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Legislation

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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1000/2001
of 23 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 24 May 2001.

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

Done at Brussels, 23 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 23 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	77,6
	212	77,9
	999	77,8
0707 00 05	052	75,8
	068	71,8
	628	143,2
	999	96,9
0709 90 70	052	86,1
	999	86,1
0805 10 10, 0805 10 30, 0805 10 50	052	58,2
	204	56,0
	212	58,3
	220	63,5
	600	60,0
	624	55,1
	999	58,5
	388	81,6
0805 30 10	999	81,6
	388	87,4
0808 10 20, 0808 10 50, 0808 10 90	400	98,6
	404	86,6
	508	75,7
	512	93,5
	524	85,5
	528	78,5
	720	95,2
	804	101,8
	999	89,2
	052	386,3
0809 20 95	400	292,9
	608	391,3
	999	356,8

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

COMMISSION REGULATION (EC) No 1001/2001**of 23 May 2001****fixing the maximum export refund for white sugar for the 40th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1531/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 1527/2000 ⁽²⁾, and in particular the second subparagraph of Article 18(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1531/2000 of 13 July 2000 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽³⁾, requires partial invitations to tender to be issued for the export of this sugar.
- (2) Pursuant to Article 9(1) of Regulation (EC) No 1531/2000 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community

and world markets in sugar, for the partial invitation to tender in question.

- (3) Following an examination of the tenders submitted in response to the 40th partial invitation to tender, the provisions set out in Article 1 should be adopted.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

For the 40th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1531/2000 the maximum amount of the export refund is fixed at 39,931 EUR/100 kg.

Article 2

This Regulation shall enter into force on 24 May 2001.

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

Done at Brussels, 23 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 175, 14.7.2000, p. 69.

**COMMISSION REGULATION (EC) No 1002/2001
of 23 May 2001**

fixing the representative prices and the additional import duties for molasses in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68 ⁽³⁾, and in particular Articles 1(2) and 3(1) thereof,

Whereas:

- (1) Regulation (EC) No 1422/95 stipulates that the cif import price for molasses, hereinafter referred to as the 'representative price', should be set in accordance with Commission Regulation (EEC) No 785/68 ⁽⁴⁾. That price should be fixed for the standard quality defined in Article 1 of the above Regulation.
- (2) The representative price for molasses is calculated at the frontier crossing point into the Community, in this case Amsterdam; that price must be based on the most favourable purchasing opportunities on the world market established on the basis of the quotations or prices on that market adjusted for any deviations from the standard quality. The standard quality for molasses is defined in Regulation (EEC) No 785/68.
- (3) When the most favourable purchasing opportunities on the world market are being established, account must be taken of all available information on offers on the world market, on the prices recorded on important third-country markets and on sales concluded in international trade of which the Commission is aware, either directly or through the Member States. Under Article 7 of Regulation (EEC) No 785/68, the Commission may for this purpose take an average of several prices as a basis, provided that this average is representative of actual market trends.
- (4) The information must be disregarded if the goods concerned are not of sound and fair marketable quality or if the price quoted in the offer relates only to a small

quantity that is not representative of the market. Offer prices which can be regarded as not representative of actual market trends must also be disregarded.

- (5) If information on molasses of the standard quality is to be comparable, prices must, depending on the quality of the molasses offered, be increased or reduced in the light of the results achieved by applying Article 6 of Regulation (EEC) No 785/68.
- (6) A representative price may be left unchanged by way of exception for a limited period if the offer price which served as a basis for the previous calculation of the representative price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the representative price.
- (7) Where there is a difference between the trigger price for the product in question and the representative price, additional import duties should be fixed under the conditions set out in Article 3 of Regulation (EC) No 1422/95. Should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed.
- (8) Application of these provisions will have the effect of fixing the representative prices and the additional import duties for the products in question as set out in the Annex to this Regulation.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 24 May 2001.

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 141, 24.6.1995, p. 12.

⁽⁴⁾ OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 23 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 23 May 2001 fixing the representative prices and additional import duties to imports of molasses in the sugar sector

(in EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	9,79	—	0
1703 90 00 ⁽¹⁾	12,88	—	0

⁽¹⁾ For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

⁽²⁾ This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

COMMISSION REGULATION (EC) No 1003/2001**of 23 May 2001****altering the export refunds on white sugar and raw sugar exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 1527/2000 ⁽²⁾, and in particular the third subparagraph of Article 18(5) thereof,

Whereas:

- (1) The refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 954/2001 ⁽³⁾.
- (2) It follows from applying the detailed rules contained in Regulation (EC) No 954/2001 to the information known to the Commission that the export refunds at present in

force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 2038/1999, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 954/2001 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 24 May 2001.

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

Done at Brussels, 23 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 134, 17.5.2001, p. 27.

ANNEX

to the Commission Regulation of 23 May 2001 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	A00	EUR/100 kg	34,67 ⁽¹⁾
1701 11 90 9910	A00	EUR/100 kg	33,31 ⁽¹⁾
1701 11 90 9950	A00	EUR/100 kg	⁽²⁾
1701 12 90 9100	A00	EUR/100 kg	34,67 ⁽¹⁾
1701 12 90 9910	A00	EUR/100 kg	33,31 ⁽¹⁾
1701 12 90 9950	A00	EUR/100 kg	⁽²⁾
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,3769
1701 99 10 9100	A00	EUR/100 kg	37,69
1701 99 10 9910	A00	EUR/100 kg	36,89
1701 99 10 9950	A00	EUR/100 kg	36,89
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,3769

⁽¹⁾ Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 19 (4) of Council Regulation (EC) No 2038/1999.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ L 255, 26.9.1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ L 309, 21.11.1985, p. 14).

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

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

COMMISSION REGULATION (EC) No 1004/2001
of 22 May 2001
concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987⁽¹⁾ on the tariff and statistical nomenclature and on the Common Customs Tariff, as last amended by Regulation (EC) No 2559/2000⁽²⁾, and in particular Article 9 thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to the said Regulation, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the Combined Nomenclature. Those rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to the said general rules, the goods described in column 1 of the table annexed to the present Regulation must be classified under the CN codes indicated in column 2, by virtue of the reasons set out in column 3.
- (4) It is appropriate that binding tariff information issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature and which does not conform to the provisions of

this Regulation, can continue to be invoked, under the provisions in Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽³⁾, as last amended by Council and European Parliament Regulation (EC) No 2700/2000⁽⁴⁾, for a period of three months by the holder.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the annexed table are classified within the Combined Nomenclature under the CN codes indicated in column 2 of the said table.

Article 2

Binding tariff information issued by the customs authorities of Member States which does not conform to the provisions of this Regulation can continue to be invoked under the provisions of Article 12(6) of Regulation (EEC) No 2913/92 for a period of three months.

Article 3

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

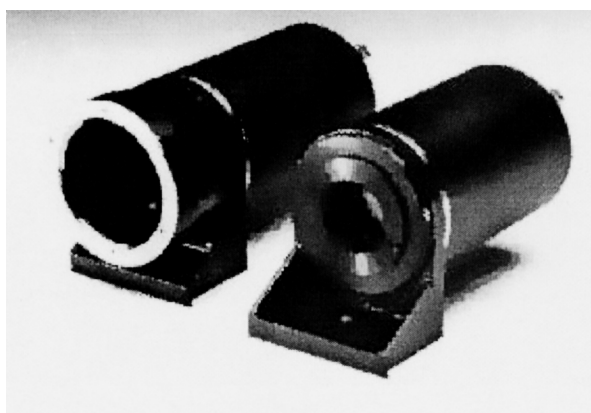
This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 22 May 2001.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.
⁽²⁾ OJ L 293, 22.11.2000, p. 1.

⁽³⁾ OJ L 302, 19.10.1992, p. 1.
⁽⁴⁾ OJ L 311, 12.12.2000, p. 17.



COMMISSION REGULATION (EC) No 1005/2001
of 23 May 2001
opening an invitation to tender for the refund for the export of rye to all third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 602/2001⁽⁴⁾, and in particular Article 4 thereof,

Whereas:

- (1) In view of the current situation on the cereals market, an invitation should be opened, in respect of rye to tender for the export refund provided for in Article 4 of Regulation (EC) No 1501/95.
- (2) The detailed procedural rules governing invitations to tender as regards the fixing of the export refund, are laid down in Regulation (EC) No 1501/95. The commitments on the part of the tenderer include an obligation to lodge an application for an export licence. Compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of EUR 12 per tonne when they submit their tenders.
- (3) It is necessary to provide for a specific period of validity for licences issued under that invitation to tender. That period of validity must meet the needs of the world market for the 2001/02 marketing year.
- (4) In order to ensure that all those concerned are treated equally, it is necessary to lay down that the period of validity of the licences issued should be identical.
- (5) In order to ensure the smooth operation of the export tendering procedure it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders submitted to the competent authorities.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 89, 29.3.2001, p. 16.

Article 1

1. Tenders shall be invited for the export refund provided for in Article 4 of Regulation (EC) No 1501/95.
2. The tendering procedure shall concern rye for export to all third countries.
3. The invitation shall remain open until 30 May 2002. During this period weekly awards shall be made, for which the quantities and the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

Notwithstanding Article 4(4) of Regulation (EC) No 1501/95, the time limit for the submission of tenders for the first partial invitation to tender shall be 31 May 2001.

Article 2

A tender shall be valid only if it relates to an amount of not less than 1 000 tonnes.

Article 3

The security referred to in Article 5(3a) of Regulation (EC) No 1501/95 shall be EUR 12 per tonne.

Article 4

1. Notwithstanding Article 23(1) of Commission Regulation (EC) No 1291/2000⁽⁵⁾, laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products, export licences issued under Article 8(1) of Regulation (EC) No 1501/95 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.
2. Export licences issued in connection with the invitations to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the fourth month following that of issue.

Article 5

1. The Commission shall decide, pursuant to the procedure laid down in Article 23 of Regulation (EEC) No 1766/92:
 - to fix a minimum export tax, taking into account in particular the criteria laid down in Article 1 of Regulation (EC) No 1501/95, or
 - to make no award.

⁽⁵⁾ OJ L 152, 24.6.2000, p. 1.

2. Where a maximum export refund is fixed, the contract shall be awarded to the tenderer or tenderers whose bids are equal to or lower than the maximum refund.

Article 6

Tenders submitted must reach the Commission through the intermediary Member States, at the latest one and a half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in Annex I, to the telex or fax numbers in Annex II.

If no tenders are received, Member States shall inform the Commission of this within the time limit indicated in the preceding paragraph.

Article 7

The time limits fixed for the submission of tenders shall correspond to Belgian time.

Article 8

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

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

Done at Brussels, 23 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Weekly tender for the refund for the export of rye to all third countries

[Regulation (EC) No 1005/2001]

(Closing date for the submission of tenders (date/time))

1	2	3
Number of tenderer	Quantity in tonnes	Amount of export refund in EUR/tonne
1		
2		
3		
etc.		

ANNEX II

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

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

— fax: (32-2) 296 49 56,
(32-2) 295 25 15.

**COMMISSION REGULATION (EC) No 1006/2001
of 23 May 2001**

amending Regulations (EC) No 1432/94, (EC) No 1486/95, (EC) No 2305/95, (EC) No 571/97, (EC) No 1898/97 and (EC) No 2562/98 laying down rules for application of import licences in the pigmeat sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat ⁽¹⁾, as last amended by Regulation (EC) No 1365/2000 ⁽²⁾, and in particular Articles 8, 11 and 22 thereof,

Having regard to Council Regulation (EC) No 774/94 of 29 March 1994 opening and providing for the administration of certain Community tariff quotas for high-quality beef, and for pigmeat, poultrymeat, wheat and meslin, and brans, sharps and other residues ⁽³⁾, as last amended by Commission Regulation (EC) No 2198/95 ⁽⁴⁾, and in particular Article 7 thereof,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in schedule CXL drawn up in the conclusion of the GATT XXIV:6 negotiations ⁽⁵⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 1706/98 of 20 July 1998 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EEC) No 715/90 ⁽⁶⁾, and in particular Article 30(1) thereof,

Having regard to Council Regulation (EC) No 1349/2000 of 19 June 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe agreement with Estonia ⁽⁷⁾, as amended by Regulation (EC) No 2677/2000 ⁽⁸⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 1727/2000 of 31 July 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe agreement with Hungary ⁽⁹⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2290/2000 of 9 October 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for

in the Europe agreement with Bulgaria ⁽¹⁰⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2341/2000 of 17 October 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe agreement with Latvia ⁽¹¹⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2433/2000 of 17 October 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe agreement with the Czech Republic ⁽¹²⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2433/2000 of 17 October 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe agreement with the Slovak Republic ⁽¹³⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2435/2000 of 17 October 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe agreement with Romania ⁽¹⁴⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2475/2000 of 7 November 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe agreement with Slovenia ⁽¹⁵⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2766/2000 of 14 December 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe agreement with Lithuania ⁽¹⁶⁾, and in particular Article 1(3) thereof,

⁽¹⁾ OJ L 282, 1.11.1975, p. 1.

⁽²⁾ OJ L 156, 29.6.2000, p. 5.

⁽³⁾ OJ L 91, 8.4.1994, p. 1.

⁽⁴⁾ OJ L 221, 19.9.1995, p. 3.

⁽⁵⁾ OJ L 146, 20.6.1996, p. 1.

⁽⁶⁾ OJ L 215, 1.8.1998, p. 12.

⁽⁷⁾ OJ L 155, 28.6.2000, p. 1.

⁽⁸⁾ OJ L 308, 8.12.2000, p. 7.

⁽⁹⁾ OJ L 198, 4.8.2000, p. 6.

⁽¹⁰⁾ OJ L 262, 17.10.2000, p. 1.

⁽¹¹⁾ OJ L 271, 24.10.2000, p. 7.

⁽¹²⁾ OJ L 280, 4.11.2000, p. 1.

⁽¹³⁾ OJ L 280, 4.11.2000, p. 9.

⁽¹⁴⁾ OJ L 280, 4.11.2000, p. 17.

⁽¹⁵⁾ OJ L 286, 11.11.2000, p. 15.

⁽¹⁶⁾ OJ L 321, 19.12.2000, p. 8.

Having regard to Council Regulation (EC) No 2851/2000 of 22 December 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe agreement with the Republic of Poland and repealing Regulation (EC) No 3066/95 ⁽¹⁾, and in particular Article 1(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1432/94 ⁽²⁾, as last amended by Regulation (EC) No 1377/2000 ⁽³⁾, lays down detailed rules for the application in the pigmeat sector of the import arrangements provided for in Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products.
- (2) Commission Regulation (EC) No 1486/95 ⁽⁴⁾, as last amended by Regulation (EC) No 1378/2000 ⁽⁵⁾, opens and provides for the administration of a tariff quota in the pigmeat sector.
- (3) Commission Regulation (EC) No 2305/95 ⁽⁶⁾, as last amended by Regulation (EC) No 2867/2000 ⁽⁷⁾, establishes detailed rules for application in the pigmeat sector of the arrangements provided for in the free trade agreements between the Community, of the one part, and Estonia, Latvia and Lithuania, of the other part.
- (4) Commission Regulation (EC) No 571/97 ⁽⁸⁾, as amended by Regulation (EC) No 2868/2000 ⁽⁹⁾, establishes detailed rules for the application in the pigmeat sector of the Interim Agreement on trade and trade-related measures between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and the Republic of Slovenia, of the other part.
- (5) Commission Regulation (EC) No 1898/97 ⁽¹⁰⁾, as last amended by Regulation (EC) No 2866/2000 ⁽¹¹⁾, lays down rules of application in the pigmeat sector for the arrangements covered by Regulations (EC) No 1727/2000, (EC) No 2290/2000, (EC) No 2433/2000, (EC) No 2434/2000, (EC) No 2435/2000 and (EC) No 2851/2000 and repeals Commission Regulations (EEC) 2698/93 ⁽¹²⁾ and (EC) No 1590/94 ⁽¹³⁾.

- (6) Commission Regulation (EC) No 2562/98 ⁽¹⁴⁾ lays down detailed rules for the application of the arrangements applicable to imports of certain pigmeat products originating in the ACP States and repeals Commission Regulation (EEC) No 904/90 ⁽¹⁵⁾.
- (7) The validity of import licences should expire at the end of each quota year on 31 December or 30 June. In order to provide for a possibility for continuous trade under the pigmeat import regimes and to ensure administrative efficiency, it is necessary to advance the application periods for import licences to the preceding month of each quarter. In order to ensure sufficiently expeditious issuing of licences, it is necessary to restrict the period within which the applications can be lodged from 10 days to 7 days.
- (8) In order to ensure proper management of the quantities under Regulations (EC) No 2305/95 and (EC) No 2562/98, it is necessary to set a final date for the validity of licences at the end of each quota year.
- (9) In order to facilitate trade of pigmeat and to harmonise the levels of securities for import licences within the meat sectors it is necessary to review the level of security set in Regulation (EC) No 2562/98.
- (10) To ensure proper management of the import regimes, the Commission needs precise information from the Member States on the quantities actually imported. For the sake of clarity it is necessary to use a single model for communicating the quantities between Member States and the Commission.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Pigmeat,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1432/94 is amended as follows:

1. Article 4(1) is replaced by the following:

'1. Licence applications shall be lodged during the first seven days of the month preceding each period as specified in Article 2.'

2. The following paragraph 7 is added to Article 4:

'7. Member States shall notify the Commission, before the end of the fourth month following each annual period defined in Annex I, of the quantities of actual imports of products under this Regulation for that period.'

⁽¹⁾ OJ L 332, 28.12.2000, p. 7.

⁽²⁾ OJ L 156, 23.6.1994, p. 14.

⁽³⁾ OJ L 156, 29.6.2000, p. 30.

⁽⁴⁾ OJ L 145, 29.6.1995, p. 58.

⁽⁵⁾ OJ L 156, 29.6.2000, p. 31.

⁽⁶⁾ OJ L 233, 30.9.1995, p. 45.

⁽⁷⁾ OJ L 333, 29.12.2000, p. 14.

⁽⁸⁾ OJ L 85, 27.3.1997, p. 56.

⁽⁹⁾ OJ L 333, 29.12.2000, p. 17.

⁽¹⁰⁾ OJ L 267, 30.9.1997, p. 58.

⁽¹¹⁾ OJ L 333, 29.12.2000, p. 9.

⁽¹²⁾ OJ L 245, 1.10.1993, p. 80.

⁽¹³⁾ OJ L 167, 1.7.1994, p. 16.

⁽¹⁴⁾ OJ L 320, 28.11.1998, p. 34.

⁽¹⁵⁾ OJ L 93, 10.4.1990, p. 23.

All notifications, including notifications that there have been no imports, shall be made using the model shown in Annex IV.'

3. Annex I to this Regulation is added as Annex IV to Regulation (EC) No 1432/94.

Article 2

Regulation (EC) No 1486/95 is amended as follows:

1. Article 5(1) is replaced by the following:

'1. Licence applications shall be lodged during the first seven days of the month preceding each period as specified in Article 3.'

2. The following paragraph 8 is added to Article 5:

'8. Member States shall notify the Commission, before the end of the fourth month following each annual period defined in Annex I, of the quantities of actual imports of products under this Regulation for that period.

All notifications, including notifications that there have been no imports, shall be made using the model shown in Annex IV.'

3. Annex I to this Regulation is added as Annex IV to Regulation (EC) No 1486/95.

Article 3

Regulation (EC) No 2305/95 is amended as follows:

1. Article 4(1) is replaced by the following:

'1. Licence applications shall be lodged during the first seven days of the month preceding each period as specified in Article 2.'

2. The following paragraph 8 is added to Article 4:

'8. Member States shall notify the Commission, before the end of the fourth month following each annual period defined in Annex I, of the quantities of actual imports of products under this Regulation for that period.

All notifications, including notifications that there have been no imports, shall be made using the model shown in Annex V.'

3. Article 5 is replaced by the following:

Article 5

For the purposes of Article 21(2) of Regulation (EEC) No 3719/88, import licences shall be valid for 150 days from the date of actual issue.

However, licences shall not be valid beyond 30 June of the year of issue.

Import licences issued pursuant to this Regulation shall not be transferable.'

4. Annex II to this Regulation is added as Annex V to Regulation (EC) No 2305/95.

Article 4

Regulation (EC) No 571/97 is amended as follows:

1. Article 4(1) is replaced by the following:

'1. Licence applications shall be lodged during the first seven days of the month preceding each period as specified in Article 2.'

2. The following paragraph 8 is added to Article 4:

'8. Member States shall notify the Commission, before the end of the fourth month following each annual period defined in Annex I, of the quantities of actual imports of products under this Regulation for that period.

All notifications, including notifications that there have been no import, shall be made using the model shown in Annex IV.'

3. Annex I to this Regulation is added as Annex IV to Regulation (EC) No 571/97.

Article 5

Regulation (EC) No 1898/97 is amended as follows:

1. Article 4(1) is replaced by the following:

'1. Licence applications shall be lodged during the first seven days of the month preceding each period as specified in Article 2.'

2. The following paragraph 7 is added to Article 4:

'7. Member States shall notify the Commission, before the end of the fourth month following each annual period defined in Annex I, of the quantities of actual imports of products under this Regulation for that period.

All notifications, including notifications that there have been no imports, shall be made using the model shown in Annex V.'

3. Annex II to this Regulation is added as Annex V to Regulation (EC) No 1898/97.

Article 6

Regulation (EC) No 2562/98 is amended as follows:

1. Article 4(1) is replaced by the following:

'1. Licence applications shall be lodged during the first seven days of the month preceding each period as specified in Article 2.'

2. The following paragraph 6 is added to Article 4:

'6. Member States shall notify the Commission, before the end of the fourth month following each annual period defined in Annex I, of the quantities of actual imports of products under this Regulation for that period.

All notifications, including notifications that there have been no imports, shall be made using the model shown in Annex IV.'

3. Article 5 is replaced by the following:

'Article 5

Pursuant to Article 21(2) of Regulation (EEC) No 3719/88, import licences for the products referred to in the third subparagraph of Article 1 shall be valid for 150 days from the date of actual issue.

However, licences shall not be valid beyond 31 December of the year of issue.

Import licences, issued pursuant to this Regulation shall not be transferable.'

4. Article 6 is replaced by the following:

'Article 6

A security of EUR 20 per 100 kilograms shall be lodged for import licence applications for all products referred to in Article 1.'

