobilisation of refined vegetable oil produced in the Community.
The mobilisation may not involve a product manufactured and/or packaged under inward-processing arrangements.
12. **Specified delivery stage:** free at port of landing — port warehouse PAM/WFP
13. **Alternative delivery stage:** free at port of shipment
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** Djibouti
16. **Place of destination:**
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 10.6.2001
 - second deadline: 24.6.2001
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: 7 to 20.5.2001
 - second deadline: 21.5 to 3.6.2001
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 17.4.2001
 - second deadline: 2.5.2001
20. **Amount of tendering guarantee:** EUR 15 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; tlx 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund:** —

LOT B

1. **Action No:** 34/00
2. **Beneficiary** ⁽²⁾: World Food Programme (WFP), Via Cesare Giulio Viola 68, I-00148 Roma, tel. (39-06) 6513 2988; fax 6513 2844/3; telex 626675 WFP I
3. **Beneficiary's representative:** to be designated by the beneficiary
4. **Country of destination:** Sierra Leone
5. **Product to be mobilised:** refined rapeseed oil or refined sunflower oil
6. **Total quantity (tonnes net):** 500
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾: see OJ C 312, 31.10.2000, p. 1 (D.1 or D.2)
9. **Packaging:** see OJ C 267, 13.9.1996, p. 1 (10.4, A, B and C.2)
10. **Labelling or marking** ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (III.A.(3))
 - Language to be used for the markings: English
 - Supplementary markings: —
11. **Method of mobilisation of the product:** mobilisation of refined vegetable oil produced in the Community.
The mobilisation may not involve a product manufactured and/or packaged under inward-processing arrangements.
12. **Specified delivery stage:** free at destination
13. **Alternative delivery stage:** free at port of shipment
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** Kissy Complex warehouse
 - port or warehouse of transit: Freetown
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 17.6.2001
 - second deadline: 1.7.2001
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: 14 to 27.5.2001
 - second deadline: 28.5 to 10.6.2001
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 17.4.2001
 - second deadline: 2.5.2001
20. **Amount of tendering guarantee:** EUR 15 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; tlx 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund:** —

LOT C

1. **Action No:** 35/00
2. **Beneficiary** ⁽²⁾: World Food Programme (WFP), Via Cesare Giulio Viola 68, I-00148 Roma, tel. (39-06) 6513 2988; fax 6513 2844/3; telex 626675 WFP I
3. **Beneficiary's representative:** to be designated by the beneficiary
4. **Country of destination:** Guinea
5. **Product to be mobilised:** refined rapeseed oil or refined sunflower oil
6. **Total quantity (tonnes net):** 500
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾: see OJ C 312, 31.10.2000, p. 1 (D.1 or D.2)
9. **Packaging** see OJ C 267, 13.9.1996, p. 1 (10.4, A, B and C.2)
10. **Labelling or marking** ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (III.A.(3))
 - Language to be used for the markings: French
 - Supplementary markings: —
11. **Method of mobilisation of the product:** mobilisation of refined vegetable oil produced in the Community.
The mobilisation may not involve a product manufactured and/or packaged under inward-processing arrangements.
12. **Specified delivery stage** free at destination
13. **Alternative delivery stage:** free at port of shipment
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** Tombo PAM warehouse
 - port or warehouse of transit: Conakry
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 17.6.2001
 - second deadline: 1.7.2001
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: 14 to 27.5.2001
 - second deadline: 28.5 to 10.6.2001
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 17.4.2001
 - second deadline: 2.5.2001
20. **Amount of tendering guarantee:** EUR 15 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; tlx 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund:** —

LOT D

1. **Action No:** 53/00
2. **Beneficiary** ⁽²⁾: EuronAid, PO box 12, 2501 CA Den Haag, Nederland, tel. (31-70) 33 05 757; fax 36 41 701; telex 30960 EURON NL
3. **Beneficiary's representative:** to be designated by the beneficiary
4. **Country of destination:** Eritrea
5. **Product to be mobilized:** refined rapeseed oil or refined sunflower oil
6. **Total quantity (tonnes net):** 477
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾ ⁽⁶⁾: see OJ C 312, 31.10.2000, p. 1 (D.1 or D.2)
9. **Packaging:** see OJ C 267, 13.9.1996, p. 1 (10.8, A, B and C.2)
10. **Labelling or marking** ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (III.A.(3))
 - Language to be used for the markings: English
 - Supplementary markings: —
11. **Method of mobilisation of the product:** mobilisation of refined vegetable oil produced in the Community.
The mobilisation may not involve a product manufactured and/or packaged under inward-processing arrangements.
12. **Specified delivery stage** free at destination
13. **Alternative delivery stage:** free at port of shipment
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** Medeber, Genale Street, House 37, Zone 9, Sub-zone 3, Asmara, Tel. (291-1) 11 80 50
 - Port or warehouse of transit: Massawa
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 10.6.2001
 - second deadline: 24.6.2001
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: 7 to 20.5.2001
 - second deadline: 21.5 to 3.6.2001
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 17.4.2001
 - second deadline: 2.5.2001
20. **Amount of tendering guarantee:** EUR 15 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; tlx 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund:** —

Notes:

- (¹) Supplementary information: Torben Vestergaard (tel. (32-2) 299 30 50; fax (32-2) 296 20 05).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
 - health certificate (lot D: the certificate must indicate the expiry date for consumption).
- (⁵) Notwithstanding OJ C 114, 29.4.1991, point III.A(3)(c) is replaced by the following: 'the words "European Community"'.

- (⁶) Tenders shall be rejected unless they specify the type of oil to which they relate.

COMMISSION REGULATION (EC) No 665/2001
of 2 April 2001
on the supply of cereals as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security ⁽¹⁾, and in particular Article 24(1)(b) thereof,

Whereas:

- (1) The abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage.
- (2) Following the taking of a number of decisions on the allocation of food aid, the Commission has allocated cereals to certain beneficiaries.
- (3) It is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied

under Council Regulation (EC) No 1292/96 as Community food aid ⁽²⁾. It is necessary to specify the time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Cereals shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 2 April 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOT A

1. **Action No:** 32/00
2. **Beneficiary** ⁽²⁾: World Food Programme (WFP), Via Cesare Giulio Viola 68, I-00148 Roma, tel. (39-06) 6513 2988; fax 6513 2844/3; telex 626675 WFP I
3. **Beneficiary's representative:** to be designated by the beneficiary
4. **Country of destination:** Tajikistan
5. **Product to be mobilised:** common wheat flour
6. **Total quantity (tonnes net):** 6 156
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁵⁾: see OJ C 312, 31.10.2000, p. 1 (A.10)
9. **Packaging** ⁽⁷⁾: see OJ C 267, 13.9.1996, p. 1 (2.2, A 1.d, 2.d and B.1)
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (II.B(3))
 - Language to be used for the markings: English
 - Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage:** free at port of shipment — fob stowed
13. **Alternative delivery stage:** —
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:**
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 14.5 to 3.6.2001
 - second deadline: 28.5 to 17.6.2001
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: —
 - second deadline: —
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 17.4.2001
 - second deadline: 2.5.2001
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; tlx 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund** ⁽⁴⁾: refund applicable on 29.3.2001, fixed by Commission Regulation (EC) No 380/2001 (OJ L 55, 24.2.2001, p. 57)

LOT B

1. **Action No:** 65/00
2. **Beneficiary** ⁽²⁾: World Food Programme (WFP), Via Cesare Giulio Viola 68, I-00148 Roma, tel. (39-06) 6513 2988; fax 6513 2844/3; tlx 626675 WFP I
3. **Beneficiary's representative:** to be designated by the beneficiary
4. **Country of destination:** Sierra Leone
5. **Product to be mobilised:** maize grits
6. **Total quantity (tonnes net):** 4 000
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁵⁾: see OJ C 312, 31.10.2000, p. 1 (A.14)
9. **Packaging** ⁽⁷⁾: see OJ C 267, 13.9.1996, p. 1 (2.2, A 1.d, 2.d and B.1)
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (II.B(3))
 - Language to be used for the markings: English
 - Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage:** ⁽⁸⁾: free at port of landing — landed
13. **Alternative delivery stage:** free at port of shipment — fob stowed
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** Freetown
16. **Place of destination:**
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 17.6.2001
 - second deadline: 1.7.2001
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: 14 to 27.5.2001
 - second deadline: 28.5 to 10.6.2001
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 17.4.2001
 - second deadline: 2.5.2001
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; tlx 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund** ⁽⁴⁾: refund applicable on 29.3.2001, fixed by Commission Regulation (EC) No 380/2001 (OJ L 55, 24.2.2001, p. 57)

Notes:

- (¹) Supplementary information: Torben Vestergaard (tel. (32-2) 299 30 50; fax (32-2) 296 20 05).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EC) No 259/98 (OJ L 25, 31.1.1998, p. 39), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that indicated in point 22 of this Annex.
- The supplier's attention is drawn to the last subparagraph of Article 4(1) of the above Regulation.
- The photocopy of the export licence shall be sent as soon as the export declaration has been accepted on fax (32-2) 296 20 05.
- (⁵) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
— phytosanitary certificate.
- (⁶) Notwithstanding OJ C 114 of 29 April 1991, point II.A(3)(c) or II.B(3)(c) is replaced by the following: 'the words "European Community"'.
- (⁷) Since the goods may be rebagged, the supplier must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (⁸) In addition to the provisions of Article 14(3) of the Regulation (EC) No 2519/97, vessels chartered shall not appear on any of the four most recent quarterly lists of detained vessels as published by the Paris Memorandum of Understanding on Port State Control (Council Directive 95/21/EC (OJ L 157, 7.7.1995, p. 1)).
-

COMMISSION REGULATION (EC) No 666/2001
of 2 April 2001
on the supply of split peas as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security ⁽¹⁾, and in particular Article 24(1)(b) thereof,

Whereas:

- (1) The abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage.
- (2) Following the taking of a number of decisions on the allocation of food aid, the Commission has allocated split peas to certain beneficiaries.
- (3) It is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied under Council Regulation (EC) No 1292/96 as Community food aid ⁽²⁾. It is necessary to specify the time limits and conditions of supply to determine the resultant costs.

- (4) In order to ensure that the supplies are carried out, provision should be made for tenderers to be able to mobilise either green split peas or yellow split peas,

HAS ADOPTED THIS REGULATION:

Article 1

Split peas shall be mobilised in the Community, as Community food aid for supply to the recipients listed in the Annex, in accordance with Regulation (EC) No 2519/97, and under the conditions set out in the Annex.

