

English edition

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1968/2001
of 9 October 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 10 October 2001.

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

Done at Brussels, 9 October 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 9 October 2001 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	108,7
	999	108,7
0707 00 05	052	140,7
	999	140,7
0709 90 70	052	105,5
	999	105,5
0805 30 10	052	69,0
	388	64,3
	512	46,9
	524	51,7
	528	56,7
	999	57,7
0806 10 10	052	81,4
	064	92,8
	388	113,3
	400	192,5
	512	75,1
	624	111,6
	999	111,1
0808 10 20, 0808 10 50, 0808 10 90	060	38,9
	388	76,5
	400	59,7
	512	92,9
	800	172,9
	804	95,2
	999	89,4
0808 20 50	052	110,8
	999	110,8

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

COMMISSION REGULATION (EC) No 1969/2001
of 9 October 2001
prohibiting fishing for hake by vessels flying the flag of Belgium

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Council Regulation (EC) No 2848/2000 of 15 December 2000 fixing for 2001 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required ⁽³⁾, as amended by Commission Regulation (EC) No 1666/2001 ⁽⁴⁾, lays down quotas for hake for 2001.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of hake in the waters of ICES divisions VIIIA, b, d and e by vessels flying the flag of Belgium or

registered in Belgium have exhausted the quota allocated for 2001. Belgium has prohibited fishing for this stock from 18 August 2001. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of hake in the waters of ICES divisions VIIIA, b, d and e by vessels flying the flag of Belgium or registered in Belgium are hereby deemed to have exhausted the quota allocated to Belgium for 2001.

Fishing for hake in the waters of ICES divisions VIIIA, b, d and e by vessels flying the flag of Belgium or registered in Belgium is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 18 August 2001.

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

Done at Brussels, 9 October 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 358, 31.12.1998, p. 5.

⁽³⁾ OJ L 334, 30.12.2000, p. 1.

⁽⁴⁾ OJ L 223, 18.8.2001, p. 4.

COMMISSION REGULATION (EC) No 1970/2001
of 9 October 2001
prohibiting fishing for common sole by vessels flying the flag of Belgium

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Council Regulation (EC) No 2848/2000 of 15 December 2000 fixing for 2001 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required ⁽³⁾, as amended by Commission Regulation (EC) No 1666/2001 ⁽⁴⁾, lays down quotas for common sole for 2001.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of common sole in the waters of ICES divisions VIIIa, b by vessels flying the flag of Belgium or

registered in Belgium have exhausted the quota allocated for 2001. Belgium has prohibited fishing for this stock from 18 August 2001. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of common sole in the waters of ICES divisions VIIIa, b by vessels flying the flag of Belgium or registered in Belgium are hereby deemed to have exhausted the quota allocated to Belgium for 2001.

Fishing for common sole in the waters of ICES divisions VIIIa, b by vessels flying the flag of Belgium or registered in Belgium is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 18 August 2001.

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

Done at Brussels, 9 October 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 358, 31.12.1998, p. 5.

⁽³⁾ OJ L 334, 30.12.2000, p. 1.

⁽⁴⁾ OJ L 223, 18.8.2001, p. 4.

COMMISSION REGULATION (EC) No 1971/2001

of 9 October 2001

supplementing the Annex to Regulation (EC) No 2400/96 on the entry of certain names in the Register of protected designations of origin and protected geographical indications provided for in Council Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, as last amended by Commission Regulation (EC) No 2796/2000 ⁽²⁾, and in particular Article 6(3) and (4) thereof,

Whereas:

- (1) Under Article 5 of Regulation (EEC) No 2081/92, Belgium has sent the Commission an application for the registration of *Pâté Gaumais* as a geographical indication.
- (2) Under Article 5 of Regulation (EEC) No 2081/92, Spain has sent the Commission three applications to register the names *Aceite del Bajo Aragón*, *Sierra de Cazorla* and *Arroz de Valencia* or *Arròs de València* as designations of origin and two applications to register the names *Botillo del Bierzo* and *Alcachofa de Tudela* as geographical indications.
- (3) In accordance with Article 6(1) of that Regulation, the six applications have been found to meet all the requirements laid down therein and in particular to contain all the information required in accordance with Article 4 thereof.
- (4) No statements of objection have been received by the Commission under Article 7 of Regulation (EEC) No 2081/92 in respect of the names given in the Annex to

this Regulation following their publication in the *Official Journal of the European Communities* ⁽³⁾.