5. Annex I to this Regulation is added as Annex IV to Regulation (EC) No 2562/98.

Article 7

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, 23 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

'ANNEX IV

Communication of actual imports

Member State:

Application of Article of Regulation (EC) No

Quantities of products actually imported:

To: DG AGRI/D/2 — Fax No (32-2) 296 62 79

Group No	Quantity actually imported	Country of origin'

ANNEX II

'ANNEX V

Communication of actual imports

Member State:

Application of Article of Regulation (EC) No

Quantities of products actually imported:

To: DG AGRI/D/2 — Fax No (32-2) 296 62 79

Group No	Quantity actually imported	Country of origin'

COMMISSION REGULATION (EC) No 1007/2001
of 23 May 2001
opening tendering procedures for the sale of wine alcohol exclusively for use in third countries in
the fuel sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 2826/2000 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1623/2000 of 25 July 2000 laying down detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms ⁽³⁾, as last amended by Regulation (EC) No 545/2001 ⁽⁴⁾, and in particular Article 86 thereof,

Whereas:

- (1) Regulation (EC) No 1623/2000 lays down, *inter alia*, the detailed rules for disposing of stocks of alcohol arising from distillation under Articles 27, 28 and 30 of Regulation (EC) No 1493/1999 held by intervention agencies.
- (2) Tendering procedures should be opened for the sale of wine alcohol for export to the third countries listed in Article 86 of Regulation (EC) No 1623/2000 exclusively for use in the fuel sector in a third country, with a view to reducing stocks of wine alcohol of Community origin and giving the third countries listed in this Article greater continuity of supply. The wine alcohol of Community origin in storage in the Member States consists of quantities produced from distillation under Articles 35, 36 and 39 of Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organisation of the market in wine ⁽⁵⁾, as last amended by Regulation (EC) No 1677/1999 ⁽⁶⁾, as well as Articles 27 and 28 of Regulation (EC) No 1493/1999.
- (3) Since the adoption of Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽⁷⁾, the prices offered in tenders and securities must be expressed in euros and payments must be made in euros.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

Article 1

Two tendering procedures Nos 298/2001 EC and 299/2001 EC are hereby opened for the sale of a total volume of 191 000 hectolitres of alcohol exclusively for use in the fuel sector in third countries. The alcohol concerned was produced from distillation under Articles 35 and 36 of Regulation (EEC) No 822/87, as well as Articles 27 and 28 of Regulation (EC) No 1493/1999, and is held by the French and Spanish intervention agencies.

Tendering procedure No 298/2001 EC shall cover a volume of 100 000 hectolitres of alcohol at 100 % vol, and the tendering procedure No 299/2001 EC shall cover a volume of 91 000 hectolitres of alcohol at 100 % vol.

Article 2

The alcohol put up for sale for export from the European Community shall be imported into one of the third countries listed in Article 86 of Regulation (EC) No 1623/2000 and must be used in accordance with that Article.

Article 3

The place of storage, the vat numbers, the volume of alcohol in each vat, the alcoholic strength and the characteristics of the alcohol, certain specific conditions, as well as the address of the Commission department responsible for receiving tenders shall be as set out in Annex I to this Regulation.

Article 4

The sale shall be conducted in accordance with Articles 87, 88, 89, 90, 91, 95, 96, 100, 101 and 102 of Regulation (EC) No 1623/2000 and Article 2 of Regulation (EC) No 2799/98.

Article 5

The minimum price which may be offered shall be EUR 7,5 per hectolitre of alcohol at 100 % vol. for tendering procedure No 298/2001 EC and EUR 7,5 per hectolitre of alcohol at 100 % vol. for tendering procedure No 299/2001 EC.

Article 6

1. Physical removal of the alcohol from the storehouses of each of the intervention agencies concerned must be completed no later than 31 January 2002.

2. The alcohol awarded under the tendering procedures referred to in Article 1 of this Regulation must be exported no later than 28 February 2002.

⁽¹⁾ OJ L 179, 14.7.1999, p. 1.

⁽²⁾ OJ L 328, 23.12.2000, p. 2.

⁽³⁾ OJ L 194, 31.7.2000, p. 45.

⁽⁴⁾ OJ L 81, 21.3.2001, p. 21.

⁽⁵⁾ OJ L 84, 27.3.1987, p. 1.

⁽⁶⁾ OJ L 199, 30.7.1999, p. 8.

⁽⁷⁾ OJ L 349, 24.12.1998, p. 1.

Article 7

To be eligible for consideration, tenders shall entail presentation of the undertakings and documents listed in Annex II to this Regulation and must comply with Articles 88 and 97 of Regulation (EC) No 1623/2000.

Article 8

The formalities for sampling shall be as set out in Articles 91 and 98 of Regulation (EC) No 1623/2000.

Article 9

The export security shall be EUR 3 per hectolitre of alcohol at 100 % vol.

Article 10

The Commission department referred to in Article 91(5) of Regulation (EC) No 1623/2000 shall be that indicated in Annex III to this Regulation.

Article 11

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

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

Done at Brussels, 23 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

TENDERING PROCEDURE No 298/2001 EC FOR THE SALE OF ALCOHOL EXCLUSIVELY FOR USE IN THE FUEL SECTOR IN A THIRD COUNTRY**I. Place of storage, volume and characteristics of the alcohol put up for sale**

Member State	Location	Vat No	Volume in hectolitres of alcohol at 100 % volume	Regulation (EEC) No 822/87 Article	Type of alcohol
FRANCE	Onivins-Port La Nouvelle Av. Adolphe-Turrel BP 62 F-11210 Port-La-Nouvelle	5	4 265	27	raw + 92 %
		4	47 845	27	raw + 92 %
		26	11 310	36	raw + 92 %
		26	1 070	35	raw + 92 %
		25	12 620	36	raw + 92 %
		23	12 640	36	raw + 92 %
		15	9 840	36	raw + 92 %
		15	410	35	raw + 92 %
	Total		100 000		

On application to the intervention agency concerned, interested parties may obtain samples of the alcohol put up for sale, taken by a representative of the intervention agency concerned, against payment of EUR 10 per litre.

II. Destination and use of the alcohol

The alcohol put up for sale is intended for export from the Community. It must be imported into and dehydrated in one of the third countries listed in Article 86 of Regulation (EC) No 1623/2000 exclusively for use in the fuel sector in a third country.

Proof of the destination and use of the alcohol shall be supplied to the intervention agency concerned by an international surveillance firm.

The cost of providing such proof shall be borne by the successful tenderer.

III. Submission of tenders

- Tenders shall relate to 100 000 hectolitres of alcohol expressed in hectolitres of alcohol at 100 % vol.
Tenders for smaller volumes shall not be eligible for consideration.
- Tenders must:
 - either be sent by registered mail to the Commission of the European Communities, rue de la Loi/Wetstraat 200, B-1049 Brussels,
 - or delivered to the reception of building 'Loi 130' of the Commission of the European Communities, rue de la Loi/Wetstraat 130, B-1049 Brussels, between 11.00 and 12.00 on the date mentioned in point 4.
- Tenders shall be submitted in a sealed double envelope, the inside envelope marked: 'Tender under procedure No 298/2001 EC, sale of alcohol, exclusively for use in the fuel sector in third countries — Alcohol, DG AGRI/D/4 — Not to be opened until the meeting of the group opening the tenders', the outer envelope addressed to the Commission.
- Tenders must reach the Commission not later than 12 noon Brussels time on 5 June 2001.
- Tenders must indicate the name and address of the tenderer and:
 - the reference number of the tendering procedure for the sale of alcohol exclusively for use in third countries in the fuel sector, i.e. 298/2001 EC;
 - the price offered, expressed in euro per hectolitre of alcohol at 100 % vol;
 - all the undertakings, documents and statements provided for in Articles 88 and 97 of Regulation (EC) No 1623/2000 and in Annex II to this Regulation.
- Tenders must be accompanied by a receipt certifying the lodging of a tendering security, issued by the following intervention agency:
Onivins-Libourne, Délégation nationale, 17 avenue de la Ballastière, boîte postale 231, F-33505 Libourne Cedex (tel (33-5) 57 55 20 00; telex 57 20 25; fax (33-5) 57 55 20 59).
Securities shall be for EUR 400 000.

TENDERING PROCEDURE No 299/2001 EC FOR THE SALE OF ALCOHOL EXCLUSIVELY FOR USE IN THIRD COUNTRIES IN THE FUEL SECTOR

I. Place of storage, volume and characteristics of the alcohol put up for sale

Member State	Location	Vat No	Volume in hectolitres of alcohol at 100 % volume	Regulation (EEC) No 822/87 and (EC) No 1493/1999 Article	Type of alcohol
SPAIN	Tarancón	A-6	24 225	35 + 36	raw
	Tarancón	A-8	24 407	35 + 36	raw
	Tarancón	B-4	24 841	35 + 36	raw
	Tomelloso	1	910	35 + 36	raw
	Tomelloso	2	9 239	35 + 36	raw
	Tomelloso	5	3 674	35 + 36	raw
	Tomelloso	5	3 704	27 + 28	raw
	Total		91 000		

On application to the intervention agency concerned, interested parties may obtain samples of the alcohol put up for sale, taken by a representative of the intervention agency concerned, against payment of EUR 10 per litre.

II. Destination and use of the alcohol

The alcohol put up for sale is intended for export from the Community. It must be imported into and dehydrated in one of the third countries listed in Article 86 of Regulation (EC) No 1623/2000 exclusively for use in the fuel sector in a third country.

Proof of the destination and use of the alcohol shall be supplied to the intervention agency concerned by an international surveillance firm.

The cost of providing such proof shall be borne by the successful tenderer.

III. Submission of tenders

1. Tender shall relate to 91 000 hectolitres of alcohol expressed in hectolitres of alcohol at 100 % vol.

Tenders for smaller volumes shall not be eligible for consideration.

2. Tenders must:

- either be sent by registered mail to the Commission of the European Communities, rue de la Loi/Wetstraat 200, B-1049 Brussels,
- or delivered to the reception of building 'Loi 130' of the Commission of the European Communities, rue de la Loi/Wetstraat 130, B-1049 Brussels, between 11.00 and 12.00 on the date mentioned in point 4.

3. Tenders shall be submitted in a sealed double envelope, the inside envelope marked: 'Tender under procedure No 299/2001 EC, sale of alcohol, exclusively for use in the fuel sector in third countries — Alcohol, DG AGRI/D/4 — Not to be opened until the meeting of the group opening the tenders', the outer envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon Brussels time on 5 June 2001.

5. Tenders must indicate the name and address of the tenderer and:

- (a) the reference number of the tendering procedure for the sale of alcohol exclusively for use in third countries in the fuel sector, i.e. 299/2001 EC;
- (b) the price offered, expressed in euro per hectolitre of alcohol at 100 % vol;
- (c) all the undertakings, documents and statements provided for in Articles 88 and 97 of Regulation (EC) No 1623/2000 and in Annex II to this Regulation.

6. Tenders must be accompanied by a receipt certifying the lodging of a tendering security, issued by the following intervention agency;

FEGA, Beneficencia 8, E-/28004 Madrid (tel. (34) 913 47 65 00, telex 23427 FEGA, fax (34) 915 21 98 32).

Securities shall be for EUR 364 000.

ANNEX II

List of undertakings and documents to be supplied by tenderers when submitting their tenders:

1. Proof that the tendering security has been lodged with each intervention agency.
2. Indication of the place of final use of the alcohol and an undertaking by the tenderer to comply with that destination.
3. Proof, dated after the entry into force of this Regulation, that the tenderer has binding commitments to an operator in the fuel sector in one of the third countries listed in Article 86 of Regulation (EC) No 1623/2000. The operator concerned must undertake to dehydrate the awarded alcohol in one of those countries and to export it exclusively for use in the fuel sector.
4. Tenders must also give the name and address of the tenderer, the reference of the notice of invitation to tender and the price offered, expressed in euro per hectolitre of alcohol at 100 % vol.
5. An undertaking from the tenderer to comply with all the rules relating to the tendering procedure in question.
6. A statement by the tenderer waiving all claims in respect of the quality and characteristics of any alcohol awarded, agreeing to submit to any checks made on the destination and use of the alcohol and accepting responsibility for providing evidence that the alcohol is used as specified in this notice of invitation to tender.

ANNEX III

The only numbers to be used in Brussels are:

DG AGRI/D/4 (for the attention of Mr Chiappone or Mr Innamorati):

- | | |
|---------|--|
| — telex | 22037 AGREC B,
22070 AGREC B (Greek characters) |
| — fax | (32-2) 295 92 52. |
-

COMMISSION REGULATION (EC) No 1008/2001**of 22 May 2001****establishing unit values for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾, as last amended by Regulation (EC) No 1602/2000 ⁽⁴⁾, and in particular Article 173 (1) thereof,

Whereas:

- (1) Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish

unit values for the products referred to in the classification in Annex 26 to that Regulation.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 25 May 2001.

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

Done at Brussels, 22 May 2001.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

⁽²⁾ OJ L 311, 12.12.2000, p. 17.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁴⁾ OJ L 188, 26.7.2000, p. 1.

ANNEX

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.10	New potatoes 0701 90 50	a) b) c)	44,02 261,70 396,67	605,67 288,72 1 775,58	86,09 34,67 27,01	328,40 85 225,89	14 998,28 97,00	7 323,56 8 824,32
1.30	Onions (other than seed) 0703 10 19	a) b) c)	47,93 284,99 431,96	659,56 314,41 1 933,58	93,75 37,75 29,42	357,62 92 809,68	16 332,90 105,63	7 975,25 9 609,54
1.40	Garlic 0703 20 00	a) b) c)	161,66 961,21 1 456,92	2 224,55 1 060,45 6 521,53	316,19 127,32 99,21	1 206,16 313 025,93	55 087,14 356,26	26 898,69 32 410,80
1.50	Leeks ex 0703 90 00	a) b) c)	52,40 311,56 472,23	721,04 343,72 2 113,81	102,49 41,27 32,16	390,95 101 460,55	17 855,30 115,47	8 718,63 10 505,26
1.60	Cauliflowers 0704 10 00	a) b) c)	55,28 328,68 498,18	760,67 362,61 2 229,99	108,12 43,54 33,93	412,44 107 037,01	18 836,66 121,82	9 197,82 11 082,64
1.80	White cabbages and red cabbages 0704 90 10	a) b) c)	11,42 67,90 102,92	157,14 74,91 460,68	22,34 8,99 7,01	85,20 22 112,20	3 891,36 25,17	1 900,13 2 289,50
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> <i>L. convar. botrytis</i> (L.) Alef var. <i>italica</i> Plenck) ex 0704 90 90	a) b) c)	74,29 441,71 669,50	1 022,25 487,31 2 996,85	145,30 58,51 45,59	554,27 143 845,50	25 314,32 163,71	12 360,82 14 893,81
1.100	Chinese cabbage ex 0704 90 90	a) b) c)	77,91 463,26 702,17	1 072,13 511,09 3 143,07	152,39 61,36 47,82	581,31 150 863,90	26 549,43 171,70	12 963,92 15 620,49
1.110	Cabbage lettuce (head lettuce) 0705 11 00	a) b) c)	90,36 537,26 814,32	1 243,38 592,72 3 645,11	176,73 71,16 55,45	674,17 174 961,36	30 790,17 199,13	15 034,64 18 115,55
1.130	Carrots ex 0706 10 00	a) b) c)	55,19 328,13 497,36	759,41 362,01 2 226,29	107,94 43,46 33,87	411,75 106 859,45	18 805,41 121,62	9 182,56 11 064,26
1.140	Radishes ex 0706 90 90	a) b) c)	138,63 824,26 1 249,33	1 907,59 909,35 5 592,32	271,14 109,18 85,08	1 034,30 268 425,11	47 238,17 305,50	23 066,09 27 792,82
1.160	Peas (<i>Pisum sativum</i>) 0708 10 00	a) b) c)	490,47 2 916,19 4 420,09	6 748,98 3 217,26 19 785,42	959,27 386,27 301,00	3 659,33 949 677,89	167 126,87 1 080,85	81 606,96 98 329,95

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.170	Beans:							
1.170.1	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 00	a) b) c)	175,85 1 045,53 1 584,72	2 419,69 1 153,47 7 093,59	343,92 138,49 107,92	1 311,97 340 484,37	59 919,35 387,51	29 258,23 35 253,86
1.170.2	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 00	a) b) c)	142,89 849,59 1 287,72	1 966,21 937,30 5 764,17	279,47 112,54 87,69	1 066,09 276 673,62	48 689,77 314,89	23 774,90 28 646,87
1.180	Broad beans ex 0708 90 00	a) b) c)	157,74 937,88 1 421,55	2 170,55 1 034,71 6 363,22	308,51 124,23 96,81	1 176,88 305 427,23	53 749,91 347,61	26 245,73 31 624,03
1.190	Globe artichokes 0709 10 00	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
1.200	Asparagus:							
1.200.1	— green ex 0709 20 00	a) b) c)	419,73 2 495,58 3 782,58	5 775,57 2 753,23 16 931,75	820,91 330,56 257,59	3 131,54 812 704,80	143 021,98 924,96	69 836,70 84 147,71
1.200.2	— other ex 0709 20 00	a) b) c)	332,39 1 976,32 2 995,53	4 573,83 2 180,36 13 408,71	650,10 261,78 203,99	2 479,95 643 602,98	113 262,98 732,50	55 305,57 66 638,85
1.210	Aubergines (eggplants) 0709 30 00	a) b) c)	99,32 590,53 895,07	1 366,67 651,50 4 006,56	194,25 78,22 60,95	741,02 192 310,34	33 843,29 218,87	16 525,46 19 911,87
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	a) b) c)	71,54 425,35 644,70	984,39 469,26 2 885,86	139,92 56,34 43,90	533,74 138 517,85	24 376,74 157,65	11 903,00 14 342,18
1.230	Chantarelles 0709 51 30	a) b) c)	2 154,59 12 810,61 19 417,17	29 647,80 14 133,18 86 915,95	4 214,01 1 696,88 1 322,27	16 075,18 4 171 867,98	734 176,54 4 748,09	358 493,61 431 956,51
1.240	Sweet peppers 0709 60 10	a) b) c)	305,24 1 814,90 2 750,87	4 200,26 2 002,28 12 313,55	597,01 240,40 187,33	2 277,40 591 036,54	104 012,20 672,67	50 788,48 61 196,11
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	a) b) c)	71,84 427,11 647,38	988,48 471,21 2 897,84	140,50 56,58 44,09	535,96 139 092,92	24 477,95 158,30	11 952,42 14 401,72
2.10	Chestnuts (<i>Castanea</i> spp.), fresh ex 0802 40 00	a) b) c)	176,48 1 049,30 1 590,44	2 428,42 1 157,63 7 119,19	345,16 138,99 108,31	1 316,70 341 712,93	60 135,56 388,91	29 363,80 35 381,06
2.30	Pineapples, fresh ex 0804 30 00	a) b) c)	78,57 467,13 708,03	1 081,08 515,35 3 169,31	153,66 61,88 48,22	586,17 152 123,25	26 771,06 173,13	13 072,13 15 750,89

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.40	Avocados, fresh ex 0804 40 00	a) b) c)	142,49 847,22 1 284,14	1 960,73 934,69 5 748,11	278,69 112,22 87,45	1 063,12 275 902,79	48 554,11 314,01	23 708,66 28 567,06
2.50	Guavas and mangoes, fresh ex 0804 50 00	a) b) c)	149,05 886,24 1 343,28	2 051,03 977,73 6 012,84	291,53 117,39 91,47	1 112,08 288 609,76	50 790,32 328,47	24 800,58 29 882,74
2.60	Sweet oranges, fresh:							
2.60.1	— Sanguines and semi-sanguines 0805 10 10	a) b) c)	57,00 338,91 513,68	784,34 373,90 2 299,37	111,48 44,89 34,98	425,27 110 367,39	19 422,75 125,61	9 484,00 11 427,47
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins 0805 10 30	a) b) c)	58,80 349,62 529,92	809,12 385,71 2 372,03	115,00 46,31 36,09	438,71 113 854,81	20 036,47 129,58	9 783,68 11 788,56
2.60.3	— Others 0805 10 50	a) b) c)	57,00 338,91 513,68	784,34 373,90 2 299,37	111,48 44,89 34,98	425,27 110 367,39	19 422,75 125,61	9 484,00 11 427,47
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:							
2.70.1	— Clementines ex 0805 20 10	a) b) c)	147,86 879,14 1 332,51	2 034,60 969,90 5 964,66	289,19 116,45 90,74	1 103,17 286 296,88	50 383,30 325,84	24 601,83 29 643,27
2.70.2	— Monreales and satsumas ex 0805 20 30	a) b) c)	100,308 595,04 901,91	1 377,12 656,48 4 037,18	195,74 78,82 61,42	746,68 193 780,16	34 101,95 220,55	16 651,76 20 064,06
2.70.3	— Mandarines and wilkings ex 0805 20 50	a) b) c)	64,39 382,85 580,28	886,03 422,37 2 597,49	125,94 50,71 39,52	480,41 124 676,43	21 940,89 141,90	10 713,59 12 909,04
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	a) b) c)	44,44 264,25 400,52	611,55 291,53 1 792,83	86,92 35,00 27,27	331,59 86 054,03	15 144,02 97,94	7 394,73 8 910,06
2.85	Limes (<i>Citrus aurantifolia</i> , <i>Citrus latifolia</i>), fresh ex 0805 30 90 ex 0805 90 00	a) b) c)	177,95 1 058,05 1 603,70	2 448,67 1 167,29 7 178,57	348,04 140,15 109,21	1 327,68 344 563,12	60 637,14 392,15	29 608,72 35 676,17
2.90	Grapefruit, fresh:							
2.90.1	— white ex 0805 40 00	a) b) c)	72,80 432,88 656,12	1 001,81 477,57 2 936,93	142,39 57,34 44,68	543,19 140 969,56	24 808,20 160,44	12 113,68 14 596,03
2.90.2	— pink ex 0805 40 00	a) b) c)	75,16 446,88 677,34	1 034,21 493,01 3 031,92	147,00 59,19 46,13	560,76 145 528,70	25 610,53 165,63	12 505,46 15 068,09
2.100	Table grapes 0806 10 10	a) b) c)	187,82 1 116,74 1 692,66	2 584,50 1 232,04 7 576,75	367,35 147,92 115,27	1 401,33 363 675,46	64 000,59 413,91	31 251,07 37 655,07

