

English edition

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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1035/2001
of 22 May 2001
establishing a catch documentation scheme for *Dissostichus spp.***

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas:

- (1) The Convention on the Conservation of Antarctic Marine Living Resources, hereinafter called 'the Convention', was approved by Decision 81/691/EEC ⁽³⁾ and entered into force with regard to the Community on 21 May 1982.
- (2) The Convention provides a framework for regional cooperation on the conservation and management of Antarctic marine fauna and flora through the establishment of a Commission for the conservation of Antarctic marine living resources, hereinafter called 'CCAMLR', and the adoption of conservation measures which become binding on the Contracting Parties.
- (3) At its eighteenth Annual Meeting in November 1999, CCAMLR adopted conservation measure 170/XVIII establishing a catch documentation scheme for *Dissostichus spp.*
- (4) The introduction of a catch documentation scheme for *Dissostichus spp.* is intended to improve monitoring of international trade in the species and to identify the origins of all *Dissostichus spp.* imported from or exported to the territories of the CCAMLR Contracting Parties.
- (5) The catch document should also make it possible to determine whether *Dissostichus spp.* has been harvested in the Convention area in a manner consistent with the CCAMLR conservation measures and to collect catch data in order to facilitate the scientific evaluation of stocks.

- (6) Conservation measure 170/XVIII became binding on all Contracting Parties on 9 May 2000. The Community should therefore implement it.
- (7) In order to enable CCAMLR to achieve its objective of conserving the species, the obligation to present a catch document should be applied in respect of all imports of *Dissostichus spp.*
- (8) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

CHAPTER I

General provisions

Article 1

Purpose

This Regulation lays down the general rules and conditions governing the implementation by the Community of the Catch Documentation Scheme for *Dissostichus spp.* adopted by CCAMLR.

Article 2

Scope

This Regulation shall apply to:

- (a) all *Dissostichus spp.* landed or transhipped by Community fishing vessels;
- (b) all *Dissostichus spp.* imported into or exported or re-exported from the Community.

⁽¹⁾ OJ C 337 E, 28.11.2000, p. 103.

⁽²⁾ Opinion delivered 28 February 2001 (not yet published in the Official Journal).

⁽³⁾ OJ L 252, 5.9.1981, p. 26.

⁽⁴⁾ OJ L 184, 17.7.1999, p. 23.

Article 3

Definitions

For the purposes of this Regulation:

- (a) '*Dissostichus spp.*': means fish of the species *Dissostichus eleginoides* and *Dissostichus mawsoni*;
- (b) 'Catch document': means a document containing the information specified in Annex I and presented in accordance with the specimen shown in Annex II;
- (c) 'CCAMLR area': means the area of application defined in Article I of the Convention.

CHAPTER II

Obligations of the Flag State

Article 4

Member States shall take all necessary measures to ensure that whenever *Dissostichus spp.* is landed or transhipped, their flag vessels authorised to engage in harvesting *Dissostichus spp.* have duly completed a catch document.

Article 5

Member States shall take all necessary measures to ensure that each transhipment of *Dissostichus spp.* to their flag vessels is accompanied by a duly completed catch document.

Article 6

Member States shall provide catch document forms to each of their flag vessels authorised to harvest *Dissostichus spp.* and only to those vessels.

Article 7

Member States shall ensure that each catch document form that they issue includes a specific identification number as indicated in Annex I.

They shall also enter on each catch document form the number of the fishing licence or permit authorising to fish *Dissostichus spp.* they have issued to their flag vessel.

CHAPTER III

Obligations of the master

Article 8

1. The master of a Community fishing vessel shall ensure that each landing or transhipment of *Dissostichus spp.* to or from his vessel is accompanied by a duly completed catch document.

2. The master of a Community fishing vessel that has received one or more catch document forms shall follow the

following procedures prior to each landing or transhipment of *Dissostichus spp.*:

- (a) he shall ensure that all the mandatory information listed in Annex I is accurately recorded on the catch document;
- (b) if a landing or transhipment includes catch of both *Dissostichus* species, the master shall record on the catch document the estimated total weight of the catch to be landed or transhipped and indicate the estimated weight of each species;
- (c) if a landing or transhipment includes catch of both *Dissostichus* species taken from different subareas and/or statistical divisions, the master shall record on the catch document the estimated weight of each species taken from each subarea and/or statistical division;
- (d) the master shall convey to the Flag Member State of the vessel, by the most rapid electronic means available, the catch document number, the dates within which the catch was taken, the species, the processing type or types, the estimated weight to be landed and the area or areas of the catch, the date of landing or transhipment and the port and country of landing or vessel of transhipment and shall request from the Flag Member State a confirmation number.

The implementing rules for this point may be adopted by the Commission in accordance with the procedure laid down in Article 25(2).

Article 9

Upon confirmation by the Flag Member State that the catch to be landed or transhipped corresponds to the vessel's authorisation to fish, it shall convey a confirmation number to the master by the most rapid electronic means. The master shall enter the confirmation number on the catch document.

The implementing rules for this Article may be adopted by the Commission in accordance with the procedure laid down in Article 25(2).

Article 10

1. Immediately after each landing or transhipment of *Dissostichus spp.* the master of a Community fishing vessel or his authorised representative who has received one or more catch document forms shall:

- (a) in the case of a transhipment, obtain the signature on the catch document of the master of the vessel to which the catch is transhipped;
- (b) in the case of a landing, obtain on the catch document
 - a signed and stamped validation of an official agent at the port of landing or free trade zone, and
 - the signature of the person who receives the catch at the port of landing or free trade zone.

2. In the event of the catch being divided upon landing, the said master or his authorised representative shall present a copy of the catch document to each person who receives a part of the catch at the port of landing or free trade zone. The master or his authorised representative shall record on the copy of the catch document the amount and origin of the catch received by that person and obtain their signature.

The information about the catch mentioned in this paragraph may be amended to apply CCAMLR conservation measures which become obligatory for the Community, in accordance with the procedure laid down in Article 25(3).

3. The said master or his authorised representative shall immediately sign and convey by the most rapid electronic means available a copy or, if the catch landed was divided, copies of the signed catch documents to the Flag Member State of the vessel. He shall also provide a copy of the signed document to each person who receives a part of the catch.

The implementing rules for this paragraph may be adopted by the Commission in accordance with the procedure laid down in Article 25(2).

Article 11

The master of the Community fishing vessel or his authorised representative shall retain the original signed catch document or documents and return them to the Flag Member State no later than one month after the end of the fishing season.

The implementing rules for this Article may be adopted by the Commission in accordance with the procedure laid down in Article 25(2).

Article 12

1. The master or his authorised representative of a Community fishing vessel to which catch has been transhipped shall, immediately after landing *Dissostichus spp.*, obtain on the catch document received from the transhipping vessels :

- a signed and stamped validation of an official agent at the port of landing or free trade zone and
- the signature of the person who receives the catch at the port of landing or free trade zone.

2. In the event of the catch being divided upon landing, the master or his authorised representative shall present a copy of the catch document to each person who receives a part of the catch at the port of landing or free trade zone. The master or his authorised representative shall record on the copy of the catch document the amount and origin of the catch received by that person and obtain his signature.

The information about the catch mentioned in this paragraph may be amended to apply CCAMLR conservation measures which become obligatory for the Community, in accordance with the procedure laid down in Article 25(3).

3. The said master or his authorised representative shall immediately sign and convey by the most rapid electronic means available a copy or, if the catch landed was divided, copies of the signed and stamped catch document to the Flag States that issued those catch documents. He shall provide a

signed copy of the relevant document or documents to each person who receives a part of the catch.

The implementing rules for this paragraph may be adopted by the Commission in accordance with the procedure laid down in Article 25(2).

CHAPTER IV

Obligations of Member States in the event of the landing, importation, exportation or re-exportation of *Dissostichus spp.*

Article 13

Member States shall take the measures necessary to identify the origin of all *Dissostichus spp.* imported into or exported from their territory and to determine whether the *Dissostichus spp.* harvested in the Convention area was caught in a manner consistent with the CCAMLR conservation measures.

Article 14

Member States shall take all necessary measures to ensure that each landing of *Dissostichus spp.* at their ports is accompanied by a duly completed catch document.

Article 15

1. Member States shall take all necessary measures to ensure that each shipment of *Dissostichus spp.* imported into their territory is accompanied by the export-validated or re-export-validated catch document or documents corresponding to the total amount of *Dissostichus spp.* contained in the shipment.

2. Member States shall ensure that their customs authorities or other competent official agents request and examine the import documentation of each shipment of *Dissostichus spp.* imported into their territory in order to verify that it includes the export-validated or re-export-validated catch document or documents corresponding to the total amount of *Dissostichus spp.* contained in the shipment. These agents may also examine the content of any shipment in order to verify the information contained in the catch document or documents.

3. An export-validated *Dissostichus spp.* catch document is one that:

- (a) includes all the information specified in Annex I and all the necessary signatures; and
- (b) includes a certificate signed and stamped by an official agent of the exporting State, attesting to the accuracy of the information contained in the document.

Article 16

Member States shall take all necessary measures to ensure that each shipment of *Dissostichus spp.* re-exported from their territory is accompanied by the re-export-validated catch document or documents corresponding to the total amount of *Dissostichus spp.* contained in the shipment.

A re-export-validated catch document shall follow the specimen shown in Annex III and contain the information specified in Article 19.

CHAPTER V

Obligations of importers and exporters*Article 17*

The importation of *Dissostichus spp.* is prohibited if the batch concerned is not accompanied by a catch document.

Article 18

1. For each shipment of *Dissostichus spp.* to be exported from the Member State of landing, the exporter shall enter on each catch document:

- (a) the amount of each species of *Dissostichus spp.* contained in the shipment declared on the document;
- (b) the name and address of the importer of the shipment and the place of importation;
- (c) his name and address.

After signing each catch document, he shall obtain a signed and stamped validation of the catch document by the competent authority of the exporting Member State.

2. The information mentioned in this paragraph may be amended to apply CCAMLR conservation measures which become obligatory for the Community, in accordance with the procedure laid down in Article 25(3).

Article 19

1. In the event of re-exportation, the re-exporter shall supply details of:

- (a) the net weight of products of all species to be re-exported, together with the catch document number to which each species and product relates;
- (b) the name and address of the importer of the shipment, the place of importation and the name and address of the exporter.

He shall then obtain a signed and stamped validation of all the details by the competent authority in the re-exporting Member State.

2. The information about the catch mentioned in paragraph 1 may be amended to apply CCAMLR conservation measures which become obligatory for the Community, in accordance with the procedure laid down in Article 25(3).

CHAPTER VI

Transmission of data*Article 20*

The Flag Member State shall convey immediately to the CCAMLR Secretariat, by the most rapid electronic means available, and with a copy to the Commission, the copies referred to in Articles 10 and 12.

Member States shall immediately transmit to the Secretariat by the most rapid electronic means, and with a copy to the Commission, a copy of the export validated or re-export-validated catch documents so that they may be made available next working day to all Contracting Parties.

Article 21

Member States shall notify the Commission, which shall inform the CCAMLR Secretariat, of the name of the national authority or authorities (giving names, addresses, and telephone and fax numbers and e-mail addresses) responsible for issuing and validating catch documents.

Article 22

Member States shall report annually by 15 September at the latest to the Commission, for forwarding to the CCAMLR Secretariat, data drawn from the catch documents on the origin and amount of *Dissostichus spp.* imported into or exported from their territory.

CHAPTER VII

Final provisions*Article 23*

Annexes I, II and III may be amended to apply CCAMLR conservation measures which become obligatory for the Community, in accordance with the procedure laid down in Article 25(3).

Article 24

The measures necessary for the implementation of Article 8(2)(d), Article 9, Article 10(3), Article 11 and Article 12(3) shall be adopted in accordance with the management procedure referred to in Article 25(2).

The measures to be taken pursuant to Article 10(2), Article 12(2), Article 18(2), Article 19(2) and Article 23 shall be adopted in accordance with the procedure referred to in Article 25(3).

Article 25

1. The Commission shall be assisted by the Committee set up under Article 17 of Regulation (EEC) No 3760/92⁽¹⁾.
2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.
3. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.
4. The period referred to in Article 4(3) and Article 5(6) of Decision 1999/468/EC shall be set at three months.

⁽¹⁾ OJ L 389, 31.12.1992, p. 1.

Article 26

This Regulation shall enter into force on the twentieth day following that 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, 22 May 2001.

