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

**COUNCIL COMMON POSITION
of 6 December 2001
on participation by the European Union in the Korean Peninsular Energy Development
Organisation (KEDO)**

(2001/869/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) At its meeting on 24 and 25 June 1994 in Corfu, the European Council attached particular importance to compliance by all parties to the Treaty on the Non-Proliferation of Nuclear Weapons.
- (2) In its conclusions, the Madrid European Council of 15 and 16 December 1995 emphasised the importance of the participation, on conditions to be determined, of the European Union in the Korean Peninsula Energy Development Organisation (KEDO).
- (3) The Council adopted its conclusions on 26 February 1996.
- (4) The European Atomic Energy Community (Euratom) has negotiated the renewal of its membership of KEDO with a view to supporting KEDO's objectives, thereby providing significant funds over a five-year period.
- (5) The detailed arrangements for the representation of the European Union on KEDO's Executive Board must be settled. In that connection, the Council and the Commission have agreed that if KEDO's Executive Board was to address any matter falling outside Euratom's competence, it is the Presidency of the Council of the European Union which should take the floor to express a position on such matters.
- (6) The results of the examination of Joint Action 96/195/CFSP⁽¹⁾ have confirmed that the European Union is making a significant contribution to the European Union's objective, namely to find an overall solution to the issue of nuclear proliferation in the Korean peninsula.

- (7) The Community's financial contribution to KEDO would have to be suspended if the Democratic People's Republic of Korea (DPRK) does not correctly fulfil its obligations regarding nuclear non-proliferation under the Framework Agreement concluded in 1994 between the United States of America and the DPRK or does not permit the European Union to exercise surveillance and/or carry out the periodical external assessments provided for to that end.

- (8) Joint Action 96/195/CFSP and Common Position 97/484/CFSP⁽²⁾ should be repealed and replaced by a new Common Position,

HAS ADOPTED THE FOLLOWING COMMON POSITION:

Article 1

The objective of this Common Position shall be to contribute to finding an overall solution to the issue of nuclear proliferation in the Korean peninsula.

To that end, and in accordance with KEDO objectives, the European Union shall join in this international action of great significance in the field of nuclear non-proliferation and nuclear safety.

Article 2

1. For matters falling outside the competence of Euratom and in particular the question of the suspension of financial contributions if the DPRK does not properly fulfil its obligations in matters of nuclear non-proliferation under the Framework Agreement concluded in 1994 between the United States of America and the DPRK or does not permit the European Union to exercise surveillance and/or carry out the periodical external assessments provided for to that end, the position within KEDO's Executive Board shall be determined by the Council and expressed by the Presidency.

⁽¹⁾ OJ L 63, 13.3.1996, p. 1.

⁽²⁾ OJ L 213, 5.8.1997, p. 1.

2. The Presidency shall therefore be closely associated with the proceedings of KEDO's Executive Board and shall be informed immediately of any common foreign and security policy matter which must be discussed at Executive Board meetings.

3. The Commission shall report to the Council, on a regular basis and as the need arises, under the authority of the Presidency assisted by the Secretary-General of the Council, High Representative for the CFSP.

Article 3

Joint Action 96/195/CFSP and Common Position 97/484/CFSP are hereby repealed and replaced by this Common Position.

Article 4

This Common Position shall enter into force on the date of its adoption. It shall end on 31 December 2005.

Article 5

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

Done at Brussels, 6 December 2001.

For the Council

The President

M. VERWILGHEN

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2393/2001
of 7 December 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 8 December 2001.

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

Done at Brussels, 7 December 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 7 December 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	109,0
	204	70,7
	999	89,8
0707 00 05	052	146,3
	220	225,9
	628	186,1
0709 90 70	999	186,1
	052	123,9
	204	154,6
0805 10 10, 0805 10 30, 0805 10 50	999	139,3
	052	63,2
	204	59,6
	388	34,5
	508	25,7
0805 20 10	528	31,2
	999	42,8
	052	67,5
	204	67,6
	999	67,5
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	63,6
	204	72,1
	464	155,6
	999	97,1
0805 30 10	052	46,6
	388	58,7
	600	52,1
	999	52,5
0808 10 20, 0808 10 50, 0808 10 90	060	37,9
	400	86,2
	404	78,0
	720	109,3
	728	116,3
	999	85,5
0808 20 50	052	100,8
	064	66,2
	400	108,2
	720	111,4
	999	96,7

⁽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 2394/2001
of 7 December 2001
opening public sales of wine alcohol for use as bioethanol in the European Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1623/2000 of 25 July 2000 laying down detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms ⁽³⁾, as last amended by Regulation (EC) No 2047/2001 ⁽⁴⁾, and in particular Article 92 thereof,

Whereas:

- (1) Regulation (EC) No 1623/2000 lays down, *inter alia*, the detailed rules for disposing of stocks of alcohol obtained from distillation under Articles 27, 28 and 30 of Regulation (EC) No 1493/1999 and held by the intervention agencies.
- (2) Public sales of wine alcohol for use in the fuel sector in the Community should be organised with a view to reducing Community stocks of wine alcohol and to some extent ensuring supplies to firms approved under Article 92 of Regulation (EC) No 1623/2000. Community stocks of wine alcohol held by the Member States come from distillation under Articles 35, 36 and 39 of Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organisation of the market in wine ⁽⁵⁾, as last amended by Regulation (EC) No 1677/1999 ⁽⁶⁾, and under Articles 27, 28 and 30 of Regulation (EC) No 1493/1999.
- (3) In accordance with Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽⁷⁾, the selling price and securities must be expressed, and payments made, in euro.
- (4) Given that there are risks of fraud by substitution of alcohol, it would appear necessary to reinforce checks on the final destination of the alcohol, allowing the intervention agencies to call on the help of international control agencies and to check the alcohol sold by means of nuclear magnetic resonance analyses.

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

HAS ADOPTED THIS REGULATION:

Article 1

Three lots of alcohol (references 9/2001 EC, 10/2001 EC and 11/2001 EC) comprising 300 000 hectolitres, 50 000 hectolitres and 30 000 hectolitres respectively at 100 % vol are hereby put up for public sale for use in the fuel sector within the Community. The alcohol has been obtained from distillation as provided for in Articles 35 and 36 of Regulation (EEC) No 822/87 and Articles 27, 28 and 30 of Regulation (EC) No 1493/1999 and is held by the Spanish and Italian intervention agencies.

Article 2

The location and references of the vats making up the lots, the quantity of alcohol in each vat, the alcoholic strength and the characteristics of the alcohol are as set out in the Annex hereto. The lots shall be awarded to the three firms approved under Article 92 of Regulation (EC) No 1623/2000.

