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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 30/2001
of 8 January 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 9 January 2001.

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

Done at Brussels, 8 January 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 8 January 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	112,3
	204	51,2
	624	211,3
	999	124,9
0707 00 05	052	107,9
	999	107,9
0709 10 00	220	162,6
	999	162,6
0709 90 70	052	87,4
	204	43,9
	999	65,7
0805 10 10, 0805 10 30, 0805 10 50	052	56,8
	204	52,5
	388	27,4
	999	45,6
0805 20 10	052	67,5
	204	82,7
	999	75,1
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	70,3
	204	79,1
	624	95,4
	999	81,6
0805 30 10	052	62,9
	220	60,1
	600	70,2
	999	64,4
0808 10 20, 0808 10 50, 0808 10 90	060	37,7
	400	87,9
	404	91,3
	720	89,9
	728	84,3
	999	78,2
0808 20 50	400	88,9
	999	88,9

⁽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 31/2001
of 8 January 2001
on the supply of vegetable oil as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security ⁽¹⁾, and in particular Article 24(1)(b) thereof,

Whereas:

- (1) The abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage.
- (2) Following the taking of a number of decisions on the allocation of food aid, the Commission has allocated vegetable oil to certain beneficiaries.
- (3) It is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied under Council Regulation (EC) No 1292/96 as Community food aid ⁽²⁾. It is necessary to specify the time limits and conditions of supply to determine the resultant costs.
- (4) In order to ensure that the supplies are carried out for a given lot, provision should be made for tenderers to be able to mobilise either rapeseed oil or sunflower oil. The

contract for the supply of each such lot is to be awarded to the tenderer submitting the lowest tender,

HAS ADOPTED THIS REGULATION:

Article 1

Vegetable oil shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The supply shall cover the mobilisation of vegetable oil produced in the Community. Mobilisation may not involve a product manufactured and/or packaged under inward processing arrangements.

Tenders shall cover either rapeseed oil or sunflower oil. Tenders shall be rejected unless they specify the type of oil to which they relate.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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, 8 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOT A

1. **Action No:** 12/00
2. **Beneficiary** ⁽²⁾: WFP (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma tel.: (39-06) 6513 2988; fax: 6513 2844/3; telex: 626675 WFP I
3. **Beneficiary's representative:** to be designated by the beneficiary
4. **Country of destination:** Ethiopia
5. **Product to be mobilised:** refined rapeseed oil or refined sunflower oil
6. **Total quantity (tonnes net):** 500
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾: see OJ C 312, 31.10.2000, p. 1 (D.1 or D.2)
9. **Packaging:** see OJ C 267, 13.9.1996, p. 1 (10.4, A, B and C.2)
10. **Labelling or marking** ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (III.A.(3))
 - Language to be used for the markings: English
 - Supplementary markings: —
11. **Method of mobilisation of the product:** mobilisation of refined vegetable oil produced in the Community.
The mobilisation may not involve a product manufactured and/or packaged under inward-processing arrangements.
12. **Specified delivery stage** ⁽⁷⁾: free at port of landing — port warehouse PAM/WFP
13. **Alternative delivery stage:** free at port of shipment
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** Djibouti
16. **Place of destination:**
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 18.3.2001
 - second deadline: 1.4.2001
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: 12-25.2.2001
 - second deadline: 26.2-11.3.2001
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 23.1.2001
 - second deadline: 6.2.2001
20. **Amount of tendering guarantee:** EUR 15 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; telex: 25670 AGREC B; fax: (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund:** —

LOT B

1. **Action No:** 19/00
2. **Beneficiary** ⁽²⁾: WFP (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma tel.: (39-06) 6513 2988; fax: 6513 2844/3; telex: 626675 WFP I
3. **Beneficiary's representative:** to be designated by the beneficiary
4. **Country of destination:** Angola
5. **Product to be mobilised:** refined rapeseed oil or refined sunflower oil
6. **Total quantity (tonnes net):** 1 300
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾: see OJ C 312, 31.10.2000, p. 1 (D.1 or D.2)
9. **Packaging:** see OJ C 267, 13.9.1996, p. 1 (10.4, A, B and C.2)
10. **Labelling or marking** ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (III.A.(3))
 - Language to be used for the markings: Portuguese
 - Supplementary markings: —
11. **Method of mobilisation of the product:** mobilisation of refined vegetable oil produced in the Community.
The mobilisation may not involve a product manufactured and/or packaged under inward-processing arrangements.
12. **Specified delivery stage** ⁽⁷⁾: free at port of landing — port warehouse PAM/WFP
13. **Alternative delivery stage:** free at port of shipment
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** Luanda
16. **Place of destination:**
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 25.3.2001
 - second deadline: 8.4.2001
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: 19.2-4.3.2001
 - second deadline: 5-18.3.2001
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 23.1.2001
 - second deadline: 6.2.2001
20. **Amount of tendering guarantee:** EUR 15 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; telex: 25670 AGREC B; fax: (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund:** —

Notes:

- (¹) Supplementary information: Torben Vestergaard (Tel. (32-2) 299 30 50; fax (32-2) 296 20 05).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
 - health certificate
- (⁵) Notwithstanding OJ C 114, 29.4.1991, point III.A(3)(c) is replaced by the following: 'the words "European Community"'.

- (⁶) Tenders shall be rejected unless they specify the type of oil to which they relate.
- (⁷) In addition to the provisions of Article 14(3) of Regulation (EC) No 2519/97, vessels chartered shall not appear on any of the four most recent quarterly lists of detained vessels as published by the Paris Memorandum of Understanding on Port State Control (Council Directive 95/21/EC (OJ L 157, 7.7.1995, p. 1)).

COMMISSION REGULATION (EC) No 32/2001
of 8 January 2001
on the supply of split peas as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food aid policy and food aid management and special operations in support of food security ⁽¹⁾, and in particular Article 24(1)(b) thereof,

Whereas:

- (1) The abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage.
- (2) Following the taking of a number of decisions on the allocation of food aid, the Commission has allocated split peas to certain beneficiaries.
- (3) It is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied under Council Regulation (EC) No 1292/96 as Community food aid ⁽²⁾. It is necessary to specify the

time limits and conditions of supply to determine the resultant costs.

- (4) In order to ensure that the supplies are carried out, provision should be made for tenderers to be able to mobilise either green split peas or yellow split peas,

HAS ADOPTED THIS REGULATION:

Article 1

Split peas shall be mobilised in the Community, as Community food aid for supply to the recipients listed in the Annex, in accordance with Regulation (EC) No 2519/97, and under the conditions set out in the Annex.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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, 8 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOT A

1. **Action No:** 281/99
2. **Beneficiary** ⁽²⁾: EuronAid, PO Box 12, 2501 CA Den Haag, Nederland tel.: (31-70) 33 05 757; fax: 36 41 701; telex: 30960 EURON NL
3. **Beneficiary's representative:** to be designated by the beneficiary
4. **Country of destination:** Haiti
5. **Product to be mobilised** split peas (green peas)
6. **Total quantity (tonnes net):** 640
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾: see OJ C 312, 31.10.2000, p. 1 (B.6)
9. **Packaging** ⁽⁵⁾ ⁽⁷⁾: see OJ C 267, 13.9.1996, p. 1 (2.1, A(1.a and 2.a) and B(4)) or (4.0, A(1.c and 2.c) and B(4))
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (IV.A(3))
 - Language to be used for the markings: French
 - Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
The product must originate from the Community.
12. **Specified delivery stage:** free at port of shipment
13. **Alternative delivery stage:** —
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:**
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 12.2-4.3.2001
 - second deadline: 26.2-18.3.2001
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: —
 - second deadline: —
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 23.1.2001
 - second deadline: 6.2.2001
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; tlx: 25670 AGREC B; fax: (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund:** —

Notes:

- (¹) Supplementary information: Torben Vestergaard (tel. (32-2) 299 30 50; fax (32-2) 296 20 05).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
 - phytosanitary certificate.
- (⁵) Since the goods may be rebagged, the supplier must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (⁶) Notwithstanding OJ C 114 of 29.4.1991 Point IV.A(3)(c) is replaced by the following: 'the words "European Community"' and Point IV.A(3)(b) by the following: 'Split peas'.
- (⁷) Shipment to take place in 20-foot containers, condition FCL/FCL.