For the Council

The President

M. WINBERG

ANNEX I

DISSOSTICHUS CATCH DOCUMENT

The catch document will include the following information:

1. A specific identification number, consisting of:
 - (i) a four-digit number consisting of the two-digit International Standards Organisation (ISO) country code, followed by the last two digits of the year for which the document is issued;
 - (ii) three-digit sequence number (beginning with 001) to denote the order in which the document catch forms are issued.
 2. The following information:
 - (i) the name, address, telephone and fax number of the authority which issued the document catch form;
 - (ii) the name, home port, national registry number and call sign of the vessel and, if applicable, its IMO/Lloyd's registration number;
 - (iii) the number of the licence or permit issued to the vessel, as applicable;
 - (iv) the weight of each *Dissostichus* species landed or transhipped by product type, and
 - (a) by CCAMLR statistical subarea or division if caught in the Convention area; and/or
 - (b) by the Food and Agriculture Organisation of the United Nations (FAO) statistical area, subarea or division if caught outside the Convention area;
 - (v) the dates within which the catch was taken;
 - (vi) in the case of landing, the date and the port at which the catch was landed; or in the case of transhipment, the date and the name of the vessel, its flag and national registry number (for Community vessels, the internal registration number in the fleet register allocated to the vessel in accordance with Article 5 of Commission Regulation (EC) No 2090/98 of 30 September 1998 concerning the fishing vessel register of the Community), and
 - (vii) the name, address, telephone and fax numbers of the receiver or receivers of the catch and the amount of each species and product type received.
-

ANNEX II

SPECIMEN DISSOSTICHUS-CATCH DOCUMENT

DISSOSTICHUS- CATCH CERTIFICATE						V1.2
Document Number		Flag State confirmation number				
PRODUCTION SECTION 1. Issuing authority Name _____ Address _____ Tel.No: _____ Fax No: _____						
2. Name of fishing vessel		Home port and registry number		Call sign	IMO/Lloyd's number (if applicable)	
3. Licence number (if issued)			4. Fishing dates for catch under this amount From: _____ To: _____			
5. Date of landing/transhipment						
6. Description of fish (landed/transhipped)						
Species	Type	Estimated weight to be landed (kg)	Area caught	Verified landed weight (kg)	Net weight sold (kg)	7. Name, address, tel. and fax number Name of receiver: Signature: Address: Tel. No: Fax No:
Species: TOP <i>Dissostichus eleginoides</i> , TOA <i>Dissostichus mawsoni</i> Type: WHO whole; HAG headed and gutted; HAT headed and tailed; FLT fillets; HGT headed, gutted and tailed; OTH other (give details)						
8. Information on landings/transhipments: I certify that the above information is complete, true and correct to the best of my knowledge, and that any <i>Dissostichus</i> spp. harvested in the Convention area was caught/not caught * in a manner consistent with CCAMLR conservation measures. Master of fishing vessel or Authorised Representative _____ Signature _____ Landing/transhipment Port and country/area _____						
9. Certificate of Transhipment: I certify that the above information is complete, true and correct to the best of my knowledge. Master of receiving vessel _____ Signature _____ Name of vessel _____ Registry No _____						
10. Certificate of Landing and/or Transhipment within a Port Area: I certify that the above landing information is complete, true and correct to the best of my knowledge. Name _____ Authority _____ Signature _____ Address _____ Tel. No: _____ Seal (Stamp) _____ Fax No: _____						

11. EXPORTATION			12. Declaration by exporter: I certify that the above information is complete, true and correct to the best of my knowledge.			
Description of fish						
Species	Type of product	Net weight (kg)	Name	Address	Signature	Export licence (if issued)
			13. Export Government Authority Validation: I certify that the above information is complete, true and accurate to the best of my knowledge.			
			Name/Title	Signature	Date	Seal (Stamp)
14 IMPORTATION						
Name of importer			Address			
Point of Unloading:			City	State/Province	Country	
(*) Delete as appropriate.						

COUNCIL REGULATION (EC) No 1036/2001

of 22 May 2001

prohibiting imports of Atlantic bigeye tuna (*Thunnus obesus*) originating in Belize, Cambodia, Equatorial Guinea, Saint Vincent and the Grenadines and Honduras

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Fishery resources, which are an exhaustible natural resource, must be protected in the interests of biological balances and global food security.
- (2) In 1998 the International Commission for the Conservation of Atlantic Tuna (ICCAT), to which the European Community is a Contracting Party, adopted Resolution 98-18 concerning the unreported and unregulated catches of tuna by large-scale longline vessels in the Convention area.
- (3) The stock concerned cannot be managed effectively by the ICCAT Contracting Parties, whose fishermen are obliged to reduce their catches of Atlantic tuna, unless all non-Contracting Parties cooperate with ICCAT and comply with its conservation and management measures.
- (4) ICCAT has identified Belize, Cambodia, Equatorial Guinea, Saint Vincent and the Grenadines and Honduras as countries whose vessels fish Atlantic bigeye tuna in a manner which diminishes the effectiveness of the organisation's tuna conservation measures, substantiating its findings with data concerning catches, trade and the observation of vessels.
- (5) ICCAT's attempts to encourage five of the six States mentioned to comply with measures for the conservation and management of Atlantic swordfish have been to no avail. Honduras has been given extra time to prove that it is complying with conservation and management measures. In consequence, the result of the country's measures will be reviewed at the 2001 annual meeting.
- (6) ICCAT has recommended the Contracting Parties to take appropriate measures to prohibit imports of Atlantic bigeye tuna products originating in Belize, Cambodia, Equatorial Guinea, Saint Vincent and the Grenadines and Honduras. These measures will be lifted as soon as it is established that the countries in question have brought their fishing practices into line with ICCAT's measures. These measures must be implemented by the Community, which has sole competence in this matter.
- (7) In the case of Atlantic bigeye tuna products originating in Honduras, ICCAT's prohibition will enter into force on 1 January 2002, unless the country can provide

documentary proof at ICCAT's 2001 meeting that its fishing activities have been brought into line with ICCAT's management and conservation measures.

- (8) These measures are compatible with the Community's obligations under other international agreements,

HAS ADOPTED THIS REGULATION:

Article 1

1. The release for free circulation in the Community of Atlantic bigeye tuna (*Thunnus obesus*) of CN codes ex 0301 99 90, ex 0302 39 19, ex 0302 39 99, ex 0303 49 41, ex 0303 49 43, ex 0303 49 49, ex 0303 49 90, ex 0304 10 38, ex 0304 10 98, ex 0304 20 45, ex 0304 90 97, ex 0305 20 00, ex 0305 30 90, ex 0305 49 80, ex 0305 59 90, ex 0305 69 90, ex 1604 14 11, ex 1604 14 16, ex 1604 14 18 and ex 1604 20 70 originating in Belize, Cambodia, Equatorial Guinea and Saint Vincent and the Grenadines is hereby prohibited.

2. The landing of the products referred to in paragraph 1 for the purposes of Community transit is hereby prohibited.

Article 2

This Regulation shall not apply to quantities of the products referred to in Article 1(1) which can be shown to the satisfaction of the competent national authorities to have been en route to Community territory on the date of its entry into force and which are released for free circulation no later than fourteen days after that date.

Article 3

Articles 1 and 2 shall apply to Atlantic bigeye tuna (*Thunnus obesus*) of CN codes ex 0301 99 90, ex 0302 39 19, ex 0302 39 99, ex 0303 49 41, ex 0303 49 43, ex 0303 49 49, ex 0303 49 90, ex 0304 10 38, ex 0304 10 98, ex 0304 20 45, ex 0304 90 97, ex 0305 20 00, ex 0305 30 90, ex 0305 49 80, ex 0305 59 90, ex 0305 69 90, ex 1604 14 11, ex 1604 14 16, ex 1604 14 18 and ex 1604 20 70 originating in Honduras.

Article 4

This Regulation shall enter into force on 1 July 2001.

Article 3 shall apply from 1 January 2002.

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

Done at Brussels, 22 May 2001.

For the Council

The President

M. WINBERG

**COUNCIL REGULATION (EC) No 1037/2001
of 22 May 2001**

authorising the offer and delivery for direct human consumption of certain imported wines which may have undergone oenological processes not provided for in Regulation (EC) No 1493/1999

THE COUNCIL OF THE EUROPEAN UNION,

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⁾, and in particular Article 45(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Article 45(2) of Regulation (EC) No 1493/1999, which replaced Regulation (EEC) No 822/87 ⁽²⁾, with effect from 1 August 2000, lays down that the derogations referred to in paragraph 1 for imported products are to be adopted in accordance with the procedure laid down in Article 133 of the Treaty.
- (2) Article 68(1) of Regulation (EC) No 1493/1999 lays down that the products referred to in Article 1(2)(a) and (b) of that Regulation may be imported only if they are accompanied by a certificate to the effect that they comply with the provisions governing production, marketing and, where appropriate, delivery for direct human consumption in the third countries in which they originate.
- (3) Regulation (EEC) No 1873/84 ⁽³⁾ provides for a derogation authorising the import into the Community of United States wines which have undergone certain oenological processes not provided for by Community rules. For certain oenological processes, this authorisation is only valid until 31 December 2003 at the latest.
- (4) Article 81 of Regulation (EC) No 1493/1999 repealed, with effect from 1 August 2000, a number of Council Regulations including Regulation (EEC) No 1873/84. However, Commission Regulation (EC) No 1608/2000 of 24 July 2000 laying down transitional measures pending the definitive measures implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine ⁽⁴⁾ provides that certain provisions of Regulation (EEC) No 1873/84 are to remain in force until the adoption of this Regulation by the Council, but not later than 31 December 2003.

- (5) Negotiations are currently underway between the Community, represented by the Commission, and the United States of America with a view to concluding an agreement on trade in wine. These involve in particular the respective oenological processes of both parties, as well as the protection of geographical indications. At its meeting on 23 October 2000, the Agriculture Council took note of the Commission's report on the negotiations provided for in the second subparagraph of Article 1(1) of Regulation (EEC) No 1873/84 and confirmed its wish to make headway in the negotiations and to set out the approach to be followed in them.
- (6) With a view to ensuring the smooth progress of these negotiations, the provisions of Regulation (EEC) No 1873/84 should be extended and the United States oenological processes referred to in 1(b) of the Annex to Regulation (EEC) No 1873/84 should continue to be authorised on a transitional basis until the entry into force of the agreement resulting from the negotiations, but not later than 31 December 2003, as agreed by the Council in Regulation (EC) No 2839/98, amending Regulation (EEC) No 1873/84.
- (7) In view of developments in the regulatory framework and in oenological processes, technical aspects of the Annex should be updated to make it consistent with the current rules in force in this area,

HAS ADOPTED THIS REGULATION:

Article 1

1. Notwithstanding Article 45(1) of Regulation (EEC) No 1493/1999, it shall be permitted to offer or deliver for direct human consumption in the Community products falling within CN codes 2204 10, 2204 21, 2204 29 and 2204 30 10 and derived from grapes harvested and vinified on the territory of the United States of America for which, in accordance with United States provisions, one or more of the oenological processes listed in 1(a) and (b) of the Annex to this Regulation may have been used during manufacturing or storage operations.

However, this authorisation shall be valid, as regards use of the oenological processes listed in 1(b) of the Annex, only until the entry into force of the agreement resulting from the nego-

⁽¹⁾ OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Regulation (EC) No 2826/2000 (OJ L 328, 23.12.2000, p. 2).

⁽²⁾ OJ L 84, 27.3.1987, p. 1.

⁽³⁾ OJ L 176, 3.7.1984, p. 6. Regulation as last amended by Regulation (EC) No 2839/1998 (OJ L 354, 30.12.1998, p. 12).

⁽⁴⁾ OJ L 185, 25.7.2000, p. 24. Regulation as last amended by Regulation (EC) No 491/2001 (OJ L 71, 13.3.2001, p. 3).

tiations with the United States of America with a view to concluding an agreement on trade in wine concerning, in particular, oenological processes and the protection of geographical indications, but not later than 31 December 2003.

2. Member States may not prohibit the offer or delivery for direct human consumption of wine derived from grapes harvested and vinified on the territory of the United States of America in accordance with the provisions in force in that country on the grounds that one or more of the oenological

processes listed in 2(a) and (b) of the Annex may have been used.

3. Wines derived from grapes harvested and vinified on the territory of the United States of America which have been the subject of the addition of sugar in aqueous solution may not be offered or delivered for direct human consumption in the Community.

Article 2

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

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

Done at Brussels, 22 May 2001.

For the Council

The President

M. WINBERG

ANNEX

1. Oenological processes permitted

(a) *without any time limit:*

- catalase derived from *Aspergillus niger*,
- glucose oxydase derived from *Aspergillus niger*,
- ferrous sulphate,
- soya flour;

(b) *until 31 December 2003 at the latest:*

- dimethylpolysiloxane,
- polyoxyethylene-40-monostearate,
- sorbitan monostearate,
- fumaric acid,
- ion-exchange resins,
- lactic acid,
- malic acid.