Article 3

All communications concerning this public sale shall be sent to the following Commission department:

Commission of the European Communities
Directorate-General for Agriculture, Unit D-4
Rue de la Loi/Wetstraat 200
B-1049 Brussels
Fax: (32-2) 295 92 52
Telex: 22037 AGREC B, 22070 AGREC B (Greek)
e-mail address: agri-d4@cec.eu.int.

Article 4

The public sales shall take place in accordance with Articles 92, 93, 94, 95, 96, 98, 100 and 101 of Regulation (EC) No 1623/2000 and Article 2 of Regulation (EC) No 2799/98.

Article 5

The price of the alcohol for public sale shall be EUR 21 per hectolitre of alcohol at 100 % vol.

⁽¹⁾ OJ L 179, 14.7.1999, p. 1.

⁽²⁾ OJ L 328, 23.12.2000, p. 2.

⁽³⁾ OJ L 194, 31.7.2000, p. 45.

⁽⁴⁾ OJ L 276, 19.10.2001, p. 15.

⁽⁵⁾ OJ L 84, 27.3.1987, p. 1.

⁽⁶⁾ OJ L 199, 30.7.1999, p. 8.

⁽⁷⁾ OJ L 349, 24.12.1998, p. 1.

Article 6

The performance security shall be EUR 30 per hectolitre of alcohol at 100 % vol. Unless a standing guarantee is provided, before removing any alcohol and by the day of issue of the removal order at the latest, the firms awarded the lots shall lodge a performance security with the intervention agency concerned to ensure that the alcohol in question is used as bioethanol in the fuel sector.

Article 7

Against payment of EUR 10 per litre and within 30 days of the publication of the notice of public sale, the firms approved under Article 92 of Regulation (EC) No 1623/2000 may obtain samples of the alcohol put up for sale from the intervention agency concerned. After that date, samples may be obtained in accordance with Article 98(2) and (3) of Regulation (EC) No 1623/2000. Samples issued to the approved firms shall amount to not more than five litres per vat.

Article 8

The intervention agencies in the Member States in which the alcohol put up for sale is stored shall carry out appropriate checks to verify the nature of the alcohol at the time of end use. To that end, they may:

- apply, *mutatis mutandis*, the provisions of Article 102 of Regulation (EC) No 1623/2000,
- carry out checks on samples using nuclear magnetic resonance to verify the nature of the alcohol at the time of end use.

The costs shall be borne by the companies to which the alcohol is sold.

Article 9

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, 7 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

PUBLIC SALES OF WINE ALCOHOL FOR USE AS BIOETHANOL IN THE EUROPEAN COMMUNITY

Nos 9/2001 EC, 10/2001 EC and 11/2001 EC

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

Member State and lot number	Location	Vat numbers	Quantity (hectolitres of alcohol at 100 % vol)	Article of Regulations (EEC) No 822/87 and (EC) No 1493/1999	Type of alcohol	Firms approved under Article 92 of Regulation (EC) No 1623/2000
SPAIN Lot No EC 9/2001	Tomelloso	1	23 182	27 + 28	raw	Ecocarburantes Españoles SA
	Tomelloso	5	28 337	27 + 28	raw	
	Tarancón	B-4	24 884	30	raw	
	Tarancón	B-6	24 066	30	raw	
	Tarancón	A-7	5 090	35 + 36	raw	
	Tarancón	A-7	19 228	27 + 28	raw	
	Tarancón	A-8	16 631	35 + 36	raw	
	Tarancón	A-8	7 942	27 + 28	raw	
	Tarancón	A-10	24 851	30	raw	
	Tarancón	B-10	24 598	30	raw	
	Tarancón	C-1	26 028	30	raw	
	Tarancón	C-2	25 943	30	raw	
	Tarancón	D-1	26 021	30	raw	
	Tarancón	D-2	23 199	27 + 28	raw	
	Total		300 000,00			
ITALY Lot No EC 10/2001	Bertolino — Partinico (PA)		12 000	35 + 27	raw	Sekab (Svensk Etanol kemi AB)
	Enodistil — Alcamo (TP)		3 000	35 + 27	raw	
	Gedis — Marsala (TP)		3 000	35 + 27	raw	
	Caviro — Faenza (RA)		24 000	35 + 27	raw	
	Mazzari — S. Agata S. Santerno (RA)		8 000	35 + 27	raw	
	Total		50 000,00			
ITALY Lot No EC 11/2001	Bonollo — Paduni-Anagni (FA)		9 600	35 + 27	raw	Primalco Oy
	Caviro — Faenza (RA)		2 550	35 + 27	raw	
	D'Auria — Ortona (CH)		4 750	35 + 36 + 27	raw	
	Balice — Valenzano (BA)		6 400	35 + 27	raw	
	Mazzari — S. Agata S. Santerno (RA)		6 700	35 + 27	raw	
	Total		30 000,00			

II. The address of the Spanish intervention agency is:

FEGA, Beneficencia 8, E-28004 Madrid (Tel. (34) 91 347 65 00; Telex 23 427 FEGA; Fax (34) 91 521 98 32).

The address of the Italian intervention agency is:

AGEA, via Palestro 81, I-00185 Roma (Tel. (39-06) 49 49 991; Telex 62 00 64/62 06 17/62 03 31; Fax (39-06) 445 39 40/445 46 93).

COMMISSION REGULATION (EC) No 2395/2001
of 7 December 2001
amending Regulation (EEC) No 1627/89 on the buying-in of beef by invitation to tender

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 1512/2001 ⁽²⁾, and in particular Article 47(8) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying-in of beef by invitation to tender ⁽³⁾, as last amended by Regulation (EC) No 2287/2001 ⁽⁴⁾, opened buying-in by invitation to tender in certain Member States or regions of a Member State for certain quality groups.
- (2) The application of Article 47(3), (4) and (5) of Regulation (EC) No 1254/1999 and the need to limit intervention to buying-in the quantities necessary to ensure

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 8 December 2001.

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

Done at Brussels, 7 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 201, 26.7.2001, p. 1.

⁽³⁾ OJ L 159, 10.6.1989, p. 36.

⁽⁴⁾ OJ L 307, 24.11.2001, p. 10.

