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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 290/2001
of 12 February 2001
extending the programme of incentives and exchanges for legal practitioners in the area of civil law
(Grotius — civil)
(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 61(c) and Article 67(1) thereof,

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

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

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas:

- (1) The Union has set itself the objective of maintaining and developing the Union as an area of freedom, security and justice in which the free movement of persons is ensured. For the gradual establishment of such an area, the Community is to adopt, among others, the measures relating to judicial cooperation in civil matters needed for the proper functioning of the internal market.
- (2) Setting up a framework for projects involving training, information, studies and exchanges for legal practitioners will contribute to improving mutual understanding of the legal and judicial systems of the Member States, thereby lowering the barriers to judicial cooperation in civil matters between Member States.
- (3) For the purpose of the proper functioning of the internal market, such barriers must be lowered.
- (4) This area falls within the scope of Article 65 of the EC Treaty.
- (5) In accordance with the principle of subsidiarity set out in Article 5 of the EC Treaty, the objectives of this Regulation cannot be sufficiently achieved by the Member States and can therefore be better achieved by the Community, because of the expected economies of scale and the cumulative effects of the projects envisaged.

- (6) On 28 October 1996 the Council adopted Joint Action 96/636/JHA on a programme of incentives and exchanges for legal practitioners (Grotius) ⁽⁴⁾. That programme sets out to facilitate judicial cooperation between Member States by fostering mutual knowledge of legal and judicial systems. It is intended for legal practitioners and provides funding for training, exchange and work-experience programmes, organisation of meetings, studies and research, and the distribution of information.
- (7) The Grotius programme expires in 2000. It has been deemed useful to extend the programme, but for a one-year transition period only, pending the outcome of a fundamental re-think of its future, i.e. its objectives, operation and links with other ongoing programmes.
- (8) As regards judicial cooperation in civil matters, the Grotius programme is being extended on the basis of a Community instrument. A separate and parallel exercise is in hand to extend the Grotius programme as regards judicial cooperation in criminal matters on the basis of an instrument coming under the Treaty on European Union.
- (9) This Regulation takes over most of the provisions of Joint Action 96/636/JHA, with some adjustments to allow for limitation of the scope to judicial cooperation in civil matters and for the transitional nature of the exercise.
- (10) A financial reference amount within the meaning of point 34 of the Interinstitutional Agreement between the European Parliament, the Council and the Commission of 6 May 1999 on budgetary discipline and improvement of the budgetary procedure ⁽⁵⁾, is included in this Regulation for 2001, without thereby affecting the powers of the budgetary authority as they are defined by the Treaty.

⁽¹⁾ OJ C 365 E, 19.12.2000, p. 262.

⁽²⁾ Opinion of 13.12.2000 (not yet published in the Official Journal).

⁽³⁾ Opinion of 29.11.2000 (not yet published in the Official Journal).

⁽⁴⁾ OJ L 287, 8.11.1996, p. 3.

⁽⁵⁾ OJ C 172, 18.6.1999, p. 1.

- (11) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾.
- (12) The United Kingdom and Ireland, in accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and the Treaty establishing the European Community, have given notice of their wish to take part in the adoption and application of this Regulation.
- (13) Denmark, in accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, is not participating in the adoption of this Regulation, and is therefore not bound by it nor subject to its application,

HAS ADOPTED THIS REGULATION:

CHAPTER I

Extension of the programme

Article 1

1. The Grotius programme established by Joint Action 96/636/JHA shall be extended to cover the year 2001, as regards judicial cooperation in civil matters, under the conditions laid down in this Regulation.
2. This programme of incentives and exchanges for legal practitioners in the area of civil law ('Grotius — civil') seeks to foster mutual knowledge of legal and judicial systems and to facilitate judicial cooperation between Member States in the area of civil law.
3. For the purposes of this Regulation, 'legal practitioners' means judges, prosecutors, advocates, solicitors, academic and scientific personnel, ministry officials, court officers, bailiffs, court interpreters and other professionals associated with the judiciary in the area of civil law.
4. The programme shall comprise the following:
 - training,
 - exchange and work-experience programmes,
 - organisation of meetings,
 - studies and research,
 - distribution of information.

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

5. For the purposes of this Regulation 'Member State' means all the Member States except Denmark.

Article 2

1. The financial reference amount for the implementation of the programme in 2001 shall be EUR 650 000.
2. The appropriation laid down in paragraph 1 shall be authorised by the budgetary authority within the limits of the financial perspective.

CHAPTER II

Project objectives

Article 3

Provided they are concerned with judicial cooperation in civil matters, projects with the following objectives may be considered under 'training':

- fostering of foreign language knowledge, in particular a working knowledge of legal language,
- knowledge of the legal institutions and procedures of the other Member States, and how they function,
- exchange of experience between those responsible for the training of legal practitioners, and between institutions responsible for basic training and those responsible for continuing training,
- preparation of teaching modules for training projects, exchanges and internships, conferences or seminars organised as part of the implementation of the programme.

Article 4

Provided they are concerned with judicial cooperation in civil matters, projects with the following objectives may be considered under 'exchange and placement programmes for training purposes':

- organisation of work experience of limited duration in the legal institutions or with legal practitioners in Member States other than the Member State of origin, in the Court of Justice of the European Communities, in the Court of First Instance as well as in the European Court of Human Rights,
- organisation of visits to legal institutions or to legal practitioners in a number of other Member States on specific themes or in the Court of Justice of the European Communities, in the Court of First Instance as well as in the European Court of Human Rights.

Article 5

Provided they are concerned with judicial cooperation in civil matters, projects with the following objectives may be considered under 'organisation of meetings':

- organisation of bilateral or European conferences on legal topics of general interest,
- organisation of multidisciplinary conferences on topical or new legal subjects relating to judicial cooperation,
- organisation of seminars based around case studies on sentencing, in the course of which judges from different Member States deliver a verdict on the same court case.

Article 6

Provided they are concerned with judicial cooperation in civil matters, projects with the following objectives may be considered under 'studies and research':

- preparatory analysis of subjects chosen for projects to be implemented within the framework of the programme,
- analysis of reports on work experience or meetings organised within the framework of the programme,
- coordination of research on topics relating to judicial cooperation.

Article 7

Provided they are concerned with judicial cooperation in civil matters, projects with the following objectives may be considered under 'distribution of information':

- hard-copy or on-line distribution of information on legislative amendments or draft reforms, in the original or in translation,
- dissemination of information on projects under Articles 3, 4 and 5, the results of meetings under Article 5 or the findings of research carried out under Article 6 and the application of this research,
- creation of databases and/or documentation networks including lists of articles, publications, studies and legislation in fields relating to judicial cooperation.

CHAPTER III

Programme implementation arrangements

Article 8

1. Projects financed by the Community must be of demonstrable European interest and involve more than one Member State.
2. Projects may be managed by national and non-governmental organisations, and in particular legal and judicial training establishments and research centres.

3. The selection process for projects for which finance is requested shall have regard, *inter alia*, to:

- the extent to which the subjects covered conform with work that is already in progress or planned for the future under Community action programmes in fields relating to judicial cooperation in civil matters,
- the contribution to the elaboration or implementation of instruments provided for under Title IV of Part Three of the EC Treaty,
- the extent to which the different projects complement each other,
- the range of professions to which they are addressed,
- the quality of the institution responsible,
- the operational and practical nature of the projects,
- the degree of preparation of the participants,
- the possibility of using the results of the project to make further progress in judicial cooperation in civil matters.

4. These projects may associate practitioners from the Member State not bound by this Regulation, States which have applied for membership where this would contribute to their preparation for accession or other non-member countries where this would be useful.

Article 9

The financing decisions and the contracts arising from them shall provide for monitoring and financial control by the Commission and audits by the Court of Auditors.

Article 10

1. All types of expenditure which are directly chargeable to the implementation of the project and which have been committed within a contractually agreed period shall be eligible.

2. The proportion of financial support from the general budget of the European Union shall not exceed 80 % of the cost of the project.

3. Translation and interpreting costs, computing costs, and expenditure on durables or consumables shall not be taken into consideration unless they are essential for the realisation of the project, and shall only be financed up to a limit of 50 % of the grant or 80 % in cases where the nature of the project makes them indispensable.

4. Expenditure relating to premises, collective facilities, and the salaries of officials of the State and public bodies shall be eligible only if it corresponds to postings and tasks which have no national purpose or function but are specifically connected with the implementation of this Regulation.

CHAPTER IV

Procedures, assessment and follow-up*Article 11*

1. The Commission shall be responsible for carrying out the measures provided for in this Regulation and shall adopt detailed rules for its implementation, including the criteria for the eligibility of costs.

2. The 2000 programme for implementing this Regulation shall be extended, as regards judicial cooperation in civil matters, to cover the year 2001 in terms of the thematic priorities and the distribution of available appropriations between fields of activity ⁽¹⁾. Both this programme and the call for applications shall be published in the *Official Journal of the European Communities*.

3. Projects for which financing is requested shall be submitted to the Commission for scrutiny before 30 April 2001. The Commission shall examine each project submitted

to it. Decisions concerning these projects shall be taken in accordance with the procedure laid down in Article 12(2).

4. The Commission shall assess the measures implementing the programme.

Article 12

1. The Commission shall be assisted by a Committee.

2. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply.

3. The Committee shall adopt its rules of procedure.

Article 13

The Commission shall report to the European Parliament and the Council on the implementation of the programme at the end of the financial year 2001.

Article 14

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

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaty establishing the European Community.

Done at Brussels, 12 February 2001.

For the Council
The President
B. RINGHOLM

⁽¹⁾ OJ C 12, 15.1.2000, p. 17.

COMMISSION REGULATION (EC) No 291/2001
of 13 February 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 14 February 2001.

