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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1693/2001
of 24 August 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 25 August 2001.

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

Done at Brussels, 24 August 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 24 August 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
0707 00 05	052	102,8
	999	102,8
0709 90 70	052	73,7
	999	73,7
0805 30 10	388	68,6
	524	77,5
	528	61,8
	999	69,3
0806 10 10	052	78,1
	400	174,6
	999	126,3
	388	83,6
0808 10 20, 0808 10 50, 0808 10 90	400	99,6
	512	103,3
	528	79,6
	800	171,8
	804	78,6
	999	102,8
	052	105,0
0808 20 50	388	81,3
	528	50,8
	999	79,0
	052	117,4
0809 30 10, 0809 30 90	999	117,4
	052	66,2
0809 40 05	064	59,3
	066	57,0
	094	42,7
	999	56,3

⁽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 1694/2001
of 24 August 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, on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽¹⁾, as last amended by Commission Regulation (EC) No 1230/2001 ⁽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 European Parliament and Council 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 20th 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, 24 August 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.
⁽²⁾ OJ L 168, 23.6.2001, p. 6.

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

ANNEX

Description of the goods	Classification CN code	Reasons
(1)	(2)	(3)
1. Preparation consisting of pulped tomatoes and tomatoe juice, containing seeds, skins and fibrous material of tomatoes The preparation, which has a dry matter content of 7 % by weight, is obtained by the crushing and extruding of tomatoes followed by heat sterilisation. It is put up in hermetically sealed tins with a net content of 2 500 g	2002 90 11	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 2002, 2002 90 and 2002 90 11 Since the tomatoes of this preparation are neither whole nor in pieces, CN code 2002 10 is not applicable
2. Preparation used as a base for the manufacture of non-alcoholic beverages and consisting of the following substances (percentage by weight): — anhydrous phosphoric acid: 40 — sulphite ammonia caramel (E 150d): 30 — caffeine: 10 and water	3824 90 95	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 3824, 3824 90 and 3824 90 95 The caramel present in the preparation is a colouring caramel with a very low residual sugar content and is not edible as such. Taking into account the very low residual sugar content, it has no nutritive value within the meaning of Note 1(b) to Chapter 38 nor is it, for the purposes of Note 1(b) to Chapter 38, considered to be a foodstuff (see the Harmonised System Explanatory Note to Chapter 38, General) Since this preparation contains neither ingredients with nutritive value nor foodstuffs, it cannot be regarded as a food preparation of heading No 2106 (see Note 1(b) to Chapter 38 and the Harmonised System Explanatory Note to heading No 2106, part (B)) It cannot be considered to be, within the meaning of Note 3 to Chapter 32, a preparation base on colouring matter of heading 3203

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 18 June 2001

concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Cyprus adding a Protocol on mutual administrative assistance in customs matters to the Association Agreement between the European Economic Community and the Republic of Cyprus

(2001/647/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) To allow mutual administrative assistance in customs matters between the two parties as provided for in the Association Agreement between the European Economic Community and the Republic of Cyprus ⁽¹⁾, a Protocol should be added to that Agreement.
- (2) Negotiations to that effect have taken place with the Republic of Cyprus and have led to an Agreement in the form of an Exchange of Letters, which it is in the Community's interest to approve,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters between the European Community and the Republic of Cyprus adding a Protocol on mutual administrative assistance in customs

matters to the Association Agreement between the European Economic Community and the Republic of Cyprus is hereby approved on behalf of the Community.

The text of the Agreement in the form of an Exchange of Letters is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in the form of an Exchange of Letters in order to bind the Community.

Article 3

The President of the Council shall, on behalf of the Community, give the notification provided for by the Agreement in the form of an Exchange of Letters.

Done at Luxembourg, 18 June 2001.

For the Council

The President

M. WINBERG

⁽¹⁾ OJ L 133, 21.5.1973, p. 1.

AGREEMENT

in the form of an Exchange of Letters between the European Community and the Republic of Cyprus adding a Protocol on mutual administrative assistance in customs matters to the Association Agreement between the European Economic Community and the Republic of Cyprus

A. Letter from the European Community

Done at Brussels, 20 July 2001.

Sir,

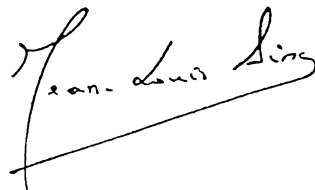
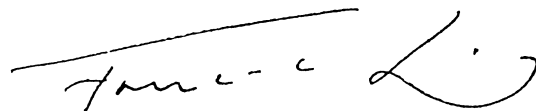
I have the honour to refer to the negotiations between the representatives of the European Community and the Republic of Cyprus with a view to concluding an Agreement adding a Protocol on mutual administrative assistance in customs matters to the Association Agreement of 19 December 1972.

This Protocol, the text of which is annexed hereto, will form an integral part of the Association Agreement and will enter into force on the first day of the second month following the date of notification that the necessary procedures have been accomplished.

I should be grateful if you would confirm the agreement of the Republic of Cyprus to the foregoing.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the European Community

Handwritten signature of Jean-Louis Dini, with the name written in cursive below the signature line.Handwritten signature of Jacques Delors, with the name written in cursive below the signature line.

B. Letter from the Republic of Cyprus

Done at Brussels, 20 July 2001.

Sir,

I have the honour to acknowledge receipt of your letter of today's date with the following content:

'I have the honour to refer to the negotiations between the representatives of the European Community and the Republic of Cyprus with a view to concluding an Agreement adding a Protocol on mutual administrative assistance in customs matters to the Association Agreement of 19 December 1972.

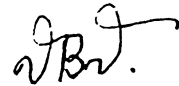
This Protocol, the text of which is annexed hereto, will form an integral part of the Association Agreement and will enter into force on the first day of the second month following the date of notification that the necessary procedures have been accomplished.

I should be grateful if you would confirm the agreement of the Republic of Cyprus to the foregoing.'

I can confirm the agreement of the Republic of Cyprus to the foregoing.

Please accept, Sir, the assurance of my highest consideration.

For the Republic of Cyprus



PROTOCOL
on mutual administrative assistance in customs matters

Article 1

Definitions

For the purposes of this Protocol:

'customs legislation' shall mean any legal or regulatory provisions adopted by the Community or Cyprus governing the import, export and transit of goods and their placing under any other customs regime or procedure, including measures of prohibition, restriction and control;

'applicant authority' shall mean a competent administrative authority which has been designated by a Contracting Party for this purpose and which makes a request for assistance on the basis of this Protocol;

'requested authority' shall mean a competent administrative authority which has been designated by a Contracting Party for this purpose and which receives a request for assistance on the basis of this Protocol;

'personal data' shall mean all information relating to an identified or identifiable individual;

'operation in breach of customs legislation' shall mean any violation or attempted violation of customs legislation.

