

English edition

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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1429/2001
of 13 July 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 14 July 2001.

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

Done at Brussels, 13 July 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 13 July 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	060	71,3
	064	60,0
	999	65,7
0707 00 05	052	66,8
	999	66,8
0709 90 70	052	69,5
	388	67,1
	999	68,3
0805 30 10	388	78,8
	528	73,9
	999	76,3
0808 10 20, 0808 10 50, 0808 10 90	388	93,4
	400	118,6
	404	139,9
	508	91,9
	512	82,0
	524	75,0
	528	63,4
	720	143,5
	800	215,7
	804	107,0
	999	113,0
	999	113,0
0808 20 50	388	97,2
	512	72,5
	528	75,0
	800	67,4
	804	135,4
0809 10 00	999	89,5
	052	181,7
	064	139,5
0809 20 95	999	160,6
	052	325,0
	064	201,8
	400	284,0
0809 30 10, 0809 30 90	999	270,3
	052	192,2
	999	192,2
0809 40 05	064	123,0
	624	286,1
	999	204,6

⁽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 1430/2001

of 13 July 2001

on a standing invitation to tender to determine levies and/or refunds on exports of white sugar for the 2001/02 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular Article 22(2), Article 27(5) and (15) and Article 33(3) thereof,

Whereas:

- (1) In view of the situation on the Community and world sugar markets, a standing invitation to tender should be issued as soon as possible for the export of white sugar in respect of the 2001/02 marketing year which, having regard to possible fluctuations in world prices for sugar, must provide for the determination of export levies and/or export refunds.
- (2) The general rules governing invitations to tender for the purpose of determining export refunds for sugar were established by Article 28 of Regulation (EC) No 1260/2001.
- (3) In view of the specific nature of the operation, appropriate provisions should be laid down with regard to export licences issued in connection with the standing invitation to tender and there should be a derogation from Commission Regulation (EC) No 1464/95 of 27 June 1995 on special detailed rules for the application of the system of import and export licences in the sugar sector ⁽²⁾, as last amended by Regulation (EC) No 1148/98 ⁽³⁾. However, Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽⁴⁾, as last amended by Regulation (EC) No 1045/2001 ⁽⁵⁾, and Commission Regulation (EEC) No 120/89 of 19 January 1989 laying down common detailed rules for the application of the export levies and charges on agricultural products ⁽⁶⁾, as last amended by Regulation (EC) No 2194/96 ⁽⁷⁾, should continue to apply.
- (4) The standing invitation to tender for the 2000/2001 marketing year established by Commission Regulation (EC) No 1531/2000 ⁽⁸⁾, as amended by Regulation (EC)

No 1264/2001 ⁽⁹⁾, is to remain open until a date to be determined. The closing date should therefore be fixed.

- (5) The Management Committee for Sugar has not delivered an opinion with the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. A standing invitation to tender shall be issued in order to determine export levies and/or export refunds on white sugar falling within CN code 1701 99 10 and, during the period of validity of this standing invitation, partial invitations to tender shall be issued.
2. The standing invitation to tender shall remain open until a date to be determined.

Article 2

The standing invitation to tender and the partial invitations shall be conducted in accordance with Article 28 of Regulation (EC) No 1260/2001 and with the following provisions.

Article 3

1. The Member States shall establish a notice of invitation to tender. The notice of invitation to tender shall be published in the *Official Journal of the European Communities*. Member States may also publish the notice, or have it published, elsewhere.
2. The notice shall indicate, in particular, the terms of the invitation to tender.
3. The notice may be amended during the period of validity of the standing invitation to tender. It shall be so amended if the terms of the invitation to tender are modified during that period.

Article 4

1. The period during which tenders may be submitted in response to the first partial invitation to tender:
 - (a) shall begin on 19 July 2001;
 - (b) shall end on Wednesday 25 July 2001 at 10 a.m.
2. The periods during which tenders may be submitted in response to the second and subsequent partial invitations:
 - (a) shall begin on the first working day following the end of the preceding period;
 - (b) shall end at 10 a.m. on the Thursday of the following week.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 144, 28.6.1995, p. 14.

⁽³⁾ OJ L 159, 3.6.1998, p. 38.

⁽⁴⁾ OJ L 152, 24.6.2000, p. 1.

⁽⁵⁾ OJ L 150, 6.6.2001, p. 25.

⁽⁶⁾ OJ L 16, 20.1.1989, p. 19.

⁽⁷⁾ OJ L 293, 16.11.1996, p. 3.

⁽⁸⁾ OJ L 175, 14.7.2000, p. 69.

⁽⁹⁾ OJ L 178, 30.6.2001, p. 61.

3. Notwithstanding paragraph 2(b), the period for the submission of tenders which was to end on:

- Thursday, 1 November 2001, shall end on Wednesday, 31 October 2001 at 10 a.m.;
- Thursday, 9 May 2002, shall end on Wednesday, 8 May 2002 at 10 a.m.;

4. Notwithstanding paragraph 2, no partial invitations to tender will be issued on Thursday 16 August 2001, Thursday, 27 December 2001, Thursday, 3 January 2002 or Thursday, 28 March 2002.

5. The times specified in this Regulation are Belgian local times.

Article 5

1. Offers in connection with this tender must be in writing, and must be either delivered by hand, against a receipt, to the competent authority in a Member State, or addressed to that authority either by registered letter or telegram, or, where the authority accepts such forms of communication, by telex, fax or electronic mail.