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

Done at Brussels, 13 February 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 13 February 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	102,0
	204	40,1
	212	87,5
	999	76,5
0707 00 05	052	104,3
	068	80,3
	628	135,4
	999	106,7
0709 90 70	052	108,0
	204	79,9
	999	94,0
0805 10 10, 0805 10 30, 0805 10 50	052	57,2
	204	47,6
	212	37,3
	624	68,4
	999	52,6
0805 20 10	204	87,5
	624	61,9
	999	74,7
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	79,8
	204	92,7
	600	89,2
	624	78,8
	999	85,1
0805 30 10	052	58,8
	600	50,3
	999	54,5
0808 10 20, 0808 10 50, 0808 10 90	400	80,2
	404	93,1
	720	78,4
	728	90,6
	999	85,6
0808 20 50	388	106,8
	400	99,2
	999	103,0

⁽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 292/2001
of 12 February 2001
concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽¹⁾, as last amended by Commission Regulation (EC) No 2559/2000 ⁽²⁾, and in particular Article 9 thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to the said Regulation, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the Combined Nomenclature. Those rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to the said general rules, the goods described in column 1 of the table annexed to the present Regulation must be classified under the CN codes indicated in column 2, by virtue of the reasons set out in column 3.
- (4) It is appropriate that binding tariff information issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature

and which does not conform to the provisions of this Regulation, can continue to be invoked, under the provisions in Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽³⁾, as last amended by European Parliament and Council Regulation (EC) No 2700/2000 ⁽⁴⁾, for a period of three months by the holder.

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

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the annexed table are classified within the Combined Nomenclature under the CN codes indicated in column 2 of the said table.

Article 2

Binding tariff information issued by the customs authorities of Member States which does not conform to the provisions of this Regulation can continue to be invoked under the provisions of Article 12(6) of Regulation (EEC) No 2913/92 for a period of three months.

Article 3

This Regulation shall enter into force on the 20th 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, 12 February 2001.

For the Commission

Frederik BOLKESTEIN

Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 293, 22.11.2000, p. 1.

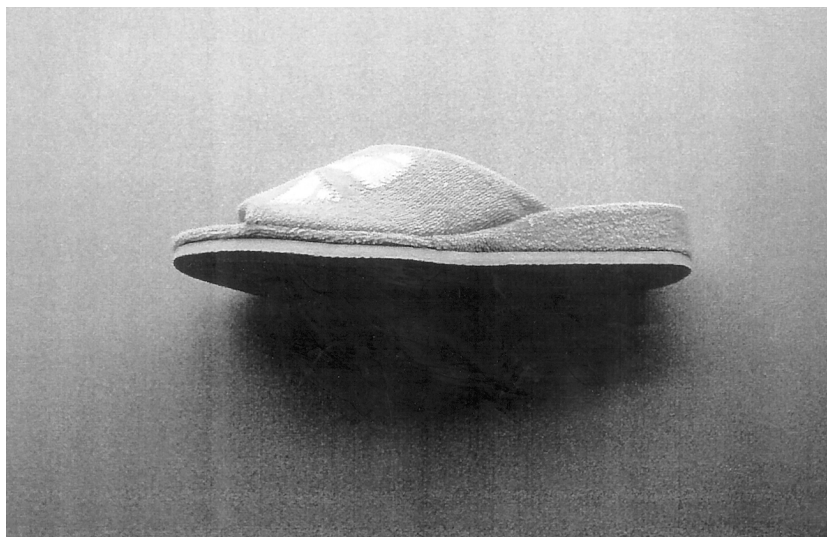
⁽³⁾ OJ L 302, 19.10.1992, p. 1.

⁽⁴⁾ OJ L 311, 12.12.2000, p. 17.

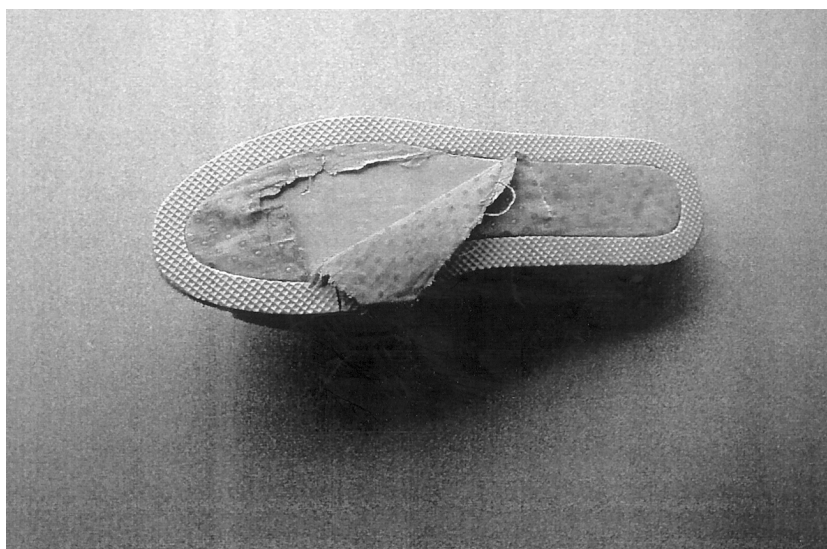
ANNEX

Description	Classification CN code	Reasons
(1)	(2)	(3)
Slipper consisting of a textile (towelling material) upper and an outer sole of plastic with the central area covered with a thin layer of textile. On this textile covering which accounts for 58 % of the outer sole, there are raised PVC dots (See photographs No 603 A + B) (*)	6404 19 10	Classification is determined by General Notes 1 and 6 for the interpretation of the Combined Nomenclature, Note 4(b) to Chapter 64, additional note 2 to Chapter 64 and the wording of CN codes 6404, 6404 19 and 6404 19 10 The characteristics of the layer of textile material result in the outer sole having to be regarded as plastic soles. The layer of textile material does not have the characteristics of durability and/or strength usually required for the normal use of an outer sole These goods are therefore not classifiable within heading 6405

(*) The photographs are purely for information.



603 A



603 B

COMMISSION REGULATION (EC) No 293/2001**of 13 February 2001****amending Regulation (EC) No 1701/2000 opening an invitation to tender for the refund for the export of common wheat to all third countries except certain ACP States**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾, and in particular Article 4 thereof,

Whereas:

- (1) Council Regulation (EC) No 2851/2000 ⁽⁵⁾, establishes certain concessions in the form of Community tariff quotas for certain agricultural products and provides for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Poland. The abolition of refunds for common wheat exported to Poland is one of the concessions.

The destinations laid down in Commission Regulation (EC) No 1701/2000 ⁽⁶⁾, as amended by Regulation (EC) No 2019/2000 ⁽⁷⁾, should therefore be amended.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1701/2000 is amended as follows:

1. the title is replaced by the following:
'opening an invitation to tender for the refund for the export of common wheat to all third countries except Poland and certain ACP States';
2. Article 1(2) is replaced by the following:
'2. The invitation to tender shall cover common wheat for export to all third countries except Poland and ACP States listed in Annex III.';
3. the title of Annex I is replaced by the following:
'Weekly tender for the refund for the export of common wheat to all third countries except Poland and certain ACP States:'.

Article 2

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

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

Done at Brussels, 13 February 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 332, 28.12.2000, p. 7.

⁽⁶⁾ OJ L 195, 1.8.2000, p. 18.

⁽⁷⁾ OJ L 241, 26.9.2000, p. 37.

COMMISSION REGULATION (EC) No 294/2001**of 13 February 2001****fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EC) No 1516/96 ⁽²⁾, and in particular Article 8(3) thereof,

Whereas:

- (1) Article 8(1) of Regulation (EEC) No 2771/75 provides that the difference between prices in international trade for the products listed in Article 1(1) of that Regulation and prices within the Community may be covered by an export refund where these goods are exported in the form of goods listed in the Annex to that Regulation. Whereas Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽³⁾, as amended by Regulation (EC) No 2390/2000 ⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EEC) No 2771/75.
- (2) In accordance Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for a

period of the same duration as that for which refunds are fixed for the same products exported unprocessed.

- (3) Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lays down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing.
- (4) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed in Article 1(1) of Regulation (EEC) No 2771/75, exported in the form of goods listed in the Annex I to Regulation (EEC) No 2771/75, are hereby fixed as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 14 February 2001.

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

Done at Brussels, 13 February 2001.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 49.

⁽²⁾ OJ L 189, 30.7.1996, p. 99.

⁽³⁾ OJ L 177, 15.7.2000, p. 1.

⁽⁴⁾ OJ L 276, 28.10.2000, p. 3.

ANNEX

to the Commission Regulation of 13 February 2001 fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex I to the Treaty

(EUR/100 kg)

CN code	Description	Destination (¹)	Rate of refund
0407 00	Birds' eggs, in shell, fresh, preserved or cooked:		
	– Of poultry:		
0407 00 30	– – Other:		
	a) On exportation of ovalbumin of CN codes 3502 11 90 and 3502 19 90	02	9,00
		03	11,00
		04	4,50
	b) On exportation of other goods	01	4,50
0408	Birds' eggs, not in shell and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter:		
	– Egg yolks:		
0408 11	– – Dried:		
ex 0408 11 80	– – – Suitable for human consumption:		
	not sweetened	01	55,00
0408 19	– – Other:		
	– – – Suitable for human consumption:		
ex 0408 19 81	– – – – Liquid:		
	not sweetened	01	25,00
ex 0408 19 89	– – – – Frozen:		
	not sweetened	01	25,00
	– Other:		
0408 91	– – Dried:		
ex 0408 91 80	– – – Suitable for human consumption:		
	not sweetened	01	37,00
0408 99	– – Other:		
ex 0408 99 80	– – – Suitable for human consumption:		
	not sweetened	01	9,00

(¹) The destinations are as follows:

01 Third countries,

02 Kuwait, Bahrain, Oman, Qatar, United Arab Emirates, Yemen, Hong Kong SAR and Russia,

03 South Korea, Japan, Malaysia, Thailand, Taiwan, the Philippines and Egypt,

04 All destinations except Switzerland and those of 02 and 03.

COMMISSION REGULATION (EC) No 295/2001**of 13 February 2001****setting export refunds on products processed from fruit and vegetables other than those granted for added sugar**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

resulting from agreements concluded in accordance with Article 300 of the Treaty.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the market in products processed from fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 2699/2000 ⁽²⁾, and in particular Article 16(3),

Whereas:

(1) Commission Regulation (EC) No 1429/95 ⁽³⁾, as last amended by Regulation (EC) No 1007/97 ⁽⁴⁾, sets implementing rules for export refunds on products processed from fruit and vegetables.