Article 2

Scope

1. The Contracting Parties shall assist each other, in the areas within their competence, in the manner and under the conditions laid down in this Protocol, to ensure the correct application of the customs legislation, in particular by preventing, investigating and combating operations in breach of that legislation.

2. Assistance in customs matters, as provided for in this Protocol, shall apply to any administrative authority of the Contracting Parties which is competent for the application of this Protocol. It shall not prejudice the rules governing mutual assistance in criminal matters. Nor shall it cover information obtained under powers exercised at the request of a judicial authority, except where communication of such information is authorised by that authority.

3. Assistance to recover duties, taxes or fines is not covered by this Protocol.

Article 3

Assistance on request

1. At the request of the applicant authority, the requested authority shall provide it with all relevant information which may enable it to ensure that customs legislation is correctly

applied, including information regarding activities noted or planned which are or could be operations in breach of customs legislation.

2. At the request of the applicant authority, the requested authority shall inform it:

- (a) whether goods exported from the territory of one of the Contracting Parties have been properly imported into the territory of the other Contracting Party, specifying, where appropriate, the customs procedure applied to the goods;
- (b) whether goods imported into the territory of one of the Contracting Parties have been properly exported from the territory of the other Party, specifying, where appropriate, the customs procedure applied to the goods.

3. At the request of the applicant authority, the requested authority shall, within the framework of its legal or regulatory provisions, take the necessary steps to ensure special surveillance of:

- (a) natural or legal persons in respect of whom there are reasonable grounds for believing that they are or have been involved in operations in breach of customs legislation;
- (b) places where stocks of goods have been or may be assembled in such a way that there are reasonable grounds for believing that these goods are intended to be used in operations in breach of customs legislation;
- (c) goods that are or may be transported in such a way that there are reasonable grounds for believing that they are intended to be used in operations in breach of customs legislation;
- (d) means of transport that are or may be used in such a way that there are reasonable grounds for believing that they are intended to be used in operations in breach of customs legislation.

Article 4

Spontaneous assistance

The Contracting Parties shall assist each other, at their own initiative and in accordance with their legal or regulatory provisions, if they consider that to be necessary for the correct application of customs legislation, particularly by providing information obtained pertaining to:

- activities which are or appear to be operations in breach of customs legislation and which may be of interest to the other Contracting Party,
- new means or methods employed in carrying out operations in breach of customs legislation,

- goods known to be subject to operations in breach of customs legislation,
- natural or legal persons in respect of whom there are reasonable grounds for believing that they are or have been involved in operations in breach of customs legislation,
- means of transport in respect of which there are reasonable grounds for believing that they have been, are, or may be used in operations in breach of customs legislation.

Article 5

Delivery, notification

At the request of the applicant authority, the requested authority shall, in accordance with legal or regulatory provisions applicable to the latter, take all necessary measures in order:

- to deliver any documents, or
- to notify any decisions,

emanating from the applicant authority and falling within the scope of this Protocol, to an addressee residing or established in the territory of the requested authority.

Requests for delivery of documents or notification of decisions shall be made in writing in an official language of the requested authority or in a language acceptable to that authority.

Article 6

Form and substance of requests for assistance

1. Requests pursuant to this Protocol shall be made in writing. They shall be accompanied by the documents necessary to enable compliance with the request. When required because of the urgency of the situation, oral requests may be accepted, but must be confirmed in writing immediately.
2. Requests pursuant to paragraph 1 shall include the following information:
 - (a) the applicant authority;
 - (b) the measure requested;
 - (c) the object of, and the reason for, the request;
 - (d) the legal or regulatory provisions and other legal elements involved;
 - (e) indications as exact and comprehensive as possible on the natural or legal persons who are the target of the investigations;

- (f) a summary of the relevant facts and of the enquiries already carried out.

3. Requests shall be submitted in an official language of the requested authority or in a language acceptable to that authority. This requirement shall not apply to any documents that accompany the request under paragraph 1.

4. If a request does not meet the formal requirements set out above, its correction or completion may be requested; in the meantime precautionary measures may be ordered.

Article 7

Execution of requests

1. In order to comply with a request for assistance, the requested authority shall proceed, within the limits of its competence and available resources, as though it were acting on its own account or at the request of other authorities of that same Contracting Party, by supplying information already possessed, by carrying out appropriate enquiries or by arranging for them to be carried out. This provision shall also apply to any other authority to which the request has been addressed by the requested authority when the latter cannot act on its own.

2. Requests for assistance shall be executed in accordance with the legal or regulatory provisions of the requested Contracting Party.

3. Duly authorised officials of a Contracting Party may, with the agreement of the other Contracting Party and subject to the conditions laid down by the latter, be present to obtain in the offices of the requested authority or any other concerned authority in accordance with paragraph 1, information relating to activities that are or may be operations in breach of customs legislation which the applicant authority needs for the purposes of this Protocol.

4. Duly authorised officials of a Contracting Party may, with the agreement of the other Contracting Party and subject to the conditions laid down by the latter, be present at enquiries carried out in the latter's territory.

Article 8

Form in which information is to be communicated

1. The requested authority shall communicate results of enquiries to the applicant authority in writing together with relevant documents, certified copies or other items.

2. This information may be in computerised form.

3. Original documents shall be transmitted only upon request in cases where certified copies would be insufficient. These originals shall be returned at the earliest opportunity.

Article 9

Exceptions to the obligation to provide assistance

1. Assistance may be refused or may be subject to the satisfaction of certain conditions or requirements, in cases where a Party is of the opinion that assistance under this Protocol would:

- (a) be likely to prejudice the sovereignty of Cyprus or that of a Member State which has been requested to provide assistance under this Protocol; or
- (b) be likely to prejudice public policy, security or other essential interests, in particular in the cases referred to under Article 10(2); or
- (c) violate an industrial, commercial or professional secret.

2. Assistance may be postponed by the requested authority on the ground that it will interfere with an ongoing investigation, prosecution or proceeding. In such a case, the requested authority shall consult with the applicant authority to determine if assistance can be given subject to such terms or conditions as the requested authority may require.

3. Where the applicant authority seeks assistance which it would itself be unable to provide if so requested, it shall draw attention to that fact in its request. It shall then be for the requested authority to decide how to respond to such a request.

4. For the cases referred to in paragraphs 1 and 2, the decision of the requested authority and the reasons therefor must be communicated to the applicant authority without delay.

Article 10

Information exchange and confidentiality

1. Any information communicated in whatsoever form pursuant to this Protocol shall be of a confidential or restricted nature, depending on the rules applicable in each of the Contracting Parties. It shall be covered by the obligation of official secrecy and shall enjoy the protection extended to similar information under the relevant laws of the Contracting Party that received it and the corresponding provisions applying to the Community authorities.