2. An offer must indicate:

- (a) the reference of the invitation to tender;
- (b) the name and address of the tenderer;
- (c) the quantity of white sugar to be exported;
- (d) the amount of the export levy or, where applicable, of the export refund, per 100 kilograms of white sugar, expressed in euro to three decimal places;
- (e) the minimum amount of the security to be lodged covering the quantity of sugar indicated in (c), expressed in the currency of the Member State in which the tender is submitted.

3. Tenders shall be valid only if:

- (a) the quantity to be exported is not less than 250 tonnes of white sugar;
- (b) proof is furnished before expiry of the time limit for the submission of tenders that the tenderer has lodged the security indicated in the tender;
- (c) it includes a declaration by the tenderer that if this tender is successful he will, within the period laid down in Article 12(b), apply for an export licence or licences in respect of the quantities of white sugar to be exported;
- (d) it includes a declaration by the tenderer that if his tender is successful he will:
 - where the obligation to export resulting from the export licence referred to in Article 12(b) is not fulfilled, supplement the security by payment of the amount referred to in Article 13(4), and
 - within 30 days following the expiry of the export licence in question, notify the agency which issued the licence of the quantity or quantities in respect of which the licence was not used;

(e) it contains all the information required under paragraph 2.

4. A tender may stipulate that it is to be regarded as having been submitted only if:

- (a) the minimum export levy or, where applicable, the maximum export refund is fixed on the day of the expiry of the period for the submission of the tenders in question;
- (b) the tender, if successful, related to all or a specified part of the tendered quantity.

5. A tender which is not submitted in accordance with this Regulation, or which contains conditions other than those indicated in the present invitation to tender, shall not be considered.

6. Once submitted, a tender may not be withdrawn.

Article 6

1. A security of EUR 11 per 100 kilograms of white sugar to be exported under this invitation to tender must be lodged by each tenderer. Without prejudice to Article 13(4), where a tender is successful this security shall become the security for the export licence at the time of the application referred to in Article 12(b).

2. The security may be lodged at the tenderer's choice, either in cash or in the form of a guarantee given by an establishment complying with criteria laid down by the Member State in which the tender is submitted.

3. Except in cases of *force majeure*, the security referred to in paragraph 1 shall be released:

- (a) to unsuccessful tenderers in respect of the quantity for which no award has been made;
- (b) to successful tenderers who have not applied for the relevant export licence within the period referred to in Article 12(b), to the extent of EUR 10 per 100 kilograms of white sugar.

However, this part of the releasable security shall be reduced by the amount representing the difference, as applicable:

- between the maximum amount of the export refund fixed for the partial invitation concerned and the maximum amount of the export refund fixed for the following partial invitation, when the latter amount is higher than the former, or
 - between the minimum amount of the export levy fixed for the partial invitation concerned and the minimum amount of the export levy fixed for the following partial invitation, when the latter amount is lower than the former;
- (c) to successful tenderers for the quantity for which they have fulfilled, within the meaning of Articles 31(b) and 32(1)(b)(i) of Regulation (EC) No 1291/2000, the export obligation resulting from the licence referred to under Article 12(b) in accordance with the terms of Article 35 of that Regulation.

The part of the security or the security which is not released shall be forfeit in respect of the quantity of sugar for which the corresponding obligations have not been fulfilled.

4. In case of *force majeure*, the competent authority of the Member State concerned shall take such action as it considers necessary having regard to the circumstances invoked by the party concerned.

Article 7

1. Tenders shall be examined in private by the competent authority concerned. The persons present at the examination shall be under an obligation not to disclose any particulars relating thereto.

2. Tenders submitted shall be communicated to the Commission by the Member States without the tenderers being mentioned by name and must be received by the Commission within one hour of the expiry of the deadline for the weekly submission of tenders stipulated in the notice of invitation to tender.

Where no tenders are submitted, the Member States shall notify the Commission of this within the time limit specified in the first subparagraph.

Article 8

1. After the tenders received have been examined, a maximum quantity may be fixed for the partial invitation concerned.

2. A decision may be taken to make no award under a specific partial invitation to tender.

Article 9

1. In the light of the current state and foreseeable development of the Community and world sugar markets, there shall be fixed either:

- a minimum export levy, or
- a maximum export refund.

2. Subject to Article 10, where a minimum export levy is fixed, a contract shall be awarded to every tenderer whose tender quotes a rate of levy equal to or greater than such minimum levy.

3. Subject to Article 10, where a maximum export refund is fixed, a contract shall be awarded to every tenderer whose tender quotes a rate of refund equal to or less than such maximum refund and to every tenderer who has tendered for an export levy.

Article 10

1. Where a maximum quantity has been fixed for a partial invitation to tender:

- if a minimum export levy is fixed, a contract shall be awarded to the tenderer whose tender quotes the highest export levy; if the maximum quantity is not fully covered by that award, awards shall be made to other tenderers in descending order of export levies quoted until the entire maximum quantity has been accounted for,
- if a maximum export refund is fixed, contracts shall be awarded in accordance with the first indent; if after such awards a quantity is still outstanding, or if there are no tenders quoting an export levy, awards shall be made to tenderers quoting an export refund in ascending order or export refunds quoted until the entire maximum quantity has been accounted for.

2. However, where an award to a particular tenderer in accordance with paragraph 1 would result in the maximum quantity being exceeded, that award shall be limited to such quantity as is still available. Where two or more tenderers quote the same levy or the same refund and awards to all of them would result in the maximum quantity being exceeded, then the quantity available shall be awarded as follows:

- by division among the tenderers concerned in proportion to the total quantities in each of their tenders, or
- by apportionment among the tenderers concerned by reference to a maximum tonnage to be fixed for each of them, or
- by the drawing of lots.