(2) Article 16(1) of Regulation (EC) No 2201/96 states that, to the extent necessary to permit exports in economically significant quantities of the products referred to in Article 1(1)(a) of that Regulation, on the basis of prices for those products in international trade, the difference between those prices and prices in the Community may be covered by export refunds; Article 18(4) of Regulation (EC) No 2201/96 provides that, if the refund on sugar incorporated into the products listed in Article 1(1) is insufficient to allow export of the products, the refund fixed in accordance with Article 17 is to be applicable to those products.

(3) Article 17(2) of Regulation (EC) No 2201/96 states that refunds must be fixed with regard to the existing situation and outlook for prices for products processed from fruit and vegetables on the Community market and supply availability, on the one hand, and prices in international trade on the other hand. Account must also be taken of the costs indicated at (b) in that paragraph and of the economic aspect of the envisaged exports.

(4) Refunds are, pursuant to Article 16(1) of Regulation (EC) No 2201/96, to be set with due regard to the limits

(5) Article 17(3) of Regulation (EC) No 2201/96 states that prices on the Community market are to be determined taking account of those most favourable from the exportation standpoint; whereas international trade prices are to be determined account taken of the prices indicated in the second subparagraph of that paragraph.

(6) The international trade situation or the special requirements of certain markets may make it necessary to vary the refund on a given product depending on the destination of that product.

(7) Economically significant exports can be made at the present time of provisionally preserved cherries, peeled tomatoes, preserved cherries, prepared hazelnuts and some orange juices.

(8) Application of the rules mentioned above to the present and forecast market situation, in particular to prices of products processed from fruit and vegetables in the Community and in international trade, leads to the refund rates set in the Annex hereto.

(9) Pursuant to Article 16(2) of Regulation (EC) No 2201/96, the most efficient possible use should be made of the resources available without creating discrimination between traders. Therefore, care should be taken not to disturb the trade flows previously induced by the refund arrangements.

(10) Commission Regulation (EEC) No 3846/87 ⁽⁵⁾, as last amended by Regulation (EC) No 2849/2000 ⁽⁶⁾, establishes an agricultural product nomenclature for export refunds.

(11) Commission Regulation (EC) No 1291/2000 ⁽⁷⁾ lays down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products.

⁽¹⁾ OJ L 297, 21.11.1996, p. 29.

⁽²⁾ OJ L 311, 12.12.2000, p. 9.

⁽³⁾ OJ L 141, 24.6.1995, p. 28.

⁽⁴⁾ OJ L 145, 5.6.1997, p. 16.

⁽⁵⁾ OJ L 366, 24.12.1987, p. 1.

⁽⁶⁾ OJ L 335, 30.12.2000, p. 1.

⁽⁷⁾ OJ L 152, 24.6.2000, p. 1.

- (12) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refund rates in the processed fruit and vegetables sector shall be those fixed in the Annex hereto.
2. Quantities for which licences are issued in the context of food aid, as referred to in Article 16 of Regulation (EC) No 1291/2000 shall not count against the eligible quantities referred to in the first paragraph.

Article 2

This Regulation shall enter into force on 24 February 2001.

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

Done at Brussels, 13 February 2001.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 13 February 2001 setting export refunds on products processed from fruit and vegetables other than those granted for added sugar

Product code	Destination code ⁽¹⁾	Licence issuing period: March to June 2001	
		Period for submission of applications: from 24 February to 24 June 2001	
		Refund rate (EUR/t net)	Quantities provided (in t)
0812 10 00 9100	F06	50	2 853
2002 10 10 9100	F10	45	42 477
2006 00 31 9000 2006 00 99 9100	F06	153	287
2008 19 19 9100 2008 19 99 9100	A00	59	344
2009 11 99 9110 2009 19 99 9110	A00	5	300
2009 11 99 9150 2009 19 99 9150	A00	29	301

⁽¹⁾ The destination codes are defined as follows:

A00: All destinations,

F06: All destinations except the countries of North America,

F10: All other destinations except the United States of America, Slovakia, Latvia and Bulgaria.

COMMISSION REGULATION (EC) No 296/2001**of 13 February 2001****fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EC) No 1516/96 ⁽²⁾, and in particular Article 5(4) thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽³⁾, as last amended by Commission Regulation (EC) No 2916/95 ⁽⁴⁾, and in particular Article 5(4) thereof,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin ⁽⁵⁾, as last amended by Regulation (EC) No 2916/95, and in particular Article 3(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95 ⁽⁶⁾, as last amended by Regulation (EC) No 94/2001 ⁽⁷⁾, fixes detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin.

- (2) It results from regular monitoring of the information providing the basis for the verification of the import prices in the poultrymeat and egg sectors and for egg albumin that the representative prices for imports of certain products should be amended taking into account variations of prices according to origin. Therefore, representative prices should be published.

- (3) It is necessary to apply this amendment as soon as possible, given the situation on the market.

- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1484/95 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 14 February 2001.

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

Done at Brussels, 13 February 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 49.
⁽²⁾ OJ L 189, 30.7.1996, p. 99.
⁽³⁾ OJ L 282, 1.11.1975, p. 77.
⁽⁴⁾ OJ L 305, 19.12.1995, p. 49.
⁽⁵⁾ OJ L 282, 1.11.1975, p. 104.
⁽⁶⁾ OJ L 145, 29.6.1995, p. 47.
⁽⁷⁾ OJ L 14, 18.1.2001, p. 30.

ANNEX

to the Commission Regulation of 13 February 2001 fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95

'ANNEX I

CN code	Description	Representative price EUR/100 kg	Security referred to in Article 3(3) EUR/100 kg	Origin (¹)
0207 14 10	Boneless cuts of fowl of the species <i>Gallus domesticus</i> , frozen	278,5	6	01
		284,3	5	02
0207 14 70	Other parts of chicken, frozen	265,0	6	01
1602 32 11	Preparations of fowl of the species <i>Gallus domesticus</i> , uncooked	282,1	1	01

(¹) Origin of imports:

01 Brazil

02 Thailand.'

COMMISSION REGULATION (EC) No 297/2001
of 13 February 2001
fixing the export refunds on eggs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EC) No 1516/96 ⁽²⁾, and in particular Article 8(3) thereof,

Whereas:

- (1) Article 8 of Regulation (EEC) No 2771/75 provides that the difference between prices on the world market for the products listed in Article 1(1) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) The present market situation in certain third countries and that regarding competition on particular third country markets make it necessary to fix a refund differentiated by destination for certain products in the egg sector.

(3) It follows from applying these rules and criteria to the present situation on the market in eggs that the refund should be fixed at an amount which would permit Community participation in world trade and would also take account of the nature of these exports and their importance at the present time.

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

HAS ADOPTED THIS REGULATION:

Article 1

The list of codes of products for which, when they are exported, the export refund referred to in Article 8 of Regulation (EEC) No 2771/75 is granted, and the amount of that refund shall be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 14 February 2001.

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

Done at Brussels, 13 February 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 49.

⁽²⁾ OJ L 189, 30.7.1996, p. 99.

ANNEX

to the Commission Regulation of 13 February 2001 fixing the export refunds on eggs

Product code	Destination	Unit of measurement	Amount of refund
0407 00 11 9000	A02	EUR/100 pcs	2,60
0407 00 19 9000	A02	EUR/100 pcs	1,20
0407 00 30 9000	E01	EUR/100 kg	9,00
	E03	EUR/100 kg	11,00
	E05	EUR/100 kg	4,50
0408 11 80 9100	E04	EUR/100 kg	55,00
0408 19 81 9100	E04	EUR/100 kg	25,00
0408 19 89 9100	E04	EUR/100 kg	25,00
0408 91 80 9100	E06	EUR/100 kg	37,00
0408 99 80 9100	E04	EUR/100 kg	9,00

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

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

The other destinations are defined as follows:

E01 Kuwait, Bahrain, Oman, Qatar, the United Arab Emirates, Yemen, Hong Kong SAR and Russia

E03 South Korea, Japan, Malaysia, Thailand, Taiwan, the Philippines and Egypt

E04 all destinations except Switzerland and Estonia

E05 all destinations except Switzerland, Lithuania and those of E01 and E03

E06 all destinations except Switzerland, Estonia and Lithuania.

II

(Acts whose publication is not obligatory)

COUNCIL

**DECISION No 1/2001 OF THE ACP-EC COMMITTEE OF AMBASSADORS
of 30 January 2001
concerning the adoption of the Rules of Procedure of the ACP-EC Council of Ministers
(2001/112/EC)**

THE ACP-EC COMMITTEE OF AMBASSADORS,

Having regard to the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000, in particular Article 15(5) thereof,

Whereas:

- (1) By its Decision of 22 June 2000 the ACP-EC Council of Ministers delegated its powers to adopt the Rules of Procedure of the ACP-EC Council of Ministers to the ACP-EC Committee of Ambassadors.
- (2) By Decision No 1/2000 of 27 July 2000, the ACP-EC Council of Ministers implemented in advance most of the provisions of the ACP-EC Partnership Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Dates and locations of meetings

1. As provided in Article 15(1) of the ACP-EC Partnership Agreement, hereinafter referred to as the 'ACP-EC Agreement', the ACP-EC Council of Ministers, hereinafter referred to as 'the Council', shall normally meet once a year, and whenever necessary at the request of one of the parties.
2. The Council shall be convened by its President. The dates of its meetings shall be fixed by common agreement between the parties.
3. The Council shall meet either where the meetings of the Council of the European Union are usually held or at the seat of the General Secretariat of the ACP Group of States or in a city of one of the ACP States, in accordance with the decision taken by the Council.