- (5) The names should therefore be entered in the Register of protected designations of origin and protected geographical indications and hence be protected throughout the Community as protected designations of origin or protected geographical indications.
- (6) The Annex to this Regulation supplements the Annex to Commission Regulation (EC) No 2400/96 ⁽⁴⁾, as last amended by Regulation (EC) No 1356/2001 ⁽⁵⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The names in the Annex hereto are added to the Annex to Regulation (EC) No 2400/96 and entered as protected designations of origin (PDO) or protected geographical indications (PGI) in the Register of protected designations of origin and protected geographical indications provided for in Article 6(3) of Regulation (EEC) No 2081/92.

Article 2

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

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

Done at Brussels, 9 October 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 208, 24.7.1992, p. 1.

⁽²⁾ OJ L 324, 21.12.2000, p. 26.

⁽³⁾ OJ C 9, 12.1.2001, p. 2.

OJ C 11, 13.1.2001, p. 2.

OJ C 42, 8.2.2001, p. 2.

OJ C 42, 8.2.2001, p. 5.

OJ C 51, 16.2.2001, p. 2. and

OJ C 56, 22.2.2001, p. 2.

⁽⁴⁾ OJ L 327, 18.12.1996, p. 11.

⁽⁵⁾ OJ L 182, 4.7.2001, p. 25.

ANNEX

PRODUCTS LISTED IN ANNEX I TO THE EC TREATY INTENDED FOR HUMAN CONSUMPTION**Meat-based products**

SPAIN

Botillo del Bierzo (PGI)

Oils and fats

Olive oils

SPAIN

Sierra de Cazorla (PDO)

Aceite del Bajo Aragón (PDO)

Fresh and processed vegetables

SPAIN

Alcachofa de Tudela (PGI)

Cereals

SPAIN

Arroz de Valencia or Arròs de València (PDO)

Other Annex I products

BELGIUM

Pâté gaumais (PGI)

COMMISSION REGULATION (EC) No 1972/2001
of 9 October 2001
establishing a system of licences for the import of hazelnuts from Turkey

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, as last amended by Commission Regulation (EC) No 911/2001 ⁽²⁾, and in particular Article 31 thereof,

Whereas:

- (1) Article 31 of Regulation (EC) No 2200/96 provides for the possibility of establishing a system of licences for the import of the products referred to in Article 1(2) of that Regulation and lays down the procedure for adopting the rules for the application of such a system.
- (2) The large harvest in Turkey in 2001, the stocks carried over from the previous harvest and the devaluation of the Turkish lira could have a serious impact on the Community market for hazelnuts.
- (3) The Commission should introduce a system of import licences to provide speedy information on the quantities of hazelnuts imported. The rules governing the system must supplement or derogate from those laid down by 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 ⁽³⁾. In particular, the security required before licences can be issued should be set at a level such as to prevent unfounded applications and the transfer of the licences.
- (4) The Management Committee for fresh Fruit and Vegetables has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. The release into free circulation within the Community of shelled hazelnuts falling with CN code 0802 22 00 originating in Turkey shall be subject to the presentation of an import licence, which Member States shall issue to all applicants,

irrespective of where they are established in the Community, in accordance with Article 2.

2. Regulation (EC) No 1291/2000 shall apply to the arrangements introduced by this Regulation, subject to the special provisions laid down herein.

Article 2

1. Applications for import licences and the licences themselves shall indicate the word 'Turkey' in box 8 and the word 'yes' shall be marked with a cross. Licences shall be valid only for hazelnuts originating in Turkey.

2. The security referred to in Article 15(2) of Regulation (EC) No 1291/2000 shall be EUR 50 per tonne net.

3. Licences shall be valid for two months from the date of issue.

4. Notwithstanding Article 9 of Regulation (EC) No 1291/2000, the rights resulting from licences shall not be transferable.