Tenders shall cover either green split peas or yellow split peas. Tenders shall be rejected unless they specify the type of peas to which they relate.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 2 April 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOT A

1. **Action No:** 67/00
2. **Beneficiary** ⁽²⁾: World Food Programme (WFP), Via Cesare Giulio Viola 68, I-00148 Roma; tel. (39-06) 6513 2988; fax 6513 2844/3; telex 626675 WFP I
3. **Beneficiary's representative:** to be designated by the beneficiary
4. **Country of destination:** Sierra Leone
5. **Product to be mobilised** ⁽⁷⁾: split peas
6. **Total quantity (tonnes net):** 2 500
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾: see OJ C 312, 31.10.2000, p. 1 (B. 6)
9. **Packaging** ⁽⁵⁾: see OJ C 267, 13.9.1996, p. 1 (2.1 A1 (a), 2(a) and B.4 or (4.0 A 1(c), 2(c) and B.4)
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (IV.A(3))
 - language to be used for the markings: English
 - supplementary markings —
11. **Method of mobilisation of the product:** the Community market
The product must originate from the Community
12. **Specified delivery stage:** free at destination
13. **Alternative delivery stage:** free at port of shipment
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** Kissy Complex Warehouse
 - port or warehouse of transit: Freetown
 - overland transport route —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 17.6.2001
 - second deadline: 1.7.2001
18. **Period or deadline of supply at the alternative stage:**
 - first deadline 14 to 27.5.2001
 - second deadline 28.5 to 10.6.2001
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 17.4.2001
 - second deadline: 2.5.2001
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; tlx: 25670 AGREC B; fax: (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund:** —

Notes

- (¹) Supplementary information: Torben Vestergaard (tel. (32-2) 299 30 50; fax (32-2) 296 20 05)
 - (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
 - (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
 - (⁴) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
 - phytosanitary certificate.
 - (⁵) Since the goods may be rebagged, the supplier must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
 - (⁶) Notwithstanding OJ C 114, 29.4.1991, point IV.A(3)(c) is replaced by the following: 'the words European Community' and point IV.A(3)(b) by the following: 'Split peas'.
 - (⁷) Tenders shall be rejected unless they specify the type of peas to which they relate.
-

COMMISSION REGULATION (EC) No 667/2001
of 2 April 2001
on the supply of white sugar as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security ⁽¹⁾, and in particular Article 24(1)(b) thereof,

Whereas:

- (1) The abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage.
- (2) Following the taking of a number of decisions on the allocation of food aid, the Commission has allocated white sugar to certain beneficiaries.
- (3) It is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied

pursuant to Council Regulation (EC) No 1292/96 as Community food aid ⁽²⁾. It is necessary to specify the time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

White sugar shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 2 April 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOT A

1. **Action No:** 33/00
2. **Beneficiary** ⁽²⁾: World Food Programme (WFP), via Cesare Giulio Viola 68, I-00148 Roma, tel. (39-06) 6513 2988; fax 6513 2844/3; telex 626675 WFP I
3. **Beneficiary's representative:** to be designated by the beneficiary
4. **Country of destination:** Sierra Leone
5. **Product to be mobilised:** white sugar ('A' or 'B' sugar)
6. **Total quantity (tonnes net):** 260
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁵⁾: see OJ C 312, 31.10.2000, p. 1 (C.1)
9. **Packaging** ⁽⁷⁾: see OJ C 267, 13.9.1996, p. 1 (11.2 A 1.b, 2.b and B.4)
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (V.A(3))
 - Language to be used for the markings: English
 - Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage:** free at destination
13. **Alternative delivery stage:** free at port of shipment
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** Kissy Complex Warehouse
 - port or warehouse of transit: Freetown
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 10.6.2001
 - second deadline: 24.6.2001
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: 7 to 20.5.2001
 - second deadline: 21.5 to 3.6.2001
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 17.4.2001
 - second deadline: 2.5.2001
20. **Amount of tendering guarantee:** EUR 15 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; telex 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund** ⁽⁴⁾: refund applicable on 28.3.2001, fixed by Commission Regulation (EC) No 554/2001 (OJ L 82, 22.3.2001, p. 10)

LOT B

1. **Action No:** 36/00
2. **Beneficiary** ⁽²⁾: World Food Programme (WFP), Via Cesare Giulio Viola 68, I-00148 Roma, tel. (39-06) 6513 2988; fax 6513 2844/3; telex 626675 WFP I
3. **Beneficiary's representative:** to be designated by the beneficiary
4. **Country of destination:** Guinea
5. **Product to be mobilised:** white sugar ('A' or 'B' sugar)
6. **Total quantity (tonnes net):** 150
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁵⁾: see OJ C 312, 31.10.2000, p. 1 (C.1)
9. **Packaging** ⁽⁷⁾: see OJ C 267, 13.9.1996, p. 1 (11.2 A 1.b, 2.b and B.4)
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (V.A(3))
 - Language to be used for the markings: French
 - Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage:** free at destination
13. **Alternative delivery stage:** free at port of shipment
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** Tombo PAM Warehouse
 - port or warehouse of transit: Conakry
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 10.6.2001
 - second deadline: 24.6.2001
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: 7 to 20.5.2001
 - second deadline: 21.5 to 3.6.2001
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 17.4.2001
 - second deadline: 2.5.2001
20. **Amount of tendering guarantee:** EUR 15 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; tlx 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund** ⁽⁴⁾: refund applicable on 28.3.2001, fixed by Commission Regulation (EC) No 554/2001 (OJ L 82, 22.3.2001, p. 10)

Notes:

- (¹) Supplementary information: Torben Vestergaard (tel. (32-2) 299 30 50), fax (32-2) 296 20 05)
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EC) No 259/98 (OJ L 25, 31.1.1998, p. 39), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that indicated in point 22 of this Annex.
The supplier's attention is drawn to the last subparagraph of Article 4(1) of the above Regulation. The photocopy of the export licence shall be sent as soon as the export declaration has been accepted (fax (32-2) 296 20 05).
- (⁵) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
 - health certificate.
- (⁶) Notwithstanding OJ C 114 of 29.4.1991, point V.A(3)(c) is replaced by the following: 'the words "European Community"'.

- (⁷) Since the goods may be rebagged, the supplier must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.

COMMISSION REGULATION (EC) No 668/2001**of 2 April 2001****opening a standing invitation to tender for the export of barley held by the German intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Commission Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 5 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 ⁽³⁾, as last amended by Regulation (EC) No 1630/2000 ⁽⁴⁾, lays down the procedure and conditions for the disposal of cereals held by intervention agencies.
- (2) Given the current market situation, a standing invitation to tender should be opened for the export of 999 858 tonnes of barley held by the German intervention agency.
- (3) Special procedures must be laid down to ensure that the operations and their monitoring are properly effected. To that end, provision should be made for a security lodgement scheme which ensures that aims are met while avoiding excessive costs for the operators. Derogations should accordingly be made to certain rules, in particular those laid down in Regulation (EEC) No 2131/93.
- (4) Where removal of the barley is delayed by more than five days or the release of one of the securities required is delayed for reasons imputable to the intervention agency the Member State concerned must pay compensation.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

Subject to the provisions of this Regulation the German intervention agency issues a standing invitation to tender for the export of barley held by it in accordance with Regulation (EEC) No 2131/93. Notwithstanding Article 12 of Regulation (EEC) No 2131/93, the tender notice will be published not later than 3 April 2001.

Article 2

1. The invitation to tender shall cover a maximum of 999 858 tonnes of barley for export to third countries, with the exception of the United States, Canada and Mexico.

2. The regions in which the 999 858 tonnes of barley are stored are set out in Annex I.

Article 3

1. Notwithstanding the third paragraph of Article 16 of Regulation (EEC) No 2131/93, the price to be paid for the export shall be that quoted in the tender.

2. No export refund or tax or monthly increase shall be granted on exports carried out pursuant to this Regulation.

3. Article 8(2) of Regulation (EEC) No 2131/93 shall not apply.

Article 4

1. The export licences shall be valid from their date of issue within the meaning of Article 9 of Regulation (EEC) No 2131/93 until the end of the fourth month thereafter.

2. Tenders submitted in response to this invitation to tender may not be accompanied by export licence applications submitted pursuant to Article 49 of Commission Regulation (EC) No 1291/2000 ⁽⁵⁾.

Article 5

1. Notwithstanding Article 7(1) of Regulation (EEC) No 2131/93, the time limit for submission of tenders in respect of the first partial invitation to tender shall be 9 a.m. (Brussels time) on 5 April 2001.

2. The time limit for submission of tenders in respect of subsequent partial invitations to tender shall be 9 a.m. (Brussels time) each Thursday thereafter.

3. The last partial invitation to tender shall be 9 a.m. (Brussels time) on 20 December 2001.

4. Tenders shall be lodged with the German intervention agency.

Article 6

1. The intervention agency, the storer and the successful tenderer shall, at the request of the latter and by common agreement, either before or at the time of removal from storage as the successful tenderer chooses, take reference samples for counter-analysis at the rate of at least one sample for every 500 tonnes and shall analyse the samples. The intervention agency may be represented by a proxy, provided this is not the storer.

The analysis results shall be forwarded to the Commission in the event of a dispute.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 191, 31.7.1993, p. 76.

⁽⁴⁾ OJ L 187, 26.7.2000, p. 24.

⁽⁵⁾ OJ L 152, 24.6.2000, p. 1.

Reference samples for counter-analysis shall be taken and analysed within seven working days of the date of the successful tenderer's request or within three working days if the samples are taken on removal from storage. Where the final result of sample analyses indicates a quality:

- (a) higher than that specified in the notice of invitation to tender, the successful tenderer must accept the lot as established;
- (b) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, providing that the differences having regard to those criteria do not exceed the following limits:
 - two kilograms per hectolitre as regards specific weight,
 - one percentage point as regards moisture content,
 - half a percentage point as regards impurities as specified in points B.2 and B.4 of Annex I to Commission Regulation (EC) No 824/2000 ⁽¹⁾, and
 - half a percentage point as regards impurities as specified in point B.5 of Annex I to Regulation (EC) No 824/2000, the percentages admissible for noxious grains and ergot, however, remaining unchanged,

the successful tenderer must accept the lot as established;

- (c) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, and a difference exceeding the limits set out in point (b), the successful tenderer may:
 - accept the lot as established, or
 - refuse to take over the lot in question. The successful tenderer shall be discharged of all his obligations relating to the lot in question and the securities shall be released only once he has informed the Commission and the intervention agency forthwith in accordance with Annex II; however, if he requests the intervention agency to supply him with another lot of intervention barley of the quality laid down at no additional charge, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall notify the Commission immediately thereof in accordance with Annex II;
- (d) below the minimum characteristics laid down for intervention, the successful tenderer may not remove the lot in question. He shall be discharged of all his obligations relating to the lot in question and the securities shall be released only once he has informed the Commission and the intervention agency forthwith in accordance with Annex II; however, he may request the intervention agency to supply him with another lot of intervention barley of the quality laid down at no additional charge. In that case, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof in accordance with Annex II.

2. However, if the barley is removed before the results of the analyses are known, all risks shall be borne by the successful tenderer from the time the lot is removed, without prejudice to any means of redress of which he may avail himself against the storer.

3. If, as a result of successive replacements, the successful tenderer has not received a replacement lot of the quality laid down within one month of the date of his request for a replacement, he shall be discharged of all his obligations and the securities shall be released once he has informed the Commission and the intervention agency forthwith in accordance with Annex II.

4. Except where the final results of analyses indicate a quality below the minimum characteristics laid down for intervention, the costs of taking the samples and conducting the analyses provided for in paragraph 1 but not of inter-bin transfers shall be borne by the European Agricultural Guidance and Guarantee Fund (EAGGF) in respect of up to one analysis per 500 tonnes. The costs of inter-bin transfers and any additional analyses requested by the successful tenderer shall be borne by him.

Article 7

By derogation from Article 12 of Commission Regulation (EEC) No 3002/92 ⁽²⁾, the documents relating to the sale of barley in accordance with this Regulation, and in particular the export licence, the removal order referred to in Article 3(1)(b) of Regulation (EEC) No 3002/92, the export declaration and, where necessary, the T5 copy shall carry the entry:

- Cebada de intervención sin aplicación de restitución ni gravamen, Reglamento (CE) n° 668/2001
- Byg fra intervention uden restitutionsydelse eller -afgift, forordning (EF) nr. 668/2001
- Interventionsgerste ohne Anwendung von Ausfuhrerstattungen oder Ausfuhrabgaben, Verordnung (EG) Nr. 668/2001
- Κριθή παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 668/2001
- Intervention barley without application of refund or tax, Regulation (EC) No 668/2001
- Orge d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) n° 668/2001
- Orzo d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 668/2001
- Gerst uit interventie, zonder toepassing van restitutie of belasting, Verordening (EG) nr. 668/2001
- Cevada de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n.º 668/2001
- Interventio-ohraa, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 668/2001
- Interventionskorn, utan tillämpning av bidrag eller avgift, förordning (EG) nr 668/2001.

⁽¹⁾ OJ L 100, 20.4.2000, p. 31.

⁽²⁾ OJ L 301, 17.10.1992, p. 17.

Article 8

1. The security lodgement pursuant to Article 13(4) of Regulation (EEC) No 2131/93 must be released once the export licences have been issued to the successful tenderers.

2. Notwithstanding Article 17 of Regulation (EEC) No 2131/93, the obligation to export shall be covered by a security equal to the difference between the intervention price applying on the day of the award and the price awarded but not less than EUR 10 per tonne. Half of the security shall be lodged when the licence is issued and the balance shall be lodged before the cereals are removed.