The supplier shall be responsible for the cost of making the container available in the stack position at the container terminal at the port of shipment. The beneficiary shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal.

The supplier has to submit to the recipient's agent a complete packing list of each container, specifying the number of bags belonging to each action number as specified in the invitation to tender.

The supplier has to seal each container with a numbered locktainer (Oneseal, Sysko, Locktainer 180 or a similar high-security seal), the number of which is to be provided to the beneficiary's representative.

COMMISSION REGULATION (EC) No 33/2001
of 8 January 2001
on the supply of fishery products as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security ⁽¹⁾, and in particular Article 24(1)(b) thereof,

Whereas:

- (1) The abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage.
- (2) Following the taking of a number of decisions on the allocation of food aid, the Commission has allocated fishery products to certain beneficiaries.
- (3) It is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied

pursuant to Council Regulation (EC) No 1292/96 as Community food aid ⁽²⁾. It is necessary to specify the time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Fishery products shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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, 8 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOT A

1. **Action No:** 282/99
2. **Beneficiary** ⁽²⁾: EuronAid, PO Box 12, 2501 CA Den Haag, Nederland tel.: (31-70) 330 57 57; fax: 364 17 01; telex: 30960 EURON NL
3. **Beneficiary's representative:** to be designated by the beneficiary
4. **Country of destination:** Haiti
5. **Product to be mobilised** ⁽⁸⁾: tinned mackerel in vegetable oil or tomato sauce
6. **Total quantity (tonnes net):** 54
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾: see OJ C 312, 31.10.2000, p. 1 (G.2)
Mackerel presented as salmon-type steaks
9. **Packaging** ⁽⁶⁾ ⁽⁷⁾: see OJ C 267, 13.9.1996, p. 1 (14.0, A, B and C.2)
10. **Labelling or marking** ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (VIII.A(3))
 - Language to be used for the markings: French
 - Supplementary markings: 'Date d'expiration: ...' (date of manufacture plus 3 years).In case the required markings cannot be printed on the tins, they must be printed on labels fixed on the tins. The expiry date and the date of manufacture shall be printed on the tins and not on the labels.
11. **Method of mobilisation of the product:** the Community market.
The product must originate from the Community.
12. **Specified delivery stage:** ex works
13. **Alternative delivery stage:** —
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:**
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 12.2-4.3.2001
 - second deadline: 26.2-18.3.2001
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: —
 - second deadline: —
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 23.1.2001
 - second deadline: 6.2.2001
20. **Amount of tendering guarantees:** EUR 15 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; telex: 25670 AGREC B; fax: (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund:** —

Notes:

- (¹) Supplementary information: Torben Vestergaard (tel. (32-2) 299 30 50; fax (32-2) 296 20 05).
 - (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
 - (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
 - (⁴) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
 - health certificate.
 - (⁵) Notwithstanding OJ C 114, point VIII.A(3)(c) is replaced by the following: 'the words "European Community"'.
The size of the lettering and of the European flag is adapted to the size of the cans. The cartons shall be marked on the two largest sides.
 - (⁶) Notwithstanding OJ C 267, 13.9.1996, the net weight of the tins must be of 400 to 500 g. Drained weight: minimum 70 % of the net weight.
 - (⁷) Shipment to take place in 20-foot containers, condition FCL/FCL.
The supplier has to submit to the recipient's agent a complete packing list of each container, specifying the number of cartons belonging to each action number as specified in the invitation to tender.
The supplier must seal each container with a numbered locktainer (Oneseal, Sysko, Locktainer 180 or a similar high-security seal) the number of which is to be provided to the beneficiary's representative.
 - (⁸) In order to be admissible each tender shall describe precisely the product proposed and the way in which it is packaged.
-

COMMISSION REGULATION (EC) No 34/2001**of 8 January 2001****fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5 (2) (a) thereof,

Whereas:

Pursuant to Article 2 (2) and Article 3 of abovementioned Regulation (EEC) No 4088/87, Community import and producer prices are fixed each fortnight for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses and apply for two-weekly periods. Pursuant to Article 1b of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽³⁾, as last amended by Regulation (EC) No 2062/

97 ⁽⁴⁾, those prices are determined for fortnightly periods on the basis of weighted prices provided by the Member States. Those prices should be fixed immediately so the customs duties applicable can be determined. Whereas, to that end, provision should be made for this Regulation to enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer and import prices for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses as referred to in Article 1b of Regulation (EEC) No 700/88 for a fortnightly period shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 9 January 2001.

It shall apply from 10 to 23 January 2001.

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

Done at Brussels, 8 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 382, 31.12.1987, p. 22.

⁽²⁾ OJ L 177, 5.7.1997, p. 1.

⁽³⁾ OJ L 72, 18.3.1988, p. 16.

⁽⁴⁾ OJ L 289, 22.10.1997, p. 1.

ANNEX

to the Commission Regulation of 8 January 2001 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

(EUR/100 pieces)

Period: from 10 to 23 January 2001

Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	14,40	11,62	46,33	19,33
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	13,41	17,67	12,90	13,03
Morocco	18,81	17,24	—	37,80
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	—	—	—	—

COMMISSION REGULATION (EC) No 35/2001
of 8 January 2001
suspending the preferential customs duties and re-establishing the Common Customs Tariff duty
on imports of small-flowered roses originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5(2)(b) thereof,

Whereas:

(1) Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers.

(2) Council Regulation (EC) No 1981/94 ⁽³⁾, as last amended by Commission Regulation (EC) No 563/2000 ⁽⁴⁾, opens and provides for the administration of Community tariff quotas for certain products originating in Algeria, Cyprus, Egypt, Israel, Jordan, Malta, Morocco, the West Bank and the Gaza Strip, Tunisia and Turkey and providing detailed rules for extending and adapting these tariff quotas.

(3) Commission Regulation (EC) No 34/2001 ⁽⁵⁾ fixes the Community producer and import prices for carnations and roses for the application of the import arrangements.

(4) Commission Regulation (EEC) No 700/88 ⁽⁶⁾, as last amended by Regulation (EC) No 2062/97 ⁽⁷⁾, lays down the detailed rules for the application of the arrangements.

(5) On the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2(3) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for small-flowered roses originating in Israel. The Common Customs Tariff duty should be re-established.

(6) The quota for the products in question covers the period 1 January to 31 December 2001. As a result, the suspension of the preferential duty and the reintroduction of the Common Customs Tariff duty apply up to the end of that period at the latest.

(7) In between meetings of the Management Committee for Live Plants and Floriculture Products, the Commission must adopt such measures,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of small-flowered roses (CN code ex 0603 10 10) originating in Israel, the preferential customs duty fixed by Regulation (EC) No 1981/94 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

Article 2

This Regulation shall enter into force on 10 January 2001.

⁽¹⁾ OJ L 382, 31.12.1987, p. 22.