Article 11

1. The competent authority of the Member State concerned shall immediately notify applicants of the result of their participation in the invitation to tender. In addition, that authority shall send successful tenderers a statement of award.

2. The statement of award shall indicate at least:

- (a) the reference of the invitation to tender;
- (b) the quantity of white sugar to be exported;
- (c) the amount, expressed in euro, of the export levy to be charged, or where applicable of the export refund to be granted per 100 kilograms of white sugar of the quantity referred to in (b).

Article 12

Every successful tenderer shall have:

- (a) the right to receive, in the circumstances referred to under (b), an export licence covering the quantity awarded, indicating the export levy or refund quoted in the tender, as the case may be;
- (b) the obligation to lodge, in accordance with the relevant provisions of Regulation (EC) No 1291/2000, an application for an export licence in respect of that quantity, the application not being revocable and Article 12 of Regulation (EEC) No 120/89 not applying in such a case. The application shall be lodged not later than:
 - the last working day preceding the date of the partial invitation to tender to be held the following week, or

- if no partial invitation to tender is due to be held that week, the last working day of the following week;
- (c) the obligation to export the tendered quantity and, if this obligation is not fulfilled, to pay, where necessary, the amount referred to in Article 13(4).

Such rights and obligations shall not be transferable.

Article 13

1. The first paragraph of Article 9 of Regulation (EC) No 1464/95 shall not apply to the white sugar to be exported under this Regulation.

2. Export licences issued in connection with a partial invitation to tender shall be valid from the day of issue until the end of the fifth calendar month following that in which the partial invitation was issued.

However, export licences issued in respect of the partial invitations held from 1 May 2002 shall be valid only until 30 September 2002.

Should technical difficulties arise which prevent export being carried out by the expiry date laid down in paragraph 2, the competent authorities in the Member State which issued the export licence may, at the written request of the holder of that licence, extend its validity to 15 October 2002 at the latest, provided that export is not subject to the rules laid down in Article 4 or 5 of Council Regulation (EEC) No 565/80 ⁽¹⁾.

3. Export licences issued in respect of the partial invitations held between 25 July 2001 and 30 September 2001 shall be valid only from 1 October 2001.

4. Except in cases of *force majeure*, if the obligation to export resulting from the export licence referred to in Article 12(b) has not been fulfilled and if the security referred to in Article 6 is less than:

- (a) the export levy indicated on the licence, less the levy referred to in the second subparagraph of Article 33(1) of Regulation (EC) No 1260/2001 in force on the last day of validity of the said licence; or
- (b) the sum of the export levy indicated on the licence and the refund referred to in Article 28(2) of Regulation (EC) No 1260/2001 in force on the last day of validity of the said licence; or
- (c) the export refund referred to in Article 28(2) of Regulation (EC) No 1260/2001 in force on the last day of validity of the licence, less the refund indicated on the said licence,

then, for the quantity in respect of which the said obligation was not fulfilled, the licence holder shall be charged an amount equal to the difference between the result of the valuation made under (a), (b) or (c), as the case may be, and the security referred to in Article 6(1).

Article 14

The standing invitation to tender issued in Regulation (EC) No 1531/2000 shall be closed on 26 July 2001.

Article 15

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, 13 July 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 62, 7.3.1980, p. 5.

COMMISSION REGULATION (EC) No 1431/2001**of 13 July 2001****fixing the maximum purchasing price for butter for the 32nd 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 32nd invitation to tender issued under Regulation (EC) No 2771/1999, for which tenders had to be submitted not later than 10 July 2001, the maximum buying-in price is fixed at 295,38 EUR/100 kg.

Article 2

This Regulation shall enter into force on 14 July 2001.

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

Done at Brussels, 13 July 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 1432/2001
of 13 July 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 1180/2001 ⁽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 Spain, intervention must be suspended in this country and the list of Member States

established by Regulation (EC) No 1180/2001 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, Ireland, the Netherlands, Austria, Finland, Portugal, Sweden, Spain and the United Kingdom.

Article 2

Regulation (EC) No 1180/2001 is hereby repealed.

Article 3

This Regulation shall enter into force on 14 July 2001.

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

Done at Brussels, 13 July 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 161, 16.6.2001, p. 16.

COMMISSION REGULATION (EC) No 1433/2001**of 13 July 2001****fixing the maximum aid for concentrated butter for the 251st 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; 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 251st 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 105/100 kg, |
| — end-use security: | EUR 116/100 kg. |

Article 2

This Regulation shall enter into force on 14 July 2001.

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

Done at Brussels, 13 July 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 1434/2001
of 13 July 2001**

fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 79th 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 79th 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 14 July 2001.

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

Done at Brussels, 13 July 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 13 July 2001 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 79th 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	—	—	—	—
		Concentrated	—	—	—	—
Processing security		Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Maximum aid	Butter ≥ 82 %		85	81	85	81
	Butter < 82 %		83	79	—	79
	Concentrated butter		105	101	105	101
	Cream		—	—	36	34
Processing security	Butter		94	—	94	—
	Concentrated butter		116	—	116	—
	Cream		—	—	40	—

COMMISSION REGULATION (EC) No 1435/2001**of 13 July 2001****fixing for the 2000/2001 marketing year the specific exchange rate applicable to the minimum sugarbeet prices and the production levy and additional levy in the sugar sector for the currencies of those Member States which have not adopted the single currency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EEC) No 1713/93 of 30 June 1993 establishing special detailed rules for applying the agricultural conversion rate in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1642/1999 ⁽²⁾, and in particular Article 1(3) thereof,

Whereas:

- (1) Article 1(1) of Regulation (EEC) No 1713/93 specifies that the minimum sugarbeet prices referred to in Article 4 of Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the market in the sugar sector ⁽³⁾ and the production levy and additional levy referred to Articles 15 and 16 respectively of that Regulation are to be converted into national currency using a specific exchange rate equal to the average, calculated *pro rata temporis*, of the exchange rates applicable during the marketing year in question. That specific exchange rate must be fixed during the month following the end of the marketing year in question.
- (2) The system of specific agricultural conversion rates was amended from 1 January 1999 by Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽⁴⁾. As a result, the fixing of conversion rates should be restricted to the

specific exchange rates between the euro and the national currencies of those Member States which have not adopted the single currency.