Notwithstanding Article 15(2) of Regulation (EEC) No 3002/92:

— the part of the security lodged when the licence is issued must be released within 20 working days of the date on which the successful tenderer provides proof that the cereals removed have left the customs territory of the Community.

Notwithstanding Article 17(3) of Regulation (EEC) No 2131/93:

— the remainder must be released within 15 working days of the date on which the successful tenderer provides the proof referred to in Article 16 of Commission Regulation (EC) No 800/1999 ⁽¹⁾.

3. Except in duly substantiated exceptional cases, in particular the opening of an administrative enquiry, any release of the securities provided for in this Article after the time limits specified in this same Article shall confer an entitlement to compensation from the Member State amounting to EUR 0,015 per 10 tonnes for each day's delay.

This compensation shall not be charged to the EAGGF.

Article 9

Within two hours of the expiry of the time limit for the submission of tenders, the German intervention agency shall notify the Commission of tenders received. Such notification shall be made using the model set out in Annex III and the telex or fax numbers set out in Annex IV.

Article 10

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, 2 April 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 102, 17.4.1999, p. 11.

ANNEX I

(tonnes)	
Place of storage	Quantity
Schleswig-Holstein/Hamburg/Niedersachsen/ Bremen/Mecklenburg-Vorpommern	317 779
Nordrhein-Westfalen/Hessen/Rheinland-Pfalz/ Saarland/Baden-Württemberg/Bayern	60 673
Berlin/Brandenburg/Sachsen-Anhalt/Sachsen/ Thüringen	621 406

ANNEX II

**Communication of refusal of lots under the standing invitation to tender for the export of barley held by the
German intervention agency**

(Article 6(1) of Regulation (EC) No 668/2001)

— Name of successful tenderer:

— Date of award of contract:

— Date of refusal of lot by successful tenderer:

Lot No	Quantity in tonnes	Address of silo	Reason for refusal to take over
			— Specific weight (kg/hl) — % sprouted grains — % miscellaneous impurities (Schwarzbesatz) — % of matter which is not basic cereal of unimpaired quality — Other

ANNEX III

Standing invitation to tender for the export of barley held by the German intervention agency

(Regulation (EC) No 668/2001)

1	2	3	4	5	6	7
Tender No	Consignment No	Quantity (tonnes)	Offer price (EUR/tonne) ⁽¹⁾	Price increases (+) or reductions (-) (EUR/tonne) p.m.	Commercial costs (EUR/tonne)	Destination
1						
2						
3						
etc.						

⁽¹⁾ This price includes the increases or reductions relating to the lot to which the tender refers.

ANNEX IV

The only numbers to use to call Brussels are DG AGRI (C/1):

— fax 02 296 49 56,
 02 295 25 15;

— telex 22037 AGREC B,
 22070 AGREC B (Greek characters).

COMMISSION REGULATION (EC) No 669/2001**of 2 April 2001****repealing Regulation (EC) No 229/2001 relating to the issuing of a standing invitation to tender for the resale on the internal market of 250 000 tonnes of barley held by the German intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 5 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 ⁽³⁾, as last amended by Regulation (EC) No 1630/2000 ⁽⁴⁾, lays down the procedures and conditions for the disposal of cereals held by the intervention agencies.

- (2) For economical reasons, it is appropriate to repeal the invitation to tender under Commission Regulation (EC) No 229/2001 ⁽⁵⁾.

- (3) 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

Regulation (EC) No 229/2001 is hereby repealed.

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, 2 April 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 191, 31.7.1993, p. 76.

⁽⁴⁾ OJ L 187, 26.7.2000, p. 24.

⁽⁵⁾ OJ L 34, 3.2.2001, p. 3.

COMMISSION REGULATION (EC) No 670/2001**of 2 April 2001****repealing Regulation (EC) No 2026/2000 relating to the issuing of a standing invitation to tender for the sale of rye held by the United Kingdom intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1666/2000⁽²⁾, and in particular Article 5 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2131/93⁽³⁾, as last amended by Regulation (EC) No 1630/2000⁽⁴⁾, lays down the procedures and conditions for the disposal of cereals held by the intervention agencies.

- (2) For economical reasons, it is appropriate to repeal the invitation to tender under Commission Regulation (EC) No 2026/2000⁽⁵⁾.

- (3) 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

Regulation (EC) No 2026/2000 is hereby repealed.

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, 2 April 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 191, 31.7.1993, p. 76.

⁽⁴⁾ OJ L 187, 26.7.2000, p. 24.

⁽⁵⁾ OJ L 242, 27.9.2000, p. 13.

COMMISSION REGULATION (EC) No 671/2001
of 30 March 2001
prohibiting fishing for herring by vessels flying the flag of a Member State

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, as last amended by Regulation (EC) No 2846/98 ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

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

Member State or registered in a Member State have exhausted the quota allocated to the Community for 2001,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of herring in the waters of ICES subareas I and II (Norwegian waters) by vessels flying the flag of a Member State or registered in a Member State are hereby deemed to have exhausted the quota allocated to the Community for 2001.

Fishing for herring in the waters of ICES subareas I and II (Norwegian waters) by vessels flying the flag of a Member State or registered in a Member State is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

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

Done at Brussels, 30 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 358, 31.12.1998, p. 5.

⁽³⁾ OJ L 334, 30.12.2000, p. 1.

COMMISSION REGULATION (EC) No 672/2001**of 2 April 2001****amending Regulation (EC) No 1750/1999 laying down detailed rules for the application of Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations ⁽¹⁾, and in particular Article 50 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1750/1999 ⁽²⁾, as amended by Regulation (EC) No 2075/2000 ⁽³⁾, demands scientific data accepted by international organisations regarded as authorities in the field as evidence of the endangered statute of breeds of farm animals. These scientific data have not been fully defined yet.
- (2) Transitional rules should therefore facilitate the transition from previous support schemes to the present rural development support scheme while awaiting the final definition of these scientific criteria.
- (3) In order to ensure the continuity of support concerning breeds of farm animals in danger of extinction, Member States should be allowed to make commitments until 31 December 2001 under the present rural development

support scheme relating to breeds supported under previous schemes.

- (4) In order to ensure continuity of support it is necessary to apply this Regulation from 1 January 2000.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Agricultural Structures and Rural Development,

HAS ADOPTED THIS REGULATION:

Article 1

At the end of the second indent of point 9(3)(VI)(A) of the Annex to Regulation (EC) No 1750/1999, the following sentence is added:

'Member States may make new commitments until 31 December 2001 under the present rural development support scheme relating to breeds supported under previous schemes.'

Article 2

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

It shall apply from 1 January 2000.

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

Done at Brussels, 2 April 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 80.

⁽²⁾ OJ L 214, 13.8.1999, p. 31.

⁽³⁾ OJ L 246, 30.9.2000, p. 46.

COMMISSION REGULATION (EC) No 673/2001

of 2 April 2001

fixing the ceilings on financing for measures to improve the quality of olive oil production in the 2001/2002 production cycle and derogating from Article 3(3) of Regulation (EC) No 528/1999

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EC) No 2826/2000 ⁽²⁾, and in particular Article 5(11) thereof,

Having regard to Commission Regulation (EC) No 528/1999 laying down measures to improve the quality of olive oil production ⁽³⁾, as last amended by Regulation (EC) No 593/2001 ⁽⁴⁾, and in particular Article 3(2) thereof,

Whereas:

- (1) Article 3(2) of Commission Regulation (EC) No 528/1999 provides that ceilings be fixed, for each Member State and each twelve-month production cycle, on financing for measures to improve the quality of olive oil production and its environmental impact which are eligible for reimbursement by the EAGGF Guarantee Section.
- (2) Commission Regulation (EC) No 2236/2000 of 9 October 2000 fixing the estimated production of olive oil and the unit amount of the production aid that may be paid in advance for the 1999/2000 marketing year ⁽⁵⁾ estimates production, including production of table olives expressed as olive oil equivalent, at 1 945 243 tonnes. This corresponds to 754 500 tonnes for Spain, 441 000 tonnes for Greece, 700 000 tonnes for Italy, 46 991 tonnes for Portugal and 2 752 tonnes for France. The amount withheld from production aid for this olive oil marketing year serves as a basis for financing measures to improve the quality of oil during the production cycle commencing on 1 May 2001.

(3) The measures have relatively fixed minimum costs. The ceilings on total financing for some Member States may therefore prove to be too low. Appropriate limits should consequently be established for those cases.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Oils and Fats,

HAS ADOPTED THIS REGULATION:

Article 1

For the production cycle from 1 May 2001 to 30 April 2002, the ceilings on financing for the measures laid down in the first subparagraph of Article 3(2) of Regulation (EC) No 528/1999 shall be:

Spain	EUR 13 340 074
Greece	EUR 7 755 516
France	EUR 48 897
Italy	EUR 11 843 834
Portugal	EUR 869 631

Article 2

Notwithstanding Article 3(3) of Regulation (EC) No 528/1999, the additional national financial contribution from Member States whose ceiling on financing laid down in Article 1 is EUR 100 000 or less shall be no more than EUR 250 000.

Article 3

This Regulation shall enter into force on the seventh 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, 2 April 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ 172, 30.9.1966, p. 3025/66.

⁽²⁾ OJ L 328, 23.12.2000, p. 2.

⁽³⁾ OJ L 62, 11.3.1999, p. 8.

⁽⁴⁾ OJ L 88, 28.3.2001, p. 6.

⁽⁵⁾ OJ L 256, 10.10.2000, p. 16.

COMMISSION REGULATION (EC) No 674/2001
of 2 April 2001
on the issuing of system B export licences for 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 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(6) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2/2001 ⁽³⁾ fixed the indicative quantities laid down for the issue of export licences other than those requested in the context of food aid.
- (2) In the light of information now available to the Commission, the indicative quantities have been exceeded in the case of oranges, lemons and apples.
- (3) Those overruns are without prejudice to compliance with the limits resulting from the agreements concluded in accordance with Article 300 of the Treaty. The rate of

refund for all products covered by licences applied for under system B from 17 January to 16 March 2001 should be the indicative rate,

HAS ADOPTED THIS REGULATION:

Article 1

The percentages for the issuing of system B export licences, as referred to in Article 5 of Regulation (EC) No 2190/96, and applied for between 17 January and 16 March 2001, by which the quantities applied for and the rates of refund applicable must be multiplied, are as fixed in the Annex hereto.

The above subparagraph does not apply to licences applied for in connection with food-aid operations as provided for in Article 10(4) of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations.

Article 2

This Regulation shall enter into force on 3 April 2001.

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

Done at Brussels, 2 April 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.

ANNEX

to the Commission Regulation of 2 April 2001 on the issuing of system B export licences for fruit and vegetables

Percentages for the issuing of licences and rates of refund applicable to system B licences applied for between 17 January and 16 March 2001

Product	Percentage for the issuing of licences	Rate of refund (EUR/t net)
Tomatoes	100 %	18,0
Shelled almonds	100 %	45,0
Shelled hazelnuts	100 %	103,0
Oranges	100 %	45,0
Lemons	100 %	45,0
Apples	100 %	36,0

COMMISSION REGULATION (EC) No 675/2001**of 2 April 2001****fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5(2) (a) thereof,

Whereas:

Pursuant to Article 2 (2) and Article 3 of abovementioned Regulation (EEC) No 4088/87, Community import and producer prices are fixed each fortnight for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses and apply for two-weekly periods. Pursuant to Article 1b of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the

Gaza Strip ⁽³⁾, as last amended by Regulation (EC) No 2062/97 ⁽⁴⁾, those prices are determined for fortnightly periods on the basis of weighted prices provided by the Member States. Those prices should be fixed immediately so the customs duties applicable can be determined. To that end, provision should be made for this Regulation to enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer and import prices for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses as referred to in Article 1b of Regulation (EEC) No 700/88 for a fortnightly period shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 3 April 2001.

It shall apply from 4 to 17 April 2001.