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.110	Water melons 0807 11 00	a) b) c)	40,90 243,20 368,62	562,85 268,31 1 650,05	80,00 32,21 25,10	305,18 79 200,61	13 937,94 90,14	6 805,80 8 200,46
2.120	Melons (other than water melons):							
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onteniente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	a) b) c)	89,62 532,85 807,65	1 233,19 587,86 3 615,23	175,28 70,58 55,00	668,64 173 526,97	30 537,74 197,49	14 911,38 17 967,04
2.120.2	— other ex 0807 19 00	a) b) c)	87,90 522,66 792,19	1 209,59 576,62 3 546,05	171,93 69,23 53,95	655,85 170 206,65	29 953,42 193,72	14 626,06 17 623,25
2.140	Pears							
2.140.1	Pears — nashi (<i>Pyrus pyrifolia</i>), Pears — Ya (<i>Pyrus bretschneideri</i>) ex 0808 20 50	a) b) c)	96,45 573,47 869,21	1 327,18 632,67 3 890,78	188,64 75,96 59,19	719,60 186 753,05	32 865,30 212,55	16 047,91 19 336,47
2.140.2	Other ex 0808 20 50	a) b) c)	67,89 403,65 611,81	934,17 445,32 2 738,62	132,78 53,47 41,66	506,51 131 450,66	23 133,04 149,61	11 295,71 13 610,44
2.150	Apricots 0809 10 00	a) b) c)	666,67 3 963,84 6 008,03	9 173,58 4 373,07 26 893,40	1 303,89 525,05 409,14	4 973,96 1 290 853,12	227 167,80 1 469,15	110 924,55 133 655,33
2.160	Cherries 0809 20 95 0809 20 05	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.170	Peaches 0809 30 90	a) b) c)	195,64 1 163,22 1 763,11	2 692,07 1 283,31 7 892,10	382,64 154,08 120,06	1 459,65 378 811,86	66 664,33 431,13	32 551,76 39 222,30
2.180	Nectarines ex 0809 30 10	a) b) c)	190,36 1 131,83 1 715,52	2 619,41 1 248,68 7 679,10	372,31 149,92 116,82	1 420,26 368 588,36	64 865,17 419,50	31 673,24 38 163,75
2.190	Plums 0809 40 05	a) b) c)	170,33 1 012,72 1 534,99	2 343,75 1 117,27 6 870,98	333,13 134,14 104,53	1 270,79 329 799,45	58 038,99 375,35	28 340,06 34 147,54
2.200	Strawberries 0810 10 00	a) b) c)	455,52 2 708,37 4 105,11	6 268,03 2 987,99 18 375,46	890,91 358,75 279,55	3 398,56 882 001,38	155 216,97 1 003,82	75 791,44 91 322,70
2.205	Raspberries 0810 20 10	a) b) c)	1 632,79 9 708,13 14 714,70	22 467,68 10 710,40 65 866,59	3 193,46 1 285,93 1 002,04	12 182,08 3 161 522,29	556 373,19 3 598,20	271 673,40 327 345,00
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	a) b) c)	2 145,22 12 754,90 19 332,72	29 518,87 14 071,72 86 537,96	4 195,69 1 689,50 1 316,52	16 005,27 4 153 725,13	730 983,71 4 727,44	356 934,57 430 078,00
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 00	a) b) c)	107,26 637,74 966,62	1 475,92 703,58 4 326,83	209,78 84,47 65,83	800,25 207 683,16	36 548,64 236,37	17 846,46 21 503,58

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.230	Pomegranates ex 0810 90 85	a) b) c)	199,46 1 185,91 1 797,49	2 744,56 1 308,34 8 046,00	390,10 157,08 122,41	1 488,11 386 198,93	67 964,33 439,54	33 186,54 39 987,16
2.240	Khakis (including sharon fruit) ex 0810 90 85	a) b) c)	332,58 1 977,43 2 997,21	4 576,40 2 181,58 13 416,23	650,47 261,93 204,10	2 481,34 643 963,90	113 326,50 732,91	55 336,59 66 676,22
2.250	Lychees ex 0810 90 30	a) b) c)	690,30 4 104,34 6 220,99	9 498,75 4 528,08 27 846,68	1 350,11 543,66 423,64	5 150,27 1 336 609,31	235 220,10 1 521,22	114 856,44 138 392,95

COMMISSION REGULATION (EC) No 1009/2001
of 23 May 2001
amending Regulation (EC) No 713/2001 on the purchase of beef under Regulation (EC) No 690/2001

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾,

Having regard to Commission Regulation (EC) No 690/2001 of 3 April 2001 on special market support measures in the beef sector ⁽²⁾, and in particular Article 2(2),

Whereas:

- (1) Regulation (EC) No 690/2001 provides in its Article 2(2) in particular for the opening or the suspension of tendering for purchase of beef depending on the average market prices for the reference class during the two most recent weeks with price quotations preceding the tender.
- (2) The second subparagraph of Article 12 of the above-mentioned Regulation provides for a voluntary application of the tendering rules until 30 June 2001 in certain

Member States while the application is obligatory in others.

- (3) The application of Articles 2 and 12 referred to above results in the opening of purchase by tender in a number of Member States. Commission Regulation (EC) No 713/2001 ⁽³⁾, as amended by Regulation (EC) No 932/2001 ⁽⁴⁾, on the purchase of beef under Regulation (EC) No 690/2001 should be amended accordingly.
- (4) Since this Regulation should be applied immediately it is necessary to provide for its entry into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 713/2001 is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 24 May 2001.

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

Done at Brussels, 23 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 95, 5.4.2001, p. 8.

⁽³⁾ OJ L 100, 11.4.2001, p. 3.

⁽⁴⁾ OJ L 130, 12.5.2001, p. 18.

ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO —
LIITE — BILAGA

Estado miembro

Medlemsstat

Mitgliedstaat

Κράτος μέλος

Member State

État membre

Stati membri

Lidstaat

Estado-Membro

Jäsenvaltiot

Medlemsstat

Deutschland

Nederland

**COMMISSION REGULATION (EC) No 1010/2001
of 23 May 2001**

concerning the minimum quality requirements for mixed fruit under the production aid scheme

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products ⁽¹⁾, as last amended by Regulation (EC) No 2699/2000 ⁽²⁾, and in particular Article 6(1) thereof,

This Regulation lays down the minimum quality requirements which the mixtures of fruit in syrup and/or in natural fruit juice, hereafter called 'mixed fruit', as referred to in Article 1(2)(c) of Regulation (EC) No 449/2001 must satisfy.

Article 2

Whereas:

Mixed fruit shall satisfy the following minimum requirements:

(1) Article 2 of Regulation (EC) No 2201/96 provides for a system of aid for producer organisations delivering peaches or pears for processing into products listed in Annex I to that Regulation.

(a) The minimum peach and pear content shall be 60 % of the drained net weight of the mixture.

(2) Mixtures of fruit in syrup and in natural fruit juice were added to the above Annex by Regulation (EC) No 2699/2000. The minimum quality requirements for those products should be defined on the basis of traditional and fair production methods and with the purpose of avoiding the production of products for which there is no demand or which would distort the market.

(b) The peaches and pears shall be presented as whole fruit, halves, quarters, slices or dice as defined in Article 3(2) of Regulations (EEC) No 2319/89 and (EEC) No 2320/89.

(c) The minimum quality requirements defined in Articles 2, 3(4), (5) and (6), and 4 of Regulations (EEC) No 2319/89 for Williams and Rocha pears in syrup and/or natural fruit juice and (EEC) No 2320/89 for peaches in syrup and/or natural fruit juice shall apply to the peach and pear ingredients of the mixed fruit.

Article 3

(3) The quality requirements defined in this Regulation constitute implementing measures in addition to Commission Regulations (EEC) No 2319/89 ⁽³⁾ and (EEC) No 2320/89 ⁽⁴⁾, as amended by Regulation (EC) No 996/2001 ⁽⁵⁾, laying down minimum quality requirements for, respectively, Williams and Rocha pears and peaches in syrup and in natural fruit juice eligible for the production aid scheme, and to Commission Regulation (EC) No 449/2001 of 2 March 2001 laying down rules for applying Council Regulation (EC) No 2201/96 as regards the aid scheme for products processed from fruit and vegetables ⁽⁶⁾.

1. The mixed fruit shall occupy at least 90 % of the water capacity of the container.

2. The drained net weight of the mixture shall on average be at least equal to the following percentages of the water capacity of the container, expressed in grams:

Style	Containers with a nominal water capacity of	
	425 ml or more	less than 425 ml
Whole	50 %	46 %
Halves	54 %	46 %
Quarters	56 %	46 %
Slices	56 %	46 %
Dice	56 %	50 %

⁽¹⁾ OJ L 297, 21.11.1996, p. 29.

⁽²⁾ OJ L 311, 12.12.2000, p. 9.

⁽³⁾ OJ L 220, 29.7.1989, p. 51.

⁽⁴⁾ OJ L 220, 29.7.1989, p. 54.

⁽⁵⁾ OJ L 139, 23.5.2001, p. 9.

⁽⁶⁾ OJ L 64, 6.3.2001, p. 16.

3. Where the mixed fruit is packed in glass containers the water capacity shall be reduced by 20 millilitres before the percentages referred to in paragraphs 1 and 2 are calculated.

Article 4

1. The processor shall daily and at regular intervals during the processing period verify that the mixed fruit satisfies the conditions required under this Regulation and shall record the results of the verification.
2. All containers shall be marked with a reference identifying the processor and the production date. The marking, which may be in code form, shall be approved by the competent authorities of the Member State where production takes place. Those authorities may adopt additional provisions relating to the marking.

Article 5

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

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

Done at Brussels, 23 May 2001.

For the Commission
Franz FISCHLER
Member of the Commission

**COMMISSION REGULATION (EC) No 1011/2001
of 23 May 2001**

**laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards
the granting of private storage aid for certain cheeses in the 2001/02 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Purpose

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Commission Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 10 thereof,

This Regulation lays down the detailed rules for the application of Regulation (EC) No 1255/1999 as regards the granting, under Article 9 of that Regulation, of private storage aid for certain cheeses (hereinafter referred to as 'aid') in the 2001/02 marketing year.

Whereas:

Article 2

Definitions

- (1) Article 9 of Regulation (EC) No 1255/1999 provides that private storage aid may be granted for certain other cheeses where there is a serious imbalance of the market which may be eliminated or reduced by seasonal storage. The seasonal nature of Emmentaler, Gruyère, Pecorino Romano, Kefalotyri and Kasseri cheese production is aggravated by the fact that the seasonality of consumption is the inverse of the seasonality of production. The fragmented production of such cheeses further aggravates the consequences of that seasonality. Therefore, provision should be made for recourse to seasonal storage in respect of a quantity corresponding to the difference between summer and winter production.

For the purposes of this Regulation:

- (a) 'storage lot' means a quantity of cheese weighing at least two tonnes, of the same type and taken into storage in a single storage depot on a single day;
- (b) 'day of commencement of contractual storage' means the day following that of entry into storage;
- (c) 'last day of contractual storage' means the day before that of removal from storage.

Article 3

Cheeses eligible for aid

- (2) The types of cheeses eligible for aid and the maximum quantities which may benefit from it should be laid down, as well as the duration of the contracts in relation to the real requirements of the market and the keeping qualities of the cheeses in question.
- (3) It is necessary to specify the terms of the storage contract and the measures to enable the cheese covered by a contract to be identified and subjected to checks. The amounts of private storage aid must be fixed taking account of storage costs and the likely trend of market prices.
- (4) Detailed rules should also be laid down regarding documentation, accounting and the frequency and nature of checks. In this connection, it should be laid down that the Member States may provide that the costs of controls be fully or in part charged to the contractor.

1. Aid shall be granted in respect of long-keeping cheeses, Pecorino Romano cheeses and Kefalotyri and Kasseri cheeses under the terms laid down in the Annex.

2. The cheeses must have been manufactured in the Community and satisfy the following conditions:

- (a) indelibly marked with an indication of the undertaking in which they were manufactured and of the day and month of manufacture; this may take the form of a code;
- (b) have undergone quality tests which establish their classification after maturing in the categories laid down in the Annex.

Article 4

Storage contract

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

1. Contracts relating to the private storage of cheese shall be concluded between the intervention agency of the Member State on whose territory the cheese is stored and natural or legal persons, hereinafter called 'contractors'.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

2. Storage contracts shall be drawn up in writing on the basis of an application to draw up a contract.

Applications must reach intervention agencies within no more than 30 days of the date of entry into store and may relate only to lots of cheese which have been fully taken into storage. The intervention agencies shall register the date on which each application is received.

If the application reaches the intervention agency within 10 working days following the deadline, the storage contract may still be concluded but the aid shall be reduced by 30 %.

3. Storage contracts shall be concluded for one or more storage lots and shall include, in particular, provisions concerning:

- (a) the quantity of cheese to which the contract applies;
- (b) the dates relating to the execution of the contract;
- (c) the amount of aid;
- (d) the identity of the storage depots.

4. Storage contracts shall be concluded within no more than 30 days of the date of registration of the application to draw up a contract.

5. The control measures, particularly those referred to in Article 7, shall be the subject of specifications drawn up by the intervention agency. The storage contract shall refer to these specifications.

Article 5

Entry into and removal from storage

1. The periods of entry into and removal from storage shall be as laid down in the Annex.

2. Removal from storage shall be in whole storage lots.

3. Where, at the end of the first 60 days of contractual storage, the deterioration in the quality of the cheese is greater than is normal in store, contractors may be authorised, once per storage lot, to replace the defective quantity, at their own expense.

If checks during storage or on removal reveal defective quantities, no aid may be paid for those quantities. In addition, the part of the lot which is still eligible for aid may not be less than two tonnes. The same rule shall apply where part of a lot is removed before the start of the period of removal from storage referred to in paragraph 1 or before expiry of the minimum storage period referred to in Article 8(2).

4. For the purpose of calculating the aid in the case referred to in the first subparagraph of paragraph 3, the first day of

contractual storage shall be the day of commencement of contractual storage.

Article 6

Storage conditions

1. The Member State shall ensure that all the conditions granting entitlement to payment of the aid are fulfilled.

2. The contractor or, at the request of the Member State or with its authorisation, the person responsible for the storage depot shall make available to the competent agency responsible for inspection any documentation permitting verification of the following particulars of products placed in private storage:

- (a) ownership at the time of placing in storage;
- (b) the origin and the date of manufacture of the cheeses;
- (c) the date of placing in storage;
- (d) presence in the storage depot and the address of the depot;
- (e) the date of removal from storage.

3. The contractor or, where applicable, the person responsible for the storage depot shall keep stock records available at the depot for each contract, covering:

- (a) the identification, by storage lot number, of the products placed in private storage;
- (b) the dates of entry into and removal from storage;
- (c) the number of cheeses and their weight by storage lot;
- (d) the location of the products in the storeroom.

4. Products stored must be easily identifiable, easily accessible and identified individually by contract. A special mark shall be affixed to stored cheeses.

Article 7

Checks

1. On entry into storage the competent agency shall conduct checks in particular to ensure that products stored are eligible for the aid and to prevent any possibility of substitution of products during storage under contract.

2. The competent agency shall make an unannounced check, by sampling, to ensure that the products are present in the storage depot. The sample concerned must be representative and must correspond to at least 10 % of the overall quantity under contract for a private storage aid measure.

Such checks must include, in addition to an examination of the accounts referred to in Article 6(3), a physical check of the weight and type of products and their identification. Such physical checks must relate to at least 5 % of the quantity subjected to the unannounced check.

3. At the end of the contractual storage period, the competent agency shall check to see that products are present. However, where the products are still in storage after expiry of the maximum contractual storage period, this check may be made when the products are removed from storage.

For the purposes of the check referred to in the first subparagraph, the contractor shall inform the competent agency, indicating the storage lots concerned, at least five working days before:

- (i) the expiry of the contractual storage period, or
- (ii) the start of the removal operations, where these take place during or after the contractual storage period.

The Member State may accept a shorter time limit than five working days.

4. A report shall be drawn up on the checks carried out under paragraphs 1, 2 and 3, specifying:

- (a) the date of the check,
- (b) its duration,
- (c) the operations carried out.

The report must be signed by the inspector responsible and countersigned by the contractor or, as the case may be, the person responsible for the storage, and must be included in the payment dossier.

5. In the case of irregularities affecting at least 5 % of the quantities of products checked, the check shall be extended to a larger sample to be determined by the competent agency.

The Member States shall notify such cases to the Commission within four weeks.

6. The Member States may provide that the costs of controls are to be fully or in part charged to the contractor.

Article 8

Storage aid

1. The aid shall be as follows:

- (a) EUR 75 per tonne for the fixed costs;
- (b) EUR 0,35 per tonne per day of storage under contract for the warehousing costs;

(c) an amount per tonne per day of storage under contract for the financial costs, namely:

- (i) EUR 0,50 for long-keeping cheeses
- (ii) EUR 0,52 for Pecorino Romano cheeses
- (iii) EUR 0,58 for Kefalotyri and Kasseri cheeses.

2. No aid shall be granted in respect of storage under contract for less than 60 days. The maximum aid payable shall not exceed an amount corresponding to 180 days' storage under contract.

Where the contractor fails to comply with the time limit referred to in the second and third subparagraphs of Article 7(3), the aid shall be reduced by 15 % and shall be paid only in respect of the period for which the contractor supplies satisfactory proof to the competent agency that the cheeses have remained in contractual storage.

3. The aid shall be paid on application by the contractor, at the end of the contractual storage period, within 120 days of receipt of the application, provided that the checks referred to in Article 7(3) have been carried out and that the conditions for entitlement to the aid have been met.

However, if it has been necessary to commence an administrative inquiry into entitlement to the aid, payment shall not be made until entitlement has been recognised.

Article 9

Notifications

The Member States shall notify the Commission by 15 January 2002 of the quantities of cheese for which storage contracts have been concluded.

Article 10

Entry into force

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

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

Done at Brussels, 23 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Categories of cheeses	Quantities eligible for aid (tonnes)	Minimum age for cheeses	Period of entry into storage	Period of removal from storage
French long-keeping cheeses: — protected designation of origin for Beaufort and Comté cheeses — 'Label Rouge' for Emmentaler grand cru — class A or B for Emmentaler and Gruyère cheeses	16 000	10 days	15 May to 30 September 2001	1 October 2001 to 31 March 2002
German long-keeping cheeses: 'Markenkäse' o 'Klasse fein' Emmentaler/Bergkäse	1 000	10 days	15 May to 30 September 2001	1 October 2001 to 31 March 2002
Irish long-keeping cheeses: 'Special Grade'	900	10 days	15 May to 30 September 2001	1 October 2001 to 31 March 2002
Austrian long-keeping cheeses: '1. Güteklasse Emmentaler/Bergkäse/Alpkäse'	1 700	10 days	15 May to 30 September 2001	1 October 2001 to 31 March 2002
Finnish long-keeping cheeses: '1 luokka'	1 700	10 days	15 May to 30 September 2001	1 October 2001 to 31 March 2002
Swedish long-keeping cheeses: 'Västerbotten/Prästost/Svecia/Grevé'	1 700	10 days	15 May to 30 September 2001	1 October 2001 to 31 March 2002
Pecorino Romano	15 000	90 days and produced after 1 October	15 May to 31 December 2001	before 31 March 2002
Kefalotyri and Kasserì cheeses made from ewes' or goats' milk or a mixture of the two	3 200	90 days and produced after 30 November 2000	15 May to 30 November 2001	before 31 March 2002

COMMISSION REGULATION (EC) No 1012/2001**of 23 May 2001****on special measures derogating from Regulations (EC) No 1370/95, (EC) No 800/1999 and (EC) No 1291/2000 in the pigmeat sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat ⁽¹⁾, as last amended by Regulation (EC) No 1365/2000 ⁽²⁾, and in particular Articles 8(2), 13(12) and 22 thereof,

Whereas;

- (1) As a result of the cases of foot-and-mouth disease that have occurred in several Member States, protective measures have been adopted under Council Directive 90/425/EEC of 26 June 1999 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 ⁽⁴⁾, and in particular Article 10 thereof, and under 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 ⁽⁵⁾, as last amended by Directive 92/118/EEC, and in particular Article 9 thereof.
- (2) Council Regulation (EEC) No 565/80 ⁽⁶⁾, as amended by Regulation (EEC) No 2026/83 ⁽⁷⁾, lays down general rules on the advance payment of export refunds in respect of agricultural products.
- (3) Commission Regulation (EC) No 800/1999 ⁽⁸⁾, as last amended by Regulation (EC) No 90/2001 ⁽⁹⁾, lays down detailed rules for applying the system of export refunds on agricultural products.
- (4) Commission Regulation (EC) No 1291/2000 ⁽¹⁰⁾, lays down common detailed rules for applying the system of import and export licences and advance fixing certificates for agricultural products.
- (5) Commission Regulation (EC) No 1370/95 ⁽¹¹⁾, as last amended by Regulation (EC) No 2898/2000 ⁽¹²⁾, lays

down rules of application for export licences in the pigmeat sector.

- (6) The occurrence of cases of foot-and-mouth disease has led the authorities of certain third countries to take health measures with regard to exports of pigmeat which have seriously affected the financial interests of exporters. The situation thus created has seriously affected export opportunities under the conditions laid down in Regulations (EC) No 1370/95, (EC) No 800/1999 and (EC) No 1291/2000.
- (7) Those adverse effects must be mitigated by adopting special measures, in particular to cancel export licences issued and extend certain time limits laid down in Regulations (EC) No 1370/95, (EC) No 800/1999 and (EC) No 1291/2000 relating to certain export operations which could not be completed because of the circumstances mentioned. In particular, operators who have already completed customs export formalities or placed their products under customs supervision should be allowed the same benefit derived from extending the term of licence validity by extending the transport time limit provided for in Regulation (EC) No 800/1999.
- (8) Only those operators who can prove, on the basis of the documents referred to in Article 1(2) of Council Regulation (EEC) No 4045/89 ⁽¹³⁾, as last amended by Regulation (EC) No 3235/94 ⁽¹⁴⁾, that they were unable to carry out the export operations within the time limits laid down as a result of the circumstances mentioned above should be allowed to benefit from the derogations.
- (9) In view of the rate at which events are developing this Regulation must enter into force immediately.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Pigmeat,

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation shall apply to the products listed in Article 1(1) of Regulation (EEC) No 2759/75.

⁽¹⁾ OJ L 282, 1.11.1975, p. 1.

⁽²⁾ OJ L 156, 29.6.2000, p. 5.

⁽³⁾ OJ L 224, 18.8.1990, p. 29.

⁽⁴⁾ OJ L 62, 15.3.1993, p. 49.

⁽⁵⁾ OJ L 395, 30.12.1989, p. 13.

⁽⁶⁾ OJ L 62, 7.3.1980, p. 5.

⁽⁷⁾ OJ L 199, 22.7.1983, p. 12.

⁽⁸⁾ OJ L 102, 17.4.1999, p. 11.

⁽⁹⁾ OJ L 14, 18.1.2001, p. 22.

⁽¹⁰⁾ OJ L 152, 24.6.2000, p. 1.

⁽¹¹⁾ OJ L 133, 17.6.1995, p. 9.

⁽¹²⁾ OJ L 336, 30.12.2000, p. 32.

⁽¹³⁾ OJ L 388, 30.12.1989, p. 18.

⁽¹⁴⁾ OJ L 338, 28.12.1994, p. 16.

2. It shall apply only in cases where exporters prove to the satisfaction of the competent authorities that they were unable to export owing to measures taken in accordance with Community legislation or health measures taken by the authorities of the third countries of destination in response to the discovery of cases of foot-and-mouth disease in the Community.

The competent authorities shall base their assessment on the commercial documents referred to in Article 1(5) of Regulation (EEC) No 4045/89.

