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

**COUNCIL COMMON POSITION
of 14 May 2001
on Nigeria**

(2001/373/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) Nigeria, by virtue of its political and economic influence, population and size, has an important international and regional role to play and has at present a crucial opportunity to consolidate democracy and socio-economic development in its country.
- (2) The European Union (EU) attaches great importance to its relations with Nigeria which, as a signatory to the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000, is a key partner of the EU in terms of political, economic, trade and development cooperation.
- (3) The EU intends to maintain a positive, constructive and consistent approach, so as to support Nigeria in its efforts to consolidate democracy and advance socio-economic development.
- (4) the EU welcomes the achievements of the Nigerian authorities to date in this regard and encourages them to maintain their commitment to progress in these areas, where they still face considerable challenges,

HAS ADOPTED THIS COMMON POSITION:

Article 1

1. The objective of this Common Position is to strengthen the mutually beneficial relations between the EU and Nigeria in all areas of common interest.
2. The EU will pursue a consistent and coherent approach towards Nigeria, covering policies within the political, economic, trade and development fields, with a view to supporting and encouraging Nigeria's own processes of:
 - (a) consolidating democracy and respect for human rights;
 - (b) reducing poverty and achieving sustainable institutional reform, social and economic development;

- (c) enhancing its capacity to contribute to regional integration, peace, security and development.

3. The EU recognises that progress in these efforts is primarily the responsibility of the Federal Government of Nigeria.

Article 2

1. Strengthened relations between the EU and Nigeria shall be based on equality, dialogue and shared values of respect for human rights, democratic principles, the rule of law and good governance.
2. This is to be achieved through a constructive political dialogue, as well as efficient development cooperation. The latter will be guided by Nigerian priorities, be poverty oriented and involve close Nigeria-led donor coordination, broad participation, accountability and transparency.

Article 3

The EU considers the following as the key areas for future EU support:

- (a) Development of a democratic culture:

This includes respect, protection and fulfilment of human rights and promotion of equality, regardless of social and ethnic origin, gender and religion. A culture of democracy should be nurtured *inter alia* through:

- (i) broad participation in the political process,
- (ii) fostering a climate of free and inclusive debate,
- (iii) support to civil society,
- (iv) support to processes of reconciliation related to human rights violations;
- (b) Institutional capacity-building:
 - (i) constitutional review process,
 - (ii) electoral system, in view of forthcoming election processes,
 - (iii) good governance and enhanced and careful management of Nigeria's own resources,

- (iv) budget management,
- (v) educative system reform and professional training,
- (vi) safety, security and access to justice for all through reform of police, judiciary and penal systems,
- (vii) re-professionalisation of the military.

(c) Poverty Reduction Strategy Paper (PRSP) process:

The EU will encourage and work with Nigerian authorities to help develop a coherent and comprehensive PRSP, through a process inclusive of civil society. The PRSP, and its subsequent implementation, is an important framework for sustainable achievements in the reduction of poverty.

(d) Economic growth and development:

The EU will continue to encourage the Nigerian authorities to pursue comprehensive and thorough economic and administrative policy reform measures, diversification of the economy and to take action to combat the widespread problem of corruption in order to create a business and investment-friendly environment. The EU recognises the responsibility of the Union as well as the role the private sector can play in this area, taking into account relevant EU instruments as well as the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

(e) Strengthening Nigerian capacity to contribute to regional integration, conflict prevention and resolution and crisis management in West Africa:

The EU shall develop dialogue and experience sharing with Nigeria on regional issues of common interest (*inter alia* crises and political and economic integration). Within the framework of its policy on conflict prevention, management and resolution in Africa, the EU will support and encourage strengthened Nigerian peace-keeping capacities.

Article 4

The EU stresses the importance of encouraging:

- (a) a broad involvement of public authorities and civil society in the partnership between the EU and Nigeria; and
- (b) the building of civil society networks of non-state actors committed to the processes of democracy and development in Nigeria, both within the EU and Nigeria respectively and between the EU and Nigeria.

Article 5

1. The EU shall maintain a close and regular political dialogue with Nigeria. The dialogue shall primarily be held with the Federal Government, but could also associate civil society as appropriate and, in agreement with the Federal Government, State governments. The dialogue will encompass all matters of mutual concern.

2. To ensure continuity, the primary responsibility for conducting the dialogue on behalf of the EU will be assigned to the EU Heads of Mission in Nigeria. High-level contacts shall be pursued on a regular basis.

Article 6

The Council notes that the Commission intends to direct its action towards achieving the objectives and priorities of this Common Position, where appropriate by pertinent Community measures.

Article 7

In implementing this Common Position, the EU will cooperate closely with the United Nations, the Organisation of African Unity, the Economic Community of West African States (ECOWAS), the international financial institutions and other interested parties.

Article 8

This Common Position shall be reviewed annually.

Article 9

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

Article 10

This Common Position shall be published in the Official Journal.

Done at Brussels, 14 May 2001.

For the Council

The President

A. LINDH

**COUNCIL COMMON POSITION
of 14 May 2001
concerning conflict prevention, management and resolution in Africa**

(2001/374/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the conclusions of the European Councils of Cologne, Helsinki, Feira and Nice,

Whereas:

- (1) The primary responsibility for prevention, management and resolution of conflicts on the African continent lies with Africans themselves.
- (2) The United Nations Security Council has the primary responsibility for the maintenance of international peace and security under the Charter of the United Nations.
- (3) In the drawing up of United Nations Security Council decisions, the defence of European Union positions and interests is fully ensured by the application of Article 19 of the Treaty on European Union.
- (4) On 2 June 1997 the Council adopted Common Position 97/356/CFSP concerning conflict prevention and conflict resolution in Africa ⁽¹⁾.
- (5) The prevention, management and resolution of conflicts have been the subject of dialogue with the Organisation of African Unity (OAU), and are included in the Cairo Declaration and Plan of Action.
- (6) There is a link between conflict prevention and democracy, human rights, the rule of law and good governance, where development cooperation has a strategic role to play in strengthening capacities to manage conflicts in peaceful ways.
- (7) The European Community and its Member States entered into a Partnership Agreement with the ACP States at Cotonou on 23 June 2000,

organisations. In doing this, the European Union will take further steps to promote coordination between the many actors that may be involved, including a closer coordination of the measures taken by the Community and its Member States.

2. The European Union shall, as it strengthens its capacity in the areas of crisis management and conflict prevention, improve its close cooperation with the United Nations (UN) and relevant regional and subregional organisations in order to achieve the above objective.

3. The European Union shall develop a proactive, comprehensive and integrated approach, which shall also serve as a common framework for actions of individual Member States. As a part of this, and to enhance capacity for early action, a yearly survey shall be drawn up by the Presidency assisted by the High Representative and the Commission, and designed to identify and monitor potential violent conflicts and presenting the policy options necessary to prevent their outbreak or recurrence.

Article 2

While recognising the need to respond to existing crises, the European Union's policy shall also focus on preventing the outbreak and spreading of violent conflicts through early action, and on preventing the recurrence of violent conflict. In this context European Union action shall cover:

- conflict prevention by seeking to target the direct causes — trigger factors — of violent conflict while at the same time addressing the more structural root causes,
- crisis management by addressing acute phases of conflicts, supporting efforts to bring the violence to an end,
- peace-building by seeking to support initiatives for containing violent conflict and prepare for, and sustain, peaceful solutions to such conflicts.

HAS ADOPTED THIS COMMON POSITION:

Article 3

Article 1

1. The objective of this common position is to contribute to the prevention, management and resolution of violent conflicts in Africa by strengthening African capacity and means of action in this field, in particular through support for the OAU and subregional organisations and initiatives, and civil society

Recognising that the OAU and African subregional organisations constitute the central actors in the prevention, management and resolution of conflicts in Africa:

1. the European Union will continue to assist these organisations, in particular, in building their capacities for, *inter alia*, political and economic analyses, early warning systems, negotiation/mediation skills, peacekeeping, and in strengthening linkages between themselves as well as with other members of the international community;

⁽¹⁾ OJ L 153, 11.6.1997, p. 1.

2. the European Union's support for and cooperation with the OAU in the field of conflict prevention, management and resolution will be pursued with a view to developing a long term partnership, particularly in the framework of the follow-up to the Cairo Summit.

Article 4

In order to better contribute, through the strategic role which development cooperation has to play in the prevention, management and resolution of violent conflicts in Africa, the European Union will seek:

- to support the mainstreaming of conflict prevention perspectives within the framework of European Community development policy and its associated country strategies,
- to introduce, as appropriate, conflict indicators and peace and conflict impact assessment tools in development cooperation so as to reduce the risk of aid playing into the hands of conflict, and to maximise its positive impact on peace-building,
- to improve the coordination between the efforts of the European Community and those of the Member States in this field,
- to improve development cooperation with regional, sub-regional and local actors in order to ensure the consistency between initiatives and to support African activities,
- to coordinate its efforts with the international financial institutions.

