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

**COUNCIL COMMON POSITION
of 22 January 2001
on Afghanistan**

(2001/56/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) The conflict in Afghanistan has caused untold suffering for the Afghan people, and threatens the stability of the region and its economic development.
- (2) The war's exports of terrorism and illegal drugs cause serious damage to Member States of the Union, and more widely.
- (3) The Union continues to receive considerable and increasing numbers of refugees from war-battered Afghanistan and has adopted an Action Plan addressing the question of flows of illegal migrants and asylum seekers from Afghanistan.
- (4) The Union is determined to play an effective role in efforts to stop the fighting, and to restore peace, stability and respect for international law, including human rights, in Afghanistan.
- (5) The Union reminds the warring parties that they bear the ultimate responsibility for finding a political solution to the conflict which can bring about a lasting peace in Afghanistan and enable the establishment of a broad-based and representative government.
- (6) The Union considers it imperative that all countries with an influence on the parties should exercise it in support of and in close coordination with the United Nations' peace efforts, and that the supply of weapons, munitions and other material for military use to the warring factions from outside Afghanistan, as well as the involvement of foreign military, paramilitary and secret service personnel, should cease.
- (7) The Union attaches the highest importance to respect for international law and human rights, including the Convention on the elimination of all forms of discrim-

ination against women, denounces continuing discrimination against women in Afghanistan and is particularly concerned that this discrimination is hampering the humanitarian efforts of international organisations and non-governmental organisations (NGOs).

- (8) The Union is deeply concerned by reports of massacres and expulsions of innocent civilians, the execution of prisoners of war, ethnic-based persecutions and executions, and the intimidation and assassination of Afghan emigrés.
- (9) The Union is also concerned by the continued fighting, in particular in certain provinces such as Takhar and Baghlan, which has been accompanied by further destruction of homes, crops and agricultural infrastructure, and by fresh population movements.
- (10) The further deterioration of the humanitarian situation in Afghanistan as a result of the worst drought in thirty years, coupled with the continued conflict, is an additional cause for concern.
- (11) The Council adopted, on 15 November 1999, Common Position 1999/727/CFSP concerning restrictive measures against the Taliban⁽¹⁾ in order to implement UN Security Council Resolution 1267/99 of 15 October 1999.
- (12) The Union will take measures to implement UN Security Council Resolution 1333/2000 of 19 December 2000.
- (13) The present Common Position is intended to replace Council Common Position 2000/55/CFSP of 24 January 2000 on Afghanistan⁽²⁾; the latter should therefore be repealed,

HAS ADOPTED THIS COMMON POSITION:

Article 1

The objectives of the Union in Afghanistan are:

- (a) to bring about a lasting peace, put an end to foreign intervention, and encourage intra-Afghan dialogue through support for the central role of the United Nations;
- (b) to promote the stability and development of the whole region through peace;

⁽¹⁾ OJ L 294, 16.11.1999, p. 1.

⁽²⁾ OJ L 21, 26.1.2000, p. 1.

- (c) to promote respect for international humanitarian law and human rights, including the rights of women and children;
- (d) to provide effective humanitarian aid including the creation of an environment free of discrimination, in which international organisations and NGOs can operate effectively and to ensure that the international coordination of aid allows for its provision in accordance with international humanitarian principles and an impartial needs assessment, taking into account the community based approach;
- (e) to reinforce the fight against illegal drugs and terrorism;
- (f) to assist in peace-building activities and, once a durable peace settlement is in place, the reconstruction of the country after years of civil war;
- (g) to support the programmes of international organisations and NGOs for Afghan refugee populations in neighbouring countries.

Article 2

In order to support the United Nations peace efforts, reaffirmed by UN General Assembly Resolution 203 A and B of 18 December 1998, the Union shall continue to:

- (a) support and strengthen the work of the UN Special Mission to Afghanistan (UNISMA), including its civil affairs unit;
- (b) support the comprehensive efforts of the UN Secretary-General and his Special Envoy for Afghanistan, and in particular the implementation of the agreement subscribed to on 2 November 2000 by the Taliban and the Northern Alliance on undertaking a process of dialogue with the objective of bringing an end to the armed conflict as soon as possible by political means, and call on the parties concerned to honour their commitments;
- (c) urge other countries with influence on the parties to exercise it constructively in support of and in close coordination with UN peace efforts, and in particular urge Pakistan to use its considerable and unique influence on the Taliban to persuade them to participate seriously in peace talks under UN auspices;
- (d) call upon the warring parties to honour their obligations as stated in the Tashkent Declaration on the fundamental principles for a peaceful settlement of the conflict in Afghanistan which was signed by both parties on 20 July 1999;
- (e) demand from the Taliban their commitment to the implementation of the Agreements signed with the UN on the safety and security of UN personnel;
- (f) take into consideration the report of the UN Credentials Committee on the representation of Afghanistan at the United Nations;