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

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

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

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

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

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

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

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

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

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

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

COMMISSION REGULATION (EC) No 2396/2001
of 7 December 2001
laying down the marketing standard applicable to leeks

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 2(2) thereof,

Whereas:

- (1) In accordance with Annex I to Regulation (EC) No 2200/96, standards for leeks have been adopted by Commission Regulation (EEC) No 1076/89 ⁽³⁾, as amended by Regulation (EC) No 888/97 ⁽⁴⁾.
- (2) In the interest of preserving transparency on the world market, account should be taken of the standard for leeks recommended by the working party on standardisation of perishable produce and quality development of the United Nations Economic Commission for Europe (UN/ECE). In addition, it is desirable to allow higher tolerances for Class I early leeks. It is therefore necessary to delete Regulation (EEC) No 1076/89 and to replace it by a new Regulation laying down standards taking these facts into account.
- (3) Application of these standards should remove products of unsatisfactory quality from the market, bring production into line with consumer requirements and facilitate trade based on fair competition, thereby helping to improve profitability.
- (4) The standards are applicable at all marketing stages. Long-distances transport, storage over a certain period and the various processes the products undergo may

cause some degree of deterioration owing to the biological development of the products or their perishable nature. Account should be taken of such deterioration when applying the standard at the marketing stages following dispatch.

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

HAS ADOPTED THIS REGULATION:

Article 1

The marketing standard for leeks falling within CN code 0703 90 00 shall be as set out in the Annex.

The standard shall apply at all marketing stages under the conditions laid down in Regulation (EC) No 2200/96.

However, at stages following dispatch, products may show in relation to the requirements of the standard slight lack of freshness and turgidity, as well as slight deterioration due to their development and their perishable nature.

Article 2

Regulation (EEC) No 1076/89 is repealed.

Article 3

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

It shall apply from 1 March 2002.

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

Done at Brussels, 7 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 129, 11.5.2001, p. 3.

⁽³⁾ OJ L 114, 27.4.1989, p. 14.

⁽⁴⁾ OJ L 126, 17.5.1997, p. 11.

ANNEX

STANDARD FOR LEEKS

I. DEFINITION OF PRODUCE

This standard applies to leeks of varieties (cultivars) grown from *Allium porrum* L. to be supplied fresh to the consumer, leeks for industrial processing being excluded.

II. PROVISIONS CONCERNING QUALITY

The purpose of the standard is to define the quality requirements for leeks, after preparation and packaging.

A. Minimum requirements

In all classes, subject to the special provisions for each class and the tolerances allowed, the leeks must be:

- intact (this requirement does not apply, however, to roots and ends of leaves which may be cut),
- sound; produce affected by rotting or deterioration such as to make it unfit for consumption is excluded,
- clean, practically free from any visible foreign matter; however, the roots may have soil adhering to them,
- fresh in appearance, with wilted or withered leaves removed,
- practically free from pests,
- practically free from damage caused by pests,
- not running to seed,
- free of abnormal external moisture, i.e. adequately 'dried' if they have been washed,
- free of any foreign smell and/or taste.

When the leaves are cut, they must be neatly cut.

The development and condition of the leeks must be such as to enable them:

- to withstand transport and handling, and
- to arrive in satisfactory condition at the place of destination.

B. Classification

Leeks are classified in two classes defined below:

(i) Class I

Leeks in this class must be of good quality. They must be characteristic of the variety or commercial type.

The white to greenish white part of the leeks must represent at least one-third of the total length or half of the sheathed part. However in early leeks ⁽¹⁾, the white to greenish white part must represent at least one-quarter of the total length or one-third of the sheathed part.

The following slight defects, however, may be allowed provided these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package:

- slight superficial defects,
- slight damage caused by thrips on the leaves, but not elsewhere,
- slight traces of soil within the shaft.

⁽¹⁾ Direct-drilled, non transplanted leeks, harvested from late winter to early summer.

(ii) *Class II*

This class includes leeks which do not qualify for inclusion in Class I, but satisfy the minimum requirements specified above.

The white to greenish white part of the leeks must represent at least one-quarter of the total length or one-third of the sheathed part.

The following defects may be allowed provided the leeks retain their essential characteristics as regards the quality, the keeping quality and presentation:

- a tender flowering stem, provided that it is enclosed within the sheathed part,
- slight bruising, damage caused by thrips and slight traces of rust on the leaves, but not elsewhere,
- slight defects in colouring,
- traces of soil within the shaft.

III. PROVISIONS CONCERNING SIZING

Size is determined by the diameter measured at right angles to the longitudinal axis above the swelling of the neck.

The minimum diameter is fixed at 8 mm for early leeks and 10 mm for other leeks.

For Class I, the diameter of the largest leek in the same bundle or package must not be more than twice the diameter of the smallest leek.

IV. PROVISIONS CONCERNING TOLERANCES

Tolerances in respect of quality and size shall be allowed in each package, or each bundle for leeks presented without package, for produce not satisfying the requirements of the class indicated.

A. Quality tolerances

(i) *Class I*

For early leeks, 10 % by number or weight of leeks showing a tender flowering stem enclosed within the sheathed part and 10 % of leeks not satisfying the requirements of the class for other reasons, but meeting those of Class II or, exceptionally, coming within the tolerances of that class.

For other leeks, 10 % by number or weight of leeks not satisfying the requirements of the class, but meeting those of Class II or, exceptionally, coming within the tolerances of that class.

(ii) *Class II*

10 % by number or weight of leeks satisfying neither the requirements of the class, nor the minimum requirements, with the exception of produce affected by rotting, marked bruising or any other deterioration rendering it unfit for consumption.

B. Size tolerances

For all classes: 10 % by number or weight of leeks not satisfying the minimum diameter requirement and, in the case of Class I leeks, the uniformity requirement.

V. PROVISIONS CONCERNING PRESENTATION

A. Uniformity

The contents of each package, or each bundle in the same package, must be uniform and contain only leeks of the same origin, variety or commercial type, quality and size (where for this criterion uniformity is prescribed), and appreciably the same degree of development and colouring.

The visible part of the contents of the package or bundle must be representative of the entire contents.

B. Packaging

The leeks must be packed in such a way as to protect the produce properly.

The materials used inside the package must be new, clean and of a quality such as to avoid causing any external or internal damage to the produce. The use of materials, particularly paper or stamps, bearing trade specifications is allowed provided the printing or labelling has been done with non-toxic ink or glue.

The packages or bundles for produce presented without package, must be free from all foreign matter.

C. Presentation

The leeks may be presented as follows:

- arranged evenly in the package,
- in bundles, whether or not in a package.

The bundles in each package should be practically uniform.

VI. PROVISIONS CONCERNING MARKING

Each package or each bundle presented in bulk, must bear the following particulars in letters grouped on the same side, only for produce presented in a package, legibly and indelibly marked, and visible from the outside.

A. Identification

Packer and/or dispatcher: name and address or officially issued or accepted code mark. However, in the case where a code is used, the reference 'Packer and/or dispatcher (or equivalent abbreviations)' must be indicated in close proximity to the code mark.