Article 5

With regard to the strengthening of African capacity for peace-keeping:

1. the European Union will support, over the long term, the enhancement of African peacekeeping capabilities, at regional, subregional and bilateral levels. Notwithstanding such capacity enhancement, the European Union and its Member States will continue, on a case-by-case basis, to consider deploying their own operational means for conflict prevention and crisis management in Africa, in accordance with the principles of the UN Charter and in close cooperation with UN activities in the region. Such considerations will take into account the scope of capabilities developed under the European Union crisis management capabilities;
2. Member States and the Commission will exchange information on all action taken to support African peacekeeping capabilities with a view to improving coordination and developing synergies. This information will be summarised in the annual review of this common position provided for in Article 10;
3. the Member States and the Commission will seek to achieve improved coordination of bilateral action in support of the OAU and subregional African organisations, in particular the Economic Community of West African States

(ECOWAS), the South African Development Community (SADC) and, prospectively, the Intergovernmental Authority on Development (IGAD) and the Economic Community of Central African States (CEEAC), regarding African peace-keeping capabilities;

4. Member States and the Commission will systematically invite each other or the Presidency, as appropriate, to participate in exercises and seminars they organise with a view to reinforcing African peacekeeping capabilities;
5. coordination and exchanges on enhancement activities will be sought with interested third parties, notably the United States, Canada and Japan in particular in the framework of the political dialogue with these countries;
6. the European Union will endeavour to improve further its coordination with the UN, and in particular with the Department of Peacekeeping Operations (DPKO), on all activities aiming at strengthening African Peacekeeping Capabilities;
7. the European Union will analyse how best to coordinate Member States' efforts in areas of training, equipment and exercises. This analysis will take into consideration key areas of the Brahimi report on UN peace operations, including interoperability of troops and command and control structures;
8. on an ad hoc basis, the European Union will consider in due course initiating, where there is value added, capacity enhancement programmes in its own name, separately or in conjunction with programmes initiated by individual Member States. Such action might range from small scale observer missions during peacekeeping exercises to more comprehensive training programmes;

Article 6

Member States shall continue to conduct a restrictive policy with regard to arms exports, fully applying the 1998 EU Code of Conduct on Arms Exports. Recognising that the availability and accumulation of arms exceeding legitimate security needs may be a factor contributing to instability, and that the curbing of the illicit trafficking in arms is an important contribution to the relaxation of tension and to reconciliation processes, the Member States and the Commission shall:

- cooperate in promoting international respect for arms embargoes and other relevant decisions by the United Nations Security Council and support initiatives to implement such measures effectively,
- continue to support and respect regional initiatives contributing to the prevention and combating of illicit trafficking in arms,
- cooperate to encourage associated countries to align themselves with principles adopted and measures taken by the European Union.

The European Union shall, further, consider support for African efforts to improve control of arms manufacture, import and export, and support for controlling or eliminating surplus small arms, as well as support for African efforts to tackle problems relating to small arms in accordance with Joint Action 1999/34/CFSP of 17 December 1998 on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons ⁽¹⁾.

Article 7

Recognising the importance of economic factors in conflicts in Africa, as well as the potential of diplomatic and economic measures for the prevention and resolution of violent conflicts:

1. the European Union will:

- seek to promote the further integration of Africa into the world economy,
- support economic and political cooperation, such as regional stabilisation arrangements, to strengthen relations between parties as a preventive and post-conflict peace building measure;

2. the European Union will also:

- cooperate in promoting universal respect for embargoes related to the illegal exploitation of and trade in high value commodities and for other relevant decisions by the United Nations Security Council; and support initiatives to implement such measures effectively,
- actively work towards finding means to suppress illegal exploitation of natural resources which contributes to the eruption, escalation and continuation of violent conflict,
- where appropriate, use economic and financial sanctions targeted at actors who profit from and exacerbate violent conflicts.

Article 8

To reflect the need to maintain focus on a conflict even after it has turned less acute, and to contribute to a more coherent and systematic approach to post-war situations in Africa, the European Union:

- stands ready to support security sector reform within the framework of democratic principles, respect for human rights, the rule of law, and good governance, in particular in countries in transition from violent conflict to sustainable peace,

- will continue and consolidate its support for tackling the problems of the destabilising accumulation and uncontrolled spread of small arms, with due attention to the important role played by civil society,
- will enhance its support for the disarmament and sustainable reintegration of demobilised ex-combatants with particular attention to the needs of children recruited to take part in military activities, as well as to the clearance of landmines,
- will continue to support actions aimed at facilitating the reintegration of up-rooted populations in post-conflict situations,
- will encourage reconciliation and support reconstruction necessary to allow countries emerging from conflict to relaunch policies for long term development.

Article 9

The Council notes that the Commission intends to direct its action towards achieving the objectives and priorities of this Common Position, where appropriate by pertinent Community measures.

Article 10

On the basis of a report by the Presidency, in association with the Secretary General/High Representative and the Commission, this Common Position and the implementation thereof shall be reviewed annually.

Article 11

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

Common Position 97/356/CFSP is hereby repealed.

Article 12

This Common Position shall be published in the Official Journal.

Done at Brussels, 14 May 2001.

For the Council

The President

A. LINDH

⁽¹⁾ OJ L 9, 15.1.1999, p. 1.

Statement by the Danish delegation

In accordance with Article 6 of Protocol No 5 on the position of Denmark, annexed to the Treaty of Amsterdam, Denmark does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications.

Denmark will therefore not participate in future Council decisions which have defence implications as follow-up to the Common Position on conflict prevention, management and resolution in Africa.

COUNCIL DECISION

of 14 May 2001

implementing Common Position 98/350/CFSP with a view to a European Union contribution to a mission to facilitate dialogue in Togo

(2001/375/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Common Position 98/350/CFSP of 25 May 1998 concerning human rights, democratic principles, the rules of law and good governance in Africa ⁽¹⁾, in conjunction with the second indent of the first subparagraph of Article 23(2) of the Treaty on European Union,

Whereas:

- (1) A mission to facilitate dialogue in Togo has been conducted with the support of the European Union by Mr Georg Reisch, Mr Bernard Stasi and Mr Paul von Stülpnagel since the agreement concluded by the Togolese parties on 24 December 1998.
- (2) That mission has contributed to the progress made in the dialogue in Togo, particularly to the preparations for, and follow-up to, the framework agreement signed in Lomé on 29 July 1999, hereinafter referred to as the 'Framework Agreement'.
- (3) At its meeting on 13 June 2000, the Council confirmed the Union's willingness to support the continuation of the mission to facilitate dialogue in Togo, so as to encourage the democratic conduct of the electoral process in that country.
- (4) On 30 January 2001, the Independent National Electoral Commission (INEC) in Togo announced that general elections would take place on 14 and 28 October 2001.
- (5) It is therefore appropriate to contribute to the continuation of the mission to facilitate dialogue in Togo, so as to consolidate progress made in that dialogue in accordance with the provisions of the Framework Agreement and at the same time to ensure greater visibility for the Union's action,

HAS DECIDED AS FOLLOWS:

Article 1

1. Mr Georg Reisch (spokesman), Mr Bernard Stasi and Mr Paul von Stülpnagel, hereinafter referred to as 'the facilitators', are hereby appointed to conduct a mission to facilitate dialogue in Togo on behalf of the European Union.

2. The purpose of this mission shall be, by mediating between each of the Togolese parties, to encourage them to implement, in good faith and having respect for human rights, the provisions of the Framework Agreement, so as to create political conditions for a dialogue permitting the proper conduct of the general elections and conciliation in Togolese political life.

Article 2

The mission to facilitate dialogue in Togo shall take place under the authority of the Presidency of the Council of the European Union, assisted by the Secretary-General/High Representative and the Commission. The facilitators shall report to the Council and the Commission after each mission.

Article 3

1. The European Union shall make a financial contribution to the mission to facilitate dialogue in Togo.
2. The financial reference amount for this purpose shall be EUR 79 000.
3. The management of the expenditure financed by the amount specified in paragraph 2 shall be subject to the Community procedures and rules applying to budget matters.

Article 4

This Decision shall take effect from the date of its adoption. It shall expire on 30 November 2001.

Article 5

This Decision shall be published in the Official Journal.

Done at Brussels, 14 May 2001.

For the Council

The President

A. LINDH

⁽¹⁾ OJ L 158, 2.6.1998, p. 1.

I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 938/2001
of 14 May 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 15 May 2001.

