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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 22/2002
of 8 January 2002
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 9 January 2002.

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

Done at Brussels, 8 January 2002.

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 8 January 2002 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	107,2
	204	84,1
	212	130,7
	999	107,3
0707 00 05	052	179,9
	999	179,9
0709 90 70	052	203,9
	204	251,9
	999	227,9
0805 10 10, 0805 10 30, 0805 10 50	052	60,6
	204	55,3
	508	21,6
	999	45,8
0805 20 10	204	74,8
	999	74,8
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	70,4
	999	70,4
0805 50 10	052	54,4
	600	51,0
	999	52,7
0808 10 20, 0808 10 50, 0808 10 90	060	32,7
	400	113,4
	404	105,9
	720	113,4
	999	91,4
0808 20 50	064	70,7
	400	111,1
	720	126,4
	999	102,7

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 23/2002**of 8 January 2002****on the issuing of a standing invitation to tender for the resale on the internal market of 90 000 tonnes of common wheat held by the German intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1666/2000⁽²⁾, and in particular Article 5 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2131/93⁽³⁾, as last amended by Regulation (EC) No 1630/2000⁽⁴⁾, lays down the procedure and conditions for the disposal of cereals held by the intervention agencies.
- (2) In the present market situation, a standing invitation to tender for the resale on the internal market of 90 000 tonnes of common wheat held by the German intervention agency should be issued.
- (3) 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 German intervention agency shall issue pursuant to Regulation (EEC) No 2131/93 a standing invitation to tender for the

resale on the internal market of 90 000 tonnes of common wheat held by it.

Article 2

1. The final date for the submission of tenders for the first partial invitation to tender shall be 15 January 2002.
2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 24 April 2002.
3. Tenders must be lodged with the German intervention agency at the following address:

Bundesanstalt für Landwirtschaft und Ernährung (BLE)
Adickesallee 40
D-60322 Frankfurt-am-Main
Fax (49-69) 1564 793.

Article 3

Not later than Wednesday of the week following the final date for the submission of tenders, the German intervention agency shall notify the Commission of the quantities and average prices of the various lots sold.

Article 4

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, 8 January 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 191, 31.7.1993, p. 76.

⁽⁴⁾ OJ L 187, 26.7.2000, p. 24.

COMMISSION REGULATION (EC) No 24/2002
of 8 January 2002
on the issuing of a standing invitation to tender for the resale on the internal market of 385 000
tonnes of common wheat held by the French intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1666/2000⁽²⁾, and in particular Article 5 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2131/93⁽³⁾, as last amended by Regulation (EC) No 1630/2000⁽⁴⁾, lays down the procedure and conditions for the disposal of cereals held by the intervention agencies.
- (2) In the present market situation, a standing invitation to tender for the resale on the internal market of 385 000 tonnes of common wheat held by the French intervention agency should be issued.
- (3) 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 French intervention agency shall issue pursuant to Regulation (EEC) No 2131/93 a standing invitation to tender for the

resale on the internal market of 385 000 tonnes of common wheat held by it.

Article 2

1. The final date for the submission of tenders for the first partial invitation to tender shall be 15 January 2002.
2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 24 April 2002.
3. Tenders must be lodged with the French intervention agency at the following address:

Office national interprofessionnel des céréales
21, avenue Bosquet
F-75326 Paris
Fax (33-1) 44 18 20 80.

Article 3

Not later than Wednesday of the week following the final date for the submission of tenders, the French intervention agency shall notify the Commission of the quantities and average prices of the various lots sold.

Article 4

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, 8 January 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 191, 31.7.1993, p. 76.

⁽⁴⁾ OJ L 187, 26.7.2000, p. 24.

COMMISSION REGULATION (EC) No 25/2002
of 8 January 2002
concerning the issue of import licences for certain preserved mushrooms

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2125/95 of 6 September 1995 opening and providing for the administration of Community tariff quotas for preserved mushrooms ⁽¹⁾, as last amended by Regulation (EC) No 2541/2001 ⁽²⁾, and in particular Article 6(4) thereof,

Whereas:

- (1) Article 6(4) of Regulation (EC) No 2125/95 lays down that where the quantities applied for exceed the quantity available, the Commission must set a flat-rate percentage reduction and suspend the issue of licences in respect of subsequent applications.
- (2) The quantities applied for on 2 and 3 January 2002 pursuant to Article 4(1)(b) of Regulation (EC) No 2125/95 exceed the quantity available. As a result, the extent

to which licences may be issued and the issue of licences for all subsequent applications should be suspended,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences applied for pursuant to Article 4(1)(b) of Regulation (EC) No 2125/95 on 2 and 3 January 2002 and submitted to the Commission on 4 January 2002 shall be issued, bearing the wording laid down in Article 11(1) of that Regulation, for 16,84 % of the quantity applied for.

Article 2

The issue of import licences applied for pursuant to Article 4(1)(b) of Regulation (EC) No 2125/95 shall be suspended for applications submitted from 4 January until 14 October 2002.

Article 3

This Regulation shall enter into force on 9 January 2002.

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

Done at Brussels, 8 January 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 212, 7.9.1995, p. 16.

⁽²⁾ OJ L 341, 22.12.2001, p. 80.

COMMISSION REGULATION (EC) No 26/2002**of 8 January 2002****fixing, for December 2001, the specific exchange rate for the amount of the reimbursement of storage costs in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽¹⁾,

Having regard to Commission Regulation (EEC) No 1713/93 of 30 June 1993 establishing special detailed rules for applying the agricultural conversion rate in the sugar sector ⁽²⁾, as last amended by Regulation (EC) No 1509/2001 ⁽³⁾, and in particular Article 1(3) thereof,

Whereas:

- (1) Article 1 of Commission Regulation (EC) No 1878/2001 of 26 September 2001 laying down transitional measures in connection with the compensation system for storage costs for sugar ⁽⁴⁾, lays down that Article 8 of Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector ⁽⁵⁾, as amended by Commission Regulation (EC) No 1527/2000 ⁽⁶⁾, will continue to apply to sugars carried forward from the 2000/01 marketing year to the 2001/02 marketing year.
- (2) Article 1(2) of Regulation (EEC) No 1713/93 provides that the amount of the reimbursement of storage costs referred to in Article 8 of Regulation (EC) No 2038/1999 is to be converted into national currency using a specific agricultural conversion rate equal to the average, calculated *pro rata temporis*, of the agricultural conversion

rates applicable during the month of storage. That specific rate must be fixed each month for the previous month. However, in the case of the reimbursable amounts applying from 1 January 1999, as a result of the introduction of the agrimonetary arrangements for the euro from that date, the fixing of the conversion rate should be limited to the specific exchange rates prevailing between the euro and the national currencies of the Member States that have not adopted the single currency.