- (g) maintain the embargo on the export of arms, munitions and military equipment to Afghanistan provided for in Council Common Position 96/746/CFSP⁽¹⁾, and urge other countries to adopt a similar policy of restraint;
- (h) urge countries concerned to stop any further involvement of their military, paramilitary and secret service personnel in Afghanistan and cease all other military support provided to parties in the Afghan conflict, including the use of their own territories for such purposes.

The Union shall also:

- (i) continue contacts with the Afghan parties and prominent Afghan individuals to point to the utility and grave and unacceptable humanitarian consequences of the continued fighting, and urge an immediate ceasefire and the negotiation of a political settlement under UN auspices, including the establishment of a fully representative, broad-based government;
- (j) follow closely and support efforts by influential Afghan individuals and organisations, such as the 'Rome Process' launched by former King Zahir Shah which envisages the holding of a Loya Jirgah as a step in the process towards peace and a broad-based government;
- (k) continue to impress upon all those countries with influence in Afghanistan the importance the Union attaches to the early settlement of the conflict under UN auspices, and urging them to lend the UN every support.

Article 3

In order to promote respect for all human rights, fundamental freedoms and international humanitarian law the Union:

- (a) shall call on all parties to recognise, protect and promote all human rights and fundamental freedoms including the right to life, liberty and security of persons and also to respect the Universal Declaration of Human Rights to which Afghanistan has subscribed;
- (b) shall urge Afghan factions to end discriminatory policies and recognise, protect and promote the equal rights and dignity of men and women, including access to education and health facilities, employment, personal security and freedom from intimidation and harassment, and will emphasise the negative implications of discriminatory policies for the effective supply of aid;
- (c) welcomes the deployment of civilian human rights monitors in the Civil Affairs Unit of the UNISMA and shall support the UN Secretary-General's proposals relating to the operation of these observers;
- (d) shall attach special importance to human rights aspects in the international coordination of humanitarian assistance to Afghanistan;

⁽¹⁾ OJ L 342, 31.12.1996, p. 1.

- (e) shall support aid programmes in Afghanistan which integrate gender concerns and actively attempt to promote the equitable participation of both men and women, and which promote peace and human rights;
- (f) shall urge all factions to respect and protect the cultural heritage of Afghanistan and shall encourage activities in the field by UNESCO and the Society for the Preservation of Afghanistan's Cultural Heritage (SPACH).

Article 4

In order to help the suffering civilian population of Afghanistan, the Union shall:

- (a) continue to provide humanitarian aid to Afghanistan, conditions permitting;
- (b) urge the warring factions to ensure freedom of movement as well as free and safe access of national and international humanitarian personnel to all those in need, without restrictions based on gender, race, religion or nationality, and to cooperate fully and sincerely with humanitarian organisations to respond to the humanitarian needs of the Afghan people;
- (c) continue to support national and international efforts in mine clearance and drought alleviation measures as important preconditions for sustainable development;
- (d) urge the warring factions not to lay any more landmines, while at the same time emphasising its standing policy not to fund mine clearance in regions where mine-laying is continued;
- (e) improve the effectiveness of aid by closer international donor coordination, in particular by working through the Afghanistan Support Group and the Afghanistan Programming Body;
- (f) ensure close coordination and complementarity between the UN peace efforts and the aid effort, as envisaged in the strategic framework common to the international donor community and UN organisations;
- (g) ensure that its aid is provided in accordance with the common strategic framework adopted by the donor community and UN organisations and thereby encourage the implementation of a more effective common programming in Afghanistan;
- (h) continue to support the efforts of the United Nations High Commissioner for Refugees (UNHCR) in Afghanistan and the neighbouring countries;
- (i) support the UNHCR proposal for the establishment of a forum on asylum and migration on Afghanistan, comprised of donors, along with the first asylum countries, the UNHCR and other agencies.