Article 2

1. At the holder's request, export licences issued under Regulation (EC) No 1370/95 that were applied for no later than 30 March 2001 and did not expire before 20 February 2001 shall be cancelled and the security released

2. On application by the exporter and for products for which, by 30 March 2001 at the latest;

- the customs export formalities had been completed or which had been placed under one of the customs control procedures referred to in Articles 4 and 5 of Regulation (EEC) No 565/80, the 60-day time limit for leaving the Community's customs territory referred to in Article 32(1)(b)(i) of Regulation (EC) No 1291/2000 and Articles 7(1) and 34(1) of Regulation (EC) No 800/1999 shall be raised to 150 days,
- the customs export formalities had been completed but they had not yet left the Community's customs territory or they had been placed under one of the customs control procedures referred to in Articles 4 and 5 of Regulation (EEC) No 565/80, the exporter shall repay any refund paid in advance and the various securities pertaining to the operations shall be released,

- the customs formalities had been completed and which had left the Community's customs territory, such products may be brought back and released for free circulation in the Community. The exporter shall repay any refund paid in advance and the various securities pertaining to the operations shall be released,
- the customs formalities had been completed and which had left the Community's customs territory, such products may be brought back to be placed under a suspensive procedure in a free zone, free warehouse or customs warehouse for a maximum of 120 days before reaching their final destination. This shall not affect payment of the refund for the actual final destination or the security lodged in respect of the licence.

Article 3

1. Article 18(3)(a), the 20 % reduction provided for in the second indent of Article 18(3)(b), and the 10 % and 15 % increases provided for in Article 25(1) and the second subparagraph of Article 35(1) of Regulation (EC) No 800/1999 respectively shall not apply to exports made under licences applied for no later than 30 March 2001.

2. Where the right to a refund is lost, the penalty laid down in Article 51(1)(a) of Regulation (EC) No 800/1999 shall not apply.

Article 4

For each situation indicated in Article 2, Member States shall notify the quantities of products concerned for the previous week on Thursdays, specifying the date of issue of the licences and the respective category.

Article 5

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

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

Done at Brussels, 23 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1013/2001
of 23 May 2001
suspending the buying-in of butter in certain Member States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) Article 2 of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽³⁾, as last amended by Regulation (EC) No 213/2001 ⁽⁴⁾, lays down the criteria for opening or suspending the buying-in of butter by invitation to tender in the Member States.
- (2) Commission Regulation (EC) No 934/2001 ⁽⁵⁾ suspending the buying-in of butter in certain Member States establishes the list of Member States in which intervention is suspended. As a result of the market prices communicated by Sweden and Portugal, intervention must be suspended in these countries and the list of

Member States established by Regulation (EC) No 934/2001 adjusted accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Buying-in of butter by invitation to tender as provided for in Article 6(1) of Regulation (EC) No 1255/1999 is hereby suspended in Belgium, Luxembourg, Denmark, Germany, France, Greece, the Netherlands, Austria, Finland, Portugal, Sweden and the United Kingdom.

Article 2

Regulation (EC) No 934/2001 is hereby repealed.

Article 3

This Regulation shall enter into force on 24 May 2001.

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

Done at Brussels, 23 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 333, 24.12.1999, p. 11.

⁽⁴⁾ OJ L 37, 7.2.2001, p. 1.

⁽⁵⁾ OJ L 130, 12.5.2001, p. 21.

COMMISSION REGULATION (EC) No 1014/2001**of 23 May 2001****fixing the maximum aid for concentrated butter for the 248th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Commission Regulation (EEC) No 429/90 of 20 February 1990 on the granting by invitation to tender of an aid for concentrated butter intended for direct consumption in the Community ⁽³⁾, as last amended by Regulation (EC) No 124/1999 ⁽⁴⁾, the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter; Article 6 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 % or a decision is to be taken to make no award; whereas the end-use security must be fixed accordingly.

- (2) In the light of the tenders received, the maximum aid should be fixed at the level specified below and the end-use security determined accordingly.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 248th special invitation to tender under the standing invitation to tender opened by Regulation (EEC) No 429/90, the maximum aid and the amount of the end-use security shall be as follows:

- | | |
|---------------------|-----------------|
| — maximum aid: | EUR 117/100 kg |
| — end-use security: | EUR 129/100 kg. |

Article 2

This Regulation shall enter into force on 24 May 2001.

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

Done at Brussels, 23 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 45, 21.2.1990, p. 8.

⁽⁴⁾ OJ L 16, 21.1.1999, p. 19.

**COMMISSION REGULATION (EC) No 1015/2001
of 23 May 2001**

fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 76th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

(1) The intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽³⁾, as last amended by Regulation (EC) No 635/2000 ⁽⁴⁾, to sell by invitation to tender certain quantities of butter that they hold and to grant aid for cream, butter and concentrated butter. Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further stipulated that the price

or aid may vary according to the intended use of the butter, its fat content and the incorporation procedure, and that a decision may also be taken to make no award in response to the tenders submitted. The amount(s) of the processing securities must be fixed accordingly.

(2) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices and the maximum aid and processing securities applying for the 76th individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 24 May 2001.

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

Done at Brussels, 23 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁴⁾ OJ L 76, 25.3.2000, p. 9.

ANNEX

to the Commission Regulation of 23 May 2001 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 76th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter ≥ 82 %	Unaltered	—	226	—	—
		Concentrated	212	—	—	—
Processing security		Unaltered	—	112	—	—
		Concentrated	128	—	—	—
Maximum aid	Butter ≥ 82 %		95	91	95	91
	Butter < 82 %		92	88	—	—
	Concentrated butter		117	113	117	113
	Cream		—	—	40	38
Processing security	Butter		105	—	105	—
	Concentrated butter		129	—	129	—
	Cream		—	—	44	—

COMMISSION REGULATION (EC) No 1016/2001**of 23 May 2001****fixing the maximum purchasing price for butter for the 29th invitation to tender carried out under the standing invitation to tender governed by Regulation (EC) No 2771/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Commission Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) Article 13 of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽³⁾, as last amended by Regulation (EC) No 213/2001 ⁽⁴⁾, provides that, in the light of the tenders received for each invitation to tender, a maximum buying-in price is to be fixed in relation to the interven-

tion price applicable and that it may also be decided not to proceed with the invitation to tender.

- (2) As a result of the tenders received, the maximum buying-in price should be fixed as set out below.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 29th invitation to tender issued under Regulation (EC) No 2771/1999, for which tenders had to be submitted not later than 22 May 2001, the maximum buying-in price is fixed at 295,38 EUR/100 kg.

Article 2

This Regulation shall enter into force on 24 May 2001.

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

Done at Brussels, 23 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 333, 24.12.1999, p. 11.

⁽⁴⁾ OJ L 37, 7.2.2001, p. 1.

**COMMISSION REGULATION (EC) No 1017/2001
of 17 May 2001**

amending Regulation (EC) No 296/96 on data to be transmitted by the Member States and the monthly booking of expenditure financed under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF), and laying down certain detailed rules of application for Council Regulation (EC) No 1259/1999

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy ⁽¹⁾, and in particular Articles 4 and 5 thereof,

Whereas:

- (1) The Member States can devote the amounts released by the reduction or cancellation of payments under Articles 3 and 4 of Council Regulation (EC) No 1259/1999 of 17 May 1999 establishing common rules for direct support schemes under the common agricultural policy ⁽²⁾ to certain measures to aid rural development as provided for in Article 5(2) of that Regulation. In order to ensure that the amounts thus made available are properly managed and supervised and that they are used in accordance with EAGGF Guarantee Section rules, accounting rules must be laid down for them.
- (2) Article 1 of Commission Regulation (EC) No 963/2001 of 17 May 2001 on detailed rules for the application of Council Regulation (EC) No 1259/1999 as regards the additional Community support and the transmission of information to the Commission ⁽³⁾ lays down that the amounts withheld in accordance with Articles 3 and 4 of Regulation (EC) No 1259/1999 must be used for the payment of additional Community support at the latest by the end of the third financial year following that during which they are withheld. Commission Regulation (EC) No 296/96 ⁽⁴⁾, as last amended by Regulation (EC) No 2785/2000 ⁽⁵⁾, should be adapted accordingly.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the European Agricultural Guidance and Guarantee Fund,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 296/96 is amended as follows:

1. The title is replaced by the following:

‘Commission Regulation (EC) No 296/96 of 16 February 1996 on data to be transmitted by the Member States and the monthly booking of expenditure financed under the

Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF).’

2. The following paragraphs 2, 3, 4 and 5 are added to Article 2:

‘2. Amounts withheld from the aid payments referred to in Articles 3 and 4 of Regulation (EC) No 1259/1999 must be credited to a special account opened for each paying agency or to a special single account opened by each Member State.

The book keeping must allow identification of the origin of the credit in relation to the payment to the beneficiary of the aid in question.

3. The Member States may redistribute the amounts so collected to other paying agencies, with a view to their utilisation. These amounts shall be credited to the paying agency's account as referred to in paragraph 2 or, where applicable, to a separate account intended exclusively for financing the additional Community support referred to in Article 5(2) of Regulation (EC) No 1259/1999.

4. Where interest is earned by the unused funds, it shall be added to the balance available at the end of each financial year. This interest shall be used by the Member States to finance the additional Community support referred to in Article 5(2) of Regulation (EC) No 1259/1999, or it shall be deducted from the advances in accordance with Article 6 of this Regulation.

5. The paying agencies must keep accounts of expenditure on the measures provided for in Article 5(2) of Regulation (EC) No 1259/1999 that are separate from the accounts of other expenditure on rural development. The accounts must distinguish in respect of each payment between the national funding and the funding resulting from the application of Articles 3 and 4 of Regulation (EC) No 1259/1999.’

3. Article 6 is replaced by the following:

‘Article 6

Amounts withheld in accordance with Articles 3 and 4 of Regulation (EC) No 1259/1999 and the possible interest thereon which have not been paid pursuant to Article 1 of Regulation (EC) No 963/2001 shall be deducted from the advances related to the expenditure of October of the financial year concerned.’

⁽¹⁾ OJ L 160, 26.6.1999, p. 103.

⁽²⁾ OJ L 160, 26.6.1999, p. 113.

⁽³⁾ OJ L 136, 18.5.2001, p. 4.

⁽⁴⁾ OJ L 39, 17.2.1996, p. 5.

⁽⁵⁾ OJ L 323, 20.12.2000, p. 3.

Article 2

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

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

Done at Brussels, 17 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1018/2001
of 23 May 2001
amending the export refunds on poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽¹⁾, as last amended by Commission Regulation (EC) No 2916/95 ⁽²⁾, and in particular Article 8(3) thereof,

Whereas:

- (1) The export refunds on poultrymeat were fixed by Commission Regulation (EC) No 548/2001 ⁽³⁾.
- (2) It follows from applying the criteria referred to in Article 8 of Regulation (EEC) No 2777/75 to the information known to the Commission that the export refunds at

present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1) of Regulation (EEC) No 2777/75, exported in the natural state, as fixed in the Annex to Regulation (EC) No 548/2001 are hereby altered as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 24 May 2001.

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

Done at Brussels, 23 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 77.

⁽²⁾ OJ L 305, 19.12.1995, p. 49.

⁽³⁾ OJ L 81, 21.3.2001, p. 24.

ANNEX

to the Commission Regulation of 23 May 2001 amending the export refunds on poultrymeat

Product code	Destination	Unit of measurement	Amount of refund
0207 12 10 9900	V01	EUR/100 kg	20,00
0207 12 10 9900	V02	EUR/100 kg	20,00
0207 12 90 9190	V01	EUR/100 kg	20,00
0207 12 90 9190	V02	EUR/100 kg	20,00
0207 12 90 9990	V01	EUR/100 kg	20,00
0207 12 90 9990	V02	EUR/100 kg	20,00

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

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

The other destinations are defined as follows:

V01 Angola, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, the United Arab Emirates, Jordan, Yemen, Lebanon, Iraq, Iran

V02 Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine.

**COMMISSION REGULATION (EC) No 1019/2001
of 23 May 2001
fixing the import duties in the rice sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1667/2000 ⁽²⁾,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 24 May 2001.

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

Done at Brussels, 23 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 193, 29.7.2000, p. 3.

⁽³⁾ OJ L 189, 30.7.1996, p. 71.

⁽⁴⁾ OJ L 351, 29.12.1998, p. 25.

ANNEX I

Import duties on rice and broken rice

(EUR/t)

CN code	Duties ⁽¹⁾				
	Third countries (except ACP and Bangladesh) ⁽²⁾	ACP ⁽¹⁾ ⁽²⁾ ⁽³⁾	Bangladesh ⁽⁴⁾	Basmati India and Pakistan ⁽⁵⁾	Egypt ⁽⁶⁾
1006 10 21	(7)	69,51	101,16		158,25
1006 10 23	(7)	69,51	101,16		158,25
1006 10 25	(7)	69,51	101,16		158,25
1006 10 27	(7)	69,51	101,16		158,25
1006 10 92	(7)	69,51	101,16		158,25
1006 10 94	(7)	69,51	101,16		158,25
1006 10 96	(7)	69,51	101,16		158,25
1006 10 98	(7)	69,51	101,16		158,25
1006 20 11	264,00	88,06	127,66		198,00
1006 20 13	264,00	88,06	127,66		198,00
1006 20 15	264,00	88,06	127,66		198,00
1006 20 17	209,34	68,93	100,33	0,00	157,01
1006 20 92	264,00	88,06	127,66		198,00
1006 20 94	264,00	88,06	127,66		198,00
1006 20 96	264,00	88,06	127,66		198,00
1006 20 98	209,34	68,93	100,33	0,00	157,01
1006 30 21	(7)	133,21	193,09		312,00
1006 30 23	(7)	133,21	193,09		312,00
1006 30 25	(7)	133,21	193,09		312,00
1006 30 27	(7)	133,21	193,09		312,00
1006 30 42	(7)	133,21	193,09		312,00
1006 30 44	(7)	133,21	193,09		312,00
1006 30 46	(7)	133,21	193,09		312,00
1006 30 48	(7)	133,21	193,09		312,00
1006 30 61	(7)	133,21	193,09		312,00
1006 30 63	(7)	133,21	193,09		312,00
1006 30 65	(7)	133,21	193,09		312,00
1006 30 67	(7)	133,21	193,09		312,00
1006 30 92	(7)	133,21	193,09		312,00
1006 30 94	(7)	133,21	193,09		312,00
1006 30 96	(7)	133,21	193,09		312,00
1006 30 98	(7)	133,21	193,09		312,00
1006 40 00	(7)	41,18	(7)		96,00

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

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

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

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

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

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

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

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

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	(¹)	209,34	416,00	264,00	416,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	334,89	258,11	236,04	256,65	—
(b) fob price (EUR/tonne)	—	—	—	201,50	222,11	—
(c) Sea freight (EUR/tonne)	—	—	—	34,54	34,54	—
(d) Source	—	USDA and operators	USDA and operators	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 1020/2001
of 23 May 2001
on the issuing of system B export licences for fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 298/2000 ⁽²⁾, and in particular Article 5(6) thereof,

Whereas:

- (1) Commission Regulation (EC) No 397/2001 ⁽³⁾ fixed the indicative quantities laid down for the issue of export licences other than those requested in the context of food aid.
- (2) In the light of information now available to the Commission, the indicative quantities have been exceeded in the case of oranges, lemons and apples.
- (3) Those overruns are without prejudice to compliance with the limits resulting from the agreements concluded in accordance with Article 300 of the Treaty. The rate of

refund for all products covered by licences applied for under system B from 17 March to 13 May 2001 should be the indicative rate,

HAS ADOPTED THIS REGULATION:

Article 1

The percentages for the issuing of system B export licences, as referred to in Article 5 of Regulation (EC) No 2190/96, and applied for between 17 March and 13 May 2001, by which the quantities applied for and the rates of refund applicable must be multiplied, are as fixed in the Annex hereto.

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

Article 2

This Regulation shall enter into force on 24 May 2001.

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

Done at Brussels, 23 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 292, 15.11.1996, p. 12.

⁽²⁾ OJ L 34, 9.2.2000, p. 16.

⁽³⁾ OJ L 58, 28.2.2001, p. 16.

ANNEX

to the Commission Regulation of 23 May 2001 on the issuing of system B export licences for fruit and vegetables

Percentages for the issuing of licences and rates of refund applicable to system B licences applied for between 17 March and 13 May 2001

Product	Percentage for the issuing of licences	Rate of refund (EUR/t net)
Tomatoes	100 %	18,0
Shelled almonds	100 %	45,0
Shelled hazelnuts	100 %	103,0
Oranges	100 %	45,0
Lemons	100 %	35,0
Apples	100 %	25,0

COMMISSION REGULATION (EC) No 1021/2001
of 23 May 2001
amending Regulation (EEC) No 1627/89 on the buying in of beef by invitation to tender

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, and in particular Article 47(8) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender ⁽²⁾, as last amended by Regulation (EC) No 840/2001 ⁽³⁾, opened buying in by invitation to tender in certain Member States or regions of a Member State for certain quality groups.
- (2) The application of Article 47(3), (4) and (5) of Regulation (EC) No 1254/1999 and the need to limit intervention to buying in the quantities necessary to ensure

reasonable support for the market result, on the basis of the prices of which the Commission is aware, in an amendment, in accordance with the Annex hereto, to the list of Member States or regions of a Member State where buying in is open by invitation to tender, and the list of the quality groups which may be bought in,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 1627/89 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 26 May 2001.

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

Done at Brussels, 23 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 159, 10.6.1989, p. 36.

⁽³⁾ OJ L 120, 28.4.2001, p. 28.

ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO —
LIITE — BILAGA

Estados miembros o regiones de Estados miembros y grupos de calidades previstos en el apartado 1 del artículo 1 del Reglamento (CEE) n° 1627/89

Medlemsstater eller regioner og kvalitetsgrupper, jf. artikel 1, stk. 1, i forordning (EØF) nr. 1627/89
Mitgliedstaaten oder Gebiete eines Mitgliedstaats sowie die in Artikel 1 Absatz 1 der Verordnung (EWG) Nr. 1627/89 genannten Qualitätsgruppen

Κράτη μέλη ή περιοχές κρατών μελών και ομάδες ποιότητας που αναφέρονται στο άρθρο 1 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 1627/89

Member States or regions of a Member State and quality groups referred to in Article 1 (1) of Regulation (EEC) No 1627/89

États membres ou régions d'États membres et groupes de qualités visés à l'article 1^{er} paragraphe 1 du règlement (CEE) n° 1627/89

Stati membri o regioni di Stati membri e gruppi di qualità di cui all'articolo 1, paragrafo 1 del regolamento (CEE) n. 1627/89

In artikel 1, lid 1, van Verordening (EEG) nr. 1627/89 bedoelde lidstaten of gebieden van een lidstaat en kwaliteitsgroepen

Estados-Membros ou regiões de Estados-Membros e grupos de qualidades referidos no n.º 1 do artigo 1.º do Regulamento (CEE) n.º 1627/89

Jäsenvaltiot tai alueet ja asetuksen (ETY) N:o 1627/89 1 artiklan 1 kohdan tarkoittamat laaturyhmät
Medlemsstater eller regioner och kvalitetsgrupper som avses i artikel 1.1 i förordning (EEG) nr 1627/89

Estados miembros o regiones de Estados miembros	Categoría A			Categoría C		
Medlemsstat eller region	Kategori A			Kategori C		
Mitgliedstaaten oder Gebiete eines Mitgliedstaats	Kategorie A			Kategorie C		
Κράτος μέλος ή περιοχή κράτους μέλους	Κατηγορία Α			Κατηγορία Γ		
Member States or regions of a Member State	Category A			Category C		
États membres ou régions d'États membres	Catégorie A			Catégorie C		
Stati membri o regioni di Stati membri	Categoria A			Categoria C		
Lidstaat of gebied van een lidstaat	Categorie A			Categorie C		
Estados-Membros ou regiões de Estados-Membros	Categoria A			Categoria C		
Jäsenvaltiot tai alueet	Luokka A			Luokka C		
Medlemsstater eller regioner	Kategori A			Kategori C		
	U	R	O	U	R	O
Belgique/België	×	×	×			
Danmark		×	×			
Deutschland	×	×	×			
España	×	×	×			
France	×	×	×			×
Ireland						×
Italia		×	×			
Österreich	×	×	×			
Nederland		×	×			

COMMISSION REGULATION (EC) No 1022/2001**of 23 May 2001****amending the rates of the refunds applicable to certain products from the milk sector exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the markets in the milk and milk products sector ⁽¹⁾, as last amended by Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 31(3) thereof,

Whereas:

- (1) The rates of the refunds applicable from 1 May 2001 to the products listed in the Annex, exported in the form of goods not covered by Annex I to the Treaty, were fixed by Commission Regulation (EC) No 851/2001 ⁽³⁾.

- (2) It follows from applying the rules and criteria contained in Regulation (EC) No 851/2001 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EC) No 851/2001 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 24 May 2001.

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

Done at Brussels, 23 May 2001.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 121, 1.5.2001, p. 19.

ANNEX

to the Commission Regulation of 23 May 2001 altering the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty

(EUR/100 kg)

CN code	Description	Rate of refund
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):	
	(a) On exportation of goods of CN code 3501	—
	(b) On exportation of other goods	5,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):	
	(a) Where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 2571/97 are exported	27,48
	(b) On exportation of other goods	61,00
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):	
	(a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 2571/97 are exported	75,00
	(b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	177,25
	(c) On exportation of other goods	170,00

COMMISSION REGULATION (EC) No 1023/2001
of 23 May 2001
providing for the rejection of applications for export licences for certain milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1670/2000 ⁽²⁾,

Having regard to Commission Regulation (EC) No 174/1999 of 26 January 1999 laying down special detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 806/2001 ⁽⁴⁾, and in particular Article 10(3) thereof,

Whereas:

Uncertainty is a feature of the market in certain milk products. It is necessary to prevent speculative applications that may lead to a distortion in competition between traders. Applications for export licences for the products concerned should be rejected,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for export licences for milk products falling within CN codes 0402, 0403 and 0404, made on 23 May 2001, shall be rejected.

Article 2

This Regulation shall enter into force on 24 May 2001.

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

Done at Brussels, 23 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 20, 27.1.1999, p. 8.

⁽⁴⁾ OJ L 118, 27.4.2001, p. 4.

COMMISSION REGULATION (EC) No 1024/2001**of 23 May 2001****fixing the export refunds on milk and milk products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 31(3) thereof,

Whereas:

(1) Article 31 of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund within the limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

(2) Regulation (EC) No 1255/1999 provides that when the refunds on the products listed in Article 1 of the above-mentioned Regulation, exported in the natural state, are being fixed, account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organisation of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the limits resulting from agreements concluded in accordance with Article 300 of the Treaty, and
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports.

(3) Article 31(5) of Regulation (EC) No 1255/1999 provides that when prices within the Community are being determined account should be taken of the ruling prices which are most favourable for exportation, and that

when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices.

(4) Article 31(3) of Regulation (EC) No 1255/1999 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of the abovementioned Regulation according to destination.

(5) Article 31(3) of Regulation (EC) No 1255/1999 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; the amount of the refund may, however, remain at the same level for more than four weeks.