B. Nature of produce

- 'Leeks', if the contents are not visible from the outside,
- 'Early leeks', where appropriate.

C. Origin of produce

- Country of origin and, optionally, district where grown or national, regional or local place name.

D. Commercial specifications

- Class,
- Number of bundles (for leeks packed in bundles and presented in a package).

E. Official control mark (optional)

For leeks shipped in bulk and loaded directly onto a means of transport the particulars referred to in paragraph VI shall be given in a document accompanying the goods or shown on a notice placed in an obvious position inside the means of transport.

COMMISSION REGULATION (EC) No 2397/2001**of 7 December 2001****concerning tenders submitted in response to the invitation to tender for the export to certain third countries of wholly milled round grain A rice issued in Regulation (EC) No 2007/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1987/2001 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued under Commission Regulation (EC) No 2007/2001 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award.

(3) On the basis of the criteria laid down in Article 13 of Regulation (EC) No 3072/95 a maximum refund should not be fixed.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders submitted from 30 November to 6 December 2001 in response to the invitation to tender for the export refund on wholly milled round grain A rice to certain third countries issued in Regulation (EC) No 2007/2001.

Article 2

This Regulation shall enter into force on 8 December 2001.

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

Done at Brussels, 7 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 271, 12.10.2001, p. 5.

⁽³⁾ OJ L 272, 13.10.2001, p. 13.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 2398/2001**of 7 December 2001****concerning tenders submitted in response to the invitation to tender for the export to certain third European countries of wholly milled round, medium and long grain A rice issued in Regulation (EC) No 2008/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1987/2001 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued under Commission Regulation (EC) No 2008/2001 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award.

(3) On the basis of the criteria laid down in Article 13 of Regulation (EC) No 3072/95 a maximum refund should not be fixed.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders submitted from 30 November to 6 December 2001 in response to the invitation to tender for the export refund on wholly milled round, medium and long grain A rice to certain third European countries issued in Regulation (EC) No 2008/2001.

Article 2

This Regulation shall enter into force on 8 December 2001.

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

Done at Brussels, 7 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 271, 12.10.2001, p. 5.

⁽³⁾ OJ L 272, 13.10.2001, p. 15.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 2399/2001**of 7 December 2001****fixing the maximum export refund on wholly milled round grain, medium grain and long grain A rice to be exported to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 2009/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1987/2001 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2009/2001 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled grain, medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2009/2001 is hereby fixed on the basis of the tenders submitted from 30 November to 6 December 2001 at 194,00 EUR/t.

Article 2

This Regulation shall enter into force on 8 December 2001.

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

Done at Brussels, 7 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 271, 12.10.2001, p. 5.

⁽³⁾ OJ L 272, 13.10.2001, p. 17.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 2400/2001**of 7 December 2001****concerning tenders submitted in response to the invitation to tender for the export to certain third countries of wholly milled long grain rice issued in Regulation (EC) No 2010/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1987/2001 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued under Commission Regulation (EC) No 2010/2001 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award.

(3) On the basis of the criteria laid down in Article 13 of Regulation (EC) No 3072/95 a maximum refund should not be fixed.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders submitted from 30 November to 6 December 2001 in response to the invitation to tender for the export refund on wholly milled long grain rice to certain third countries issued in Regulation (EC) No 2010/2001.

Article 2

This Regulation shall enter into force on 8 December 2001.

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

Done at Brussels, 7 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 271, 12.10.2001, p. 5.

⁽³⁾ OJ L 272, 13.10.2001, p. 19.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 2401/2001**of 7 December 2001****concerning tenders submitted in response to the invitation to tender for the export of husked long grain rice to the island of Réunion referred to in Regulation (EC) No 2011/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1987/2001 ⁽²⁾, and in particular Article 10(1) thereof,

Having regard to Commission Regulation (EEC) No 2692/89 of 6 September 1989 laying down detailed rules for exports of rice to Réunion ⁽³⁾, as amended by Regulation (EC) No 1453/1999 ⁽⁴⁾, and in particular Article 9(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2011/2001 ⁽⁵⁾ opens an invitation to tender for the subsidy on rice exported to Réunion.
- (2) Article 9 of Regulation (EEC) No 2692/89 allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95

and on the basis of the tenders submitted, to make no award.

- (3) On the basis of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89, a maximum subsidy should not be fixed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders submitted from 3 to 6 December 2001 in response to the invitation to tender referred to in Regulation (EC) No 2011/2001 for the subsidy on exports to Réunion of husked long grain rice falling within CN code 1006 20 98.

Article 2

This Regulation shall enter into force on 8 December 2001.

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

Done at Brussels, 7 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 271, 12.10.2001, p. 5.

⁽³⁾ OJ L 261, 7.9.1989, p. 8.

⁽⁴⁾ OJ L 167, 2.7.1999, p. 19.

⁽⁵⁾ OJ L 272, 13.10.2001, p. 21.

COMMISSION REGULATION (EC) No 2402/2001
of 7 December 2001
on the issue of system B export licences in the fruit and vegetables sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1961/2001 of 8 October 2001 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽¹⁾, and in particular Article 6(6) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2102/2001 ⁽²⁾ fixes the indicative quantities for system B export licences other than those sought in the context of food aid.
- (2) In the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for tomatoes will shortly be exceeded. This overrun will prejudice the proper working of the export refund scheme in the fruit and vegetables sector.

- (3) To avoid this situation, applications for system B licences for tomatoes exported after 8 December 2001 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for system B export licences for tomatoes submitted pursuant to Article 1 of Regulation (EC) No 2102/2001, export declarations for which are accepted after 8 December 2001 and before 15 January 2002, are hereby rejected.

Article 2

This Regulation shall enter into force on 8 December 2001.

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

Done at Brussels, 7 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 268, 9.10.2001, p. 8.

⁽²⁾ OJ L 283, 27.10.2001, p. 3.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 3 December 2001

on the conclusion of the Agreements in the form of an Exchange of Letters between the European Community and, on the one hand, Barbados, Belize, the Republic of Congo, Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Suriname, Saint Kitts and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia, the Republic of Zimbabwe and, on the other hand, the Republic of India on the supply of raw cane sugar to be refined

(2001/870/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 Article 300(2), thereof,

Having regard to the proposal from the Commission,

Whereas:

agreements with States referred to in Article 35 of that Regulation and other States with which agreements have been concluded. These negotiations have resulted in a tariff quota with varying quantities for the ACP countries and 10 000 tonnes for India to which a minimum purchase price applies. The reduced duty is set at zero in view of the fact that other concessions are going to reduce the quantities supplied until now by the ACP countries and that the net earnings per tonne based on the guaranteed price, are supposed to remain stable during the five-year period of the current sugar market organisation.