2. Oenological processes which are identical to, or comparable with, those permitted in the Community

(a) *oenological processes which are identical:*

- acacia (gum arabic),
- activated carbon,
- animal albumen (including ovalbumin powder and ovalbumin solution),
- ammonium phosphate (dibasic),
- ascorbic acid,
- bentonite (Wyoming clay),
- bentonite slurry,
- carbon dioxide,
- casein,
- citric acid,
- compressed air (aeration),
- copper sulphate,
- diatomaceous earth,
- enzymes: pectolytic, derived from *Aspergillus niger*,
- edible gelatin,
- gelatin slurry,
- isinglass,
- nitrogen,
- potassium bitartrate,
- potassium caseinate,
- potassium disulphite,
- potassium sorbate,
- silica gel (colloidal silicon dioxide — 30 %),
- sorbic acid,
- tannin,
- tartaric acid,

-
- calcium carbonate, possibly containing small quantities of double calcium salt of tartaric L (+) and malic L (-) acid,
 - calcium sulphate, for the manufacture of liqueur wines,
 - polyvinylpyrrolidone (PVPP),
 - oxygen;
- (b) *oenological processes which are comparable:*
- agar agar,
 - ammonium carbonate,
 - ammonium phosphate (monobasic),
 - granular cork,
 - milk powder,
 - oak chips and sawdust, uncharred and not treated,
 - potassium carbonate,
 - carageenan,
 - cellulase derived from *Aspergillus niger*,
 - cellulose,
 - autolyzer yeast,
 - substances composed of potassium ferrocyanide and aqueous ferrous sulphate, possibly combined with copper sulphate and activated carbon.
-

COUNCIL REGULATION (EC) No 1038/2001**of 22 May 2001****amending Regulation (EC) No 1251/1999 establishing a support system for producers of certain arable crops**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 36 and 37 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,Having regard to the opinion of the European Parliament ⁽²⁾,Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas:

- (1) Regulation (EC) No 1251/1999 ⁽⁴⁾ provides that producers must set aside a predetermined percentage of their land to qualify for area payments and the areas set aside may also be used for non-food purposes.
- (2) Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs ⁽⁵⁾ lays down special rules for the development of organic farming and in particular the limited use of fertilisers.
- (3) Growing fodder legumes is an agronomic practice that restores the soil's fertility in a natural way; the extension of such crops is therefore important for developing organic production of agricultural products.
- (4) To encourage the development of organic production methods, the use of land set aside under the support scheme for arable crops in order to grow fodder legumes on agricultural holdings taking part for the totality of the production in the scheme provided for in Regulation (EEC) No 2092/91 should be authorised,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1251/1999 is hereby amended as follows:

1. the first subparagraph of Article 6(3) shall be replaced by the following:
'3. The land set aside may be used for:
 - producing materials for the manufacture within the Community of products not directly intended for human or animal consumption, provided that effective controls are applied;
 - growing legume crops on a agricultural holding, managed for the totality of its production, in compliance with the obligations laid down in Regulation (EEC) No 2092/91.;
2. the ninth indent of the first paragraph of Article 9 shall be replaced by the following:
'— those relating to set-aside, and in particular those relating to Article 6(3); these conditions shall define the fodder legumes that may be grown on land set aside and, with regard to the first indent of the first subparagraph of that paragraph, may include the growing of crops without compensation;'

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply from the 2001/02 marketing year.

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

Done at Brussels, 22 May 2001.

*For the Council**The President*

M. WINBERG

⁽¹⁾ Proposal of 6.2.2001 (not yet published in the Official Journal).

⁽²⁾ Opinion delivered 5.4.2001 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered 25.4.2001 (not yet published in the Official Journal).

⁽⁴⁾ OJ L 160, 26.6.1999, p. 1. Regulation as last amended by Regulation (EC) No 1672/2000 (OJ L 193, 29.7.2000, p. 13).

⁽⁵⁾ OJ L 198, 22.7.1991, p. 1. Regulation as last amended by Commission Regulation (EC) No 2020/2000 (OJ L 241, 26.9.2000, p. 39).

COMMISSION REGULATION (EC) No 1039/2001
of 30 May 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 31 May 2001.

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

Done at Brussels, 30 May 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 30 May 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	73,0
	999	73,0
0707 00 05	052	67,4
	628	114,2
	999	90,8
0709 90 70	052	84,7
	999	84,7
0805 10 10, 0805 10 30, 0805 10 50	052	53,7
	204	56,7
	220	60,8
	388	77,3
	600	65,4
	624	55,7
	999	61,6
0805 30 10	388	59,7
	999	59,7
0808 10 20, 0808 10 50, 0808 10 90	388	94,4
	400	98,8
	508	78,2
	512	93,7
	528	81,9
	804	93,9
	999	90,1
0809 20 95	052	409,0
	400	302,8
	608	244,3
	999	318,7

⁽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 1040/2001**of 30 May 2001****fixing the maximum export refund for white sugar for the 41st partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1531/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 1527/2000 ⁽²⁾, and in particular the second subparagraph of Article 18(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1531/2000 of 13 July 2000 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽³⁾, requires partial invitations to tender to be issued for the export of this sugar.
- (2) Pursuant to Article 9(1) of Regulation (EC) No 1531/2000 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community

and world markets in sugar, for the partial invitation to tender in question.

- (3) Following an examination of the tenders submitted in response to the 41st partial invitation to tender, the provisions set out in Article 1 should be adopted.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

For the 41st partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1531/2000 the maximum amount of the export refund is fixed at 40,501 EUR/100 kg.

Article 2

This Regulation shall enter into force on 31 May 2001.

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

Done at Brussels, 30 May 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 175, 14.7.2000, p. 69.

**COMMISSION REGULATION (EC) No 1041/2001
of 30 May 2001**

fixing the representative prices and the additional import duties for molasses 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 2038/1999 of 13 September 1999 on the common organisation of the market in sugar ⁽¹⁾, as amended by Commission Regulation 1527/2000 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68 ⁽³⁾, and in particular Articles 1(2) and 3(1) thereof,

Whereas:

- (1) Regulation (EC) No 1422/95 stipulates that the cif import price for molasses, hereinafter referred to as the 'representative price', should be set in accordance with Commission Regulation (EEC) No 785/68 ⁽⁴⁾. That price should be fixed for the standard quality defined in Article 1 of the above Regulation.
- (2) The representative price for molasses is calculated at the frontier crossing point into the Community, in this case Amsterdam; that price must be based on the most favourable purchasing opportunities on the world market established on the basis of the quotations or prices on that market adjusted for any deviations from the standard quality. The standard quality for molasses is defined in Regulation (EEC) No 785/68.
- (3) When the most favourable purchasing opportunities on the world market are being established, account must be taken of all available information on offers on the world market, on the prices recorded on important third-country markets and on sales concluded in international trade of which the Commission is aware, either directly or through the Member States. Under Article 7 of Regulation (EEC) No 785/68, the Commission may for this purpose take an average of several prices as a basis, provided that this average is representative of actual market trends.
- (4) The information must be disregarded if the goods concerned are not of sound and fair marketable quality or if the price quoted in the offer relates only to a small

quantity that is not representative of the market. Offer prices which can be regarded as not representative of actual market trends must also be disregarded.

- (5) If information on molasses of the standard quality is to be comparable, prices must, depending on the quality of the molasses offered, be increased or reduced in the light of the results achieved by applying Article 6 of Regulation (EEC) No 785/68.
- (6) A representative price may be left unchanged by way of exception for a limited period if the offer price which served as a basis for the previous calculation of the representative price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the representative price.
- (7) Where there is a difference between the trigger price for the product in question and the representative price, additional import duties should be fixed under the conditions set out in Article 3 of Regulation (EC) No 1422/95. Should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed.
- (8) Application of these provisions will have the effect of fixing the representative prices and the additional import duties for the products in question as set out in the Annex to this Regulation.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 31 May 2001.

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 141, 24.6.1995, p. 12.

⁽⁴⁾ OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 30 May 2001.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 30 May 2001 fixing the representative prices and additional import duties to imports of molasses in the sugar sector

(in EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	10,06	—	0
1703 90 00 ⁽¹⁾	12,98	—	0

⁽¹⁾ For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

⁽²⁾ This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

COMMISSION REGULATION (EC) No 1042/2001**of 30 May 2001****fixing the export refunds on white sugar and raw sugar exported in its unaltered state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 1527/2000 ⁽²⁾, and in particular point (a) of the second subparagraph of Article 18(5) thereof,

Whereas:

- (1) Article 18 of Regulation (EC) No 2038/1999 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(a) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EC) No 2038/1999 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 19 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account.
- (3) The refund on raw sugar must be fixed in respect of the standard quality; the latter is defined in Article 1 of Council Regulation (EC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar ⁽³⁾, as amended by Regulation (EC) No 3290/94 ⁽⁴⁾; furthermore, this refund should be fixed in accordance with Article 19(4) of Regulation (EC) No 2038/1999; candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995

laying down detailed rules of application for the grant of export refunds in the sugar sector ⁽⁵⁾; the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for sugar according to destination.
- (5) In special cases, the amount of the refund may be fixed by other legal instruments.
- (6) The refund must be fixed every two weeks; whereas it may be altered in the intervening period.
- (7) It follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should be as set out in the Annex hereto.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 2038/1999, undenatured and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 31 May 2001.

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

Done at Brussels, 30 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 89, 10.4.1968, p. 3.

⁽⁴⁾ OJ L 349, 31.12.1994, p. 105.

⁽⁵⁾ OJ L 214, 8.9.1995, p. 16.

ANNEX

to the Commission Regulation of 30 May 2001 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	A00	EUR/100 kg	34,67 ⁽¹⁾
1701 11 90 9910	A00	EUR/100 kg	34,16 ⁽¹⁾
1701 11 90 9950	A00	EUR/100 kg	⁽²⁾
1701 12 90 9100	A00	EUR/100 kg	34,67 ⁽¹⁾
1701 12 90 9910	A00	EUR/100 kg	34,16 ⁽¹⁾
1701 12 90 9950	A00	EUR/100 kg	⁽²⁾
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,3769
1701 99 10 9100	A00	EUR/100 kg	37,69
1701 99 10 9910	A00	EUR/100 kg	37,30
1701 99 10 9950	A00	EUR/100 kg	37,30
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,3769

⁽¹⁾ Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 19 (4) of Regulation (EC) No 2038/1999.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ L 255, 26.9.1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ L 309, 21.11.1985, p. 14).

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

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

**COMMISSION REGULATION (EC) No 1043/2001
of 30 May 2001**

amending Regulations (EC) No 1431/94, (EC) No 1474/95, (EC) No 1866/95, (EC) No 1251/96, (EC) No 2497/96, (EC) No 1899/97, (EC) No 1396/98 and (EC) No 704/1999 laying down detailed rules for the application in the poultrymeat and eggs sectors of certain Community tariff quotas

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EC) No 1516/96 ⁽²⁾, and in particular Article 3(2), Article 6(1) and Article 15 thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽³⁾, as last amended by Commission Regulation (EC) No 2916/95 ⁽⁴⁾, and in particular Article 15 thereof,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin ⁽⁵⁾, as last amended by Regulation (EC) No 2916/95, and in particular Article 2(1), Article 4(1) and Article 10 thereof,

Having regard to Council Regulation (EC) No 774/94 of 29 March 1994 opening and providing for the administration of certain Community tariff quotas for high-quality beef, and for pigmeat, poultrymeat, wheat and meslin, brans, sharps and other residues ⁽⁶⁾, as amended by Commission Regulation (EC) No 2198/95 ⁽⁷⁾, and in particular Article 7 thereof,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations ⁽⁸⁾ and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 1706/98 of 20 July 1998 concerning the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EEC) No 715/90 ⁽⁹⁾, and in particular Article 30(1) thereof,

Having regard to Council Regulation (EC) No 1349/2000 of 19 June 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and trans-

itional measure, of certain agricultural concessions provided for in the Europe Agreement with Estonia ⁽¹⁰⁾, as amended by Regulation (EC) No 2677/2000 ⁽¹¹⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 1727/2000 of 31 July 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Hungary ⁽¹²⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2290/2000 of 9 October 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with the Republic of Bulgaria ⁽¹³⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2341/2000 of 17 October 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Latvia ⁽¹⁴⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2433/2000 of 17 October 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with the Czech Republic ⁽¹⁵⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2434/2000 of 17 October 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with the Slovak Republic ⁽¹⁶⁾, and in particular Article 1(3) thereof,

⁽¹⁾ OJ L 282, 1.11.1975, p. 49.

⁽²⁾ OJ L 189, 30.7.1996, p. 99.

⁽³⁾ OJ L 282, 1.11.1975, p. 77.

⁽⁴⁾ OJ L 305, 19.12.1995, p. 49.

⁽⁵⁾ OJ L 282, 1.11.1975, p. 104.

⁽⁶⁾ OJ L 91, 8.4.1994, p. 1.

⁽⁷⁾ OJ L 221, 19.9.1995, p. 3.

⁽⁸⁾ OJ L 146, 20.6.1996, p. 1.

⁽⁹⁾ OJ L 215, 1.8.1998, p. 12.

⁽¹⁰⁾ OJ L 155, 28.6.2000, p. 1.

⁽¹¹⁾ OJ L 308, 8.12.2000, p. 7.

⁽¹²⁾ OJ L 198, 4.8.2000, p. 6.

⁽¹³⁾ OJ L 262, 17.10.2000, p. 1.

⁽¹⁴⁾ OJ L 271, 24.10.2000, p. 7.

⁽¹⁵⁾ OJ L 280, 4.11.2000, p. 1.