(6) In accordance with Article 16 of Commission Regulation (EC) No 174/1999 of 26 January 1999 on specific detailed rules for the application of Council Regulation (EC) No 804/68 as regards export licences and export refunds on milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 806/2001 ⁽⁴⁾; the refund granted for milk products containing added sugar is equal to the sum of the two components; one is intended to take account of the quantity of milk products and is calculated by multiplying the basic amount by the milk products content in the product concerned; the other is intended to take account of the quantity of added sucrose and is calculated by multiplying the sucrose content of the entire product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1(1)(d) of Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector ⁽⁵⁾, however, this second component is applied only if the added sucrose has been produced using sugar beet or cane harvested in the Community.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 20, 27.1.1999, p. 8.

⁽⁴⁾ OJ L 118, 27.4.2001, p. 4.

⁽⁵⁾ OJ L 252, 25.9.1999, p. 1.

- (7) Commission Regulation (EEC) No 896/84 ⁽¹⁾, as last amended by Regulation (EEC) No 222/88 ⁽²⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; those provisions provide for the possibility of varying refunds according to the date of manufacture of the products.
- (8) For the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account.
- (9) It follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation.
- (10) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,
- HAS ADOPTED THIS REGULATION:
- Article 1*
- The export refunds referred to in Article 31 of Regulation (EC) No 1255/1999 on products exported in the natural state shall be as set out in the Annex.
- Article 2*
- This Regulation shall enter into force on 24 May 2001.

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

Done at Brussels, 23 May 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 91, 1.4.1984, p. 71.

⁽²⁾ OJ L 28, 1.2.1988, p. 1.

ANNEX

to the Commission Regulation of 23 May 2001 fixing the export refunds on milk and milk products

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0401 10 10 9000	970	EUR/100 kg	2,327	0402 29 91 9000	A02	EUR/kg	0,6140
0401 10 90 9000	970	EUR/100 kg	2,327	0402 29 99 9100	A02	EUR/kg	0,6140
0401 20 11 9100	970	EUR/100 kg	2,327	0402 29 99 9500	A02	EUR/kg	0,6680
0401 20 11 9500	970	EUR/100 kg	3,597	0402 91 11 9370	A02	EUR/100 kg	8,340
0401 20 19 9100	970	EUR/100 kg	2,327	0402 91 19 9370	A02	EUR/100 kg	8,340
0401 20 19 9500	970	EUR/100 kg	3,597	0402 91 31 9300	A02	EUR/100 kg	9,870
0401 20 91 9000	970	EUR/100 kg	4,551	0402 91 39 9300	A02	EUR/100 kg	9,870
0401 20 99 9000	970	EUR/100 kg	4,551	0402 91 99 9000	A02	EUR/100 kg	41,60
0401 30 11 9400	970	EUR/100 kg	10,50	0402 99 11 9350	A02	EUR/kg	0,2130
0401 30 11 9700	970	EUR/100 kg	15,77	0402 99 19 9350	A02	EUR/kg	0,2130
0401 30 19 9700	970	EUR/100 kg	15,77	0402 99 31 9150	A02	EUR/kg	0,2220
0401 30 31 9100	A02	EUR/100 kg	38,32	0402 99 31 9300	A02	EUR/kg	0,2490
0401 30 31 9400	A02	EUR/100 kg	59,85	0402 99 31 9500	A02	EUR/kg	0,4290
0401 30 31 9700	A02	EUR/100 kg	66,00	0402 99 39 9150	A02	EUR/kg	0,2220
0401 30 39 9100	A02	EUR/100 kg	38,32	0403 90 11 9000	A02	EUR/100 kg	4,930
0401 30 39 9400	A02	EUR/100 kg	59,85	0403 90 13 9200	A02	EUR/100 kg	4,930
0401 30 39 9700	A02	EUR/100 kg	66,00	0403 90 13 9300	A02	EUR/100 kg	53,30
0401 30 91 9100	A02	EUR/100 kg	75,22	0403 90 13 9500	A02	EUR/100 kg	56,10
0401 30 91 9500	A02	EUR/100 kg	110,55	0403 90 13 9900	A02	EUR/100 kg	60,40
0401 30 99 9100	A02	EUR/100 kg	75,22	0403 90 19 9000	A02	EUR/100 kg	60,80
0401 30 99 9500	A02	EUR/100 kg	110,55	0403 90 33 9400	A02	EUR/kg	0,5330
0402 10 11 9000	A02	EUR/100 kg	5,000	0403 90 33 9900	A02	EUR/kg	0,6040
0402 10 19 9000	A02	EUR/100 kg	5,000	0403 90 51 9100	970	EUR/100 kg	2,327
0402 10 91 9000	A02	EUR/kg	0,0500	0403 90 59 9170	970	EUR/100 kg	15,77
0402 10 99 9000	A02	EUR/kg	0,0500	0403 90 59 9310	A02	EUR/100 kg	38,32
0402 21 11 9200	A02	EUR/100 kg	5,000	0403 90 59 9340	A02	EUR/100 kg	59,20
0402 21 11 9300	A02	EUR/100 kg	53,70	0403 90 59 9370	A02	EUR/100 kg	59,20
0402 21 11 9500	A02	EUR/100 kg	56,70	0403 90 59 9510	A02	EUR/100 kg	59,20
0402 21 11 9900	A02	EUR/100 kg	61,00	0404 90 21 9120	A02	EUR/100 kg	4,270
0402 21 17 9000	A02	EUR/100 kg	5,000	0404 90 21 9160	A02	EUR/100 kg	5,000
0402 21 19 9300	A02	EUR/100 kg	53,70	0404 90 23 9120	A02	EUR/100 kg	5,000
0402 21 19 9500	A02	EUR/100 kg	56,70	0404 90 23 9130	A02	EUR/100 kg	53,70
0402 21 19 9900	A02	EUR/100 kg	61,00	0404 90 23 9140	A02	EUR/100 kg	56,70
0402 21 91 9100	A02	EUR/100 kg	61,40	0404 90 23 9150	A02	EUR/100 kg	61,00
0402 21 91 9200	A02	EUR/100 kg	61,90	0404 90 29 9110	A02	EUR/100 kg	61,40
0402 21 91 9350	A02	EUR/100 kg	62,50	0404 90 29 9115	A02	EUR/100 kg	61,90
0402 21 91 9500	A02	EUR/100 kg	68,40	0404 90 29 9125	A02	EUR/100 kg	62,50
0402 21 99 9100	A02	EUR/100 kg	61,40	0404 90 29 9140	A02	EUR/100 kg	68,40
0402 21 99 9200	A02	EUR/100 kg	61,90	0404 90 81 9100	A02	EUR/kg	0,0500
0402 21 99 9300	A02	EUR/100 kg	62,50	0404 90 83 9110	A02	EUR/kg	0,0500
0402 21 99 9400	A02	EUR/100 kg	66,80	0404 90 83 9130	A02	EUR/kg	0,5370
0402 21 99 9500	A02	EUR/100 kg	68,40	0404 90 83 9150	A02	EUR/kg	0,5670
0402 21 99 9600	A02	EUR/100 kg	74,20	0404 90 83 9170	A02	EUR/kg	0,6100
0402 21 99 9700	A02	EUR/100 kg	77,40	0404 90 83 9936	A02	EUR/kg	0,2130
0402 21 99 9900	A02	EUR/100 kg	81,20	0405 10 11 9500	L05	EUR/100 kg	165,85
0402 29 15 9200	A02	EUR/kg	0,0500	0405 10 11 9700	L05	EUR/100 kg	170,00
0402 29 15 9300	A02	EUR/kg	0,5370	0405 10 19 9500	L05	EUR/100 kg	165,85
0402 29 15 9500	A02	EUR/kg	0,5670	0405 10 19 9700	L05	EUR/100 kg	170,00
0402 29 15 9900	A02	EUR/kg	0,6100	0405 10 30 9100	L05	EUR/100 kg	165,85
0402 29 19 9300	A02	EUR/kg	0,5370	0405 10 30 9300	L05	EUR/100 kg	170,00
0402 29 19 9500	A02	EUR/kg	0,5670	0405 10 30 9700	L05	EUR/100 kg	170,00
0402 29 19 9900	A02	EUR/kg	0,6100	0405 10 50 9300	L05	EUR/100 kg	170,00

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0405 10 50 9500	L05	EUR/100 kg	165,85		L03	EUR/100 kg	—
0405 10 50 9700	L05	EUR/100 kg	170,00		A24	EUR/100 kg	31,87
0405 10 90 9000	L05	EUR/100 kg	176,22		L04	EUR/100 kg	31,87
0405 20 90 9500	L05	EUR/100 kg	155,49		400	EUR/100 kg	—
0405 20 90 9700	L05	EUR/100 kg	161,71		A01	EUR/100 kg	31,87
0405 90 10 9000	L05	EUR/100 kg	216,00	0406 10 20 9870	A00	EUR/100 kg	—
0405 90 90 9000	L05	EUR/100 kg	170,00	0406 10 20 9900	A00	EUR/100 kg	—
0406 10 20 9100	A00	EUR/100 kg	—	0406 20 90 9100	A00	EUR/100 kg	—
0406 10 20 9230	L02	EUR/100 kg	—	0406 20 90 9913	L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	37,68		A24	EUR/100 kg	58,77
	L04	EUR/100 kg	37,68		L04	EUR/100 kg	58,77
	400	EUR/100 kg	—		400	EUR/100 kg	23,80
	A01	EUR/100 kg	37,68		A01	EUR/100 kg	58,77
0406 10 20 9290	L02	EUR/100 kg	—	0406 20 90 9915	L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	35,05		A24	EUR/100 kg	77,56
	L04	EUR/100 kg	35,05		L04	EUR/100 kg	77,56
	400	EUR/100 kg	—		400	EUR/100 kg	31,70
	A01	EUR/100 kg	35,05		A01	EUR/100 kg	77,56
0406 10 20 9300	L02	EUR/100 kg	—	0406 20 90 9917	L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	15,39		A24	EUR/100 kg	82,41
	L04	EUR/100 kg	15,39		L04	EUR/100 kg	82,41
	400	EUR/100 kg	—		400	EUR/100 kg	33,70
	A01	EUR/100 kg	15,39		A01	EUR/100 kg	82,41
0406 10 20 9610	L02	EUR/100 kg	—	0406 20 90 9919	L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	51,11		A24	EUR/100 kg	92,10
	L04	EUR/100 kg	51,11		L04	EUR/100 kg	92,10
	400	EUR/100 kg	—		400	EUR/100 kg	37,60
	A01	EUR/100 kg	51,11		A01	EUR/100 kg	92,10
0406 10 20 9620	L02	EUR/100 kg	—	0406 20 90 9990	A00	EUR/100 kg	—
	L03	EUR/100 kg	—	0406 30 31 9710	L02	EUR/100 kg	—
	A24	EUR/100 kg	51,83		L03	EUR/100 kg	—
	L04	EUR/100 kg	51,83		A24	EUR/100 kg	14,50
	400	EUR/100 kg	—		L04	EUR/100 kg	7,74
	A01	EUR/100 kg	51,83		400	EUR/100 kg	—
0406 10 20 9630	L02	EUR/100 kg	—		A01	EUR/100 kg	14,50
	L03	EUR/100 kg	—	0406 30 31 9730	L02	EUR/100 kg	—
	A24	EUR/100 kg	57,86		L03	EUR/100 kg	—
	L04	EUR/100 kg	57,86		A24	EUR/100 kg	21,28
	400	EUR/100 kg	—		L04	EUR/100 kg	11,34
	A01	EUR/100 kg	57,86		400	EUR/100 kg	—
0406 10 20 9640	L02	EUR/100 kg	—		A01	EUR/100 kg	21,28
	L03	EUR/100 kg	—	0406 30 31 9910	L02	EUR/100 kg	—
	A24	EUR/100 kg	85,03		L03	EUR/100 kg	—
	L04	EUR/100 kg	85,03		A24	EUR/100 kg	14,50
	400	EUR/100 kg	—		L04	EUR/100 kg	7,74
	A01	EUR/100 kg	85,03		400	EUR/100 kg	—
0406 10 20 9650	L02	EUR/100 kg	—	0406 30 31 9930	A01	EUR/100 kg	14,50
	L03	EUR/100 kg	—		L02	EUR/100 kg	—
	A24	EUR/100 kg	70,86		L03	EUR/100 kg	—
	L04	EUR/100 kg	70,86		A24	EUR/100 kg	21,28
	400	EUR/100 kg	—		L04	EUR/100 kg	11,34
	A01	EUR/100 kg	70,86		400	EUR/100 kg	—
0406 10 20 9660	A00	EUR/100 kg	—		A01	EUR/100 kg	21,28
0406 10 20 9830	L02	EUR/100 kg	—	0406 30 31 9950	L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	26,28		A24	EUR/100 kg	30,95
	L04	EUR/100 kg	26,28		L04	EUR/100 kg	16,51
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	26,28		A01	EUR/100 kg	30,95
0406 10 20 9850	L02	EUR/100 kg	—				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 30 39 9500	L02	EUR/100 kg	—	0406 90 23 9900	L04	EUR/100 kg	102,90
	L03	EUR/100 kg	—		400	EUR/100 kg	33,50
	A24	EUR/100 kg	21,28		A01	EUR/100 kg	117,54
	L04	EUR/100 kg	11,34		L02	EUR/100 kg	—
	400	EUR/100 kg	—		L03	EUR/100 kg	—
0406 30 39 9700	A01	EUR/100 kg	21,28	0406 90 25 9900	A24	EUR/100 kg	103,92
	L02	EUR/100 kg	—		L04	EUR/100 kg	90,36
	L03	EUR/100 kg	—		400	EUR/100 kg	—
	A24	EUR/100 kg	30,95		A01	EUR/100 kg	103,92
	L04	EUR/100 kg	16,51		L02	EUR/100 kg	—
0406 30 39 9930	400	EUR/100 kg	—	0406 90 27 9900	L03	EUR/100 kg	—
	A01	EUR/100 kg	30,95		A24	EUR/100 kg	102,80
	L02	EUR/100 kg	—		L04	EUR/100 kg	89,77
	L03	EUR/100 kg	—		400	EUR/100 kg	—
	A24	EUR/100 kg	30,95		A01	EUR/100 kg	102,80
0406 30 39 9950	L04	EUR/100 kg	16,51	0406 90 31 9119	L02	EUR/100 kg	—
	400	EUR/100 kg	—		L03	EUR/100 kg	—
	A01	EUR/100 kg	30,95		A24	EUR/100 kg	93,10
	L02	EUR/100 kg	—		L04	EUR/100 kg	81,30
	L03	EUR/100 kg	—		400	EUR/100 kg	—
0406 30 90 9000	A24	EUR/100 kg	35,00	0406 90 33 9119	A01	EUR/100 kg	93,10
	L04	EUR/100 kg	18,67		L02	EUR/100 kg	—
	400	EUR/100 kg	—		L03	EUR/100 kg	—
	A01	EUR/100 kg	35,00		A24	EUR/100 kg	85,71
	L02	EUR/100 kg	—		L04	EUR/100 kg	74,72
0406 40 50 9000	L03	EUR/100 kg	—	0406 90 33 9919	400	EUR/100 kg	19,20
	A24	EUR/100 kg	36,72		A01	EUR/100 kg	85,71
	L04	EUR/100 kg	19,58		L02	EUR/100 kg	—
	400	EUR/100 kg	—		L03	EUR/100 kg	—
	A01	EUR/100 kg	36,72		A24	EUR/100 kg	85,71
0406 40 90 9000	L04	EUR/100 kg	90,00	0406 90 33 9951	L04	EUR/100 kg	74,72
	L03	EUR/100 kg	—		400	EUR/100 kg	19,20
	A24	EUR/100 kg	90,00		A01	EUR/100 kg	85,71
	400	EUR/100 kg	—		L02	EUR/100 kg	—
	A01	EUR/100 kg	90,00		L03	EUR/100 kg	—
0406 90 13 9000	L02	EUR/100 kg	—	0406 90 35 9190	A24	EUR/100 kg	78,60
	L03	EUR/100 kg	—		L04	EUR/100 kg	68,29
	A24	EUR/100 kg	116,37		400	EUR/100 kg	—
	L04	EUR/100 kg	101,62		A01	EUR/100 kg	78,60
	400	EUR/100 kg	45,30		L02	EUR/100 kg	—
0406 90 15 9100	A01	EUR/100 kg	116,37	0406 90 35 9990	L03	EUR/100 kg	—
	L02	EUR/100 kg	—		A24	EUR/100 kg	78,66
	L03	EUR/100 kg	—		L04	EUR/100 kg	68,98
	A24	EUR/100 kg	120,25		400	EUR/100 kg	—
	L04	EUR/100 kg	105,01		A01	EUR/100 kg	78,66
0406 90 17 9100	400	EUR/100 kg	46,70	0406 90 37 9000	L02	EUR/100 kg	33,29
	A01	EUR/100 kg	120,25		L03	EUR/100 kg	—
	L02	EUR/100 kg	—		A24	EUR/100 kg	121,56
	L03	EUR/100 kg	—		L04	EUR/100 kg	105,71
	A24	EUR/100 kg	120,25		400	EUR/100 kg	30,20
0406 90 21 9900	L04	EUR/100 kg	105,01		A01	EUR/100 kg	121,56
	400	EUR/100 kg	46,70		L02	EUR/100 kg	—
	A01	EUR/100 kg	120,25		L03	EUR/100 kg	—
	L02	EUR/100 kg	—		A24	EUR/100 kg	116,37
	L03	EUR/100 kg	—		L04	EUR/100 kg	101,62
	A24	EUR/100 kg	117,54		400	EUR/100 kg	45,30
					A01	EUR/100 kg	116,37

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 61 9000	L02	EUR/100 kg	47,01	0406 90 78 9500	400	EUR/100 kg	—
	L03	EUR/100 kg	—		A01	EUR/100 kg	105,98
	A24	EUR/100 kg	129,64		L02	EUR/100 kg	—
	L04	EUR/100 kg	112,00		L03	EUR/100 kg	—
	400	EUR/100 kg	43,00		A24	EUR/100 kg	104,35
0406 90 63 9100	A01	EUR/100 kg	129,64	0406 90 79 9900	L04	EUR/100 kg	91,91
	L02	EUR/100 kg	42,83		400	EUR/100 kg	—
	L03	EUR/100 kg	—		A01	EUR/100 kg	104,35
	A24	EUR/100 kg	128,55		L02	EUR/100 kg	—
	L04	EUR/100 kg	111,41		L03	EUR/100 kg	—
0406 90 63 9900	400	EUR/100 kg	48,10	0406 90 81 9900	A24	EUR/100 kg	86,27
	A01	EUR/100 kg	128,55		L04	EUR/100 kg	75,02
	L02	EUR/100 kg	34,22		400	EUR/100 kg	—
	L03	EUR/100 kg	—		A01	EUR/100 kg	86,27
	A24	EUR/100 kg	124,18		L02	EUR/100 kg	—
0406 90 69 9100	L04	EUR/100 kg	107,11	0406 90 85 9910	L03	EUR/100 kg	—
	400	EUR/100 kg	36,80		A24	EUR/100 kg	108,62
	A01	EUR/100 kg	124,18		L04	EUR/100 kg	94,85
	A00	EUR/100 kg	—		400	EUR/100 kg	35,80
	L02	EUR/100 kg	—		A01	EUR/100 kg	108,62
0406 90 69 9910	L03	EUR/100 kg	—	0406 90 85 9991	L02	EUR/100 kg	33,32
	A24	EUR/100 kg	124,18		L03	EUR/100 kg	—
	L04	EUR/100 kg	107,11		A24	EUR/100 kg	117,90
	400	EUR/100 kg	36,80		L04	EUR/100 kg	102,43
	A01	EUR/100 kg	124,18		400	EUR/100 kg	44,60
0406 90 73 9900	L02	EUR/100 kg	—	0406 90 85 9995	A01	EUR/100 kg	117,90
	L03	EUR/100 kg	—		L02	EUR/100 kg	—
	A24	EUR/100 kg	106,91		L03	EUR/100 kg	—
	L04	EUR/100 kg	93,28		A24	EUR/100 kg	117,90
	400	EUR/100 kg	39,60	0406 90 86 9100	L04	EUR/100 kg	102,43
0406 90 75 9900	A01	EUR/100 kg	106,91		400	EUR/100 kg	30,20
	L02	EUR/100 kg	—		A01	EUR/100 kg	117,90
	L03	EUR/100 kg	—		L02	EUR/100 kg	—
	A24	EUR/100 kg	108,07		L03	EUR/100 kg	—
0406 90 76 9300	L04	EUR/100 kg	93,90	0406 90 85 9999	A24	EUR/100 kg	108,07
	400	EUR/100 kg	16,70		L04	EUR/100 kg	93,90
	A01	EUR/100 kg	108,07		400	EUR/100 kg	—
	L02	EUR/100 kg	—		A01	EUR/100 kg	108,07
	L03	EUR/100 kg	—	0406 90 86 9200	A00	EUR/100 kg	—
0406 90 76 9400	A24	EUR/100 kg	96,98		A00	EUR/100 kg	—
	L04	EUR/100 kg	84,68		L02	EUR/100 kg	—
	400	EUR/100 kg	—		L03	EUR/100 kg	—
	A01	EUR/100 kg	96,98		A24	EUR/100 kg	102,23
0406 90 76 9500	L02	EUR/100 kg	—	0406 90 86 9300	L04	EUR/100 kg	86,17
	L03	EUR/100 kg	—		400	EUR/100 kg	20,80
	A24	EUR/100 kg	108,62		A01	EUR/100 kg	102,23
	L04	EUR/100 kg	94,85		L02	EUR/100 kg	—
	400	EUR/100 kg	17,40	0406 90 86 9400	L03	EUR/100 kg	—
0406 90 78 9100	A01	EUR/100 kg	108,62		A24	EUR/100 kg	103,32
	L02	EUR/100 kg	—		L04	EUR/100 kg	87,41
	L03	EUR/100 kg	—		400	EUR/100 kg	22,80
	A24	EUR/100 kg	102,45		A01	EUR/100 kg	103,32
0406 90 78 9300	L04	EUR/100 kg	90,24	0406 90 86 9900	L02	EUR/100 kg	—
	400	EUR/100 kg	17,40		L03	EUR/100 kg	—
	A01	EUR/100 kg	102,45		A24	EUR/100 kg	117,90
	L02	EUR/100 kg	—		L04	EUR/100 kg	102,43
	L03	EUR/100 kg	—		400	EUR/100 kg	30,20
0406 90 78 9900	A24	EUR/100 kg	105,98		A01	EUR/100 kg	117,90
	L04	EUR/100 kg	92,78				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 87 9100	A00	EUR/100 kg	—		400	EUR/100 kg	—
0406 90 87 9200	L02	EUR/100 kg	—		A01	EUR/100 kg	45,63
	L03	EUR/100 kg	—	0406 90 87 9973	L02	EUR/100 kg	—
	A24	EUR/100 kg	85,19		L03	EUR/100 kg	—
	L04	EUR/100 kg	71,81		A24	EUR/100 kg	104,74
	400	EUR/100 kg	18,60		L04	EUR/100 kg	91,46
	A01	EUR/100 kg	85,19		400	EUR/100 kg	18,10
0406 90 87 9300	L02	EUR/100 kg	—		A01	EUR/100 kg	104,74
	L03	EUR/100 kg	—	0406 90 87 9974	L02	EUR/100 kg	—
	A24	EUR/100 kg	94,89		L03	EUR/100 kg	—
	L04	EUR/100 kg	80,27		A24	EUR/100 kg	113,19
	400	EUR/100 kg	21,00		L04	EUR/100 kg	99,26
	A01	EUR/100 kg	94,89		400	EUR/100 kg	18,10
0406 90 87 9400	L02	EUR/100 kg	—		A01	EUR/100 kg	113,19
	L03	EUR/100 kg	—	0406 90 87 9975	L02	EUR/100 kg	—
	A24	EUR/100 kg	96,33		L03	EUR/100 kg	—
	L04	EUR/100 kg	82,36		A24	EUR/100 kg	114,45
	400	EUR/100 kg	23,00		L04	EUR/100 kg	101,25
	A01	EUR/100 kg	96,33		400	EUR/100 kg	24,00
0406 90 87 9951	L02	EUR/100 kg	—		A01	EUR/100 kg	114,45
	L03	EUR/100 kg	—	0406 90 87 9979	L02	EUR/100 kg	—
	A24	EUR/100 kg	106,68		L03	EUR/100 kg	—
	L04	EUR/100 kg	93,15		A24	EUR/100 kg	103,92
	400	EUR/100 kg	31,80		L04	EUR/100 kg	90,36
	A01	EUR/100 kg	106,68		400	EUR/100 kg	18,10
0406 90 87 9971	L02	EUR/100 kg	—		A01	EUR/100 kg	103,92
	L03	EUR/100 kg	—	0406 90 88 9100	A00	EUR/100 kg	—
	A24	EUR/100 kg	106,68	0406 90 88 9300	L02	EUR/100 kg	—
	L04	EUR/100 kg	93,15		L03	EUR/100 kg	—
	400	EUR/100 kg	25,80		A24	EUR/100 kg	83,50
	A01	EUR/100 kg	106,68		L04	EUR/100 kg	70,90
0406 90 87 9972	A24	EUR/100 kg	45,63		400	EUR/100 kg	22,80
	L03	EUR/100 kg	—		A01	EUR/100 kg	83,50
	L04	EUR/100 kg	39,68				

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

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

The other destinations are defined as follows:

L02 Switzerland, Liechtenstein,

L03 Ceuta, Melilla, Iceland, Norway, Andorra, Gibraltar, Holy See (often referred to as Vatican City), Malta, Turkey, Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovakia, Hungary, Romania, Bulgaria, Canada, Cyprus, Australia and New Zealand,

L04 Albania, Slovenia, Croatia, Bosnia and Herzegovina, Yugoslavia and the Former Yugoslav Republic of Macedonia,

L05 all destinations except Poland and the United States of America.