Article 5

In order to promote the fight against drugs, the Union, shall:

- (a) use contacts with the factions and those countries with influence on them to underline the Union's concern at the sharp rise in the illicit production and trafficking of drugs in Afghanistan which threatens regional stability and damages the health and well-being of the populations of Afghanistan, neighbouring States and elsewhere, and also to stress that the Union will take account of drugs control objectives when considering contributions to development aid to reconstruct Afghanistan once a durable peace settlement is in place. The Union shall in particular call on the Taliban to translate into action their undertakings regarding the production and trafficking of drugs, and shall pay the greatest attention to the implementation of the decree passed last July by the Mollah Omar on the total eradication of the opium poppy crop;
- (b) urge aid agencies to take account of drug control objectives in the planning and implementation of projects by taking into consideration their impact on drug cultivation, production, trafficking and abuse;
- (c) support sustainable alternative development as an important component of a balanced and comprehensive drug control strategy. Alternative development programmes should be adapted to the specific conditions in Afghanistan, should respect human rights and incorporate the gender dimension enabling women and men to participate equally in the development process. Law enforcement measures are a necessary complement to such programmes;
- (d) support all consistent efforts, including those of the United Nations Drugs Control Programme (UNDCP), aimed at reducing substantially the production, trafficking and abuse of drugs in Afghanistan, and notes the importance of implementation of the Community's projects in support of the Union's Central Asia drugs initiative.

Article 6

The Union condemns terrorism in all its forms, whenever and wherever it occurs. To advance the fight against terrorism, the Union shall:

- (a) demand that all Afghan parties refrain from financing, providing training or shelter for terrorist organisations or otherwise supporting terrorist activities;
- (b) urge all Afghan authorities to close down training camps for foreign terrorists inside Afghanistan and to take necessary steps to ensure that those responsible for terrorist acts are brought to justice;

(c) urge the Taliban to comply fully and urgently with UN Security Council Resolutions 1267/99 of 15 October 1999 and 1333/2000 of 19 December 2000.

Article 7

The Council notes that the Commission intends to direct its action towards achieving the objectives and the priorities of this Common Position, where appropriate by pertinent Community measures.

Article 8

Common Position 2000/55/CFSP shall be repealed.

Article 9

This Common Position shall take effect on the date of its adoption.

It shall be reviewed at the latest twelve months after its adoption.

Article 10

This Common Position shall be published in the Official Journal.

Done at Brussels, 22 January 2001.

For the Council

The President

A. LINDH

I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 122/2001
of 22 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 23 January 2001.

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

Done at Brussels, 22 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 22 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	84,3
	204	45,7
	624	165,6
	999	98,5
0707 00 05	052	106,4
	624	208,9
	628	142,5
	999	152,6
0709 90 70	052	115,6
	204	93,0
	999	104,3
0805 10 10, 0805 10 30, 0805 10 50	052	40,4
	204	54,7
	212	49,7
	624	36,8
	999	45,4
0805 20 10	052	47,4
	204	102,7
	624	54,5
	999	68,2
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	71,4
	204	73,7
	624	75,0
	999	73,4
0805 30 10	052	61,6
	600	72,4
	999	67,0
0808 10 20, 0808 10 50, 0808 10 90	039	86,7
	060	38,4
	400	80,9
	404	77,7
	720	109,2
	999	78,6
0808 20 50	052	189,0
	400	90,6
	720	106,1
	999	128,6

⁽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 123/2001**of 22 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. 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 23 January 2001.

It shall apply from 24 January to 6 February 2001.

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

Done at Brussels, 22 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 22 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 24 January to 6 February 2001

Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	12,44	11,69	42,85	18,45
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	10,08	16,30	12,59	13,80
Morocco	17,99	16,26	—	—
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	—	—	—	—

COMMISSION REGULATION (EC) No 124/2001**of 22 January 2001****suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of uniflorous (bloom) carnations 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 cut flowers and flower buds, fresh, 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 123/2001 ⁽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(2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for uniflorous (bloom) carnations originating in Israel; whereas 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; whereas, 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 uniflorous (bloom) carnations (CN code ex 0603 10 20) 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 24 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 7 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, 22 January 2001.

For the Commission
Franz FISCHLER
Member of the Commission

II

(Acts whose publication is not obligatory)

COUNCIL

DECISION No 3/2000 OF THE EU-ESTONIA ASSOCIATION COUNCIL

of 1 December 2000

extending by five years the period within which any public aid granted by Estonia will be assessed taking into account the fact that Estonia is to be regarded as an area identical to those areas of the Community described in Article 87(3)(a) of the Treaty establishing the European Community

(2001/57/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Estonia, of the other part and in particular Article 63(4)(a) thereof,

Whereas:

- (1) Article 63(4)(a) of the Europe Agreement lays down that the Association Council shall, taking into account the economic situation of Estonia, decide whether the period within which any public aid granted by Estonia shall be assessed taking into account the fact that Estonia shall be regarded as an area identical to those areas of the Community described in Article 87(3)(a) of the Treaty establishing the European Community should be extended for a further period of five years.
- (2) The GDP/capita of Estonia measured in Purchasing Power Standards reached 37 % of the Community average in 1997, it is appropriate to make such an extension,

HAS DECIDED AS FOLLOWS:

Article 1

The period within which any public aid granted by Estonia shall be assessed, taking into account the fact that Estonia shall be regarded as an area identical to those areas of the

Community described in Article 87(3)(a) of the Treaty establishing the European Community, shall be extended for a further period of five years.