2. Personal data may be exchanged only where the Contracting Party which may receive it undertakes to protect such data in at least an equivalent way to the one applicable to that particular case in the Contracting Party that may supply it. To that end, Contracting Parties shall communicate to each other information on their applicable rules, including, where appropriate, legal provisions in force in the Member States of the Community.

3. The use, in judicial or administrative proceedings instituted in respect of operations in breach of customs legislation, of information obtained under this Protocol, is considered to be for the purposes of this Protocol. Therefore, the Contracting Parties may, in their records of evidence, reports and testimonies and in proceedings and charges brought before the courts, use as evidence information obtained and documents consulted in accordance with the provisions of this Protocol. The competent authority which supplied that information or gave access to those documents shall be notified of such use.

4. Information obtained shall be used solely for the purposes of this Protocol. Where one of the Contracting Parties wishes to use such information for other purposes, it shall obtain the prior written consent of the authority which provided the information. Such use shall then be subject to any restrictions laid down by that authority.

Article 11

Experts and witnesses

An official of a requested authority may be authorised to appear, within the limitations of the authorisation granted, as an expert or witness in judicial or administrative proceedings regarding the matters covered by this Protocol, and produce such objects, documents or certified copies thereof, as may be needed for the proceedings. The request for appearance must indicate specifically before which judicial or administrative authority the official will have to appear, on what matters and by virtue of what title or qualification the official will be questioned.

Article 12

Assistance expenses

The Contracting Parties shall waive all claims on each other for the reimbursement of expenses incurred pursuant to this Protocol, except, as appropriate, for expenses to experts and witnesses, and those to interpreters and translators who are not public service employees.

Article 13

Implementation

1. The implementation of this Protocol shall be entrusted on the one hand to the customs authorities of Cyprus and on the other hand to the competent services of the Commission of the European Communities and the customs authorities of the Member States as appropriate. They shall decide on all practical measures and arrangements necessary for its application, taking into consideration the rules in force in particular in the field of data protection. They may recommend to the competent bodies amendments which they consider should be made to this Protocol.

2. The Contracting Parties shall consult each other and subsequently keep each other informed of the detailed rules of implementation which are adopted in accordance with the provisions of this Protocol.

*Article 14***Other agreements**

1. Taking into account the respective competencies of the European Community and the Member States, the provisions of this Protocol shall:

- not affect the obligations of the Contracting Parties under any other international agreement or convention,
- be deemed complementary to agreements on mutual assistance which have been or may be concluded between individual Member States and Cyprus, and
- not affect the Community provisions governing the communication between the competent services of the Commission of the European Communities and the

customs authorities of the Member States of any information obtained under this Protocol which could be of interest to the Community.

2. Notwithstanding the provisions of paragraph 1, the provisions of this Protocol shall take precedence over the provisions of any bilateral agreement on mutual assistance which has been or may be concluded between individual Member States and Cyprus insofar as the provisions of the latter are incompatible with those of this Protocol.

3. In respect of questions relating to the applicability of this Protocol, the Contracting Parties shall consult each other to resolve the matter in the framework of the Customs Cooperation Committee set up by the Association Council.

COMMISSION

COMMISSION DECISION

of 9 August 2001

on the granting of aid for the production of table olives in France

(notified under document number C(2001) 2486)

(Only the French text is authentic)

(2001/648/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

fit for human consumption should be deemed to be processed olives.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EC) No 1513/2001 ⁽²⁾, and in particular Article 5(4) thereof,

Whereas:

(1) Article 5(4) of Regulation No 136/66/EEC grants the Member States the possibility of allocating part of their national guaranteed quantities and of their olive-oil production aid to support for table olives on conditions to be approved by the Commission in accordance with the procedure laid down in Article 38 of that Regulation.

(2) France has presented a request in respect of the 2001/02, 2002/03 and 2003/04 marketing years and detailed rules should be laid down for the granting of the aid.

(3) Provision should be made for the aid to be granted to growers of processed table olives from olive groves in France and the conditions governing the granting of the aid should be specified.

(4) The processing period should be defined as running from 1 September to 31 August. Olives which have undergone initial treatment in brine lasting at least 15 days and have been removed from the brine definitively or failing that have undergone treatment making them

(5) The weight of processed table olives for which aid is payable and the equivalence between processed table olives and olive oil should be determined for the purposes of calculating the unit aid for table olives and of administering the national guaranteed quantities.

(6) Undertakings processing table olives must be approved in accordance with conditions to be determined. Account should be taken of the fact that processing undertakings located within the area covered by a registered designation of origin must maintain stock records, irrespective of the type of olives processed.

(7) Provisions should be laid down for checks on aid for table olives. Those provisions must in particular cover crop declarations by table-olive growers, notifications by processors of the quantities of olives delivered by growers and leaving the processing chain, and the obligations on paying agencies regarding controls. Provision should be made for penalties on table-olive growers where their declarations conflict with the results of checks.

(8) The information needed for calculating the aid to be granted to growers of processed table olives should be determined. An advance on the aid may be granted on certain conditions.

(9) France must notify the Commission of the national measures adopted for the purposes of applying this Decision and of the information used for calculating the advance on the aid and the definitive aid.

⁽¹⁾ OJ L 72, 30.9.1966, p. 3025/66.

⁽²⁾ OJ L 201, 26.7.2001, p. 4.

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

HAS ADOPTED THIS DECISION:

Article 1

For the 2001/02, 2002/03 and 2003/04 marketing years, France is authorised to grant aid for the production of table olives in accordance with this Decision.

Article 2

1. Aid for the production of table olives shall be granted to growers of olives which come from olive groves in France and are sent to approved processing undertakings for processing into table olives.
2. For each olive-oil marketing year, aid shall be granted for table olives processed between 1 September of the preceding marketing year and 31 August of the marketing year concerned.
3. Within the meaning of this Decision, 'processed table olives' means olives that have undergone initial treatment in brine for at least 15 days and have been removed from the brine definitively or failing that have undergone treatment making them fit for human consumption.

Article 3

1. For the purposes of calculating the unit aid for table olives and of administering the national guaranteed quantities of olive oil, 100 kg of processed table olives shall be deemed to be equivalent to 13 kg of olive oil eligible for production aid as provided for in Article 5 of Regulation No 136/66/EEC.
2. The weight of processed table olives to be taken into consideration shall be the drained net weight of whole olives after processing, possibly bruised but not stoned.

Article 4

1. Approval numbers shall be allocated to undertakings which:
 - submit an application for approval by 30 September preceding the olive-oil marketing year in question, accompanied by the information referred to in paragraph 2 and the commitments referred to in paragraph 3,
 - market processed table olives, with or without additional preparation,

- have plant capable of processing at least 5 t of olives per year in the Department of Corsica and in the case of olives harvested within the area covered by a registered designation of origin and 10 t of olives elsewhere.