- (3) Application of these provisions will lead to the fixing, for December 2001, of the specific exchange rate for the amount of the reimbursement of storage costs in the various national currencies as indicated in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The specific exchange rate to be used for converting the amount of the reimbursement of the storage costs referred to in Article 8 of Regulation (EC) No 2038/1999 into national currency for December 2001 shall be as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 9 January 2002.

It shall apply with effect from 1 December 2001.

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

Done at Brussels, 8 January 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 349, 24.12.1998, p. 1.

⁽²⁾ OJ L 159, 1.7.1993, p. 94.

⁽³⁾ OJ L 200, 25.7.2001, p. 19.

⁽⁴⁾ OJ L 258, 27.9.2001, p. 9.

⁽⁵⁾ OJ L 252, 25.9.1999, p. 1.

⁽⁶⁾ OJ L 175, 14.7.2000, p. 59.

ANNEX

to the Commission Regulation of 8 January 2002 fixing, for December 2001, the specific exchange rate for the amount of the reimbursement of storage costs in the sugar sector

Specific exchange rate		
EUR 1 =	7,44264	Danish kroner
	9,43828	Swedish kroner
	0,619444	Pound sterling

COMMISSION DIRECTIVE 2002/1/EC
of 7 January 2002
amending Directive 94/39/EC as regards animal feedingstuffs for the support of liver function in
case of chronic liver insufficiency
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DIRECTIVE:

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/74/EEC of 13 September 1993 on feedingstuffs intended for particular nutritional purposes ⁽¹⁾, as last amended by Directive 1999/29/EC ⁽²⁾, and in particular Article 6(c) thereof,

Whereas:

- (1) By Directive 94/39/EC ⁽³⁾, as amended by Directive 95/9/EC ⁽⁴⁾, the Commission has adopted a list of intended uses of animal feedingstuffs for particular nutritional purposes.
- (2) Further scientific research has demonstrated that there is no necessity to lower or moderate the level of fat in feedingstuffs intended to support liver function in chronic liver insufficiency for cats and dogs. It has however shown that it would be beneficial to indicate on the label the need for water to be available to animals fed with such feeds at all times.
- (3) Directive 94/39/EC should therefore be adapted accordingly.
- (4) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Feedingstuffs,

Article 1

The Annex to Directive 94/39/EC is amended in accordance with the Annex to this Directive.

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 20 November 2002 at the latest. They shall forthwith inform the Commission thereof.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 3

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 7 January 2002.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 237, 22.9.1993, p. 23.

⁽²⁾ OJ L 115, 4.5.1999, p. 32.

⁽³⁾ OJ L 207, 10.8.1994, p. 20.

⁽⁴⁾ OJ L 91, 22.4.1995, p. 35.

ANNEX

In part B of the Annex to Directive 94/39/EC, the text of the particular nutritional purpose 'Support of liver function in case of chronic liver insufficiency' concerning dogs and cats is replaced by the following:

Particular nutritional purpose	Essential nutritional characteristics	Species or categories of animals	Labelling declarations	Recommended length of time for use	Other provisions
1	2	3	4	5	6
'Support of liver function in case of chronic liver insufficiency'	High quality protein, moderate level of protein, high level of essential fatty acids and high level of highly digestive carbohydrates	Dogs	— Protein source(s) — Content of essential fatty acids — Highly digestible carbohydrates including their treatment if appropriate — Sodium — Total copper	Initially up to 6 months	Indicate on the package, container or label: "It is recommended that a veterinarian's opinion be sought before use or before extending the period of use" Indicate in the instructions for use: "Water should be available at all times"
	High quality protein, moderate level of protein and high level of essential fatty acids	Cats	— Protein source(s) — Content of essential fatty acids — Sodium — Total copper	Initially up to 6 months	Indicate on the package, container or label: "It is recommended that a veterinarian's opinion be sought before use or before extending the period of use" Indicate in the instructions for use: "Water should be available at all times"

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 10 December 2001

relating to the conclusion of an Additional Protocol fixing the provisions applicable to trade in certain fish and fishery products to the Agreement establishing an association between the European Economic Community and Malta

(2002/9/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

- (1) It is desirable to complete by means of an Additional Protocol the Agreement establishing an association between the European Economic Community and Malta ⁽¹⁾, so as to provide for preferential conditions for the importation into the Community of certain fish and fishery products originating in the Republic of Malta, and into the Republic of Malta of certain fish and fishery products originating in the Community.
- (2) To that end a new Protocol laying down the trade arrangements for certain fish and fishery products should be added to the said Association Agreement.
- (3) The Protocol should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Additional Protocol fixing the provisions applicable to trade in certain fish and fishery products to the Agreement establishing an association between the European Economic

Community and Malta, is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Decision.

Article 2

A tariff quota with order number 09.1461 covering the first 12 months of the Protocol shall be opened for 1 500 tonnes for Sea bass (*Dicentrarchus labrax*), Sea bream (*Dentex dentex* and *Pagellus* spp.) and Gilt-head seabreams (*Sparus aurata*) falling under subheadings 0302 69 94, 0302 69 61 and 0302 69 95 originating in Malta at a duty rate of 7,5 %. The following year the tariff quota shall be set at 1 750 tonnes at 0 %. This tariff quota shall be administered by the Commission in accordance with Articles 308a and 308b of Regulation (EC) No 2454/93 ⁽²⁾.

Article 3

The President of the Council is authorised to designate the person empowered to sign the Protocol in order to bind the Community.

Done at Brussels, 10 December 2001.

For the Council

The President

L. MICHEL

⁽¹⁾ OJ L 61, 14.3.1971, p. 3.

⁽²⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 993/2001 (OJ L 141, 28.5.2001, p. 1).