- (3) The application of these provisions results in the fixing, for the 2000/2001 marketing year, of the specific exchange rate for the minimum sugarbeet prices and the production levy and, where appropriate, the additional levy in the various national currencies, as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The specific exchange rate to be used for the conversion of the minimum sugarbeet prices as referred to in Article 4 of Regulation (EC) No 1260/2001 and the production levy and, where appropriate, the additional levy referred to in Articles 15 and 16 respectively of that Regulation, into each of the national currencies of the Member States which have not adopted the single currency, shall be fixed, for the 2000/2001 marketing year, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 14 July 2001.

It shall apply from 1 July 2000.

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

Done at Brussels, 13 July 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 159, 1.7.1993, p. 94.

⁽²⁾ OJ L 195, 28.7.1999, p. 3.

⁽³⁾ OJ L 178, 30.6.2001, p. 1.

⁽⁴⁾ OJ L 349, 24.12.1998, p. 1.

ANNEX

to Regulation (EC) No 1435/2001 fixing for the 2000/2001 marketing year the specific exchange rate applicable to the minimum sugarbeet prices and the production levy and additional levy in the sugar sector for the currencies of those Member States which have not adopted the single currency

Specific exchange rate		
EUR 1 =	7,45929	Danish kroner
	8,77975	Swedish kronor
	0,615400	Pounds sterling

COMMISSION REGULATION (EC) No 1436/2001**of 13 July 2001****fixing the maximum buying-in price and the quantities of beef to be bought in under the 271st partial invitation to tender as a general intervention measure pursuant to Regulations (EEC) No 1627/89 and (EC) No 1136/2001**

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⁾, and in particular Article 47(8) thereof,

Whereas:

(1) Commission Regulation (EC) No 562/2000 of 15 March 2000 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 as regards the buying-in of beef ⁽²⁾, as last amended by Regulation (EC) No 1082/2001 ⁽³⁾, lays down buying standards. Pursuant to the above Regulation, an invitation to tender was opened under Article 1(1) of Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying-in of beef by invitation to tender ⁽⁴⁾, as last amended by Regulation (EC) No 1236/2001 ⁽⁵⁾, and Article 1 of Commission Regulation (EC) No 1136/2001 of 8 June 2001 opening intervention in accordance with Article 47(5) of Regulation (EC) No 1254/1999 ⁽⁶⁾.

(2) Article 13(1) of Regulation (EC) No 562/2000 lays down that a maximum buying-in price is to be fixed for quality R3, where appropriate, under each partial invitation to tender in the light of tenders received while Article 13(2) of that Regulation states that a decision may be taken to make no award. In accordance with Article 36 of that Regulation, only tenders quoting prices not exceeding the maximum buying-in price and not exceeding the average national or regional market price, plus the amount referred to in Article 1(6) of Commission Regulation (EC) No 1209/2001 of 20 June 2001 derogating from Regulation (EC) No 562/2000 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 as regards the buying-in of beef ⁽⁷⁾ are to be accepted.

(3) Once tenders submitted in respect of the 271st partial invitation to tender have been considered pursuant to Article 47(8) of Regulation (EC) No 1254/1999, and taking account of the requirements for reasonable support of the market and the seasonal trend in slaugh-

terings and prices, the maximum buying-in price and the quantities which may be bought in should be fixed for category A and no award made for category C.

(4) Article 1(7) of Regulation (EC) No 1209/2001 also opens buying-in of carcasses and half-carcasses of store cattle and lays down special rules in addition to those laid down for the buying-in of other products. After consideration of the tenders submitted, it has been decided not to proceed with the tendering procedure.

(5) In the light of developments, this Regulation should enter into force immediately.

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

HAS ADOPTED THIS REGULATION:

Article 1

Under the 271st partial invitation to tender opened pursuant to Regulations (EEC) No 1627/89 and (EC) No 1136/2001:

(a) for category A:

(i) in the Member States or regions thereof meeting the conditions laid down in Article 47(2) of Regulation (EC) No 1254/1999:

— the maximum buying-in price shall be EUR 224,00/100 kg of carcasses or half-carcasses of quality R3,

— the maximum quantity of carcasses and half-carcasses accepted shall be 7 017 t;

(ii) in the Member States or regions thereof meeting the conditions laid down in Article 47(5) of Regulation (EC) No 1254/1999, no award shall be made;

(b) for category C no award shall be made;

(c) for carcasses and half-carcasses of store cattle as referred to in Article 1(7) of Regulation (EC) No 590/2001, no award shall be made.

Article 2

This Regulation shall enter into force on 14 July 2001.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 68, 16.3.2000, p. 22.

⁽³⁾ OJ L 149, 2.6.2001, p. 19.

⁽⁴⁾ OJ L 159, 10.6.1989, p. 36.

⁽⁵⁾ OJ L 168, 23.6.2001, p. 18.

⁽⁶⁾ OJ L 154, 9.6.2001, p. 12.

⁽⁷⁾ OJ L 165, 21.6.2001, p. 15.