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

Done at Brussels, 14 May 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 14 May 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	86,0
	064	92,7
	999	89,3
0707 00 05	052	104,3
	628	150,8
	999	127,6
0709 90 70	052	85,5
	999	85,5
0805 10 10, 0805 10 30, 0805 10 50	052	62,9
	204	53,5
	212	58,3
	220	59,1
	600	60,1
	624	56,0
	999	58,3
	052	57,2
0805 30 10	999	57,2
0808 10 20, 0808 10 50, 0808 10 90	388	83,7
	400	95,1
	404	86,0
	508	76,0
	512	91,6
	524	72,4
	528	86,1
	720	119,2
	804	103,3
	999	90,4

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

COMMISSION REGULATION (EC) No 939/2001**of 14 May 2001****laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards the grant of flat-rate aid for certain fishery products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products ⁽¹⁾, and in particular Article 24(8) thereof,

Whereas:

- (1) Article 24 of Regulation (EC) No 104/2000, which repealed Council Regulation (EEC) No 3759/92 ⁽²⁾ with effect from 1 January 2001, provides for flat-rate aid to be granted under certain conditions to producer organisations which withdraw from the market products listed in Annex IV to that Regulation.
- (2) In the interests of harmonisation and simplification, the procedures required in the context of flat-rate aid should be the same as those which apply to financial compensation and carry-over aid, as set out in Commission Regulation (EC) No 2509/2000 of 15 November 2000 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards granting financial compensation for withdrawals of certain fishery products ⁽³⁾ and Commission Regulation (EC) No 2814/2000 of 21 December 2000 laying down the detailed rules for the application of Council Regulation (EC) No 104/2000 as regards the grant of carry-over aid for certain fishery products ⁽⁴⁾. The conditions for granting flat-rate aid should therefore be established on that basis and Commission Regulation (EEC) No 4176/88 of 28 December 1988 laying down detailed rules of application for the granting of flat-rate aid for certain fisheries products ⁽⁵⁾, as last amended by Regulation (EC) No 3516/93 ⁽⁶⁾, should be repealed.
- (3) Article 6(1) of Council Regulation (EC) No 2406/96 of 26 November 1996 laying down common marketing standards for certain fishery products ⁽⁷⁾, as last amended by Regulation (EC) No 2578/2000 ⁽⁸⁾, provides that products that are classified as category B are ineligible for the financial assistance granted in respect of withdrawal as provided for in the common market organisation. Given that only Extra, 'E' and 'A' quality products are eligible for the flat-rate aid described in Article 24 of Regulation (EC) No 104/2000, the calculation of the quantities eligible for this aid should be based on these categories of products only.

- (4) The conditions to be satisfied by producer organisations in the context of the flat-rate aid scheme should be determined.
- (5) The flat-rate aid may be paid only at the end of the fishing year. However, provision should be made for the possibility of granting advances subject to the lodging of a security.
- (6) The Member States should be authorised to fix the standard value used in calculating the flat-rate aid broken down according to the destination of the products withdrawn as provided for in Commission Regulation (EEC) No 1501/83 of 9 June 1983 on the disposal of certain fishery products which have been the subject of measures to stabilise the market ⁽⁹⁾, as amended by Regulation (EEC) No 1106/90 ⁽¹⁰⁾.
- (7) In order to help guarantee product quality and the disposal of these products on the market, the minimum conditions applicable to processing, and the conditions relating to storage and the re-release onto the market of the processed products should be determined.
- (8) The recipients of aid should keep a stock record containing the figures for releases onto the market, withdrawals from the market and amounts carried over each month (in kilograms) to increase the efficiency of checks and should supply this information to the Member State. It is sufficient for the purposes of good management of the mechanism to require stock records during the minimum storage periods.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

CHAPTER I**General provisions***Article 1*

To qualify for flat-rate aid, producer organisations shall send the competent authorities in the Member State the list of products broken down by category and the autonomous withdrawal price referred to in Article 24(1) of Regulation (EC) No 104/2000 before the start of the fishing year.

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

⁽²⁾ OJ L 388, 31.12.1992, p. 1.

⁽³⁾ OJ L 289, 16.11.2000, p. 11.

⁽⁴⁾ OJ L 326, 22.12.2000, p. 34.

⁽⁵⁾ OJ L 367, 31.12.1988, p. 63.

⁽⁶⁾ OJ L 320, 22.12.1993, p. 10.

⁽⁷⁾ OJ L 334, 23.12.1996, p. 1.

⁽⁸⁾ OJ L 298, 25.11.2000, p. 1.

⁽⁹⁾ OJ L 152, 10.6.1983, p. 22.

⁽¹⁰⁾ OJ L 111, 1.5.1990, p. 50.

Producer organisations may apply an autonomous withdrawal price exceeding the maximum level referred to in Article 24(1)(a) of Regulation (EC) No 104/2000 for one or more product categories. However, they shall lose the right to flat-rate aid for the category or categories for which the maximum level is exceeded.

Article 2

Flat-rate aid shall be paid to the producer organisation concerned only once the competent authorities in the Member State in question have satisfied themselves that the quantities in respect of which the aid is applied for do not exceed the limit given in Article 24(5) of Regulation (EC) No 104/2000.

CHAPTER II

Conditions for granting the flat-rate aid referred to in Article 24(2) of Regulation (EC) No 104/2000 (hereinafter referred to as 'flat-rate compensation')

Article 3

The requirements set out in Articles 1 to 4 and Article 7 of Regulation (EC) No 2509/2000 shall apply *mutatis mutandis* to the grant of flat-rate compensation.

Article 4

The Member States shall fix the standard value to be used in calculating the flat-rate compensation and the advances relating thereto, broken down according to the destination of the products withdrawn as referred to in Article 1(b), (c), and (d) of Regulation (EEC) No 1501/83.

The standard value shall be fixed at the beginning of the fishing year and shall be identical for all the producer organisations recognised by the Member State concerned, using as a basis the average receipts from disposal via the outlets for the Member States concerned over the six months preceding the fixing of that value. That level shall be amended if significant and lasting changes in receipts are noted on the market of the Member State concerned.

CHAPTER III

Conditions for granting the flat-rate aid referred to in Article 24(4) of Regulation (EC) No 104/2000 (hereinafter referred to as 'flat-rate premium')

Article 5

1. The amount of the flat-rate premium shall be fixed before the beginning of each fishing year in accordance with the procedure referred to in Article 38(2) of Regulation (EC) No 104/2000. The amount shall be fixed per unit weight, to be applied to the net weight of each product listed in Annex IV to that Regulation.

2. The amount of the flat-rate premium shall be calculated on the basis of the real technical and financial costs of operations required for the stabilisation and storage of the products

in question as recorded in the Community during the previous fishing year.

3. The following shall be considered as technical costs:

- (a) energy costs;
- (b) labour costs relating to storage and release from storage;
- (c) cost of materials for direct packaging;
- (d) processing costs (ingredients);
- (e) cost of transport from place of landing to place of processing.

4. The financial costs shall be a flat-rate sum of EUR 10 per tonne for 2001. Thereafter the flat-rate sum shall be adjusted each year using the interest rate set annually in accordance with Article 5 of Council Regulation (EEC) No 1883/78 ⁽¹⁾.

5. The level of the flat-rate premium fixed for the fishing year concerned shall apply to products entering storage during that year, irrespective of the end of the storage period.

Article 6

Article 3(1) and (2) and Article 4 of Regulation (EC) No 2814/2000 shall apply *mutatis mutandis* to the grant of the flat-rate premium.

Article 7

The flat-rate premium shall be paid to the producer organisation concerned only once the competent authorities in the Member State concerned have satisfied themselves that the quantities in respect of which the premium is applied for have been either processed and stored, or preserved, and subsequently placed back on the market, in accordance with Article 4 of Regulation (EC) No 2814/2000.

CHAPTER IV

Final provisions

Article 8

1. Applications for payment of the flat-rate aid shall be submitted by the producer organisation concerned to the competent authorities of the Member State not later than four months after the end of the fishing year concerned. They shall include at least the information set out in the Annex.

2. Advance payments shall be granted each month at the request of the producer organisation concerned for the quantities withdrawn or carried over, on condition that it lodges a security of at least 105 % of the amount advanced.

3. The amount of the advance payment or payments shall be determined on the basis of the provisional ratio of the quantities withdrawn to the quantities put up for sale during the period concerned. The calculation of the amount shall be adjusted two months after the month concerned on the basis of the transactions actually carried out and reported using the model set out in the Annex.

⁽¹⁾ OJ L 216, 5.8.1978, p. 1.

4. The national authorities shall pay the flat-rate aid within eight months of the end of the fishing year at the latest. Each Member State shall notify the other Member States and the Commission of the name and address of the body designated to pay the flat-rate aid.

Article 9

1. The Member States shall introduce a system of checks to verify that the information given in applications for payment corresponds to the quantities actually put up for sale and withdrawn from the market by the producer organisation concerned.