⁽¹⁶⁾ OJ L 280, 4.11.2000, p. 9.

Having regard to Council Regulation (EC) No 2435/2000 of 17 October 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Romania ⁽¹⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2475/2000 of 7 November 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Slovenia ⁽²⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2766/2000 of 14 December 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure of certain agricultural concessions provided for in the Europe Agreement with Lithuania ⁽³⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2851/2000 of 22 December 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with the Republic of Poland and repealing Regulation (EC) No 3066/95 ⁽⁴⁾, and in particular Article 1(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1431/94 ⁽⁵⁾, as last amended by Regulation (EC) No 2719/1999 ⁽⁶⁾, lays down detailed rules for the application in the poultrymeat sector of the import arrangements provided for in Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for poultrymeat and certain other agricultural products.
- (2) Commission Regulation (EC) No 1474/95 ⁽⁷⁾, as last amended by Regulation (EC) No 1356/2000 ⁽⁸⁾, opens and provides for the administration of the tariff quotas in the egg sector and for egg albumin resulting from the agreements concluded during the Uruguay Round of multilateral trade negotiations.
- (3) Commission Regulation (EC) No 1866/95 ⁽⁹⁾, as last amended by Regulation (EC) No 2807/2000 ⁽¹⁰⁾, lays down the procedures for applying in the poultrymeat sector the arrangements provided for in the Agreements

on free trade and trade-related matters between the Community, of the one part, and Estonia, Lithuania and Latvia, of the other part.

- (4) Commission Regulation (EC) No 1251/96 ⁽¹¹⁾, as last amended by Regulation (EC) No 1357/2000 ⁽¹²⁾, opens and provides for the administration of a tariff quota in the poultrymeat sector.
- (5) Commission Regulation (EC) No 2497/96 ⁽¹³⁾, as amended by Regulation (EC) No 1514/97 ⁽¹⁴⁾, lays down procedures for applying in the poultrymeat sector the arrangements provided for in the Association Agreement and the Interim Agreement between the European Community and the State of Israel.
- (6) Commission Regulation (EC) No 1899/97 ⁽¹⁵⁾, as last amended by Regulation (EC) No 2865/2000 ⁽¹⁶⁾, sets rules of application in the poultrymeat and egg sectors for the arrangements covered by Council Regulation (EC) No 3066/95 and repeals Regulations (EEC) No 2699/93 and (EC) No 1559/94.
- (7) Commission Regulation (EC) No 1396/98 ⁽¹⁷⁾ lays down procedures for applying in the poultrymeat sector Council Regulation (EC) No 779/98 on the import into the Community of agricultural products originating in Turkey, repeals Regulation (EEC) No 4115/86 and amends Regulation (EC) No 3010/95.
- (8) Commission Regulation (EC) No 704/1999 ⁽¹⁸⁾, lays down detailed rules for the application of the arrangements for imports of eggs and poultrymeat products originating in the African, Caribbean and Pacific States (ACP States) and repeals Regulation (EEC) No 903/90.
- (9) The validity of import licences should expire at the end of each quota year on 31 December or 30 June. In order to allow continuous trade under the import arrangements for eggs and poultrymeat and to ensure administrative efficiency, the period for the lodging of licences should be brought forward to the month preceding each quarter. To ensure sufficiently expeditious issuing of licences, the period within which applications can be lodged should be reduced from 10 days to 7 days.
- (10) In order to ensure proper management of the quantities under Commission Regulations (EC) No 1866/95, (EC) No 2497/96, (EC) No 1899/97 and (EC) No 1396/98, a final date for the validity of licences should be set at the end of each quota year.

⁽¹⁾ OJ L 280, 4.11.2000, p. 17.

⁽²⁾ OJ L 286, 11.11.2000, p. 15.

⁽³⁾ OJ L 321, 19.12.2000, p. 8.

⁽⁴⁾ OJ L 332, 28.12.2000, p. 7.

⁽⁵⁾ OJ L 156, 23.6.1994, p. 9.

⁽⁶⁾ OJ L 327, 21.12.1999, p. 48.

⁽⁷⁾ OJ L 145, 29.6.1995, p. 19.

⁽⁸⁾ OJ L 155, 28.6.2000, p. 36.

⁽⁹⁾ OJ L 179, 29.7.1995, p. 26.

⁽¹⁰⁾ OJ L 326, 22.12.2000, p. 10.

⁽¹¹⁾ OJ L 161, 29.6.1996, p. 136.

⁽¹²⁾ OJ L 155, 28.6.2000, p. 38.

⁽¹³⁾ OJ L 338, 28.12.1996, p. 48.

⁽¹⁴⁾ OJ L 204, 31.7.1997, p. 16.

⁽¹⁵⁾ OJ L 267, 30.9.1997, p. 67.

⁽¹⁶⁾ OJ L 333, 29.12.2000, p. 6.

⁽¹⁷⁾ OJ L 187, 1.7.1998, p. 41.

⁽¹⁸⁾ OJ L 89, 1.4.1999, p. 29.

- (11) To ensure sound administration of the import arrangements, the Commission should have at its disposal accurate information provided by the Member States on quantities actually imported. In the interests of clarity, a single model should be used by the Member States for notifying quantities to the Commission.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

(b) the following paragraph 7 is added to Article 4:

'7. Member States shall notify the Commission, before the end of the fourth month following each annual period specified in Annex I, of the total volume of products imported for each of the groups under this Regulation during that period.

All notifications, including "nil" ones, shall be made using the model in Annex IV to this Regulation.'

Article 3

HAS ADOPTED THIS REGULATION:

Regulations (EC) No 1474/95 and (EC) No 1251/96 are amended as follows:

Article 1

Regulations (EC) No 1866/95, (EC) No 2497/96, (EC) No 1899/97 and (EC) No 1396/98 are amended as follows:

(a) Article 4(1) is replaced by the following:

'1. Licence applications shall be lodged during the first seven days of the month preceding each period as specified in Article 2.;

(b) The following paragraph 8 is added to Article 4:

'8. Member States shall notify the Commission, before the end of the fourth month following each annual period specified in Annex I, of the total volume of products imported for each of the groups under this Regulation during that period.

All notifications, including "nil" ones, shall be made using the model in Annex IV to this Regulation.;

(c) The following is added to the first paragraph of Article 5:

'However, the validity of licences shall not extend beyond the end of the last period of the year referred to in Article 2 for which a licence has been issued.'

Article 2

Regulation (EC) No 1431/94 is amended as follows:

(a) Article 4(1) is replaced by the following:

'1. Licence applications shall be lodged during the first seven days of the month preceding each period as specified in Article 2.;

(a) Article 5(1) is replaced by the following:

'1. Licence applications shall be lodged during the first seven days of the month preceding each period as specified in Article 2.;

(b) the following paragraph 8 is added to Article 5:

'8. Member States shall notify the Commission, before the end of the fourth month following each annual period specified in Annex I, of the total volume of products imported for each of the groups under this Regulation during that period.

All notifications, including "nil" ones, shall be made using the model in Annex IV to this Regulation.'

Article 4

Regulation (EC) No 704/1999 is amended as follows:

(a) Article 4(4) is replaced by the following:

'4. Licence applications shall be lodged during the first seven days of the month preceding each period as specified in Article 3.;

(b) the following paragraph 9 is added to Article 4:

'9. Member States shall notify the Commission, before the end of the fourth month following each annual period specified in Annex I, of the total volume of products imported for each of the groups under this Regulation during that period.

All notifications, including "nil" ones, shall be made using the model in Annex IV to this Regulation.'

Article 5

The Annex to this Regulation is added as Annex IV to Regulations (EC) No 1431/94, (EC) No 1474/95, (EC) No 1866/95, (EC) No 1251/96, (EC) No 2497/96, (EC) No 1899/97, (EC) No 1396/98 and (EC) No 704/1999.

Article 6

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

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

Done at Brussels, 30 May 2001.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

'ANNEX IV

NOTIFICATION CONCERNING ACTUAL IMPORTS

Member State:

Application of Article of Regulation

Quantity of products (in kg) actually imported:

Send to: DG AGRI/D/2 — Fax No: (32-2) 296 62 79

Group No	Quantity actually imported	Country of origin'

**COMMISSION REGULATION (EC) No 1044/2001
of 30 May 2001**

determining the allocation of export licences for certain milk products to be exported to the Dominican Republic under the quota referred to in Article 20a of Regulation (EC) No 174/1999

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as amended by Regulation (EC) No 1670/2000 ⁽²⁾,

Having regard to Commission Regulation (EC) No 174/1999 of 26 January 1999 laying down detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 806/2001 ⁽⁴⁾, and in particular Article 20a(11) thereof,

Whereas:

Article 20a of Regulation (EC) No 174/1999 determines the procedure for allocating export licences for certain milk products to be exported to the Dominican Republic under a quota opened for that country. Applications submitted for the 2001/2002 quota year cover quantities greater than those available.

As a result, allocation coefficients should be set for the quantities applied for,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities covered by export licence applications for the products referred to in Article 20a(3) of Regulation (EC) No 174/1999 submitted for the period 1 July 2001 to 30 June 2002 shall be multiplied by the following allocation coefficients:

- 0,589048 for applications submitted for the part of the quota referred to in Article 20a(4)(a) of Regulation (EC) No 174/1999,
- 0,530177 for applications submitted for the part of the quota referred to in Article 20a(4)(b) of Regulation (EC) No 174/1999.

Article 2

This Regulation shall enter into force on 1 June 2001.

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

Done at Brussels, 30 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 20, 27.1.1999, p. 8.

⁽⁴⁾ OJ L 118, 27.4.2001, p. 4.

**COMMISSION REGULATION (EC) No 1045/2001
of 30 May 2001**

deferring the final date for sowing certain arable crops in certain regions in the 2001/02 marketing year and derogating from Regulation (EC) No 2316/1999 laying down detailed rules for the application of Council Regulation (EC) No 1251/1999 establishing a support system for producers of certain arable crops

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1251/1999 of 17 May 1999 establishing a support system for producers of certain arable crops ⁽¹⁾, as amended by Regulation (EC) No 1038/2001 ⁽²⁾, and in particular Article 9 thereof,

Whereas:

- (1) Article 8(2) of Regulation (EC) No 1251/1999 lays down that, to qualify for area payments for cereals, protein crops and linseed under the support system for certain arable crops, producers must have sown the seed at the latest by 31 May preceding the relevant harvest.
- (2) Because of particularly severe weather conditions this year, the final dates for sowing seeds fixed in several Member States cannot be complied with in all cases. Consequently, the final date for sowing arable crops for the 2001/02 marketing year should, where necessary, be deferred for certain specific regions. In order to do so, a derogation from Regulation (EC) No 1251/1999 should be laid down as permitted by the eleventh indent of Article 9 of that Regulation.
- (3) In view of the health measures taken to combat foot-and-mouth disease in the Community, some producers have been obliged to allow grazing on arable land while not qualifying for aid for meat production for those areas. Provision should be made for a derogation from the flowering requirement for those areas laid down in Article 3(1)(c) of Commission Regulation (EC)

No 2316/1999 ⁽³⁾, as last amended by Regulation (EC) No 556/2001 ⁽⁴⁾.

- (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 final dates for sowing for the 2001/02 marketing year are fixed in the Annex for the crops, Member States and regions indicated.

Article 2

The Member States may derogate, for area payments for the 2001/02 marketing year, from the requirement under Article 3(1)(c) of Regulation (EC) No 2316/1999 that crops be maintained until the beginning of flowering or until 30 June in duly justified cases for animal health protection reasons following outbreaks of foot-and-mouth disease.

Article 3

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

It shall apply to area payments for the 2001/02 marketing year.

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

Done at Brussels, 30 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 16.6.1999, p. 1.

⁽²⁾ See page 16 of this Official Journal.

⁽³⁾ OJ L 280, 30.10.1999, p. 43.

⁽⁴⁾ OJ L 82, 22.3.2001, p. 13.