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

Done at Brussels, 13 July 2001.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 1437/2001**of 13 July 2001****fixing the maximum purchase price for beef under the seventh partial invitation to tender pursuant to Regulation (EC) No 690/2001 and derogating from that Regulation**

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 3(1) thereof,

Whereas:

- (1) In application of Article 2(2) of Regulation (EC) No 690/2001, Commission Regulation (EC) No 713/2001 of 10 April 2001 on the purchase of beef under Regulation (EC) No 690/2001 ⁽³⁾, as last amended by Regulation (EC) No 1373/2001 ⁽⁴⁾, establishes the list of Member States in which the tendering is open for the seventh partial invitation to tender on 9 July 2001.
- (2) In accordance with Article 3(1) of Regulation (EC) No 690/2001, where appropriate, a maximum purchase price for the reference class shall be fixed in the light of the tenders received, taking into account the provisions of Article 3(2) of that Regulation.
- (3) Because of the need to support in a reasonable way the market for beef a maximum purchase price should be fixed in the Member States concerned. In the light of the different level of market prices in those Member States, different maximum purchase prices should be fixed.
- (4) Article 4(2) of Regulation (EC) No 690/2001 lays down that delivery of the quantity awarded under each individual tender shall take place within 17 days of the publication of the maximum buying-in price. However, a period of five weeks between the eighth and ninth

individual tender has been fixed in Annex III to the Regulation. For the purpose of supporting the beef market on a permanent basis throughout that period it should be provided that delivery of quantities awarded under the eighth partial invitation to tender on 23 July may be delivered until 31 August 2001.

- (5) Due to the urgency of the support measures, this Regulation should enter into force immediately.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

Under the seventh partial invitation to tender on 9 July 2001 opened under Regulation (EC) No 690/2001 the following maximum purchase price shall be fixed:

- Germany: EUR 159,00/100 kg,
- France: EUR 211,50/100 kg,
- Ireland: EUR 182,50/100 kg,
- Spain: EUR 157,47/100 kg.

Article 2

Notwithstanding Article 4(2) of Regulation (EC) No 690/2001 delivery of the quantity awarded under the eighth partial invitation to tender of 23 July 2001 may take place until 31 August 2001.

Article 3

This Regulation shall enter into force on 14 July 2001.

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

Done at Brussels, 13 July 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 183, 6.7.2001, p. 23.

COMMISSION REGULATION (EC) No 1438/2001
of 13 July 2001
fixing the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Article 10 of Regulation (EEC) No 1766/92 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 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.
- (2) Pursuant to Article 10(3) of Regulation (EEC) No 1766/92, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market.

- (3) Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals 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 for the reference exchange referred to in Annex II to Regulation (EC) No 1249/96 during the two weeks preceding the next periodical fixing.
- (5) In order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10(2) of Regulation (EEC) No 1766/92 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 16 July 2001.

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

Done at Brussels, 13 July 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 256, 10.10.2000, p. 13.

ANNEX I

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

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (EUR/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00	0,00
	medium quality ⁽¹⁾	0,00	0,00
1001 90 91	Common wheat seed	0,00	0,00
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	0,00	0,00
	medium quality	0,00	0,00
	low quality	23,73	13,73
1002 00 00	Rye	21,28	11,28
1003 00 10	Barley, seed	21,28	11,28
1003 00 90	Barley, other ⁽³⁾	21,28	11,28
1005 10 90	Maize seed other than hybrid	64,03	54,03
1005 90 00	Maize other than seed ⁽³⁾	64,03	54,03
1007 00 90	Grain sorghum other than hybrids for sowing	45,99	35,99

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

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

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

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

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

ANNEX II

Factors for calculating duties

(period from 29 June to 12 July 2001)

1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Kansas City	Chicago	Chicago	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	Medium quality (*)	US barley 2
Quotation (EUR/t)	137,48	131,99	115,32	96,96	208,03 (**)	198,03 (**)	113,97 (**)
Gulf premium (EUR/t)	—	16,32	6,41	9,18	—	—	—
Great Lakes premium (EUR/t)	24,07	—	—	—	—	—	—

(*) A discount of 10 EUR/t (Article 4(1) of Regulation (EC) No 1249/96).

(**) Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: 21,57 EUR/t; Great Lakes — Rotterdam: 31,78 EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: 0,00 EUR/t (HRW2)
0,00 EUR/t (SRW2).

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 10 July 2001

appointing a United Kingdom member of the Economic and Social Committee

(2001/530/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 258 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 166 thereof,

Having regard to the Council Decision of 15 September 1998 appointing the members of the Economic and Social Committee for the period from 21 September 1998 to 20 September 2002 ⁽¹⁾,

Whereas a member's seat on that Committee has fallen vacant following the resignation of Mr James PETRIE, of which the Council was informed on 13 July 2000;

Having regard to the nominations submitted by the Government of the United Kingdom,

Having obtained the opinion of the Commission of the European Communities,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Richard ADAMS is hereby appointed a member of the Economic and Social Committee in place of Mr James PETRIE for the remainder of the latter's term of office, which runs until 20 September 2002.

Done at Brussels, 10 July 2001.

For the Council

The President

D. REYNDERS

⁽¹⁾ OJ L 257, 19.9.1998, p. 37.