2. Applications for approval shall include at least:

- a description of the processing plant and storage facilities, with details of their capacity,
- a description of the forms of table-olive preparations marketed, indicating the average weight of processed table olives required for 1 kg of each type of prepared product,
- details of stocks of table olives at various stages of preparation, by form of preparation, as at 1 September preceding the olive-oil marketing year in question.

3. For the purposes of approval, processors shall undertake:

- to keep table olives for which aid is payable separate from table olives originating in non-member countries and those for which aid is not payable when taking delivery of, processing and storing them,
- to keep stock records covering table olives, linked to the financial accounts and indicating, for each day:
 - (a) the quantities of olives entering the establishment, showing each consignment separately and identifying the grower of each;
 - (b) the quantities of olives sent for processing and the quantities of table olives processed within the meaning of Article 2(3);
 - (c) the quantities of table olives for which the process of preparation has been completed;
 - (d) the quantities of table olives leaving the undertaking, broken down by form of preparation and indicating the consignees,
- to provide the grower as referred to in Article 2(1) and the competent body with the documents and the information referred to in Article 6 in accordance with the conditions laid down therein,
- to submit to all checks provided for under this Decision.

4. Approval shall be refused or immediately withdrawn where undertakings:

- fail to comply or no longer comply with the conditions for approval, or
- are prosecuted by the competent authorities for irregularities in respect of the arrangements provided for in Regulation No 136/66/EEC, or
- have been penalised for an infringement to that Regulation within the past 24 months.

5. Before final approval is granted, an on-site inspection of the facilities shall be carried out in order to verify the information submitted by the undertaking.

Article 5

For the purposes of granting the aid for the production of table olives, by 1 December growers shall lodge a crop attestation confirming that the declaration laid down for olive-oil production aid also covers table olives or, as appropriate, a new declaration containing the same information as the crop declaration for olive oil but referring to table olives.

Where the information concerned has already been furnished by a crop declaration for olive oil and has not been subject to modification, the supplementary declaration shall simply indicate the references to the crop declaration and the parcels concerned.

The declarations concerning table olives shall be included in the alphanumeric database provided for in connection with the aid scheme for olive oil production.

Article 6

1. During the month following delivery of the final consignment of olives and no later than 30 June, approved undertakings shall issue growers as referred to in Article 2(1) with a certificate of delivery showing the net weight of olives entering the undertaking.

The certificate must be supported by all the documentation relating to the weight of the consignments of olives delivered.

2. Approved undertakings shall notify the competent body and the control agency:

(a) by the 10th day of each quarter, of:

- the quantities of olives received, sent for processing and processed within the meaning of Article 2(3) in the course of the previous quarter,
- the quantities of olives prepared and sent out, broken down by form of preparation, in the course of the previous quarter,
- the aggregate quantities referred to in the first two indents and the stock situation at the end of the previous quarter;

(b) before 1 July, of the names of growers as referred to in Article 2(1) for the processing period referred to in Article 2(2) and of the quantities covered by certificates issued to them in accordance with paragraph 1;

(c) before 1 June, of the total quantities delivered for the processing period referred to in Article 2(2) and of the corresponding total quantities processed.

Article 7

1. Before 1 July of the current marketing year, table-olive growers shall lodge aid applications, directly or indirectly, with the competent body, containing at least the following details:

- the name and address of the grower,
- a reference to the relevant crop declaration,
- the approved undertaking to which the olives were delivered.

Such applications shall be accompanied by certificates of delivery as referred to in Article 6(1).

Where applicable, applications may be accompanied by an application for an advance on the aid.

2. Applications lodged after the deadline shall incur a penalty consisting of a reduction of 1 % of the amount to which the grower would have been entitled had the application been lodged by the due date, for each working day of delay. Applications lodged more than 25 working days late shall be refused.

Article 8

1. Before the definitive payment of the aid, the competent body shall carry out the controls required to check:

- the quantities of table olives covered by certificates of delivery,
- the quantities of table olives processed, broken down by grower.

Controls shall involve:

- several physical inspections of goods in stock and a check of the accounts of approved undertakings,
- stricter checks of aid applications from olive growers applying for aid for both table olives and olive oil.

2. France shall see that all the necessary controls are in place to ensure that:

- entitlement to table-olive production aid is respected,
- olives entering an undertaking approved under this Decision are excluded from eligibility for olive-oil production aid,
- no more than one aid application is lodged for the same olives.

3. Without prejudice to the penalties laid down by France, no aid shall be granted to growers as referred to in Article 2(1) whose declarations as provided for in Article 5 or whose aid applications in accordance with Article 7 proves to conflict with the results of checks. However, Article 15 of Commission Regulation (EC) No 2366/98⁽¹⁾ shall apply *mutatis mutandis*.

⁽¹⁾ OJ L 293, 31.10.1998, p. 50.

Article 9

1. Growers as referred to in Article 2(1) may receive an advance on the aid requested. The advance shall be equal to the unit amount referred to in Article 17a(1) of Council Regulation (EEC) No 2261/84 ⁽¹⁾, multiplied by the quantity of olive oil equivalent, in accordance with Article 3(1) of this Decision, to the relevant quantity of table olives processed.

For the purposes of granting advances to growers, the quantity of table olives processed shall be determined by applying a provisional processing coefficient to the quantity appearing in the certificate of delivery, as confirmed by the other information notified to the competent body. That coefficient shall be established by the competent body on the basis of the data available on the approved undertaking concerned. However, the quantity of table olives taken into consideration may not exceed 90 % of the quantity of table olives delivered.

2. Advances on the aid shall be paid from 16 October of the current marketing year to growers applying therefor in accordance with Article 7(1).

Article 10

1. Without prejudice to the reductions provided for in Article 20d of Regulation No 136/66/EEC, the aid shall be equal to the unit amount referred to in Article 17a(2) of Regulation (EEC) No 2261/84 multiplied by the quantity of olive oil equivalent, in accordance with Article 3(1) of this Decision, to the relevant quantity of table olives processed.

For the purposes of granting the aid to growers as referred to in Article 2(1), the quantity of table olives processed shall be determined by applying a processing coefficient for the undertaking concerned to the quantity appearing in the certificate of delivery, as confirmed by the other information notified to the competent body. That coefficient shall be equal to the ratio between the total quantity of table olives processed on the one hand, and the total quantity of table olives covered by certificates of delivery on the other hand, in respect of the olive-oil marketing year concerned.

Where the quantity of processed olives corresponding to the quantity set out in the certificate of delivery cannot be established, the quantities of table olives processed for the growers concerned shall be calculated using the average coefficient for the other undertakings. However, without prejudice to any claims which the olive growers concerned might make against the undertaking, that quantity of processed olives may not exceed 75 % of the quantity shown in the certificate of delivery.