⁽²⁾ OJ L 177, 5.7.1997, p. 1.

⁽³⁾ OJ L 199, 2.8.1994, p. 1.

⁽⁴⁾ OJ L 68, 16.3.2000, p. 46.

⁽⁵⁾ See page 13 of this Official Journal.

⁽⁶⁾ OJ L 72, 18.3.1988, p. 16.

⁽⁷⁾ OJ L 289, 22.10.1997, p. 1.

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

Done at Brussels, 8 January 2001.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 36/2001
of 8 January 2001
suspending the preferential customs duties and re-establishing the Common Customs Tariff duty
on imports of large-flowered roses originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5(2)(b) thereof,

Whereas:

(1) Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers.

(2) Council Regulation (EC) No 1981/94 ⁽³⁾, as last amended by Commission Regulation (EC) No 563/2000 ⁽⁴⁾, opens and provides for the administration of Community tariff quotas for certain products originating in Algeria, Cyprus, Egypt, Israel, Jordan, Malta, Morocco, the West Bank and the Gaza Strip, Tunisia and Turkey and providing detailed rules for extending and adapting these tariff quotas.

(3) Commission Regulation (EC) No 34/2001 ⁽⁵⁾ fixes the Community producer and import prices for carnations and roses for the application of the import arrangements.

(4) Commission Regulation (EEC) No 700/88 ⁽⁶⁾, as last amended by Regulation (EC) No 2062/97 ⁽⁷⁾, lays down the detailed rules for the application of the arrangements.

(5) On the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2(3) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for large-flowered roses originating in Israel. The Common Customs Tariff duty should be re-established.

(6) The quota for the products in question covers the period 1 January to 31 December 2001. As a result, the suspension of the preferential duty and the reintroduction of the Common Customs Tariff duty apply up to the end of that period at the latest.

(7) In between meetings of the Management Committee for Live Plants and Floriculture Products, the Commission must adopt such measures,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of large-flowered roses (CN code ex 0603 10 10) originating in Israel, the preferential customs duty fixed by Regulation (EC) No 1981/94 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

Article 2

This Regulation shall enter into force on 10 January 2001.

⁽¹⁾ OJ L 382, 31.12.1987, p. 22.

⁽²⁾ OJ L 177, 5.7.1997, p. 1.

⁽³⁾ OJ L 199, 2.8.1994, p. 1.

⁽⁴⁾ OJ L 68, 16.3.2000, p. 46.

⁽⁵⁾ See page 13 of this Official Journal.

⁽⁶⁾ OJ L 72, 18.3.1988, p. 16.

⁽⁷⁾ OJ L 289, 22.10.1997, p. 1.

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

Done at Brussels, 8 January 2001.

For the Commission
Franz FISCHLER
Member of the Commission

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 19 December 2000

on the Community's financial contribution to a programme for the control of organisms harmful to plants and plant products in Madeira for 2000

(notified under document number C(2000) 3867)

(Only the Portuguese text is authentic)

(2001/13/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira ⁽¹⁾, as last amended by the Regulation (EC) No 1257/1999 ⁽²⁾, and in particular Article 33(3) thereof,

Whereas:

- (1) Commission Decision 93/522/EEC ⁽³⁾, as last amended by Decision 96/633/EC ⁽⁴⁾, defines what measures are eligible for Community financing as regards programmes for the control of organisms harmful to plants and plant products in the French overseas departments, the Azores and Madeira.
- (2) Specific agricultural production conditions in Madeira call for particular attention, and action must be taken or reinforced as regards crop production, in particular the phytosanitary aspects for this region.
- (3) The action to be taken or reinforced on the phytosanitary side is particularly costly.
- (4) The programme of action has been presented to the Commission by the relevant Portuguese authorities. This programme specifies the objectives to be achieved, the measures to be carried out, their duration and their cost so that the Community may contribute to financing them.

- (5) The Community's financial contribution may cover up to 75 % of eligible expenditure, protective measures for bananas being excluded.
- (6) The operations provided for in the European Community framework Programme for research and technological Development cannot be the same as those contained in this programme.
- (7) The measures foreseen in the environmental programme approved for the Region of Madeira in the framework of Regulation (EEC) No 2078/92 ⁽⁵⁾, as last amended by Commission Regulation (EC) No 2772/95 ⁽⁶⁾, cannot be the same as those contained in this programme.
- (8) The technical information provided by Portugal has enabled the Standing Committee on Plant Health to analyse the situation accurately and comprehensively.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

The Community's financial contribution to the official programme for the control of organisms harmful to plants and plant products on the Island of Madeira presented for 2000 by the relevant Portuguese authorities is hereby approved.

⁽¹⁾ OJ L 173, 27.6.1992, p. 1.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

⁽³⁾ OJ L 251, 8.10.1993, p. 35.

⁽⁴⁾ OJ L 283, 5.11.1996, p. 58.

⁽⁵⁾ OJ L 215, 30.7.1992, p. 85.

⁽⁶⁾ OJ L 288, 1.12.1995, p. 35.

Article 2

The official programme is made up of a programme for the autocidal control of the fruit fly (*Ceratitis capitata* Wied).

Article 3

The Community's financial contribution to the programme in 2000 presented by Portugal shall be 75 % of expenditure related to eligible measures as defined by Commission Decision 93/522/EEC with a maximum of EUR 250 000 (VAT excluded).

The schedule of programme costs and their financing is set out as Annex I to this Decision.

Article 4

A first instalment of EUR 100 000 shall be paid to Portugal immediately after the official notification of the present Decision.

Article 5

The Community assistance shall relate to the eligible measures associated with the operations covered by the programme set up in Portugal by provisions for which the necessary financial resources have been committed between 1 January 2000 and 31 December 2000. The final date for payments in connection with the operations shall be 31 March 2001, and non-compli-

ance without justification of delay shall entail loss of entitlement to Community financing.

In the case where a request for extension of the final date for payment is necessary, the responsible official authorities have to introduce this request before the final date and present the justification concerning this request.

Article 6

Specific provisions relating to the financing of the programme, provisions on compliance with Community policies and the information to be provided to the Commission by Portugal shall be as set out in Annex II.

Article 7

Any public contracts connected with investments covered by this Decision shall be subject to Community law.

Article 8

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 19 December 2000.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

FINANCIAL TABLE FOR 2000

(in euro)

	Eligible expenditures 2000		
	EC	Madeira	Total
<i>Ceratitis capitata</i>	250 000	83 333	333 333
Total	250 000	83 333	333 333

ANNEX II

I

PROVISIONS ON THE IMPLEMENTATION OF THE PROGRAMME

A. Provisions on financial implementation

1. The Commission's intention is to establish real cooperation with the authorities responsible for the implementation of the programme. In line with the programme these authorities are those indicated below.

Commitment and payments

2. Portugal guarantees that, for all action co-financed by the Community all public and private bodies involved in its management and implementation shall keep accounts in standard form of all transactions in order to facilitate monitoring of expenditure by the Community and the national authorities responsible for surveillance.
3. The initial budgetary commitment shall be based on an indicative financial plan; this commitment shall be made for one year.
4. The commitment will be made when the decision approving assistance is adopted by the Standing Committee on Plant Health under procedure Article 18 of Council Directive 2000/29/EC ⁽¹⁾.
5. The first instalment of EUR 100 000 shall be paid to Portugal immediately after the official notification of the present Decision.
6. The balance of the amount committed of EUR 150 000 is paid upon presentation to the Commission of the final report of activity and the detailed total expenditure incurred and after it has been approved by the Commission.