(1) Negotiations with the ACP States referred to in Protocol 3 on ACP sugar of Annex V to the ACP-EC Partnership Agreement ⁽¹⁾ and India have taken place in order to define the conditions under which imports of raw cane sugar from those countries under the additional quota will take place.

(4) The said negotiations have resulted in agreements which are subject to ratification by the Governments of the ACP States concerned, on the one hand, and the Republic of India, on the other hand, and by the Community.

(2) Article 26(1) of Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽²⁾, provides that tariff quotas resulting from agreements concluded in the framework of the Uruguay Round of multinational trade negotiations shall be opened and administered in accordance with detailed rules adopted under the procedure laid down in Article 42 of that Regulation.

(5) It is appropriate therefore to open such a tariff quota for raw cane sugar to be refined for maintaining the current access for ACP States referred to in Protocol 3 of Annex V to the ACP-EC Partnership Agreement and the current access for the Republic of India.

(3) Article 39(3) of Regulation (EC) No 1260/2001 states that a shortfall to fill the maximum needs of the Community refineries is to be covered by importing special preferential sugar at a special rate of duty under

(6) It is appropriate to approve the Agreements in the form of an Exchange of Letters between the European Community and, on the one hand, the States referred to in the Protocol and, on the other hand, the Republic of India on the supply of raw cane sugar to refined,

⁽¹⁾ OJ L 195, 1.8.2000, p. 46.

⁽²⁾ OJ L 178, 30.6.2001, p. 1.

HAS DECIDED AS FOLLOWS:

The text of Agreements are annexed to this Decision.

Article 1

The Agreements in the form of an Exchange of Letters between the European Community and, on the one hand, Barbados, Belize, the Republic of Congo, Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Surinam, Saint Kitts and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia, the Republic of Zimbabwe and, on the other hand, the Republic of India on the supply of raw cane sugar to be refined are hereby approved on behalf of the Community.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreements referred to in Article 1 in order to bind the Community.

Done at Brussels, 3 December 2001.

For the Council

The President

F. VANDENBROUCKE

AGREEMENT

in the form of an Exchange of Letters between the European Community and Barbados, Belize, the Republic of Congo, Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Suriname, Saint Kitts and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia and the Republic of Zimbabwe on the supply of raw cane sugar to be refined

A. Letter No 1

Brussels, ...

Sir,

The representatives of the ACP States and the European Communities have agreed as follows:

1. For the period 1 July 2001 to 30 June 2006:
 - the European Community undertakes to open annually a special tariff quota for the import of raw cane sugar for refining which originates in the ACP States, on the basis of the needs determined by the Commission in accordance with point 3,
 - the ACP States undertake to supply the said quantities under the conditions fixed by this Agreement and by the measures taken by the Commission for the application of this Agreement within the framework of the management of the common organisation of the markets of the sugar sector.
2. The European Commission and the ACP States shall establish the cooperation procedures necessary to enable the two parties to this Agreement to meet the commitments entered into.
3. The import needs of raw sugar for refining under this Agreement shall be established by marketing year on the basis of a Community forward estimate taking account of:
 - the provision of Council Regulation (EC) No 1260/2001, and in particular Article 39 thereof, concerning the system of preferential imports,
 - the quantities which will be offered within the framework of other agreements or other unilateral concessions and which will actually be imported.
4. The Commission shall establish a first estimate of the total needs for imports of raw sugar for refining at the latest on 30 May preceding the marketing year concerned.

The Commission shall fix at the same time the quantities to cover, as a first instalment, the import needs of the Community's refineries for the longest practical period and at least eight months. The quantities shall be broken down between the tariff quotas opened within the framework of other agreements or other unilateral concessions and this special ACP quota.

The ACP States shall notify their final export potential to the Commission at the latest on 1 February, before a second regular fixing is made for the further instalment to be covered by imports under the special ACP quota.

5. The special reduced rate of duty shall be fixed for the 2001/2002 to 2005/2006 marketing years at EUR 0 per 100 kg raw sugar of standard quality.

Refiners wishing to participate in this special reduced duty system must pay a minimum purchase price which is equal to the guaranteed price for raw sugar reduced by the adjustment aid fixed for the marketing year concerned in accordance with Article 38 of Regulation (EC) No 1260/2001 mentioned under point 3.

6. The ACP States shall undertake collectively to implement between themselves procedures for the allocation of the quantities under this ACP quota in order to ensure the appropriate supplying of the refineries.
7. Before 1 January 2006, the two parties to this Agreement shall open discussion on its possible continuation.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between the Governments of the abovementioned ACP States and the Community.

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

On behalf of the Council of the European Union

B. Letter No 2

Sir,

I have the honour to acknowledge receipt of your letter of today which reads as follows:

- '1. For the period 1 July 2001 to 30 June 2006:
 - the European Community undertakes to open annually a special tariff quota for the import of raw cane sugar for refining which originates in the ACP States, on the basis of the needs determined by the Commission in accordance with point 3,
 - the ACP States undertake to supply the said quantities under the conditions fixed by this Agreement and by the measures taken by the Commission for the application of this Agreement within the framework of the management of the common organisation of the markets of the sugar sector.
2. The European Commission and the ACP States shall establish the cooperation procedures necessary to enable the two parties to this Agreement to meet the commitments entered into.
3. The import needs of raw sugar for refining under this Agreement shall be established by marketing year on the basis of a Community forward estimate taking account of:
 - the provision of Council Regulation (EC) No 1260/2001, and in particular Article 39 thereof, concerning the system of preferential imports,
 - the quantities which will be offered within the framework of other agreements or other unilateral concessions and which will actually be imported.
4. The Commission shall establish a first estimate of the total needs for imports of raw sugar for refining at the latest on 30 May preceding the marketing year concerned.

The Commission shall fix at the same time the quantities to cover, as a first instalment, the import needs of the Community's refineries for the longest practical period and at least eight months. The quantities shall be broken down between the tariff quotas opened within the framework of other agreements or other unilateral concessions and this special ACP quota.

The ACP States shall notify their final export potential to the Commission at the latest on 1 February, before a second regular fixing is made for the further instalment to be covered by imports under the special ACP quota.
5. The special reduced rate of duty shall be fixed for the 2001/2002 to 2005/2006 marketing years at EUR 0 per 100 kg raw sugar of standard quality.

Refiners wishing to participate in this special reduced duty system must pay a minimum purchase price which is equal to the guaranteed price for raw sugar reduced by the adjustment aid fixed for the marketing year concerned in accordance with Article 38 of Regulation (EC) No 1260/2001 mentioned under point 3.
6. The ACP States shall undertake collectively to implement between themselves procedures for the allocation of the quantities under this ACP quota in order to ensure the appropriate supplying of the refineries.
7. Before 1 January 2006, the two parties to this Agreement shall open discussion on its possible continuation.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between the Governments of the abovementioned ACP States and the Community.'