Article 3

Member States shall notify the Commission of:

- (a) the quantities for which import licence applications have been submitted, as follows:
 - each Wednesday in the case of applications made on Monday and Tuesday,
 - each Friday in the case of applications made on Wednesday and Thursday,
 - each Monday in the case of applications made on Friday of the previous week;
- (b) the quantities covered by unused licences or licences that have been partially used, corresponding to the difference between the quantities endorsed on the back of licences and those for which licences have been issued; this information shall be notified on Wednesday, in the case of information received the previous week.

Article 4

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

It shall apply until 31 August 2002.

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 129, 11.5.2001, p. 3.

⁽³⁾ OJ L 152, 24.6.2000, p. 1.

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

Done at Brussels, 9 October 2001.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 1973/2001**of 9 October 2001****amending the rates of the refunds applicable to eggs and egg yolks exported in the form of goods
not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EC) No 1516/96 ⁽²⁾, and in particular Article 8(3) thereof,

Whereas:

- (1) The rates of the refunds applicable from 19 September 2001 to the products listed in the Annex, exported in the form of goods not covered by Annex I to the Treaty, were fixed by Commission Regulation (EC) No 1833/2001 ⁽³⁾.

- (2) It follows from applying the rules and criteria contained in Regulation (EC) No 1833/2001 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EC) No 1833/2001 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 10 October 2001.

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

Done at Brussels, 9 October 2001.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 49.

⁽²⁾ OJ L 189, 30.7.1996, p. 99.

⁽³⁾ OJ L 249, 19.9.2001, p. 4.

ANNEX

to the Commission Regulation of 9 October 2001 amending the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex I to the Treaty

(EUR/100 kg)

CN code	Description	Destination (¹)	Rate of refund
0407 00	Birds' eggs, in shell, fresh, preserved or cooked:		
	– Of poultry:		
0407 00 30	– – Other:		
	a) On exportation of ovalbumin of CN codes 3502 11 90 and 3502 19 90	02	7,00
		03	8,00
		04	3,50
	b) On exportation of other goods	01	3,50
0408	Birds' eggs, not in shell and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter:		
	– Egg yolks:		
0408 11	– – Dried:		
ex 0408 11 80	– – – Suitable for human consumption:		
	not sweetened	01	20,00
0408 19	– – Other:		
	– – – Suitable for human consumption:		
ex 0408 19 81	– – – – Liquid:		
	not sweetened	01	10,00
ex 0408 19 89	– – – – Frozen:		
	not sweetened	01	10,00
	– Other:		
0408 91	– – Dried:		
ex 0408 91 80	– – – Suitable for human consumption:		
	not sweetened	01	33,00
0408 99	– – Other:		
ex 0408 99 80	– – – Suitable for human consumption:		
	not sweetened	01	8,00

(¹) The destinations are as follows:

01 Third countries,

02 Kuwait, Bahrain, Oman, Qatar, United Arab Emirates, Yemen, Hong Kong SAR and Russia,

03 South Korea, Japan, Malaysia, Thailand, Taiwan, the Philippines and Egypt,

04 All destinations except Switzerland and those of 02 and 03.

COMMISSION REGULATION (EC) No 1974/2001
of 9 October 2001
amending the export refunds on eggs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EC) No 1516/96 ⁽²⁾, and in particular Article 8(3) thereof,

Whereas:

- (1) The export refunds on eggs were fixed by Commission Regulation (EC) No 1462/2001 ⁽³⁾, as amended by Regulation (EC) No 1570/2001 ⁽⁴⁾.
- (2) It follows from applying the criteria referred to in Article 8 of Regulation (EEC) No 2771/75 to the information known to the Commission that the export refunds at

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1) of Regulation (EEC) No 2771/75, exported in the natural state, as fixed in the Annex to Regulation (EC) No 1462/2001 are hereby altered as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 10 October 2001.

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

Done at Brussels, 9 October 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 49.

⁽²⁾ OJ L 189, 30.7.1996, p. 99.

⁽³⁾ OJ L 194, 18.7.2001, p. 12.

⁽⁴⁾ OJ L 208, 1.8.2001, p. 26.