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

Done at Brussels, 2 April 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 382, 31.12.1987, p. 22.
⁽²⁾ OJ L 177, 5.7.1997, p. 1.

⁽³⁾ OJ L 72, 18.3.1988, p. 16.
⁽⁴⁾ OJ L 289, 22.10.1997, p. 1.

ANNEX

to the Commission Regulation of 2 April 2001 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

(EUR/100 pieces)

Period: from 4 to 17 April 2001

Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	8,92	6,19	22,23	11,89
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	7,92	5,64	12,65	12,27
Morocco	14,50	15,96	—	—
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	—	—	—	—

**COMMISSION REGULATION (EC) No 676/2001
of 2 April 2001
correcting the import duties in the cereals sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) The import duties in the cereals sector are fixed by Commission Regulation (EC) No 627/2001 ⁽⁵⁾.

- (2) An error has been discovered in Annex I to Regulation (EC) No 627/2001. The Regulation in question should therefore be corrected,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 627/2001 is hereby replaced by Annex I to this Regulation.

Article 2

This Regulation shall enter into force on 3 April 2001.

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

Done at Brussels, 2 April 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 256, 10.10.2000, p. 13.

⁽⁵⁾ OJ L 91, 31.3.2001, p. 3.

ANNEX

ANNEX I

Import duties for the products listed in Article 10(2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty by land, inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (EUR/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (EUR/tonne)
1001 10 00	Durum wheat — high quality	0,00	0,00
	Durum wheat — medium quality ⁽¹⁾	0,00	0,00
1001 90 91	Common wheat seed	0,00	0,00
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	0,00	0,00
	medium quality	25,72	15,72
	low quality	55,09	45,09
1002 00 00	Rye	43,92	33,92
1003 00 10	Barley, seed	43,92	33,92
1003 00 90	Barley, other ⁽³⁾	43,92	33,92
1005 10 90	Maize seed other than hybrid	69,80	59,80
1005 90 00	Maize other than seed ⁽³⁾	69,80	59,80
1007 00 90	Grain sorghum other than hybrids for sowing	43,92	33,92

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

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

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

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

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

COMMISSION REGULATION (EC) No 677/2001**of 2 April 2001****fixing, for March 2001, the specific exchange rate for the amount of the reimbursement of storage costs in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 1527/2000 ⁽²⁾,

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽³⁾,

Having regard to Commission Regulation (EEC) No 1713/93 of 30 June 1993 establishing special detailed rules for applying the agricultural conversion rate in the sugar sector ⁽⁴⁾, as last amended by Regulation (EC) No 1642/1999 ⁽⁵⁾, and in particular Article 1(3) thereof,

Whereas:

- (1) Article 1(2) of Regulation (EEC) No 1713/93 provides that the amount of the reimbursement of storage costs referred to in Article 8 of Regulation (EC) No 2038/1999 is to be converted into national currency using a specific agricultural conversion rate equal to the average, calculated *pro rata temporis*, of the agricultural conversion rates applicable during the month of storage. That specific rate must be fixed each month for the previous month. However, in the case of the reimbursable

amounts applying from 1 January 1999, as a result of the introduction of the agrimonetary arrangements for the euro from that date, the fixing of the conversion rate should be limited to the specific exchange rates prevailing between the euro and the national currencies of the Member States that have not adopted the single currency.

- (2) Application of these provisions will lead to the fixing, for March 2001, of the specific exchange rate for the amount of the reimbursement of storage costs in the various national currencies as indicated in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The specific exchange rate to be used for converting the amount of the reimbursement of the storage costs referred to in Article 8 of Regulation (EC) No 2038/1999 into national currency for March 2001 shall be as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 3 April 2001.

It shall apply with effect from 1 March 2001.

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

Done at Brussels, 2 April 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 349, 24.12.1998, p. 1.

⁽⁴⁾ OJ L 159, 1.7.1993, p. 94.

⁽⁵⁾ OJ L 195, 28.7.1999, p. 3.

ANNEX

to the Commission Regulation of 2 April 2001 fixing, for March 2001, the specific exchange rate for the amount of the reimbursement of storage costs in the sugar sector

Specific exchange rate		
EUR 1 =	7,46446	Danish kroner
	9,12095	Swedish kroner
	0,62993	Pound sterling

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 15 March 2001

concerning the conclusion of an Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or Iceland or Norway

(2001/258/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 63(1) in conjunction with the second sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3),

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas:

- (1) The Commission has negotiated on behalf of the European Community an Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway (hereinafter referred to as 'the Agreement').
- (2) The Agreement was signed, on behalf of the European Community, on 19 January 2001, subject to its possible conclusion at a later date, in accordance with the Council Decision of 19 January 2001.
- (3) The Agreement should now be approved.
- (4) It is also necessary to make arrangements for the application of certain provisions of the Agreement.
- (5) The Agreement establishes a Joint Committee with decision-making powers in certain areas and it is thus necessary to specify who represents the Community within this Committee.

- (6) It is further necessary to provide for a procedure laying down how a Community position is adopted.

- (7) The United Kingdom and Ireland, in accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and the Treaty establishing the European Community, have given notice of their wish to take part in the adoption and application of this Decision.

- (8) Denmark, in accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the said Treaties, is not participating in the adoption of this Decision and is therefore not bound by it nor subject to its application,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway 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 designate the person empowered to deposit on behalf of the European Community the Instrument of approval provided for in Article 14 of the Agreement, in order to express the consent of the Community to be bound.

⁽¹⁾ Proposal of 31 January 2001 (not yet published in the Official Journal).

⁽²⁾ Opinion delivered on 14 February 2000 (not yet published in the Official Journal).

Article 3

The Commission shall represent the Community in the Joint Committee established by Article 3 of the Agreement.

Article 4

1. The position of the Community within the Joint Committee with regard to the adoption of its Rules of Procedure as required under Article 3(2) of the Agreement shall be taken by the Commission after consultation of a special committee designated by the Council.

2. For all other Joint Committee decisions, the position of the Community shall be adopted by the Council, acting by qualified majority, on a proposal by the Commission.

Article 5

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

Done at Brussels, 15 March 2001.

For the Council

The President

M-I. KLINGVALL

AGREEMENT

between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway

THE EUROPEAN COMMUNITY

and

the REPUBLIC OF ICELAND

and

the KINGDOM OF NORWAY,

hereinafter referred to as 'the Contracting Parties',

CONSIDERING that the Member States of the European Union have concluded the Dublin Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities ⁽¹⁾, signed in Dublin on 15 June 1990 (hereinafter referred to as 'the Dublin Convention'),

RECALLING that Article 7 of the Agreement of 18 May 1999 concluded by the Council of the European Union (hereinafter referred to as 'the Council') and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis* ⁽²⁾ calls for the conclusion of an appropriate arrangement on the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in any of the Member States or in Iceland or Norway,

CONSIDERING that it is therefore appropriate that this Agreement shall incorporate the provisions of the Dublin Convention and the relevant provisions which have already been adopted by the Committee established pursuant to Article 18 of that Convention, without prejudice to the relations established by the Dublin Convention between the Contracting Parties of that Convention,

CONSIDERING that Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽³⁾ (hereinafter referred to as the 'Data-protection Directive') shall be applied by Iceland and Norway as it is applied by the Member States of the European Community when processing data for the purpose covered by this Agreement,

RECOGNISING, however, that the provisions incorporated into this Agreement must, where necessary, be adapted to take account of the position of Iceland and Norway as non-member States,

CONVINCED that it is necessary to include a mechanism in this Agreement that provides for consistency with the development of Community *acquis*, in particular in relation to the matters referred to in Article 63(1)(a) of the Treaty establishing the European Community,

CONVINCED that it is necessary to organise the cooperation with the Republic of Iceland and the Kingdom of Norway at all levels with regard to the implementation, the practical application and the further development of the Dublin Convention,

CONSIDERING that for this purpose it is necessary to set up an organisational structure, ensuring the association of the Republic of Iceland and the Kingdom of Norway with the activities in these fields and enabling their participation in these activities through a Committee,

CONSIDERING that on 11 December 2000 the Council adopted Regulation (EC) No 2725/2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention ⁽⁴⁾ in order to assist in determining which Contracting Party is to be responsible for examining an application for asylum pursuant to the Dublin Convention (hereinafter referred to as the 'Eurodac Regulation'),

CONSIDERING that this Agreement should extend to the subject matter covered by the Eurodac Regulation with a view to a parallel implementation of that Regulation in Iceland, Norway and the European Communities,

CONSIDERING that the provisions of Title IV of the Treaty establishing the European Community and acts adopted on the basis of that title do not apply to the Kingdom of Denmark, but that Denmark should be given the opportunity to participate in this Agreement should it so wish,

HAVE AGREED AS FOLLOWS:

⁽¹⁾ OJ C 254, 19.8.1997, p. 1.

⁽²⁾ OJ L 176, 10.7.1999, p. 36.

⁽³⁾ OJ L 281, 23.11.1995, p. 31.

⁽⁴⁾ OJ L 316, 15.12.2000, p. 1.

Article 1

1. The provisions of the Dublin Convention, listed in Part 1 of the Annex to this Agreement and the decisions of the Committee set up by Article 18 of the Dublin Convention listed in Part 2 of the said Annex shall be implemented by Iceland and Norway and applied in their mutual relations and in their relations with the Member States, subject to paragraph 4.

2. Member States shall apply the rules referred to in paragraph 1, subject to paragraph 4, in relation to Iceland and Norway.

3. The provisions of the Data-protection Directive as they apply to the Member States in relation to the data processed for the purpose of the implementation and application of the provisions as defined in the Annex shall be implemented and applied *mutatis mutandis* by Iceland and Norway.

4. For the purposes of paragraphs 1 and 2, references in the provisions covered by the Annex to 'Member States' shall be understood to include Iceland and Norway.

5. This Agreement shall apply to the Eurodac Regulation taking into account the particular situation of Norway and Iceland outside the European Union with a view to a parallel implementation of that Regulation in Iceland, Norway and the European Community.

Article 2

1. When drafting new legislation based on Article 63(1)(a) of the Treaty establishing the European Community in a field which is covered by the subject matter of the Annex to this Agreement or by Article 1(5), the Commission of the European Communities (hereinafter referred to as 'the Commission') shall informally seek advice from experts of Iceland and Norway in the same way it seeks advice from experts of the Member States for drawing up its proposals.

2. When forwarding its proposals, which are relevant for this Agreement, to the European Parliament and to the Council, the Commission shall forward copies thereof to Iceland and Norway.

At the request of one of the Contracting Parties, a preliminary exchange of views may take place in the Joint Committee established under Article 3.

3. During the phase preceding the adoption of legislation, in a continuous information and consultation process, the Contracting Parties shall consult each other again in the Joint Committee at significant moments at the request of one of them. After the adoption of legislation, the procedure as laid down in Article 4(2) to (7) shall apply.

4. The Contracting Parties shall cooperate in good faith during the information and consultation phase with a view to facilitating, at the end of the process, the functions of the Joint Committee according to this Agreement.

5. The representatives of the Governments of Iceland and Norway shall have the right to make suggestions in the Joint Committee relating to matters mentioned in paragraph 1.

6. The Commission shall ensure experts of Norway and Iceland as wide a participation as possible according to the areas concerned, in the preparatory stage of draft measures to be submitted subsequently to the committees which assist the Commission in the exercise of its executive powers. In this regard, when drawing up measures the Commission shall refer to experts of Iceland and Norway on the same basis as it refers to experts of Member States.

7. In the cases where the Council is seized in accordance with the procedure applicable to the type of committee involved, the Commission shall forward to the Council the views of the experts of Iceland and Norway.

Article 3

1. A Joint Committee is hereby established, consisting of representatives of the Contracting Parties.

2. The Joint Committee shall adopt its Rules of Procedure by consensus.

3. The Joint Committee shall meet at the initiative of its President or at the request of any of its members.

4. The Joint Committee shall meet at the appropriate level, as circumstances require, in order to review the practical implementation and application of the provisions covered by the Annex, including new acts or measures referred to in Article 1 adopted by the Committee established by Article 18 of the Dublin Convention and to exchange views on the elaboration of new legislation based on Article 63(1)(a) of the Treaty establishing the European Community and covering the substance matter of Article 1(5) or of the Annex.