2. Once the controls referred to in Article 8 have been carried out, the aid or, where applicable, the balance of the aid shall be paid to the grower in full within 90 days of the Commission fixing the unit amount thereof.

Article 11

France shall notify the Commission:

- without delay, of the national measures taken pursuant to this Decision,
- before 1 August of each marketing year, of the quantities of olive oil equivalent to the estimated output of table olives processed and of the provisional processing coefficients for that estimate,
- before 16 June of each subsequent marketing year, of the quantities of olive oil equivalent to the actual output of table olives processed and of the processing coefficients adopted.

Article 12

This Decision shall apply from 1 September 2001.

Article 13

This Decision is addressed to the French Republic.

Done at Brussels, 9 August 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 208, 3.8.1984, p. 3.

COMMISSION DECISION
of 9 August 2001
on the granting of aid for the production of table olives in Greece

(notified under document number C(2001) 2487)

(Only the Greek text is authentic)

(2001/649/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EC) No 1513/2001 ⁽²⁾, and in particular Article 5(4) thereof,

Whereas:

- (1) Article 5(4) of Regulation No 136/66/EEC grants the Member States the possibility of allocating part of their national guaranteed quantities and of their olive-oil production aid to support for table olives on conditions to be approved by the Commission in accordance with the procedure laid down in Article 38 of that Regulation.
- (2) Greece has presented a request in respect of the 2001/02, 2002/03 and 2003/04 marketing years and detailed rules should be laid down for the granting of the aid.
- (3) Provision should be made for the aid to be granted to growers of processed table olives from olive groves in Greece and the conditions governing the granting of the aid should be specified.
- (4) The processing period should be defined as running from 1 September to 31 August. Olives which have undergone initial treatment in brine lasting at least 15 days and have been removed from the brine definitively or failing that have undergone treatment making them fit for human consumption should be deemed to be processed olives.
- (5) The weight of processed table olives for which aid is payable and the equivalence between processed table olives and olive oil should be determined for the purposes of calculating the unit aid for table olives and of administering the national guaranteed quantities.
- (6) Undertakings processing table olives must be approved in accordance with conditions to be determined.
- (7) Provisions should be laid down for checks on aid for table olives. Those provisions must in particular cover crop declarations by table-olive growers, notifications by

processors of the quantities of olives delivered by growers and leaving the processing chain, and the obligations on paying agencies regarding controls. Provision should be made for penalties on table-olive growers where their declarations conflict with the results of checks conducted.

- (8) The information needed for calculating the aid to be granted to growers of processed table olives should be determined. An advance on the aid may be granted on certain conditions.
- (9) Greece must notify the Commission of the national measures adopted for the purposes of applying this Decision and of the information used for calculating the advance on the aid and the definitive aid.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Management Committee for Oils and Fats,

HAS ADOPTED THIS DECISION:

Article 1

For the 2001/02, 2002/03 and 2003/04 marketing years, Greece is hereby authorised to grant aid for the production of table olives in accordance with this Decision.

Article 2

1. Aid for the production of table olives shall be granted to growers of olives which come from olive groves in Greece and are sent to approved processing undertakings for processing into table olives.
2. For each olive-oil marketing year, aid shall be granted for table olives processed between 1 September of the preceding marketing year and 31 August of the marketing year concerned.
3. Within the meaning of this Decision, 'processed table olives' means olives that have undergone initial treatment in brine for at least 15 days and have been removed from the brine definitively or failing that have undergone treatment making them fit for human consumption.

⁽¹⁾ OJ L 72, 30.9.1966, p. 3025/66.

⁽²⁾ OJ L 201, 26.7.2001, p. 4.

Article 3

1. For the purposes of calculating the unit aid for table olives and of administering the national guaranteed quantities of olive oil, 100 kg of processed table olives shall be deemed to be equivalent to 13 kg of olive oil eligible for production aid as provided for in Article 5 of Regulation No 136/66/EEC.

2. The weight of processed table olives to be taken into consideration shall be the drained net weight of whole olives after processing, possibly bruised but not stoned.

Article 4

1. Approval numbers shall be allocated to undertakings which:

- submit an application for approval by 30 September preceding the olive-oil marketing year in question, accompanied by the information referred to in paragraph 2 and the commitments referred to in paragraph 3,
- market processed table olives, with or without additional preparation,
- have plant capable of processing at least 20 t of olives per year in the islands and 50 t of olives per year in the other zones.

2. Applications for approval shall include at least:

- a description of the processing plant and storage facilities, with details of their capacity,
- a description of the forms of table-olive preparations marketed, indicating the processing coefficient for each of them,
- details of stocks of table olives at various stages of preparation, by form of preparation, as at 1 September preceding the olive-oil marketing year in question.

3. For the purposes of approval, processors shall undertake:

- to keep table olives for which aid is payable separate from table olives originating in non-member countries and those for which aid is not payable when taking delivery of, processing and storing them,
- to keep stock records covering table olives, linked to the financial accounts and indicating, for each day:
 - (a) the quantities of olives entering the establishment, showing each consignment separately and identifying the grower of each;
 - (b) the quantities of olives sent for processing and the quantities of table olives processed within the meaning of Article 2(3);
 - (c) the quantities of table olives for which the process of preparation has been completed;

- (d) the quantities of table olives leaving the undertaking, broken down by form of preparation and indicating the consignees,
- to provide the grower as referred to in Article 2(1) and the competent body with the documents and the information referred to in Article 6 in accordance with the conditions laid down therein,
- to submit to all checks provided for under this Decision.

4. Approval shall be refused or immediately withdrawn where undertakings:

- fail to comply or no longer comply with the conditions for approval, or
- are prosecuted by the competent authorities for irregularities in respect of the arrangements provided for in Regulation No 136/66/EEC, or
- have been penalised for an infringement to that Regulation within the past 24 months.

Article 5

For the purposes of granting the aid for the production of table olives, in addition to the crop declaration laid down for olive-oil production aid, by 1 December of the current marketing year growers shall lodge a supplementary declaration or, as appropriate, a new declaration containing the same information as the crop declaration for olive oil but referring to table olives.

Where the information concerned has already been furnished by a crop declaration for olive oil and has not been subject to modification, the supplementary declaration shall simply indicate the references to the crop declaration and the parcels concerned.

The declarations concerning table olives shall be included in the alphanumeric database provided for in connection with the aid scheme for olive oil production.

Article 6

1. On delivery of the final consignment of olives and before 30 June, approved undertakings shall issue growers as referred to in Article 2(1) with a certificate of delivery showing the net weight of olives entering the undertaking. However, for olives delivered between 1 July and 31 August certificates must be issued after reception of the final consignment and no later than 31 August.

The certificate must be supported by all the documentation relating to the weight of the consignments of olives delivered.