I have the honour to confirm the agreement of the Governments of the ACP States referred to in this letter with the foregoing.

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

*For the Governments of the ACP States referred to in
Protocol 3*

AGREEMENT**in the form of an Exchange of Letters between the European Community and the Republic of India
of the supply of raw sugar to be refined***A. Letter No 1***SPECIAL PREFERENTIAL SUGAR FROM INDIA**

The representatives of India and the European Community have agreed as follows:

1. For the period 1 July 2001 to 30 June 2006:
 - the Community undertakes to open annually a special tariff quota for the import of raw cane sugar for refining which originate in India, on the basis of the needs determined by the Commission of the European Communities in accordance with point 3,
 - in the event of import needs being established, India undertakes to supply 10 000 tonnes (white sugar equivalent) under this tariff quota and under the conditions fixed by this Agreement and by the measures taken by the Commission for the application of this Agreement within the framework of the management of the common organisation of the markets in the sugar sector. Nothing in this indent should prevent the Community offering to India the possibility to supply more than 10 000 tonnes in the event of a shortfall in the total supplies obtained under other agreements.
2. The Commission and India shall establish the cooperation procedures necessary to enable the two Parties to this Agreement to meet the commitments entered into.
3. The import needs of raw sugar for refining under this Agreement shall be established by marketing year on the basis of a Community forward estimate taking account of:
 - the provisions of Council Regulation (EC) No 1260/2001, and in particular Article 39 thereof, concerning the system of preferential import,
 - the quantities which will be offered within the framework of other agreements or other unilateral concessions and which will actually be imported.
4. The special reduced rate of duty shall be fixed for the 2001/2002 to 2005/2006 marketing years at EUR 0 per 100 kg raw sugar of standard quality.

Refiners wishing to participate in this special reduced duty system must pay a minimum purchase price which is equal to the guaranteed price for raw sugar reduced by the adjustment aid fixed for the marketing year concerned in accordance with Article 38 of Regulation (EC) No 1260/2001 mentioned under point 3.
5. Before 1 January 2006, the two Parties to this Agreement shall open discussions on its possible continuation.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between the Government of India and the Community.

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

On behalf of the Council of the European Union

B. Letter No 2

Sir,

I have the honour to acknowledge receipt of your letter of today which reads as follows:

- '1. For the period 1 July 2001 to 30 June 2006:
 - the Community undertakes to open annually a special tariff quota for the import of raw cane sugar for refining which originate in India, on the basis of the needs determined by the Commission of the European Communities in accordance with point 3,
 - in the event of import needs being established, India undertakes to supply 10 000 tonnes (white sugar equivalent) under this tariff quota and under the conditions fixed by this Agreement and by the measures taken by the Commission for the application of this Agreement within the framework of the management of the common organisation of the markets in the sugar sector. Nothing in this indent should prevent the Community offering to India the possibility to supply more than 10 000 tonnes in the event of a shortfall in the total supplies obtained under other agreements.
2. The Commission and India shall establish the cooperation procedures necessary to enable the two Parties to this Agreement to meet the commitments entered into.
3. The import needs of raw sugar for refining under this Agreement shall be established by marketing year on the basis of a Community forward estimate taking account of:
 - the provisions of Council Regulation (EC) No 1260/2001, and in particular Article 39 thereof, concerning the system of preferential import,
 - the quantities which will be offered within the framework of other agreements or other unilateral concessions and which will actually be imported.
4. The special reduced rate of duty shall be fixed for the 2001/2002 to 2005/2006 marketing years at EUR 0 per 100 kg raw sugar of standard quality.

Refiners wishing to participate in this special reduced duty system must pay a minimum purchase price which is equal to the guaranteed price for raw sugar reduced by the adjustment aid fixed for the marketing year concerned in accordance with Article 38 of Regulation (EC) No 1260/2001 mentioned under point 3.
5. Before 1 January 2006, the two Parties to this Agreement shall open discussions on its possible continuation.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between the Government of India and the Community.'

I have the honour to confirm the agreement of the Government of the Republic of India with the foregoing.

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

For the Government of the Republic of India

RULES OF PROCEDURE OF THE COMMITTEE SET UP UNDER THE AUSPICES OF THE EUROPEAN INVESTMENT BANK ('INVESTMENT FACILITY COMMITTEE')

Article 1

1. The Investment Facility Committee hereinafter referred to as the 'Committee' shall consist of a representative for each Member State and a representative of the Commission of the European Communities, hereafter referred to as the 'Commission'. Only the Member States' representatives shall vote.

The Chairman and the deputy Chairman of the Committee shall be elected from within the members of the Committee for a period of two years. The election shall take place at the beginning of the first meeting of the Committee by secret vote. The Chairman shall be elected among the candidates on the basis of a qualified majority. The election of the deputy Chairman shall follow the same procedure.

The European Investment Bank, hereafter referred to as the 'Bank', shall provide the Committee's secretariat and support services.

2. The Member States shall each appoint a representative and an alternate authorised to exercise voting rights. An alternate may attend meetings of the Committee as an observer, but shall only have the right to vote when his Member State's representative is absent. Under exceptional circumstances, where neither the representative nor the alternate can attend a meeting of the Committee, the representative may give a proxy to another representative, or may be replaced by a third person to be appointed ad hoc. The Member States shall inform the Bank and the General Secretariat of the Council of the names and addresses of their representatives and their alternates through their Permanent Representations to the European Communities.

3. The Commission shall appoint a representative and an alternate to attend the meetings of the Committee and shall communicate their names to the Bank and to the General Secretariat of the Council. These appointees may be assisted by officials and servants of the Commission.

4. The Bank shall appoint a representative and an alternate to take part in the work of the Committee and shall communicate their names to the Commission and to the General Secretariat of the Council. These appointees may be assisted by officials of the Bank.

5. A representative of the General Secretariat of the Council shall be invited to attend meetings of the Committee as an observer.

Article 2

The Committee shall meet at least four times a year at the Bank's headquarters in Luxembourg and shall be convened by its Chairman. The Chairman may convene additional meetings at the request of a representative of a Member State or of the Commission, or the Bank.

The secretariat shall send notices of meetings to the representatives and their alternates, including details of the agenda

proposed for the meeting, at the same time as the relevant documents, as specified in Article 5(1).