2. Producer organisations shall ensure that the beneficiaries of the aid keep a stock record in accordance with the model set out in the Annex.

3. Producer organisations shall communicate the date, species and quantity of products withdrawn or carried over to the Member State each month.

Article 10

The Member States shall inform the Commission of the measures taken under this Regulation as soon as they are adopted, and in any case before 1 July 2001. They shall inform the Commission of the existing measures in the field covered by Article 9(1) before 1 July 2001.

Article 11

Regulation (EEC) No 4176/88 is repealed.

Article 12

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

It shall apply from 1 June 2001.

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

Done at Brussels, 14 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

STOCK RECORD: MONTHLY FIGURES FOR RELEASES ONTO THE MARKET, WITHDRAWALS FROM THE
MARKET AND AMOUNTS CARRIED OVER EACH MONTH FOR SPECIES

(kilograms)

Month	Amount put up for sale		Autonomous withdrawal prices by category	Monthly withdrawals Portion for which flat-rate compensation is paid		Quantities attracting the flat rate premium by category ^(b)	Total for flat-rate aid Withdrawal and carry-over ^(c)
	During the month	Cumulative total		Amounts withdrawn by category	Total — all categories ^(a)		
	(1)	(2)		(3)	(4)	(5)	(6) = (4) + (5)
January							
February							
March							
April							
year							

Notes

- ^(a) Quantities exceeding 5 % of the annual quantities put up for sale (first subparagraph of Article 24(5) of the basic Regulation) are excluded from flat-rate aid.
^(b) Depending on the type of processing chosen.
^(c) Quantities exceeding 10 % of the annual quantities put up for sale (second subparagraph of Article 24(5) of the basic Regulation) are excluded from flat-rate aid.

**COMMISSION REGULATION (EC) No 940/2001
of 14 May 2001**

**amending Regulation (EEC) No 2282/90 laying down detailed rules for increasing the consumption
and utilisation of apples and the consumption of citrus fruit**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1195/90 of 7 May 1990 on measures to increase the consumption and utilisation of apples ⁽¹⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1201/90 of 7 May 1990 on measures to increase the consumption of citrus fruit ⁽²⁾, and in particular Article 4 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2282/90 ⁽³⁾, as last amended by Regulation (EC) No 1375/2000 ⁽⁴⁾, lays down the detailed rules for increasing the consumption and utilisation of apples and the consumption of citrus fruit.
- (2) Regulation (EEC) No 2282/90 provides that, after scrutiny by the Management Committee for Fruit and Vegetables, the Commission is to draw up a list of successful applications for Community financial assistance before 30 June of the year following their submission.
- (3) Article 15(4) of Council Regulation (EC) No 2826/2000 of 19 December 2000 on information and promotion actions for agricultural products on the internal market ⁽⁵⁾ stipulates that the provisions of Regulations (EEC) No 1195/90 and (EEC) No 1201/90 are to remain applicable to programmes decided before the entry into force of the Regulation implementing Regulation (EC) No 2826/2000. In view of the time limits for adopting the implementing Regulation, the programmes for the 2001/02 marketing year will be adopted by the Commission under the rules in force. Certain Member States were not able to submit their applications before 31 December 2000 because they were awaiting the entry into force of the Regulation implementing Regulation (EC) No 2826/2000 during the first half of 2001. For the purposes of fairness, the time limits for lodging

the applications that were not submitted should be reopened. The various time limits laid down in Articles 5 and 6 of Regulation (EEC) No 2282/90 should also be adjusted for the 2001/02 marketing year.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2282/90 is amended as follows:

1. In Article 5:
 - (a) paragraph 1 is replaced by the following:

'The application for financing shall be lodged with the competent body in the Member State in which the group or responsible partner is based not later than 31 May. The application shall contain all the information set out in Annex II.'
 - (b) the second subparagraph of paragraph 4 is replaced by the following:

'These documents, together with the applications rejected and the reasons for their rejection, shall be submitted no later than 15 June.'
2. In Article 6, the following is added to the first paragraph:

'However, for applications submitted before 15 June 2001 the Commission shall draw up the list no later than 31 July 2001.'

Article 2

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, 14 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 119, 11.5.1990, p. 53.

⁽²⁾ OJ L 119, 11.5.1990, p. 65.

⁽³⁾ OJ L 205, 3.8.1990, p. 8.

⁽⁴⁾ OJ L 156, 29.6.2000, p. 27.

⁽⁵⁾ OJ L 328, 23.12.2000, p. 2.

**COMMISSION REGULATION (EC) No 941/2001
of 14 May 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 15 May 2001.

It shall apply from 16 to 29 May 2001.

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

Done at Brussels, 14 May 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 14 May 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 16 to 29 May 2001

Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	18,97	10,86	41,33	20,82
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	11,62	7,57	17,13	17,21
Morocco	17,87	14,86	—	—
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	—	—	—	—

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 18 April 2001

concerning measures made necessary by the occurrence of bovine spongiform encephalopathy in Portugal and implementing a date-based export scheme

(notified under document number C(2001) 834)

(Text with EEA relevance)

(2001/376/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Commission Decision 98/653/EC of 18 November 1998 concerning emergency measures made necessary by the occurrence of bovine spongiform encephalopathy (BSE) in Portugal ⁽⁴⁾, as last amended by Decision 2000/104/EC ⁽⁵⁾, prohibits the dispatch and export of bovine products.
- (2) The current BSE incidence rate in Portugal calculated over the past 12 months per 1 000 000 bovine animals over 24 months of age is 170. According to the Animal Health Code of the International Office for Epizootics (IOE/OIE), 2000 edition, a country or zone will be clas-

sified as having a high incidence of BSE if the BSE incidence rate, calculated over the past 12 months, has been greater than 100 cases per 1 000 000 animals within the cattle population over 24 months of age in the country or zone.

- (3) The Animal Health Code of the IOE/OIE recommends that bovine meat and meat products from countries or zones classified as having a high incidence of BSE should be eligible for trade only under certain strict conditions, such as an effective feed ban, a permanent system for the identification of cattle enabling animals to be traced back to the herd and dam of origin, the removal of specified risk materials and the slaughter and complete destruction of certain higher risk animals, such as offspring and birth cohorts of BSE cases.
- (4) The IOE/OIE further recommends that bovine meat and products should be eligible for trade only on the basis of one of two schemes: either a certified herds scheme, indicating that the products have been derived from animals born, raised and having remained in herds without BSE cases for the last seven years, or a date-based scheme, indicating that the products were derived from animals born after the date of an effective feed ban.
- (5) A ban on the feeding of mammalian protein to farmed animals and of mammalian fat to ruminants was introduced in Portugal on 4 December 1998, at the same time the keeping, storage and marketing of mammalian protein and certain fats was prohibited and the recall of existing stocks was organised.

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 224, 18.8.1990, p. 29.

⁽⁴⁾ OJ L 311, 20.11.1998, p. 23.

⁽⁵⁾ OJ L 29, 4.2.2000, p. 36.

- (6) A mission carried out in Portugal by the Food and Veterinary Office from 14 to 18 June 1999 concluded that the recall of existing stocks was completed and that the controls on the effectiveness of the feed ban were applied properly.
- (7) A ban on the use of specified risk materials in human food or animal feed was introduced in Portugal on 4 December 1998. The ban has been extended in accordance with Commission Decision 2000/418/EC of 29 June 2000 regulating the use of material presenting risks as regards transmissible spongiform encephalopathies ⁽¹⁾, as amended by Decision 2001/2/EC ⁽²⁾.
- (8) According to the national BSE eradication plan in place in Portugal, birth cohorts and offspring of BSE cases shall be slaughtered and destroyed.
- (9) A new centralised national system for identification and registration of bovine animals (SNIRB) was introduced in Portugal as of 1 July 1999.
- (10) Portugal presented its first request for a date-based export scheme with a view to permitting, subject to certain conditions, the dispatch of products from animals born after a certain date to the Commission on 3 December 1999. These technical proposals were subsequently amended and supplemented on 18 February, 24 March, 27 July and 22 September. The amended and supplemented proposals provide a suitable framework for allowing the dispatch and export of products derived from bovine animals slaughtered in Portugal.
- (11) The measures for implementation of the export scheme and the offspring cull will be examined by the Food and Veterinary Office of the Commission before the dispatch of meat and meat products may commence. If that examination is satisfactory the Commission will set the date on which dispatch may commence.
- (12) Decision 98/653/EC includes provisions allowing the dispatch of fighting bulls from Portugal for bullfights in other Member States. It is necessary to establish a procedure allowing the fighting bulls to be returned to Portugal, if they are not used in the bullfight. Furthermore the rules on the treatment of carcasses of fighting bulls of Portuguese origin should be clarified.
- (13) In the interests of clarity Decision 98/653/EC should be repealed.
- (14) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

CHAPTER I

Scope

Article 1

1. Notwithstanding Community provisions adopted to protect against bovine spongiform encephalopathy (BSE), this Decision lays down specific rules made necessary by the occurrence of BSE in Portugal.