COMMISSION

COMMISSION DECISION

of 27 June 2001

on establishing the European Research Advisory Board

(notified under document number C(2001) 1656)

(2001/531/EC, Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty establishing the European Atomic Energy Community,

Whereas:

- (1) The Commission needs an independent high-level body to increase effectiveness of European RTD policies.
- (2) The advisory body should be made up of high-level individuals from the scientific community, industry, and the services sector, in order to examine general research policy issues.
- (3) The Presidency Conclusions of the Lisbon European Council (March 2000) state that the Union must work towards the objectives set out in the Commission Communication entitled 'Towards a European research area'.
- (4) The Council reiterated, on 16 November 2000, the importance of the setting-up of such an independent advisory body by the Commission.
- (5) Scientific knowledge and advice is increasingly central to the design and implementation of European Union policies.
- (6) The Commission has consulted widely with the academic and industrial communities concerned, on the optimal form such a body should take.
- (7) It is appropriate to adjust the consultative system to the policy requirements in the field of science and technology, in particular the development of a European research area, in full respect of the competencies of more specific Community advisory structures, in particular those responsible for risk assessment.

- (8) The Commission supports adequate representation of women in consultative committees and has a target of 40 % for participation of women in RTD activities,

HAS DECIDED AS FOLLOWS:

Article 1

A consultative committee, hereinafter referred to as the 'European Research Advisory Board' (the Committee), is established by the Commission. The Committee shall be an advisory body on research and technological development policy.

Article 2

1. The task of the Committee shall be to advise the Commission on design and implementation of Community policy in research and technological development. In this context, the Committee will pay particular attention to the realisation of the European research area and the use of policy instruments such as the Community research and technological development framework programmes.

2. In order to accomplish the tasks set out in paragraph 1, the Committee shall, on its own initiative or at the request of the Commission, deliver opinions and provide advice on various aspects of Community research policy or developments in science and technology in Europe and worldwide.

3. The Commission shall ensure that the Committee receives the information necessary to perform its task. In this context, the Committee shall be regularly informed of developments in Community research policy.

4. When formally requested by the Committee, the Commission services shall provide to the Committee, written comments on its opinion or advice. The Commission services will also provide regular information on the possible follow-up actions undertaken.

5. Whenever the Commission requests the Committee's opinion, it may set a time limit within which the opinion should be given.

6. The Committee shall hold a clearly stated independent position and shall not represent scientific, industrial, any other organisations, countries or sectoral interests. Whenever appropriate, it should consult with such organisations.

7. Without prejudice to Article 8, the Committee's advice shall be made public and known to the institutions of the European Communities, as well as to the Member States.

Article 3

1. The Committee shall be composed of 45 members, appointed by the Commission in a personal capacity. In order to ensure a proper representation of the scientific/academia, business/industrial world and other stakeholders, as well as full independence of the Committee, the nomination process will be as follows:

- 20 members with an academic focus will be nominated on the basis of a proposal from the European Science Foundation (ESF),
- 20 members with a business and industrial focus will be nominated on the basis of a proposal from the Union of Industrial and Employers' Confederations of Europe (UNICE),
- five members will be identified by the Commission.

The 45 members will be appointed in a single decision and the list of Committee members shall be published by the Commission in the *Official Journal of the European Communities*.

2. The final composition of the Committee shall reflect the diversity of Europe. The set of criteria to be applied throughout the nomination process is the following:

- excellence in research and/or research management,
- advisory experience on a European or international level,
- balance among S & T disciplines including persons with specific university-industry experience,
- geographical balance, taking into account the enlargement of the EU and the countries associated with the framework programmes,
- appropriate gender balance.

Article 4

The term of office of each member of the Committee shall be for three years with a possibility of one renewal. The members of the Committee shall remain in office until provision is made for their replacement or for renewal of their term of office.

The functions of the Committee members shall not be remunerated. Travel and subsistence expenses for meetings of the Committee, or any working party set up within the Committee,

shall be covered by the Commission in accordance with the current administrative rules and regulations. Subject to prior approval, travel and subsistence expenses for preparing opinions or advice may be also covered by the Commission. This includes meetings between members of the Committee and external experts outside Brussels.

Article 5

1. The Committee shall elect a chairperson and two vice-chairpersons, each by a two-thirds majority of the members present. In addition, the Committee shall elect five of its members, also by two-thirds majority of the members present, who, together with the chairperson and the vice-chairpersons, will form the Bureau of the Committee. The composition of the Bureau should respect the criteria specified in Article 3(2).

The Bureau shall organise the work of the Committee.

For the purposes of preparing the Committee's opinions and advice, the Bureau may ask the Commission to undertake studies or consult outside organisations.

2. The Commission shall provide financial and administrative support to the secretariat of the Committee, ensuring that its independence is fully guaranteed.

3. To enable the Committee to accomplish its tasks, the Bureau may set up working parties consisting of members of the Committee and, where necessary, outside persons. The Committee and the working parties may invite experts to participate in their work. Such experts shall participate only in the discussions of the item for which they were invited. The Commission shall cover their travel and subsistence costs.

The Committee shall be able to hold workshops or conferences. Subject to prior approval, the Commission shall cover the cost of those events.

4. The Commission shall provide the Committee with appropriate tools for communication and for dissemination of its activities and opinions.

Article 6

The Committee shall meet an average of three times a year. The regular venue will be on the Commission's premises.

Commission representatives will attend the meetings of the Committee and of its working parties unless otherwise formally requested by the Chairperson of the Committee.

Article 7

The Committee shall adopt its rules of procedure.

Article 8

Without prejudice to the provisions of Article 287 of the EC Treaty and Article 194 of the EAEC Treaty, the members of the Committee shall sign a declaration that they shall not divulge any information they obtain through their work in the Committee or its working parties where the Commission informs them that a particular opinion or matter is confidential.

Members of the Committee should abstain from discussions on a topic on which they have a conflict of interest. For this purpose they should sign a declaration in which they certify that should an agenda item arise where a conflict of interest

exists, which would be prejudicial to their independence, they will inform the Chairperson.