ANNEX

to the Commission Regulation of 9 October 2001 amending the export refunds on eggs

Product code	Destination	Unit of measurement	Amount of refund
0407 00 11 9000	A02	EUR/100 pcs	2,15
0407 00 19 9000	A02	EUR/100 pcs	1,00
0407 00 30 9000	E01	EUR/100 kg	7,00
	E03	EUR/100 kg	8,00
	E05	EUR/100 kg	3,50
0408 11 80 9100	E04	EUR/100 kg	20,00
0408 19 81 9100	E04	EUR/100 kg	10,00
0408 19 89 9100	E04	EUR/100 kg	10,00
0408 91 80 9100	E06	EUR/100 kg	33,00
0408 99 80 9100	E04	EUR/100 kg	8,00

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

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

The other destinations are defined as follows:

E01 Kuwait, Bahrain, Oman, Qatar, the United Arab Emirates, Yemen, Hong Kong SAR and Russia

E03 South Korea, Japan, Malaysia, Thailand, Taiwan, the Philippines and Egypt

E04 all destinations except Switzerland and Estonia

E05 all destinations except Switzerland, Lithuania and those of E01 and E03

E06 all destinations except Switzerland, Estonia and Lithuania.

COMMISSION REGULATION (EC) No 1975/2001**of 9 October 2001****determining the percentage of quantities covered by applications for export licences for eggs which may be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1371/95 of 16 June 1995 laying down detailed rules for implementing the system of export licences in the egg sector ⁽¹⁾, as last amended by Regulation (EC) No 2336/1999 ⁽²⁾, and in particular Article 3(4) thereof,

Whereas:

- (1) Regulation (EC) No 1371/95 provides for specific measures where applications for export licences concern quantities and/or expenditure which exceed the normal trade patterns or where there is a risk that they will be exceeded, taking account of the limit referred to in Article 8(12) of Council Regulation (EEC) No 2771/75 ⁽³⁾, as last amended by Commission Regulation (EC) No 1516/96 ⁽⁴⁾, and/or the corresponding expenditure during the period in question.
- (2) Uncertainty is a feature of the market in certain egg products. The impending adjustment of the refunds applicable to those products has led to the submission

of applications for export licences for speculative ends. There is a risk that the issue of licences for the quantities applied for from 1 to 5 and 8 to 9 October 2001 may lead to an overrun in the quantities of the products concerned normally disposed of by way of trade. Applications covering the products concerned in respect of which export licences have not yet been granted should be rejected,

HAS ADOPTED THIS REGULATION:

Article 1

No further action shall be taken in respect of applications submitted for export licences for eggs of 1 to 5 and 8 to 9 October 2001 pursuant to Regulation (EC) No 1371/95 in respect of category four and five of Annex I to that Regulation which should have been issued from 10 October and from 17 October 2001 respectively.

Article 2

This Regulation shall enter into force on 10 October 2001.

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

Done at Brussels, 9 October 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 133, 17.6.1995, p. 16.

⁽²⁾ OJ L 281, 4.11.1999, p. 16.

⁽³⁾ OJ L 282, 1.11.1975, p. 49.

⁽⁴⁾ OJ L 189, 30.7.1996, p. 99.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 8 October 2001

granting Portugal a derogation regarding urban waste water treatment for the agglomeration of the Estoril coast

(notified under document number C(2001) 2657)

(Only the Portuguese text is authentic)

(2001/720/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment ⁽¹⁾, as amended by Commission Directive 98/15/EC ⁽²⁾, and in particular, Article 8(5) thereof,

Whereas:

- (1) Article 8(5) of Directive 91/271/EEC provides a concession whereby, in exceptional circumstances, discharges into less sensitive areas of waste water from agglomerations exceeding 150 000 population equivalents may nonetheless be subject to the less stringent requirements set out in Article 6(2).
- (2) In such circumstances, Member States are required to submit beforehand the relevant documentation to the Commission, showing that the discharges receive at least primary treatment and that they will not affect the environment.
- (3) Portugal has identified its coastal waters, except those of the Algarve region, as a 'less sensitive area' under Article 6 of Directive 91/271/EEC.
- (4) On 16 June 1999 Portugal sent a request to the Commission under Article 8(5) of Directive 91/271/EEC, concerning the discharge of waste waters into the Atlantic Ocean near the Tagus estuary, from the agglomeration of the Estoril coast, which accounts for 720 000 population equivalents.