Article 2

The Council's functions

1. The provisional agenda for every meeting shall be drawn up by the President. It shall be communicated to the other members of the Council at least 30 days before the beginning

of the meeting. The provisional agenda shall consist of those items in respect of which a request for inclusion is received by the President at least 30 days before the beginning of the meeting.

The items to appear on the provisional agenda shall be those for which documentation has been transmitted to the Secretariat of the Council in time to be forwarded to the members of the Council and to the members of the ACP-EC Committee of Ambassadors, hereinafter referred to as the 'Committee', at least 21 days before the beginning of the meeting.

2. The agenda shall be adopted by the Council at the beginning of each meeting. In urgent cases the Council may decide, at the request of the ACP States or of the Community, to include on the agenda items for which the time limits laid down in paragraph 1 have not been observed.

3. The provisional agenda may be divided into Part A, Part B and Part C.

Items entered in Part A shall be those which can be approved by the Council without discussion.

Items entered in Part B are those matters which need to be discussed by the Council before they are approved.

Items entered in Part C shall be discussed in an informal exchange of views.

Article 3

Proceedings

1. In accordance with Article 15(3) of the ACP-EC Agreement, the Council of Ministers shall take its decisions by common agreement of the Parties.

2. The proceedings of the Council shall be valid only if at least half the members of the Council of the European Union, one member of the Commission of the European Communities (hereinafter referred to as 'the Commission') and two-thirds of the members representing the Governments of the ACP States are present.

3. All members of the Council unable to attend may be represented. In this case they shall inform the President and shall indicate the person or delegation authorised to represent them. The representative shall exercise all the rights of the member unable to attend.

4. The members of the Council may be accompanied by advisers to assist them.

5. The composition of each delegation shall be communicated to the President before the beginning of each session.

6. A representative of the European Investment Bank, hereinafter referred to as 'the Bank' shall be present at sessions of the Council when matters from the areas which concern the Bank are on the agenda.

Article 4

Written Procedures

The Council may decide to take decisions by correspondence on urgent matters. Approval for this procedure may be obtained during a Council meeting or within the Committee.

At the same time as this procedure is decided upon, a time limit may be fixed within which replies must be given. On the expiry of this time limit, the President of the Council shall decide, on the basis of a report from the two Secretaries of the Council, whether, in view of the replies received, common agreement may be considered to have been reached.

Article 5

Committees and Working Parties

The Council may set up committees or working parties to carry out work it considers necessary, and in particular to prepare its proceedings where appropriate on areas of cooperation or specific aspects of the Partnership.

Supervision of the work of these committees and working parties may be delegated to the Committee.

Article 6

Ministerial Subgroups

Without prejudice to the provisions of Article 5, the Council may, in the course of its meetings, delegate the preparation of its proceedings and conclusions on specific items on the agenda to subgroups of ministers composed on a parity basis

Article 7

Ministerial Committees

1. In accordance with Article 83 of the ACP-EC Agreement, the ACP-EC Development Finance Cooperation Committee is hereby set up. The Council shall adopt the Rules of Procedure for this Committee.

2. The Council shall examine trade policy issues and reports by the Joint ACP-EC Ministerial Trade Committee set up by Article 38 of the ACP-EC Agreement.

Article 8

States attending with observer status

1. Representatives of signatory States to the ACP-EC Agreement, which, on the date of entry into force of the Agreement have not yet completed the procedures referred to in Article 93(1) and (2) thereof, may attend Council sessions as observers. They may in this case be authorised to take part in Council debates.

2. The same rule shall apply to the countries referred to in Article 93(6) of the ACP-EC Agreement.

3. The Council may authorise representatives of a country applying for accession to the ACP-EC Agreement to take part in the proceedings of the Council as observers.

Article 9

Confidentiality and official publications

1. Unless otherwise decided, meetings of the Council shall not be public. Access to meetings of the Council shall require a pass.

2. Without prejudice to such other provisions as may apply, the deliberations of the Council shall be covered by the obligation of professional secrecy unless the Council decides otherwise.

3. Each party may decide to publish the decisions, resolutions, recommendations and opinions of the Council in their respective official publications.

Article 10

Dialogue with non-governmental actors

1. The Council may invite economic and social representatives of civil society in the ACP and European Union States to take part in an exchange of views on the margins of its ordinary meetings for the purpose of informing them and hearing their opinions and suggestions on items on the agenda.

2. Exchanges of views with representatives of civil society shall be organised by the Council Secretariat. It may delegate this task, in agreement with the Commission, to representative organisations of civil society. In particular, the Council Secretariat may delegate work in connection with exchanges of views with economic and social representatives of ACP and EU civil society to the Economic and Social Committee of the European Communities.

3. The items on the agenda to be discussed with non-governmental actors shall be decided by the President, acting on a proposal from the Council Secretariat. They shall be communicated to the other members of the Council at the same time as the provisional agenda for each session.

*Article 11***Regional and Sub-regional Organisations**

ACP regional and sub-regional organisations may be represented at meetings of the Council and the Committee as observers, subject to prior agreement by the Council.

*Article 12***Communications and minutes of meetings**

1. All communications provided for in these Rules of Procedure shall be transmitted through the Secretariat of the Council to the representatives of the ACP States, the General Secretariat of the ACP Group of States, the Permanent Representatives of the Member States, the General Secretariat of the Council of the European Union and the Commission.

Such communications shall also be sent to the President of the Bank when they concern the Bank.

2. Minutes shall be kept of each meeting, noting in particular the decisions taken by the Council.

After their approval by the Council, the minutes shall be signed by the President-in-Office and by the two Secretaries of the Council and shall be kept in the archives of the Council. A copy of the minutes shall be forwarded to the recipients referred to in paragraph 1.

*Article 13***Documentation**

Unless decided otherwise, the Council shall conduct its deliberations on the basis of documents drafted in Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish.

*Article 14***Form of Acts**

1. Decisions, resolutions, recommendations and opinions within the meaning of Article 15(3) of the ACP-EC Agreement shall be divided into articles.

They shall be concluded with the formula 'Done at ...', '[date]', the date being the date of their adoption by the Council.

2. Decisions within the meaning of Article 15(3) of the ACP-EC Agreement shall be entitled 'Decision', followed by a serial number, date of adoption and a description of their subject.

Decisions shall specify the date on which they are to enter into force. They shall incorporate the following sentence: 'The ACP States, the Community and its Member States shall be required, each for its own part, to take the necessary steps to implement this Decision'.

3. Resolutions, declarations, recommendations and opinions within the meaning of Article 15(3) of the ACP-EC Agreement shall be entitled 'Resolution', 'Declaration', 'Recommendation' or 'Opinion', followed by a serial number, date of adoption and a description of their subject.

4. Acts adopted by the Council shall be signed by the President and shall be kept in the archives of the Council.

These acts shall be transmitted, through the two Secretaries of the Council, to the recipients referred to in Article 12(1).

*Article 15***Presidency**

The Office of President of the Council shall be held alternately as follows:

- from 1 April to 30 September by a member of the Government of an ACP State,
- from 1 October to 31 March by a member of the Council of the European Union.

*Article 16***The Committee**

1. The Council may delegate some of its powers to the Committee in accordance with Article 15(4) of the ACP-EC Agreement.

2. The conditions under which the Committee meets shall be laid down in its Rules of Procedure.

3. The Committee shall be responsible for preparing the meetings of the Council and for carrying out any mandate which the Council may entrust to it.

*Article 17***Participation in the Joint Parliamentary Assembly**

When the Council attends meetings of the Joint Parliamentary Assembly it shall be represented by its President.

Should the President be unable to attend, he shall designate the member who is to take his place.

*Article 18***Consistency in Community policies and impact on the implementation of the ACP-EC Agreement**

1. When the ACP States request consultations pursuant to Article 12 of the ACP-EC Agreement, such consultations shall be held promptly, as a general rule within fifteen days of the request.

2. The body responsible may be the Council, the Committee, one of the two Ministerial Committees referred to in Article 7, or an ad hoc Working Party.

*Article 19***Secretariat**

The Secretariat of the Council and of the Committee, shall be run jointly by two Secretaries.

These two Secretaries shall be appointed after joint consultation, one by the ACP States and the other by the Community.

The Secretaries shall perform their duties in complete independence with a view solely to the interests of the Agreement and shall neither seek nor take instructions from any Government,

organisation or authority other than the Council and the Committee.

Correspondence intended for the Council shall be sent to the President thereof at the seat of the Council Secretariat.

Done at Brussels, 30 January 2001.

For the ACP-EC Committee of Ambassadors

The President

G. LUND

DECISION No 2/2001 OF THE ACP-EC COMMITTEE OF AMBASSADORS
of 30 January 2001
concerning the adoption of the Rules of Procedure of the ACP-EC Committee of Ambassadors
(2001/113/EC)

THE ACP-EC COMMITTEE OF AMBASSADORS,

Having regard to the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000, in particular Article 16(3) thereof,

Whereas, by Decision No 1/2000 of 27 July 2000, the ACP-EC Council of Ministers implemented in advance most of the provisions of the ACP-EC Partnership Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Dates and locations of meetings

1. As provided in Article 16(2) of the ACP-EC Partnership Agreement, hereinafter referred to as the 'ACP-EC Agreement' the ACP-EC Committee of Ambassadors, hereinafter referred to as 'the Committee', shall meet regularly, in particular to prepare meetings of the ACP-EC Council of Ministers (hereinafter referred to as 'the Council'), and whenever it proves necessary, at the request of one of the parties.
2. The Committee shall be convened by its Chair. The dates of its meetings shall be fixed by common agreement between the parties.
3. The Committee shall meet at the seat of the Council of the European Union or at the seat of the General Secretariat of the ACP Group of States. It may, however, meet in a city of an ACP State if a special decision is taken to this effect.