ANNEX

FINAL DATES FOR SOWING FOR THE 2001/02 MARKETING YEAR

Crop	Member State	Region	Final date
Maize, sunflower, linseed, fibre flax and hemp	Portugal	The entire country	15 June 2001
All crops	France	The entire country	15 June 2001
All crops	United Kingdom	The entire country	15 June 2001
All crops	Netherlands	The entire country	15 June 2001
All crops	Belgium	The entire country	15 June 2001
All crops	Luxembourg	The entire country	15 June 2001
Maize, soya, sunflower	Greece	Macedonia, Thrace	15 June 2001
All crops	Italy	Emilia-Romagna Liguria Piedmont Valle-d'Aosta Lombardy Veneto Trentino-Alto Adige Friuli-Venezia-Giulia	15 June 2001
Maize, soya, sunflower	Germany	Baden-Württemberg: — Ortenaukreis — Landkreis Emmendingen — Landkreis Lörrach — Bodenseekreis	15 June 2001
All crops	Germany	Rheinland-Pfalz Niedersachsen: — Landkreis Diepholz	15 June 2001

COMMISSION REGULATION (EC) No 1046/2001

of 30 May 2001

adopting exceptional support measures for the markets in pigmeat and veal in the Netherlands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975, on the common organisation of the market in pigmeat ⁽¹⁾, as last amended by Regulation (EC) No 1365/2000 ⁽²⁾, and in particular Articles 20 and 22, second paragraph thereof,

Having regard to Council Regulation (EEC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽³⁾, and in particular Articles 39 and 41 thereof,

Whereas:

- (1) Because of the outbreak of foot and mouth disease in certain production regions in the Netherlands, protection and surveillance zones have been established by the Dutch authorities pursuant to Article 9 of Council Directive 85/511/EEC of 18 November 1985 introducing Community measures for the control of foot-and-mouth disease ⁽⁴⁾, as last amended by the Act of Accession of Austria, Finland and Sweden. Consequently, in these zones the trade in calves and pigs is temporarily prohibited.
- (2) Restrictions on the free movement of goods resulting from the application of veterinary measures are likely to bring about a serious disturbance of the pigmeat and veal markets in the Netherlands. Exceptional market support measures, to apply for no longer than is strictly necessary, must accordingly be adopted with respect solely to live animals from the affected areas.
- (3) With the aim of preventing a further spread of the disease, the pigs and calves produced in the said zones should be separated from normal trade in products intended for human consumption and processed into products intended for uses other than human consumption, in accordance with the provisions laid down in Article 3 of Council Directive 90/667/EEC ⁽⁵⁾, amended by Directive 92/118/EEC ⁽⁶⁾.
- (4) It is likely that the swift and effective implementation of the exceptional support measures will come up against problems of capacity in the rendering plants which are

to process the live animals. It should accordingly be made possible to store the slaughtered animals in cold stores and the conditions of surveillance and inspection to be met during such operations should be specified.

- (5) It is appropriate to grant an aid for the delivery to the competent authorities of fattened pigs, piglets and calves coming from the affected zones.
- (6) It is certain that the veterinary and trading restrictions will continue for several months; it is therefore reasonable and justified to interrupt the production of piglets by banning the insemination of sows, thus avoiding the need to slaughter piglets in a few months' time, and reducing the pig density and thus the risk of future spread of the disease.
- (7) It is appropriate to introduce such a ban on insemination for producers who deliver piglets into the present support scheme. The producers must keep non-covered sows on their holding until the ban is lifted and they may recommence the production of piglets. It is therefore justified to offset the costs incurred in maintaining those sows by means of aid granted for each month of the period in which the ban on insemination applies.
- (8) The competent Dutch authorities must adopt the necessary measures to enable that aid to be granted, whilst using, as regards the lodging of applications, inspection measures and penalties, the provisions of Commission Regulation (EEC) No 3887/92 of 23 December 1992 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes ⁽⁷⁾, as last amended by Regulation (EC) No 2721/2000 ⁽⁸⁾ by analogy.
- (9) In view of the extent of the disease and, in particular, of its duration, and consequently of the magnitude of the efforts needed to support the market, it would be appropriate for such efforts to be shared by the Community and the Member State concerned.
- (10) Provisions should be made for the Dutch authorities to adopt all necessary control and surveillance measures and to inform the Commission accordingly.

⁽¹⁾ OJ L 282, 1.11.1975, p. 1.

⁽²⁾ OJ L 156, 29.6.2000, p. 5.

⁽³⁾ OJ L 160, 26.6.1999, p. 21.

⁽⁴⁾ OJ L 315, 26.11.1985, p. 11.

⁽⁵⁾ OJ L 363, 27.12.1990, p. 51.

⁽⁶⁾ OJ L 62, 15.3.1993, p. 49.

⁽⁷⁾ OJ L 391, 31.12.1992, p. 36.

⁽⁸⁾ OJ L 314, 14.12.2000, p. 8.

- (11) The restrictions on the free movement of pigs and calves have been operative for several weeks in the zones in question, provoking a substantial increase in the weight of the animals and consequently leading to an intolerable situation where the welfare of the animals is concerned. The retroactive application of this Regulation from 27 April 2001 is therefore justified.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Joint Management Committee for Pigeon, Beef and Veal,

the provisions laid down in Article 3 of Council Directive 90/667/EEC.

However, the animals may be transported to a slaughterhouse where they shall be slaughtered immediately and may be stored in a cold store prior to transport to the rendering plant. Slaughter and storage must be carried out in accordance with Annex II hereto.

These operations shall be carried out under the permanent supervision of the competent Dutch authorities.

HAS ADOPTED THIS REGULATION:

Article 4

Article 1

1. From 27 April 2001 producers may benefit, on request, from an aid granted by the competent Dutch authorities for the delivery of fattened pigs falling under CN code 0103 92 19 weighing 80 kilograms or more on average per batch.

2. From 27 April 2001 producers may benefit, on request, from an aid granted by the competent Dutch authorities for the delivery to them of piglets falling under CN code 0103 91 10. By derogation to the provisions of the combined nomenclature, the weight of the piglets may be higher than 50 kilograms, but not more than 60 kilograms on average per batch. Only piglets can be delivered which are not fattened in a closed circuit holding or which can not be used by a closed circuit holding for its own purpose.

3. From 27 April 2001 producers may benefit, on request, from an aid granted by the competent Dutch authorities for the delivery to them of calves under 12 months of age falling under CN code 0102 90.

1. The aid for fattened pigs provided for in Article 1(1), at farm gate, shall be EUR 113 per 100 kilograms live weight on average per batch.

For fattened pigs weighing more than 120 kilograms on average per batch, the aid cannot be higher than the aid fixed for fattening pigs weighing 120 kilograms on average per batch.

2. The aid for piglets provided for in Article 1(2), at farm gate shall be EUR 20 per head plus EUR 0,95 per kilogram live weight on average per batch per animal.

For piglets weighing more than 25 kilograms on average per batch, the aid cannot be higher than the aid fixed for piglets weighing 25 kilograms on average per batch.

3. The aid for calves provided for in Article 1(3), at farm gate, shall be EUR 200 per 100 kilograms live weight. For calves weighing more than 260 kilograms on average per batch, the aid cannot be higher than the aid fixed for calves weighing 260 kilograms on average per batch.

Article 2

Only live animals raised in the protection and surveillance zones located within the administrative regions listed in Annex I to this Regulation can be delivered, provided that the veterinary provisions laid down by the Dutch authorities apply in the zones on the day the animals are delivered, that the animals are not vaccinated against foot and mouth disease, and on the condition that on the day of delivery the transport of animals from the farm to the slaughterhouse pursuant to the conditions laid down in Article 9(2) and (3) of Directive 85/511/EEC is not permitted.

Article 3

On the day they are delivered, the animals shall be weighed and killed in such a way as to prevent the disease from spreading.

They shall be transported without delay to a rendering plant and processed into products falling within CN codes 1501 00 11, 1506 00 00 and 2301 10 00, in accordance with

Article 5

1. Producers who benefit from the aid for piglets provided for in Article 1(2) are subject as regards their sows, to the ban on insemination introduced by the Dutch authorities for those producers. They may benefit, on request, from aid granted by the competent Dutch authorities for sows on their holding which are subject to this ban.

2. The aid shall be EUR 35 per sow per month. It shall be granted for eligible sows kept on the applicant's holding throughout the duration of the ban on insemination and for four months following the lifting of the ban.

Each sow shall remain uncovered for a period at least as long as the ban on insemination. The number of months for which the aid is granted shall be equal to the duration of the ban on insemination. The aid may be paid out after the end of the period mentioned in the first subparagraph at the earliest.

3. The Dutch authorities shall adopt all necessary measures to apply the aid referred to in paragraph 1, in particular provisions relating to the definition of eligible animals and their identification.

As regards the lodging of applications, inspection measures and penalties, Article 5, Article 6(1), (3) and (4) and the first subparagraph of Article 6(5), Articles 7a first and second paragraph, Article 7b, Article 8, Article 10(2), (3) and (5), Article 10b, Article 10e first paragraph and Articles 11 and 14 of Regulation (EEC) No 3887/92 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes shall apply.

However, in the event of *force majeure* as referred to Article 10(4) and application of the natural circumstances clause referred to in Article 10(5) of the said Regulation, the aid shall be granted only for the period in which the eligible sow was kept on the holding.

4. Producers may receive on request, an advanced payment on the aid, limited to 80 % of the amount provided for in paragraph 2, calculated for two months. The Dutch authorities shall take the necessary measures to ensure the recovery of advanced payments unduly granted.

Article 6

Fifty percent of the expenditure on the aids provided for in this Regulation shall be covered by the Community budget, under the condition that the payment of the aid provided for in Article 1 is executed and declared before 15 October 2001.

Any payment of the aid provided for in Article 1 after this date is not eligible for Community financing.

However, the total Community financial contribution must not exceed EUR 80 million.

Article 7

The competent Dutch authorities shall adopt all measures necessary to ensure compliance with the provisions of this Regulation and in particular with Article 2 thereof. They shall inform the Commission accordingly as soon as possible.

Article 8

The competent Dutch authorities shall send the Commission each Wednesday the following information concerning the previous week:

- number and total weight of fattened pigs delivered,
- number and total weight of piglets delivered,
- number and total weight of calves delivered,
- number of sows falling under the insemination ban.

Article 9

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

It shall apply from 27 April 2001.

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

Done at Brussels, 30 May 2001.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX I

The protection and surveillance zones Oene, Kootwijkerbroek, Ee and Anjum as laid down in the Annex of the Dutch Regulation 'Regeling verbodsbepalingen aangewezen toezichtsgebieden mond- en klauwzeer 2001' in its version of 27 April 2001.

ANNEX II

1. The controls currently laid down are to apply to the transport of the animals from the farm and their slaughter. On the day of delivery, the animals are to be weighed by load and slaughtered in a slaughterhouse.
 2. The animals are to be slaughtered and the blood and offal discarded. The latter are to be transported immediately and separately from the slaughterhouse to the rendering plant. Transport must take place in sealed lorries, which are to be weighed on departure from the slaughterhouse and on arrival at the rendering plant.
 3. Carcass and half-carcases may be cut into several parts in order to allow an orderly storage. Each part is to be sprayed with a denaturing product (methylene blue) to ensure that the meat is not used for human consumption.
 4. Slaughter, transport to cold stores, freezing and storage, including removal from storage and transport to the rendering plant, are to be carried out under the permanent supervision of the competent Dutch authorities.
 5. Transport from the slaughterhouse to the cold store is to take place in lorries sealed and disinfected under the permanent supervision of the competent authorities.
The lorries are to be weighed both empty and loaded, at the slaughterhouse and at the cold store.
 6. Storage is to take place in cold store compartments closed and sealed by the competent Dutch authorities. No other products can be stored in the same compartments.
 7. As soon as capacity becomes available at the rendering plant, the carcasses, half-carcases or cuts are to be transported to the latter. This is to take place in lorries sealed under the permanent supervision of the competent Dutch authorities or on their behalf. The lorries are to be weighed both empty and loaded, at the cold store and the rendering plant.
 8. By way of derogation from the provisions referred to in point 2, the blood and offal may be stored in a refrigerated warehouse or other storage place before its transport to the rendering plant subject to compliance with the transport rules referred to in point 2 and recording of entries into and exits from those places.
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COMMISSION REGULATION (EC) No 1047/2001

of 30 May 2001

introducing a system of import licences and certificates of origin and establishing the method for managing tariff quotas for garlic imported from third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Decision 2001/404/EC of 28 May 2001 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and Argentina pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 for the modification of concessions with respect to garlic provided for in Schedule CXL annexed to GATT ⁽³⁾, and in particular Article 2 thereof,

Whereas:

(1) Following negotiations conducted in accordance with Article XXVIII of GATT 1994, the Community amended the conditions for the import of garlic. From 1 June 2001 the normal customs duty for imports of garlic falling within CN code 0703 20 00 consists of an *ad valorem* customs duty of 9,6 % and a specific amount of EUR 1 200 per tonne net. However, a quota of 38 370 tonnes free of specific duty was opened by Decision 2001/404/EC, hereafter called the 'GATT quota'. The Annex to that Decision stipulates that the quota is to be divided up into 19 147 tonnes for imports from Argentina (serial number 09.4104), 13 200 tonnes for imports from China (serial number 09.4105) and 6 023 tonnes for imports from all other third countries (serial number 09.4106).

(2) In view of the existence of a specific duty for non-quota imports, management of the quota requires the introduction of a system of import licences. Such a system should also permit the detailed monitoring of all garlic imports, thus continuing and replacing the arrangements introduced by Commission Regulation (EC) No 1859/93 ⁽⁴⁾ as last amended by Regulation (EC) No 2872/2000 ⁽⁵⁾, which must therefore be repealed. The details of the system must supplement or derogate from those adopted by Commission Regulation (EC) No 1291/2000

of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽⁶⁾. In particular:

- two categories of licence should be created: one for imports under GATT quota conditions (A licences), and one for non-quota imports (B licences),
- the validity of those licences should be limited to three months without going beyond the end of the quota year in question,
- the validity of those licences should be limited to the origin indicated in the application,
- a timetable for the lodging of A licence applications and the issue of those licences should be laid down which will permit the Member States to notify the Commission in good time of the information relating to A licence applications.