Article 2

Within six months of the date of adoption of this Decision, Estonia shall submit the GDP per capita figures which have been harmonised at NUTS II level at the European Commission. The Estonian State aid monitoring authority and the European Commission shall then jointly evaluate the eligibility of the regions as well as the maximum aid intensities in relation thereto in order to draw up the regional aid map on the basis of the Community guidelines on national regional aid ⁽¹⁾. Thereafter, the joint proposal shall be submitted to the Association Committee, which shall take a decision to this effect.

Article 3

This Decision shall enter into force on the day of its adoption. It shall apply as from 1 January 2000.

Done at Brussels, 1 December 2000.

For the Association Council

H. VÉDRINE

The President

⁽¹⁾ OJ C 74, 10.3.1998, p. 9.

COMMISSION

COMMISSION DECISION of 20 September 2000 authorising France to grant aid to the coal industry for 2000

(notified under document number C(2000) 2923)

(Only the French text is authentic)

(Text with EEA relevance)

(2001/58/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Decision 3632/93/ECSC of 28 December 1993 establishing Community rules for State aid to the coal industry ⁽¹⁾, in particular Article 2(1) and Article 9 thereof,

Having regard to Commission Decision 95/465/ECSC of 19 July 1995 approving the French coal industry's plan for the reduction of activity ⁽²⁾,

Whereas:

and 1999 to cover the balance of the operating losses for those years which are not covered by direct subsidies and capital injections,

— aid to cover exceptional losses for 2000 amounting to FRF 4 071 million.

- (3) The financial measures envisaged by France for its coal industry are covered by Article 1 of Decision No 3632/93/ECSC and must therefore be approved by the Commission in accordance with Article 9, which refers in particular to the general objectives and criteria laid down in Article 2 and the specific criteria set out in Articles 4 and 5 of the Decision. In its assessment, the Commission checks, in accordance with Article 9(6) of the Decision, whether the measures are in conformity with the plans for the reduction of activity which have been approved by the Commission.

I

- (1) By letter of 26 October 1999, France notified the Commission, in accordance with Article 9(1) of Decision No 3632/93/ECSC, of the financial aid it proposes to grant to the coal industry for 2000. By letter of 26 May 2000, France also notified the Commission of an adjustment to this financial aid.

- (2) In accordance with Decision No 3632/93/ECSC, the Commission is required to take a decision for 2000 on the following financial aid:

- aid for the reduction of activity amounting to FRF 2 381 million to cover operating losses for 2000,
- aid for the reduction of activity amounting to FRF 220 million. This aid is intended to cover the interest due for 2000 on the part of the loan issue floated by Charbonnages de France in 1997, 1998

II

- (4) The sum of FRF 2 381 million which France is proposing to grant to the coal industry under Article 4 of Decision No 3632/93/ECSC is intended to cover the difference between the production cost and the selling price of coal freely agreed between the contracting parties in the light of the prevailing conditions on the world market for coal of similar quality from third countries. This aid forms part of the plan for the reduction of activity by the company, which plans to cease all mining activities in 2005. In view of the exceptional social and regional consequences of the reduction of activity by the company, the French Government, in agreement with the two sides of industry, has decided to stagger the closures up to 2005.

⁽¹⁾ OJ L 329, 30.12.1993, p. 12.

⁽²⁾ OJ L 267, 9.11.1995, p. 46.