- (5) At the request of the Commission, Portugal sent the Commission additional information on the matter, by letters dated 25 November 1999 and 15 February 2000.
- (6) The hydrodynamic conditions of the western coast of Portugal, which result from the wind conditions, tides, currents and dispersion, are some of the most favourable of European coastal waters for the dilution and dispersion of waste water. Moreover, the point of discharge is situated outside the outer limit of the Tagus estuary. Consequently, the criteria for less sensitive areas are applicable to the point of discharge.
- (7) The point of discharge is far away from the bathing areas of the Estoril coast.
- (8) The documentation transmitted by Portugal demonstrates that the discharge will not have any impact on the dissolved oxygen rate, the trophic status, the transparency and the benthic community of the receiving waters.
- (9) The bathing waters along the agglomeration of the Estoril coast have not, for years, complied with the requirements of Council Directive 76/160/EEC of 8 December 1975 concerning the quality of bathing water ⁽³⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, inasmuch as the microbiological concentrations in those waters exceed the standards specified in that Directive.
- (10) Since 1995, seven of the twelve bathing areas of the agglomeration of the Estoril coast, namely the beaches of Carcavelos, Parede, Rainha, Cresmina, S. Pedro de Estoril, Tamariz and Torre, have not complied with the mandatory bacteriological values of Directive 76/160/EEC.

⁽¹⁾ OJ L 135, 30.5.1991, p. 40.

⁽²⁾ OJ L 67, 7.3.1998, p. 29.

⁽³⁾ OJ L 31, 5.2.1976, p. 1.

- (11) The Commission considers that, even if the deficiencies of collecting systems appear to be the major source of this microbiological pollution, the waste water discharge in question can reach bathing areas and therefore contribute to the microbiological pollution of those areas unless waste waters are treated appropriately before discharge.
- (12) Microbiological removal treatment, prior to discharge into the sea, is necessary to prevent the risk of pollution of bathing waters.
- (13) In order to be efficient, microbiological removal treatment needs low levels of suspended solids and reduced concentration of organic matter in waste waters.
- (14) After consultation of the Committee set up pursuant to Article 18 of Directive 91/271/EEC and discussion with the Commission, Portugal sent additional documentation on 21 December 2000, proposing microbiological removal treatment after advanced primary treatment and before discharge into the sea during the bathing season.
- (15) The Commission considers that, on the basis of the information and assurances provided by Portugal and because of the exceptional circumstances concerning dilution and dispersion of the receiving waters, the treatment proposed by Portugal will be able to protect the adjacent bathing areas from microbiological contamination.
- (16) The Commission, having examined the documentation submitted by Portugal in support of the request for a derogation, concludes that the request corresponds to the circumstances envisaged by Article 8(5) of the Directive: the documentation demonstrates that the discharge from the Estoril coast agglomeration would, after the proposed treatment, not adversely affect the environment, and that more advanced treatment would not produce any environmental benefits.
- (17) The measures provided for in this Decision are in accordance with the opinion of the Committee set up under Article 18 of Directive 91/271/EEC,

HAS ADOPTED THIS DECISION:

Article 1

The request by Portugal of 16 June 1999 under Article 8(5) of Directive 91/271/EEC, to be permitted to provide, for the agglomeration of the Estoril coast, less stringent waste water treatment than that prescribed in Article 4 of that Directive is accepted under the conditions set out in Articles 2 to 6 of this Decision.

Article 2

During the bathing season, defined by Portugal for the purposes of Directive 76/160/EEC as running from 1 June to 30 September, the urban waste water from the agglomeration

of the Estoril coast shall, prior to discharge into the sea, be at least subject to advanced primary treatment and to a disinfection system in accordance with the requirements set out in heading 1 of the Annex of this Decision.

Article 3

Outside the bathing season, the urban waste water from the agglomeration of the Estoril coast shall, prior to discharge, be at least subject to primary treatments defined by Article 2(7) of Directive 91/271/EEC.

Article 4

The competent Portuguese authority or appropriate body shall monitor the discharge in accordance with the provisions set out in heading 2 of the Annex to this Decision.

Article 5

Acting in accordance with Article 15(3) of Directive 91/271/EEC, Portugal shall monitor and carry out other relevant studies to verify that the discharge does not adversely affect the environment.