ADDITIONAL PROTOCOL

fixing the provisions applicable to trade in certain fish and fishery products to the Agreement establishing an association between the European Economic Community and Malta

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

of the one part, and

THE REPUBLIC OF MALTA, hereinafter referred to as 'Malta',

of the other part,

Whereas:

- (1) The Agreement establishing an association between the European Economic Communities and Malta, hereinafter referred to as 'the Association Agreement', was signed in Valetta on 5 December 1970 and entered into force in April 1971.
- (2) Council Regulation (EC) No 3010/95 totally or partially suspending the customs duties applicable to certain products falling within Chapters 1 to 24 originating in Malta was last amended by Council Regulation (EC) No 779/98.
- (3) Technical negotiations based on Article 2 of the Association Agreement have been carried out and successfully concluded between the Community and Malta to agree on reciprocal tariff concessions in the fisheries sector.
- (4) Following the terms of Article 3(2) of that Association Agreement fish and fishery products originating in the Community are imported duty-free into Malta.
- (5) The negotiated concessions in the fisheries sector should affect the bilateral concessions granted under the Association Agreement, which should, therefore, be amended by means of a Protocol adjusting the trade aspects of the Association Agreement.
- (6) The Community and Malta also agreed on an administratively simple procedure for implementing the negotiated tariff concessions as soon as possible on a gradual basis,

HAVE AGREED AS FOLLOWS:

Article 1

From the date of entry into force of this Protocol, the Community shall apply a one-third reduction of the tariff duties for fish and fishery products as defined in Article 1 of Council Regulation (EC) No 104/2000, other than those mentioned in Article 2 of this Protocol.

One year after the date of entry into force of this Protocol, the Community shall apply a further one-third reduction of the tariff duties applicable at the time of entry into force of this Protocol.

Two years after the date of entry into force of this Protocol, full free trade in all fish and fishery products shall be applied by both Parties, including for those mentioned in Article 2.

Article 2

From the date of entry into force of this Protocol, the Community shall open a Community tariff quota of 1 500 tonnes at 7,5 % for Sea bass (*Dicentrarchus labrax*), Sea bream (*Dentex dentex* and *Pagellus* spp.) and Gilt-head seabreams (*Sparus aurata*) falling within subheadings 0302 69 94, 0302 69 61 and 0302 69 95 originating in Malta.

One year after the entry into force of this Protocol the tariff quota shall be set at 1 750 tonnes at 0 %, it shall be eliminated two years after the entry into force of this Protocol.

For quantities imported into the Community above the tariff quotas, the provisions of Article 1 shall apply.

Article 3

The reductions referred to in Article 1 shall be calculated using common mathematical principles taking into account that:

- (a) all the figures less than 50 (included) after the decimal point shall be rounded down to the nearest whole number;
- (b) all the figures more than 50 after the decimal point shall be rounded up to the nearest whole number;
- (c) all the tariffs below 2 % shall automatically be fixed at 0 %.

Article 4

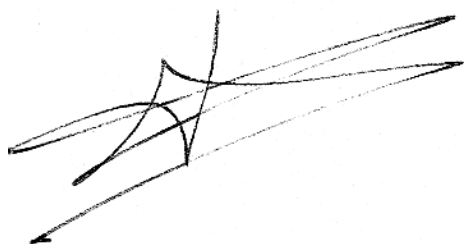
If Malta's application for membership of the European Union is suspended, both parties shall meet within a six-month period to review this Protocol in the light of the new situation.

Article 5

This Protocol shall enter into force on the first day of the month following the date on which the Parties have notified each other of the completion of the internal procedures necessary for that purpose.

Hecho en Bruselas, el diecinueve de diciembre del dos mil uno.
Udfærdiget i Bruxelles den nittende december to tusind og en.
Geschehen zu Brüssel am neunzehnten Dezember zweitausendundeins.
Έγινε στις Βρυξέλλες, στις δέκα εννέα Δεκεμβρίου δύο χιλιάδες ένα.
Done at Brussels on the nineteenth day of December in the year two thousand and one.
Fait à Bruxelles, le dix-neuf décembre deux mille un.
Fatto a Bruxelles, addì diciannove dicembre duemilauno.
Gedaan te Brussel, de negentiende december tweeduizendeneen.
Feito em Bruxelas, em dezanove de Dezembro de dois mil e um.
Tehty Brysselissä yhdeksäntenätoista päivänä joulukuuta vuonna kaksituhattayksi.
Som skedde i Bryssel den nittonde december tjugohundraett.

Por la Comunidad Europea
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Voor de Europese Gemeenschap
Pela Comunidade Europeia
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar



For the Republic of Malta



COUNCIL DECISION**of 10 December 2001****relating to the conclusion of an Additional Protocol fixing the provisions applicable to trade in certain fish and fishery products to the Agreement establishing an association between the European Economic Community and the Republic of Cyprus**

(2002/10/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

- (1) It is desirable to complete by means of an Additional Protocol the Agreement establishing an association between the European Economic Community and the Republic of Cyprus ⁽¹⁾, so as to provide for preferential conditions for the importation into the Community of certain fish and fishery products originating in the Republic of Cyprus, and into the Republic of Cyprus of certain fish and fishery products originating in the Community.
- (2) To that end a new Protocol laying down the trade arrangements for certain fish and fishery products should be added to the said Association Agreement.
- (3) The Protocol should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Additional Protocol fixing the provisions applicable to trade in certain fish and fishery products to the Agreement establishing an association between the European Economic

Community and the Republic of Cyprus, is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Decision.

Article 2

The tariff quotas referred to in Articles 2 and 3 of the Protocol shall be managed by the Commission in accordance with Articles 308a and 308b of Regulation (EEC) No 2454/93 ⁽²⁾. Their order numbers shall be 09.1435 and 09.1436 respectively.

Article 3

The President of the Council is authorised to designate the person empowered to sign the Protocol in order to bind the Community.

Done at Brussels, 10 December 2001.

For the Council

The President

L. MICHEL

⁽¹⁾ OJ L 133, 21.5.1973, p. 2.

⁽²⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 993/2001 (OJ L 141, 28.5.2001, p. 1).

ADDITIONAL PROTOCOL**fixing the provisions applicable to trade in certain fish and fishery products to the agreement establishing an association between the European Economic Community and the Republic of Cyprus**

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

of the one part, and

THE REPUBLIC OF CYPRUS, hereinafter referred to as 'Cyprus',

of the other part,

Whereas:

- (1) The Agreement establishing an association between the European Economic Communities and the Republic of Cyprus, hereinafter referred to as 'the Association Agreement', was signed at Brussels on 19 December 1972 and entered into force on 1 June 1973.
- (2) Technical negotiations based on Article 2 of the Association Agreement have been carried out and successfully concluded between the Community and Cyprus to agree on reciprocal tariff concessions in the fisheries sector.
- (3) The negotiated concessions in the fisheries sector should affect the bilateral concessions granted under the Association Agreement, which should, therefore, be amended by means of a Protocol adjusting the trade aspects of the Association Agreement.
- (4) The Community and Cyprus also agreed on an administratively simple procedure for implementing the negotiated tariff concessions as soon as possible on a gradual basis,

HAVE AGREED AS FOLLOWS:

Article 1

From the date of entry into force of this Protocol, both Parties shall apply a one-third reduction of the tariff duties for fish and fishery products, as defined in Article 1 of Council Regulation (EC) No 104/2000, other than those mentioned in Articles 2 and 3 of this Protocol.