- (5) Although coal production has to be reduced from 3,673 million tce ⁽¹⁾ in 1999 to 2,954 million tce in 2000, a reduction of about 20 % in one year, the Commission notes that the amount of aid has remained stable. The rise in the production costs from FRF 975 per tce in 1999 to an estimated FRF 1 103 per tce in 2000 — has neutralised the effect of reducing the volume of production to the overall amount of aid. This trend in the cost of mining coal merely serves to confirm France's decision to cease all mining by 2005.
- (6) In accordance with Article 3(1) of the above Decision, the Commission has checked that, for the coal mining year 2000, the aid notified per tonne does not exceed for each production unit the difference between production costs and foreseeable revenue.
- (7) In accordance with Article 2(1), second indent, the aid helps to solve the social and regional problems created by total or partial reductions in the activity of production units. Furthermore, the Commission has checked that the aid meets the requirement of Article 2(2) of Decision No 3632/93/ECSC.
- (8) Except for the sum of FRF 45 million, on the basis of the information provided by France, the aid proposed for 2000 is compatible with the objectives of Decision No 3632/93/ECSC and the proper functioning of the common market. The Commission will decide on the balance of FRF 45 million at a later date, in particular in the light of France's replies to the questions in the Commission's letter of formal notice of 9 February 1999, in the context of complaint No 97/4717 of 26 August 1997 against Charbonnages de France, which has been lodged by five French companies, including Thion et Cie.
- (9) This decision is also without prejudice to the decision which the Commission will be required to take following consideration of the complaints against Charbonnages de France, in particular Cokes de Drocourt SA, in the context of the coke market.
- (11) In its Decision authorising France to grant aid to the coal industry for 1997, 1998 and 1999, the Commission considered that the part of the loans covering the balance of the operating losses for those years was aid within the meaning of Article 1 of Decision No 3632/93/ECSC. Since the interest due for 2000 is accessory to the part of the loans covering the balance of the operating losses for 1997, 1998 and 1999, it must therefore be regarded as aid within the meaning of Article 1 of Decision No 3632/93/ECSC in the same way as the principal sum.
- (12) This aid forms part of the plan for the reduction of activity by the company, which plans to cease all mining activities in 2005. The Commission has checked that the aid notified does not exceed the costs for 2000 for the part of the loans covering the balance of the operating losses for 1997, 1998 and 1999. The Commission therefore believes that the aid notified fulfils the requirements laid down in Article 3(1) of Decision No 3632/93/ECSC.
- (13) In accordance with Article 2(1), second indent, the aid helps to solve the social and regional problems created by total or partial reductions in the activity of production units. By letter of 3 July 2000, the French authorities have also provided the Commission with proof that the interest due for 2000 is entered in the State budget for 1999. The Commission therefore considers that the sum of aid fulfils the requirement of Article 2(2) of Decision No 3632/93/ECSC.
- (14) In the light of the above and on the basis of the information provided by France, the aid proposed for the year 2000 is compatible with the objectives of Decision No 3632/93/ECSC and with the proper functioning of the common market.
- IV
- (15) The aid amounting to FRF 4 071 million which France proposes to grant to its coal industry is intended to cover exceptional costs due to modernisation, rationalisation and the restructuring of the coal industry which are not related to current production (inherited liabilities).
- (16) In accordance with Article 5 of Decision No 3632/93/ECSC, this aid covers costs which are expressly referred to in the Annex to the Decision, namely:
- FRF 870 million towards the cost of paying social-welfare benefits resulting from the pensioning-off of workers before they reach statutory retirement age,
- (10) The sum of FRF 220 million which France is planning to grant to the coal industry under Article 4 of Decision No 3632/93/ECSC is intended to cover the interest due for 2000 on the part of the loan issue floated by Charbonnages de France in 1997, 1998 and 1999 to cover the balance of the operating losses for those years which are not covered by direct subsidies and capital injections.

⁽¹⁾ tce = tonne coal equivalent.

- FRF 70 million as other exceptional expenditure on workers losing their jobs as a result of restructuring and rationalisation,
 - FRF 83 million towards residual costs resulting from administrative, legal or tax provisions,
 - FRF 331 million towards additional work resulting from restructuring,
 - FRF 10 million towards mining damage attributable to pits previously in service,
 - FRF 45 million towards exceptional intrinsic depreciation in 1997, 1998 and 1999 resulting from the restructuring of the industry,
 - FRF 2 662 million towards the increase in the contributions, outside the statutory system, to cover social security costs as a result of the drop, following restructuring, in the number of contributors.
- (17) In accordance with Article 5(1) of Decision No 3632/93/ECSC, this aid may be regarded as compatible with the common market if it does not exceed the costs arising from or having arisen from the modernisation, rationalisation or restructuring of the coal industry which are not related to current production. Having checked the data communicated, the Commission concludes that this requirement has been fulfilled. In the light of the above and on the basis of the information provided by France, the aid planned for 2000 is compatible with the objectives of Decision No 3632/93/ECSC and with the proper functioning of the common market.