Article 3

The Committee shall act in all matters by a qualified majority of 145 votes, expressing a vote in favour by at least eight Member States. The votes of the representatives of the Member States shall be weighted as follows:

<i>Member State</i>	<i>Votes</i>
Belgium	9
Denmark	5
Germany	50
Greece	4
Spain	13
France	52
Ireland	2
Italy	27
Luxembourg	1
Netherlands	12
Austria	6
Portugal	3
Finland	4
Sweden	6
United Kingdom	27

Article 4

1. The Committee shall, under the conditions laid down in Article 3:

- (a) with regard to the Investment Facility, approve:
 - (i) the operational guidelines and proposals for their revision;
 - (ii) the investment strategies and business plans, as per Article 30(1)(2) of the Internal Agreement;
 - (iii) the annual reports, including the financial statements;
 - (iv) any general policy document, including evaluation reports;
- (b) deliver an opinion on:
 - (i) proposals to grant an interest subsidy, as per Article 30(2)(1) of the Internal Agreement;
 - (ii) proposals related to projects for which the Commission has rendered a negative opinion;
 - (iii) any other proposal based on the general principles defined in the operational guidelines.

2. The documents referred to in Article 4(1)(a) shall be prepared and submitted to the Committee by the Bank. Proposals pursuant to Article 4(1)(b) shall be submitted to the Committee by the Bank and provide details of:

- (a) the description of the project and its relevance to the country development strategy as presented in the country strategy papers;
- (b) the development objective which the project is intended to achieve, including the sustainability of the measures planned;
- (c) the general organisation of, and the justification for, the project;
- (d) the project's costs, method of financing and risks involved, as well as, when relevant, the risk mitigation measures the Bank intends to apply;
- (e) the project's local, national and regional impact, based on the provisions of the ACP-EC Cotonou Agreement, including on the environment;
- (f) the agreement or opinion of the Commission, as specified in Article 30(4) of the Internal Agreement.

3. As a general rule, the detailed rules governing the technical execution of the project and the timetable for carrying it out shall be summarised in the Annex.

Article 5

1. For the purposes of Article 4, the Bank shall send the relevant documents and proposals to the representatives to the Committee and their alternates. It shall do so within the following respective time limits:

- (a) at least four weeks before the date fixed for meetings in the case of Article 4(1)(a);
- (b) at least three weeks before the date fixed for meetings in the case of Article 4(1)(b).

The Chairman may in exceptional cases waive the above time limits at the reasoned request of the Bank.

2. For documents under 1(a) and 1(b), representatives shall notify the Bank in writing of any comments or requests for further information, at least five working days and three working days respectively before the date of the meetings.

3. Acting on a proposal from its Chairman, the Committee shall adopt the agenda at the beginning of the meeting. Each representative may request that items be added to the agenda for discussion only. Information supplied in this connection may be given orally.

4. An absent representative shall be deemed to have approved or delivered a favourable opinion on the documents submitted, except where his alternate (or exceptionally, ad hoc replacement) is present or where he has given the Chairman of the Committee written notice of his intention not to approve or deliver a favourable opinion, or where, as an exceptional

measure, he has given a proxy to another representative. Where proxies to vote have been given or a replacement has been designated, the Chairman of the Committee shall be so informed.

A representative may receive a proxy from one other Member State representative only.

Article 6

1. The opinion of the Committee may be sought by means of a written procedure at the initiative of the Bank and with the prior agreement of the Chairman.

In the case of a proposal submitted through written procedure, the Bank shall submit it together with any supporting documents. A representative's vote shall be deemed to be in favour of a proposal on which he does not notify a negative vote within three weeks following the submission thereof.

If discussion at a meeting of the Committee is specifically requested by a representative not later than five working days before expiry of the three-week period referred to in the preceding paragraph, the proposal will be submitted in the next scheduled meeting of the Committee. In exceptional cases of particular urgency, the Bank may request that an extraordinary meeting of the Committee be convened by the Chairman pursuant to Article 2.

Article 7

1. While the Bank shall always act in accordance with Article 30(5) of the Internal Agreement, the Committee's approval of documents under Article 30(1) of the Internal Agreement or favourable opinion under Article 30(2) of the Internal Agreement, may be granted subject to any amendment specified by the Committee.

2. The Committee may ask for the appraisal of a request or proposal to be supplemented in certain respects. In such an event, the request or the proposal can be put before the Committee a second time.

3. The opinions delivered by the Committee shall be forwarded to the Bank's decision making bodies.

Article 8

1. A record of the main conclusions of each meeting of the Committee and the main standpoints adopted by the representatives shall be drawn up by the secretariat under the responsibility of the Chairman within no more than two weeks from the date of the meeting. The secretariat shall likewise record the opinions and votes cast under a written procedure. These records shall be sent to the addressees specified in Article 1(2).

2. The record shall be deemed final once approved by the Committee, whether by written procedure or at a subsequent meeting.
3. Correspondence concerning the Committee shall be addressed to the secretariat, for the attention of the Chairman of the Committee.
4. Those attending meetings of the Committee shall be required to observe the confidentiality of the Committee's work and deliberations. Documents relating to such work and deliberations shall be for the use of those to whom they are addressed, who shall be responsible for their safekeeping and the preservation of their confidentiality.

Article 9

1. The operating expenditure of the Committee, including travel expenses for one member of each Member State delegation, shall be borne by the Bank.
2. The Bank shall place at the disposal of the Committee the premises and equipment necessary for its work.

Article 10

All notices, correspondence or documents to be transmitted pursuant to these rules may be so transmitted using electronic mail or facsimile machine.

COMMISSION

COMMISSION DECISION

of 7 December 2001

on Community financial assistance for the eradication of classical swine fever in the United Kingdom in 2000

(notified under document number C(2001) 3937)

(Only the English text is authentic)

(2001/871/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Regulation (EC) No 572/2001 ⁽²⁾, and in particular Article 3(3),

Whereas:

(1) Outbreaks of classical swine fever occurred in the United Kingdom in 2000. The emergence of this disease poses a serious threat to Community livestock, and in order to help eradicate the disease as rapidly as possible, the Community may contribute to the eligible expenditure incurred by the Member State.

(2) The Commission has adopted Decision 2000/528/EC concerning certain protection measures relating to classical swine fever in the United Kingdom ⁽³⁾, as amended by Decisions 2000/542/EC ⁽⁴⁾ and 2000/651/EC ⁽⁵⁾.

(3) In accordance with Article 3(2) of Council Regulation (EC) No 1258/1999 ⁽⁶⁾, veterinary and plant health measures undertaken in accordance with Community rules shall be financed under the Guarantee section of the European Agricultural Guidance and Guarantee Fund. Financial control of these measures comes under Articles 8 and 9 of the above Regulation.