All exchange of information pertaining to this Agreement shall be considered to take place within the remit of the Joint Committee.

5. The office of President of the Joint Committee shall be held, alternately for a period of six months, by the representative of the European Community and by the representative of the Government of Iceland or Norway, following the alphabetical order.

Article 4

1. Subject to paragraph 2, when new acts or measures related to matters referred to in Article 1 are adopted by the Committee established by Article 18 of the Dublin Convention they shall, unless they explicitly state otherwise, be applied from the same time on by the Member States, on the one hand, and by Iceland and Norway on the other.

2. The adoption of the acts or measures referred to in paragraph 1 shall be notified immediately by the Commission to Iceland and Norway. Iceland and Norway shall decide independently whether to accept their content and to implement them into their internal legal order. These decisions shall be notified to the General Secretariat of the Council and to the Commission within 30 days of the adoption of the acts or measures concerned.

3. If the content of such an act or measure can be binding on Iceland only after fulfilment of constitutional requirements, Iceland shall inform the General Secretariat of the Council and the Commission thereof at the time of its notification. Iceland shall promptly inform the General Secretariat of the Council and the Commission in writing upon fulfilment of all constitutional requirements, and shall provide such information as soon as possible before the date laid down for the entry into force of the act or measure for Iceland according to paragraph 1.

4. If the content of such an act or measure can be binding on Norway only after fulfilment of constitutional requirements, Norway shall inform the General Secretariat of the Council and the Commission thereof at the time of its notification. Norway shall promptly, and at the latest six months from notification by the competent institution of the European Union, inform the General Secretariat of the Council and the Commission in writing upon fulfilment of all constitutional requirements. From the date laid down for the entry into force of the act or measure for Norway and until the information upon fulfilment of constitutional requirements, Norway shall provisionally apply, where possible, the content of such act or measure.

5. The acceptance by Iceland and Norway of the acts and measures referred to in paragraph 1 shall create rights and obligations between Iceland and Norway, and between Iceland and Norway on the one hand, and the Member States of the European Union on the other.

6. Where:

- (a) either Iceland or Norway notifies its decision not to accept the content of an act or measure referred to in paragraph 1 and to which the procedures set out in this Agreement have been applied; or
- (b) either Iceland or Norway does not make a notification within the 30 days' time limit set out in paragraph 2; or
- (c) Iceland does not make a notification prior to the date laid down for the entry into force of the act or measure concerned for it; or
- (d) Norway does not make a notification within the six months' time limit set out in paragraph 4 or does not provide for provisional application as envisaged in the same paragraph from the date laid down for the entry into force of the act or measure concerned for it;

this Agreement shall be considered suspended with respect to Iceland or Norway, as the case may be.

7. The Joint Committee shall examine the matter that led to the suspension and undertake to remedy the causes for the non-acceptance or the non-ratification within a period of 90 days. Having examined all further possibilities of maintaining the good functioning of this Agreement, including the possibility of taking notice of the equivalence of legislation, it may decide by unanimity to reinstate the Agreement. Should this

Agreement continue to be suspended after 90 days, it shall be considered terminated with respect to Iceland or Norway, as the case may be.

Article 5

Pending the entry into force of the measures referred to in Article 2(1) and replacing the provisions referred to in Article 1(1), in conformity with Article 4(3) and (4), if a Contracting Party experiences major difficulties as a result of a substantial change in the circumstances obtaining on conclusion of this Agreement, it may bring the matter before the Joint Committee established by Article 3 so that the latter may put to the Contracting Parties measures to deal with the situation. The Joint Committee shall decide unanimously on these measures. Where unanimity cannot be reached, Article 8 shall apply.

Article 6

1. In order to achieve the objective of the Contracting Parties to arrive at as uniform an application and interpretation as possible of the provisions referred to in Article 1, the Joint Committee shall keep under constant review the development of the case-law of the Court of Justice of the European Communities (hereinafter referred to as the 'Court of Justice') as well as the development of the case-law of the competent courts of Iceland and Norway relating to such provisions. To this end the Contracting Parties agree to ensure mutual transmission of such case law without delay.

2. Subject to the adoption of the necessary modifications to the Rules of Procedure of the Court of Justice, Iceland and Norway shall be entitled to submit statements of case or written observations to the Court of Justice in cases where a question has been referred to it by a court or tribunal of a Member State for a preliminary ruling concerning the interpretation of any provision referred to in Article 1(5) and in Article 2(1).

Article 7

1. Iceland and Norway shall submit reports annually to the Joint Committee on the way in which their administrative authorities and their courts have applied and interpreted the provisions referred to in Article 1, as interpreted by the Court of Justice, as the case may be.

2. If the Joint Committee, within two months after a substantial difference in the case-law of the Court of Justice and the courts of Iceland and Norway or a substantial difference in application between the authorities of the Member States concerned and those of Iceland and Norway in respect of the provisions referred to in Article 1 has been brought before it, has not been able to ensure the preservation of a uniform application and interpretation, the procedure in Article 8 shall apply.

Article 8

1. In the case of a dispute concerning the application or interpretation of this Agreement or where the situation provided for in Articles 5 or 7(2) occurs, the matter shall be officially entered as a matter of dispute on the agenda of the Joint Committee.

2. The Joint Committee shall have 90 days from the date of the adoption of the agenda on which the dispute has been entered within which to settle the dispute.

3. In a case where the dispute cannot be settled by the Joint Committee within the period of 90 days envisaged in paragraph 2, a further period of 90 days shall be observed for reaching a final settlement. If the Joint Committee has not taken a decision at the end of that period, this Agreement shall be considered terminated with respect to Iceland and Norway, as the case may be, at the end of the last day of that period.

Article 9

1. As far as administrative and operational costs linked to the installation and operation of the central unit of Eurodac are concerned, Iceland and Norway shall contribute to the general budget of the European Union an annual sum of

— for Iceland 0,1 %,

— for Norway 4,995 %

of an initial reference amount of EUR 9 575 000 in commitment appropriations and of EUR 5 000 000 in payment appropriations and from the budgetary year 2002 onwards the relevant budget appropriations for the budgetary year concerned.

As far as other administrative or operational costs involved in the application of this Agreement are concerned, Iceland and Norway shall share in these costs by contributing to the general budget of the European Union an annual sum in accordance with the percentage of the gross national product of their countries in relation to the gross national product of all participating States.

2. Iceland and Norway shall have the right to receive documents pertaining to this Agreement and, at meetings of the Joint Committee, to request interpretation into an official language of the institutions of the European Communities of their choice. However, any costs of translation or interpretation into or from Icelandic or Norwegian shall be borne by Iceland or Norway, as the case may be.

Article 10

The national data-protection supervisory authorities of Iceland and Norway and the independent supervisory body established by virtue of Article 286(2) of the Treaty establishing the European Community shall cooperate to the extent necessary for the performance of their duties and in particular by exchanging all useful information. The modalities of such cooperation shall be agreed upon as soon as this body has been established.

Article 11

1. This Agreement shall not affect in any way the Agreement on the European Economic Area or any other agreement concluded between the European Community and Iceland and/or Norway or the Council and Iceland and/or Norway.

2. This Agreement shall not affect in any way future agreements to be concluded with Iceland and/or Norway by the European Community.

3. This Agreement shall not affect the cooperation in the framework of the Nordic passport union, to the extent that such cooperation is not contrary to, and does not hinder, this Agreement and the acts and measures based on this Agreement.

Article 12

The Kingdom of Denmark may request to participate in this Agreement. The condition for such participation shall be determined by the Contracting Parties, acting with the consent of the Kingdom of Denmark, in a Protocol to this Agreement.

Article 13

1. Subject to paragraphs 2 to 5, this Agreement shall apply to the territory in which the Treaty establishing the European Community is applicable, and to Iceland and Norway.

2. This Agreement shall not apply to Svalbard (Spitzbergen).

3. This Agreement shall only apply to the territory of the Kingdom of Denmark in accordance with the provisions of Article 12 and to the Faroe Islands and Greenland only on extension of the Dublin Convention to these territories.

4. This Agreement shall not apply to the French overseas departments.

5. This Agreement shall take effect in Gibraltar only on the application of the Dublin Convention, or any Community measure which replaces that Convention, to Gibraltar.

Article 14

1. This Agreement is subject to ratification or approval by the Contracting Parties. Instruments of ratification or approval shall be deposited with the Secretary-General of the Council who shall act as depositary.

2. This Agreement shall enter into force on the first day of the month following the communication by the depositary to the Contracting Parties that the last Instrument of ratification or approval has been deposited.

Article 15

Each Contracting Party may terminate this Agreement by written declaration to the depositary. Such declaration shall take effect six months after its deposition. The Agreement shall cease to be effective if either the European Community or both Iceland and Norway have denounced it.

Done at Brussels on the nineteenth day of January in the year two thousand and one in a single original in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish, Icelandic and Norwegian languages, each text being equally authentic, such original remaining deposited in the archives of the General Secretariat of the Council of the European Union.

Por la Comunidad Europea

For Det Europæiske Fællesskab

Für die Europäische Gemeinschaft

Για την Ευρωπαϊκή Κοινότητα

For the European Community

Pour la Communauté européenne

Per la Comunità europea

Voor de Europese Gemeenschap

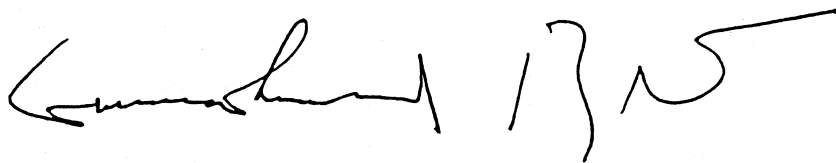
Pela Comunidade Europeia

Euroopan yhteisön puolesta

På Europeiska gemenskapens vägnar

Fyrir hönd Evrópubandalagsins

For Det europeiske fællesskap



Por la República de Islandia

For Republikken Island

Für die Republik Island

Για τη Δημοκρατία της Ισλανδίας

For the Republic of Iceland

Pour la République d'Islande

Per la Repubblica d'Islanda

Voor de Republiek IJsland

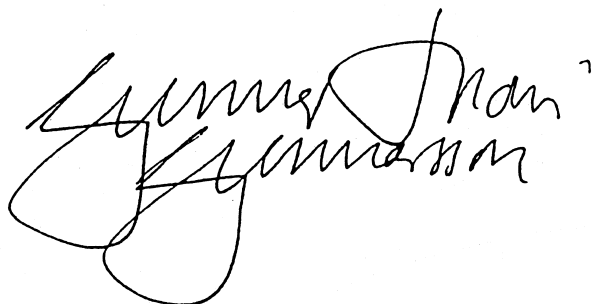
Pela República da Islândia

Islannin tasavallan puolesta

På Republiken Islands vägnar

Fyrir hönd Lýðveldisins Íslands

For Republikken Island



Por el Reino de Noruega

For Kongeriget Norge

Für das Königreich Norwegen

Για το Βασίλειο της Νορβηγίας

For the Kingdom of Norway

Pour le Royaume de Norvège

Per il Regno di Norvegia

Voor het Koninkrijk Noorwegen

Pelo Reino da Noruega

Norjan kuningaskunnan puolesta

På Konungariket Norges vägnar

Fyrir hönd Konungsríkisins Noregs

For Kongeriket Norge

A handwritten signature in black ink, appearing to read 'J. Rasmussen', is written over a horizontal line.

ANNEX

**PROVISIONS RELATED TO THE DUBLIN CONVENTION AND DECISIONS OF THE COMMITTEE SET UP BY
ARTICLE 18 OF THE DUBLIN CONVENTION****Part 1: Dublin Convention**

All provisions of the Convention, signed in Dublin on 15 June 1990, determining the State responsible for examining applications for asylum lodged in one of the Member States, with the exception of Articles 16 to 22.