Authorities responsible for the implementation of the programme:

— Central administration:

Direcção-Geral de Protecção das Culturas
Quinta do Marquês
P-2780 Oeiras

— Local administration:

Região Autónoma da Madeira
Secretaria Regional do Ambiente e Recursos Naturais
Direcção Regional da Agricultura
Avenida Arriaga, 21 A
Edifício Golden Gate, 4º piso
P-9000 Funchal

7. The actual expenditure incurred shall be notified to the Community broken down by type of action or subprogramme in a way demonstrating the link between the indicative financial plan and expenditure actually incurred. If Portugal keeps suitable computerised accounts this will be acceptable.
8. All payments of aid granted by the Community under this Decision shall be made to the authority designated by Portugal, which will also be responsible for repayment to the Community of any excess amount.

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

9. All commitments and payments shall be made in euro.

Financial schedules for Community support frameworks and amounts of Community aid shall be expressed in euro. Payment shall be made to the following account:

Banco BPI
N.º de conta 0010 370 03221820001
Titular: Governo da Região Autónoma da Madeira
Endereço: Avenida de Zarco
P-9000 Funchal

Financial control

10. Inspections may be carried out by the Commission or the Court of Auditors should it so request. Portugal and the Commission shall immediately exchange all relevant information in regard to the outcome of an inspection.
11. For three years following the last payment relating to the assistance the authority responsible for implementation shall keep available to the Commission all documentary evidence of expenditure incurred.
12. When it submits applications for payment Portugal shall make available to the Commission all official reports relating to supervision of the measures in question.

Reduction, suspension and withdrawal of aid

13. Portugal and the recipients of aid shall declare that Community funds are used for the intended purposes. If implementation of a measure appears to require only part of the financial assistance allotted the Commission shall immediately recover the amount due. In cases of dispute the Commission shall examine the case within the partnership framework, asking Portugal or the other authorities designated by Portugal for implementation of the measure to submit their comments within two months.
14. The Commission may reduce or suspend aid for a measure if the examination confirms the existence of an irregularity, in particular of a substantial modification affecting the nature or conditions of implementation of the measure for which approval by the Commission has not been sought.

Recovery of undue payments

15. All sums unduly paid must be reimbursed to the Community by the designated authority indicated in point 8. Interest may be levied on sums not reimbursed. If for any reason the designated authority indicated in point 8 does not reimburse the Community, Portugal shall pay the amount to the Commission.

Prevention and detection of irregularities

16. The partners shall observe a code of conduct drawn up by Portugal in order to ensure that any irregularity in the provision of assistance programme is detected. Portugal shall ensure that:
- suitable action is taken in this area,
 - any amount unduly paid as a result of an irregularity is recovered,
 - action is taken to prevent irregularities.

B. Monitoring and assessment

B.I. Monitoring Committee

1. Establishment

Independent of the financing of this action, a monitoring committee for the programme shall be set up by Portugal and the Commission. It shall regularly review implementation of the programme and, in appropriate cases, propose any adjustments required.

2. The Committee shall establish its own internal procedures within one month of the notification of the present Decision to Portugal.
3. Competence of Monitoring Committee

The Committee:

- shall have as its general responsibility the satisfactory progress of the programme towards attainment of the objectives set. Its competence shall embrace the programme measures within the limits of the Community aid granted. It shall keep watch on respect for the regulatory provisions, including those on eligibility of operations and projects,
- shall, on the basis of information on the selection of projects already approved and implemented, reach an opinion on application of the selection criteria set out in the programme,
- shall propose any action required to accelerate implementation of the programme in the light of the information furnished periodically by the interim monitoring and assessment indicators,
- may, in agreement with the Commission representative(s), adjust the financing plans within a limit of 15 % of the Community contribution to a subprogramme or measure for the entire period, or 20 % for any year, provided that the total amount scheduled in the programme is not exceeded. Care must be taken to see that the main objectives of the programme are not thereby compromised,
- shall give its opinion on the adjustments proposed to the Commission,
- shall issue an opinion on technical assistance projects scheduled in the programme,
- shall give its opinion on draft final report;
- shall report regularly to the Standing Committee on Plant Health on the progress of the programme and expenditure incurred, at least twice during the relevant period.

B.II. Monitoring and assessment of the programme during the implementation period (continuous monitoring and assessment)

1. The national agency responsible for implementation shall also be responsible for continuous monitoring and assessment of the programme.
2. By continuous monitoring is meant an information system on the state of progress of the programme. Continuous monitoring will cover the measures contained in the programme. It involves reference to the financial and physical indicators structured so as to permit assessment of the correspondence between expenditure on each measure and predefined physical indicators showing the degree of realisation.
3. Continuous assessment of the programme will involve analysis of the quantitative results of implementation on the basis of operational, legal and procedural considerations. The purpose is to guarantee correspondence between measures and programme objectives.

Implementation report and scrutiny of the programme

4. Portugal shall notify to the Commission, within one month of adoption of the programme, the name of the authority responsible for compilation and presentation of the final report.

The final report shall contain a concise evaluation of the entire programme (degree of achievement of physical and qualitative objectives and of progress accomplished) and an assessment of the immediate phytosanitary and economic impact.

The final report on the present programme will be presented by the competent authority to the Commission before 31 March 2001 and shall thereafter be presented to the Standing Committee of Plant Health as soon as possible after this date.

5. The Commission may jointly with Portugal call in an independent assessor who shall, on the basis of the continuous monitoring, carry out the continuous assessment defined in point 3. He may submit proposals for adjustment of the subprogrammes and/or measures, modification of the selection criteria for projects, etc., in the light of difficulties encountered in the course of implementation. On the basis of monitoring of management he shall issue an opinion on the administrative measures to be taken. To guarantee the assessor's impartiality the Commission will not pay the entire cost of employing him.

C. Information and publicity

In the framework of this action, the agency appointed as responsible for the programme shall ensure that it is adequately publicised.

It shall in particular take action to:

- make potential recipients and professional organisations aware of the possibilities offered under the programme measures,
- make the general public aware of the Community's role in the programme.

Portugal and the agency responsible for implementation shall consult the Commission on initiatives envisaged in this area, possibly through the Monitoring Committee. They shall regularly notify the Commission of information and publicity measures adopted, either by a final report or through the Monitoring Committee.

The national legal provisions on confidentiality of information shall be complied with.

II

COMPLIANCE WITH COMMUNITY POLICIES

Community policies applying in this field must be complied with.

The programme shall be implemented in accordance with the provisions on coordination of and compliance with Community policies. The following information must be supplied by Portugal.

1. Award of public contracts

The 'public contracts' ⁽¹⁾ questionnaire must be completed for:

- public contracts above the ceilings set by the 'Supplies' and 'Works' Directives that are awarded by contract-awarding authorities as defined in these Directives and are not covered by the exemptions specified therein,
- public contracts below these ceilings where they constitute components of a single piece of work or of uniform supplies of a value above the ceiling. By 'a single piece of work' is meant a product of building or civil engineering works intended in itself to fulfil an economic or technical function.

The ceilings in force are the ones at the date of the notification of this Decision.

2. Protection of the environment

(a) General information:

- description of the main environmental features and problems of the region concerned, giving a description of the important conservation areas (sensitive zones),
- a comprehensive description of the major beneficial and harmful effects that the programme, given the investments planned, is likely to have on the environment,
- a description of the action planned to prevent, reduce or offset any serious harmful effects on the environment,
- a report on consultations with the responsible environmental authorities (opinion of the Ministry for the Environment or its equivalent) and, if there were any such consultations, with the public concerned.