Article 2

The Committee's functions

1. In accordance with Article 16(2) of the ACP-EC Agreement, the Committee shall assist the Council in carrying out its tasks and shall carry out any mandate which the Council may entrust to it. In this context, it shall monitor implementation of the ACP-EC Agreement and progress towards achieving the objectives set therein.
2. The Committee shall report to the Council, in particular on matters in which competence has been delegated.
3. It shall also submit to the Council any resolutions, recommendations or opinions that it considers necessary or appropriate.

Article 3

Agenda of meetings

1. The provisional agenda for every meeting shall be drawn up by the Chair. It shall be communicated to the other

members of the Committee at least eight days before the date of the meeting.

The provisional agenda shall include those items in respect of which the Chair has received a request for inclusion ten days before the date of the meeting. The only items to be included on the provisional agenda shall be those for which documentation has been submitted to the Secretariat of the Council in time to be forwarded to the members of the Committee at least eight days before the date of the meeting.

2. The agenda shall be adopted by the Committee at the beginning of each meeting. In urgent cases the Committee may decide, at the request of the ACP States or of the Community, to include on the agenda items in respect of which the time limits laid down in paragraph 1 have not been observed.

Article 4

Proceedings

1. The Committee shall act by common agreement between the Community on the one part and the ACP States on the other.
2. The proceedings of the Committee shall be valid only if at least half of the permanent representatives of the Member States of the Community, one representative of the Commission of the European Communities (hereinafter referred to as 'the Commission') and half the members of the ACP Committee of Ambassadors are present.
3. All members of the Committee unable to attend may be represented. In this case they shall inform the Chair and shall indicate the person or delegation authorised to represent them. The representative shall exercise all the rights of the member unable to attend.
4. Committee members may be accompanied by advisers.
5. A representative of the European Investment Bank, hereinafter referred to as 'the Bank', shall be present at Committee meetings when matters concerning it are on the agenda.

Article 5

Written Procedures, Official Publications and Form of Acts

Articles 4, 9(3) and 14 of the Rules of Procedure of the Council, as adopted by Decision No 1/2001 of the ACP-EC Committee of Ambassadors of 30 January 2001, shall apply to the acts adopted by the Committee.

*Article 6***States attending with observer status**

1. Representatives of signatory States to the ACP-EC Agreement which, on the date of its entry into force, have not yet completed the procedures referred to in Article 93(1) and (2) thereof, may attend Committee meetings as observers. They may in this case be authorised to take part in the Committee's debates.

2. The same rule shall apply to the countries referred to in Article 93(6) of the ACP-EC Agreement.

3. The Committee may authorise representatives of a country applying for accession to the ACP-EC Agreement to take part in the proceedings of the Committee as observers.

*Article 7***Confidentiality**

1. Unless otherwise decided, meetings of the Committee shall not be public.

2. Without prejudice to such other provisions as may apply, the Committee's deliberations shall be covered by the obligation of professional secrecy unless the Committee decides otherwise.

*Article 8***Communications and minutes of meetings**

1. All communications provided for in these Rules of Procedure shall be forwarded through the Secretariat of the Council to the representatives of the ACP States, the General Secretariat of the ACP Group of States, the Permanent Representatives of the Member States, the General Secretariat of the Council of the European Union and the Commission.

Such communications shall also be sent to the President of the Bank when they concern the Bank.

2. Minutes shall be kept of each meeting, noting in particular the decisions taken by the Committee.

After their approval by the Committee, the minutes shall be signed by the Chair of the Committee and the Secretaries of the Council and shall be kept in the Council archives. Copies of the minutes shall be sent to the recipients listed in paragraph 1.

*Article 9***The Chair**

The Office of Chair of the Committee shall be held alternately, for six months at a time, by a Permanent Representative of a Member State, designated by the Community, and by a Head of Mission representing an ACP State designated by the ACP States.

*Article 10***Correspondence and documentation**

1. Correspondence intended for the Committee shall be sent to its Chair at the seat of the Council Secretariat.

2. Unless decided otherwise, the Committee shall conduct its deliberations on the basis of documents drafted in Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish.

*Article 11***Committees, Subcommittees and Working Parties**

1. The Committee shall be assisted by:

- (i) the Customs Cooperation Committee set up by Article 37 of Protocol No 1 to Annex V to the ACP-EC Agreement;
- (ii) the permanent joint group on bananas provided for in Article 3 of Protocol 5 to Annex V to the ACP-EC Agreement;
- (iii) the Subcommittee on Trade Cooperation;
- (iv) the Subcommittee on Sugar;
- (v) the joint working party on rice referred to in paragraph 5 of Declaration XXIV of the Final Act to the ACP-EC Agreement;
- (vi) the joint working party on rum referred to in paragraph 6 of Declaration XXV of the Final Act to the ACP-EC Agreement.

2. The Committee may set up other appropriate committees, subcommittees or working parties to carry out the work it considers necessary for the accomplishment of the tasks set out in Article 16(2) of the ACP-EC Agreement.

3. These committees, subcommittees and working parties shall submit reports on their work to the Committee.

*Article 12***Composition of Committees, Subcommittees and Working Parties**

1. With the exception of the Customs Cooperation Committee, the committees, subcommittees and working parties referred to in Article 11 shall comprise ACP ambassadors or their representatives, representatives of the Commission and representatives of the Member States.

2. A representative of the Bank shall attend committee, subcommittee and working party meetings where their agendas contain items concerning the Bank.

3. The members of these committees, subcommittees and working parties may be assisted in their tasks by experts.

*Article 13***Chair of Committees, Subcommittees and Working Parties**

1. The committees, subcommittees and working parties referred to in Article 11 shall be jointly chaired by an ACP Ambassador for the ACP States and a representative of the Commission or a representative of a Member State for the Community.

2. Without prejudice to paragraph 1 the Co-chairs may, in exceptional cases and by common agreement, be represented by any person they designate.

*Article 14***Procedures for Committee, Subcommittee and Working Party meetings**

The committees, subcommittees and working parties referred to in Article 11 shall meet at the request of one of the two parties after consultation between their Chairs and notice of seven days shall be given for such meetings, except in urgent cases.

*Article 15***Rules of Procedure of Committees, Subcommittees and Working Parties**

The committees, subcommittees and working parties referred to in Article 11 may establish their Rules of Procedure with the agreement of the Committee.

*Article 16***Secretariat**

1. Secretariat work and other work necessary for the operation of the Committee and of the committees, subcommittees and working parties referred to in Article 11 (drafting agendas and distributing the relevant documents) shall be carried out by the Council Secretariat.

2. As soon as possible after each meeting, the Secretariat shall draft minutes of the meetings of these committees, subcommittees and working parties.

The minutes shall be sent by the Secretariat of the Council to the representatives of the ACP States, the General Secretariat of the ACP Group of States, the Permanent Representatives of the Member States, the General Secretariat of the Council of the European Union and the Commission.

Done at Brussels, 30 January 2001.

For the ACP-EC Committee of Ambassadors

The President

G. LUND

COMMISSION

COMMISSION DECISION

of 15 November 2000

**on the modernisation, rationalisation and restructuring plan for the United Kingdom coal industry,
covering the period from 17 April 2000 to 23 July 2002**

(notified under document number C(2000) 3709)

(Only the English text is authentic)

(Text with EEA relevance)

(2001/114/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 3632/93/ECSC of 28 December 1993 establishing Community rules for State aid to the coal industry ⁽¹⁾, and in particular Article 2(1) and Article 8 thereof,

Whereas:

I

- (1) By letter of 26 July 2000 the United Kingdom sent notification of a modernisation, rationalisation and restructuring plan for the United Kingdom coal industry, together with the 'UK Coal Operating Aid Scheme', covering the period from 17 April 2000 to 23 July 2002 (hereinafter referred to as 'the restructuring plan').
- (2) In accordance with Article 8(3) of Decision No 3632/93/ECSC, the Commission must give an opinion on whether the abovementioned plan is in conformity with the general and specific objectives of the Decision, without prejudging the ability of the measures planned to attain these objectives.

II

- (3) The restructuring of the coal industry, which has been under way in the United Kingdom since 1994, has achieved tangible progress in reducing production costs for mining coal. Production costs for deep-mined coal, at constant 1999 prices, have fallen from GBP 49 per

tonne in 1992 to under GBP 32 per tonne in 1999, a reduction of 35 % over the period as a whole. In the case of opencast mines, which produced 15 million tonnes of coal in 1999 out of a total production of 36 million tonnes, production costs at constant prices have likewise been reduced by some 35 %, to GBP 26 per tonne in 1999.

- (4) Despite these efforts, a series of factors could make mine closures inevitable in the very near future, in particular the sharp fall in world market coal prices in 1999 and the lifting of the moratorium imposed by the United Kingdom authorities on the construction of gas-fired generating stations. The conclusion at the end of 2000 of new contracts to supply power stations with coal, which will replace existing contracts, could also put coal producers in difficulty. In fact, the trend in the price of electricity may in future oblige them to make coal deliveries at less advantageous prices. The value of the pound sterling has also contributed to making the price of coal imported into the United Kingdom more attractive and exports of coal mined in the United Kingdom less competitive.

- (5) Consequently, coal mining in the United Kingdom is now in a serious crisis which should, however, be temporary. In particular, the United Kingdom authorities consider that on the one hand world market coal prices have already begun to move upwards noticeably while, on the other hand, the uncertainties created by the conclusion of new supply contracts with power stations and the lifting of the moratorium on the construction of gas-fired generating stations should progressively disappear.

⁽¹⁾ OJ L 329, 30.12.1993, p. 12.

Although these problems are temporary, the danger is, however, that in the very near future they could spell the end for several production units which, although viable in the long term, will not be able to survive the current problems without the introduction of proper restructuring measures.