Article 9

Commission Decision 98/611/EC, Euratom establishing the European research forum is hereby repealed.

Done at Brussels, 27 June 2001.

For the Commission

Philippe BUSQUIN

Member of the Commission

COMMISSION DECISION
of 13 July 2001
concerning certain protection measures relating to classical swine fever in Spain and repealing
Decision 2001/491/EC

(notified under document number C(2001) 2223)

(Text with EEA relevance)

(2001/532/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, as last amended by Directive 92/118/EEC ⁽²⁾ and, in particular, Article 10(3) thereof,

Whereas:

- (1) Outbreaks of classical swine fever have occurred in Spain.
- (2) In view of the trade in live pigs, these outbreaks are liable to endanger the herds of other Members States.
- (3) Spain has taken measures within the framework of Council Directive 80/217/EEC of 22 January 1980, introducing Community measures for the control of classical swine fever ⁽³⁾, as last amended by the Act of Accession of Austria, Finland and Sweden.
- (4) Spain has adopted further precautionary measures on movement of pigs to prevent any spread of classical swine fever.
- (5) By means of Decision 2001/491/EC ⁽⁴⁾, the Commission adopted certain protection measures relating to classical swine fever in Spain.
- (6) In the light of the evolution of the situation and following results of the epidemiological enquiries, it is necessary to adapt the measures adopted and, forthwith, to repeal Decision 2001/491/EC.
- (7) This Decision is in accordance with the opinion of the Standing Veterinary Committee,

and the measures on movement of pigs adopted by Spain, Spain shall:

- (a) not dispatch pigs from the area described in Annex I to any other destination outside this area;
- (b) ensure that any movement of pigs within the area described in Annex I is subjected to the conditions laid down below in (c);
- (c) ensure that the pigs dispatched from the area of its territory outside the area described in Annex I to any other destination:
 - have been resident on the holding of origin for at least 30 days prior to loading, or since birth if less than 30 days of age, and
 - come from a holding where no live pigs have been introduced during the 30 day period immediately prior to the dispatch of the pigs in question, and
 - are transported directly to the holding or slaughterhouse of destination in officially sealed vehicles, without passing through an assembly centre. Any transit of pigs through the area described in Annex I may only occur via major roads or railways, without any stopping of the vehicle.

However, Spain may derogate from the provisions laid down in (c), second indent, in case of pigs for slaughter being dispatched to slaughterhouses located in its territory.

2. Movements of pigs to other Member States coming from areas outside the areas described in Annex I shall only be allowed following three days advance notification to be dispatched by the competent veterinary authority to the central and local veterinary authorities of the place of destination and any Member State of transit.

HAS ADOPTED THIS DECISION:

Article 1

1. Without prejudice to Community legislation, and in particular that concerning the control of classical swine fever

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 47, 21.2.1980, p. 11.

⁽⁴⁾ OJ L 177, 30.6.2001, p. 90.

Article 2

1. Spain shall not dispatch porcine semen unless the semen originates from boars kept at a collection centre referred to in Article 3(a) of Council Directive 90/429/EEC ⁽⁵⁾ and situated outside the areas described in Annex I.

⁽⁵⁾ OJ L 224, 18.8.1990, p. 62.

2. Spain shall not dispatch ova and embryos of swine unless the ova and embryos originate from swine kept at a holding situated outside the areas described in Annex I.

Article 3

1. The health certificate provided for in Council Directive 64/432/EEC ⁽¹⁾ accompanying pigs sent from Spain must be completed by the following:

‘Animals in accordance with Commission Decision 2001/532/EC concerning certain protection measures relating to classical swine fever in Spain.’

2. The health certificate provided for in Council Directive 90/429/EEC accompanying boar semen sent from Spain must be completed by the following:

‘Semen in accordance with Commission Decision 2001/532/EC concerning certain protection measures relating to classical swine fever in Spain.’

3. The health certificate provided for in Commission Decision 95/483/EC ⁽²⁾ accompanying embryos and ova of swine sent from Spain must be completed by the following:

‘Embryos/ova ⁽³⁾ in accordance with Commission Decision 2001/532/EC concerning certain protection measures relating to classical swine fever in Spain.’

Article 4

Spain shall ensure that vehicles which have been used for the transport of pigs are cleaned and disinfected after each operation and the transporter shall furnish proof to the competent veterinary authority of such disinfection.

Article 5

Spain shall at 8 day intervals provide to the Commission, for examination by the Standing Veterinary Committee, data on the classical swine fever situation in the format indicated in Annex II.

Article 6

The Member States shall amend the measures they apply to trade so as to bring them into compliance with this Decision. They shall immediately inform the Commission thereof.

Article 7

This Decision is applicable until 31 July 2001.

Article 8

Decision 2001/491/EC is hereby repealed.

Article 9

This Decision is addressed to the Member States.

Done at Brussels, 13 July 2001.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ 121, 29.7.1964, p. 1977/64.

⁽²⁾ OJ L 275, 18.11.1995, p. 30.

⁽³⁾ Delete as appropriate.

ANNEX I

In the Comunidad Autónoma de Cataluña: all the comarcas in the Province of Lerida; the comarca of Anoia in the Province of Barcelona; the comarcas of Conca de Barberá, Priorat and Rivera d'Ebre in the Province of Tarragona;

In the Comunidad Autónoma de Valencia: the comarcas of Chelva, Liria, Utiel, Requena, Torre Baja in the Province of Valencia;

In the Comunidad Autónoma de Castilla la Mancha: the comarcas of Landete, Cañete and Motilla del Palancar in the Province of Cuenca.