2. The provisions of this Decision applying to Portugal shall not apply however to the Autonomous region of the Azores. The provisions of this Decision applying to Member States other than Portugal shall apply also to the Autonomous region of the Azores. In particular, Portugal shall ensure that the provisions of Articles 2 to 14 are applied to the dispatch of consignments from the other parts of Portugal to the Azores.

CHAPTER II

Live bovine animals, bovine embryos, meat-and-bone meal and related products

Article 2

Portugal shall ensure that the following are not dispatched from its territory to other Member States or to non-member countries:

- (a) live bovine animals and bovine embryos;
- (b) meat meal, bone meal, and meat-and-bone meal of mammalian origin;
- (c) animal feed and fertilisers containing material referred to in point (b).

Article 3

By way of derogation from Article 2(a), Portugal may authorise the dispatch to other Member States which have given their authorisation of fighting bulls in accordance with the conditions laid down in Annex I.

Member States shall inform the Commission and the other Member States of the list of bullfight arenas and connected premises authorised to receive fighting bulls.

Member States of destination shall ensure that the carcasses of the fighting bulls are incinerated after the bull fights in accordance with the conditions laid down in Annex I. Where the fighting bulls are not used in bullfights, Member States of destination shall ensure that the animals are either killed and incinerated, or sent back to Portugal, in accordance with the conditions laid down in Annex I.

Member States of destination shall keep full records demonstrating compliance with this Article.

⁽¹⁾ OJ L 158, 30.6.2000, p. 76.

⁽²⁾ OJ L 1, 4.1.2001, p. 21.

Article 4

By way of derogation from Article 2(b), Portugal may authorise the dispatch of food destined for domestic carnivores containing material referred to in that provision from its territory to other Member States or to non-member countries, provided that the material did not originate from Portugal and that the conditions laid down in Articles 14, 16, 17 and 18 are complied with.

Article 5

By way of derogation from Article 2(b) and (c), Portugal may authorise the dispatch to other Member States which have given their authorisation of material referred to in those provisions for the purpose of incineration in accordance with the conditions laid down in Annex II.

Member States of destination shall inform the Commission and the other Member States of the list of incineration plants authorised to receive that material.

Member States of destination shall ensure that that material is incinerated in accordance with Annex II.

Member States of destination shall keep full records demonstrating compliance with this Article.

CHAPTER III

Materials derived from bovine animals slaughtered in Portugal*Article 6*

Portugal shall ensure that the following are not dispatched from its territory to other Member States or to non-member countries, when derived from bovine animals slaughtered in Portugal:

- (a) meat;
- (b) products which are liable to enter the human food or animal feed chains;
- (c) materials which are destined for use in cosmetic or medicinal products or medical devices.

Article 7

By way of derogation from Article 6, Portugal may authorise the dispatch from its territory to other Member States or to non-member countries of amino acids, peptides and tallow, produced in establishments under official veterinary supervision which have been shown to be operating in accordance with the conditions set out in Annex III.

Those products shall be labelled or otherwise identified to show the establishment of production, and to indicate that they are suitable for use in human food, animal feed, cosmetics, medicinal products or medical devices.

Where those products are dispatched to other Member States, they shall be accompanied by a health certificate issued by an official veterinarian stating that they conform to the conditions

laid down in this Decision and attesting to the frequency of official controls carried out.

Portugal shall forward to the Commission and the other Member States the list of the establishments referred to in the first paragraph, identifying for each establishment the purpose for which it has been approved. It shall notify the Commission and the other Member States immediately of any amendments to that list.

Article 8

By way of derogation from Article 6, Portugal may authorise the dispatch from its territory to other Member States or to non-member countries of:

- (a) products containing tallow produced in accordance with Article 7;
- (b) products derived from tallow by saponification, transesterification or hydrolysis produced in accordance with the conditions set out in Annex III.

Those products shall be labelled or otherwise identified to show the establishment of production, and to indicate that they are suitable for use in human food, animal feed, cosmetics, medicinal products or medical devices.

Article 9

By way of derogation from Article 6, Portugal may authorise the dispatch from the national veterinary laboratories in Lisbon and Porto to officially approved institutes in other Member States or non-member countries of samples obtained from bovine animals slaughtered in Portugal which are destined for laboratory examination or research into BSE and BSE diagnostic tests.

Article 10

Portugal shall ensure that gelatin, di-calcium phosphate, collagen, tallow, products containing tallow and products derived from tallow by saponification, transesterification or hydrolysis which are produced for technical use from raw materials derived from bovine animals slaughtered in Portugal are labelled or otherwise identified to show the establishment of production and their unsuitability for use in human food, animal feed, cosmetics, medicinal products or medical devices.

Article 11

1. By way of derogation from Article 6, Portugal may authorise the dispatch to other Member States or to non-member countries of the following products derived from bovine animals born and reared in Portugal which have been slaughtered in Portugal in slaughterhouses which are not used for the slaughter of any ineligible bovine animal, in accordance with the conditions laid down in this Article, Articles 12, 16, 17 and 18 and Annex IV:

- (a) 'fresh meat' as defined by Council Directive 64/433/EEC ⁽¹⁾;

⁽¹⁾ OJ L21, 29.7.1964, p. 2012/64.

(b) 'minced meat' and 'meat preparations' as defined by Council Directive 94/65/EC ⁽¹⁾;

(c) 'meat products' as defined by Council Directive 77/99/EEC ⁽²⁾;

(d) food which is destined for domestic carnivores.

2. The fresh meat referred to in paragraph 1(a) shall be deboned and all adherent tissues, including obvious nervous and lymphatic tissues, shall be removed in cutting plants in Portugal which are not used for cutting any ineligible bovine products.

3. The products referred to in paragraph 1(b), (c) and (d) shall be produced from fresh meat as referred to in paragraph 1(a) in establishments in Portugal which are not used for the production of any ineligible bovine products, in accordance with the conditions laid down in this Article, in Articles 12, 16, 17 and 18 and Annex IV.

4. Cold storage of the products referred to in paragraph 1 shall take place in Portugal in chambers which are not used for storing any ineligible bovine products and are kept locked under the seal of the competent authority when the latter is not present. Cutting, storage and transport shall be carried out in accordance with the conditions laid down in this Article, in Articles 12, 16, 17 and 18 and Annex IV.

5. For the purpose of this Article, eligible products means products referred to in paragraph 1 and products derived from bovine animals not slaughtered in Portugal which comply with the conditions laid down in Articles 14 to 19.

6. For the purpose of this Decision 'chamber' shall mean a room or any other structure within a room which provides a secure lockable physical barrier.

Article 12

1. The meat and products referred to in Article 11(1) shall be marked or labelled with an additional distinct mark which cannot be confused with the Community health mark or the additional distinct mark referred to in Article 14.

2. Where that meat and those products are destined for placing on the market in Portugal, they shall not bear that additional mark. If such a mark is present, it shall be cancelled or removed from the meat or cancelled from the label at the time that meat or those products leave the establishment as referred to in Articles 15 and 16. The Community health mark shall not be removed except where that is unavoidable in the cutting process.

3. Portugal shall forward to the Commission and the other Member States the model of the additional mark referred to in paragraph 1 before dispatch commences.

⁽¹⁾ OJ L 368, 31.12.1994, p. 10.

⁽²⁾ OJ L 26, 31.1.1977, p. 85.

CHAPTER IV

Materials derived from bovine animals not slaughtered in Portugal

Article 13

Portugal shall ensure that the provisions of this Chapter are complied with when the following products derived from bovine animals not slaughtered in Portugal are dispatched from its territory to other Member States or to non-member countries:

(a) 'fresh meat' as defined by Directive 64/433/EEC;

(b) 'minced meat' and 'meat preparations' as defined by Directive 94/65/EC;

(c) 'meat products' and 'other products of animal origin' as defined by Directive 77/99/EEC;

(d) food which is destined for domestic carnivores;

(e) gelatin and di-calcium phosphate, tallow, products containing tallow, and products derived from tallow by saponification, transesterification or hydrolysis, amino acids, peptides and collagen which are liable to enter the human food or animal feed chains, or are destined for use in cosmetic or medicinal products or medical devices.

Article 14

1. The meat and products referred to in Article 13(a) to (c) shall be marked or labelled with an additional distinct mark which cannot be confused with the Community health mark or the additional distinct mark referred to in Article 12.

2. Where that meat and those products are destined for placing on the market in Portugal, they shall not bear that additional mark. If such a mark is present, it shall be cancelled or removed from the meat or cancelled from the label at the time that meat or those products leave the establishment as referred to in Articles 15 and 16. The Community health mark shall not be removed except where that is unavoidable in the cutting process.