(b) Description of planned activities

For programme measures liable to have a significantly harmful effect on the environment:

- the procedures which will be applied for assessing individual projects during implementation of the programme,
- the mechanisms planned for monitoring environmental impact during implementation, assessing results and eliminating, reducing or offsetting harmful effects.

⁽¹⁾ Notice C(88) 2510 to the Member States on monitoring compliance with public procurement rules in the case of projects and programmes financed by the Structural Funds and Financial Instruments (OJ C 22, 28.1.1989, p. 3).

COMMISSION DECISION

of 19 December 2000

on a Community financial contribution to cover expenditure incurred by Spain, France, Italy, Austria and Portugal for the purpose of combating organisms harmful to plants or plant products

(notified under document number C(2000) 3868)

(Only the Spanish, French, Italian, German and Portuguese texts are authentic)

(2001/14/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾ ('the Directive') and in particular Article 23 thereof,

Whereas:

- (1) Pursuant to the Directive, a financial contribution from the Community may be granted to Member States to cover expenditure relating directly to the necessary measures which have been taken or are planned to be taken for the purpose of combating harmful organisms introduced from third countries or from other areas in the Community, in order to eradicate or, if that is not possible, to contain them.
- (2) Spain, Italy, Austria and Portugal have applied for the allocation of such a Community financial contribution within the time limit set out in the Directive.
- (3) Spain, Italy, Austria and Portugal have each established a programme of actions to eradicate organisms harmful to plants introduced in their territories. These programmes specify the objectives to be achieved, the measures carried out, their duration and their cost so that the Community may contribute to financing it.
- (4) A re-examination has taken place of the eligibility for the reimbursement by the Community of expenditure paid by potato producers' associations, claimed by France in relation to the eradication programmes of *Clavibacter michiganensis* ssp. *sepedonicus*, *Globodera rostochiensis* and *Globodera pallida* carried out in 1997, in the light of recent legal clarification concerning the eligibility of such expenditure for a Community financial contribution.
- (5) The Community financial contribution may cover up to 50 % of eligible expenditure. However, taking into account the restricted appropriations for that purpose in the general budget of the European Union for 2000, the Community financial contribution for the purposes of

this Decision is set in general to 19 %, noting that the programmes received have been treated in equal way.

- (6) For the expenditure incurred by France in 1997 referred to above, the Community financial contribution for the purpose of this Decision is set at 40 %, consistent with the level set for the Community contribution in respect of other 1997 programmes, as allocated by Decision 2000/38/EC.
- (7) An extension, of one, two or three years of the period in which eradication measures have to take place, as foreseen in Article 23(5), third subparagraph, of the Directive, has been granted to certain programmes as the examination of the situation has led to the conclusion that the objective of the above eradication measures is likely to be achieved within that extended period.
- (8) The Community financial contribution for the programmes, running for more than two years and covered by this Decision, has been degressive, i.e. the eligible expenditure has been multiplied by 0,7 for the third year, 0,6 for the fourth year and 0,5 for the fifth year.
- (9) The expenditure, which Spain, France, Italy, Austria and Portugal have incurred, and taken into account in this Decision, relates directly to the matters specified in Article 23(2)(a) and Article 23(2)(b) of the Directive.
- (10) The technical information provided for by Spain, France, Italy, Austria and Portugal has enabled the Commission to analyse the situation accurately and comprehensively. The information has also been considered in detail by the Standing Committee on Plant Health.
- (11) The contribution referred to in Article 2 is without prejudice to further actions taken or to be taken and necessary for the achievement of the objective of eradication or control of the relevant harmful organisms.
- (12) The present Decision is without prejudice to the outcome of the verification by the Commission under Article 24 of the Directive on whether the introduction of the relevant harmful organism has been caused by inadequate examinations or inspections and the consequences of such verification.
- (13) The measures provided in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

The allocation of a Community financial contribution to cover expenditure incurred by Spain, France, Italy, Austria and Portugal relating directly to necessary measures as specified in Article 23(2) of Directive 2000/29/EC and taken for the purpose of combating the organisms concerned by the eradication programmes listed in the Annex to this Decision, is hereby approved.

Article 2

1. The total amount of the financial contribution referred to in Article 1 is EUR 497 481.
2. The maximum amounts of the Community financial contribution for each eradication programme and for each year of implementation of the eradication programme shall be as indicated in the Annex to this Decision.
3. The resulting maximum Community financial contribution for the concerned Member States shall be as follows:
 - EUR 161 273 to Spain,
 - EUR 26 899 to France,
 - EUR 5 168 to Italy,
 - EUR 17 103 to Austria,
 - EUR 287 038 to Portugal.

Article 3

1. Subject to the verifications by the Commission under Article 24 of Directive 2000/29/EC, the Community financial contribution shall be paid only when evidence of the measures taken has been given to the Commission through documentation related to the occurrence and the eradication of the relevant harmful organisms.
2. The documentation referred to in paragraph 1 shall be included in an application including:

- (a) general information on the appearance, including, *inter alia*, details on:
 - the date on which the presence of the relevant harmful organism was suspected or confirmed, and details on the presumed origin of the occurrence;
 - (b) a description of the eradication programme, including, *inter alia*, the measures taken or planned and the expected duration;
- and, for each year of the eradication programme,
- (c) a monitoring report on the actions undertaken to determine the nature and extent of the appearance of the relevant harmful organism;
 - (d) an eradication report in respect of each holding on which plants and plant products were destroyed, including, *inter alia*, information on:
 - the location and address of the holding,
 - the quantity of plants and plant products destroyed,
 - (e) a financial report including the list of beneficiaries and their addresses, and of amounts paid (excluding VAT and taxes) or to be paid for the carrying out of the necessary measures;
 - (f) a copy of the notification of appearance made under Article 16(1) or 16(2) of the Directive;
 - (g) proof or evidence of the above payments.

Article 4

This Decision is addressed to the Kingdom of Spain, the French Republic, the Italian Republic, the Austrian Republic and the Portuguese Republic.

Done at Brussels, 19 December 2000.

For the Commission

David BYRNE

Member of the Commission

ANNEX

ERADICATION PROGRAMMES

Section I: Programmes whose Community financial contribution corresponds to 19 % of eligible expenditure

[illegible]

Section II: Programmes whose Community financial contribution corresponds to 40 % of eligible expenditure

Member State	Administrative region	Harmful organisms combated	Affected plants	Year	a	b	Eligible expenditure (*) in EUR	Maximum Community contribution in EUR
France	Champagne, Picardy, Nord Ile-de-France	<i>Clavibacter michiganensis</i> ssp. <i>sepedonicus</i> and <i>Globadera</i> spp.	Potato	1997	1	1	67 248	26 899
Community contribution (at 40 %)								26 899
Total Community contribution (Section I + Section II)								497 481

Legend:

a: Year of implementation of the eradication programme.

b: degression coefficient applied.

(*) Resulting from the multiplication of eligible expenditure and the degression coefficient applied.

COMMISSION DECISION

of 27 December 2000

pursuant to Council Regulation (EC) No 3286/94 to suspend the examination procedure concerning obstacles to trade in cosmetics in the Republic of Korea*(notified under document number C(2000) 4128)*

(2001/15/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3286/94 of 22 December 1994 laying down Community procedures in the field of the common commercial policy in order to ensure the exercise of the Community's rights under international trade rules, in particular those established under the auspices of the World Trade Organisation ⁽¹⁾, as last amended by Regulation (EC) No 356/95 ⁽²⁾, and in particular Articles 11 and 14 thereof,

After consulting the Advisory Committee,

Whereas:

Association (KCIA) containing sensitive commercial information;

(iii) Authorisation procedure for advertisements: allegedly leading to discrimination.