(3) Measures are needed to keep to a minimum speculative applications for A licences or applications which are not linked to a genuine commercial activity on the fruit and vegetable market. To that end:

- certain criteria regarding the status of applicants for such licences should be laid down,
- the transfer of the licences should be prohibited, and
- a reasonable limit to individual applications should be set.

(4) In view of the Exchange of Letters concluded with Argentina, the quantities allocated should be divided between traditional importers and others and the concept of traditional importers should be defined, while allowing optimum use of the quotas.

(5) To guarantee correct management of the GATT quota, the measures to be taken by the Commission in the event that A licence applications exceed, for a specific origin or in a specific quarter, the quantities fixed by Decision 2001/404/EC, plus the unused quantities from licences previously issued, should be determined. Where such measures involve a reduction coefficient to be applied at the time of issue of A licences, the possibility should be granted for applications for those licences to be withdrawn with immediate release of the security.

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 129, 11.5.2001, p. 3.

⁽³⁾ OJ L 142, 29.5.2001, p. 7.

⁽⁴⁾ OJ L 170, 13.7.1993, p. 10.

⁽⁵⁾ OJ L 333, 29.12.2000, p. 49.

⁽⁶⁾ OJ L 152, 24.6.2000, p. 1.

- (6) To improve controls and prevent any risk of a deflection of trade based on inaccurate documentation, Commission Regulation (EC) No 544/97⁽¹⁾, as amended by Regulation (EC) No 2520/98⁽²⁾, introduces a certificate of origin for garlic imported from certain third countries and imposes direct transport to the Community of garlic originating in those third countries. That certificate of origin is to be issued by the competent authorities in accordance with Articles 56 to 62 of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code⁽³⁾, as last amended by Regulation (EC) No 993/2001⁽⁴⁾. To keep administration simple, the relevant provisions of Regulation (EC) No 544/97 should be incorporated into this Regulation and that Regulation should be repealed.
- (7) Provision should be made for imports of garlic carried out after the entry into force of this Regulation under licences issued in accordance with Commission Regulation (EC) No 1104/2000 of 25 May 2000 adopting a protective measure applying to imports of garlic originating in China⁽⁵⁾ to be carried out under the conditions in force when those licences were issued.
- (8) 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:

TITLE ONE

IMPORT LICENCES AND TARIFF QUOTAS

Article 1

General provisions

- Any release into free circulation in the Community of garlic falling within CN code 0703 20 00 shall be subject to presentation of an import licence issued in accordance with this Regulation.
- Only import licences containing one of the following entries in box 20 shall permit the release into free circulation of garlic under the tariff quotas opened by Decision 2001/404/EC at an *ad valorem* duty of 9,6 %:
 - Derecho de aduana 9,6 % — Reglamento (CE) n° 1047/2001

⁽¹⁾ OJ L 84, 26.3.1997, p. 8.
⁽²⁾ OJ L 315, 25.11.1998, p. 10.
⁽³⁾ OJ L 253, 11.10.1993, p. 1.
⁽⁴⁾ OJ L 141, 28.5.2001, p. 1.
⁽⁵⁾ OJ L 125, 26.5.2000, p. 21.

- Toldsats 9,6 % — forordning (EF) nr. 1047/2001
- Zollsatz 9,6 % — Verordnung (EG) Nr. 1047/2001
- Δασμός 9,6 % — Κανονισμός (ΕΚ) αριθ. 1047/2001
- Customs duty 9,6 % — Regulation (EC) No 1047/2001
- Droit de douane 9,6 % — Règlement (CE) n° 1047/2001
- Dazio 9,6 % — Regolamento (CE) n. 1047/2001
- Douanerecht 9,6 % — Verordening (EG) nr. 1047/2001
- Direito aduaneiro: 9,6 % — Regulamento (CE) n.º 1047/2001
- Tulli 9,6 prosenttia — Asetus (EY) N:o 1047/2001
- Tull 9,6 – Förordning (EG) nr 1047/2001.

Such import licences shall be known hereafter as 'A licences'. Other import licences shall be known hereafter as 'B licences'.

3. Licence applications containing in box 20 one of the entries referred to in paragraph 2 above shall be deemed to be A licence applications. Other applications shall be deemed to be B licence applications. An A licence application cannot give rise to the issue of a B licence.

Article 2

Provisions applicable to all licences

1. Regulation (EC) No 1291/2000 shall apply to the system introduced by this Regulation, subject to the latter's specific provisions.
2. Box 8 of licence applications and import licences shall indicate the country of origin of the product. The word 'yes' in box 8 shall be marked with a cross. Import licences shall only be valid for the products originating in the country indicated in that box.
3. The amount of the security referred to in Article 15(2) of Regulation (EC) No 1291/2000 shall be EUR 15 per tonne net.
4. The term of validity of the import licences shall be three months from the day on which they are actually issued but must not go beyond the following 31 May.

Article 3

Provisions applicable to A licence applicants

1. A licence applications may only be lodged by agricultural traders within the meaning of paragraph 2.
2. Agricultural traders are defined as operators, natural or legal persons, individuals or groups having marketed in at least one of the previous two calendar years at least 50 tonnes per year of fruit and vegetables as referred to in Article 1(2) of Regulation (EC) No 2200/96. Compliance with this condition shall be certified by registration in a Member State's register of businesses or by another form of proof accepted by the Member State.
3. To support their applications, agricultural traders within the meaning of paragraph 2 shall provide information verifying to the satisfaction of the competent national authorities compliance with the conditions referred to in paragraph 2.

*Article 4***Licence applications**

1. For each of the quarters referred to in Annex I, A licence applications may be lodged only from the first Monday until the last Friday inclusive of the quarter in question.
2. For each of the three origins and each of the quarters indicated in Annex I, an agricultural trader within the meaning of Article 3 may lodge no more than four applications for A licences for the import of garlic at least five days apart. Each of the applications may cover no more than 20 % of the quantity indicated in Annex I for that origin and that quarter.
3. No A licence application may be lodged where no quantity is indicated in Annex I.
4. The periods referred to in paragraph 1 shall not apply to B licence applications.

*Article 5***Issue of licences**

1. A licences shall be issued on the fifth working day following the day on which they are lodged unless the Commission takes measures within that time. Notwithstanding Article 9 of Regulation (EC) No 1291/2000, the rights accruing from A licences shall not be transferable.
2. B licences shall be issued without time limit or quantity restriction.
3. No licence may be issued with a view to importing products originating in countries listed in Annex II which have not forwarded to the Commission the information needed to set up an administrative cooperation procedure in accordance with Articles 63 to 65 of Regulation (EC) No 2454/93. The information shall be deemed to have been forwarded on the date of its publication as provided for in Article 11.

*Article 6***Maximum quantity for A licences**

1. For each of the three origins and for each of the quarters indicated in Annex I, A licences shall be issued only up to a maximum quantity equal to the sum of:
 - (a) the quantity indicated in Annex I for that quarter and for that origin;
 - (b) the quantities not applied for during the previous quarter for that origin; and
 - (c) the unused quantities notified to the Commission from licences previously issued.

However, quantities not applied for or not used during an annual period defined as running from 1 June to the following 31 May may not be transferred to the following annual period.

2. For each of the three origins and for each of the quarters indicated in Annex I, the maximum quantity calculated in accordance with paragraph 1 shall be allocated as follows:

- (a) 70 % to traditional importers;
- (b) 30 % to new importers.

However, the quantities available shall be allocated to each of the two categories of importers without discrimination from the first day of the third month of each quarter.

3. Agricultural traders within the meaning of Article 3 who have imported garlic during at least two of the three previous calendar years shall be deemed to be traditional importers.
4. Agricultural traders within the meaning of Article 3 other than those defined in paragraph 3 shall be deemed to be new importers.
5. Applications for A licences lodged by traditional importers shall be accompanied by information permitting verification to the satisfaction of the competent national authorities that they meet the conditions indicated in paragraph 3.

*Article 7***Member State communications to the Commission**

1. The Member States shall notify the Commission of:
 - (a) the quantities covered by import licence applications; that information shall be notified as follows:
 - each Wednesday for applications lodged on the Monday and Tuesday of that week,
 - each Friday for applications lodged on the Wednesday and Thursday of that week,
 - each Monday for applications lodged on the previous Friday;
 - (b) the quantities covered by unused or partly used import licences, corresponding to the difference between the quantities entered on the back of the licences and the quantities for which they were issued;
 - (c) the quantities relating to applications for A licences withdrawn pursuant to Article 8(3).

The information referred to in (b) and (c) shall be notified each Wednesday in respect of information received the previous week.

If no import licence application has been lodged in one of the periods referred to in (a) or if there are no unused or withdrawn quantities within the meaning of (b) and (c), the Member State concerned shall notify the Commission thereof on the days indicated in this paragraph.

2. The communications referred to in this Article
 - shall be broken down by day of licence application, by third country of origin, by type of licence, A or B, and by type of importer within the meaning of Article 6(2),

— shall be effected by electronic means on the form sent for that purpose by the Commission to the Member States.

Article 8

Issue of A licences

1. Where the Commission finds, on the basis of the information notified by the Member States pursuant to Article 7, that applications for A licences exceed the available balance of one of the maximum quantities established in accordance with Article 6(1) and (2), it shall if necessary adopt a single reduction percentage for the applications in question and shall stop the issue of A licences until the date referred to in the second subparagraph of Article 6(2) or for the rest of that quarter for subsequent applications.

2. For the purposes of the examination referred to in paragraph 1 the Commission shall take account of the A licences already issued or to be issued for the quarter and the origin in question.

3. Where, pursuant to paragraph 1, the quantity for which an A licence is issued is less than the quantity requested, the licence application may be withdrawn within three working days from publication of the Regulation adopted pursuant to paragraph 1. In the event of such a withdrawal the security shall be released immediately.

4. Article 8(4) of Regulation (EC) No 1291/2000 shall not apply to A licences.

TITLE II

CERTIFICATES OF ORIGIN

Article 9

General provisions

Any release into free circulation in the Community of garlic originating in a third country listed in Annex II shall be subject to:

- (a) presentation of a certificate of origin issued by the competent national authorities of that country in accordance with Articles 55 to 65 of Regulation (EEC) No 2454/93; and
- (b) the condition that the product is transported directly from that country to the Community.

Article 10

Direct transport

1. The following shall be considered as transported direct to the Community from the third countries listed in Annex II:

- (a) products transported without passing through the territory of any other third country;

- (b) products transported through third countries other than the country of origin, with or without transshipment or temporary warehousing in those countries, provided that such passage is justified for geographical reasons or exclusively on account of transport requirements and that the products:
 - have remained under the supervision of the customs authorities of the country of transit or warehousing,
 - have not entered into commerce or been released for consumption there, and
 - have not undergone operations there other than unloading and reloading or any other operation to keep them in good condition.

2. Proof that the conditions referred to in paragraph 1(b) have been satisfied shall be provided by supplying the Commission authorities with either:

- (a) a single transport document issued in the country of origin covering passage through the country of transit;
- (b) a certificate issued by the customs authorities of the country of transit containing:
 - a precise description of the goods,
 - the dates of their unloading and reloading or their lading or unlading, identifying the vessels used,
 - certification of the conditions in which they were kept;
- (c) or, failing these, any substantiating documents.

Article 11

Administrative cooperation

As soon as it has been forwarded by each third country listed in Annex II, the information needed to set up an administrative cooperation procedure pursuant to Articles 63 to 65 of Regulation (EEC) No 2454/93 shall be published in the C series of the *Official Journal of the European Communities*.

TITLE III

FINAL PROVISIONS

Article 12

Regulations (EEC) No 1859/93 and (EC) No 544/97 shall be repealed on the date referred to in the second paragraph of Article 13.

Article 13

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

It shall apply from 1 June 2001. However, it shall not apply to releases into free circulation under import licences issued in accordance with Regulation (EC) No 1104/2000 before that date. The Regulations referred to in Article 12 shall continue to apply to such releases.

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

Done at Brussels, 30 May 2001.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX I

Tariff quotas opened pursuant to Decision 2001/404/EC for imports of garlic falling within CN code 0703 20 00*(tonnes)*

Origin	Serial number	Contingentes				
		1st quarter (June/August)	2nd quarter (September/November)	3rd quarter (December/February)	4th quarter (March/May)	Total
Argentina	09.4104	—	—	13 700	5 447	19 147
China	09.4105	3 600	3 600	3 000	3 000	13 200
All other third countries	09.4106	1 344	2 800	1 327	552	6 023
Total	—	4 944	6 400	18 027	8 999	38 370

ANNEX II

List of third countries referred to in Article 9

Lebanon
Iran
United Arab Emirates
Vietnam
Malaysia

COMMISSION REGULATION (EC) No 1048/2001
of 30 May 2001
amending representative prices and additional duties for the import of certain products 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 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 1527/2000 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽³⁾, as last amended by Regulation (EC) No 624/98 ⁽⁴⁾, and in particular the second subparagraph of Article 1(2), and Article 3(1) thereof,

Whereas:

- (1) The amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation

(EC) No 1411/2000 ⁽⁵⁾, as last amended by Regulation (EC) No 998/2001 ⁽⁶⁾.