III

- (6) The restructuring plan notified to the Commission proposes granting aid, spread over three tranches, limited to the period from 17 April 2000 to 23 July 2002, that is until the ECSC Treaty expires. More specifically, aid may be granted only to cover operating losses on coal mined during the abovementioned period. The total amount which may be granted by the United Kingdom over the entire period will not exceed GBP 110 million.
- (7) The objective of the restructuring plan proposed by the United Kingdom is that the production units which can demonstrate that in the years preceding the application for aid they were capable of improving their economic viability by cutting their production costs, should further significantly reduce such costs by 2002. Moreover, the plan which they submit to the United Kingdom authorities must include data on operating conditions until at least mid-2004. During this period of restructuring, the aid proposed by the British authorities should be used to support production units which are economically and financially viable in the long term. The aid granted shall therefore allow these production units to improve their economic viability in order to attain a situation where they can compete with imported coal. It does not, therefore, apply to production units where mining is not economically viable and which will continue to make a loss even after the problems mentioned in recital 4 have been relieved.
- (8) In the light of the foregoing, only operating aid satisfying the conditions laid down in Article 3 of Decision No 3632/93/ECSC in particular may be granted under the restructuring plan.

In particular, the United Kingdom wishes to reserve the aid for production units which will be competitive at world market coal prices when the aid scheme provided for by Decision No 3632/93/ECSC expires on 23 July 2002. After that date, any production units which have

received aid will therefore have to be capable of continuing their activities without any financial support from the public authorities. To reach this level of competitiveness, the United Kingdom considers that production costs should normally be between GBP 25 and GBP 28,75 per tonne.

- (9) The scale of the reduction in production costs demanded before aid will be granted will depend on the current production cost levels, specifically on the gap between current production costs and the target set, of between GBP 25 and GBP 28,75 per tonne. In other words, the further the production unit concerned is from being fully competitive on the world coal market, the bigger the reductions in production costs will have to be.
- (10) The amount of aid is limited to the difference between the cost of producing the coal and the revenue from selling it, without, however, exceeding GBP 75 million per undertaking over the period from 17 April 2000 to 23 July 2002. The restructuring plan notified by the United Kingdom also specifies the methods of calculation to be applied, notably to limit the State aid to the categories of coal eligible. In particular, the aid will be reserved for sales of coal intended exclusively for electricity generation or industrial purposes.
- (11) The subsidies will be available for deliveries of coal under existing or new contracts. An independent panel of experts will be set up to examine contracts entered into after 1 January 2000 and eligible for aid from the public authorities. In particular, it will be responsible for calculating the price which would have been paid had the purchaser imported coal instead of taking supplies mined in the United Kingdom, under the terms of the contract examined (import parity price). To perform this task, the experts will take account of the quality of the coal, transport costs, market conditions at the time of conclusion of the contract, and any other factor which they consider necessary in order to render the reference price which they calculate (import parity price) comparable with the price stated in the contract.

Under the restructuring plan notified by the United Kingdom, if the reference price calculated by the panel of experts for imported coal is higher than the price stated in the supply contract, the amount of aid will be limited to the difference between the production costs and the reference price calculated by the experts.

IV

- (12) In accordance with Article 3 of Decision No 3632/93/ECSC, Member States which intend to grant operating aid to coal undertakings must submit to the Commission, in advance, a modernisation, rationalisation and restructuring plan designed to improve the economic viability of the undertakings concerned by reducing production costs.

The restructuring plan proposed by the United Kingdom fulfils this condition. As was explained in recitals 7 to 9, the aid is reserved for production units which, in principle, should be viable but, for reasons unconnected with their management or operating conditions, are temporarily incapable of being competitive with imported coal. Production units which wish to receive such aid will be required to make efforts to reduce their production costs, by July 2002, to a level which would enable them to continue their activities with no further intervention by the public authorities.

The objectives of the restructuring plan notified to the Commission — a coal industry fully competitive with imported coal — go beyond the conditions laid down in Decision No 3632/93/ECSC, which requires only an improvement in economic viability if operating aid is granted ⁽¹⁾.

- (13) In accordance with the first indent of Article 2(1) of Decision No 3632/93/ECSC, the operating aid must help to achieve further progress towards economic viability with the aim of achieving degression of aids.

The objective of the restructuring plan notified by the United Kingdom, which must remain temporary, is to restore a coal industry which is fully competitive with imported coal and, therefore, free of all State aid, by the end of the aid scheme provided for by Decision No 3632/93/ECSC; this, therefore, meets the condition laid down in the first indent of Article 2(1).

- (14) The introduction of a new aid scheme by the United Kingdom, moreover, in no way conflicts with the objective of degression of aid, which is the cornerstone of the scheme defined in Decision No 3632/93/ECSC. The condition as to degression must be examined in the light of the criteria for deciding the grant of operating aid which are indeed met by the restructuring plan proposed by the United Kingdom, namely, improvement of the economic viability of the coal industry through

the reduction of production costs. Decision No 3632/93/ECSC cannot be interpreted in such a way as, in effect, to penalise States which have made every effort to restructure their coal industry without State aid but which face an economic situation that they could not have predicted and that endangers their industry, albeit temporarily.

- (15) The restructuring plan sets out very precisely the criteria to be taken into account when examining applications for aid. These criteria, the definitions thereof and the procedures for examining applications and monitoring the aid after it is granted confirm the conclusions drawn from examination of the objectives of the plan, namely that the aid planned by the United Kingdom meets all the requirements laid down by Decision No 3632/93/ECSC for granting operating aid. The information required from the undertakings in turn meets the requirements of Commission Decision No 341/94/ECSC of 8 February 1994 implementing Decision No 3632/93/ECSC ⁽²⁾.

- (16) In accordance with Article 3(1) of Decision No 3632/93/ECSC, operating aid is intended to cover the difference between production costs and the selling price freely agreed between the contracting parties in the light of the conditions prevailing on the world market.

The third indent of Article 3(1) also states that the amount of operating aid per tonne may not cause delivered prices for Community coal to be lower than those of coal of a similar quality from third countries.

The system proposed in the restructuring plan notified by the United Kingdom, in the form of a panel of experts to examine coal supply contracts, particularly the price agreed in such contracts, constitutes an arrangement which should help to ensure compliance with the abovementioned provisions (see recital 11). However, use of the panel of experts does not preclude the adoption of any other measures which the United Kingdom might need to enact in the interests of bringing future aid allocations fully into line with those provisions.

The restructuring plan states that this panel must work openly and transparently, in so far as that is consistent with observance of the commercial confidentiality of parties not applying for aid under the current restructuring plan. The recommendations of the panel in

⁽¹⁾ See also the judgment of the Court of First Instance in Case T-110/98, *RJB Mining v Commission*, ECR II-2585, at paragraph 103.

⁽²⁾ OJ L 49, 19.2.1994, p. 1.

particular will have to be made public. The Commission considers that the application of those principles guiding the work of the panel of experts is fundamental, notably to avoid risks of distortion of competition both between producers and between coal users.

The United Kingdom will therefore ensure that all interested parties have an opportunity to make comments and observations on the work of the panel. The panel will take account of any observations submitted to it.

- (17) In accordance with Article 2(2) of Decision No 3632/93/ECSC, the aid will have to be entered in Member States' national, regional or local public budgets of the United Kingdom or channelled through strictly equivalent mechanisms.
- (18) The Commission stresses one of the fundamental aims of the scheme set up by Decision No 3632/93/ECSC, namely that State aid must cause no distortion of competition and must not discriminate between coal producers, purchasers or consumers in the Community.

v

- (19) In accordance with Article 9 of Decision No 3632/93/ECSC, the United Kingdom will send notification of all the financial support which it intends to grant to the coal industry in a given year. All the data on these measures, the reasons for them and the extent thereof and their connection with the restructuring plan notified to the Commission on 26 July 2000 will be notified together. In particular, the information submitted will meet all the requirements laid down by Decision No 341/94/ECSC, particularly in form B in Annex 3 to that Decision.

Authorisation of the aid by the Commission, as provided for in Article 9 of Decision No 3632/93/ECSC, therefore means that the coal undertakings submit an application for aid to the competent United Kingdom authorities by a set time so that all the measures proposed over a given period can be notified to the Commission together.

- (20) In accordance with Article 9(5) of Decision No 3632/93/ECSC, in the event of refusal any payment made in anticipation of authorisation from the Commission will have to be repaid in full by the undertaking that received it and will invariably be considered an unfair advantage in the form of an unjustified cash advance and, as such, will be liable to charges at the market rate payable by the recipient.
- (21) By 30 September of each year at the latest, the United Kingdom must also send notification of the amount of aid actually paid in the preceding coal production year and must declare any corrections made to the amounts originally notified,

HAS ADOPTED THIS DECISION:

Article 1

The modernisation, rationalisation and restructuring plan, as well as the 'UK Coal Operating Aid Scheme', notified to the Commission by the United Kingdom on 26 July 2000, are in conformity with the objectives and criteria laid down in Decision No 3632/93/ECSC.

Article 2

The United Kingdom shall notify to the Commission, in accordance with the provisions of Article 9 of Decision No 3632/93/ECSC, all the financial support which it intends to grant to the coal industry in a given year.

Article 3

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

Done at Brussels, 15 November 2000.

For the Commission
Loyola DE PALACIO
Vice-President

COMMISSION RECOMMENDATION
of 17 January 2001
on the maximum permitted blood alcohol content (BAC) for drivers of motorised vehicles

(notified under document number C(2000) 4397)

(Text with EEA relevance)

(2001/115/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 71 thereof,

Whereas:

- (1) One of the objectives of the common transport policy is to lay down common rules applicable to international transport within the Community, in particular with regard to the safety of road users in the Member States.
- (2) The Commission adopted a road safety programme of specific measures to improve road safety in April 1997 ⁽¹⁾, and priorities were established in March 2000 ⁽²⁾.
- (3) The growth in road passenger and freight transport since 1988 has increased exposure to road accidents in the past decade.
- (4) It has been estimated that between 1 % and 5 % of drivers in traffic have BAC levels above their maximum national BAC limits and that such drivers are proportionately much more likely to be involved in road accidents, accounting for up to 20 % of fatal and serious injuries, and up to 25 % of driver fatalities. There is a need to separate irresponsible drinking behaviour from driving.
- (5) It is estimated that at least 10 000 drivers, passengers, pedestrians and cyclists are killed every year in road accidents in which a driver's competence was impaired due to alcohol on roads in the Community.
- (6) Research confirms that the relative risk of accident involvement increases significantly at BAC levels above 0,5 mg/ml and that for the average driver the relative risk of accident involvement is about twice that of a driver with zero BAC, within the 0,5 to 0,8 mg/ml range. In fatal accidents the relative risk is much higher.
- (7) The primary aim of a more uniform maximum BAC limit within the Community is to provide a clearer and more consistent message to drivers of passenger and

freight vehicles that, above a certain limit, alcohol and driving is a dangerous activity and that different limits in different Member States are potentially confusing and weaken the message that driving under the influence of alcohol is dangerous.