970 includes the exports referred to in Articles 36(1)(a) and (c) and 44(1)(a) and (b) of Commission Regulation (EC) No 800/1999 (OJ L 102, 17.4.1999, p. 11) and exports under contracts with armed forces stationed on the territory of a Member State which do not come under its flag.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 17 January 2001

on the State aid which the United Kingdom is planning to implement for Nissan Motor Manufacturing (UK) Ltd

(notified under document number C(2001) 164)

(Only the English text is authentic)

(Text with EEA relevance)

(2001/398/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof,

Having regard to Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty ⁽¹⁾,

Having called on interested parties to submit their comments pursuant to those provisions,

Whereas:

ties ⁽²⁾. The Commission called on interested parties to submit their comments.

(4) The Commission received no comments from interested parties.

(5) By letter dated 25 October 2000, the United Kingdom submitted its comments and provided information, which it considered necessary to assess the aid. Following a visit by Commission representatives on 8 and 9 November 2000 on site in Sunderland and Flins (France), the Commission raised additional questions, which were answered by the United Kingdom in a letter dated 23 November 2000.

Detailed description of the proposed aid

Procedure

(1) By letter dated 25 July 2000, the United Kingdom notified the proposed aid to the Commission, pursuant to Article 88(3) of the Treaty. A pre-notification meeting was held between the United Kingdom authorities, representatives of Nissan, Renault and the Commission's services on 19 July 2000.

(2) On 20 September 2000, the Commission decided to initiate the procedure laid down in Article 88(2) of the Treaty in respect of the aid. The United Kingdom was informed of this decision by letter dated 29 September 2000.

(3) The Commission decision to initiate the procedure was published in the *Official Journal of the European Communi-*

(6) The recipient of the aid would be Nissan Motor Manufacturing (UK) Ltd (hereinafter referred to as 'NMUK'). The NMUK plant is situated in Sunderland. NMUK is wholly owned by Nissan Motor Co., Ltd (Japan) (hereinafter referred to as 'Nissan Motor'). The turnover of NMUK in 1999 was GBP 1 813,5 million and the net profit GBP 8,3 million. NMUK's Sunderland plant produced 271 000 vehicles (157 000 Micra and 114 000 Primera) in 1999.

(7) Renault has taken a 36,8 % equity stake in Nissan Motor, a 22,5 % in Nissan Diesel and 100 % of the capital of Nissan's European sales financial subsidiaries. Renault and Nissan signed an alliance agreement on 27 March 1999, involving the joint development of platforms, a global joint purchasing policy, joint development and use of engines and gearboxes as well as close cooperation in other areas.

⁽¹⁾ OJ L 83, 27.3.1999, p. 1.

⁽²⁾ OJ C 310, 28.10.2000, p. 6.

- (8) The aid in question is regional investment aid leading to the transformation of the Nissan plant in Sunderland, in order to introduce the new Micra to replace the current model. The new Micra will comprise a three and five-door hatchback as well as another derivative. It will be built on a common Nissan-Renault platform developed to replace the current Nissan Micra, March and Cube as well as the Renault Clio and Twingo.
- (9) The new Micra will compete in the B segment against models such as the Ford Ka, Fiat Punto, VW Polo, Toyota Yaris and Citroen Saxo.
- (10) The project is to run from January 2001 until March 2005. According to the United Kingdom authorities, no decision as to the site of production has yet been taken by Nissan and the final decision is planned to be taken in January 2001. Production is planned to start in January 2003. The total amount of investment amounts to GBP 315,8 million, of which GBP 211,8 million is eligible. The net present value of the eligible investments is GBP 193,2 million. These investments consist of machinery and equipment (GBP 155,3 million) and supplier tooling (GBP 38 million). The aid of GBP 40 million (net present value: GBP 36 million) would be provided as Regional Selective Assistance. The aid intensity is 18,62 % gross grant equivalent (gge).
- (11) Sunderland was recognised by the Commission as a regionally assisted area for the purposes of Article 87(3)(c) of the Treaty under the Regional Aid map ⁽¹⁾ for the period 2000 to 2006, with a regional ceiling of 20 % net grant equivalent (nge).
- (12) The cost-benefit analysis comparing the costs and benefits of the chosen location in Sunderland with those of the stated alternative location in Flins, France, results in a net cost handicap of GBP 62,8 million for the location in Sunderland in comparison with the location in Flins. Consequently, the handicap intensity of the project is 32,48 %.
- (13) In its decision to initiate the procedure laid down in Article 88(2) in respect of the planned regional aid, the Commission raised doubts mainly as to the necessity of the aid, the eligibility of costs, several hypotheses used by the United Kingdom authorities in the cost benefit analysis and the effects on production capacity.
- (16) Firstly, the United Kingdom explained the character and objectives of the Renault-Nissan Alliance. A key objective of the Alliance is to globally reduce the number of main passenger car platforms and to increase the average volume produced on each platform. Whenever either company is considering the location of a new model investment project, it can take into consideration the full available capacity of the alliance partners in reaching its location decision. Other investment projects, taking advantage of this strategy, are mentioned.
- (17) Secondly, with regard to the issue of mobility, the United Kingdom referred to past two-model profitability and viability with production volumes similar to or lower than those envisaged in the case of a shift of the Micra production to Flins. According to the United Kingdom, the decisions to produce the Almera (until 2005) and new Primera (from 2002 until 2007) at Sunderland have already been taken, and production of these models is assured regardless of the decision concerning the Micra. In addition, there will be further opportunities for NMUK to win future model investment in competition with other plants across the alliance.
- (18) Thirdly, the United Kingdom pointed out that all elements of the project investment relate to transformation since they involve a complete dismantling of existing Micra bodywork and final assembly lines. The original vendor tooling estimates included in the notification for both locations have been modified to take into account the more advanced planning of the project.
- (19) The United Kingdom also expressed its views and provided more detailed information with regard to a number of assumptions and cost factors applied in the cost-benefit-analysis.
- (20) Finally, the United Kingdom stated that the total capacity of the Nissan-Renault alliance before and after the investment for the Member States and central and east European countries would be unchanged as a result of the investment.

Comments from interested parties

- (14) The Commission received no comments from third parties.

Comments from the United Kingdom

- (15) The United Kingdom submitted to the Commission by letter dated 25 October 2000 its comments on the opening of procedure. By letter dated 23 November 2000, the United Kingdom provided further information. These comments have been taken into account.

Assessment of the aid

- (21) The measure notified by the United Kingdom constitutes State aid within the meaning of Article 87(1) of the Treaty. It would be financed by the State or through State resources. Furthermore, as it constitutes a significant proportion of the funding of the project, the aid is liable to distort competition in the Community by giving NMUK an edge over competitors not receiving aid. Finally, there is extensive trade between Member States in the automobile market.

⁽¹⁾ OJ C 272, 23.9.2000, p. 43.

- (22) The aid in question is intended for an undertaking which manufactures and assembles cars. That undertaking is therefore part of the motor vehicle industry within the meaning of the Community framework for State aid to the motor vehicle industry ⁽¹⁾ (hereinafter 'the Guidelines on State aid to the motor vehicle industry').
- (23) The proposed aid is to be granted under the Regional Selective Assistance scheme, which was adapted by the United Kingdom to the Guidelines on national regional aid ⁽²⁾, after the Commission proposed appropriate measures in accordance with Article 88(1) of the Treaty ⁽³⁾.
- (24) The Guidelines on State aid to the motor vehicle industry specify that, in accordance with Article 88(3) of the Treaty, aid which the public authorities plan to grant to an individual project under an authorised aid scheme for a firm operating in the motor vehicle industry must be notified before being granted if either the total cost of the project is equal to EUR 50 million, or the total gross aid for the project, whether State aid or aid from Community instruments, is equal to EUR 5 million.
- (25) Both the total cost of the project and the amount of aid exceed the notification threshold. Thus, in notifying the proposed aid for NMUK, the United Kingdom has complied with the requirements of Article 88(3) of the Treaty.
- (26) Article 87(2) of the Treaty specifies certain types of aid that are compatible with the Treaty. In view of the character and purpose of the aid, and the geographic location of the investment, Article 87(2)(a), (b) and (c) are not applicable. Article 87(3) specifies other forms of aid, which may be regarded as compatible with the common market. Compatibility must be assessed from the standpoint of the Community as a whole and not in a purely domestic context. In order to maintain the proper functioning of the common market and having regard to the principle in Article 3(g) of the Treaty, the exceptions in Article 87(3) must be construed narrowly. With regard to the exceptions in Article 87(3)(b) and (d), it is clear that the aid in question is not intended for a project of common European interest or to remedy a serious disturbance in the United Kingdom economy or to promote culture and heritage conservation. As regards the exceptions in Article 87(3)(a) and (c), the Commission notes that the plant is located in the region of Sunderland, which qualifies for assistance under point (c).
- (27) In order to decide whether the planned regional aid is compatible with the common market, the Commission must check whether the conditions specified in the Guidelines on State aid to the motor vehicle industry have been met.
- (28) To authorise aid under those Guidelines, the Commission, after checking that the region in question is eligible for aid under Community law, establishes whether the investor could have chosen an alternative site for its project, so as to demonstrate the need for the aid, with particular reference to the mobility of the project. Under the new regional map in the United Kingdom, the Sunderland car plant is located in an area assisted under Article 87(3)(c) with a regional aid ceiling of 20 % nge for large firms.
- (29) Taking into account the ownership structure of the Nissan-Renault alliance and the technical characteristics of the particular project in question, the Commission considers that the two companies Nissan and Renault can be considered as a single business unit for the purpose of analysing the necessity and proportionality requirement in this case.
- (30) The Commission has studied the geographic mobility of the project. As for the viability of the Sunderland plant in case of a shift of the Micra production to Flins, the United Kingdom confirmed that decisions to produce the Almera (until 2005) and the new Primera (until 2007) have already been taken, and production of these models in Sunderland is assured, regardless of the Micra decision. For this scenario, the depreciation charges relating to the residual book value of past long-life investments attributable to the Micra have been allocated to the remaining production in Sunderland and have been taken into account in the cost-benefit analysis. The Commission considers that the plant in Flins is a viable alternative to Sunderland. This has been confirmed by a visit on site in Flins and technical documents provided by the United Kingdom. In addition, the United Kingdom submitted documents showing Nissan's genuine intention to consider producing the Micra model in Flins. Thus, the project is mobile in character and can therefore be considered eligible for regional aid, since the aid is necessary in attracting the investment to the assisted region.
- (31) Regional aid intended for modernisation and rationalisation, which is generally not mobile, is not authorised in the motor vehicle sector. However, a transformation, involving a radical change in production structures on the existing site could be eligible for regional aid. On the basis of the layouts provided by the United Kingdom and the visit on site, the Commission considers the investments in the context of the launch of the new Micra model as a transformation, involving a radical change in production structures.

⁽¹⁾ OJ C 279, 15.9.1997, p. 1.

⁽²⁾ OJ C 74, 10.3.1998, p. 9.

⁽³⁾ Commission letter dated 19 July 2000.

- (32) The Commission has, together with its external automotive expert, evaluated the notified cost-benefit analysis with a view to ascertaining the extent to which the proposed regional aid is in proportion to the regional problems it seeks to solve. The exchange rate used in the cost-benefit analysis is usually the exchange rate at the time of the location decision. If the time of the location decision is not verifiable or if no decision has yet been taken, as in the present case, the applicable rate is the rate at the time of notification. The in-depth analysis of the cost-benefit analysis has made it possible to clarify the elements which were raised in the decision to initiate the procedure. Taking into account the additional information received from the United Kingdom following the opening of procedure, the cost benefit analysis was modified with respect to a number of elements.
- (33) The original vendor tooling estimates included in the notification for both locations have been modified to take into account the more advanced planning of the project. The effect on the cost-benefit analysis (in net present value terms) is to increase the eligible investment amount by GBP 7,9 million to GBP 193,2 million, to increase the investment cost handicap by GBP 1,6 million and to reduce the other handicap by GBP 0,3 million.
- (34) The Commission considers that the labour cost handicap of Sunderland in the original cost benefit analysis submission in respect of management and other salaried employees was overstated. The cost benefit analysis was modified accordingly, with the effect (in net present value terms) of reducing the labour cost handicap of Sunderland by GBP 17,7 million.
- (35) Those modifications produce different cost-benefit results from those initially notified by the United Kingdom. The initially notified handicap intensity of Sunderland, of 42,71 %, was reduced to 32,48 %. The revised aid intensity is 18,62 % gge, compared to 19,41 gge % initially.

- (36) The Commission has considered the question of a 'top-up', which is an increase in the permissible aid intensity intended as a further incentive to the investor to invest in the region in question. Such top-ups are authorised on condition that the investment does not increase the capacity problems facing the motor vehicle industry. In this particular case, the results of the cost-benefit analysis obviate the need for such an examination.

Conclusion

- (37) The aid intensity of the project is less than both the disadvantage identified by the cost-benefit analysis and the regional aid ceiling. The regional aid that the United Kingdom plans to grant for NMUK is therefore compatible with the common market pursuant to Article 87(3)(c) of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

The State aid which the United Kingdom is planning to grant to Nissan Motor Manufacturing (UK) Ltd for its plant in Sunderland, amounting to a maximum of GBP 40 million, with an aid intensity of 18,62 % gross grant equivalent, is compatible with the common market within the meaning of Article 87(3)(c) of the Treaty.

Implementation of the aid is accordingly authorised.

Article 2

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 17 January 2001.

For the Commission

Mario MONTI

Member of the Commission

COMMISSION DECISION
of 7 May 2001
recognising the fully operational character of the French database for bovine animals

(notified under document number C(2001) 1183)

(Only the French text is authentic)

(Text with EEA relevance)

(2001/399/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding labelling of beef and beef products and repealing Council Regulation (EC) No 820/97 ⁽¹⁾, and in particular Article 6(3) thereof,

Having regard to the request submitted by France,

Whereas:

- (1) On 3 December 1999 the French authorities submitted to the Commission a request asking for recognition of the fully operational character of their database that forms part of the French system for the identification and registration of bovine animals.
- (2) The French request was accompanied by appropriate information that was updated on 24 January 2001.
- (3) The French authorities have undertaken to improve the reliability of this database ensuring in particular that (i) the delays for notification of movements, births and deaths shall be shortened to seven days at maximum, and the procedure for the control of these delays is introduced, (ii) all kinds of movements shall be recorded in the database, (iii) the existing measures for prompt correction of any errors or deficiencies which could be detected automatically or following the appropriate

on-the-spot inspections, are reinforced. The French authorities have undertaken to implement those improvement measures at the latest by 1 September 2001. The French authorities have undertaken to inform the Commission in the event of any problems occurring during the implementation period of the abovementioned measures.

- (4) In view of the situation in France, it is appropriate to recognise the fully operational character of the database for bovine animals,

HAS ADOPTED THIS DECISION:

Article 1

The French database for bovine animals is recognised as fully operational from 2 September 2001.

Article 2

This Decision is addressed to the French Republic.

Done at Brussels, 7 May 2001.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 204, 11.8.2000, p. 1.

COMMISSION DECISION

of 17 May 2001

amending the Annex of Commission Decision 97/4/EC drawing up provisional lists of third country establishments from which Member States authorise imports of fresh poultry meat, in respect of the People's Republic of China

(notified under document number C(2001) 1425)

(Text with EEA relevance)

(2001/400/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 95/408/EC ⁽¹⁾ of 22 June 1995 on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorised to import certain products of animal origin, fishery products or live bivalve molluscs, as amended by Decision 2001/4/EC ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) Commission Decision 97/4/EC ⁽³⁾ draws up provisional lists of third country establishments from which the Member States authorise imports of fresh poultry meat.
- (2) Commission Decision 94/984/EC ⁽⁴⁾ laying down animal health conditions and veterinary certificates for the importation of fresh poultrymeat from third countries, as amended by Commission Decision 2000/352/EC ⁽⁵⁾, included the People's Republic of China in its Annex I drawing up the list of third countries or parts of third countries which are allowed to use the certificates laid down in its Annex II.
- (3) The People's Republic of China is allowed by Commission Decision 94/984/EC as amended by Commission Decision 2000/352/EC, to use the model certificate B, but only for the municipality of Shanghai excluding the county of Chongming and for the districts of Weifang, Linyi and Qindao in the province of Shandong.
- (4) The State Administration of Entry-Exit Inspection and Quarantine (CIQ-SA) is the responsible authority in the People's Republic of China for the issuance of certificates related with fresh poultrymeat.
- (5) The People's Republic of China has sent a list of establishments producing fresh poultry meat from the above-mentioned regions, for which the responsible authorities

certify that the said establishments are in accordance with Community rules.

- (6) A number of inspections were carried out by the Food and Veterinary Office pursuant to the Community rules; whereas these inspections have revealed that the establishments proposed by the People's Republic of China meet the requirements of the relevant Community legislation.
- (7) A provisional list of establishments producing fresh poultrymeat can thus be drawn up for the People's Republic of China in accordance with the procedure laid down in Council Decision 95/408/EC in respect of certain countries.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The text of the Annex to this Decision is added to the Annex to Commission Decision 97/4/EC.

Article 2

This Decision is addressed to the Member States.

Article 3

This Decision shall apply with effect from 24 May 2001.

Done at Brussels, 17 May 2001.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 243, 11.10.1995, p. 17.

⁽²⁾ OJ L 2, 5.1.2001, p. 21.

⁽³⁾ OJ L 236, 27.8.1997, p. 20.

⁽⁴⁾ OJ L 378, 31.12.1994, p. 11.

⁽⁵⁾ OJ L 124, 25.5.2000, p. 64.

ANNEX

'ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO —
LITE — BILAGA

País: CHINA — Land: KINA — Land: CHINA — Χώρα: KINA — Country: CHINA — Pays: CHINE — Paese: CINA — Land:
CHINA — País: CHINA — Maa: KIINA — Land: KINA

Approval No	Name	City	Region	Activity
3100/03015	Shanghai Dajiang Meat No 3	Xinquiao Town (North), Songjiang	Shanghai	SH, CP, CS
3100/03019	Shanghai Dajiang Meat No 4	Tianma Town, Songjiang	Shanghai	SH, CP, CS
3100/03020	Shanghai Shenteng Food Processing Plant	Zhangjiaqiao East, Hunan Road	Shanghai	SH, CP, CS
3100/03021	Shanghai Daying Food Factory No 1	Daying Town, Qingpu	Shanghai	SH, CP, CS
3700/03115	Shandong Kaiyuan Food Co., Ltd	Gaomi, Weifang	Shandong	SH, CP, CS
3700/03120	Weifang Yonchang Food Industry Co., Ltd	Changle County, Weifang	Shandong	SH, CP, CS
3700/03235	Qingdao Nine-Alliance Group Co., Ltd	Laixi City, Qindao	Shandong	SH, CP, CS
3700/03138	Shandong Weifang COFCO Huawei. Foodstuffs Co., Ltd	Weifang	Shandong	SH, CP, CS
3700/03178	Shandong Weifang Meichen Broiler Co., Ltd	Weifang	Shandong	SH, CP, CS
3700/03239	Qingdao Kangda Foodstuffs Co., Ltd	Jiaonan EDZ, Qindao	Shandong	SH, CP, CS
3700/03257	Ceroilfood Shandong Changyi Xinchang. Foodstuffs, Co., Ltd	Changyi, Weifang	Shandong	SH, CP, CS
3700/03260	Shandong Delicate Food Co., Ltd	Zhucheng City, Weifang	Shandong	SH, CP, CS
3700/03262	Qingdao Chia Tai Co., Ltd	Jimo, Qindao	Shandong	SH, CP, CS
3700/03263	Shandong Weifang Lenang Foodstuffs Co., Ltd	Changle County, Weifang	Shandong	SH, CP, CS

SH = Slaughterhouse.

CP = Cutting plant.

CS = Coldstore.