Part 2: Decisions of the Committee set up by Article 18 of the Dublin Convention

Decision No 1/97 of 9 September 1997 of the Committee set up by Article 18 of the Dublin Convention of 15 June 1990, concerning provisions for the implementation of the Convention.

Decision No 1/98 of 30 June 1998 of the Committee set up by Article 18 of the Dublin Convention of 15 June 1990, concerning provisions for the implementation of the Convention.

DECLARATIONS

DECLARATION 1

Pending the adoption by the European Community of legislation which will replace the Dublin Convention, the Contracting Parties will hold a meeting of the Joint Committee established by Article 3(1) of the Agreement in connection with any meeting of the Committee set up by Article 18 of the Dublin Convention, including meetings at expert level to prepare its work.

DECLARATION 2

The Contracting Parties underline the importance of a close and active dialogue of all those involved in the implementation of the Dublin Convention and the measures referred to in Article 2(1) of the Agreement.

The Commission will invite experts from the Member States to meetings of the Joint Committee, in order to exchange views, in full compliance with Article 3(1) of the Agreement, with Iceland and Norway on all matters covered by the Agreement.

The Contracting Parties took note of the willingness of the Member States to accept such invitations and participate in such exchanges of views with Iceland and Norway on all matters covered by the Agreement.

DECLARATION 3

The Contracting Parties agree that the Rules of Procedure of the Joint Committee established by Article 3 of the Agreement will state that the rules of the institutions of the European Union from which the documents originate concerning the measures for the protection of classified information applicable to those institutions shall also apply to the protection of classified information to be used by the Joint Committee.

DECLARATION 4

Within the scope of the Agreement, the Contracting Parties agree that the principles underlying the Exchange of Letters annexed to the Agreement of 18 May 1999 shall apply in respect of Committees which assist the Commission of the European Communities in the exercise of its executive powers.

DECLARATION 5

The Contracting Parties agree that Decision No 1/2000 of 31 October 2000 of the Committee set up by Article 18 of the Dublin Convention of 15 June 1990, concerning the transfer of responsibility for family members in accordance with Article 3(4) and Article 9 of that Convention shall be brought within the remit of the Agreement according to the procedure of Article 4 thereof.

COMMISSION

COMMISSION DECISION

of 31 January 2001

on the State-aid scheme proposed by Greece for fruit and vegetable growers

(notified under document number C(2001) 323)

(Only the Greek text is authentic)

(2001/259/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

II

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

Description

After having given the parties concerned the opportunity to submit their comments, in accordance with the first subparagraph of Article 88(2) of the Treaty, and in view of those comments,

- (4) The measure notified concerned a draft interministerial decision approving financial aid for growers in the prefecture of Thessaloniki whose watermelon and melon crops had been damaged by field mice during the summer of 1997.

Whereas:

- (5) The recipients were to be full-time growers, 30 % or more of whose crops had been damaged. The percentage was calculated by comparing their output in 1997 with their average output over the three previous years. The aid was to amount to 30 % of the value of the lost production. Recipients were to be selected on the basis of the damage they had suffered individually. Compensation would be granted for 1998 and 1999 and the cost of the measure was to total GRD 90 million (around EUR 265 000).

I

Procedure

- (1) By letter dated 16 February 1998, recorded as received on 23 February 1998, the Greek authorities notified an aid scheme under which Greece intended granting aid to fruit and vegetable growers whose crops had been damaged by field mice in the summer of 1997. Requests for further information were sent on 25 March and 7 August 1998. The Greek authorities replied by letters of 9 June and 8 September 1998.
- (2) The Commission initiated the procedure provided for in Article 88(2) of the EC Treaty in respect of the aid concerned by letter SG(98) D/9449 of 10 November 1998.
- (3) The Decision initiating the procedure was published in the *Official Journal of the European Communities*⁽¹⁾. The Commission invited the other Member States and parties concerned to submit their comments on the aid in question. The Commission has not received any comments from the parties concerned. The Greek authorities sent their comments by letter of 16 December 1998.

- (6) According to the Greek authorities, the damage caused by field mice to the watermelon and melon crops in one municipality and three communes in the prefecture of Thessaloniki in the summer of 1997 was considerable (50 % to 70 %). A larger than usual population of field mice had taken up residence in standing cereal crops and reproduced there.

- (7) The field mice had not been detected in time and action had not been taken speedily enough. Once it became apparent that considerable damage had been done, the area was declared infested and control measures were taken, but it was not possible to contain the damage.

- (8) Around 65 % of the area in question is given over to cerealgrowing. The cereal crops provided the field mice with a place of refuge and feeding and did not suffer any serious damage. After harvesting had taken place the field mice attacked the watermelon and melon crops.

⁽¹⁾ OJ C 396, 19.12.1998, p. 2.

They also attacked tobacco plantations and vines, but to a lesser extent. The watermelon and melon crops suffered the most serious damage and some of them were said to have been destroyed totally.

- (9) According to the Greek authorities, the pest situation is monitored by the prefectural authorities who, if there is a serious problem, apply control measures with the result that damage is usually insignificant. However, detecting a rise in the field mice population may not be easy in situations where crops occupy the major part of an area.
- (10) The Commission, when initiating the review procedure and in the light of its established practice regarding compensation for damage caused by natural disasters and inclement weather⁽²⁾, expressed doubt about whether the invasion of field mice in the watermelon and melon crops affected could be regarded as an exceptional occurrence.
- (11) The Commission considered in particular that where a farmer loses livestock as a result of an epizootic or other disease or his crops are affected by a plant disease, this does not normally constitute a natural disaster or exceptional occurrence within the meaning of the Treaty. In such circumstances, compensation or aid intended to prevent loss may be authorised by the Commission only on the basis of Article 87(3)(c) of the Treaty, which provides that aid to facilitate the development of certain economic activities may be considered compatible with the common market.
- (12) Concerning the criteria applicable to plant diseases which may qualify for the above exception, the Commission stated that only infections (including their observation and eradication) which are of concern to the public and for which it is provided under Community or national rules that the competent public authorities must take action to prevent the disease in question should be covered. Situations in which farmers are reasonably required to take their responsibilities and assume the normal risks associated with farming do not qualify for aid measures. The measures should be preventive, compensatory or a combination of the two and must not give rise to compensation in excess of the damage sustained.
- (13) The Commission noted that the information provided by the Greek authorities indicated that the aid was compensatory and would not exceed the losses sustained by the farmers. The losses, furthermore, were deemed to have exceeded the maximum of 30 % of average output for the three preceding years, which was used by the Commission as a criterion for authorising aid intended to offset losses caused by exceptional weather conditions.

- (14) The Commission was doubtful, however, about the application of these criteria by analogy to damage caused by pests such as field mice. It considered that unlike damage caused by plant diseases or poor weather conditions, which by its nature is difficult to predict, that caused by pests constitutes a normal, ongoing risk inherent in farming against which farmers can reasonably be expected to take precautions.
- (15) The Commission believed that even if field mice, like other crop pests, were monitored using warning systems, there were no Community provisions and there seemed to be no Greek provisions requiring the Greek authorities to take action to protect crops against field mice. Farmers often only needed to be advised to take the necessary precautions.
- (16) From the description of the events provided by the Greek authorities at the time, it seemed that the field mice began by infesting the cereal crops and presented a serious problem for melons and watermelons after the cereals were harvested. Control measures necessary to protect the crops appear not to have been taken in time because the infestation was not detected early enough. However, the Commission considered that there was nothing fundamentally unusual in the fact that melons and watermelons are grown and stored side-by-side with field crops. Similarly, the Commission considered that the operative event for the aid was not a natural disaster, in itself difficult to predict, but the absence of measures to control pests, which are a permanent threat to crops.
- (17) The Commission took the view therefore that the compensation for melon and watermelon growers must be regarded as an operating aid, which is prohibited by the Treaty. It considered it necessary therefore to initiate the procedure provided for in Article 88(2) of the Treaty.

III

Comments submitted by Greece

- (18) By letter dated 16 December 1998, the Greek authorities submitted their comments on the Commission Decision initiating the procedure provided for in Article 88(2) in respect of the aid that had been notified.
- (19) The Greek authorities did not share the view of the Commission that there do not appear to be any Greek provisions requiring them to take action to protect crops against field mice. They stated that control was a matter for the State, and more specifically, for the local agricultural departments. This was evident from Law 6281 of 10 to 15 September 1934 codifying and replacing Law 512 of 20 to 27 December 1914 concerning damage caused by field mice and locusts.

⁽²⁾ See earlier aid schemes, for example: N 259/97, N 267/97, N 613/97, N 732/97, N 734/97, N 57/98 and NN 72/98.

- (20) Under that Law, the Governor of Thessaloniki issued Decision No 12/13639 of 14 July 1997 declaring agricultural areas in the municipality of Epanomi and the communes of Mesimeri and Skholari to be infested with field mice. The decision was valid for a year. The Greek authorities also provided legislation showing that the State had provided for protection against field mice as far back as 1893.
- (21) The comments by the Commission to the effect that the operative event for the aid was not a natural disaster but instead the absence of measures to control pests, which are a permanent threat to crops, were considered to be unfounded. According to the Greek authorities, it is clear from the documents provided, such as Document No 12/24313 of 25 November 1998 issued by the Directorate for Agricultural Development of the Prefecture of Thessaloniki — the local department responsible for monitoring and controlling field mice — that the 1997 attacks on melons and watermelons were not at all comparable with the usual annual invasions. Farmers control these themselves using standard methods and compensation was never awarded for the damage they cause. In 1997, according to the Greek authorities, the population of field mice was 500 times or even 1 000 times larger than usual. The Greek authorities considered that it was an exceptional invasion which could not have been foreseen scientifically. In addition, the damage appeared to have been perpetrated in a short three to four-day period following the arrival of the field mice. The Greek authorities used the most effective chemical products available to control the invasion, with the result that the hoped-for effects only began to become apparent six or seven days following application, once the damage had been done.
- (22) The Greek authorities considered, in the light of the above, that it was not possible, from both a scientific and a practical point of view, to contain the field mice attack and that it should be considered an exceptional occurrence within the meaning of the Treaty.

IV

Evaluation

- (23) According to Article 87(1) of the EC-Treaty, save as otherwise provided therein, 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 undertaking or the

production of certain goods is, in so far as it affects trade between Member States, incompatible with the common market.

- (24) The measure notified by the Greek authorities is State aid within the meaning of the Treaty because it obtains for recipients an economic advantage to which other sectors are not entitled.
- (25) The aid is liable to affect trade between Member States in that it favours national production at the expense of the production of other Member States ⁽³⁾. The fruit and vegetables sector is very open to competition at Community level and sensitive therefore to any measure favouring production in one or other Member State.
- (26) The table below shows the level of trade between Greece and the other Member States and third countries with regard, in particular, to melons:

1999	Fresh melons — Total	
	Tonnes	EUR
Exports — Intra-Community	210	61 200
Exports — Extra-Community	831,1	235 200
Total exports	1 041,9	296 400 (*)
Imports — Intra-Community	91,3	107 000
Imports — Extra-Community	485,5	673 300
Total imports	576,8	780 300 (*)

(*) The average price for exports was EUR 0,20/kg and for imports EUR 1,35/kg.

- (27) There are exceptions to Article 87 of the Treaty however. Article 87(2)(b) provides in particular that aid to make good the damage caused by natural disasters or exceptional occurrences may be considered compatible with the common market.
- (28) The Community guidelines for State aid in the agriculture sector ⁽⁴⁾ contain provisions on aid intended to compensate for damage caused to agricultural production or means of agricultural production. Point 23.3 provides, however, that the Commission will apply the guidelines to new State aid, including pending notifications from Member States, with effect from 1 January 2000.

⁽³⁾ Greek production of melons and watermelons taken as a whole accounted for almost one fifth of total output of fresh vegetables in Greece in 1998 and 1999. It represented, in turn, one fifth of Community production of melons and watermelons. Total Greek production of fresh vegetables accounts for around one tenth of Community production.

⁽⁴⁾ OJ C 28, 1.2.2000, p. 2.