- (8) A more uniform BAC limit will provide a clearer reference for national enforcement. Wherever drivers are driving within the Community they should be more aware of a more uniform limit above which, if they are caught, they will be subject to the penalties applicable in the national jurisdiction where the offence was committed.
- (9) There is ample evidence that reductions in BAC limits, supported by effective enforcement and publicity, can reduce inappropriate drinking and driving at all BAC levels.
- (10) It is estimated that at least a 10 % reduction in all fatalities in accidents involving inappropriate drinking and driving is not unreasonable from a package of measures incorporating national enforcement and publicity based around reduced BAC limits, and that greater reductions are possible from more extensive enforcement.
- (11) It is likely that the social value of complementary concerted action to reduce inappropriate drinking and driving, based around a more uniform regime of BAC limits, is more than likely to outweigh the costs of enforcement and economic adjustment.
- (12) Most Member States have already adopted 0,5 mg/ml as their maximum permissible BAC limit.
- (13) An even lower BAC limit of 0,2 mg/ml is relevant for those drivers and riders who have a much higher accident risk, either because of their lack of experience and/or the type of vehicles they drive, and also for drivers of large goods and passenger carrying vehicles, and also for drivers of vehicles carrying dangerous goods.

⁽¹⁾ Promoting road safety in the EU: The programme for 1997 to 2001 (COM(97) 131 final).

⁽²⁾ Priorities in EU road safety: Progress report and ranking of actions (COM(2000)125).

- (14) Member States need to be particularly aware of the increased accident risk arising from the use of some illegal and legal drugs with alcohol and the need to reflect this in their national legislation.
- (15) Member States should appreciate the mutual benefit to be derived from sharing BAC (and breath equivalent) test information to increase the sample size for assessing the efficacy of measures to reduce inappropriate drinking and driving, and also from sharing research evidence about driver impairment.
- (16) Inappropriate drinking and driving is also a significant public health problem, to the extent that Article 152 of the Treaty seeks to ensure that a high level of human health protection shall be ensured in the definition and implementation of all Community policies and activities. Furthermore, Community action in the field of public health shall be directed towards improving public health, preventing human illness and disease and obviating sources of danger to health.
- (17) Article 152 provides for Community competence in public health in so far as the Community contributes to it by encouraging cooperation between Member States and, if necessary, by lending support to their action, and by taking any useful initiative, in close contact with the Member States, to promote the coordination of the Member States' policies and programmes.
- (18) In the Communication from the Commission on the Health Strategy of the European Community and the proposal for a decision of the European Parliament and the Council adopting a programme for action in the field of public health (2001 to 2006) ⁽³⁾, alcohol is one of the areas mentioned in which particular measures and actions could be undertaken such as the development of measures to reduce or eliminate the risk of injury or death.
- (19) Within this framework the drink-driving problem is certainly one of the most important issues to be considered from an alcohol policy perspective. It is, however, one of the less controversial issues from a risk reduction point of view although not necessarily so from a political point of view,
- (b) 'rider of a vehicle' means only the driver of any motorised two-wheel vehicle and shall not include any accompanying pillion passengers,
- (c) 'inexperienced driver' means:
- (i) any learner driver who is learning to drive and who does not hold a driving licence in accordance with Council Directive 91/439/EEC ⁽⁴⁾. This shall include provisional driving licence holders, accompanied unlicensed learner drivers under instruction — conduite accompagnée, or drivers attending driving school,
 - (ii) any novice driver who has held a driving licence in accordance with Council Directive 91/439/EEC for less than two years and may or may not be taking part in a probationary driving scheme,
- (d) 'large vehicle' means a heavy goods vehicle greater than 3,5 tonnes gross vehicle weight, and any passenger carrying vehicle with more than eight passenger seats,
- (e) 'vehicle carrying dangerous goods' means a vehicle displaying the identification plate, and drivers carrying the training certificate, referred to in Appendix B5 and Appendix B6 respectively to Council Directive 94/55/EC ⁽⁵⁾.

TACKLING THE ISSUE OF THE INAPPROPRIATE DRINKING OF ALCOHOL BY DRIVERS AND RIDERS

2. All Member States should adopt a legal maximum blood alcohol content (BAC) limit of 0,5 mg/ml, or lower, for drivers and riders of all motorised vehicles.
3. All Member States should adopt a lower legal maximum blood alcohol content (BAC) of 0,2 mg/ml, or lower, for the following groups of road user:
 - (a) inexperienced drivers;
 - (b) riders of two-wheeled motor vehicles;
 - (c) drivers of large vehicles;
 - (d) drivers of vehicles carrying dangerous goods.
4. All Member States should adopt random breath testing to deter drivers from drinking to the extent that every driver has a realistic statistical probability of being tested to the current best practice standard of at least once every three years.
5. All Member States should work towards the acceptance of the draft Measuring Instruments Directive to harmonise the accuracy of alcohol breath testing devices.

HEREBY RECOMMENDS:

DEFINITIONS

1. For the purposes of this Recommendation the following definitions apply:

- (a) 'driver of a vehicle' means any driver of a motorised vehicle with three or more wheels,

⁽³⁾ OJ C 337, 28.11.2000, p. 122.

⁽⁴⁾ OJ L 237, 24.8.1991, p. 1.

⁽⁵⁾ European Agreement concerning the international carriage of dangerous goods by road (ADR) and protocol of signature (Volume II): ECE/TRANS/130 Vol II.

FOLLOW-UP AT COMMUNITY LEVEL

6. All Member States should call upon the Commission to work closely with them to:

- (a) exchange information on best practice concerning, for example, enforcement strategies, rehabilitation programmes, accident data collection;
- (b) support research and development, especially into the technological possibilities for stopping drink-drivers, and drivers being treated for alcohol problems, from driving;
- (c) support European wide publicity campaigns which encourage drivers not to drink and drive;

- (d) supply and coordinate the use of all alcohol related road accident data within the ambit of the CARE programme for monitoring the effectiveness of policy, and to provide a cross reference to the activities of the future programme of community action in the field of public health ⁽⁶⁾.

Done at Brussels, 17 January 2001.

For the Commission

Loyola DE PALACIO

Vice-President

⁽⁶⁾ See footnote 3.

ANNEX

The following table indicates some of the reported success in reducing fatalities, accidents, or conviction rates, in those countries where BAC reductions have been introduced, usually with accompanying measures to reduce inappropriate drinking and driving. It also reports on estimated reductions from reductions in BAC limits.

The results are summarised in the report of the working group on alcohol drugs and medicines for the high-level group: October 1999:

Member States	BAC reduction (mg/ml)	Accompanying changes	Fatality and accident reduction (all fatalities and all accidents %)	Reductions in traffic convictions (%)
Austria	0,8 to 0,5 0,8 to 0,1 for novice drivers	23 % increase in breath testing The effects of the probationary driver scheme introduced in 1992 will also have had an effect upon accident involvement	Accident involvement for novice drivers fell by 32 %, compared to 9 % for other drivers	Convictions for all motoring offences fell by 25 %
Belgium	0,8 to 0,5	An examination of the total number of offences for impaired driving, before and after the change in the BAC limit, was unable to account for the increase in the number of offences between 0,5 and 0,8 which occurred simply because of the BAC reduction. The actual reduction in convictions, which reflects changes in driver behaviour would be greater if this increase could be accounted for. It requires an analysis of offences by recorded alcohol levels, and not just whether offences occurred, to assess whether BAC changes have influenced driver behaviour		Total motoring convictions fell by about 2,5 %
Netherlands	Proposed 0,5 to 0,2 for novice drivers	Research concluded that the reduction, if not accompanied by increased enforcement, could lead to increased accidents because resources could be diverted from apprehending more serious offenders	Increase in accidents unless accompanied by increased enforcement NB: 10 % of road deaths are alcohol related	
Sweden	0,5 to 0,2	Estimated that up to 30 % of the reduction could be due to reductions in the number of younger drivers in the early 1990s, increased enforcement and tougher penalties	Fatal accidents fell by 8 %	Motoring offences have fallen by 7 % a year since the introduction of the new limit

Member States	BAC reduction (mg/ml)	Accompanying changes	Fatality and accident reduction (all fatalities and all accidents %)	Reductions in traffic convictions (%)
United Kingdom	Proposed reduction from 0,8 to 0,5	Estimate based on cautious assumptions about driver behaviour. No allowance is made for the effects of increased enforcement	About 50 fatalities or 1,5 % of all fatalities NB: 15 % of road deaths are alcohol related	