(3) The complainant alleged that the conformity assessment procedure and the administrative tracking requirements were burdensome and unnecessary and that the procedures for testing imposed on imported goods differed from those for domestic products and were therefore discriminatory. The complainant also alleged that the flexible interpretation of the Pharmaceutical Affairs Law with regard to advertising led to discrimination against imported products. The complainant therefore asserted that the Korean practices mentioned above contravened Articles 5.1.1 and 5.1.2 of the WTO Agreement on Technical Barriers to Trade and Article III(4) of GATT 1994.

A. PROCEDURAL BACKGROUND

(1) On 2 April 1998, Colipa, the Liaison Committee of the European Cosmetic, Toiletry and Perfumery Association, lodged a complaint under Article 4 of Regulation (EC) No 3286/94 (hereinafter 'the Regulation') on behalf of those of its members which export to Korea or wish to do so.

(2) The complainant alleged that Community sales of cosmetic products in the Republic of Korea were hindered by three obstacles to trade within the meaning of Article 2(1) of the Regulation, i.e. 'a practice adopted or maintained by a third country and in respect of which international trade rules establish a right of action'. The alleged obstacles to trade were:

(i) Conformity assessment procedure: testing on imported cosmetics carried out by the Korean administration, in Korea, often requiring a period of three months in order to complete the different stages of the procedure;

(ii) Administrative tracking of products: obligation for importers to keep, for three years, registers containing customs, commercial and quality-related information on all cosmetic products that they import. In addition, importers also required to send an annual report to the Korean Cosmetics Industry

(4) The complainant also claimed that its members were suffering adverse trade effects within the meaning of Article 2(4) of the Regulation and that they were in danger of being more adversely affected in the near future. The complainant claimed that additional costs were incurred due to the rigorous conditions imposed on imports of cosmetics in Korea, those costs being in the order of 1,5 % of net sales of products imported into Korea. Those additional costs arose from an excessive workload for its administrative and technical staff, the supplementary costs involved in the tests themselves and the handling and warehousing of the stocks during tests. In addition, the complainant asserted that the discrimination affecting advertising for imported products made it more difficult for them to increase their market share to help compensate for the additional costs incurred by the conformity assessment procedure and excessive administrative requirements.

(5) The Commission decided therefore, after consultation of the Advisory Committee established by the Regulation, that there was sufficient evidence to justify initiating an examination procedure for the purpose of considering the legal and factual issues involved. Consequently, an examination procedure was initiated on 19 May 1998 ⁽³⁾.

⁽¹⁾ OJ L 349, 31.12.1994, p. 71.

⁽²⁾ OJ L 41, 23.2.1995, p. 3.

⁽³⁾ OJ C 154, 19.5.1998, p. 12.

B. THE FINDINGS OF THE EXAMINATION PROCEDURE

- (6) During the examination procedure, which focused on the Korean market, Commission officials met with importers in Korea, the Korean association of cosmetics manufacturers and the Korean authorities. In addition, the Commission officials met with manufacturers in the Community and scientific experts from Colipa to discuss the testing of products and the legislation governing the production and marketing of cosmetics in the Community.
- (7) The examination procedure found that the conformity assessment procedure was both discriminatory and more burdensome than necessary and was thus a violation of Articles 5.1.1 and 5.1.2 of the WTO Agreement on Technical Barriers to Trade. The examination procedure also found that the compulsory documentation requirement, which created an unnecessary duplication of administrative work for importers, was contrary to Article 5.1.2 of the WTO Agreement on Technical Barriers to Trade. The examination procedure found that the legislation governing the advertising regime for cosmetics was not discriminatory.

C. REACTION OF THE KOREAN GOVERNMENT TO THE INITIATION OF THE TBR EXAMINATION PROCEDURE

- (8) The Korean authorities were cooperative and provided the information requested by the Commission.
- (9) The Korean authorities also indicated a willingness to join the Commission in seeking a negotiated agreement that would lead to a solution to the problems encountered by imported cosmetics and, for this purpose, to discuss changes in the Korean legal regime affecting cosmetics.

D. OUTCOME OF THE EXAMINATION PROCEDURE

- (10) Following a series of discussions, the Commission and the Korean authorities reached an agreement whereby the Korean legislation on cosmetics would be amended in regard to the testing of cosmetic products imported into the Republic of Korea. That agreement was confirmed by an Exchange of Letters between the European Commission and the Mission of the Republic of Korea to the European Union. The agreement stated that cosmetics manufactured by producers whose premises had been approved by the competent Korean authorities as being of an equivalent or higher standard than that specified by Korean Good Manufacturing Practice would be exempted from testing at the moment of import. This does not apply to the first import of a product but to all subsequent imports.

- (11) In accordance with the agreement Korea introduced an amendment to its legislation which entered into force on 24 January 2000. Furthermore, Korean officials carried out on-site inspections at the premises of various Community producers and granted the required approvals in February and July 2000. Finally, on 1 July 2000 Korea enacted a law on cosmetics regulating issues relating to the manufacture, importation and sale of 'cosmetics' and 'cosmeceuticals' (a special category of cosmetics for sun and anti-wrinkle protection). The new Cosmetics Law is to be implemented through enforcement regulations, notably, Ministry of Health and Welfare (MHW) Notice No 163 which entered into force on 19 July 2000.

E. RECOMMENDATION

- (12) The Commission services are of the opinion that the agreement reached between the Commission and the Korean authorities has been implemented in its major elements. The Commission services wish to monitor the enforcement guidelines, introduced during 2000, and their implementation in order to be satisfied that their provisions do not contradict any aspect of the agreement. The examination procedure concerning measures imposed by the Republic of Korea affecting the import, distribution and advertising of cosmetics, perfume and toiletries products should be suspended for a period of six months to enable such examination to take place. At the end of that period the Commission services will report to Member States their conclusions on the enforcement guidelines and their compatibility with the agreement. At that time, if all interested parties are satisfied that no concerns remain, the TBR examination procedure will be terminated,

HAS DECIDED AS FOLLOWS:

Sole Article

The examination procedure concerning measures imposed by the Republic of Korea affecting the import, distribution and advertising of cosmetics, perfume and toiletries products initiated on 19 May 1998 is hereby suspended.

Done at Brussels, 27 December 2000.

For the Commission

Pascal LAMY

Member of the Commission

COMMISSION DECISION

of 12 July 2000

pursuant to Articles 14 and 15 of Council Regulation (EEC) No 4064/89 imposing fines on an undertaking for supplying incomplete information in merger control proceedings (Case COMP/M.1634 — Mitsubishi Heavy Industries)

(notified under document number C(2000) 1981)

(Only the English text is authentic)

(Text with EEA relevance)

(2001/16/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement on the European Economic Area,

Having regard to Council Regulation (EEC) No 4064/89 of 21 December 1989 on the control of concentrations between undertakings ⁽¹⁾, as last amended by Council Regulation (EC) No 1310/97 ⁽²⁾ and in particular Articles 14(1)(c) and 15(1) thereof,

Having given the undertakings concerned the opportunity to make known their views on the objections raised by the Commission,

Having regard to the opinion of the Advisory Committee on Concentrations,

Whereas:

fax dated 14 June 1999 that it had provided all information that could be provided.