One year after the date of entry into force of this Protocol, both Parties shall apply a further one-third reduction of the tariff duties applicable at the time of entry into force of this Protocol.

Two years after the date of entry into force of this Protocol, full free trade in all fish and fishery products shall be applied.

Article 2

From the date of entry into force of this Protocol, the Community shall open a Community tariff quota of 500 tonnes at 7,5 % (*ad valorem*) for Sea bass (*Dicentrarchus labrax*) falling under subheading 0302 69 94, Gilt-head seabreams (*Sparus aurata*) falling under subheading 0302 69 95 and Sharpshout bream (*Puntazzo puntazzo*) falling under subheading ex 0302 69 98 originating in Cyprus.

One year after the entry into force of this Protocol the tariff quota shall be set at 600 tonnes at 0 % (*ad valorem*); two years after the entry into force of this Protocol the tariff quota shall be eliminated.

The provisions of Article 1 shall apply for quantities imported into the Community above the tariff quota.

Article 3

From the date of entry into force of this Protocol for fish fry of the species mentioned in Article 2, falling under subheading ex 0301 99 90, the Community shall open a Community tariff quota of 12 500 000 pieces at 5 % (*ad valorem*).

One year after the entry into force of this Protocol the tariff quota shall be set at 15 000 000 pieces at 0 % (*ad valorem*) and shall be eliminated two years after the entry into force of this Protocol.

The provisions of Article 1 shall apply for quantities imported into the Community above the tariff quota.

Article 4

The reductions referred to in Article 1 shall be calculated using common mathematical principles taking into account that:

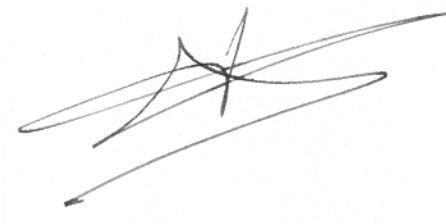
- (a) all the figures less than 50 (included) after the first decimal shall be rounded down to the nearest whole number;
- (b) all the figures more than 50 after the first decimal shall be rounded up to the nearest whole number;
- (c) all the tariffs below 2 % should automatically be fixed at 0 %.

Article 5

This Protocol shall enter into force on the first day of the month following the date on which the Parties have notified each other of the completion of the internal procedures necessary for that purpose.

Hecho en Bruselas, el doce de diciembre del dos mil uno.
Udfærdiget i Bruxelles den tolvte december to tusind og en.
Geschehen zu Brüssel am zwölften Dezember zweitausendundeins.
Έγινε στις Βρυξέλλες, στις δώδεκα Δεκεμβρίου δύο χιλιάδες ένα.
Done at Brussels on the twelfth day of December in the year two thousand and one.
Fait à Bruxelles, le douze décembre deux mille un.
Fatto a Bruxelles, addì dodici dicembre duemilauno.
Gedaan te Brussel, de twaalfde december tweeduizendeneen.
Feito em Bruxelas, em doze de Dezembro de dois mil e um.
Tehty Brysselissä kahdententoista päivänä joulukuuta vuonna kaksituhattayksi.
Som skedde i Bryssel den tolfte december tjugohundraett.

Por la Comunidad Europea
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Voor de Europese Gemeenschap
Pela Comunidade Europeia
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar

A handwritten signature in black ink, consisting of several overlapping, sweeping strokes that form a stylized, abstract shape.

For the Republic of Cyprus

A handwritten signature in black ink, appearing to be the initials 'J.B.' followed by a flourish.

COMMISSION

COMMISSION DECISION

of 28 December 2001

**adopting the list of sites of Community importance for the Macaronesian biogeographical region,
pursuant to Council Directive 92/43/EEC**

(notified under document number C(2001) 3998)

(2002/11/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora ⁽¹⁾, as last amended by Directive 97/62/EC ⁽²⁾, and in particular the third subparagraph of Article 4(2) thereof,

Whereas:

(1) Lists of sites proposed as sites of Community importance within the meaning of Article 1 of Directive 92/43/EEC have been transmitted to the Commission for the Macaronesian biogeographical region, in accordance with Article 4(1) of that Directive. The Member States concerned, namely Portugal and Spain, transmitted the lists on 28 November 1997 and 11 October 2000 respectively.

(2) The Macaronesian biogeographical region, as referred to in Article 1(c)(iii) of Directive 92/43/EEC, comprises the archipelagos of the Azores and Madeira (Portugal) and of the Canary Islands (Spain) in the Atlantic Ocean.

(3) The lists of proposed sites were accompanied by information on each site, supplied in the Natura 2000 format established by Commission Decision 97/266/EC ⁽³⁾.

(4) This information includes the most recent map of the site transmitted by the Member State in question, the site's name, location and extent, and the data yielded by application of the criteria specified in Annex III (Stage 1) to Directive 92/43/EEC.

(5) On the basis of the draft list drawn up by the Commission in agreement with each of the Member States concerned, which also identifies sites hosting priority natural habitat types or priority species, a list of sites selected as sites of Community importance should be adopted.

(6) Given that knowledge of the existence and distribution of the natural habitat type described as 'Reefs' remains incomplete, the list should be open to alteration in the light of further developments in such knowledge.

(7) The measures provided for in this Decision are in accordance with the opinion of the committee set up by Article 20 of Directive 92/43/EEC,

HAS ADOPTED THIS DECISION:

Article 1

The list contained in the Annex to this Decision shall constitute the list of sites of Community importance for the Macaronesian biogeographical region as provided for in the third subparagraph of Article 4(2) of Directive 92/43/EEC.

⁽¹⁾ OJ L 206, 22.7.1992, p. 7.

⁽²⁾ OJ L 305, 8.11.1997, p. 42.

⁽³⁾ OJ L 107, 24.4.1997, p. 1.

Article 2

The list referred to in Article 1 shall be subject to alteration, in the light of further knowledge and research, in respect of the natural habitat type described as 'Reefs' in category 11, code No 1170, of Annex I to Directive 92/43/EEC.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 28 December 2001.

For the Commission

Margot WALLSTRÖM

Member of the Commission

ANNEX

List of sites of Community importance for the Macaronesian biogeographical region

Each site of Community importance (SCI) is identified by the information supplied in the Natura 2000 format, including the corresponding map, and transmitted by the competent national authorities in accordance with the second subparagraph of Article 4(1).

The table below gives the following information:

- A: SCI code comprising nine characters, the first two being the ISO code for the Member State;
- B: name of SCI;
- C: * = presence on the SCI of at least one priority natural habitat type and/or species within the meaning of Article 1 of Directive 92/43/EEC;
- D: surface area of SCI in hectares or length in km;
- E: geographical coordinates of SCI (latitude and longitude).