(4) The financial contribution from the Community shall be granted provided that the actions planned are carried out efficiently and that the authorities supply all the necessary information within the time limits laid down.

(5) On 6 June 2001, the United Kingdom submitted an official application for reimbursement of all expenditure incurred within the country in 2000.

(6) Pending checks by the Commission, it is necessary to arrange an advance on Community financial assistance. This advance has been calculated by limiting the costs awarded in compensation for animal prices to 75 % of the amount submitted and temporarily limiting the 'other costs' to 10 % of the amount of this compensation. The sum requested for these 'other costs' during the previous epidemic of classical swine fever in the United Kingdom did not exceed this limit.

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

HAS ADOPTED THIS DECISION:

Article 1

The United Kingdom may receive Community financial assistance for the adequate compensation of owners for the compulsory slaughter of their animals under eradication measures related to outbreaks of classical swine fever which occurred in 2000, in accordance with the provisions of Article 3(2) of Decision 90/424/EEC.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 203, 28.7.2001, p. 16-17.

⁽³⁾ OJ L 214, 25.8.2000, p. 42.

⁽⁴⁾ OJ L 231, 13.9.2000, p. 12.

⁽⁵⁾ OJ L 272, 25.10.2000, p. 46.

⁽⁶⁾ OJ L 160, 26.6.1999, p. 103.

Article 2

1. The Community financial contribution shall be paid on the basis of:

- (a) the supporting documents submitted by the United Kingdom on the swift and adequate compensation of owners;
- (b) the results of the Commission checks referred to in Article 3.

2. In view of the application already submitted by the United Kingdom, an advance of EUR 2 850 000 will be paid, on adoption of this Decision, subject to the results of the checks referred to in Article 3.

3. The documents referred to in paragraph 1 shall include an epidemiological report covering each holding on which animals have been slaughtered and destroyed, and a financial report.

The financial report shall take account of the categories of the animals 'destroyed' or 'slaughtered and destroyed' on each farm due to classical swine fever. These reports shall be provided in electronic form in accordance with Annex I.

4. The supporting documents relating to the measures taken in the period referred to in Article 1 shall be forwarded no later

than 60 days after the date on which the Member State is notified of this Decision.

5. For the purposes of this Decision, 'adequate compensation' means compensation for the value of the animals immediately before they became infected.

Article 3

The Commission may make on-the-spot checks, with the cooperation of the competent national authorities, on the application of the above measures and the related expenditure incurred.

Article 4

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

Done at Brussels, 7 December 2001.

For the Commission

David BYRNE

Member of the Commission

COMMISSION DECISION

of 7 December 2001

approving the schemes submitted by the United Kingdom and Ireland for the withdrawal of all fish in farms infected with infectious salmon anaemia (ISA) virus and repealing Decision 2001/494/EC

(notified under document number C(2001) 3938)

(Only the English text is authentic)

(Text with EEA relevance)

(2001/872/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/53/EEC of 24 June 1993 introducing minimum Community measures for the control of certain fish diseases ⁽¹⁾, as last amended by Commission Decision 2001/288/EC ⁽²⁾, and in particular Article 6 thereof,

Whereas:

- (1) Article 6(a), first indent, of Directive 93/53/EEC lays down that, in order to control an outbreak of infectious salmon anaemia (ISA), all fish in an infected farm shall be withdrawn in accordance with a scheme established by the official service and approved by the Commission.
- (2) Experience gained has shown that under certain conditions it is possible to extend the withdrawal over a period of time without impairing the efforts to eradicate the disease.
- (3) A withdrawal scheme to be applied in case of the detection of ISA in England, Scotland and Wales has been approved by Commission Decision 2001/494/EC ⁽³⁾.
- (4) The United Kingdom has submitted a withdrawal scheme to be applied in case of the detection of ISA in Northern Ireland.
- (5) Ireland has submitted a withdrawal scheme to be applied in case of the detection of ISA in Ireland.
- (6) The Commission and the Member States have examined the schemes submitted by the United Kingdom and Ireland in the light of the current state of scientific and technical evidence.
- (7) The disease control measures described in the withdrawal scheme for Northern Ireland and Ireland are fully consistent with the scheme already approved for England, Scotland and Wales.
- (8) The withdrawal of fish shall be carried out with the aim to eradicate the disease from infected farms and to prevent further spread of the disease to other farms as

well as to the wild population susceptible to this infection.

- (9) The withdrawal of fish must be based on a case by case analysis of the risks for further spread of the disease, including the seriousness of the outbreak and other circumstances influencing the risks, and must take into account current practical experience and scientific evidence.
- (10) The examination carried out shows that the schemes submitted fulfil the requirements for such a scheme and therefore they should be approved.
- (11) For the sake of clarity, it is appropriate to approve the schemes submitted by the United Kingdom and Ireland by means of a single decision. Therefore Decision 2001/494/EC should be repealed.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The schemes submitted by the United Kingdom and Ireland for the withdrawal of all fish in farms situated in their territory and infected with infectious salmon anaemia (ISA) are approved.

Article 2

Decision 2001/494/EC is repealed.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 7 December 2001.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 175, 19.7.1993, p. 23.

⁽²⁾ OJ L 99, 10.4.2001, p. 11.

⁽³⁾ OJ L 180, 3.7.2001, p. 34.

COMMISSION DECISION

of 4 December 2001

correcting Directive 2001/22/EC laying down the sampling methods and the methods of analysis for the official control of the levels of lead, cadmium, mercury and 3-MCPD in foodstuffs

(notified under document number C(2001) 3913)

(Text with EEA relevance)

(2001/873/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 85/591/EEC of 20 December 1985 concerning the introduction of Community methods of sampling and analysis for the monitoring of foodstuffs intended for human consumption ⁽¹⁾, and in particular Article 1 thereof,

Whereas:

- (1) Commission Directive 2001/22/EC of 8 March 2001 laying down the sampling methods and the methods of analysis for the official control of the levels of lead, cadmium, mercury and 3-MCPD in foodstuffs ⁽²⁾ establishes and harmonises the technical measures for the sampling and analysis methods to be used for the monitoring of the concerned contaminants.
- (2) In the text published in the *Official Journal of the European Communities* a material error occurred in the date for the bringing into force of the laws, regulations or administrative provisions by Member States in order to comply with the above directive.

- (3) It is necessary to correct Directive 2001/22/EC accordingly.

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

HAS ADOPTED THIS DECISION:

Article 1

In the first paragraph of Article 3 of Directive 2001/22/EC '5 April 2003' is replaced by '5 April 2002'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 4 December 2001.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 372, 31.12.1985, p. 50.⁽²⁾ OJ L 77, 16.3.2001, p. 14.