In the Comunidad Autónoma de Aragón: the municipalities of Arcos de las Salinas, Torrijas and Abejuelas in the Province of Teruel.

ANNEX II

CLASSICAL SWINE FEVER REPORT

Province:

Reporting period:

Province ⁽¹⁾	Pigs ⁽²⁾	Outbreaks		Suspected herd ⁽⁵⁾	Serology ⁽⁶⁾	
		Total ⁽³⁾	Last ⁽⁴⁾		Positive	Negative

⁽¹⁾ Province: name and Animal Disease Notification System code.

⁽²⁾ Pigs: total pig population in Province.

⁽³⁾ Total: total number of outbreaks recorded since (reporting period).

⁽⁴⁾ Last: date of last outbreak recorded in (reporting period).

⁽⁵⁾ Suspected herd: number of suspected herds in accordance with the provisions of Article 4 of Directive 80/217/EEC in reporting period.

⁽⁶⁾ Serology: number of positive and negative samples examined during the reporting period.

DECISION No 4/2001 OF THE ACP-EC CUSTOMS COOPERATION COMMITTEE**of 27 June 2001****derogating from the definition of the concept of 'originating products' to take account of the special situation of Senegal regarding the production of canned tuna (HS heading ex 16.04)**

(2001/533/EC)

THE ACP-EC CUSTOMS COOPERATION COMMITTEE,

HAS DECIDED AS FOLLOWS:

Having regard to the ACP-EC Partnership Agreement signed at Cotonou on 23 June 2000, and in particular Article 38 of Protocol 1 to Annex V thereto,

Article 1

By way of derogation from the special provisions in the list in Annex II to Protocol 1 to Annex V of the ACP-EC Partnership Agreement, canned tuna of HS Heading ex 16.04 produced in Senegal from non-originating tuna shall be regarded as originating in this country in accordance with the terms of this Decision.

Whereas:

Article 2

The derogation provided for in Article 1 shall apply to the quantities shown in the Annex to this Decision which are imported into the Community from Senegal during the period 1 June 2001 to 31 May 2003.

- (1) Article 1 of Decision No 1/2000 of the ACP-EC Council of Ministers of 27 July 2000 on transitional measures valid from 2 August 2000 ⁽¹⁾ provides that the trade provisions of the ACP-EC Partnership Agreement, including Protocol 1 to Annex V concerning the definition of the concept of 'originating products' and methods of administrative cooperation, apply from 2 August 2000.

Article 3

The quantities referred to in the Annex shall be managed by the Commission, which shall take all administrative action it deems advisable for their efficient management.

- (2) Article 38(1) of the said Protocol provides for derogations from the rules of origin to be granted whenever the development of an existing industry or the establishment of a new one warrants it.
- (3) Article 38(8) of the said Protocol provides that the derogations are granted automatically within an annual quota of 8 000 tonnes for canned tuna and within an annual quota of 2 000 tonnes for tuna loins.
- (4) On 31 January 2001 the African, Caribbean and Pacific States (ACP States) submitted a request, on behalf of the Republic of Senegal, for a derogation from the rules of origin in the Protocol, in respect of an annual quantity of 1 142 tonnes of canned tuna produced by this country for a period of two years.
- (5) The derogation is requested under the relevant provisions of Protocol 1 to Annex V, particularly with regard to Article 38(8) and the requested quantities fall within the limits of the annual quota which are granted automatically on request of the ACP States.
- (6) Therefore, pursuant to Article 38(8), a derogation can be granted to Senegal in respect of canned tuna for the quantities requested and for a period of two years,

Where an importer presents, in a Member State, a declaration of entry for free circulation, including an application of the benefit of this Decision, the Member State shall, if the declaration has been accepted by the customs authorities, notify the Commission of its wish to draw the amount corresponding to its requirements.

Applications to draw, showing the date of acceptance of declarations, shall be transmitted to the Commission without delay.

Withdrawals shall be granted by the Commission in order of date of acceptance of declarations of entry for free circulation by the Member States' customs authorities, provided that the available balance permits.

If a Member State fails to use a withdrawal it shall return it, as soon as possible, to the appropriate quota.

If requests exceed the available balance of a given quota, quantities shall be allocated on a pro rata basis. The Commission shall inform the Member States of withdrawal of the quotas.

Each Member State shall ensure that importers have continuous and equal access to the amounts available as long as the balance permits.

⁽¹⁾ OJ L 195, 1.8.2000, p. 46.

Article 4

The customs authorities of Senegal shall take the necessary steps to carry out quantitative checks on exports of the products referred to in Article 1. To that end, all the certificates they issue pursuant to this Decision shall bear a reference to it. The competent authorities of Senegal shall forward to the Commission every three months a statement of the quantities in respect of which EUR.1 movement certificates have been issued pursuant to this Decision and the serial numbers of those certificates.

Article 5

Box 7 of EUR.1 certificates issued under this Decision shall contain the following phrase:

'Derogation — Decision No 4/2001'.

Article 6

The African, Caribbean and Pacific States (ACP States) and the European Community shall take the measures necessary on their part to implement this Decision.

Article 7

This Decision shall enter into force on the date of its adoption.

This Decision shall apply from 1 June 2001.

Done at Brussels, 27 June 2001.

*For the ACP-EC Customs Cooperation
Committee*

The Joint Chairmen

Michel VANDEN ABEELE

Peter O. OLE NURAIYIA

ANNEX

Senegal

Order No	HS heading	Description of goods	Period	Quantities (in tonnes)
09.1653	ex 16.04	Canned tuna	1.6.2001 to 30.9.2001	381
			1.10.2001 to 30.9.2002	1 142
			1.10.2002 to 31.5.2003	761