All the information given in the Community list below is based on the data proposed, transmitted and validated by Spain and Portugal.

A	B	C	C		D	
SCI code	Name of SCI	Priority	Area of SCI (ha)	Length of SCI (km)	Geographical coordinates of SCI	
					Longitude	Latitude
ES0000041	Ojeda, Inagua y Pajonales	*	3 557		N 27 56	W 15 41
ES0000043	Caldera de Taburiente	*	4 380		N 28 43	W 17 52
ES0000044	Garajonay	*	3 626		N 28 7	W 17 15
ES0000096	Pozo Negro	*	9 995		N 28 16	W 13 58
ES0000102	Garoé	*	1 151		N 27 47	W 17 56
ES0000108	Los Órganos	*	159		N 28 13	W 17 16
ES0000111	Tamadaba	*	7 448		N 28 1	W 15 43
ES0000112	Juncalillo del Sur		171		N 27 47	W 15 28
ES0000113	Macizo de Tauro	*	1 262		N 27 54	W 15 41
ES0000141	Parque Nacional de Timanfaya		5 348		N 29 0	W 13 46
ES7010002	Barranco Oscuro	*	33		N 28 3	W 15 35
ES7010003	El Brezal	*	113		N 28 6	W 15 36
ES7010004	Azuaje	*	411		N 28 5	W 15 34
ES7010005	Los Tilos de Moya	*	83		N 28 5	W 15 35
ES7010006	Los Marteles	*	2 751		N 27 57	W 15 32
ES7010007	Las Dunas de Maspalomas	*	362		N 27 44	W 15 35
ES7010008	Güigüí	*	2 914		N 27 57	W 15 48
ES7010010	Pilancónes	*	5 886		N 27 51	W 15 38
ES7010011	Amagro	*	499		N 28 7	W 15 40
ES7010012	Bandama		534		N 28 1	W 15 26
ES7010014	Cueva de Lobos	*	8 440		N 28 18	W 14 15
ES7010016	Área marina de La Isleta	*	8 646		N 28 10	W 15 27
ES7010017	Franja marina de Mogán	*	29 852		N 27 45	W 15 33
ES7010018	Riscos de Tirajana	*	755		N 27 57	W 15 34
ES7010019	Roque de Nublo	*	446		N 27 57	W 15 36
ES7010020	Sebadales de La Graciosa		1 440		N 29 13	W 13 30
ES7010021	Sebadales de Guasimeta		1 162		N 28 55	W 13 35
ES7010022	Sebadales de Corralejo	*	1 620		N 28 42	W 13 49
ES7010023	Malpaís de la Arena		846		N 28 38	W 13 55
ES7010024	Vega de Río Palmas	*	312		N 28 24	W 14 3

A	B	C	C		D	
SCI code	Name of SCI	Priority	Area of SCI (ha)	Length of SCI (km)	Geographical coordinates of SCI	
					Longitude	Latitude
ES7010025	Fataga	*	2 293		N 27 54	W 15 34
ES7010027	Jinámar	*	37		N 28 2	W 15 25
ES7010028	Tufia	*	52		N 27 57	W 15 22
ES7010031	Islote de Lobos	*	507		N 28 44	W 13 49
ES7010032	Corralejo	*	2 712		N 28 40	W 13 51
ES7010033	Jandía	*	15 194		N 28 5	W 14 21
ES7010034	Montaña Cardón	*	1 296		N 28 15	W 14 9
ES7010035	Playa de Sotavento de Jandía	*	4 463		N 28 9	W 14 12
ES7010036	Punta del Mármol	*	31		N 28 8	W 15 36
ES7010037	Bahía del Confital		694		N 28 8	W 15 27
ES7010038	Barranco de La Virgen	*	440		N 28 2	W 15 35
ES7010039	El Nublo II	*	12 886		N 27 57	W 15 40
ES7010040	Hoya del Gamonal	*	459		N 27 58	W 15 34
ES7010041	Barranco de Guayadeque	*	751		N 27 55	W 15 27
ES7010042	La Playa del Matorral	*	95		N 28 2	W 14 19
ES7010044	Los Islotes		141		N 29 17	W 13 31
ES7010045	Archipiélago Chinijo	*	8 922		N 29 6	W 13 34
ES7010046	Los Volcanes		10 475		N 29 2	W 13 44
ES7010047	La Corona	*	2 565		N 29 10	W 13 26
ES7010048	Bahía de Gando	*	430		N 27 55	W 15 22
ES7010049	Arinaga	*	98		N 27 51	W 15 23
ES7010052	Punta de la Sal	*	167		N 27 52	W 15 23
ES7010053	Playa del Cabrón		836		N 27 51	W 15 23
ES7010054	Los Jameos		279		N 29 9	W 13 25
ES7010055	Amurga	*	5 253		N 27 50	W 15 32
ES7010056	Sebadales de Playa del Inglés	*	2 425		N 27 45	W 15 33
ES7010062	Betancuria	*	3 389		N 28 5	W 14 21
ES7010063	Nublo	*	6 736		N 27 53	W 15 45
ES7010064	Ancones-Sice		150		N 28 19	W 14 4
ES7010065	Malpaís del Cuchillo		53		N 29 5	W 13 40
ES7010066	Costa de Sardina del Norte		1 569		N 28 8	W 15 42