In particular, at least twice a month during the bathing season, samples shall be taken in at least two well-defined points of the receiving waters, one point being located above the eastern diffuser of the discharge and the other one at 200 metres to the west of the western diffuser. At each of these two points, one sample shall be taken at surface level and another at middle depth: of these samples, 80 % shall contain not more than 100 faecal coliforms per 100 millilitres, the analysis being performed by a laboratory having a system of analytical quality control as specified in heading 2 of the Annex to this Decision.

Article 6

By 30 April of each year, commencing on 30 April 2002, Portugal shall provide the Commission with a report containing the results of the monitoring carried out during the previous calendar year, according to the provisions of Articles 4 and 5, as well as the results of the monitoring for the same year of the bathing waters situated in the area of the Estoril coast agglomeration, according to the provisions of Directive 76/160/EEC.

The report shall also include explanations of any failure to meet the requirements of this Decision or those of Directive 76/160/EEC.

Article 7

During the year 2006, the Commission shall re-evaluate the situation and shall, if necessary, submit a proposal to the Committee set up under Article 18 of Directive 91/271/EEC, no later than 31 December 2006.

Article 8

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 8 October 2001.

For the Commission

Margot WALLSTRÖM

Member of the Commission

ANNEX

1. Requirements for the discharge from the Estoril urban waste water treatment plant during the bathing season (Article 2)

Parameter	Concentration	Minimum percentage of reduction ⁽¹⁾	Reference method of measurement
Faecal coliforms/100 ml	2 000 (geometric mean)	—	Reference method of Directive 76/160/EEC
Biochemical oxygen demand (BOD 5 at 20 °C) without nitrification ⁽²⁾		50	Reference method of Directive 91/271/EEC
Total suspended solids	40 mg/l	—	Reference method of Directive 91/271/EEC

⁽¹⁾ Reduction in relation to the load of the influent.

⁽²⁾ The parameter can be replaced by another parameter: total organic carbon (TOC) or total oxygen demand (TOD) if a relationship can be established between BOD 5 and the substitute parameter.

2. Reference methods for monitoring and evaluation of results (Articles 4 and 5)

- In order to monitor compliance with the requirements for biochemical oxygen demand, BOD 5, and total suspended solids, flow-proportional or time-based, 24-hours samples shall be collected, at least weekly, at the same well defined point in the outlet and in the inlet of the treatment plant.
 - The results will be evaluated according to the provisions of Annex I.D.4 to Directive 91/271/EEC.
 - In order to monitor compliance with the requirement for faecal coliforms, samples shall be collected at least weekly during the bathing season, during daytime maximum flow, at the same defined point in the outlet of the treatment plant.
 - The treated waste water shall be assumed to conform to this parameter if the geometric mean of the parametric values obtained during the bathing season does not exceed 2 000/100 ml.
 - The analysis shall be carried out by laboratories which have a system of analytical quality control that is subject to regular monitoring by a person who is not under the control of the laboratory and who is approved by the competent authority for that purpose.
-

COMMISSION DECISION

of 25 September 2001

authorising the placing on the market of trehalose as a novel food or novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council*(notified under document number C(2001) 2687)*

(2001/721/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients ⁽¹⁾, and in particular Article 7 thereof,

Having regard to the request by Bioresco Ltd, Switzerland on behalf of Hayashibara Co. Ltd, Japan to the competent authorities of United Kingdom of 25 May 2000 for placing trehalose on the market as a novel food or novel food ingredient,

Having regard to the initial assessment report drawn up by the competent authorities of the United Kingdom.

Whereas:

- (1) While trehalose extracted from yeast was approved for use in foods (except for infant formulae and follow-on formulae) in 1991 in the United Kingdom, it still has to be considered as novel because significant amounts of trehalose have not been marketed subsequently in the United Kingdom or other Member States.
- (2) In their initial assessment report the United Kingdom's competent food assessment body came to the conclusion that the trehalose as specified by JECFA at its 55th meeting is safe for human consumption within the range of foodstuffs detailed by the company.
- (3) The Commission forwarded the initial assessment report to all Member States on 16 October 2000.
- (4) Within the 60 day-period laid down in Article 6(4) of the Regulation, reasoned objections to the marketing of the product were nevertheless raised in accordance with that provision.
- (5) At a meeting on 12 March 2001 Bioresco provided additional information responding to the comments and objections raised by Member States.