- (3) Given that no information as requested was forthcoming from Mitsubishi, the Commission sent a copy of its request for information by fax on 17 June 1999. Mitsubishi replied by fax dated 22 June 1999. However, the information in this fax was incomplete, as was admitted by Mitsubishi itself in the reply.
- (4) On 2 July 1999, the Commission adopted a decision pursuant to Article 11(5) of the Merger Regulation. In the decision, the Commission required Mitsubishi to supply the relevant information no later than on 9 July 1999. The information requested was specified in the annex to the decision. In its decision, the Commission indicated, pursuant to Article 15(1) of the Merger Regulation, that should Mitsubishi fail to supply the information requested within the period prescribed, it shall incur a periodic penalty payment of EUR 15 000 per day, calculated from the end of that period. The decision was notified to Mitsubishi on 6 July 1999. Mitsubishi has not provided the information requested by the Commission's decision, despite several reminders.

I. INTRODUCTION

- (1) On 26 March 1999, the Commission received a notification pursuant to Article 4 of Council Regulation (EEC) No 4064/89 ('the Merger Regulation') of a concentration whereby Kvaerner ASA ('Kvaerner') and A. Ahlström Corporation ('Ahlström') notified their intention to establish a joint venture by combining the pulping equipment engineering businesses of Kvaerner Pulp and Paper ('KPP') and Ahlström Machinery Group ('AMG') ⁽³⁾.
- (2) In relation with its extended investigation into the notified operation, the Commission addressed by fax a request for information to Mitsubishi Heavy Industries Europe, Ltd ('Mitsubishi'), pursuant to Article 11 of the Merger Regulation. The period to supply the information requested expired on 10 June 1999. Mitsubishi failed to reply to the request for information and claimed in its

- (5) On 20 December 1999, the Commission sent a Statement of Objections to Mitsubishi in order to allow Mitsubishi make known its views on the infringement of Article 11 of the Merger Regulation committed by it. Mitsubishi did not reply to the Statement of Objections.

II. INFRINGEMENT OF THE MERGER REGULATION: RELEVANT FACTS

- (6) Mitsubishi failed to supply the full information requested by the Commission in its decision of 2 July 1999 pursuant to Article 11(5) of the Merger Regulation. In particular, Mitsubishi failed to supply the information requested concerning the price charged by Mitsubishi for:

— each new recovery boiler sold to the chemical pulp industry in order to be incorporated into a new pulp mill worldwide since 1990,

⁽¹⁾ OJ L 395, 30.12.1989, p. 1; corrigendum OJ L 257, 21.9.1990, p. 13.

⁽²⁾ OJ L 180, 9.7.1997, p. 1.

⁽³⁾ Case IV/M.1431 — Ahlström/Kvaerner

- each new recovery boiler sold to the chemical pulp industry in order to replace an existing recovery boiler worldwide since 1990.

The reply from Mitsubishi did not include either the turnover achieved by Mitsubishi every year since 1990 for:

- refurbishment activities of recovery boilers,
 - maintenance activities of recovery boilers.
- (7) Mitsubishi stated that to identify the figures necessary to provide the information requested would entail excessive and disproportionate amounts of work, since sales of the boilers in question represented only a small proportion of its total boiler turnover.

III. LEGAL ASSESSMENT

- (8) By failing to supply the information requested by the Commission within the period fixed by its decision pursuant to Article 11(5) of the Merger Regulation, or at all, Mitsubishi has infringed Article 11 of the Merger Regulation.
- (9) Mitsubishi's failure to supply that information constitutes an infringement for which a fine may be imposed under Article 14(1)(c) and a periodic penalty payment may be imposed under Article 15(1) of the Merger Regulation

IV. IMPOSITION OF FINES AND PERIODIC PENALTY PAYMENTS

- (10) Under Article 14(1)(c) of the Merger Regulation, the Commission may by decision impose fines of from EUR 1 000 to EUR 50 000 on undertakings which, intentionally or negligently, supply incorrect information in response to a request made pursuant to Article 11 of the Merger Regulation or which fail to supply information within the period fixed by a decision pursuant Article 11. Under Article 14(3), in setting the amount of the fine, the Commission has to take account of the nature and gravity of the infringement. The Commission thereby takes account of any aggravating or attenuating circumstances.
- (11) Under Article 15(1) of the Merger Regulation, the Commission may impose on undertakings periodic penalty payments of up to EUR 25 000 for each day of delay calculated from the date set in the decision in order to compel them to supply complete and correct information which it has requested by decision pursuant to Article 11 of the Merger Regulation. In addition, under Article 15(3) of the Merger Regulation, where the undertakings have satisfied the obligation which it was the purpose of the periodic penalty payment to enforce, the Commission may set the total amount of the periodic penalty payments at a lower figure than that which would arise under the original decision. In its decision of 2 July 1999 the Commission imposed a periodic penalty payment of EUR 15 000 on Mitsubishi for each day of failure to provide the required information.

A. Assessment under Article 14

Nature of the infringement

- (12) The infringement committed by Mitsubishi took the form of failure to provide information within the period fixed by a Commission decision pursuant to Article 11(5) of the Merger Regulation. The information requested concerned the company's activities in the worldwide recovery boiler business (see recital 6).

Gravity of the infringement

- (13) The Commission considers that the infringement of the Merger Regulation committed by Mitsubishi is a very serious one. The reasons for this are set out hereunder.
- (14) Under Article 11(1) of the Merger Regulation, the Commission may obtain all necessary information from undertakings in carrying out the duties assigned to it by the Merger Regulation. The information requested by the Commission from Mitsubishi was necessary, within the meaning of Article 11(1) of the Merger Regulation, for the proper assessment of the compatibility of the notified operation with the common market. In particular, the information requested was necessary in order to determine the market share of the parties to the notified operation and those of the other market participants in the markets for engineering and supply of recovery boilers.
- (15) Given the limited number of manufacturers of recovery boilers for the pulp and paper industry worldwide, Mitsubishi must be considered to be an important source of information concerning the functioning of this market. Following Mitsubishi's failure to supply the information requested, the Commission was forced to base its assessment of the markets for recovery boilers partly on estimates. In particular, in view of Mitsubishi's failure to supply information on prices and turnover obtained from its worldwide recovery boiler business, the Commission had no other alternative than to estimate the overall size of the market and the market shares of the market participants partly on information obtained from other market operators and customers. This increased significantly the Commission's workload and led to estimates, which cannot be considered to be as reliable as first-hand information from Mitsubishi itself.
- (16) The information requested from Mitsubishi had a material impact on the assessment of the substance of the case. More precisely, the information requested from Mitsubishi had a direct bearing on the Commission's assessment of the position of AMG and KPP in the worldwide markets for recovery boilers. In particular, a gap of some 10 % persisted between the parties' and the Commission's estimates concerning the parties' market share in recovery boilers. Following Mitsubishi's failure to supply reliable figures on its activities, the Commission could not establish the exact market shares of the

parties and those of the competitors. In addition, following Mitsubishi's failure to supply information concerning its activities in refurbishment and maintenance of recovery boilers, the Commission could not verify the parties' claim concerning the importance of the refurbishment market nor establish Mitsubishi's position there. Therefore, it must be considered that Mitsubishi's failure to supply the information requested constitutes a very serious infringement.

- (17) Mitsubishi claimed in its fax of 14 June 1999 that it had provided all information that could be provided. However, Mitsubishi is a large industrial conglomerate, active worldwide in several business sectors. It is therefore reasonable to conclude that Mitsubishi has detailed knowledge of the activities which it carries on. Accordingly, given the size of the company, it is reasonable to assume that Mitsubishi has modern reporting systems that would have enabled it to provide the information requested. Also, in view of the fact that the Commission gave Mitsubishi several extensions to the original deadline resulting almost in an extra month to comply with the request to supply information, it must be considered that Mitsubishi had the necessary time to provide the requested information. It is also to be noted that all the other recovery boiler manufacturers contacted by the Commission could provide the information requested. Moreover, given the fact that Mitsubishi failed to make an attempt to provide even its best estimates of the information requested, it must be considered that Mitsubishi did not intend to comply with the Commission decision.
- (18) Based on the foregoing, it has to be concluded that Mitsubishi has deliberately failed to supply the Commission with the relevant information. The Commission considers that the failure to comply with the Commission decision of 2 July 1999 was intentional.
- (19) There are no attenuating or aggravating circumstances to be taken into account.