- (29) While the case under consideration concerns a State aid scheme on which the Commission has yet to rule definitively that was notified before 1 January 2000, it is important to note that it initiated the review procedure under Article 88(2) in 1998 and that the assessment contained in it was made in the light of the provisions in force at the time. Consequently, in order not to undermine the rights of defence of the parties, the Commission considers that the measure must continue to be examined in the light of the rules that applied before 1 January 2000.
- (30) According to its established practice which applies in the case under consideration ⁽⁵⁾, the Commission believes that this provision of the Treaty covers national aid intended to compensate for material damage of all kinds caused by earthquakes, flooding, avalanches or landslides. Exceptional occurrences, such as wars, domestic upheaval or strikes and, subject to certain reservations, nuclear disasters and fires (depending on their scale) must be treated in the same way in the view of the Commission. All these occurrences, irrespective of the extent of the damage they cause, justify payment of compensation to individuals.
- (31) The Commission considers on the other hand that weather conditions, such as frost, hail, ice, rain and drought, cannot be regarded as natural disasters within the meaning of the Treaty, unless the damage suffered by the aid recipient represents not less than 30 % of normal production (20 % in less-favoured regions as defined in Community legislation). The Commission has always applied this policy in the past when dealing with cases involving compensation for damage caused by natural disasters and inclement weather ⁽⁶⁾.
- (32) In the present case, the Commission doubts whether the invasion of field mice in the melon and watermelon crops described above can be considered an exceptional occurrence in the light of its above policy.
- (33) The Commission, as it indicated already when initiating the review procedure, considers that, where a farmer loses livestock as a result of an epizootic or other disease or where his crops are affected by a plant disease, the situation does not normally constitute a natural disaster or exceptional occurrence within the meaning of the Treaty.
- (34) The Commission notes furthermore that attacks by field mice are a recurring phenomenon in Greece and farmers have means of combating them at their disposal. It can be concluded therefore that they are not exceptional and their scale does not in itself change their nature, which moreover is well known to the Greek authorities.
- (35) Regarding the exceptions contained in Article 87(3), some clearly do not apply and have not been relied on by the Greek authorities.
- (36) Consequently, the exceptions laid down in Article 87(3) must be interpreted strictly when any regional or sectoral aid programme or any individual application of a general aid scheme is being examined. In particular, aid may be granted only where the Commission can establish that it is needed to attain one of the objectives in question. Granting the benefit of the exceptions to aid which does not offer such a reciprocal concession would amount to permitting trade between Member States to be adversely affected and distortions of competition which are unjustified having regard to the Community interest and, at the same time, undue advantages for operators in certain Member States.
- (37) The Commission considers that the aid in question is not intended to promote the economic development of areas where the standard of living is abnormally low or where there is serious underemployment within the meaning of Article 87(3)(a). It is not intended either to promote the execution of an important project of common European interest or to remedy a serious disturbance in the economy of a Member State within the meaning of Article 87(3)(b). Nor is intended to promote culture and heritage conservation within the meaning of Article 87(3)(d).
- (38) Compensation or aid intended to prevent losses of that kind may be authorised by the Commission only under Article 87(3)(c) of the Treaty, which states that aid to facilitate the development of certain economic activities may be considered compatible with the common market. Only the criteria applicable to plant diseases may be applied in the case under consideration because, while it is true that attacks by field mice do not constitute a plant disease, their effect is the same, that is to say, the destruction of agricultural production by living outside agents. By analogy, therefore, these criteria must be applied.
- (39) According to Commission working paper VI/5934/86 ⁽⁷⁾:

⁽⁵⁾ Commission working paper on national aids in the event of damage to agricultural production or means of agricultural production, and national aid schemes covering part of the premiums for insuring against these risks (VI/5934/86, 10.11.1986).

⁽⁶⁾ See footnote 2.

⁽⁷⁾ See footnote 3.

1. only infections which are of concern to the public (observation and eradication included) and for which Community or national rules provide that the competent public authorities must take action to control the disease in question should be covered. Situations in which farmers are reasonably required to take the responsibilities and assume the normal risks associated with farming do not qualify for aid measures;
 2. the aid measures should be preventive, compensatory or a combination of the two;
 3. the aid must not give rise to compensation in excess of the damage sustained.
- (40) After the review procedure had been initiated, the Greek authorities provided the information the Commission needed in order to be able to assess the measure notified. They were able to show, for example, that they are concerned about the occurrence in question and that national legislative arrangements for the monitoring and control of field mice have been in place for some considerable time — originally the Law of 13 to 17 February 1893 on the control of field mice and locusts and now Law 6281 of 10 to 15 September 1934 on the destruction of field mice and locusts.
- (41) The extent of the invasion and the fact that on 14 July 1997 the competent authorities had declared the area affected as being infested with field mice appear to indicate that the farmers were in effect faced with a situation that went beyond the normal risks associated with farming which they would be able to assume. The information provided shows that speedy action by the competent authorities and the use of appropriate chemical products did not contain and eliminate the attacks or prevent major damage to the production of melons and watermelons. Compensation for the resulting losses seems to be justified therefore.
- (42) The Commission already had noted, when initiating the procedure, that the information provided by the Greek authorities indicated that the aid was compensatory and would not exceed the losses sustained by the farmers. The Commission can only confirm that finding.

- (43) The Commission notes, in the light of the above, that the requirements imposed by its established practice are met in the case under consideration, and for that reason it concludes that the measure notified is compatible with the Community rules of competition and, in particular, with Article 87(3)(c) of the Treaty.

V

Conclusion

- (44) The measure granting aid to fruit and vegetable growers whose crops were damaged by field mice during the summer of 1997 qualifies for the exception provided for in Article 87(3)(c) of the Treaty since it satisfies the requirements laid down by Community rules. It is compatible with the Treaty therefore and may be put into effect,

HAS ADOPTED THIS DECISION:

Article 1

The State aid scheme proposed by Greece for fruit and vegetable growers whose crops were damaged by field mice in the summer of 1997 is hereby deemed compatible with the common market under Article 87(3)(c) of the Treaty.

The measure may therefore be implemented.

Article 2

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 31 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION**of 21 March 2001****on the basic parameters of the command-control and signalling subsystem of the trans-European high-speed rail system referred to as 'ERTMS characteristics' in Annex II(3) to Directive 96/48/EC***(notified under document number C(2001) 746)***(Text with EEA relevance)****(2001/260/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 96/48/EC of 23 July 1996 on the interoperability of the trans-European high-speed rail system ⁽¹⁾, and in particular Article 6(1) thereof,

Whereas:

- (1) The first stage in developing technical specifications for interoperability (TSIs) is to establish the characteristics of the basic parameters referred to in Article 5(3)(b) of Directive 96/48/EC.
- (2) The Committee set up by Directive 96/48/EC has appointed the European Association for Railway Interoperability (AEIF) as the joint representative body in accordance with Article 2(h) of that Directive.
- (3) The AEIF has drafted a text that includes definitions and proposals for the basic parameters of the control-command and signalling subsystem referred to in Annex II(3) to Directive 96/48/EC as 'ERTMS ⁽²⁾ characteristics'.
- (4) The first objective of this Decision is to guide the technical choices made by authorities responsible for planning, constructing, upgrading and operating the infrastructure and rolling stock to be put into service after the date on which this Decision takes effect, contributing to the operation of the rail system referred to in Directive 96/48/EC.

- (5) The second objective of this Decision is to establish a common basis for the elaboration of the TSIs. It does not preclude the need to establish these parameters in the corresponding TSI, which will be adopted in accordance with Article 6(1) of Directive 96/48/EC. These parameters can also be updated as part of the review of the TSIs provided for in Article 6(2) of that Directive.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Committee set up by Directive 96/48/EC,

HAS ADOPTED THIS DECISION:

Article 1

The definitions and characteristics to be respected for the basic parameters of the control-command and signalling subsystem of the trans-European high-speed railway system referred to as 'ERTMS characteristics' in Annex II(3) to Directive 96/48/EC are given in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 March 2001.

For the Commission

Loyola DE PALACIO

Vice-President

⁽¹⁾ OJ L 235, 17.9.1996, p. 6.

⁽²⁾ European Rail Traffic Management System.

ANNEX

ERTMS CHARACTERISTICS

1. DESCRIPTION OF THE PARAMETER

The unified control/command and signalling subsystem (ERTMS — European rail traffic management system) comprises two elements:

- the control/command and signalling element (ERTMS/ETCS — European rail traffic management system/European train control system) covers both the onboard subsystems and trackside subsystems,
- the radio and telecommunication element (ERTMS/GSM-R — GSM for railways) is based on the standards applied to the public GSM network and also covers both trackside and onboard equipment. GSM-R is based on ETSI standard GSM phase 2+, including GPRS (global packet radio services), extended to railway-specific applications.

2. CHARACTERISTICS TO BE RESPECTED

2.1. ERTMS/ETCS:

The basis for the control-command and signalling subsystem shall be the set of specifications listed hereafter ⁽¹⁾. If necessary, these specifications will be revised after the ERTMS master plan pilot tests; such a revision will be prepared by the AEIF under a change control procedure, then submitted to the Committee as provided in Article 6 of Directive 96/48/EC.

Document name	Reference No	Version No	Mandatory/informative
ERTMS/ETCS functional requirements specification	—	4.29	Mandatory
ERTMS/ETCS functional statements	99E5362	2.00	Mandatory
ERTMS/ETCS system requirements specification	SUBSET-026	2.0.0	Mandatory
Clarification and amendment specification (*)	SUBSET-055	2.0.0	Mandatory
ERTMS/ETCS SSRS Part 1: system macro functions overview	SUBSET-030	2.0.0	Informative
ERTMS/ETCS SSRS Part 2: Onboard subsystem requirements specification	SUBSET-031	2.0.0	Informative
ERTMS/ETCS SSRS Part 3: trackside subsystem requirements specification	SUBSET-032	2.0.0	Informative
FFIS for Eurobalise	SUBSET-036	2.0.0	Mandatory
Description for the Euroloop subsystem	SUBSET-050	2.0.0	Informative
FFIS for Euroloop subsystem	SUBSET-043	2.0.0	Mandatory
FFIS 'A _L ' Euroloop subsystem	SUBSET-044	2.0.0	Mandatory
FFIS 'C _L ' Euroloop subsystem	SUBSET-045	2.0.0	Mandatory
Euroradio FIS	SUBSET-037	2.0.0	Mandatory
Transmission of the MSISDN number to the application	037_0022a	29.3.2000	Informative
Version upgrade	037_0023a	29.3.2000	Informative
Euroradio FFIS class 1 requirements	SUBSET-052	2.0.0	Mandatory

⁽¹⁾ The specifications are available at <http://forum.europa.eu.int> or from the EC services on request.

Document name	Reference No	Version No	Mandatory/informative
Radio infill FFFS	SUBSET-046	2.0.0	Mandatory
FIS for the man-machine interface	SUBSET-033	2.0.0	Mandatory
FIS for the train interface	SUBSET-034	2.0.0	Mandatory
Trackside-trainborne FIS for radio infill	SUBSET-047	2.0.0	Mandatory
Trainborne FFFIS for radio infill	SUBSET-048	2.0.0	Mandatory
Radio infill FIS with LEU/interlocking	SUBSET-049	2.0.0	Mandatory
Specific transmission module FFFIS	SUBSET-035	2.0.0	Mandatory
STM FFFIS safe time layer	SUBSET-056	2.0.0	Mandatory
STM FFFIS safe link layer	SUBSET-057	2.0.0	Mandatory
FFFIS STM application layer supervision connection	SUBSET-058	0.0.1	Informative
Performance requirements for STMs	SUBSET-059	0.0.6	Informative
Key management FIS	SUBSET-038	2.0.0	Mandatory
FIS key management second phase	SUBSET-051	2.0.0	Informative
Key management migration	SUBSET-060	1.1.1	Informative
FIS for RBC/RBC handover	SUBSET-039	2.0.0	Mandatory
Dimensioning and engineering rules	SUBSET-040	2.0.0	Mandatory
Performance requirements for interoperability	SUBSET-041	2.0.0	Mandatory
FFFIS juridical recorder downloading tool	SUBSET-027	2.0.0	Mandatory
Assignment of values to ETCS variables	SUBSET-054	2.0.0	Mandatory
Glossary of terms and abbreviations	SUBSET-023	2.0.0	Mandatory
Radio transmission FFFIS for Euroradio	A11 T6001 3	3	Mandatory
ERTMS driver machine interface part I ergonomic arrangement of ERTMS/ETCS information	PrEN 50XX6-1	March 2000	Informative
ERTMS driver machine interface part III data entry procedures	PrEN 50XX6-3	March 2000	Informative
ERTMS driver machine interface part IV symbols	PrEN 50XX6-4	March 2000	Informative
ERTMS driver machine interface part V audible information	PrEN 50XX6-5	March 2000	Informative
ERTMS driver machine interface part VI specific transmission modules	PrEN 50XX6-6	March 2000	Informative
RAM requirements (chapter 2 only)	96S126	6	Informative
Environmental conditions	97S066	5	Informative

(*) Including supplementary UNISIG letter of 21 April 2000.