V

- (18) In accordance with the second indent of Article 3(1) and Article 9(2) and (3) of Decision No 3632/93/ECSC, the Commission has to check that the aid authorised for current production is only for the purposes stipulated in Article 4 of the Decision. To this end, it must be

informed of the amounts of such payments and the way they are broken down for 2000,

HAS ADOPTED THIS DECISION:

Article 1

France is authorised to apply the following measures in favour of its coal industry for 2000:

- aid for the reduction of activity, amounting to FRF 2 336 million, intended to cover operating losses for 2000. The Commission will take a decision on a balance of FRF 45 million at a later date;
- aid for the reduction of activity, amounting to FRF 220 million, intended to cover the interest due for 2000 on the part of the loan issue floated by Charbonnages de France in 1997, 1998, and 1999 to cover the balance of the operating losses for those years which are not covered by direct subsidies and capital injections.
- aid to cover exceptional costs for 2000 amounting to FRF 4 071 million.

Article 2

France shall communicate the amounts of aid actually paid under this Decision for 2000 to cover the operating losses for that year no later than 30 September 2001.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 20 September 2000.

For the Commission
Loyola DE PALACIO
Vice-President

COMMISSION DECISION

of 5 January 2001

authorising the Kingdom of the Netherlands to have a temporary exemption to allow the use of chlorofluorocarbons (CFCs) until 31 December 2002 in delivery mechanisms for hermetically sealed devices designed for implantation in the human body for delivery of measured doses of medication in accordance with Article 4(1) of Regulation (EC) No 2037/2000 of the European Parliament and of the Council on substances that deplete the ozone layer

(notified under document number C(2000) 4416)

(Only the Dutch text is authentic)

(Text with EEA relevance)

(2001/59/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

CFCs in these drug pumps for medical uses remains essential.

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2037/2000 of the European Parliament and of the Council on substances that deplete the ozone layer ⁽¹⁾, and in particular Articles 4(1), 11(1)(f) and 18 thereof,

Whereas:

(1) Article 4(1) of Regulation (EC) No 2037/2000 prohibits the use and the placing on the market of chlorofluorocarbons.

(2) Article 4(1) of Regulation (EC) No 2037/2000 states that, following a request of a Member State and in accordance with the procedure referred to in Article 18(2), the Commission may authorise the use of chlorofluorocarbons until 31 December 2004 in delivery mechanisms for hermetically sealed devices designed for implantation in the human body for delivery of measured doses of medication.

(3) Medtronic is a producer of the Isomed infusion system, an implantable drug delivery system that is used for the treatment of cancer pain, non-malignant pain, spasticity and cancer chemotherapy. The Isomed device utilises a minute quantity of CFC-114 to create the pressure to deliver the medication. To date there is no alternative to the CFC but Medtronic is seeking an alternative. As the pump is implanted in the body there is no escape of CFC into the environment during the use of this device.

(4) The Commission has examined the technical and economic aspects of the Isomed infusion system produced by Medtronic and accepts that currently there is no technical and economically feasible alternative substance or technology and that the temporary use of

(5) The competent authority in the Netherlands has given its agreement for a temporary exemption up to 31 December 2002 for the use of CFCs for the production and export of medical drug pumps by Medtronic BV.

(6) The Committee established by Article 18 of Regulation (EC) No 2037/2000 examined this request at its meeting of 5 October 2000 and agreed to an exemption up to 31 December 2002 with a maximum use of 75 ODP kg of CFCs and the possibility of this exemption being renewed for a further two years up to 31 December 2004 following a review of the technical and economic availability of alternative substances or technologies by the Commission.

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

HAS ADOPTED THIS DECISION:

Article 1

In accordance with Article 4(1) of Regulation (EC) No 2037/2000, Medtronic BV (NL) is allowed to use chlorofluorocarbons in delivery mechanisms for hermetically sealed devices designed for implantation in the human body for delivery of measured doses of medication until 31 December 2002 and for a maximum quantity of 75 ODP kg.

Article 2

The Commission will review this exemption in 2002 to examine whether its extension to 31 December 2004 can be authorised in the light of the development of technical and economic alternative substances or technologies.

⁽¹⁾ OJ L 244, 29.9.2000, p. 1.

Article 3

This Decision is addressed to the Government of the Kingdom of the Netherlands.

Done at Brussels, 5 January 2001.