EUROPEAN CENTRAL BANK

GUIDELINE OF THE EUROPEAN CENTRAL BANK

of 26 April 2001

**on a Trans-European Automated Real-time Gross Settlement Express Transfer system (Target)
(ECB/2001/3)**

(2001/401/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty establishing the European Community (hereinafter referred to as the 'Treaty') and in particular to the first and fourth indents of Article 105(2) thereof and to Articles 3.1, 12.1, 14.3, 17, 18 and 22 of the Statute of the European System of Central Banks and of the European Central Bank (hereinafter referred to as the 'Statute'),

Whereas:

- (1) The first indent of Article 105(2) of the Treaty and the first indent of Article 3.1 of the Statute require the European System of Central Banks (ESCB) to define and implement the monetary policy of the Community.
- (2) The fourth indent of Article 105(2) of the Treaty and the fourth indent of Article 3.1 of the Statute empower the European Central Bank (ECB) and the national central banks (NCBs) to promote the smooth operation of payment systems.
- (3) Article 22 of the Statute entrusts the ECB and the NCBs with the provision of facilities to ensure efficient and sound clearing and payment systems within the Community and with other countries.
- (4) The achievement of a single monetary policy entails the need for payment arrangements through which the monetary policy operations between NCBs and credit institutions can be effected in a timely and secure manner, and which will foster the singleness of the money market within the euro area.
- (5) Such objectives warrant a payment arrangement that operates with a high level of security, within very short processing times and at low cost.

- (6) Target is governed by a legal framework, which has applied from the starting date of Stage III of economic and monetary union (EMU). This Guideline replaces Guideline ECB/2000/9 of 3 October 2000 on a 'Trans-European Automated Real-time Gross Settlement Express Transfer system (Target)'.
- (7) This Guideline is published following a policy in favour of transparency by way of official publication of the ECB's legal instruments; certain additional existing ESCB arrangements concerning security, financial and other operational or internal ESCB aspects are not included in this Guideline.
- (8) In accordance with Articles 12.1 and 14.3 of the Statute, ECB guidelines form an integral part of Community law,

HAS ADOPTED THIS GUIDELINE:

Article 1

Definitions

1. For the purposes of this Guideline:
 - 'national RTGS systems' shall mean those Real-time Gross Settlement systems which are component parts of Target as identified in Annex I of this Guideline,
 - 'ECB payment mechanism' shall mean the payment arrangements organised within the ECB and connected to Target for the purpose of effecting (i) payments between accounts held at the ECB; and (ii) payments through Target between accounts held at the ECB and at the NCBs,
 - 'interlinking' shall mean the technical infrastructures, design features and procedures which are put in place within, or constitute adaptations of, each national RTGS system and the ECB payment mechanism for the purpose of processing cross-border payments within Target,

- 'participants' shall mean the entities which have direct access to a national RTGS system and have an RTGS account with the NCB concerned (or, in the case of the ECB payment mechanism, with the ECB) and shall include such NCB or the ECB, whether in its capacity as settlement agent or otherwise,
- 'participating Member States' shall mean all Member States which have adopted the single currency in accordance with the Treaty,
- 'NCBs' shall mean the national central banks of the Member States which have adopted the single currency in accordance with the Treaty,
- 'Eurosystème' shall mean the ECB and the national central banks of the Member States which have adopted the single currency in accordance with the Treaty,
- 'network service provider' shall mean the undertaking appointed by the ECB to provide computerised network connections for interlinking,
- 'inter-NCB accounts' shall mean the accounts that each NCB and the ECB shall open for each other on their respective books for the operation of cross-border Target payments; each such inter-NCB account is held for the benefit of the ECB or the NCB in whose name the account is opened,
- 'domestic payments' shall mean payments effected or to be effected within one national RTGS system or within the ECB payment mechanism,
- 'cross-border payments' shall mean payments effected or to be effected between two national RTGS systems or between a national RTGS system and the ECB payment mechanism,
- 'RTGS rules' shall mean the regulations and/or contractual provisions, which are applied to a national RTGS system,
- 'RTGS account' shall mean an account (or, to the extent permitted in accordance with the relevant RTGS rules in question, any group of consolidated accounts, provided that all such account holders are jointly and severally liable vis-à-vis the RTGS system in case of default) opened in the name of a participant on the books of an NCB or the ECB on which domestic payments and/or cross-border payments are settled,
- 'payment order' shall mean an instruction by a participant in accordance with the applicable RTGS rules to place at the disposal of a receiving participant, including an NCB or the ECB, an amount of money by means of a book entry on an RTGS account,
- 'sending participant' shall mean the participant which has initiated a payment by giving a payment order,
- 'sending NCB/ECB' shall mean the ECB or the NCB at which the sending participant maintains its RTGS account,
- 'receiving participant' shall mean the participant designated by the sending participant as the participant to whose RTGS account the amount specified in the relevant payment order shall be credited,
- 'receiving NCB/ECB' shall mean the ECB or the NCB at which the receiving participant maintains its RTGS account,
- 'EEA' shall mean the European Economic Area as defined in the Agreement on the European Economic Area concluded on 2 May 1992 between the European Community and its Member States and the Member States of the European Free Trade Association, as amended by the Protocol adjusting the Agreement on the European Economic Area of 17 March 1993,
- 'remote participant' shall mean an institution established in an EEA country which participates directly in a national RTGS system of an (other) EU Member State ('host Member State') and, for that purpose, has an RTGS account in euro in its own name with the NCB of the host Member State, without necessarily having established a branch in the host Member State,
- 'indirect participant' shall mean an institution without its own RTGS account which is nevertheless recognised by a national RTGS system and subject to its RTGS rules and which can be directly addressed in Target; all transactions of an indirect participant are settled on the account of a participant (as defined above in the fourth indent of this Article 1) which has accepted to represent the indirect participant,
- 'intraday credit' shall mean credit extended and reimbursed within a period of less than one business day,
- 'standing facilities' shall mean the marginal lending facility and the deposit facility organised by the Eurosystem,
- 'marginal lending rate' shall mean the interest rate applicable from time to time for the Eurosystem marginal lending facility,
- 'deposit facility rate' shall mean the interest rate applicable from time to time for the Eurosystem deposit facility,
- 'main refinancing operations rate' shall mean the marginal interest rate applicable from time to time for the Eurosystem's most recent main refinancing operation, whereby marginal interest rate shall mean the interest rate at which the total tender allotment is exhausted,
- 'CCBM' shall mean the correspondent central banking model for the cross-border use of collateral as established by the ESCB,
- 'blocking-of-funds procedure' shall mean the procedure according to which funds on deposit or available credit are earmarked and made unavailable for any transaction or purpose other than the execution of the payment order concerned, in order to ensure that the earmarked funds or available credit will be used for the execution of such payment order; the earmarking of funds or available credit is referred to in this Guideline as 'blocking',
- 'finality' or 'final' shall mean that the settlement of a payment order cannot be revoked, reversed or made void by the sending NCB/ECB, by the sending participant or by any third party, or even in the event of insolvency proceedings against a participant, except in cases of imperfections

in the underlying transaction(s) or payment order(s) arising from criminal offences or fraudulent acts (whereby fraudulent acts shall also include preferences and transactions at under-value during suspect periods in the case of insolvency) provided that such has been decided on a case-by-case basis by a court of competent jurisdiction or another competent dispute resolution body, or arising from error,

- 'malfunctioning of a national RTGS system' or 'malfunctioning of Target' or 'malfunctioning' shall mean technical difficulties, defects or failures in the technical infrastructure and/or the computer systems of any national RTGS system or the ECB payment mechanism or the computerised network connections for interlinking, or any other event related to any national RTGS system or the ECB payment mechanism or interlinking, that makes it impossible to execute and complete the same day processing of payment orders within Target; the definition shall also cover cases where a malfunctioning occurs simultaneously in more than one national RTGS system (due to, for instance, a breakdown related to the network service provider),
- 'Target reimbursement scheme' or the 'reimbursement scheme' or the 'scheme' shall mean the scheme for reimbursement in cases of malfunctioning of Target referred to in Article 3(h) of this Guideline.

2. The Annexes to this Guideline may be amended from time to time by the Governing Council of the ECB. Additional documents containing, *inter alia*, technical provisions and specifications for Target may be adopted by the Governing Council of the ECB, whereby such amendments and additional documents shall enter into force as an integral part of this Guideline on the date specified by the Governing Council of the ECB, after communication to the NCBs.

Article 2

Description of Target

1. The Trans-European Automated Real-time Gross Settlement Express Transfer system is a Real-time Gross Settlement system for the euro. Target is composed of the national RTGS systems, the ECB payment mechanism and interlinking, and has been established by the Guideline ECB/1998/NP13 of 16 November 1998 on Target, as amended, which was repealed and replaced by Guideline ECB/2000/NP9. Target shall henceforth be governed by this Guideline.

2. The RTGS systems of the EU Member States which were existing members of the EU at the start of Stage III of EMU, but which have not adopted the single currency, are allowed connection to Target, in so far as such RTGS systems comply with the minimum common features set out in Article 3 of this Guideline and are able to process the euro as a foreign currency alongside their respective national currency. Any such connection to Target is subject to an agreement whereby the national central banks concerned agree to adhere to the rules and procedures for Target referred to in this Guideline (with specifications and modifications, where appropriate, as referred to in such an agreement).

Article 3

Minimum common features of national RTGS systems

Each NCB shall ensure that its respective national RTGS system complies with the features set out below.

(a) Access criteria

1. Only supervised credit institutions, as defined in Article 1(1) of Directive 2000/12/EC of the European Parliament and of the Council of 20 March 2000 relating to the taking up and pursuit of the business of credit institutions⁽¹⁾, which are established in the EEA shall be admitted as participants in a national RTGS system. As an exception, and without prejudice to Article 7(1) of this Guideline, the following entities may also be admitted as participants in a national RTGS system upon approval by the relevant NCB:

- (i) treasury departments of central or regional governments of Member States active in the money markets;
- (ii) public sector bodies of Member States authorised to hold accounts for customers; for the purposes of this Guideline, 'public sector' shall have the meaning of Article 3 of Council Regulation (EC) No 3603/93 of 13 December 1993 specifying definitions for the application of the prohibitions referred to in Articles 104 and 104(b)(1) of the Treaty⁽²⁾;
- (iii) investment firms as defined in Article 1(2) of Council Directive 93/22/EEC of 10 May 1993 on investment services in the securities field⁽³⁾, established in the EEA and authorised and supervised by a recognised competent authority designated as such under the terms of the abovementioned Council Directive (with the exclusion of the institutions defined under Article 2(2) of the abovementioned Directive), provided the investment firm in question is entitled to carry out the activities referred to under items 1(b), 2 or 4 of Section A of the Annex to Directive 93/22/EEC;
- (iv) organisations providing clearing or settlement services subject to oversight by a competent authority.

2. The criteria for access to a national RTGS system and the procedure for the assessment thereof shall be set out in the RTGS rules concerned and be made available to interested parties. In addition to the criteria mentioned in Article 3(a)(1), these national criteria may include, *inter alia*:

- adequate financial strength,
- expected minimum number of transactions,
- the payment of an entry fee,
- legal, technical and operational aspects.

The RTGS rules shall also require that legal opinions, based on the Eurosystem's harmonised terms of reference for legal opinions, shall be obtained in respect of applicants for review by the relevant NCB as determined and specified by the Governing Council of the ECB. The terms of reference for legal opinions shall be made available by the respective NCB to interested parties.

⁽¹⁾ OJ L 126, 26.5.2000, p. 1.

⁽²⁾ OJ L 332, 31.12.1993, p. 1.

⁽³⁾ OJ L 141, 11.6.1993, p. 27.

3. A participant in a national RTGS system pursuant to this Article 3(a)(1) and (2) shall have access to the cross-border payment facilities of Target.

4. The RTGS rules shall contain the grounds and procedures for removing a participant from the national RTGS system concerned. The grounds for removing a participant from a national RTGS system (by way of suspension or expulsion) should cover any event which entails systemic risk or could otherwise cause serious operational problems, including:

- (i) where a participant enters into insolvency proceedings, or where such proceedings are impending;
- (ii) where a participant is in breach of the RTGS rules in question; or
- (iii) where one or more access criteria for participation in the relevant national RTGS system are no longer fulfilled.

(b) Currency unit

All cross-border payments to be processed through interlinking shall be in the euro unit. NCBs shall ensure that payment orders denominated in their respective national currency units of the euro to be effected through interlinking are converted into and transmitted in euro units.

(c) Pricing rules

1. The pricing policy of the Target system shall be determined by the Governing Council of the ECB with reference to the principles of cost recovery, transparency and non-discrimination.
2. Domestic payments in euro effected through the national RTGS system are subject to the pricing rules of the national RTGS system concerned, which, in turn, shall respect the policy on pricing set out in Annex II.
3. Cross-border payments effected within Target shall be subject to a common price established by the Governing Council of the ECB and specified in Annex III.
4. Prices shall be made available to interested parties.

(d) Time of operation

1. Operating days

Target as a whole shall be closed on Saturdays, Sundays, New Year's Day, Good Friday (according to the calendar applicable at the seat of the ECB), Easter Monday (according to the calendar applicable at the seat of the ECB), 1 May (Labour Day), Christmas Day and on 26 December.

However, on 26 December 2001 the following shall apply:

- (i) interlinking shall be closed;
- (ii) the ECB payment mechanism shall be closed;
- (iii) no settlement may be provided for large-value net settlement systems in euro;
- (iv) the national RTGS systems shall be closed in all Member States subject to Article 3(d)(1)(v) below;
- (v) in participating Member States in which 26 December 2001 is not a public holiday, the NCB shall endeavour to close its national RTGS system; if this is deemed impossible by the NCB in question, it shall submit a proposal to the Executive Board and the Governing Council of the ECB outlining how it can limit domestic payments activities as much as possible; in assessing such a proposal, the Executive Board and the Governing Council shall take the relevant national legislation into account;
- (vi) the standing facilities shall be available at the NCBs that remain open for such limited activities; and
- (vii) the CCBM shall be closed.

2. Hours of operation

The hours of operation of national RTGS systems shall comply with the specifications set out in Annex IV.

(e) Payment rules

1. All payments directly resulting from or made in connection with (i) monetary policy operations; (ii) the settlement of the euro leg of foreign exchange operations involving the Eurosystem; and (iii) the settlement of cross-border large-value netting systems handling euro transfers shall be effected through Target. Other payments may also be effected through Target.
2. A national RTGS system and the ECB payment mechanism shall not process a payment order unless sufficient funds are available on the account of the sending participant with the sending NCB/ECB, either through immediately available funds already credited to that account, through the intraday mobilisation of reserves maintained to fulfil reserve requirements or through intraday credit granted by such NCB/ECB, as the case may be, to that participant in accordance with Article 3(f).
3. RTGS rules and the rules for the ECB payment mechanism shall specify the point in time at which payment orders become irrevocable, which must not be later than the point in time at which the RTGS account of the sending participant held at the sending NCB/ECB is debited with the amount concerned. Where national RTGS systems apply a blocking-of funds procedure before debiting the RTGS account, such irrevocability shall be provided from that earlier point in time at which blocking takes place.

(f) Intraday credit

1. Subject to the provisions of this Guideline, each NCB shall provide intraday credit to the supervised credit institutions referred to in Article 3(a) participating in the national RTGS system of such NCB provided that such credit institution is an eligible counterparty for Eurosystem monetary policy operations and has access to the marginal lending facility. Provided that it is a clear condition that intraday credit shall remain limited to the day in question and that no extension to overnight credit shall be possible, intraday credit may also be granted to:

- (i) treasury departments referred to in Article 3(a)(1)(i);
- (ii) public sector bodies referred to in Article 3(a)(1)(ii);
- (iii) investment firms referred to in Article 3(a)(1)(iii), on condition that such investment firm submits satisfactory written evidence that:
 - (a) either it has concluded a formal agreement with a Eurosystem monetary policy counterparty to cover any residual debit position at the end of the day in question; or
 - (b) access to intraday credit is limited to investment firms which hold an account with a central securities depository, and the investment firm in question is subject to a liquidity deadline or the amount of intraday credit is subject to a ceiling.

Should an investment firm for any reason be unable to reimburse the intraday credit on time, it shall be subject to penalties set in accordance with the following. If such an investment firm has a debit balance on its RTGS account as at the close of business of Target for the first time within any 12-month period, then the following shall apply. The relevant NCB shall promptly impose a penalty on that participant calculated at a rate five percentage points above the marginal lending rate on the amount of such debit balance (e.g. should the marginal lending rate be 4 %, the penalty would be 9 %). Should such an investment firm repeatedly be in such a debit position, then the penalty interest rate applied to that participant would be increased by a further 2,5 percentage points each time such a debit position were to occur within the 12-month period referred to above;

- (iv) supervised credit institutions referred to in Article 3(a)(1), which are not eligible counterparties for Eurosystem monetary policy operations and/or do not have access to the marginal lending facility. All provisions of the penalty regime set out in Article 3(f)(1)(iii) for investment firms shall apply identically to such credit institutions when, for any reason, they are unable to reimburse the intraday credit on time;
- (v) organisations providing clearing or settlement services (and subject to oversight by a competent authority) on condition that the arrangements for granting intraday credit to such organisations are

submitted in advance to the Governing Council of the ECB for approval.

- 2. Each NCB shall provide intraday credit by means of collateralised intraday overdrafts at the NCB and/or intraday repurchase transactions with NCBs in compliance with the criteria laid down below and with the further minimum common features that the Governing Council of the ECB may specify from time to time.
- 3. Intraday credit shall be based on adequate collateral. Eligible collateral shall be the same assets and instruments and be subject to the same valuation and risk control rules as those prescribed for eligible collateral for monetary policy operations. Except for treasury departments and public sector bodies referred to respectively in Article 3(a)(1)(i) and (ii), an NCB shall not accept as underlying assets debt instruments issued or guaranteed by the participant, or by any other entity with which the counterparty has close links, as defined in Article 1(26) of Directive 2000/12/EC, as applied for monetary policy operations.

Each of the national central banks of the EU Member States whose RTGS system is connected to Target pursuant to Article 2(2) is allowed to establish and maintain a list of eligible assets which can be used by institutions participating in their relevant national RTGS system connected to Target to collateralise euro credits granted by such national central banks, provided that the assets on such list meet the same quality standards and are subject to the same valuation and risk control rules as those prescribed for eligible collateral for monetary policy operations. The national central bank in question shall submit such list of eligible assets for prior approval by the ECB.

- 4. The Governing Council of the ECB may exempt treasury departments, referred to in Article 3(a)(1)(i), from the requirement of collateralisation in relation to the provision of intraday credit set out in Article 3(f)(3) upon a proposal from the relevant NCB.
 - 5. Intraday credit provided in accordance with Articles 3(f) and (g) shall be free of interest.
 - 6. Intraday credit shall not be granted to any remote participant.
 - 7. The RTGS rules shall contain the grounds on the basis of which the relevant NCB may decide that the access of a participant to intraday credit may be suspended or terminated. Such a decision in respect of an eligible counterparty for Eurosystem monetary policy operations shall be approved by the ECB before it becomes effective.
- The grounds for such suspension or termination shall cover any event which entails systemic risk or which could otherwise endanger the smooth operation of payment systems, including:
- (i) where a participant enters into insolvency proceedings;

- (ii) where a participant is in breach of the RTGS rules in question;
 - (iii) where the entitlement of a participant to participate in the national RTGS system is suspended or terminated; and
 - (iv) where, in case of a participant which is an eligible counterparty for Eurosystem monetary policy operations, the participant ceases to be eligible or is excluded or suspended from access to any or all such operations.
- (g) Intraday credit against assets outside the euro area

The ECB may authorise NCBs to grant intraday credit against assets outside the euro area contained in the list approved by the ECB and referred to in Article 3(f)(3), provided that the assets are: (i) located in EEA countries; (ii) issued by entities established in EEA countries; and (iii) denominated in EEA currencies or other widely traded currencies. The NCBs having received the authorisation to accept these assets and the lists of such assets are set out in Annex V.

The authorisation by the ECB is subject to the following conditions:

- (i) preservation of operational efficiency and the exercise of appropriate control over the specific legal risks relating to such assets and over the mechanisms to prevent such assets from being used in monetary policy operations;
- (ii) these assets shall not be used on a cross-border basis (i.e. counterparties may use such assets only to receive funds directly from the national central bank which has been authorised by the ECB to grant intraday credit against these assets);
- (iii) in addition, these assets shall only be used by participants to secure intraday credits granted by the relevant NCB and may not be used to secure overnight credit. In case intraday credit secured by these assets needs to be extended overnight, the assets in question need to be substituted with collateral eligible for monetary policy operations as prescribed under the relevant guidelines of the ECB. If extension of overnight credit occurs without such assets being simultaneously substituted with eligible collateral for monetary policy operations, penalties set in accordance with the following will be imposed on such participant. If the participant commits the violation described above for the first time within any 12-month period, then the relevant NCB shall promptly impose a penalty on that participant calculated at a rate 2,5 percentage points above the marginal lending rate on the amount of the overnight credit secured by these assets. Should the participant repeatedly be in such violation, then the penalty interest rate applied to that participant would be increased by a further 1,25 percentage points each time such a violation were to occur within the 12-month period referred to above. Should an investment firm or a credit institution referred to in Article 3(f)(1)(iv) commit the violation described above, only

the penalties set out in either Article 3(f)(1)(iii) or Article 3(f)(1)(iv) will apply to such a participant.

(h) Target reimbursement scheme

1. Establishment of a Target reimbursement scheme

In the event of malfunctioning of Target, and by way of derogation from Article 8 of this Guideline, the following rules, constituting the Target reimbursement scheme, shall apply. For the purposes of the scheme and its application, the terms 'reimburse', 'reimbursement' and 'reimbursement payments' are used to denote the payments made to participants under the scheme in order to adjust and address certain negative effects of malfunctioning as specified in the following.

The reimbursement scheme is not intended to exclude the possibility for participants to avail themselves of other legal means to claim compensation in a case of malfunctioning. Participants should either (i) accept the arrangements of the scheme, and any receipt of reimbursement payments thereunder, without any further legal action; or (ii) reject the arrangements of the scheme if the participant instead wishes to seek other legal means for compensation of damages, to the extent such is possible. Any reimbursement payment under the scheme shall be made on condition that the receipt of such payment is in full and final settlement of all the participant's claims arising from the specific payment affected by the malfunctioning.

2. Scope of application of the scheme

- (a) For cases of malfunctioning which negatively affects both domestic and cross-border payments, the scheme shall apply to both categories of affected payments and be the only such Target reimbursement arrangement offered by the members of the ESCB. Conversely, NCBs may apply alternative regimes for cases of malfunctioning which only affects domestic payments within the malfunctioning national RTGS system.
- (b) The scheme is only available to the sending participants and/or the receiving participants of a national RTGS system that have had recourse (subject to Articles 3(h)(5) and 3(h)(6)) to the standing facilities due to the malfunctioning of Target. The scheme does not cover indirect participants, unless such indirect participants have had recourse to the standing facilities due to the malfunctioning of Target.

3. Conditions for eligibility under the scheme

- (a) As a condition for a sending participant to be eligible to receive reimbursement under the scheme, it must be able to establish that it has entered a payment order (i) which was not processed on the same day, or (ii) which was returned without successful completion on the same day due to the malfunctioning of Target, or (iii) which triggered the debiting of the sending participant's account for the payment order entered into a national RTGS system

but which was thereafter neither executed nor returned on the same day due to the malfunctioning. In the case of a stop-sending status of a national RTGS system, a sending participant may, alternatively, not have been able to enter a certain payment order. Such a participant may still lodge a claim under the scheme provided that the participant can submit supporting evidence to the NCB of its national RTGS system that shows to the satisfaction of the ESCB that it had the intention to enter the payment order in question but was unable to do so due to the malfunctioning and the stop-sending message.