2. Approved undertakings shall notify the competent body and the control agency:

- (a) by the 10th day of each month, of:
- the quantities of olives received, sent for processing and processed within the meaning of Article 2(3) in the course of the previous month,
 - the quantities of olives prepared and sent out, broken down by form of preparation, in the course of the previous month,
 - the aggregate quantities referred to in the first two indents and the stock situation at the end of the previous month;
- (b) before 1 July, of the names of growers as referred to in Article 2(1) for the processing period referred to in Article 2(2) and of the quantities covered by certificates issued to them in accordance with paragraph 1;
- (c) before 1 June of the following marketing year, of the total quantities delivered for the processing period referred to in Article 2(2) and of the corresponding total quantities processed.

Article 7

1. Before 1 July of the current marketing year, table-olive growers shall lodge aid applications, directly or indirectly, with the competent body, containing at least the following details:
- the name and address of the grower,
 - the location of the holdings and the parcels where olives were harvested, with a reference to the relevant crop declaration,
 - the approved undertaking to which the olives were delivered.

Such applications shall be accompanied by certificates of delivery as referred to in Article 6(1). However, for olives delivered between 1 July and 31 August certificates of delivery must be lodged no later than 1 September.

Where applicable, applications may be accompanied by an application for an advance on the aid.

2. Applications lodged after the deadline shall incur a penalty consisting of a reduction of 1 % of the amount to which the grower would have been entitled had the application been lodged by the due date, for each working day of delay. Applications lodged more than 25 working days late shall be refused.

Article 8

1. Before the definitive payment of the aid, the competent body shall carry out the controls required to check:

- the quantities of table olives covered by certificates of delivery issued,
- the quantities of table olives processed, broken down by grower.

Controls shall involve:

- several physical inspections of goods in stock and a check of the accounts of approved undertakings,
- stricter checks of aid applications from olive growers applying for aid for both table olives and olive oil.

2. Greece shall see that all the necessary controls are in place to ensure that:

- entitlement to table-olive production aid is respected,
- olives entering an undertaking approved under this Decision are excluded from eligibility for olive-oil production aid,
- no more than one aid application is lodged for the same olives.

3. Without prejudice to the penalties laid down by Greece, no aid shall be granted to growers as referred to in Article 2(1) whose declarations as provided for in Article 5 or whose aid applications in accordance with Article 7 proves to conflict with the results of checks. However, Article 15 of Commission Regulation (EC) No 2366/98 ⁽¹⁾ shall apply *mutatis mutandis*.

Article 9

1. Growers as referred to in Article 2(1) may receive an advance on the aid requested. The advance shall be equal to the unit amount referred to in Article 17a(1) of Council Regulation (EEC) No 2261/84 ⁽²⁾, multiplied by the quantity of olive oil equivalent, in accordance with Article 3(1) of this Decision, to the relevant quantity of table olives processed.

For the purposes of granting advances to growers, the quantity of table olives processed shall be determined by applying a provisional processing coefficient to the quantity appearing in the certificate of delivery, as confirmed by the other information notified to the competent body. That coefficient shall be established by the competent body on the basis of the data available on the approved undertaking concerned. However, the quantity of table olives taken into consideration may not exceed 90 % of the quantity of table olives delivered.

2. Advances on the aid shall be paid from 16 October of the current marketing year to growers applying therefor in accordance with Article 7(1).

⁽¹⁾ OJ L 293, 31.10.1998, p. 50.

⁽²⁾ OJ L 208, 3.8.1984, p. 3.

Article 10

1. Without prejudice to the reductions provided for in Article 20d of Regulation No 136/66/EEC, the aid shall be equal to the unit amount referred to in Article 17a(2) of Regulation (EEC) No 2261/84 multiplied by the quantity of olive oil equivalent, in accordance with Article 3(1) of this Decision, to the relevant quantity of table olives processed.

For the purposes of granting the aid to growers as referred to in Article 2(1), the quantity of table olives processed shall be determined by applying a processing coefficient for the undertaking concerned to the quantity appearing in the certificate of delivery, as confirmed by the other information notified to the competent body. That coefficient shall be equal to the ratio between the total quantity of table olives processed on the one hand, and the total quantity of table olives covered by certificates of delivery on the other hand, in respect of the olive-oil marketing year concerned.

Where the quantity of processed olives corresponding to the quantity set out in the certificate of delivery cannot be established, the quantities of table olives processed for the growers concerned shall be calculated using the average coefficient for the other undertakings. However, without prejudice to any claims which the olive growers concerned might make against the undertaking, that quantity of processed olives may not exceed 75 % of the quantity shown in the certificate of delivery.

2. The rate applicable for conversion of the amount of the aid into Greek drachmae shall be the agricultural conversion rate valid on the first day of the month in which the grower concerned makes his first delivery of olives.

3. Once the controls referred to in Article 8 have been carried out, the aid or, where applicable, the balance of the aid

shall be paid to the grower in full within 90 days of the Commission fixing the unit amount thereof.

Article 11

Greece shall notify the Commission:

- without delay, of the national measures taken pursuant to this Decision,
- before 1 August of each marketing year, of the quantities of olive oil equivalent to the estimated output of table olives processed and of the provisional processing coefficients for that estimate,
- before 16 June of each subsequent marketing year, of the quantities of olive oil equivalent to the actual output of table olives processed and of the processing coefficients adopted.

Article 12

This Decision shall apply from 1 September 2001.

Article 13

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 9 August 2001.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION
of 9 August 2001
on the granting of aid for the production of table olives in Spain

(notified under document number C(2001) 2488)

(Only the Spanish text is authentic)

(2001/650/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EC) No 1513/2001 ⁽²⁾, and in particular Article 5(4) thereof,

Whereas:

- (1) Article 5(4) of Regulation No 136/66/EEC grants the Member States the possibility of allocating part of their national guaranteed quantities and of their olive-oil production aid to support for table olives on conditions to be approved by the Commission in accordance with the procedure laid down in Article 38 of that Regulation.
- (2) Spain has presented a request in respect of the 2001/02, 2002/03 and 2003/04 marketing years and detailed rules should be laid down for the granting of the aid.
- (3) Provision should be made for the aid to be granted to growers of processed table olives from olive groves in Spain and the conditions governing the granting of the aid should be specified.
- (4) The processing period should be defined as running from 1 September to 31 August. Olives which have undergone initial treatment in brine lasting at least 15 days and have been removed from the brine definitively or failing that have undergone treatment making them fit for human consumption should be deemed to be processed olives.
- (5) The weight of processed table olives for which aid is payable and the equivalence between processed table olives and olive oil should be determined for the purposes of calculating the unit aid for table olives and of administering the national guaranteed quantities.
- (6) Undertakings processing table olives must be approved in accordance with conditions to be determined.
- (7) Provisions should be laid down for checks on aid for table olives. Those provisions must in particular cover crop declarations by table-olive growers, notifications by

processors of the quantities of olives delivered by growers and leaving the processing chain, and the obligations on paying agencies regarding controls. Provision should be made for penalties on table-olive growers where their declarations conflict with the results of checks conducted.