For the Commission

Margot WALLSTRÖM

Member of the Commission

COMMISSION DECISION
of 9 January 2001
on Finnish aid for cereal seeds
(notified under document number C(2000) 4423)
(Only the Finnish and Swedish texts are authentic)
(2001/60/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2358/71 of 26 October 1971 on the common organisation of the market in seeds ⁽¹⁾, as last amended by Regulation (EC) No 2371/2000 ⁽²⁾, and in particular Article 8 thereof,

Whereas:

- (1) Under Article 8 of Regulation (EEC) No 2358/71, Finland may, subject to authorisation by the Commission, grant aid for certain quantities of cereal seeds produced solely in Finland because of its specific climatic conditions.
- (2) By letter dated 6 November 2000, the Finnish Government requested the Commission for authorisation to grant farmers the aid provided for in the abovementioned Article 8 for those varieties of seed in order to ensure that appropriate quantities of the products in question continue to be available in that country.
- (3) The proposed aid meets the requirements laid down in that provision. It concerns cereal seed varieties necessary for cultivation in Finland which are adapted to the weather conditions in that country and are not multiplied in the other Member States. The level of the aid and the quantities for which it is to be granted are justified in view of the objective pursued by the planned measure. The Commission authorisation is limited to the varieties included in the list of Finnish varieties which, with the exception of limited quantities cultivated in adjacent regions, are cultivated only in Finland.
- (4) Provision should be made for the Commission to be informed of the measures taken by Finland to comply with the limits laid down in this Decision and, with a view to drawing up the report provided for in the last subparagraph of Article 8 of Regulation (EEC) No 2358/71, of the practical results of those measures,

HAS ADOPTED THIS DECISION:

Article 1

Finland is authorised until 31 December 2005 to grant to farmers established on its territory producing cereal seeds of varieties certified by its legislation, aid not exceeding EUR 2,523 per 100 kilograms for a maximum quantity of 100 000 tonnes per year.

The authorisation shall cover exclusively varieties listed in the Finnish national catalogue and which, except for small quantities cultivated in regions bordering on Finland, are grown solely in that Member State.

Article 2

Finland shall ensure, by an appropriate inspection system, that the aid is granted only in respect of the varieties and quantities referred to in Article 1.

Article 3

Finland shall send the Commission each year a list of the certified varieties and any amendment thereto and inform it of the quantities of seed for which the aid is granted.

Article 4

This Decision shall apply from 1 January 2000.

Article 5

This Decision is addressed to the Republic of Finland.

Done at Brussels, 9 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 246, 5.11.1971, p. 1.

⁽²⁾ OJ L 275, 27.10.2000, p. 1.

COMMISSION DECISION**of 9 January 2001****on Finnish aid for seeds***(notified under document number C(2000) 4424)***(Only the Finnish and Swedish texts are authentic)**

(2001/61/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2358/71 of 26 October 1971 on the common organisation of the market in seeds ⁽¹⁾, as last amended by Regulation (EC) No 2371/2000 ⁽²⁾, and in particular Article 8 thereof,

Whereas:

- (1) Under Article 8 of Regulation (EEC) No 2358/71, Finland may, subject to authorisation by the Commission, grant aid for certain quantities of seeds produced solely in Finland because of its specific climatic conditions.
- (2) By letter dated 6 November 2000, the Finnish Government requested the Commission for authorisation to grant farmers the aid provided for in the abovementioned Article 8 for varieties of grass seed in order to ensure that appropriate quantities of the products in question continue to be available in that country.
- (3) Finland requests authorisation to grant aid per hectare for certain areas under red clover, timothy, meadow fescue, cocksfoot and rye-grass. The maximum amount of the aid varies between FIM 1 350 and 2 700 per hectare depending on the species.
- (4) The proposed aid meets the requirements laid down in the second subparagraph of Article 8 of Regulation (EEC) No 2358/71. It concerns grass seed varieties necessary for cultivation in Finland which are adapted to the weather conditions in that country and are not multiplied in the other Member States. The Commission authorisation is limited to the varieties included in the list of Finnish varieties which, with the exception of limited quantities cultivated in adjacent regions, are cultivated only in Finland.
- (5) The area covered by the Finnish application is that necessary for the production of quantities of grass seed corresponding to the country's domestic requirements

and is the equivalent of that authorised for 1999. The amount of the aid is also equivalent to that authorised for 1999 and is justified in view of the objective pursued by the planned measure.

- (6) Provision should be made for the Commission to be informed of the measures taken by Finland to comply with the limits laid down in this Decision and, with a view to drawing up the report provided for in the last subparagraph of Article 8 of Regulation (EEC) No 2358/71, of the practical results of those measures,

HAS ADOPTED THIS DECISION:

Article 1

Finland is authorised until 31 December 2005 to grant aid to growers established on its territory producing grass seeds within the limits of the areas and amounts laid down in the Annex for certified seeds of varieties of red clover (*Trifolium pratense* L.), timothy (*Phleum pratense* L.), meadow fescue (*Festuca pratensis huds.*), cocksfoot (*Dactylis glomerata* L.) and rye-grass (*Lolium perenne* L.).