3. Portugal shall forward to the Commission and the other Member States the model of the additional mark referred to in paragraph 1 before dispatch commences.

Article 15

The products referred to in Article 13(e) which are dispatched to other Member States shall be labelled in order to identify the establishment of production and to indicate that they have been produced in accordance with this Decision and, as appropriate, that they are suitable for use in human food, animal feed, cosmetics, medicinal products or medical devices.

CHAPTER V

Establishments and certification*Article 16*

1. The products referred to in Articles 11 and 13 shall come from and, as appropriate, have passed through, establishments in Portugal:

- (a) which have been approved by the competent authority;
- (b) which are under official veterinary supervision or, in the case of products derived from tallow by saponification, transesterification or hydrolysis, under the supervision of the competent authority;
- (c) which have put in place a system of tracing of the raw material which will guarantee the origin of the material throughout the whole production chain;
- (d) which have put in place a registration system of amounts of incoming and outgoing materials to allow for cross-checking consignments entering or leaving;
- (e) in which the products are unloaded, processed, stored, handled, loaded and transported separately from, or at different times from, products which do not comply with the conditions laid down in this Article and Articles 11, 12, 14, 15, 17 and 18.

2. Portugal shall forward to the Commission and the other Member States the list of establishments which meet the conditions referred to in paragraph 1, identifying for each establishment the purpose for which it has been approved. It shall notify the Commission and the Member States immediately of any amendments to that list.

Article 17

1. Products referred to in Article 11 and Article 13(a) to (d) shall come from and, as appropriate, have passed through establishments in Portugal:

- (a) in which all unloading, processing, storage or other handling and loading of products takes place under official supervision;
- (b) in which the products are stored in cold stores in chambers which are not used at the same time for storing any bovine products which do not comply with the conditions laid down in this Article, and in Articles 11, 12, 14, 15, 16, 18 and 19 and are kept locked under the seal of the competent authority when the latter is not present.

2. For the purposes of the health marking and application of additional marks provided for in Articles 12 and 14, the competent authority shall keep and maintain under its responsibility:

- (a) the instruments intended for meat health-marking and application of additional marks, which may be handed over to auxiliaries only at the time of marking and for the length of time required for that purpose;

- (b) any labels bearing a health mark or an additional mark. Those labels shall be serially numbered and the requisite quantity may be given to auxiliaries at the time when they are to be used.

3. The products referred to in paragraph 1 shall be transported in means of transport that are sealed by the competent authority.

Article 18

1. Products as referred to in Article 11 and Article 13(a) to (d) dispatched to other Member States shall be accompanied by a health certificate issued by an official veterinarian stating that the conditions referred to in this Article and Articles 11, 17 and 19 are met, identifying all establishments where they were obtained, processed, handled or stored and identifying all labels and the relevant numbers in the consignment ensuring traceability of each individual unit.

2. Meat shall be accompanied by the health certificate referred to in Annex IV to Directive 64/433/EEC identifying in the 'Identification of meat' section of the certificate all labels and the relevant numbers in the consignment ensuring traceability of each individual unit.

3. The following words shall be added to all certificates: 'produced in accordance with Commission Decision 2001/376/EC'.

4. Portugal shall inform the competent authority of the place of destination of each consignment by means of the ANIMO system as referred to in Commission Decision 91/398/EEC⁽¹⁾, or by fax.

5. Where those products are dispatched to non-member countries, they shall be accompanied by a health certificate, issued by an official veterinarian, stating that the conditions laid down in this Decision have been complied with.

CHAPTER VI

Transit and receipt of material from other Member States*Article 19*

1. A Member State which dispatches meat as referred to in Article 13(a) from an establishment or Community approved border inspection post in its territory through the territory of Portugal or to an establishment approved in accordance with Article 16 shall ensure that the meat is accompanied by a veterinary certificate issued by an official veterinarian or the certificate issued by the competent authority of the border inspection post.

The originals of all certificates shall accompany the consignment to the establishment of its destination.

2. The meat as referred to in Article 13(a) shall be transported in an officially sealed vehicle.

The seal may be broken only for official inspection purposes.

⁽¹⁾ OJ L 221, 9.8.1991, p. 30.

3. A Member State which dispatches products referred to in Article 13(e) or any raw materials for use in the production of those products to an establishment approved in accordance with Article 16 shall ensure that they are labelled or otherwise identified to show the establishment and Member State in which they were produced.

CHAPTER VII

Monitoring, reports and inspections

Article 20

Every four weeks Portugal shall send the Commission a report on the application of the protective measures taken against transmissible spongiform encephalopathies (TSEs) in accordance with Community and national provisions.

Article 21

The Commission shall carry out Community inspections on-the-spot:

- (a) in Portugal to verify the implementation of official controls in respect of each of the products referred to in Articles 7 and 8 before the dispatch of these products may commence or recommence;
- (b) in Portugal to verify the applications of the provisions in Articles 11 and 12 and Annex IV before the dispatch of the products referred to in Article 11 may commence;
- (c) in Portugal to verify the application of the provisions of this Decision, in particular in relation to the implementation of official controls;
- (d) in Portugal to examine the development of the incidence of the disease, the effective enforcement of the relevant national measures and to conduct a risk assessment demonstrating whether appropriate measures to manage any risk have been taken;
- (e) in the Member State of destination to verify the application, as appropriate, of the provisions in Article 5 and Annex II before the dispatch of the material referred to in Article 5 may commence.

Article 22

1. The date on which the dispatch of fighting bulls may commence pursuant to Article 3 shall be determined by the Commission after having assessed the protocols referred to in Annex I, point 18 and after having informed the Member States.

2. The dates on which the dispatch of material and products may commence or recommence pursuant to Articles 5, 7 and 11 shall be determined by the Commission taking account of the inspections referred to in Article 21 and after having informed the Member States.

CHAPTER VIII

Final provisions

Article 23

Member States shall adopt the necessary measures to comply with this Decision. They shall immediately inform the Commission thereof.

Article 24

Decision 98/653/EC is repealed.

References to the repealed Decision shall be construed as references to this Decision.

Article 25

This Decision is addressed to the Member States.

Done at Brussels, 18 April 2001.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

Conditions for the dispatch of fighting bulls as referred to in Article 3

1. Male bovine animals may be dispatched from Portugal for the purpose of bullfights in application of Article 3 when those animals:
 - are certified to meet the conditions laid down in point 3 and
 - are coming from herds in which no case of BSE has occurred in the last seven years and which are certified to meet the conditions laid down in point 2.

The competent authorities shall ensure that the conditions with respect to the controls set out in this Annex are complied with.

Herd conditions

2. (a) A herd is a group of animals forming a separate and distinct unit, that is a group of animals which were managed, housed and kept separately from any other group of animals and which were identified with unique herd and animal identification numbers.
- (b) A herd is eligible if, for at least seven years, there has been no confirmed case of BSE, nor a suspect case for which the diagnosis of BSE has not been ruled out, in any animal which was still in or had moved through or from the herd.

Animal conditions

3. A bovine animal is eligible if:
 - (a) it has been clearly identifiable throughout its life, enabling it to be traced back to the herd and dam of origin;
 - (b) its dam has lived at least six months after its birth;
 - (c) its dam has not developed BSE and is not suspected of having contracted BSE;
 - (d) the herd of birth of the animal and all herd through which it has ever moved are eligible.

Transport

4. Section C of the health certificate referred to in Annex F, model 1 of Council Directive 64/432/EEC⁽¹⁾ shall be supplemented by the following words:
'The animals comply with the conditions laid down in Commission Decision 2001/376/EC, Annex I, points 1, 2 and 3.'
5. The animals must be transported in sealed vehicles and conveyed directly to a bullfight arena or connected premises as referred to in Article 2(3).
6. The transport must be arranged in such a way that the animals can be transported in compliance with the rules of Council Directive 91/628/EC⁽²⁾ without breaking the seal. In exceptional cases the seal may be broken for reasons of animal welfare. In such cases an official veterinarian must be called immediately on-the-spot to identify the animals and to reseal the vehicle.
7. Portugal must inform by means of the ANIMO system the competent authority of the place of destination and all Member States of transit of each consignment. The words 'Fighting bulls in accordance with Article 3 of Commission Decision 2001/376/EC' must be contained in the ANIMO message.

Measures in the Member State of destination

8. The Member State of destination must inform of the arrival of the consignment the competent authority of the place of origin, by sending to the competent authority of the place of origin, by fax or any other means, a copy of the official certificate as referred to in point 4, signed by the competent authority of the place of destination.
9. The animals must be kept in isolated connected premises as referred to in point 5 before the bullfight.
10. If the animals are not killed in the event, they must be killed immediately after the bullfight and in any case within 10 days of arrival, or sent back to Portugal in accordance with the provisions laid down in points 13 to 17.
11. The carcasses of the animals must be destroyed in accordance with the provisions laid down in Annex I(3) of Decision 2000/418/EC⁽³⁾ for the treatment of specified BSE risk materials.
12. The transport vehicles and all connected premises where the fighting bulls are kept must be cleansed and disinfected immediately after removal of the animals.