A	B	C	C		D	
SCI code	Name of SCI	Priority	Area of SCI (ha)	Length of SCI (km)	Geographical coordinates of SCI	
					Longitude	Latitude
ES7011001	Los Risquetes		3		N 29 6	W 13 39
ES7011002	Cagafrecho		540		N 28 55	W 13 40
ES7011003	Pino Santo		1 463		N 28 3	W 15 28
ES7011004	Macizo de Tauro II		4 562		N 27 49	W 15 41
ES7020001	Mencáfete	*	485		N 27 43	W 18 4
ES7020002	Roques de Salmor		3		N 27 49	W 17 59
ES7020003	Tibataje	*	623		N 27 46	W 18 0
ES7020004	Risco de Las Playas	*	1 044		N 27 42	W 17 57
ES7020006	Timijiraque	*	374		N 27 46	W 17 55
ES7020008	Pinar de Garafía	*	1 001		N 28 46	W 17 52
ES7020009	Guelguén	*	1 131		N 28 49	W 17 52
ES7020010	Las Nieves	*	5 620		N 28 44	W 17 49
ES7020011	Cumbre Vieja	*	7 625		N 28 35	W 17 50
ES7020012	Montaña de Azufre		87		N 28 33	W 17 46
ES7020014	Risco de la Concepción	*	60		N 28 40	W 17 46
ES7020015	Costa de Hiscaguán		317		N 28 48	W 17 57
ES7020016	Barranco del Jorado		100		N 28 42	W 17 57
ES7020017	Franja marina Teno-Rasca	*	76 648		N 28 16	W 16 53
ES7020018	Tubo volcánico de Todoque		46		N 28 36	W 17 53
ES7020020	Tablado	*	220		N 28 48	W 17 52
ES7020021	Barranco de las Angustias	*	1 689		N 28 41	W 17 54
ES7020022	Tamanca	*	1 994		N 28 34	W 17 52
ES7020024	Juan Mayor	*	31		N 28 41	W 17 46
ES7020025	Barranco del Agua	*	76		N 28 43	W 17 44
ES7020026	La Caldereta	*	91		N 27 44	W 18 0
ES7020028	Benchijigua	*	475		N 28 6	W 17 13
ES7020029	Puntallana	*	305		N 28 7	W 17 6
ES7020030	Majona	*	1 991		N 28 8	W 17 9
ES7020032	Roque Cano	*	55		N 28 10	W 17 15
ES7020033	Roque Blanco	*	24		N 28 9	W 17 14
ES7020034	La Fortaleza	*	54		N 28 5	W 17 16

A	B	C	C		D	
SCI code	Name of SCI	Priority	Area of SCI (ha)	Length of SCI (km)	Geographical coordinates of SCI	
					Longitude	Latitude
ES7020035	Barranco del Cabrito	*	1 135		N 28 4	W 17 9
ES7020037	Lomo del Carretón	*	259		N 28 8	W 17 19
ES7020039	Orone	*	1 658		N 28 5	W 17 15
ES7020041	Charco del Conde		13		N 28 5	W 17 20
ES7020042	Charco de Cieno	*	12		N 28 5	W 17 20
ES7020043	Parque Nacional del Teide	*	18 993		N 28 14	W 16 37
ES7020044	Ijuana	*	898		N 28 33	W 16 8
ES7020045	Pijaral	*	294		N 28 33	W 16 10
ES7020046	Los Roques de Anaga	*	13		N 28 35	W 16 9
ES7020047	Pinoleris	*	196		N 28 22	W 16 29
ES7020048	Malpaís de Güímar	*	304		N 28 18	W 16 22
ES7020049	Montaña Roja	*	180		N 28 1	W 16 32
ES7020050	Malpaís de la Rasca		313		N 28 0	W 16 41
ES7020051	Barranco del Infierno	*	1 818		N 28 7	W 16 42
ES7020052	Chinyero	*	2 379		N 28 17	W 16 47
ES7020053	Las Palomas	*	584		N 28 23	W 16 27
ES7020054	Corona Forestal	*	40 957		N 28 10	W 16 37
ES7020055	Barranco de Fasnía y Güímar	*	177		N 28 15	W 16 27
ES7020056	Montaña Centinela		133		N 28 9	W 16 27
ES7020057	Mar de Las Calmas	*	9 882		N 27 38	W 18 3
ES7020058	Montañas de Ifara y Los Riscos		280		N 28 4	W 16 32
ES7020061	Roque de Jama	*	88		N 28 5	W 16 38
ES7020064	Los Sables	*	3		N 28 48	W 17 55
ES7020065	Montaña de Tejina	*	178		N 28 11	W 16 45
ES7020066	Roque de Garachico		5		N 28 22	W 16 45
ES7020068	La Rambla de Castro	*	75		N 28 23	W 16 35
ES7020069	Las Lagunetas	*	3 520		N 28 25	W 16 24
ES7020070	Barranco de Erques	*	261		N 28 9	W 16 47
ES7020071	Montaña de la Centinela	*	10		N 28 32	W 17 46
ES7020072	Montaña de la Breña	*	26		N 28 37	W 17 47
ES7020073	Los Acantilados de la Culata	*	434		N 28 21	W 16 45

A	B	C	C		D	
SCI code	Name of SCI	Priority	Area of SCI (ha)	Length of SCI (km)	Geographical coordinates of SCI	
					Longitude	Latitude
ES7020074	Los Campeches, Tigaiga y Ruiz	*	489		N 28 21	W 16 36
ES7020075	La Resbala	*	591		N 28 22	W 16 28
ES7020076	Riscos de Bajamar	*	48		N 28 40	W 17 46
ES7020077	Acantilado de la Hondura		32		N 28 11	W 16 25
ES7020078	Tabaibal del Porís		39		N 28 10	W 16 25
ES7020081	Interián	*	103		N 28 21	W 16 47
ES7020082	Barranco de Ruiz	*	129		N 28 22	W 16 37
ES7020084	Barlovento, Garafía, El Paso y Tijarafe	*	5 341		N 28 46	W 17 57
ES7020085	El Paso y Santa Cruz de La Palma	*	1 065		N 28 40	W 17 51
ES7020086	Santa Cruz de La Palma	*	201		N 28 41	W 17 49
ES7020087	Breña Alta	*	21		N 28 37	W 17 49
ES7020088	Sabinar de Puntallana	*	17		N 28 44	W 17 44
ES7020089	Sabinar de La Galga	*	66		N 28 46	W 17 46
ES7020090	Monteverde de Don Pedro-Juan Adalid	*	677		N 28 49	W 17 54
ES7020091	Monteverde de Gallegos-Franceses	*	1 338		N 28 49	W 17 50
ES7020092	Monteverde dfe Lomo Grande	*	489		N 28 47	W 17 48
ES7020093	Monteverde de Barranco Seco-Barranco del Agua	*	1 060		N 28 44	W 17 47
ES7020094	Monteverde de Breña Alta	*	774		N 28 40	W 17 48
ES7020095	Anaga	*	10 304		N 28 32	W 16 13
ES7020096	Teno	*	6 425		N 28 18	W 16 51
ES7020097	Teselinde-Cabecera de Vallehermoso	*	2 211		N 28 11	W 17 17
ES7020098	Montaña del Cepo	*	997		N 28 11	W 17 12
ES7020099	Frontera	*	8 528		N 27 45	W 18 7
ES7020100	Cueva del Viento	*	139		N 28 20	W 16 41
ES7020101	Laderas de Enchereda	*	673		N 28 8	W 17 11
ES7020102	Barranco de Charco Hondo	*	368		N 28 3	W 17 15
ES7020103	Barranco de Argaga	*	216		N 28 5	W 17 18
ES7020104	Valle Alto de Valle Gran Rey	*	640		N 28 6	W 17 18
ES7020105	Barranco del Águila	*	182		N 28 8	W 17 7
ES7020106	Cabecera Barranco de Aguajilva	*	126		N 28 7	W 17 17
ES7020107	Cuenca de Benchijigua-Guarimiar	*	1 244		N 28 3	W 17 13