- (2) It follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 31 May 2001.

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

Done at Brussels, 30 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 141, 24.6.1995, p. 16.

⁽⁴⁾ OJ L 85, 20.3.1998, p. 5.

⁽⁵⁾ OJ L 161, 1.7.2000, p. 22.

⁽⁶⁾ OJ L 139, 23.5.2001, p. 12.

ANNEX

to the Commission Regulation of 30 May 2001 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(EUR)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	25,94	3,50
1701 11 90 ⁽¹⁾	25,94	8,56
1701 12 10 ⁽¹⁾	25,94	3,37
1701 12 90 ⁽¹⁾	25,94	8,13
1701 91 00 ⁽²⁾	31,73	9,37
1701 99 10 ⁽²⁾	31,73	4,85
1701 99 90 ⁽²⁾	31,73	4,85
1702 90 99 ⁽³⁾	0,32	0,34

⁽¹⁾ For the standard quality as defined in Article 1 of amended Council Regulation (EEC) No 431/68 (OJ L 89, 10.4.1968, p. 3).

⁽²⁾ For the standard quality as defined in Article 1 of Council Regulation (EEC) No 793/72 (OJ L 94, 21.4.1972, p. 1).

⁽³⁾ By 1 % sucrose content.

**REGULATION (EC) No 1049/2001 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 30 May 2001
regarding public access to European Parliament, Council and Commission documents**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 255(2) thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Acting in accordance with the procedure referred to in Article 251 of the Treaty ⁽²⁾,

Whereas:

- (1) The second subparagraph of Article 1 of the Treaty on European Union enshrines the concept of openness, stating that the Treaty marks a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as openly as possible and as closely as possible to the citizen.
- (2) Openness enables citizens to participate more closely in the decision-making process and guarantees that the administration enjoys greater legitimacy and is more effective and more accountable to the citizen in a democratic system. Openness contributes to strengthening the principles of democracy and respect for fundamental rights as laid down in Article 6 of the EU Treaty and in the Charter of Fundamental Rights of the European Union.
- (3) The conclusions of the European Council meetings held at Birmingham, Edinburgh and Copenhagen stressed the need to introduce greater transparency into the work of the Union institutions. This Regulation consolidates the initiatives that the institutions have already taken with a view to improving the transparency of the decision-making process.
- (4) The purpose of this Regulation is to give the fullest possible effect to the right of public access to documents and to lay down the general principles and limits on such access in accordance with Article 255(2) of the EC Treaty.
- (5) Since the question of access to documents is not covered by provisions of the Treaty establishing the European Coal and Steel Community and the Treaty establishing the European Atomic Energy Community, the European Parliament, the Council and the Commission should, in accordance with Declaration No 41 attached to the Final Act of the Treaty of Amsterdam, draw guidance from

this Regulation as regards documents concerning the activities covered by those two Treaties.

- (6) Wider access should be granted to documents in cases where the institutions are acting in their legislative capacity, including under delegated powers, while at the same time preserving the effectiveness of the institutions' decision-making process. Such documents should be made directly accessible to the greatest possible extent.
- (7) In accordance with Articles 28(1) and 41(1) of the EU Treaty, the right of access also applies to documents relating to the common foreign and security policy and to police and judicial cooperation in criminal matters. Each institution should respect its security rules.
- (8) In order to ensure the full application of this Regulation to all activities of the Union, all agencies established by the institutions should apply the principles laid down in this Regulation.
- (9) On account of their highly sensitive content, certain documents should be given special treatment. Arrangements for informing the European Parliament of the content of such documents should be made through interinstitutional agreement.
- (10) In order to bring about greater openness in the work of the institutions, access to documents should be granted by the European Parliament, the Council and the Commission not only to documents drawn up by the institutions, but also to documents received by them. In this context, it is recalled that Declaration No 35 attached to the Final Act of the Treaty of Amsterdam provides that a Member State may request the Commission or the Council not to communicate to third parties a document originating from that State without its prior agreement.
- (11) In principle, all documents of the institutions should be accessible to the public. However, certain public and private interests should be protected by way of exceptions. The institutions should be entitled to protect their internal consultations and deliberations where necessary to safeguard their ability to carry out their tasks. In assessing the exceptions, the institutions should take account of the principles in Community legislation concerning the protection of personal data, in all areas of Union activities.
- (12) All rules concerning access to documents of the institutions should be in conformity with this Regulation.

⁽¹⁾ OJ C 177 E, 27.6.2000, p. 70.

⁽²⁾ Opinion of the European Parliament of 3 May 2001 (not yet published in the Official Journal) and Council Decision of 28 May 2001.

- (13) In order to ensure that the right of access is fully respected, a two-stage administrative procedure should apply, with the additional possibility of court proceedings or complaints to the Ombudsman.
- (14) Each institution should take the measures necessary to inform the public of the new provisions in force and to train its staff to assist citizens exercising their rights under this Regulation. In order to make it easier for citizens to exercise their rights, each institution should provide access to a register of documents.
- (15) Even though it is neither the object nor the effect of this Regulation to amend national legislation on access to documents, it is nevertheless clear that, by virtue of the principle of loyal cooperation which governs relations between the institutions and the Member States, Member States should take care not to hamper the proper application of this Regulation and should respect the security rules of the institutions.
- (16) This Regulation is without prejudice to existing rights of access to documents for Member States, judicial authorities or investigative bodies.
- (17) In accordance with Article 255(3) of the EC Treaty, each institution lays down specific provisions regarding access to its documents in its rules of procedure. Council Decision 93/731/EC of 20 December 1993 on public access to Council documents ⁽¹⁾, Commission Decision 94/90/ECSC, EC, Euratom of 8 February 1994 on public access to Commission documents ⁽²⁾, European Parliament Decision 97/632/EC, ECSC, Euratom of 10 July 1997 on public access to European Parliament documents ⁽³⁾, and the rules on confidentiality of Schengen documents should therefore, if necessary, be modified or be repealed,

HAVE ADOPTED THIS REGULATION:

Article 1

Purpose

The purpose of this Regulation is:

- (a) to define the principles, conditions and limits on grounds of public or private interest governing the right of access to European Parliament, Council and Commission (hereinafter referred to as 'the institutions') documents provided for in Article 255 of the EC Treaty in such a way as to ensure the widest possible access to documents,

⁽¹⁾ OJ L 340, 31.12.1993, p. 43. Decision as last amended by Decision 2000/527/EC (OJ L 212, 23.8.2000, p. 9).

⁽²⁾ OJ L 46, 18.2.1994, p. 58. Decision as amended by Decision 96/567/EC, ECSC, Euratom (OJ L 247, 28.9.1996, p. 45).

⁽³⁾ OJ L 263, 25.9.1997, p. 27.

- (b) to establish rules ensuring the easiest possible exercise of this right, and
- (c) to promote good administrative practice on access to documents.

Article 2

Beneficiaries and scope

1. Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to documents of the institutions, subject to the principles, conditions and limits defined in this Regulation.
2. The institutions may, subject to the same principles, conditions and limits, grant access to documents to any natural or legal person not residing or not having its registered office in a Member State.
3. This Regulation shall apply to all documents held by an institution, that is to say, documents drawn up or received by it and in its possession, in all areas of activity of the European Union.
4. Without prejudice to Articles 4 and 9, documents shall be made accessible to the public either following a written application or directly in electronic form or through a register. In particular, documents drawn up or received in the course of a legislative procedure shall be made directly accessible in accordance with Article 12.
5. Sensitive documents as defined in Article 9(1) shall be subject to special treatment in accordance with that Article.
6. This Regulation shall be without prejudice to rights of public access to documents held by the institutions which might follow from instruments of international law or acts of the institutions implementing them.

Article 3

Definitions

For the purpose of this Regulation:

- (a) 'document' shall mean any content whatever its medium (written on paper or stored in electronic form or as a sound, visual or audiovisual recording) concerning a matter relating to the policies, activities and decisions falling within the institution's sphere of responsibility;
- (b) 'third party' shall mean any natural or legal person, or any entity outside the institution concerned, including the Member States, other Community or non-Community institutions and bodies and third countries.

*Article 4***Exceptions**

1. The institutions shall refuse access to a document where disclosure would undermine the protection of:

- (a) the public interest as regards:
 - public security,
 - defence and military matters,
 - international relations,
 - the financial, monetary or economic policy of the Community or a Member State;
- (b) privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data.

2. The institutions shall refuse access to a document where disclosure would undermine the protection of:

- commercial interests of a natural or legal person, including intellectual property,
- court proceedings and legal advice,
- the purpose of inspections, investigations and audits,

unless there is an overriding public interest in disclosure.

3. Access to a document, drawn up by an institution for internal use or received by an institution, which relates to a matter where the decision has not been taken by the institution, shall be refused if disclosure of the document would seriously undermine the institution's decision-making process, unless there is an overriding public interest in disclosure.

Access to a document containing opinions for internal use as part of deliberations and preliminary consultations within the institution concerned shall be refused even after the decision has been taken if disclosure of the document would seriously undermine the institution's decision-making process, unless there is an overriding public interest in disclosure.

4. As regards third-party documents, the institution shall consult the third party with a view to assessing whether an exception in paragraph 1 or 2 is applicable, unless it is clear that the document shall or shall not be disclosed.

5. A Member State may request the institution not to disclose a document originating from that Member State without its prior agreement.

6. If only parts of the requested document are covered by any of the exceptions, the remaining parts of the document shall be released.

7. The exceptions as laid down in paragraphs 1 to 3 shall only apply for the period during which protection is justified on the basis of the content of the document. The exceptions may apply for a maximum period of 30 years. In the case of documents covered by the exceptions relating to privacy or commercial interests and in the case of sensitive documents,

the exceptions may, if necessary, continue to apply after this period.

*Article 5***Documents in the Member States**

Where a Member State receives a request for a document in its possession, originating from an institution, unless it is clear that the document shall or shall not be disclosed, the Member State shall consult with the institution concerned in order to take a decision that does not jeopardise the attainment of the objectives of this Regulation.

The Member State may instead refer the request to the institution.

*Article 6***Applications**

1. Applications for access to a document shall be made in any written form, including electronic form, in one of the languages referred to in Article 314 of the EC Treaty and in a sufficiently precise manner to enable the institution to identify the document. The applicant is not obliged to state reasons for the application.

2. If an application is not sufficiently precise, the institution shall ask the applicant to clarify the application and shall assist the applicant in doing so, for example, by providing information on the use of the public registers of documents.

3. In the event of an application relating to a very long document or to a very large number of documents, the institution concerned may confer with the applicant informally, with a view to finding a fair solution.

4. The institutions shall provide information and assistance to citizens on how and where applications for access to documents can be made.

*Article 7***Processing of initial applications**

1. An application for access to a document shall be handled promptly. An acknowledgement of receipt shall be sent to the applicant. Within 15 working days from registration of the application, the institution shall either grant access to the document requested and provide access in accordance with Article 10 within that period or, in a written reply, state the reasons for the total or partial refusal and inform the applicant of his or her right to make a confirmatory application in accordance with paragraph 2 of this Article.

2. In the event of a total or partial refusal, the applicant may, within 15 working days of receiving the institution's reply, make a confirmatory application asking the institution to reconsider its position.

3. In exceptional cases, for example in the event of an application relating to a very long document or to a very large number of documents, the time-limit provided for in paragraph 1 may be extended by 15 working days, provided that the applicant is notified in advance and that detailed reasons are given.

4. Failure by the institution to reply within the prescribed time-limit shall entitle the applicant to make a confirmatory application.

Article 8

Processing of confirmatory applications

1. A confirmatory application shall be handled promptly. Within 15 working days from registration of such an application, the institution shall either grant access to the document requested and provide access in accordance with Article 10 within that period or, in a written reply, state the reasons for the total or partial refusal. In the event of a total or partial refusal, the institution shall inform the applicant of the remedies open to him or her, namely instituting court proceedings against the institution and/or making a complaint to the Ombudsman, under the conditions laid down in Articles 230 and 195 of the EC Treaty, respectively.

2. In exceptional cases, for example in the event of an application relating to a very long document or to a very large number of documents, the time limit provided for in paragraph 1 may be extended by 15 working days, provided that the applicant is notified in advance and that detailed reasons are given.

3. Failure by the institution to reply within the prescribed time limit shall be considered as a negative reply and entitle the applicant to institute court proceedings against the institution and/or make a complaint to the Ombudsman, under the relevant provisions of the EC Treaty.

Article 9

Treatment of sensitive documents

1. Sensitive documents are documents originating from the institutions or the agencies established by them, from Member States, third countries or International Organisations, classified as 'TRÈS SECRET/TOP SECRET', 'SECRET' or 'CONFIDENTIEL' in accordance with the rules of the institution concerned, which protect essential interests of the European Union or of one or more of its Member States in the areas covered by Article 4(1)(a), notably public security, defence and military matters.