⁽¹⁾ OJ 121, 29.7.1964, p. 1977/64.

⁽²⁾ OJ L 340, 11.12.1991, p. 17.

⁽³⁾ OJ L 158, 30.6.2000, p. 76.

Measures to return fighting bulls to Portugal

13. Section C of the health certificate referred to in Annex F, model 1 of Directive 64/432/EC shall be supplemented by the following words:
'Animals originating in Portugal complying with the conditions laid down in Commission Decision 2001/376/EC, Annex II, points 1, 2 and 3.'
14. The animal must be transported in sealed vehicles and conveyed directly from the bullfight arena or connected premises to the holding in Portugal from which they were originally dispatched.
15. The transport must be arranged in such a way that the animals can be transported in compliance with the rules of Directive 91/628/EC without breaking the seal. In exceptional cases the seal may be broken for reasons of animal welfare. In such cases an official veterinarian must be called immediately on-the-spot to identify the animals and reseal the vehicle.
16. The Member State from which the animal is dispatched must inform by means of the ANIMO system the competent authority of the place of destination in Portugal and all Member States of transit of each consignment. The words 'Fighting bulls in accordance with Article 3 of Commission Decision 2001/376/EC' must be contained in the ANIMO message.
17. Portugal must inform of the arrival of the consignment the competent authority of the place of the bullfight arena by sending to the competent authority of the place of the bullfight arena, by fax or any other means, a copy of the official certificate as referred to in point 4, signed by the competent authority of the place of destination.

Protocols

18. The Member State of destination must have detailed protocols in place covering:
 - (a) controls on arrival of each animal, in particular unsealing of transport vehicles, certificates and identification of animals;
 - (b) ANIMO messages and the measures referred to in point 8;
 - (c) controls on the keeping and handling of the animals before, during and after the event;
 - (d) controls that the animals are either killed or returned in accordance with points 13 to 17;
 - (e) where the animals are killed, controls that the carcasses and all other body parts including the hide are destroyed, and that they do not end up in the food or feed chain or in fertilisers;
 - (f) where the animals are returned, controls in relation to the return of animals to Portugal, including the sealing of transport vehicles, ANIMO messages, and the receipt of messages as referred to in point 17;
 - (g) cleansing and disinfection of the transport vehicles and the connected premises where the animals are kept;
 - (h) records at the bull fight arena and connected premises;
 - (i) measures in case of irregularities.
-

ANNEX II

A. CONDITIONS

for the dispatch of meat meal, bone meal and meat-and-bone meal of mammalian origin as well as animal feed and fertilisers containing such material as referred to in Article 5

1. An official certificate as laid down in part B of this Annex must accompany the material.
2. All containers must be marked with the words 'Not for animal consumption — for incineration only' in the languages of the Member State of origin, destination and transit, and, where material is in big bags placed inside an outer container, the big bag must be marked as above.
3. The material must be transported in closed and officially sealed containers in such a way as to prevent loss and be conveyed directly to an incineration plant as referred to in Article 5(2).
4. Portugal must inform by means of the ANIMO system, and for each consignment, the competent authority of the place of destination and all Member States of transit, using the codes set out in Title I, Chapter I.3, point 12(02) and Title III point D4(01) in the Annex to Commission Decision 93/70/EEC ⁽¹⁾. The words 'Not for animal consumption — for incineration only' must be contained in the ANIMO message.
5. The Member State of destination must inform the competent authority of the place of origin of the arrival of the consignment by sending to the competent authority of the place of origin, by fax or any other means, a copy of the official certificate as referred to in point 1, signed by the competent authority of the place of destination.
6. The Member State of destination must have detailed protocols in place covering:
 - (a) controls on arrival, storage and movement of each consignment, in particular unsealing of containers and reconciliation of weight,
 - (b) controls on certificates and ANIMO messages,
 - (c) the measures referred to in point 5,
 - (d) controls on the cleaning of the containers,
 - (e) controls on the incineration of the material,
 - (f) records at the incineration plant,
 - (g) measures in case of irregularities.

B. OFFICIAL CERTIFICATE

for meat meal, bone meal and meat-and-bone meal of mammalian origin as well as animal feed and fertilisers containing such material, intended for incineration

Member State of destination:

Reference No of the official certificate:

Member State of origin:

Responsible ministry:

Certifying department:

⁽¹⁾ OJ L 25, 2.2.1993, p. 34.

I. IDENTIFICATION OF THE CONSIGNMENT

Nature of packaging:

Number of packages ⁽²⁾:

Net weight:

II. ORIGIN OF THE CONSIGNMENT

Address of the establishment:

III. DESTINATION OF THE CONSIGNMENT

The mammalian animal waste will be sent

from:
(place of loading)to:
(country and place of destination)

by the following means of transport:

Type:

Numberplate or name of the vessel:

No of the seal:

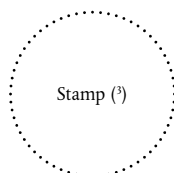
Name and address of consignor:

Name and address of consignee:

ATTESTATION

The undersigned official veterinarian certifies that the product described above contains meat meal, bone meal or meat-and-bone meal of mammalian origin or animal feed or fertilisers containing such material, which cannot be used for purposes other than incineration.

The material does not contain material from animals suspected or confirmed of having contracted BSE, nor from other animals killed under a BSE eradication measure.

Done at , on
(place) (date)Stamp ⁽³⁾.....
(signature of the official) ⁽³⁾.....
(name in capital letters, qualifications and title)

⁽²⁾ Only applicable if not in bulk.

⁽³⁾ The signature and stamp must be in a colour different to that of the printing.

ANNEX III

1. The following products may be exported from Portugal in application of the provisions of Articles 7 and 8:
 - (a) amino acids and peptides produced from hides and skins by a process which involves exposure of the material to a pH of 1 to 2, followed by a pH of > 11, followed by heat treatment of 140 °C for 30 minutes at 3 bar,
 - (b) tallow and tallow products produced from material coming from animals fit for human consumption, and which have been produced in accordance with the process described in Annex I to Council Decision 1999/534/EC⁽¹⁾. The process must have been validated according to the procedures laid down in Annex III to Decision 1999/534/EC;
 - (c) products derived from tallow by one of the processes described in Annex II to Decision 1999/534/EC.
 2. Products referred to in point 1(b) must be filtered after production.
 3. Bovine animals which are showing signs of BSE may not be used as source material for production of the products referred to in point 1.
 4. The following tissues may not be used for production of products referred to in point 1: skull, vertebral column, brain, spinal cord, eye, tonsil, thymus, intestine or spleen.
-

⁽¹⁾ OJ L 204, 4.8.1999, p. 37.

ANNEX IV

DATE-BASED EXPORT SCHEME (DBES)**General conditions**

1. Deboned fresh meat, and products referred to in Article 11(1)(b), (c) and (d) from that meat, derived from bovine animals slaughtered in Portugal, may be dispatched from Portugal in application of the provisions of Article 11 when obtained from DBES-eligible animals born after 1 July 1999.
2. Before dispatch pursuant to point 1 may commence, Portugal must have implemented and effectively enforced a programme for the killing and incineration of all offspring born after 1 July 1999 of BSE-positive cows.
3. Each herd sending animals for slaughter under the DBES must be subjected to regular official inspections with a view to verify the compliance with the conditions of the DBES. The first inspection must have been carried out with satisfactory results before animals from the concerned herd are accepted for slaughter under the DBES.

DBES-eligible animals

4. A bovine animal is DBES-eligible if it has been born and reared in Portugal and if at the time of slaughter the following conditions are shown to have been met:
 - (a) the animal has been clearly identifiable throughout its life, in particular by applying an ear tag as referred to in Article 3(a) of Regulation (EC) No 1760/2000 ⁽¹⁾, enabling the animal to be traced back to the dam and herd of origin; notwithstanding any derogations provided for pursuant to Article 4(2) of Regulation (EC) No 1760/2000, the ear tag shall be attached not later than 20 days from the birth of the animal;
 - (b) the animal's unique ear tag number, date and holding of birth and all movements after birth are recorded on an official computerised identification and tracing system; the identity of its dam is known;
 - (c) the animal is more than six months but less than 30 months of age, determined by reference to an official computer record of its date of birth;
 - (d) the competent authority has obtained and verified positive official evidence that the dam of the animal has lived for at least six months after the birth of the eligible animal;
 - (e) the dam of the animal has not developed BSE and is not suspected of having contracted BSE.