- (8) The information needed for calculating the aid to be granted to growers of processed table olives should be determined. An advance on the aid may be granted on certain conditions.
- (9) Spain must notify the Commission of the national measures adopted for the purposes of applying this Decision and of the information used for calculating the advance on the aid and the definitive aid.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Management Committee for Oils and Fats,

HAS ADOPTED THIS DECISION:

Article 1

For the 2001/02, 2002/03 and 2003/04 marketing years, Spain is hereby authorised to grant aid for the production of table olives in accordance with this Decision.

Article 2

1. Aid for the production of table olives shall be granted to growers of olives which come from olive groves in Spain and are sent to approved processing undertakings for processing into table olives.
2. For each olive-oil marketing year, aid shall be granted for table olives processed between 1 September of the preceding marketing year and 31 August of the marketing year concerned.
3. Within the meaning of this Decision, 'processed table olives' means olives that have undergone initial treatment in brine for at least 15 days and have been removed from the brine definitively or failing that have undergone treatment making them fit for human consumption.

⁽¹⁾ OJ L 72, 30.9.1966, p. 3025/66.

⁽²⁾ OJ L 201, 26.7.2001, p. 4.

Article 3

1. For the purposes of calculating the unit aid for table olives and of administering the national guaranteed quantities of olive oil, 100 kg of processed table olives shall be deemed to be equivalent to 11,5 kg of olive oil eligible for production aid as provided for in Article 5 of Regulation No 136/66/EEC.

2. The weight of processed table olives to be taken into consideration shall be the drained net weight of whole olives after processing, possibly bruised but not stoned.

Article 4

1. Approval numbers shall be allocated to undertakings which:

- submit an application for approval by 30 September preceding the olive-oil marketing year in question, accompanied by the information referred to in paragraph 2 and the commitments referred to in paragraph 3,
- market processed table olives, with or without additional preparation,
- have plant capable of processing at least 30 t of olives per year in the islands and 50 t of olives per year in the other zones.

2. Applications for approval shall include at least:

- a description of the processing plant and storage facilities, with details of their capacity,
- a description of the forms of table-olive preparations marketed, indicating the average weight of processed table olives required for 1 kg of each type of prepared product,
- details of stocks of table olives at various stages of preparation, by form of preparation, as at 1 September preceding the olive-oil marketing year in question.

3. For the purposes of approval, processors shall undertake:

- to keep table olives for which aid is payable separate from table olives originating in non-member countries and those for which aid is not payable when taking delivery of, processing and storing them,
- to keep stock records covering table olives, linked to the financial accounts and indicating, for each day:
 - (a) the quantities of olives entering the establishment, showing each consignment separately and identifying the grower of each;
 - (b) the quantities of olives sent for processing and the quantities of table olives processed within the meaning of Article 2(3);

(c) the quantities of table olives for which the process of preparation has been completed;

(d) the quantities of table olives leaving the undertaking, broken down by form of preparation and indicating the consignees,

- to provide the grower as referred to in Article 2(1) and the competent body with the documents and the information referred to in Article 6 in accordance with the conditions laid down therein,
- to submit to all checks provided for under this Decision.

4. Approval shall be refused or immediately withdrawn where undertakings:

- fail to comply or no longer comply with the conditions for approval, or
- are prosecuted by the competent authorities for irregularities in respect of the arrangements provided for in Regulation No 136/66/EEC, or
- have been penalised for an infringement to that Regulation within the past 24 months.

Article 5

For the purposes of granting the aid for the production of table olives, in addition to the crop declaration laid down for olive-oil production aid, by 1 December of the current marketing year growers shall lodge a supplementary declaration or, as appropriate, a new declaration containing the same information as the crop declaration for olive oil but referring to table olives.

Where the information concerned has already been furnished by a crop declaration for olive oil and has not been subject to modification, the supplementary declaration shall simply indicate the references to the crop declaration and the parcels concerned.

The declarations concerning table olives shall be included in the alphanumeric database provided for in connection with the aid scheme for olive oil production.

Article 6

1. On delivery of the final consignment of olives and no later than 30 June, approved undertakings shall issue growers as referred to in Article 2(1) with a certificate of delivery showing the net weight of olives entering the undertaking.

The certificate must be supported by all the documentation relating to the weight of the consignments of olives delivered.

2. Approved undertakings shall notify the competent body and the control agency:

- (a) by the 10th day of each month, of:
- the quantities of olives received, sent for processing and processed within the meaning of Article 2(3) in the course of the previous month,
 - the quantities of olives prepared and sent out, broken down by form of preparation, in the course of the previous month,
 - the aggregate quantities referred to in the first two indents and the stock situation at the end of the previous month;
- (b) before 1 July, of the names of growers as referred to in Article 2(1) for the processing period referred to in Article 2(2) and of the quantities covered by certificates issued to them in accordance with paragraph 1;
- (c) before 1 June of the following marketing year, of the total quantities delivered for the processing period referred to in Article 2(2) and of the corresponding total quantities processed.

Article 7

1. Before 1 July of the current marketing year, table-olive growers shall lodge aid applications, directly or indirectly, with the competent body, containing at least the following details:
- the name and address of the grower,
 - the location of the holdings and the parcels where olives were harvested, with a reference to the relevant crop declaration,
 - the approved undertaking to which the olives were delivered.

Such applications shall be accompanied by certificates of delivery as referred to in Article 6(1).

Where applicable, applications may be accompanied by an application for an advance on the aid.

2. Applications lodged after the deadline shall incur a penalty consisting of a reduction of 1 % of the amount to which the grower would have been entitled had the application been lodged by the due date, for each working day of delay. Applications lodged more than 25 working days late shall be refused.

Article 8

1. Before the definitive payment of the aid, the competent body shall carry out the controls required to check:

- the quantities of table olives covered by certificates of delivery issued,
- the quantities of table olives processed, broken down by grower.

Controls shall involve:

- several physical inspections of goods in stock and a check of the accounts of approved undertakings,
- stricter checks of aid applications from olive growers applying for aid for both table olives and olive oil.

2. Spain shall see that all the necessary controls are in place to ensure that:

- entitlement to table-olive production aid is respected,
- olives entering an undertaking approved under this Decision are excluded from eligibility for olive-oil production aid,
- no more than one aid application is lodged for the same olives.