The authorisation shall cover exclusively varieties listed in the Finnish national catalogue and which, except for small quantities cultivated in regions bordering on Finland, are grown solely in that Member State.

Article 2

Finland shall ensure, by an appropriate inspection system, that the aid is granted only in respect of the varieties and areas referred to in the Annex.

Article 3

Finland shall send the Commission each year a list of the certified varieties and any amendment thereto and inform it of the areas and quantities of seed for which the aid is granted.

Article 4

This Decision shall apply from 1 January 2000.

⁽¹⁾ OJ L 246, 5.11.1971, p. 1.

⁽²⁾ OJ L 275, 27.10.2000, p. 1.

Article 5

This Decision is addressed to the Republic of Finland.

Done at Brussels, 9 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

A. **Red clover** (*Trifolium pratense* L.)

— Maximum area (ha)	620
— Maximum aid per hectare (EUR)	454,107

B. **Timothy** (*Phleum pratense* L.)

— Maximum area (ha)	5 000
— Maximum aid per hectare (EUR)	227,053

C. **Meadow fescue** (*Festuca pratensis* huds.)

— Maximum area (ha)	1 200
— Maximum aid per hectare (EUR)	269,100

D. **Cocksfoot** (*Dactylis glomerata* L.)

— Maximum area (ha)	30
— Maximum aid per hectare (EUR)	336,375

E. **Rye-grass** (*Lolium perenne* L.)

— Maximum area (ha)	160
— Maximum aid per hectare (EUR)	403,651

DECISION No 2/2000 OF THE EC-SAN MARINO COOPERATION COMMITTEE
of 12 December 2000
amending the list of customs offices referred to in Article 7(1)(a) of the Interim Agreement on
trade and customs union between the European Economic Community and the Republic of San
Marino

(2001/62/EC)

THE EC-SAN MARINO COOPERATION COMMITTEE,

Having regard to the Interim Agreement on trade and customs union between the European Economic Community and the Republic of San Marino, signed on 27 November 1992, hereinafter referred to as 'The Agreement', and in particular Article 7 thereof,

Whereas:

- (1) Under Article 7(1)(a) of the Agreement, the customs clearance formalities and in particular release for free circulation of products sent from third countries to San Marino are carried out by certain Community customs offices listed in the Annex to the Agreement.
- (2) Under Article 7(3)(a) of the Agreement, the Cooperation Committee may amend the list of customs offices.
- (3) The Republic of San Marino has asked for two new customs offices to be added to those set out in the Annex to the Agreement in order to facilitate the customs clearance of goods from third countries.
- (4) The additions meet objective economic development requirements by facilitating trade between the Republic of San Marino and third countries,

HAS DECIDED AS FOLLOWS:

Article 1

The list in the Annex to the Agreement shall be replaced by the following:

'List of customs offices referred to in Article 7(1)(a):

- FORLÌ: Centrale, sezione aeroporto Ridolfi e sezione di Cesena,
- GENOVA: Centrale, sezione arrivi mare e arrivi terra, sezione molo vecchio porto di Voltri, sezione porto Passo Nuovo, sezione magazzini generali Rivarolo e Genova aeroporto,
- LIVORNO: Centrale e sezione porto industriale,
- RAVENNA: Centrale e sezione aeroporto Miramare,
- RIMINI: Centrale e sezione aeroporto Miramare,
- ROMA II: Centrale, sezione pacchi postali, sezione aerostazione merci Alitalia e sezione aeroporti di Roma,
- ORIO AL SERIO: Aeroporto,
- MILANO II: Dogana principale Somma Lombardo, Aeroporto Malpensa,
- TRIESTE: Centrale, sezioni di Punto Franco Nuovo, sezione Punto Franco Vecchio, sezione porto industriale e sezione pacchi postali,
- BOLOGNA: Dogana aeroporto Guglielmo Marconi, Borgo Panigale, e sezione pacchi postali.'

Article 2

Customs clearance operations for exports may be carried out in all Italian customs offices, with the exception of formalities:

- carried out under customs procedures with economic impact,
 - concerning exports of weapons, works of art, precursors and dual-use goods,
- which must be carried out at the offices and departments listed in Article 1.

Article 3

This Decision shall apply from the first day of the month following that of its adoption by the EC-San Marino Cooperation Committee.

Done at Brussels, 12 December 2000.

For the Cooperation Committee

The President

P. GIACOMONI