(6) On the basis of this additional information and the initial assessment report, it is established that trehalose complies with the criteria laid down in Article 3(1) of the Regulation.

(7) The use of trehalose in foods for particular uses is governed by specific requirements in Community law.

(8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Foodstuffs,

HAS ADOPTED THIS DECISION:

Article 1

Trehalose as specified in the Annex, may be placed on the market in the Community as novel food or novel food ingredient for use in foodstuffs.

Article 2

The designation 'trehalose' shall be displayed on the labelling of the product as such or in the list of ingredients of foodstuffs containing it.

In a prominently displayed footnote related to the designation trehalose by means of an asterisk (*) the words 'trehalose is a source of glucose' shall be displayed. The words shall have a typeface of at least the same size as the list of ingredients itself.

Article 3

This Decision is addressed to Bioresco Ltd Bundesstraße 29, CH-4054 Basel.

Done at Brussels, 25 September 2001.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 43, 14.2.1997, p. 1.

ANNEX

SPECIFICATIONS OF TREHALOSE

Synonyms

α,α -trehalose

Definition

A non-reducing disaccharide that consists of two glucose moieties linked by an α -1,1-glucosidic bond. It is obtained from liquefied starch by a multistep enzymatic process. The commercial product is the dihydrate.

Chemical name

α -D-glucopyranosyl- α -D-glucopyranoside, dihydrate

CAS No

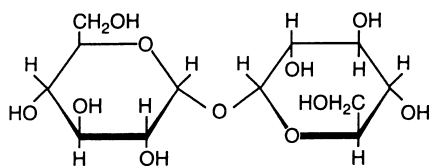
6138-23-4 (dihydrate)

Chemical formula

$C_{12}H_{22}O_{11} \cdot 2H_2O$ (dihydrate)

Structural formula

Trehalose



Formula weight

378,33 (dihydrate)

Assay

Not less than 98 % on the dry basis.

Description

Virtually odourless, white or almost white crystals with a sweet taste

Characteristics

Identification

Solubility

Freely soluble in water, very slightly soluble in ethanol

Specific rotation

$[\alpha]_D^{20} + 199^\circ$ (5 % aqueous solution)

Melting point

97 °C (dihydrate)

Purity

Loss on drying

Not more than 1,5 % (60 °, 5h)

Total ash

Not more than 0,05 %

Lead

Not more than 1 mg/kg

Determine using an atomic absorption technique appropriate to the specified level. The selection of sample size and method of sample preparation may be based on the principles of the method described in FNP 5 ⁽¹⁾, 'Instrumental methods'

Method of assay

Principle: trehalose is identified by liquid chromatography and quantified by comparison to a reference standard containing standard trehalose

Preparation of sample solution: weigh accurately about 3 g of dry sample into a 100-ml volumetric flask and add about 80 ml of purified, deionised water. Bring sample to complete dissolution and dilute to mark with purified deionised water. Filter through a 0,45 micron filter

Preparation of standard solution: dissolve accurately weighed quantities of dry standard reference trehalose in water to obtain a solution having known concentration of about 30 mg of trehalose per ml

Apparatus: liquid chromatograph equipped with a refractive index detector and integrating recorder

Conditions:

Column: Shodex Ionpack KS-801 (Showa Denko Co.) or equivalent

— length: 300 mm

— diameter: 10 mm

— temperature: 50 °C

Mobile phase: water

flow rate: 0,4 ml/min

Injection volume: 8 µl

Procedure: inject separately equal volumes of the sample solution and the standard solution into the chromatograph. Record the chromatograms and measure the size of response of the trehalose peak

Calculate the quantity, in mg, of trehalose in 1 ml of the sample solution by the following formula:

$$\% \text{ trehalose} = 100 \times (R_U/R_S) (W_S/W_U)$$

where

R_S = peak area of trehalose in the standard preparation

R_U = peak area of trehalose in the sample preparation

W_S = weight in mg of trehalose in the standard preparation

W_U = weight of dry sample in mg

⁽¹⁾ Food and nutrition paper 5 Rev.2 — Guide to specifications for general notices, general analytical techniques, identification tests, test solutions and other reference materials (JECFA) 1991, 322p. English — ISBN 02991.