3. Without prejudice to the penalties laid down by Spain, no aid shall be granted to growers as referred to in Article 2(1) whose declarations as provided for in Article 5 or whose aid applications in accordance with Article 7 proves to conflict with the results of checks. However, Article 15 of Commission Regulation (EC) No 2366/98 ⁽¹⁾ shall apply *mutatis mutandis*.

Article 9

1. Growers as referred to in Article 2(1) may receive an advance on the aid requested. The advance shall be equal to the unit amount referred to in Article 17a(1) of Council Regulation (EEC) No 2261/84 ⁽²⁾, multiplied by the quantity of olive oil equivalent, in accordance with Article 3(1) of this Decision, to the relevant quantity of table olives processed.

For the purposes of granting advances to growers, the quantity of table olives processed shall be determined by applying a provisional processing coefficient to the quantity appearing in the certificate of delivery, as confirmed by the other information notified to the competent body. That coefficient shall be established by the competent body on the basis of the data available on the approved undertaking concerned. However, the quantity of table olives taken into consideration may not exceed 90 % of the quantity of table olives delivered.

2. Advances on the aid shall be paid from 16 October of the current marketing year to growers applying therefor in accordance with Article 7(1).

⁽¹⁾ OJ L 293, 31.10.1998, p. 50.

⁽²⁾ OJ L 208, 3.8.1984, p. 3.

Article 10

1. Without prejudice to the reductions provided for in Article 20d of Regulation No 136/66/EEC, the aid shall be equal to the unit amount referred to in Article 17a(2) of Regulation (EEC) No 2261/84 multiplied by the quantity of olive oil equivalent, in accordance with Article 3(1) of this Decision, to the relevant quantity of table olives processed.

For the purposes of granting the aid to growers as referred to in Article 2(1), the quantity of table olives processed shall be determined by applying a processing coefficient for the undertaking concerned to the quantity appearing in the certificate of delivery, as confirmed by the other information notified to the competent body. That coefficient shall be equal to the ratio between the total quantity of table olives processed on the one hand, and the total quantity of table olives covered by certificates of delivery on the other hand, in respect of the olive-oil marketing year concerned.

Where the quantity of processed olives corresponding to the quantity set out in the certificate of delivery cannot be established, the quantities of table olives processed for the growers concerned shall be calculated using the average coefficient for the other undertakings. However, without prejudice to any claims which the olive growers concerned might make against the undertaking, that quantity of processed olives may not exceed 75 % of the quantity shown in the certificate of delivery.

2. Once the controls referred to in Article 8 have been carried out, the aid or, where applicable, the balance of the aid

shall be paid to the grower in full within 90 days of the Commission fixing the unit amount thereof.

Article 11

Spain shall notify the Commission:

- without delay, of the national measures taken pursuant to this Decision,
- before 1 August of each marketing year, of the quantities of olive oil equivalent to the estimated output of table olives processed and of the provisional processing coefficients for that estimate,
- before 16 June of each subsequent marketing year, of the quantities of olive oil equivalent to the actual output of table olives processed and of the processing coefficients adopted.

Article 12

This Decision shall apply from 1 September 2001.

Article 13

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 9 August 2001.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 21 August 2001

establishing the typical process standard deviation of the fat content of butter imported from New Zealand under Article 5 of Commission Regulation (EC) No 1374/98 laying down detailed rules for the application of the import arrangements and opening tariff quotas for milk and milk products and repealing Decision 2000/432/EC

(notified under document number C(2001) 2175)

(2001/651/EC)

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 1374/98 of 29 June 1998 laying down detailed rules for the application of the import arrangements and opening tariff quotas for milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 594/2001 ⁽⁴⁾, and in particular Article 9(9) thereof,

Whereas:

- (1) Annex XI to Regulation (EC) No 1374/98 lays down a procedure for the verification of the fat content of New Zealand butter presented for release into free circulation in the Community under the current access quota specified under order No 35 of Annex I to that Regulation. This procedure is based on statistical principles. An essential element of this procedure is the use of a typical process standard deviation of the fat content of butter made according to a defined specification in a specified production plant and known in advance by the control authorities in Member States where the declaration for release into free circulation in the Community is presented.
- (2) The New Zealand Ministry of Agriculture and Forestry's Food Assurance Authority (MAF Food) by letter dated 1 June 2000 notified the Commission of the typical process standard deviation for each product purchasing specification in six production plants in accordance with Article 28(1)(e) of Regulation (EC) No 1374/98. On the basis of Article 9(9) of the same Regulation, the typical process standard deviation was approved by Commission Decision 2000/432/EC ⁽⁵⁾.

- (3) By letter dated 29 September 2000, the New Zealand Ministry of Agriculture and Forestry's Food Assurance Authority (MAF Food) notified the Commission of a revised typical process standard deviation for each product purchasing specification in five production plants in accordance with Article 28(1)(e) of Regulation (EC) No 1374/98. The calculation procedure used for establishing the typical process standard deviation for each product purchasing specification has been revised, because an essential element of this standard deviation was not taken into consideration. Furthermore, one of the six mentioned production plants is no longer producing butter under the current access quota. The revised figures were the object of verification and subsequent discussions with the New Zealand authorities which finally resulted in confirmation by the New Zealand authorities in a letter dated 20 July 2001, of the figures previously notified.
- (4) As required by Article 9(9) of Regulation (EC) No 1374/98, the notified revised typical process standard deviations should be approved and communicated to Member States, and their date of entry into force should be fixed at 22 August 2001. At the same time, for reasons of clarity, Decision 2000/432/EC should be repealed,

HAS ADOPTED THIS DECISION:

Article 1

The typical process standard deviations notified to the Commission by MAF Food, New Zealand by letter of 29 September 2000 and listed in the Annex to this Decision are approved. They shall apply to imports of butter in respect of which IMA 1 certificates are issued as of 22 August 2001.

Article 2

Decision 2000/432/EC is repealed.

It shall continue to apply to imports of butter in respect of which IMA 1 certificates were issued before 22 August 2001.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 185, 30.6.1998, p. 21.

⁽⁴⁾ OJ L 88, 20.3.2001, p. 7.

⁽⁵⁾ OJ L 170, 11.7.2000, p. 16.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 21 August 2001.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Typical process standard deviations of the fat content of butter manufactured in New Zealand and intended for release into free circulation in the European Community under the current access quota provided for under order No 35 of Annex I to Regulation (EC) No 1374/98

Factory name	Registered factory No	Specification No	Typical process standard deviation
1	2	3	4
Kiwi Dairy Products Ltd, Kauri	2000	0905	0,160
Anchor Products Ltd (Te Awamutu)	5572	0081 0084	0,175 0,173
Kiwi Tasman Cooperative Dairies Ltd	146	0081 0084	0,172 0,172
Westland Cooperative Dairy Co. Ltd	143	0081 0084	0,170 0,170
Kiwi Dairy Products Ltd Hawera	47	0081 0084	0,175 0,175