B. Assessment under Article 15

- (20) The Commission decision of 2 July 1999 imposed on Mitsubishi a periodic penalty payment pursuant to Article 15(1) of the Merger Regulation in the event that it should fail to supply the information requested within the period prescribed. As indicated above, Mitsubishi did not provide the information requested. Therefore, Mitsubishi has not, within the meaning of Article 15(3), satisfied the obligation which it was the purpose of the periodic penalty payment to enforce. Consequently, the Commission considers that Mitsubishi should be fined the full amount of periodic penalty payment, pursuant to Article 15(1) of the Merger Regulation.

Duration

- (21) The infringement has not ceased. To date, Mitsubishi has not complied with the Commission decision of 2 July of 1999 and has not provided the information requested. However, it may be considered that Mitsubishi's obligation to provide the information became nugatory when the proceedings concerning the merger between Ahlström and Kvaerner were closed on 8 September 1999.

V. CONCLUSION

- (22) On the basis of the above, and taking account of the circumstances in the case, the Commission considers it appropriate to impose the fine of EUR 50 000 on Mitsubishi for failing to comply with the Commission decision of 2 July 1999, pursuant to Article 14(1)(c) of the Merger Regulation.
- (23) Furthermore, the total amount of periodic penalty payments to be paid by Mitsubishi in accordance with the Commission decision of 2 July 1999 should be fixed at the rate of EUR 15 000 per day, from the day following the expiry of the deadline to provide the information requested (that is, 10 July 1999) until 8 September 1999, the date on which the proceedings related to the case M.1431 — Ahlström/Kvaerner ended, that is to say, 60 days,

HAS ADOPTED THIS DECISION:

Article 1

A fine of EUR 50 000 is hereby imposed on Mitsubishi Heavy Industries Europe, Ltd ('Mitsubishi') pursuant to Article 14(1)(c) of Regulation (EEC) No 4064/89 for having supplied incomplete information to the Commission in merger control proceedings.

The total amount of periodic penalty payments to be paid by Mitsubishi pursuant to the Commission decision of 2 July 1999, for its failure to supply complete and correct information as required by that decision, is hereby fixed at EUR 900 000.

Article 2

The fine and the definitive amount of periodic penalty payments referred to in Article 1 shall be paid within three months of the date of notification of this Decision into bank account No 642-0029000-95 of the European Commission with the bank Banco Bilbao Vizcaya Argentaria BBVA, Avenue des Arts 43, B-1040 Brussels.

After the expiry of that period, interest shall be automatically payable at the rate applied by the European Central Bank to its main refinancing operations on the first working day of the month in which this Decision is adopted, that is 4,29 %, plus 3,5 percentage points, making 7,79 %.

Article 3

This Decision is addressed to:

Mitsubishi Heavy Industries Europe, Ltd
Bow Bells House
Bread Street (Cheapside)
London, EC4M 9BQ
United Kingdom.

Done at Brussels, 12 July 2000.

For the Commission

Mario MONTI

Member of the Commission

COMMISSION DECISION

of 19 December 2000

on refusing the placing on the market of 'Nangai nuts (*Canarium indicum* L.)' as a novel food or novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council

(notified under document number C(2000) 3888)

(Only the French text is authentic)

(2001/17/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to the request submitted by Mr Y. Jobert on behalf of Pacific Nuts Ltd, PO Box 429, Santo, Vanuatu to the French competent authorities on 9 December 1998 for placing 'Nangai nuts (*Canarium indicum* L.)' on the market as a novel food or novel food ingredient,

Whereas:

- (1) The initial assessment report drawn up by the French competent authorities concluded, based on the information provided that the product is safe for human consumption and could therefore be authorised.
- (2) The initial assessment report was forwarded by the Commission to all Member States on 7 April 1999.
- (3) Within the 60-day period laid down in Article 6(4) of the Regulation, reasoned objections were nevertheless raised by other Member States so that an authorisation decision is required, to be taken in accordance with the procedure laid down in Article 13 of the Regulation.
- (4) An additional assessment was carried out in accordance with Article 7 of the Regulation. The Scientific Committee for Food adopted an opinion on 8 March 2000, which stated that data necessary for the assessment of the safety of the product are lacking. Therefore the product should not be authorised.
- (5) The applicant was given the opportunity to provide additional information.

- (6) Information that 'Nangai nuts' (or synonymously 'Kenari nuts') were consumed in the Netherlands to a significant degree was examined by the Dutch authorities who could not find such nuts. Thus it was confirmed that 'Nangai nuts' have not been consumed in the Community to a significant degree before Regulation (EC) No 258/97 entered into force. Accordingly Nangai nuts should be considered as a novel food within the meaning of Regulation (EC) No 258/97.
- (7) As it has not been demonstrated that the product complies with the criteria laid down in Article 3(1) of the Regulation, it should not be placed on the market in the Community.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee for Foodstuffs,

HAS ADOPTED THIS DECISION:

Article 1

'Nangai nuts (*Canarium indicum* L.)' may not be placed on the Community market as a food or a food ingredient.

Article 2

This Decision is addressed to Mr Y. Jobert, La Meillade No 65, F-34150 Montpeyroux, acting on behalf of Pacific Nuts Ltd.

Done at Brussels, 19 December 2000.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 43, 14.2.1997, p. 1.

COMMISSION DECISION**of 21 December 2000****amending Decision 95/232/EC on the organisation of a temporary experiment under Council Directive 69/208/EEC in order to establish conditions to be satisfied by the seed of hybrids and varietal associations of swede rape and turnip rape***(notified under document number C(2000) 4023)***(Text with EEA relevance)**

(2001/18/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 69/208/EEC of 30 June 1969 on the marketing of seed of oil and fibre plants ⁽¹⁾, as last amended by Council Directive 98/96/EC ⁽²⁾ and in particular Article 12a thereof,

Whereas:

- (1) Commission Decision 95/232/EC ⁽³⁾, as last amended by Decision 1999/84/EC ⁽⁴⁾, organised a temporary experiment under specified conditions with the aim of establishing the conditions to be satisfied by the seed of hybrids and varietal associations of swede rape and turnip rape; it is due to expire on 31 December 2000.
- (2) During the course of the experiment the technologies related to the production of such seeds, in particular in respect of male sterility systems, developed.
- (3) It has not been possible yet to draw proper conclusions, nor to envisage final conditions for seed of hybrids and varietal associations of swede rape and turnip rape.
- (4) It is therefore desirable to extend the period of the current experiment with the aim of assessing whether adaptations should be made to the Community provisions in the future.

- (5) It is necessary not to interrupt the continuity of the experiment.

- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

In Article 5(3) and (5) of Decision 95/232/EC the date '31 December 2000' is replaced by '30 June 2002'.

Article 2

This Decision shall enter into force on 31 December 2000.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 21 December 2000.

For the Commission

David BYRNE

Member of the Commission⁽¹⁾ OJ L 169, 10.7.1969, p. 3.⁽²⁾ OJ L 25, 1.2.1999, p. 27.⁽³⁾ OJ L 154, 5.7.1995, p. 22.⁽⁴⁾ OJ L 27, 2.2.1999, p. 31.