A	B	C	C		D	
SCI code	Name of SCI	Priority	Area of SCI (ha)	Length of SCI (km)	Geographical coordinates of SCI	
					Longitude	Latitude
ES7020108	Taguluche	*	138		N 28 8	W 17 19
ES7020109	Barrancos del Cedro y Liria	*	389		N 28 9	W 17 11
ES7020110	Barranco de Niágara	*	41		N 28 11	W 16 45
ES7020111	Barranco de Orchilla	*	43		N 28 6	W 16 36
ES7020112	Barranco de las Hiedras-El Cedro	*	191		N 28 11	W 16 29
ES7020113	Acantilado costero de Los Perros	*	97		N 28 23	W 16 41
ES7020114	Riscos de Lara	*	156		N 28 15	W 16 49
ES7020115	Laderas de Chío	*	231		N 28 15	W 16 47
ES7020116	Sebadales del sur de Tenerife	*	2 342		N 28 1	W 16 35
ES7020117	Cueva marina de San Juan		2		N 28 10	W 16 49
ES7020118	Barranco de Icor	*	129		N 28 12	W 16 27
ES7020119	Lomo de Las Eras		4		N 28 11	W 16 25
ES7020120	Sebadal de San Andrés		321		N 28 29	W 16 12
ES7020121	Barranco Madre del Agua	*	39		N 28 12	W 16 29
ES7020122	Franja marina de Fuencaliente	*	7 075		N 28 32	W 17 53
ES7020123	Franja marina Santiago-Valle Gran Rey	*	12 517		N 28 2	W 17 18
ES7020124	Costa de Garafía		3 106		N 28 51	W 17 52
ES7020125	Costa de los Órganos		1 152		N 28 13	W 17 17
ES7020126	Costa de San Juan de la Rambla		1 303		N 28 25	W 16 37
ES7020127	Risco de la Mérica	*	38,6		N 28 6	W 17 20
PTCOR0001	Costa e Caldeirão — Ilha do Corvo	*	964		N 39 42 0	W 31 6 0
PTDES0001	Ilhas Desertas	*	11 302		N 32 30 0	W 16 29 30
PTFAI0004	Caldeira e Capelinhos — Ilha do Faial	*	2 023		N 38 35 0	W 28 45 0
PTFAI0005	Monte da Guia — Ilha do Faial	*	363		N 38 31 15	W 28 37 21
PTFAI0006	Ponta do Varadouro — Ilha do Faial	*	20		N 38 34 0	W 28 47 0
PTFAI0007	Morro de Castelo Branco — Ilha do Faial	*	132		N 38 31 21	W 28 45 15
PTFLO0002	Zona Central — Morro Alto — Ilha das Flores	*	2 925		N 39 27 0	W 31 13 0
PTFLO0003	Costa Nordeste — Ilha das Flores	*	1 215		N 39 30 0	W 31 10 0
PTGRA0015	Ilhéu de Baixo — Restinga Ilha Graciosa	*	249		N 39 0 50	W 27 57 0
PTGRA0016	Ponta Branca — Ilha Graciosa	*	75		N 39 1 53	W 28 2 23
PTJOR0013	Ponta dos Rosais — Ilha de S. Jorge	*	304		N 38 45 12	W 28 18 36

A	B	C	C		D	
SCI code	Name of SCI	Priority	Area of SCI (ha)	Length of SCI (km)	Geographical coordinates of SCI	
					Longitude	Latitude
PTJOR0014	Costa NE e Ponta do Topo — Ilha de S. Jorge	*	3 956		N 38 35 0	W 27 51 0
PTMAD0001	Laurisilva da Madeira	*	13 355		N 32 46 0	W 17 3 0
PTMAD0002	Maciço Montanhoso Central da Ilha da Madeira	*	8 212		N 32 43 54	W 16 55 27
PTMAD0003	Ponta de S. Lourenço	*	2 043		N 32 44 20	W 16 41 0
PTMAD0004	Ilhéu da Viúva	*	1 822		N 32 48 25	W 16 51 50
PTMAD0005	Achadas da Cruz		206		N 32 50 39	W 17 12 44
PTMAD0006	Moledos — Madalena do Mar		18		N 32 42 6	W 17 8 2
PTMAD0007	Pináculo	*	34		N 32 39 2	W 16 52 4
PTMIG0019	Lagoa do Fogo — Ilha de S. Miguel	*	1 360		N 37 46 0	W 25 28 0
PTMIG0020	Caloura-Ponta da Galera — Ilha de S. Miguel	*	204		N 37 42 30	W 25 30 30
PTMIG0021	Banco D. João de Castro (Canal Terceira — S. Miguel)	*	1 643		N 38 13 55	W 26 36 30
PTPIC0008	Baixa do Sul (Canal do Faial)	*	55		N 38 30 55	W 28 35 24
PTPIC0009	Montanha do Pico, Prainha e Caveiro — Ilha do Pico	*	8 572		N 38 28 30	W 28 17 30
PTPIC0010	Ponta da Ilha do Pico	*	395		N 38 25 0	W 28 2 0
PTPIC0011	Lajes do Pico — Ilha do Pico	*	142		N 38 23 25	W 28 15 22
PTPIC0012	Ilhéus da Madalena — Ilha do Pico	*	146		N 38 32 0	W 28 32 50
PTPOR0001	Ilhéus do Porto Santo	*	232		N 33 0 15	W 16 23 0
PTPOR0002	Pico Branco — Porto Santo		143		N 33 5 24	W 16 17 58
PTSEL0001	Ilhas Selvagens	*	5 752		N 30 5 40	W 15 51 50
PTSMA0022	Ponta do Castelo — Ilha de Sta. Maria	*	320		N 36 55 47	W 25 23
PTSMA0023	Ilhéu das Formigas e Recife Dollabarat (Canal S. Miguel — Sta. Maria)	*	3 542		N 37 15 0	W 25 45 0
PTTER0017	Serra Santa Bárbara e Pico Alto — Ilha da Terceira	*	4 760		N 38 44 0	W 27 17 31
PTTER0018	Costa das Quatro Ribeiras — Ilha da Terceira	*	274		N 38 48 0	W 27 12 6

EUROPEAN CENTRAL BANK

DECISION OF THE EUROPEAN CENTRAL BANK

of 3 December 2001

amending Decision ECB/2001/7 on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes

(ECB/2001/14)

(2002/12/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty establishing the European Community and in particular to Article 106(1) thereof and to Article 16 of the Statute of the European System of Central Banks and of the European Central Bank,

Whereas:

- (1) Decision ECB/2001/7 of 30 August 2001 on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes ⁽¹⁾ establishes a common regime under which national central banks (NCBs) of participating Member States exchange mutilated or damaged legal tender euro banknotes.
- (2) It is appropriate to amend Article 3 of Decision ECB/2001/7 in order to clarify that the exchange of legal tender euro banknotes will only take place under certain conditions as well as to introduce an explicit obligation on the part of NCBs to refuse to exchange legal tender euro banknotes where they know or have sufficient reason to believe that a criminal offence has been committed or that the banknotes have been intentionally mutilated or damaged.
- (3) It follows from Guideline ECB/1999/3 of 7 July 1998 on certain provisions regarding euro banknotes, as amended on 26 August 1999 ⁽²⁾ that NCBs may in some cases retain the mutilated or damaged banknotes which are presented for exchange. Furthermore, it is acknowledged that the principles of Council Regulation (EC) No 1338/2001 of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting ⁽³⁾, which obliges credit and other institutions to withdraw from circulation banknotes which they know or have sufficient reason to believe to be counterfeit, apply by analogy also to NCBs. Nevertheless, it is deemed necessary, for the purposes of clarity, to expressly mention in the context of this Decision that NCBs are obliged to withhold against acknowledgement of receipt all mutilated or damaged banknotes in connection with which they know or have sufficient reason to believe that a criminal offence has been committed, whether counterfeiting or some other criminal offence, such as theft or robbery. It should be clearly stated that the mutilated or damaged banknotes will be withheld as evidence and will be presented to the competent authorities to initiate or to support an ongoing criminal investigation. If the competent authorities do not decide otherwise, the banknotes which have been withheld as evidence will be returned to the applicant at the end of the investigation. The applicant may subsequently resubmit the banknotes to the NCB for exchange. Furthermore, it is appropriate to introduce an obligation for NCBs to withhold the presented banknotes, where they know or have sufficient reason to believe that the banknotes have been intentionally mutilated or damaged, in order to avoid the return of such banknotes into circulation or to prevent the applicant from presenting such banknotes to another NCB for exchange.

⁽¹⁾ OJ L 233, 31.8.2001, p. 55. Consolidated version published in OJ C 6, 9.1.2002.

⁽²⁾ OJ L 258, 5.10.1999, p. 32.

⁽³⁾ OJ L 181, 4.7.2001, p. 6.

- (4) It is deemed necessary to introduce a fee in order to allow NCBs to receive compensation for the labour-intensive analysis they perform. Therefore, it is appropriate to replace the existing Article 3(2)(e) of Decision ECB/2001/7 with an autonomous provision containing the conditions for the imposition of the fee. It is acknowledged that a distinction should be made between members of the general public and professional banknote handlers which have damaged euro banknotes by using anti-theft devices, and that only the latter should be charged, considering that the fee is deemed to be an appropriate means to encourage the proper handling of anti-theft devices by all professional banknote handlers.
- (5) A minimum number of euro banknotes, the exchange of which is not subject to a fee, should be determined in order to avoid insignificant charges for the exchange of only a few euro banknotes. In addition, euro banknotes which have been mutilated or damaged in bulk due to the use of anti-theft devices should be presented for exchange in sets of not less than 100 banknotes,

HAS ADOPTED THIS DECISION:

Article 1

Amendment to Article 3

Article 3 of Decision ECB/2001/7 is replaced by the following:

'Article 3

Exchange of mutilated or damaged euro banknotes

1. NCBs of participating Member States shall, upon request, and under the conditions laid down in paragraph 2, exchange mutilated or damaged legal tender euro banknotes in the following cases:

- (a) when more than 50 % of the banknote is presented;
- (b) when 50 % or less of the banknote is presented if the applicant proves that the missing parts have been destroyed.

2. The exchange of mutilated or damaged legal tender euro banknotes shall be granted under the following conditions:

- (a) identification of the applicant in cases of doubt as to the applicant's legal title to the banknotes and the authenticity of the banknotes;
- (b) written explanations of the kind of stain, contamination or impregnation when ink-stained, contaminated or impregnated banknotes are presented;
- (c) a written statement on the cause and kind of neutralisation when banknotes are submitted by professional banknote handlers, such as credit institutions as defined in Article 1(1)(a) of Directive 2000/12/EC of the European Parliament and of the Council of 20 March 2000 relating to the taking up and pursuit of the business of credit institutions (*), as amended by Directive 2000/28/EC (**) (hereinafter referred to as "credit institutions"), cash in transit companies and bureaux de change, if the banknotes have been discoloured by activated anti-theft devices.

3. Where NCBs know or have sufficient reason to believe that a criminal offence has been committed or that the banknotes have been intentionally mutilated or damaged, they shall refuse to exchange them.

Where NCBs know or have sufficient reason to believe that a criminal offence has been committed, they shall withhold against acknowledgement of receipt the mutilated or damaged banknotes as evidence to be presented to the competent authorities to initiate or to support an ongoing criminal investigation. Unless otherwise decided by the competent authorities, the banknotes shall be returned to the applicant at the end of the investigation and shall thereafter qualify for exchange. Where NCBs know or have sufficient reason to believe that the banknotes have been intentionally mutilated or damaged, they shall withhold the banknotes, in order to avoid the return of such banknotes into circulation or to prevent the applicant from presenting them to another NCB for exchange.

(*) OJ L 126, 26.5.2000, p. 1.

(**) OJ L 275, 27.10.2000, p. 37.'

Article 2

Introduction of Article 3a

The following Article 3a is inserted into Decision ECB/2001/7:

'Article 3a

Establishment of a fee for the exchange of mutilated or damaged euro banknotes

1. NCBs shall charge professional banknote handlers, such as credit institutions, cash in transit companies and bureaux de change, a fee when they request NCBs in accordance with Article 3(1) to exchange legal tender euro banknotes that have been mutilated or damaged by using anti-theft devices.
2. The fee shall amount to 10 cent per mutilated or damaged euro banknote.
3. The fee shall only be charged if at least 100 mutilated or damaged euro banknotes are exchanged. The fee shall be charged for all exchanged banknotes.
4. No fee shall be charged where euro banknotes have been mutilated or damaged in connection with attempted or committed robbery or theft.'

Article 3

Final provision

This Decision shall enter into force on 1 January 2002.

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

Done at Frankfurt am Main, 3 December 2001.

The President of the ECB

Willem F. DUISENBERG