2.2. ERTMS/GSM-R:

The train-ground communication system shall comply with the following list of specifications. If necessary, these specifications will be revised after the ERTMS master-plan pilot tests; such revision will be prepared by the AEIF under a change control procedure, then submitted to the Committee as provided in Article 6(1) of Directive 96/48/EC.

Document	Reference	Version	Status
UIC project Eirene — functional requirements specification	ITA078D017	4.00	Mandatory
UIC project Eirene — system requirements specification	ITA078D018	12.00	Mandatory
Morane FFFIS radio transmission FFFIS for Euroradio	A11 T6001 3	3.00	Mandatory
ERTMS driver machine interface part II Eirene information shown on an integrated ERTMS/Eirene DMI	PrEN 50XX6-2	March 2000	Informative

3. LIST OF ACRONYMS

DMI	driver machine interface
ERTMS	European rail traffic management system
FFFIS	form fit function interface specification
FIS	functional interface specification
LEU	lineside electronic unit
MSISDN	mobile subscriber ISDN (integrated services digital network)
RAM	reliability availability maintainability
RBC	radio block centre
SSRS	subsystem requirements specification
STM	specific transmission module

COMMISSION DECISION
of 22 March 2001
setting the dates for Spain for the deduction of expenditure excluded from the Community
financing of monthly advances

(notified under document number C(2001) 747)

(Only the Spanish text is authentic)

(2001/261/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽¹⁾, as last amended by Regulation (EC) No 1287/95 ⁽²⁾,

Having regard to Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy ⁽³⁾,

Having regard to Commission Regulation (EC) No 1663/95 of 7 July 1995 laying down detailed rules for the application of Regulation (EEC) No 729/70 regarding the procedure for the clearance of the accounts of the EAGGF Guarantee Section ⁽⁴⁾, as last amended by Regulation (EC) No 2245/1999 ⁽⁵⁾, and in particular the second sentence of Article 8(3) thereof,

After consulting the Committee of the European Agricultural Guidance and Guarantee Fund,

Whereas:

- (1) Article 5(2)(c) of Regulation (EEC) No 729/70 and Article 7(4) of Regulation (EC) No 1258/1999 stipulate that the Commission is to exclude expenditure from Community financing where it finds that it has not been incurred in accordance with the Community rules.

- (2) The amount charged to Spain pursuant to Commission Decision 2001/137/EC ⁽⁶⁾ is considerable compared to the monthly expenditure and should therefore be booked in two equal amounts as part of the expenditure of two consecutive months,

HAS ADOPTED THIS DECISION:

Article 1

In the case of Spain, the amount excluded from Community financing pursuant to Decision 2001/137/EC shall be booked in two equal amounts as part of the advances on the expenditure for the second and third month respectively following the date of notification of that Decision.

Article 2

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 22 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 94, 28.4.1970, p. 13.

⁽²⁾ OJ L 125, 8.6.1995, p. 1.

⁽³⁾ OJ L 160, 26.6.1999, p. 103.

⁽⁴⁾ OJ L 158, 8.7.1995, p. 6.

⁽⁵⁾ OJ L 273, 23.10.1999, p. 5.

⁽⁶⁾ OJ L 50, 21.2.2001, p. 9.

COMMISSION DECISION
of 2 April 2001
amending Decision 2001/223/EC concerning certain protection measures with regard to foot-and-mouth disease in the Netherlands

(notified under document number C(2001) 1035)

(Text with EEA relevance)

(2001/262/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Following the reports of outbreaks of foot-and-mouth disease in the Netherlands, the Commission adopted Decision 2001/223/EC concerning certain protection measures with regard to foot-and-mouth disease in the Netherlands ⁽⁴⁾.
- (2) The foot-and-mouth disease situation in certain parts of the Netherlands is liable to endanger the herds in other parts of the territory of the Netherlands and in other Member States in view of the placing on the market and trade in live biungulate animals and certain of their products.
- (3) The Netherlands have taken measures in the framework of Council Directive 85/511/EEC of 18 November 1985 introducing Community measures for the control of foot-and-mouth disease ⁽⁵⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and furthermore has introduced further measures within the affected areas, including the measures laid down in

Decision 2001/172/EC ⁽⁶⁾, as last amended by Decision 2001/239/EC ⁽⁷⁾.

- (4) In the light of the disease evolution the Commission adopted Decision 2001/246/EC laying down the conditions for the control and eradication of foot-and-mouth disease in the Netherlands in application of Article 13 of Directive 85/511/EEC ⁽⁸⁾.
- (5) It appears appropriate to prolong the measure introduced by Decision 2001/223/EC.
- (6) The situation shall be reviewed at the meeting of the Standing Veterinary Committee scheduled for 4 April 2001 and the measures adapted where necessary.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The date in Article 14 of Commission Decision 2001/223/EC is replaced by '6 April 2001'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 2 April 2001.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 395, 30.12.1989, p. 13.

⁽⁴⁾ OJ L 82, 22.3.2001, p. 29.

⁽⁵⁾ OJ L 315, 26.11.1985, p. 11.

⁽⁶⁾ OJ L 62, 2.3.2001, p. 22.

⁽⁷⁾ OJ L 86, 27.3.2001, p. 33.

⁽⁸⁾ OJ L 88, 28.3.2001, p. 11.

COMMISSION DECISION

of 2 April 2001

concerning restrictions to the movement of animals of susceptible species in all Member States with regard to foot-and-mouth disease and amending for the fifth time Decision 2001/172/EC

(notified under document number C(2001) 1037)

(Text with EEA relevance)

(2001/263/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) The animal health conditions for trade in bovine animals and swine are laid down in Council Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine ⁽³⁾, as last amended by Council Directive 2000/20/EC ⁽⁴⁾.
- (2) The animal health conditions for trade in ovine and caprine animals are laid down in Council Directive 91/68/EEC of 28 January 1991 on animal health conditions governing intra-community trade in ovine and caprine animals ⁽⁵⁾, as last amended by Commission Decision 94/953/EC ⁽⁶⁾.
- (3) The animal health conditions for trade in biungulates other than those referred to in Directives 64/432/EEC and 91/68/EEC are laid down in Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I) to Directive 90/425/EEC ⁽⁷⁾, as last amended by Commission Decision 95/176/EC ⁽⁸⁾.
- (4) The welfare conditions for transport of animals within the Community are laid down in Council Directive 91/628/EEC of 19 November 1991 on the protection of

animals during transport and amending Directives 90/425/EEC and 91/496/EEC ⁽⁹⁾, as last amended by Council Directive 95/29/EC ⁽¹⁰⁾.

- (5) Council Regulation (EC) No 1255/97 of 25 June 1997 concerns Community criteria for staging points and amends the route plan referred to in the Annex to Directive 91/628/EEC ⁽¹¹⁾.
- (6) Following the reports of outbreaks of foot-and-mouth disease in the United Kingdom, France, the Netherlands and Ireland, the Commission adopted Decisions 2001/172/EC ⁽¹²⁾, 2001/208/EC ⁽¹³⁾, 2001/223/EC ⁽¹⁴⁾ and 2001/234/EC ⁽¹⁵⁾ concerning certain protection measures with regard to foot-and-mouth disease in the respective Member State.
- (7) The foot-and-mouth disease situation in certain parts of the Community is liable to endanger the herds in other parts of the Community in view of the placing on the market and trade in live biungulate animals.
- (8) All Member States have implemented the restrictions to the movement of animals of susceptible species laid down in Article 11a of Decision 2001/172/EC, as last amended by Decision 2001/239/EC ⁽¹⁶⁾.
- (9) In the light of the disease evolution and the findings of the epidemiological investigations carried out in the affected Member States in close cooperation with the other Member States, it appears appropriate to further prohibit the movement of animals through staging points and to maintain for an additional period of time the restrictions to the movement of susceptible animals within the Community.
- (10) At the same time the provisions on movement of animals of susceptible species included in Decision 2001/172/EC should be repealed.

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 121, 29.7.1964, p. 1977/64.

⁽⁴⁾ OJ L 163, 4.7.2000, p. 35.

⁽⁵⁾ OJ L 46, 19.2.1991, p. 19.

⁽⁶⁾ OJ L 371, 31.12.1994, p. 14.

⁽⁷⁾ OJ L 268, 14.9.1992, p. 54.

⁽⁸⁾ OJ L 117, 24.5.1995, p. 23.

⁽⁹⁾ OJ L 340, 11.12.1991, p. 17.

⁽¹⁰⁾ OJ L 148, 30.6.1995, p. 52.

⁽¹¹⁾ OJ L 174, 2.7.1997, p. 1.

⁽¹²⁾ OJ L 62, 2.3.2001, p. 22.

⁽¹³⁾ OJ L 73, 15.3.2001, p. 38.

⁽¹⁴⁾ OJ L 82, 22.3.2001, p. 29.

⁽¹⁵⁾ OJ L 84, 23.3.2001, p. 62.

⁽¹⁶⁾ OJ L 86, 27.3.2001, p. 33.

- (11) The situation shall be reviewed at the meeting of the Standing Veterinary Committee scheduled for 4 April 2001 and the measures adapted where necessary.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

1. Member States other than the United Kingdom shall ensure that transport of animals of susceptible to foot-and-mouth disease species is prohibited.

This prohibition shall not apply to transports of animals of susceptible to foot-and-mouth disease species from the holding of dispatch

- directly or through an approved assembly centre to a slaughterhouse for immediate slaughter, subject to authorisation by the competent authorities of the place of departure and destination, or
- to another holding, subject to authorisation by the competent authorities of the place of departure and destination

under the condition that:

- (a) during transport such animals do not come into contact with animals not of the same holding of dispatch, unless consigned for slaughter, and
- (b) vehicles which have been used for the transport of live animals are cleaned and disinfected after each operation, and shall furnish proof of such disinfection, and
- (c) transports to other Member States of such animals shall only be allowed following 24 hours advance notification dispatched by the local veterinary authority to the central and local veterinary authorities in the Member State of

destination and to the central veterinary authorities in the Member State of transit.

2. Member States other than the United Kingdom shall ensure that the competent authorities at the place of departure, authorize the movement of animals of susceptible to foot-and-mouth disease species only under the following conditions:

- either the animals have remained on the holding of dispatch for at least 30 days prior to authorisation, or since births in the holding of origin where the animals are less than 30 days old, and no animal of susceptible species was introduced into that holding during this period, or
- these animals are transported directly and without passing through an approved assembly centre to a slaughterhouse for immediate slaughter.

3. Without prejudice to Article 3(1)(aa) second indent of Council Directive 91/628/EEC, Member States shall ensure that animals of susceptible to foot-and-mouth disease species are not moved through staging points established and approved in accordance with Regulation (EC) No 1255/97.

Article 2

Article 11a(3) in Decision 2001/172/EC is deleted.

Article 3

This Decision shall apply until midnight on 12 April 2001.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 2 April 2001.

For the Commission

David BYRNE

Member of the Commission