2. Applications for access to sensitive documents under the procedures laid down in Articles 7 and 8 shall be handled only by those persons who have a right to acquaint themselves with those documents. These persons shall also, without prejudice to Article 11(2), assess which references to sensitive documents could be made in the public register.

3. Sensitive documents shall be recorded in the register or released only with the consent of the originator.

4. An institution which decides to refuse access to a sensitive document shall give the reasons for its decision in a manner which does not harm the interests protected in Article 4.

5. Member States shall take appropriate measures to ensure that when handling applications for sensitive documents the principles in this Article and Article 4 are respected.

6. The rules of the institutions concerning sensitive documents shall be made public.

7. The Commission and the Council shall inform the European Parliament regarding sensitive documents in accordance with arrangements agreed between the institutions.

Article 10

Access following an application

1. The applicant shall have access to documents either by consulting them on the spot or by receiving a copy, including, where available, an electronic copy, according to the applicant's preference. The cost of producing and sending copies may be charged to the applicant. This charge shall not exceed the real cost of producing and sending the copies. Consultation on the spot, copies of less than 20 A4 pages and direct access in electronic form or through the register shall be free of charge.

2. If a document has already been released by the institution concerned and is easily accessible to the applicant, the institution may fulfil its obligation of granting access to documents by informing the applicant how to obtain the requested document.

3. Documents shall be supplied in an existing version and format (including electronically or in an alternative format such as Braille, large print or tape) with full regard to the applicant's preference.

Article 11

Registers

1. To make citizens' rights under this Regulation effective, each institution shall provide public access to a register of documents. Access to the register should be provided in electronic form. References to documents shall be recorded in the register without delay.

2. For each document the register shall contain a reference number (including, where applicable, the interinstitutional reference), the subject matter and/or a short description of the content of the document and the date on which it was received or drawn up and recorded in the register. References shall be made in a manner which does not undermine protection of the interests in Article 4.

3. The institutions shall immediately take the measures necessary to establish a register which shall be operational by 3 June 2002.

*Article 12***Direct access in electronic form or through a register**

1. The institutions shall as far as possible make documents directly accessible to the public in electronic form or through a register in accordance with the rules of the institution concerned.
2. In particular, legislative documents, that is to say, documents drawn up or received in the course of procedures for the adoption of acts which are legally binding in or for the Member States, should, subject to Articles 4 and 9, be made directly accessible.
3. Where possible, other documents, notably documents relating to the development of policy or strategy, should be made directly accessible.
4. Where direct access is not given through the register, the register shall as far as possible indicate where the document is located.

*Article 13***Publication in the Official Journal**

1. In addition to the acts referred to in Article 254(1) and (2) of the EC Treaty and the first paragraph of Article 163 of the Euratom Treaty, the following documents shall, subject to Articles 4 and 9 of this Regulation, be published in the Official Journal:
 - (a) Commission proposals;
 - (b) common positions adopted by the Council in accordance with the procedures referred to in Articles 251 and 252 of the EC Treaty and the reasons underlying those common positions, as well as the European Parliament's positions in these procedures;
 - (c) framework decisions and decisions referred to in Article 34(2) of the EU Treaty;
 - (d) conventions established by the Council in accordance with Article 34(2) of the EU Treaty;
 - (e) conventions signed between Member States on the basis of Article 293 of the EC Treaty;
 - (f) international agreements concluded by the Community or in accordance with Article 24 of the EU Treaty.
2. As far as possible, the following documents shall be published in the Official Journal:
 - (a) initiatives presented to the Council by a Member State pursuant to Article 67(1) of the EC Treaty or pursuant to Article 34(2) of the EU Treaty;
 - (b) common positions referred to in Article 34(2) of the EU Treaty;

(c) directives other than those referred to in Article 254(1) and (2) of the EC Treaty, decisions other than those referred to in Article 254(1) of the EC Treaty, recommendations and opinions.

3. Each institution may in its rules of procedure establish which further documents shall be published in the Official Journal.

*Article 14***Information**

1. Each institution shall take the requisite measures to inform the public of the rights they enjoy under this Regulation.
2. The Member States shall cooperate with the institutions in providing information to the citizens.

*Article 15***Administrative practice in the institutions**

1. The institutions shall develop good administrative practices in order to facilitate the exercise of the right of access guaranteed by this Regulation.
2. The institutions shall establish an interinstitutional committee to examine best practice, address possible conflicts and discuss future developments on public access to documents.

*Article 16***Reproduction of documents**

This Regulation shall be without prejudice to any existing rules on copyright which may limit a third party's right to reproduce or exploit released documents.

*Article 17***Reports**

1. Each institution shall publish annually a report for the preceding year including the number of cases in which the institution refused to grant access to documents, the reasons for such refusals and the number of sensitive documents not recorded in the register.
2. At the latest by 31 January 2004, the Commission shall publish a report on the implementation of the principles of this Regulation and shall make recommendations, including, if appropriate, proposals for the revision of this Regulation and an action programme of measures to be taken by the institutions.

*Article 18***Application measures**

1. Each institution shall adapt its rules of procedure to the provisions of this Regulation. The adaptations shall take effect from 3 December 2001.
2. Within six months of the entry into force of this Regulation, the Commission shall examine the conformity of Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community ⁽¹⁾ with this Regulation in order to

ensure the preservation and archiving of documents to the fullest extent possible.

3. Within six months of the entry into force of this Regulation, the Commission shall examine the conformity of the existing rules on access to documents with this Regulation.

*Article 19***Entry into force**

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

It shall be applicable from 3 December 2001.

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

Done at Brussels, 30 May 2001.

For the European Parliament

The President

N. FONTAINE

For the Council

The President

B. LEJON

⁽¹⁾ OJ L 43, 15.2.1983, p. 1.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 30 May 2001

amending Decision 93/402/EEC concerning animal health conditions and veterinary certification for imports of fresh meat from South American countries to take account of the animal health situation in Brazil and amending Decision 2001/388/EC amending Decision 93/402/EEC concerning animal health conditions and veterinary certification for imports of fresh meat from South American countries to take account of the animal health situation in Uruguay

(notified under document number C(2001) 1534)

(Text with EEA relevance)

(2001/410/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 72/462/EEC, of 12 December 1972, on health and veterinary inspection problems upon importation of bovine and caprine animals and swine, fresh meat or meat products from third countries ⁽¹⁾, as last amended by Directive 97/79/EC ⁽²⁾, and in particular Articles 14 and 22 thereof,

Whereas:

- (1) The animal health conditions and veterinary certification for imports of fresh meat from Colombia, Paraguay, Uruguay, Brazil, Chile and Argentina are laid down by Commission Decision 93/403/EEC ⁽³⁾, as last amended by Decision 2001/388/EC ⁽⁴⁾.
- (2) Imports of fresh meat must take into account the different epidemiological situations in the countries concerned, and indeed in the different parts of their territories.
- (3) The responsible veterinary authorities of the concerned countries must confirm that their countries or regions have for at least 12 months been free from rinderpest and foot-and-mouth disease. Furthermore, the responsible authorities of the concerned countries must undertake to notify the Commission and the Member States within 24 hours, by fax, telex or telegram, of the confirmation of the occurrence of any of the above mentioned

diseases, or of an alteration in the vaccination policy against them.

- (4) The region of Rio Grande do Sul was free of foot-and-mouth disease and vaccination stopped in May 2000; however on 9 May 2001 the competent authorities of Brazil confirmed two outbreaks of foot-and-mouth disease in this region and emergency vaccination is now being carried out.
- (5) In order to prevent spread of the disease the competent authorities of Brazil have introduced a programme of vaccination of bovine animals in the whole region.
- (6) It is necessary to suspend imports of fresh meat from foot-and-mouth susceptible animals into the EC from Rio Grande do Sul but it is possible to allow imports from this region of deboned meat produced and certified in conformity with the requirements laid down in Decision 93/402/EEC, produced on or before 9 May.
- (7) Provided the Brazilian authorities provide information on the completion of their vaccination programme and the disease is under control this decision will be reviewed with the objective of recommencing imports of deboned, fresh meat 30 days after the completion of the vaccination programme in Rio Grande do Sul.
- (8) Following the last amendment to Decision 93/402/EEC by Decision 2001/388/EC concerning the suspension of imports into the EC of fresh meat from Uruguay it is necessary to clarify that horsemeat is not included in the suspension.

⁽¹⁾ OJ L 302, 31.12.1972, p. 28.

⁽²⁾ OJ L 24, 30.1.1998, p. 31.

⁽³⁾ OJ L 179, 22.7.1993, p. 11.

⁽⁴⁾ OJ L 137, 19.5.2001, p. 33.

- (9) Decisions 93/402/EEC and 2001/388/EC must be amended accordingly.
- (10) The measures adopted in the present Decision will be reviewed in the light of the evolution of the situation.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Member States shall not authorise imports of fresh meat from foot-and-mouth susceptible animals from the region of Rio Grande do Sul in Brazil and Decision 93/402/EEC is amended as follows:

Annex I is replaced by the Annex to this Decision.

Article 2

However notwithstanding Article 1 Member States shall authorise imports of deboned fresh meat from Rio Grande do Sul slaughtered on or before 9 May 2001, and certified in

accordance with the conditions laid down in Decision 93/402/EEC.

Article 3

In Decision 2001/388/EC Article 2 is amended by the addition of the words 'from foot-and-mouth susceptible animals' in paragraphs 1a after the words 'any fresh meat', in 1b after the words 'deboned fresh meat and offal' and in 2 after the words 'bone-in fresh meat and offal'.

Article 4

This Decision will be reviewed in the light of the evolution of the situation.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 30 May 2001.

For the Commission

David BYRNE

Member of the Commission

ANNEX

ANNEX I

DESCRIPTION OF TERRITORIES OF SOUTH AMERICA ESTABLISHED FOR ANIMAL HEALTH CERTIFICATION PURPOSES

Country	Territory		Description of territory
	Code	Version	
Argentina	AR	01/2001	Whole country
Brazil	BR	01/93	Whole country
	BR-1	01/2001	States of: Parana, Minas Gerais (except regional delegations of Oliveira, Passos, São Gonçalo de Sapucaí, Setélagos and Bambuí), São Paulo, Espírito Santo, Mato Grosso do Sul (except for the municipalities of Sonora, Aquidauana, Bodoquena, Bonito, Caracol, Coxim, Jardim, Ladario, Miranda, Pedro Gomes, Porto Murtinho, Rio Negro, Rio Verde of Mato Grosso and Corumbá), Santa Catarina Goias and the regional units of Cuiabá (except for the municipalities of San Antonio de Leverger, Nossa Senhora do Livramento, Pocone and Barão de Melgaço), Cáceres (except for the municipality of Cáceres), Lucas do Rio Verde, Rondonópolis (except for the municipality of Itiquiora), Barra do Garças and Barra do Bugres in Mato Grosso
Chile	CL	01/93	Whole country
Colombia	CO	01/93	Whole country
	CO-1	01/93	The zone included within the following borderlines: from the point where the Murri River flows into the Atrato River, downstream along the Atrato River to where it flows into the Atlantic Ocean, from this point to the Panamanian border following the Atlantic coastline to Cabo Tiburón; from this point to the Pacific Ocean following the Colombian-Panamanian border; from this point to the mouth of the Valle River along the Pacific Coast and from this point along a straight line to the point where the Murri River flows into the Atrato River
	CO-2	01/93	The municipalities of Arboletas, Necoclí, San Pedro de Urabá, Turbo, Apartado, Chigorodo, Mutatá, Dabeiba, Uramitá, Murindo, Riosucio (right bank of the Atrato River) and Frontino
	CO-3	01/93	The zone included within the following borderlines: from the mouth of the Sinu River on the Atlantic Ocean, upstream along the Sinu River to its headwaters of Alto Paramillo, from this point to Puerto Rey on the Atlantic Ocean, following the borderline between the Department of Antioquia and Córdoba, and from this point to the mouth of the Sinu River along the Atlantic Coast
Paraguay	PY	01/93	Whole country
Uruguay	UY	01/2001	Whole country'

CORRIGENDA**Corrigendum to Commission Regulation (EC) No 1008/2001 of 22 May 2001 establishing unit values for the determination of the customs value of certain perishable goods**

(Official Journal of the European Communities L 140 of 24 May 2001)

In the Annex on page 26 against code 2.70.2 'Monreales and satsumas, ex 0805 20 30', in the fourth column, under a):
for: '100,308',
read: '100,08'.

Corrigendum to Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste

(Official Journal of the European Communities L 332 of 28 December 2000)

On page 95 in Article 3(6):
for: '6. "existing co-incineration or co-incineration plant" means ...',
read: '6. "existing incineration or co-incineration plant" means ...';
and on page 108 in Annex IV in the second column relating to point 11. 'Dioxins and furans, ...':
for: '0.3 mg/l',
read: '0,3 ng/l'.