Controls in Portugal

5. If any animal presented for slaughter or any circumstance surrounding its slaughter does not meet all of the requirements of this Decision, the animal must be automatically rejected. If that information becomes available after slaughter, the competent authority must immediately cease issuing certificates, and cancel issued certificates. If dispatch has already taken place, the competent authority must notify the competent authority of the place of destination. The competent authority of the place of destination must take the appropriate measures.
6. Slaughter of DBES-eligible animals must take place in slaughterhouses which are not used for slaughter of any bovine animal not eligible under the DBES.
7. The competent authority must ensure that procedures used in the cutting plants ensure that the following lymph nodes have been removed: popliteal, ischiatic, superficial inguinal, deep inguinal, medial and lateral iliac, renal prefemoral, lumbar, costocervical, sternal, prescapular, axillary and caudal deep cervical.
8. Meat must be traceable back to the DBES-eligible animal, or after cutting, to the animals cut in the same batch, by means of an official tracing system until the time of slaughter. After slaughter, labels must be capable of tracing fresh meat and products referred to in Article 11(1)(b) and (c) back to the eligible animal, with a view to enabling the consignment concerned to be recalled. Food for domestic carnivores must be traceable by means of accompanying documents and records.
9. All approved DBES-eligible carcasses must be assigned individual numbers correlated with the ear tag number.

⁽¹⁾ OJ L 204, 11.8.2000, p. 1.

10. Portugal must have detailed protocols in place covering:
 - (a) tracing and controls prior to slaughter;
 - (b) controls during slaughter;
 - (c) control during processing of food for domestic carnivores;
 - (d) all labelling and certification requirements after slaughter to the point of sale.
11. The competent authority must set up a system for recording checks on compliance so that control can be demonstrated.

The establishment

12. To obtain approval, the establishment must, in addition to all other requirements under this Decision, devise and implement a system whereby the DBES-eligible meat and/or DBES-eligible product is identifiable and all meat can be traced back to the DBES-eligible animal, or after cutting, to the animals cut in the same batch. The system must facilitate full traceability of the meat or products at all stages and records must be retained for at least two years. Details of the system to be employed must be given, in writing, by the management of the establishment to the competent authority.
 13. The competent authority must assess, approve and monitor the system provided by the establishment in order to ensure that it provides full segregation and traceability both backwards and forwards.
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COMMISSION DECISION

of 6 April 2001

fixing the maximum amount of aid granted for the private storage of olive oil under the second partial invitation to tender provided for by Regulation (EC) No 327/2001*(notified under document number C(2001) 847)***(Only the Spanish and Greek texts are authentic)**

(2001/377/EC)

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 12a thereof,

Whereas:

- (1) In accordance with Commission Regulation (EC) No 327/2001 of 16 February 2001 authorising the conclusion of private storage contracts for olive oil and opening an invitation to tender for a limited period for aid relating thereto ⁽³⁾, the bodies referred to in Article 1 of that Regulation are authorised to conclude contracts for the private storage of virgin and extra virgin olive oil they market.
- (2) An invitation to tender has been opened for a limited period. Four consecutive partial invitations to tender are to be opened from 1 March 2001. The first partial invitation to tender was restricted to producer groups or associations of such groups as referred to in the second sentence of the first paragraph of Article 12a of Regulation No 136/66/EEC. The following three partial invitations to tender are open to all approved operators referred to in Article 3(1) of Regulation (EC) No 2768/98 ⁽⁴⁾.
- (3) Article 12a of Regulation No 136/66/EEC provides for the granting of aid for the implementation of storage contracts. On the basis of the tenders submitted in response to the second partial invitation to tender and with a view to making a significant contribution to

regulating the market, the amount of that aid should be fixed.

- (4) No tenders were received in Greece in response to the second partial invitation to tender.
- (5) The measure provided for in this Decision is in accordance with the opinion of the Management Committee for Oils and Fats,

HAS ADOPTED THIS DECISION:

Article 1

For the second partial invitation to tender provided for by Article 3 of Regulation (EC) No 327/2001, the maximum amount of the aid referred to in Article 12a of Regulation No 136/66/EEC shall be as follows:

Virgin or extra virgin olive oil:

in Spain: 1,22 EUR/1 000 kg,

in Greece: —

Article 2

This Decision is addressed to the Kingdom of Spain and the Hellenic Republic.

Done at Brussels, 6 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 48, 17.2.2001, p. 9.⁽⁴⁾ OJ L 346, 22.12.1998, p. 14.

COMMISSION DECISION

of 14 May 2001

amending for the second time Decision 2001/327/EC concerning restrictions to the movement of animals of susceptible species with regard to foot-and-mouth disease

(notified under document number C(2001) 1438)

(Text with EEA relevance)

(2001/378/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 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.
- (2) All Member States have implemented the restrictions to the movement of animals of susceptible species laid down in Decision 2001/327/EC concerning restrictions to the movement of animals of susceptible species with regard to foot-and-mouth disease and repealing Commission Decision 2001/263/EC ⁽³⁾, as amended by Decision 2001/349/EC ⁽⁴⁾.
- (3) 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 certain restrictions to the movement of susceptible animals within the Community.
- (4) However it is also possible to ease certain restrictions established under Decision 2001/327/EC.
- (5) The situation shall be reviewed at the meeting of the Standing Veterinary Committee scheduled for 29 May 2001 and the measures adapted where necessary.

- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2001/327/EC is amended as follows:

1. Paragraphs 1 to 3 of Article 2 are replaced by the following:

‘1. Transport of animals of species susceptible to foot-and-mouth disease is prohibited.

Without prejudice to Council Directives 64/432/EEC, 91/68/EEC and 92/65/EEC, this prohibition shall not apply to movements of animals of species susceptible to foot-and-mouth disease from the holding of dispatch:

- directly or through an assembly centre to a slaughterhouse for immediate slaughter.

In the case of intra-Community trade, the assembly centre must be approved and in the case of animals of susceptible species other than bovine and porcine animals the transport is subject to authorisation by the competent authorities of the place of departure and destination, or

- in the case of animals of susceptible species other than bovine and porcine animals, directly or through one single assembly centre to another holding within the region or to a maximum of six holdings of destination situated outside the region.

In the case of movement within the Member State through an assembly centre, the transport is subject to authorisation by the competent authorities of the place of departure and notification to the authorities of the place of destination.

In the case of intra-Community trade, the assembly centre must be approved and the transport is subject to authorisation by the competent authorities of the place of departure and destination, or

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 115, 25.4.2001, p. 12.

⁽⁴⁾ OJ L 123, 4.5.2001, p. 26.

- in the case of bovine and porcine animals, directly or through an assembly centre to another holding.

In the case of intra-Community trade, the assembly centre must be approved.

In the case of intra-Community trade in bovine or porcine animals dispatched from a region in a Member State in which restrictions in accordance with Article 9 of Directive 85/511/EEC have been applied during the 3 months prior to certification, the transport is subject to authorisation by the competent authorities of the place of departure and destination, or

- for transhumance to designated pastures.

In the case of susceptible animals other than bovine and porcine animals, such movement is subject to authorisation by the competent authorities of the place of departure and destination.

2. The movement of animals authorised in accordance with the derogations in paragraph 1 shall take place under the condition that:

- (a) in the case of animals of susceptible species other than bovine and porcine animals destined for intra-Community trade, during transport such animals do not come into contact with animals not of the same holding of dispatch, unless such animals:

- either are consigned for slaughter, or
- originate in and come from holdings situated in a region of a Member State in which no restrictions in accordance with Article 9 of Directive 85/511/EEC have been in place on the date of dispatch and during at least 20 days of the residence period where required in paragraph 3;

- (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 animals of susceptible species 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 in the

case of animals of susceptible species other than bovine and porcine animals to the central veterinary authorities in the Member State of transit.

3. Where required by this Decision, the competent authorities at the place of departure authorise the movement of animals of species susceptible to foot-and-mouth disease only under one of the following conditions:

- animals are destined for intra-Community trade and have remained on the holding of dispatch for at least 30 days prior to authorisation, or since birth in the holding of origin where the animals are less than 30 days old, and in the case of animals of susceptible species other than bovine and porcine animals, no animal of susceptible species was introduced into that holding during this period,
- animals of susceptible species other than bovine and porcine animals are destined for movement within the Member State of dispatch and have remained on the holding of dispatch for at least 20 days prior to authorisation, or since birth in the holding of origin where the animals are less than 20 days old, and no animal of susceptible species was introduced into that holding during this period,
- animals are destined for movement within a region of a Member State,
- animals are transported directly or through an assembly centre to a slaughterhouse for immediate slaughter.'

2. The date in Article 4 is replaced by '5 June 2001'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 14 May 2001.

For the Commission

David BYRNE

Member of the Commission