- (b) As a condition for a receiving participant to be eligible to receive reimbursement under the scheme, it must be able to establish that it was expecting to receive a payment through Target as a result of a payment order entered into a national RTGS system on the relevant date (or otherwise as provided for under Article 3(h)(3)(a)) and that it did not receive such payment on the relevant date due to the malfunctioning of Target.

4. Rules regarding the calculation of reimbursement under the scheme

- (a) In the event of malfunctioning of Target, the sending participant may have a temporary excess of liquidity with the sending NCB, whilst the NCB of the receiving participant may have to provide the amounts of the failed payment to that receiving participant. Therefore, the deposit facility may be activated in the first case, and the marginal lending facility in the second case. In both these cases, the rates applied are more favourable to the ESCB than the market rate (which, for the purposes of the scheme, is considered to be the main refinancing operations rate).
- (b) The amounts to be reimbursed to the participants under the scheme shall be determined by applying:
 - (i) the difference in rate from day to day between the main refinancing operations rate and the rate applied by the Eurosystem for amounts lent or deposited under the standing facilities (the marginal lending rate or the deposit rate, respectively);
 - (ii) to the amount representing the effective use of the relevant standing facility by the sending or the receiving participant and up to the amount of the payment orders not processed as a result of the malfunctioning of Target,

for the period starting at the date of the entering of the payment order until the date when the payment order was or could have been successfully completed (the 'period of malfunctioning').

- (c) For a sending participant, the scheme shall exclude from reimbursement any amounts such a participant has used for the fulfilment of reserve requirements and any amounts representing losses the participant may have incurred in depositing excess funds in the market.

- (d) For a receiving participant, the scheme shall exclude from compensation any amounts representing losses the participant may have incurred due to borrowing in the market.
- (e) The scheme shall not cover any losses incurred as a result of any underlying contractual or other arrangements that any participant may have with another participant or any other third party.
- (f) Reimbursement payments under the scheme to sending or receiving participants shall be made by the NCB/ECB of the malfunctioning national RTGS system.

5. Additional rules regarding calculation of reimbursement under the scheme in particular cases

- (a) A sending participant of the national RTGS system of a participating Member State which is a counterparty to the Eurosystem monetary policy operations shall receive reimbursement under the scheme for losses incurred due to such a participant remaining with non-remunerated current account holdings with its respective NCB where such holdings result from the malfunctioning of Target, provided that the participant in question (i) has already fulfilled its reserve requirements; and (ii) is no longer able to access the Eurosystem's deposit facility on the day in question as a result of the malfunctioning.
- (b) For participants of the national RTGS system of a participating Member State that are not monetary policy counterparties and/or have no access to the standing facilities, the following shall apply:
 - (i) a sending participant which has remained in excess of funds with its NCB at the end of the day due to a malfunctioning of Target shall receive reimbursement at a rate representing the difference from day to day between the main refinancing operations rate and the interest rate applicable to the amount of funds which have not been sent as a result of the malfunctioning and which have, therefore, remained in the settlement account at its NCB for the period of malfunctioning;
 - (ii) a receiving participant which was expecting to receive a payment through Target shall receive reimbursement at a rate representing the difference from day to day between the main refinancing operations rate and the interest rate applicable to amounts borrowed from the respective NCB, or overdrafts on the settlement account at its NCB, in respect of the amount of funds not received as a result of the malfunctioning for the period of malfunctioning. For such a receiving participant that has remained in a debit position with its NCB at the end of the day, that part of the applicable penalty rate above the marginal lending rate for such a spill-over of intraday credit into an overnight position, stipulated by the applicable RTGS rules, shall be waived (and disregarded in future cases of spillover) to the extent that the spill-over can be attributed to the occurrence of the malfunctioning.

- (c) The scheme shall also apply where a sending participant is unable to recover funds which have been debited to its RTGS account, but which are subsequently blocked overnight in the national RTGS system due to malfunctioning, in which case reimbursement shall be made for the period until such funds are returned to the sending participant. The basis of payments in respect of such unavailability of funds for a sending participant shall be the main refinancing operations rate.

6. Application of the scheme to participants of national RTGS systems of non participating Member States

- (a) For sending participants of a national RTGS system of a non-participating Member State, only the participants that have incurred additional positive end-of day balances with their respective NCB due to a case of malfunctioning may receive reimbursement under the scheme as set out in the following:

- (i) any limit to the remuneration on the aggregate amount of overnight deposits on the RTGS accounts of such participants with the NCB of a non-participating Member State shall be disregarded to the extent that such amount can be attributed to the malfunctioning;
- (ii) the rate of interest in respect of deposits that shall be used for the calculation of reimbursement payments to the sending participants of a national RTGS system of a non-participating Member State shall be the main refinancing operations rate;
- (iii) the reimbursement payment shall represent an amount equal to the difference from day to day between the main refinancing operations rate and the deposit rate, respectively, for the period of malfunctioning and applied to the amount of the marginal increase of the deposit that such a sending participant will have with its respective NCB as a result of the malfunctioning.

- (b) For receiving participants of national RTGS systems of non-participating Member States, that part of the applicable penalty rate above the marginal lending rate, stipulated by the applicable RTGS rules in case of spillover of intraday credit into overnight, shall be waived (and disregarded in future cases of spillover) to the extent that the spill-over can be attributed to the malfunctioning. The occurrence of such spillover shall be ignored for the purpose of access to intraday credit and/or continued participation in the national RTGS system concerned. The reimbursement payments under the scheme shall be calculated so as to reach a result whereby such a receiving participant will be paid at a rate representing the difference from day to day between the main refinancing operations rate and the marginal lending rate on the overdraft caused by the malfunctioning for the period of malfunctioning.

7. Procedural rules

- (a) Any request for reimbursement lodged by a participant shall be supported by the necessary information in order to enable a proper assessment thereof, including:
- (i) name, address and status of the participant (i.e. whether or not the participant is a counterparty for Eurosystem monetary policy operations);
 - (ii) time, place and other circumstances surrounding the submission of the relevant payment order to an NCB/ECB or system operator or of the relevant transmission through Target;
 - (iii) name and address of the counterparty (receiving participant in case the claimant is a sending participant and sending participant in case the claimant is a receiving participant);
 - (iv) amount for which recourse to the standing facility of the Eurosystem was made (or equivalent amounts for participants in national RTGS systems of non-participating Member States, or equivalent amounts for participants in national RTGS systems of participating Member States that are not monetary policy counterparties) and evidence that such recourse to the standing facility took place due to the malfunctioning of Target;
 - (v) if applicable, the amount of any non-remunerated funds on a current account holding which remained with an NCB/ECB owing to the closure of the deposit facility and a confirmation that the reserve requirements have already been fulfilled;
 - (vi) if applicable, the amount of funds blocked in the Target system and returned to the participant on a later value date;
 - (vii) the amount and calculation of the claim made for reimbursement by the participant.
- (b) Requests for reimbursement shall be submitted within four weeks of the date of the malfunctioning in question. If a request is duly submitted in time but deemed incomplete, then the claimant will be required by the NCB of the national RTGS system where the claimant is a participant to provide the additional information needed within a time frame of two weeks.
- (c) Participants shall submit any requests for reimbursement to the NCB/ECB where the participant placed the payment order or was to receive the payment, irrespective of where in the various components of Target the malfunctioning occurred.
- (d) The NCB/ECB of the malfunctioning national RTGS system shall be the manager of the reimbursement procedure and all claims received by other NCBs/ECB will be transmitted to it for assessment.

- (e) In order to ensure a harmonised approach and a level playing field, the final assessment of the reimbursement requests received under the scheme shall be carried out under the responsibility of the Governing Council of the ECB in close cooperation with the NCB of the malfunctioning national RTGS system.
- (f) The NCB/ECB of the malfunctioning national RTGS system shall communicate the outcome of the assessment in respect of each claim to the participants concerned and the other NCB/ECB involved promptly and no later than 18 weeks after the malfunctioning, unless the Governing Council of the ECB decides otherwise and such decision is communicated to the participants concerned.
- (g) Reimbursement payments to the participants shall be made at, or as soon as reasonably practicable after, the time of the communication of the assessment to the participants, and in any event not later than five months after the malfunctioning, unless the Governing Council of the ECB decides otherwise and such decision is communicated to the participants concerned.
- (h) Payments to be made to Target participants under the reimbursement scheme shall be made in accordance with the national laws and procedures applicable to the abovementioned paying NCB/ECB. There shall be no interest payable on the amount of reimbursement under the scheme in respect of the time period between the occurrence of the case of malfunctioning and the actual payment of reimbursement to the participant.

Article 4

Interlinking provisions

The provisions of this Article shall apply to the arrangements for cross-border payments effected or to be effected through interlinking. Other provisions of this Guideline shall apply to such cross-border arrangements to the extent that such provisions are of relevance to them.

(a) Description of interlinking

The ECB and each of the NCBs shall operate an interlinking component to enable the processing of cross-border payments within Target. Such interlinking components shall comply with the technical provisions and specifications, which are available on the ECB's website (www.ecb.int) and updated from time to time.

(b) Opening and operation of inter-NCB accounts held at the NCBs and the ECB

1. The ECB and each of the NCBs shall open an inter-NCB account on their books for each of the other NCBs and for the ECB. In support of entries made on any inter-NCB account, each NCB and the ECB shall grant one another an unlimited and uncollateralised credit facility.

2. To effect a cross-border payment, the sending NCB/ECB shall credit the inter-NCB account of the receiving NCB/ECB held at the sending NCB/ECB; the receiving NCB/ECB shall debit the inter-NCB account of the sending NCB/ECB held at the receiving NCB/ECB.

3. All inter-NCB accounts shall be maintained in the euro unit.

(c) Obligations of the sending NCB/ECB

1. Verification

The sending NCB/ECB shall without delay check all details contained in the payment order which are necessary in order for the payment to be executed, in accordance with the technical provisions and specifications referred to in Article 4(a). If syntactical errors or other grounds for rejecting a payment order are detected by the sending NCB/ECB, the latter shall handle the data and the payment order in accordance with the RTGS rules of its national RTGS system. Each payment passing through interlinking shall have a unique identifier to facilitate message identification and error handling.

2. Settlement

As soon as the sending NCB/ECB has checked the validity of a payment order as referred to in Article 4(c)(1), and provided that funds or overdraft facilities are available, the sending NCB/ECB shall without delay:

- (a) debit the amount of the payment order from the RTGS account of the sending participant; and
- (b) credit the inter-NCB account of the receiving NCB/ECB, as maintained on the books of the sending NCB/ECB.

The point in time at which the sending NCB/ECB has carried out the debiting specified in (a) above shall be referred to as the settlement time. For national RTGS systems which apply a blocking-of funds procedure, the settlement time shall be the point in time at which blocking takes place as referred to in Article 3(e)(3).

For the purposes of this Guideline, and without prejudice to the provisions regarding irrevocability referred to in Article 3(e)(3), a payment shall become final (as defined in Article 1 of this Guideline) in relation to the sending participant concerned at the settlement time.

(d) Obligations of the receiving NCB/ECB

1. Verification

The receiving NCB/ECB shall check without delay all details contained in the payment order which are necessary for the appropriate credit entry to be made to the RTGS account of the receiving participant (including the unique identifier in order to avoid double crediting). The receiving NCB/ECB shall not process any payment orders, which it knows to have been made in error or more than once. It shall notify the sending NCB/ECB of any such payment orders and any payments received pursuant thereto (and shall return any such payments received without delay).

2. Settlement

As soon as the receiving NCB/ECB has checked the validity of a payment order as referred to in Article 4(d)(1), the receiving NCB/ECB shall without delay:

- (a) debit the amount of the payment order to the inter-NCB account of the sending NCB/ECB on its books;
- (b) credit the amount of the payment order to the RTGS account of the receiving participant; and
- (c) deliver a positive acknowledgement to the sending NCB/ECB.

For the purposes of this Guideline, and without prejudice to the provisions regarding irrevocability referred to in Article 3(e)(3), a payment shall become final (as defined by Article 1 of this Guideline) in relation to the receiving participant concerned at the moment at which its RTGS account referred to in (b) is credited.

(e) Transfer of responsibility for payment orders

Responsibility for the execution of a payment order shall pass to the receiving NCB/ECB upon receipt by the sending NCB/ECB of a positive acknowledgement from the receiving NCB/ECB.

(f) Regime for errors

1. Error handling procedures

Each NCB shall comply with, and ensure that its respective national RTGS system complies with, the error handling procedures adopted by the Governing Council of the ECB. The ECB shall ensure the same for the ECB payment mechanism.

2. Additional contingency measures

Each NCB shall ensure that its respective national RTGS system and procedures comply with the user requirements for the additional contingency measures, referred to in Article 4(a), and the terms and conditions and the procedures adopted by the Governing Council of the ECB. The ECB shall ensure the same for the ECB payment mechanism.

(g) Relation to network service provider

1. All NCBs and the ECB shall be connected or have an entry point to the network service provider.
2. As between themselves, neither NCBs nor the ECB shall assume any liability to each other for any failure of the network service provider. It shall be the responsibility of the NCB/ECB which has suffered the loss to claim compensation, if any, against the network service provider, whereby such an NCB shall make its claim through the ECB.

Article 5

Security provisions

Each NCB shall comply with, and shall ensure that its respective national RTGS system complies with, the provisions of the

security strategy and security requirements for Target. The ECB shall also ensure the same for the ECB payment mechanism.

Article 6

Audit rules

The internal auditors of the ECB and the NCBs shall assess compliance with the functional, technical and organisational features, including security provisions, as specified for the relevant Target components and arrangements referred to in this Guideline.

Article 7

Management of Target

1. The direction, management and control of Target shall fall within the competence of the Governing Council of the ECB. The Governing Council shall be entitled to determine the terms and conditions under which cross-border payment systems other than the national RTGS systems may use the cross-border facilities of Target or be connected to Target.

2. The Governing Council of the ECB is assisted by the Payment and Settlement Systems Committee (the 'PSSC') in all matters related to the Target system. For such purposes, the PSSC shall set up a subgroup composed of NCB representatives for the national RTGS systems.

3. The daily management of Target shall be entrusted to the ECB Target Coordinator and to the NCB settlement managers:

- each NCB and the ECB shall appoint a settlement manager for the administration and monitoring of its respective national RTGS system or, in the case of the ECB, the ECB payment mechanism,
- the settlement manager shall have responsibility for the daily management of such national RTGS system or, in the case of the ECB, the ECB payment mechanism and for handling abnormal situations and errors, and
- the ECB shall appoint the ECB Target Coordinator as the daily manager of the central functions of Target.

Article 8

Force majeure

There shall be no liability on the part of the NCBs/ECB for non-compliance with this Guideline to the extent that, and for so long as, there is an inability to perform the obligations in question under the Guideline, or such obligations are subject to suspension or delay, owing to the occurrence of any event arising from any reason or cause beyond reasonable control (including, but not limited to, equipment failure or malfunction, acts of God, natural disasters, strikes or labour disputes); provided that the above shall not prejudice the responsibility to have in place the back-up facilities required by this Guideline, to carry out the errorhandling procedures, referred to in Article 4(f), as far as possible despite the *force majeure* event, and to use all reasonable efforts to mitigate the effects of any such event while it is taking place.

*Article 9***Dispute resolution**

1. Without prejudice to the rights and prerogatives of the Governing Council of the ECB, any disputes arising between NCBs or between any NCB and the ECB in connection with Target which cannot be settled by agreement between the parties involved in the dispute shall be notified to the Governing Council of the ECB and referred for conciliation to the PSSC referred to in Article 7(2).

2. In the event of such a dispute between NCBs, or between an NCB and the ECB, the respective rights and obligations to one another in relation to payment orders processed through Target and all other matters referred to in this Guideline shall be determined: (i) by the rules and procedures referred to in this Guideline and its Annexes; and (ii) as a supplementary source in disputes concerning cross-border payments through interlinking, by the laws of the Member State of the seat of the receiving NCB/ECB.

*Article 10***Final provisions**

This Guideline is addressed to the national central banks of participating Member States.

This Guideline shall enter into force on 7 June 2001.

From that date, Guideline ECB/2000/9 shall be repealed and replaced.

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

Done at Frankfurt am Main, 26 April 2001.

*On behalf of the Governing Council of the
ECB*

The President

Willem F. DUISENBERG

ANNEX I

NATIONAL RIGS SYSTEMS

Member State	Name of system	Settlement agent	Location
Belgium	Electronic Large-value Interbank Payment system (ELLIPS)	Banque Nationale de Belgique/ Nationale Bank van België	Brussels
Germany	Euro Link System (ELS)	Deutsche Bundesbank	Frankfurt
Greece	Hellenic Real-time Money Transfer Express system (HERMES)	Bank of Greece	Athens
Spain	Servicios de Liquidación del Banco de España (SLBE)	Banco de España	Madrid
France	Transferts Banque de France (TBF)	Banque de France	Paris
Ireland	Irish Real-time Interbank Settlement system (IRIS)	Central Bank of Ireland	Dublin
Italy	Banca d'Italia Regolamento Lordo (BI-REL)	Banca d'Italia	Rome
Luxembourg	Luxembourg Interbank Payment systems (LIPS-Gross)	Banque centrale du Luxembourg	Luxembourg
The Netherlands	TOP	De Nederlandsche Bank	Amsterdam
Austria	Austrian Real-time Interbank Settlement system (ARTIS)	Oesterreichische Nationalbank	Vienna
Portugal	Sistema de Pagamentos de Grandes Transacções (SPGT)	Banco de Portugal	Lisbon
Finland	Bank of Finland (BoF)	Suomen Pankki	Helsinki

ANNEX II**DOMESTIC PAYMENT FEES**

The price of domestic RTGS transfers in euro will continue to be determined at the national level, with reference to the principles of cost recovery, transparency and non-discrimination and taking into account the fact that the price for domestic and cross-border transfers in euro should be broadly in the same range so as not to affect the singleness of the money market.

National RTGS systems shall disclose their fee structure to the ECB, to all other participating NCBs, to participants in national RTGS systems, and to other interested parties.

Methodologies to determine the costs of national RTGS systems will be harmonised to an adequate level.

ANNEX III**CROSS-BORDER PAYMENT FEES**

The fee (excluding VAT) to be charged for cross-border payments through Target between direct participants will be based on the number of transactions sent by a participant within a single RTGS system, according to a degressive scale.

The degressive scale is as follows:

- EUR 1,75 for each of the first 100 transactions per month,
- EUR 1,00 for each of the next 900 transactions per month,
- EUR 0,80 for each subsequent transaction in excess of 1 000 per month.

For the purpose of the application of the degressive tariff, the payment volume to be considered is the number of transactions entered into by a same legal entity within a single RTGS system or the payment transactions entered by different entities for execution through the same settlement account.

The application of the above tariff scheme will be reviewed from time to time.

Fees are charged only by the sending NCB/ECB to the sending participants in the national RTGS system/ECB payment mechanism (EPM). No fees are charged by the receiving NCB/ECB to the receiving participant. There will be no charge for inter-NCB transfers, i.e. where the sending NCB/ECB is acting on its own behalf.

Fees will cover the queuing of the payment instruction (if applicable), the debiting of the sender, the crediting of the inter-NCB account of the receiving NCB/ECB on the books of the sending NCB/ECB, the sending of the payment settlement message request (PSMR) via the interlinking network, the debiting of the inter-NCB account of the sending NCB/ECB on the books of the receiving NCB/ECB, the crediting of the RTGS participant, the sending of the payment settlement message notification (PSMN) via the interlinking network, the communication of the payment message to the RTGS participant/receiver and confirmation of settlement (if applicable).

The cross-border Target fee structure does not cover the costs of the telecommunications link between the sender and the national RTGS system in which the sender is a participant. The fee for this telecommunications link will continue to be paid according to the domestic rules.

National RTGS systems may not charge any fee for the conversion of transfer orders from national currency units into euro units or vice versa.

RTGS systems may charge extra fees for additional services they may provide (e.g. the entering of paper-based payment instructions).

The possibility of applying different fees according to the time of execution of the payment instructions will be considered on the basis of experience gained during the operation of the system.

ANNEX IV

TARGET HOURS OF OPERATION

Target and, therefore, NCBs and national RTGS systems participating in or connected to Target, applies the following rules with respect to the time of operation.

1. The reference time for Target shall be 'European Central Bank time', defined as the local time at the seat of the ECB.
 2. Target will have common operating hours from 07.00 to 18.00.
 3. Early opening, before 07.00, may take place after prior notification has been sent to the ECB:
 - (i) for domestic reasons (e.g. in order to facilitate settlement of securities transactions, to settle balances of net settlement systems, or to settle other domestic transactions, such as batch transactions channelled by NCBs into RTGS systems during the night); or
 - (ii) for ESCB-related reasons (e.g. on days when exceptional payment volumes are expected, or in order to reduce foreign exchange settlement risk when processing the euro leg of foreign exchange deals involving Asian currencies).
 4. A cut-off for customer payments (both domestic and cross-border) of one hour before the normal Target closing time will apply; the remaining time will be used only for interbank payments (both domestic and cross-border) to transfer liquidity between participants. Customer payments are defined as payment messages in the MT100 format, or equivalent national message format (which would use the MT100 format for cross-border transmission). The implementation of the 17.00 cut-off time for domestic payments is to be decided by each NCB in cooperation with its banking community. In addition, NCBs may continue to process domestic customer payments that were in a queue at 17.00.
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ANNEX V

LIST OF 'OUT' COLLATERAL

which can be used to collateralise intra-day credit for each NCB of a participating Member State that has declared its intention to use certain collateral located in the country of a national central bank of a Member State which has not adopted the euro and whose intention has been approved by the ECB pursuant to Article 3(f)(3) and Article 3(g) of the Target Guideline:

Participating NCB	Approved use of 'out' collateral
DEUTSCHE BUNDESBANK	— Danish Government and mortgage credit bonds — Swedish Government debt instruments and mortgage institutions' bonds — UK Government gilt-edged securities — UK Treasury bills
BANCO DE ESPAÑA	— UK Government gilt-edged securities — UK Treasury bills
BANQUE DE FRANCE	— Danish Government and mortgage credit bonds — Swedish Government debt instruments and mortgage institutions' bonds — UK Government gilt-edged securities — UK Treasury bills
CENTRAL BANK OF IRELAND	— UK Government gilt-edged securities — UK Treasury bills
BANQUE CENTRALE DU LUXEMBOURG	— Danish Government and mortgage credit bonds
DE NEDERLANDSCHE BANK NV	— Danish Government and mortgage credit bonds — Swedish Government debt instruments and mortgage institutions' bonds
SUOMEN PANKKI	— Danish Government and mortgage credit bonds — Swedish Government debt instruments and mortgage institutions' bonds — UK Government gilt-edged securities — UK Treasury bills