Other countries	BAC reduction (mg/ml)	Accompanying changes	Fatality and accident reduction (all fatalities and all accidents %)	Reductions in traffic convictions (%)
Australia	0,8 to 0,5	Various studies have reported on the effect of these BAC reductions in Australian States, some of which were accompanied by well publicised increases in random breath testing. Very significant reductions in accidents and impaired driving have been reported, some across the entire BAC distribution	<i>Queensland</i> Study showed an 8 % reduction in accidents involving drivers with BAC between 0,8 and 1,5 which were attributable to BAC reduction NB: In Victoria about 25 % of road deaths are alcohol related. This is similar to the level in Europe	<i>Australian Capital Territory</i> 90 % reduction in driving with BAC between 0,5 and 0,8, and 41 % reduction in driving with BAC over 1,5, without increases in enforcement activity
Canada	0,8 since 1969	A review in 1999 decided not to lower the federal BAC limit to 0,5 but to concentrate their efforts on increased enforcement. Previously very few drivers caught between 0,8 and 1,0 were charged. It was felt that increased enforcement of existing limits would be the most effective strategy and run the least risk of alienating public support	NB: Compared to Europe Canada has a relatively high % of alcohol related fatalities (30 to 35 %)	
Japan	0,5 since 1970	There have been no recent changes. But Japan reports that lower BAC combined with severe penalties has significantly reduced alcohol related road accidents. A recent review from Japan concludes that the research evidence concerning alcohol impairment is not reflected adequately in drink drive regulations	Significant long term reductions. NB: Compared to Europe Japan has a relatively low % of alcohol related fatalities (5 %)	

Other countries	BAC reduction (mg/ml)	Accompanying changes	Fatality and accident reduction (all fatalities and all accidents) (%)	Reductions in traffic convictions (%)
United States	1,0 to 0,8	Evidence from the USA suggests that a reduction in the legal BAC limit from 1,0 to 0,8 mg/ml, in some States, in combination with administrative licence revocation (ALR) laws (which allows the immediate withdrawal of a driving licence by the police), significantly reduces fatal drink drive accidents. Furthermore the reduction applies across the entire BAC distribution, and not just at lower BAC levels. NHTSA report that if all States adopted 0,8 mg/ml, and ALR laws, that 925 lives could be saved. No random breath testing and no significant increase in roadside testing.	Estimated at 2,2 % NB: Compared to Europe the USA has a relatively high % of alcohol related fatalities. (35 to 40 %) About 28 % of drivers killed in road accidents had BAC > 1,0 mg/ml	

COMMISSION DECISION
of 25 January 2001
authorising Austria to continue trials involving new oenological practices

(notified under document number C(2001) 150)

(Only the German text is authentic)

(2001/116/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1622/2000 of 24 July 2000 laying down certain detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine and establishing a Community code of oenological practices and processes ⁽²⁾, and in particular Article 41(3) thereof,

Whereas:

- (1) Austria has authorised trials involving the use of oxalic acid to reduce the calcium content of wine, the addition of up to 200 mg of metatartaric acid per litre of wine for the tartaric stabilisation of wine and the use of silver chloride to eliminate undesirable taste or odour in wine.
- (2) Austria has sent the Commission a communication regarding those trials. The Commission has informed the Member States of the results of the latter.
- (3) Austria has requested the Commission for authorisation to extend those trials for a further three years in view of the positive results achieved and has submitted the relevant documents in support of its request.
- (4) Since 31 August 1979 the use of silver chloride in wine, which does not comply with the general conditions laid down in Article 42(2) of Regulation (EC) No 1493/1999, has been removed from the list of oenological practices allowed in the Community. That trial, which may also pose risks to public health and the environment, should therefore not be extended.
- (5) Grapes from the 2000 harvest must have already been vinified under those trials.
- (6) Wine thus treated and placed on the market must not present any threat to consumer health at the doses used,

nor affect the quality expected by the consumer of this type of product.

- (7) Wine not meeting the conditions for the trials may not be offered or supplied for human consumption in accordance with Article 45 of Regulation (EC) No 1493/1999 and is subject to the conditions laid down in Article 43 of Regulation (EC) No 1622/2000.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS DECISION:

Article 1

Austria is hereby authorised to continue applying the following oenological practices on a trial basis:

- the use of oxalic acid for the precipitation of calcium, provided that this treatment does not lead to an increase in the initial concentration of oxalic acid in the wine treated,
 - the addition of up to 200 mg of metatartaric acid per litre of wine, provided that the total quantity of tartaric acid present in the wine does not lead to the acceptable daily intake of tartrate of 30 mg/kg body weight being exceeded and that no DL-tartaric acid is formed in the wine treated,
- until 31 July 2002 in accordance with the conditions laid down in Article 41 of Regulation (EC) No 1622/2000.

Article 2

This Decision is addressed to the Republic of Austria.

Done at Brussels, 25 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 179, 14.7.1999, p. 1.

⁽²⁾ OJ L 194, 31.7.2000, p. 1.

COMMISSION DECISION

of 26 January 2001

amending Council Decision 79/542/EEC and Decisions 92/260/EEC, 93/195/EEC, 93/196/EEC and 93/197/EEC with regard to equidae coming from Bosnia and Herzegovina

(notified under document number C(2001) 158)

(Text with EEA relevance)

(2001/117/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Commission Decision 93/196/EEC ⁽¹¹⁾, as last amended by Decision 97/36/EC ⁽¹²⁾.

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and imports from third countries of equidae ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Articles 12, 15, and 19(i) thereof,

Having regard to Council Directive 91/496/EEC of 15 July 1991, laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽²⁾, as last amended by Directive 96/43/EC ⁽³⁾, and in particular Article 18 thereof,

Whereas:

(1) Council Decision 79/542/EEC ⁽⁴⁾, as last amended by Decision 2000/623/EC ⁽⁵⁾, established a list of third countries from which Member States authorise imports of bovine animals, swine, equidae, sheep and goats, fresh meat and meat products.

(2) The animal health conditions and veterinary certification for the temporary admission of registered horses and imports of registered equidae and equidae for breeding and production are laid down respectively in Commission Decisions 92/260/EEC ⁽⁶⁾ and 93/197/EEC ⁽⁷⁾, both as last amended by Decision 2000/209/EC ⁽⁸⁾.

(3) The animal health conditions and veterinary certification for re-entry of registered horses after temporary export are laid down in Commission Decision 93/195/EEC ⁽⁹⁾, as last amended by Decision 2000/754/EC ⁽¹⁰⁾.

(4) The animal health conditions and veterinary certification for imports of equidae for slaughter are laid down in

(5) Bosnia and Herzegovina is included in the third country list in Decision 79/542/EEC and the animal health conditions and veterinary certification for importation of equidae are laid down in the aforementioned Commission Decisions.

(6) In the context of the events occurring in the Republic of Bosnia and Herzegovina at that time, Commission Decision 92/271/EEC of 20 May 1992 concerning the importation into the Community of live animals and animal products originating in or coming via the Republic of Bosnia and Herzegovina ⁽¹³⁾, as amended by Decision 1999/441/EC ⁽¹⁴⁾, specifically prohibited the importation into the Community of equidae.

(7) Following a Commission veterinary inspection mission in Bosnia and Herzegovina the control of the equine health situation appears to be unsatisfactory and serious flaws have come to light in the adherence to the suspension of imports into the Community of equidae.

(8) Taking account of the risks the uncontrolled equine health situation in Bosnia and Herzegovina presents to Community equidae, it appears appropriate to suspend imports of equidae from Bosnia and Herzegovina under the terms of Directive 90/426/EEC.

(9) Decision 79/542/EEC and Decisions 92/260/EEC, 93/195/EEC, 93/196/EEC and 93/197/EEC must be amended accordingly.

(10) Consequently Decision 92/271/EEC must be repealed in order to reflect the modified import conditions.

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

⁽¹⁾ OJ L 224, 18.8.1990, p. 42.

⁽²⁾ OJ L 268, 24.9.1991, p. 56.

⁽³⁾ OJ L 162, 1.7.1996, p. 1.

⁽⁴⁾ OJ L 146, 14.6.1979, p. 15.

⁽⁵⁾ OJ L 260, 14.10.2000, p. 52.

⁽⁶⁾ OJ L 130, 15.5.1992, p. 67.

⁽⁷⁾ OJ L 86, 6.4.1993, p. 16.

⁽⁸⁾ OJ L 64, 11.3.2000, p. 22.

⁽⁹⁾ OJ L 86, 6.4.1993, p. 1.

⁽¹⁰⁾ OJ L 303, 2.12.2000, p. 34.

⁽¹¹⁾ OJ L 86, 6.4.1993, p. 7.

⁽¹²⁾ OJ L 14, 17.1.1997, p. 57.

⁽¹³⁾ OJ L 138, 21.5.1992, p. 39.

⁽¹⁴⁾ OJ L 171, 7.7.1999, p. 17.

HAS ADOPTED THIS DECISION:

Article 1

In Part 1 of the Annex to Decision 79/542/EEC, special column for live equidae, the cross (×) in the line relating to Bosnia and Herzegovina is replaced by zero (0).

Article 2

Decision 92/260/EEC is amended as follows:

1. 'Bosnia-Herzegovina (BA)' is deleted in the list of third countries in Group B of Annex I.
2. 'Bosnia-Herzegovina' is deleted in the list of third countries in the title of the health certificate set out in Annex II (B).
3. 'Bosnia-Herzegovina (BA)' is deleted in the list of third countries in the third indent of paragraph (d) in Chapter III of Annexes II A, B, C, D and E.

Article 3

Decision 93/195/EEC is amended as follows:

1. 'Bosnia-Herzegovina (BA)' is deleted in the list of third countries in Group B of Annex I.
2. 'Bosnia-Herzegovina' is deleted in the list of third countries in Group B in the title of the health certificate set out in Annex II.

Article 4

Decision 93/196/EEC is amended as follows:

'Bosnia-Herzegovina' is deleted in the list of third countries in Group B in footnote 3 of Annex II.

Article 5

Decision 93/197/EEC is amended as follows:

1. 'Bosnia-Herzegovina (BA)' is deleted in the list of third countries in Group B of Annex I.
2. 'Bosnia and Herzegovina' is deleted in the list of third countries in the title of the health certificate set out in Annex II (B).

Article 6

Decision 92/271/EEC is hereby repealed.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 26 January 2001.

For the Commission

David BYRNE

Member of the Commission

CORRIGENDA**Corrigendum to Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream**

(Official Journal of the European Communities L 333 of 24 December 1999)

On page 43, in Annex V, first indent:

for: '— "beurre marque de contrôle" as regards Belgian butter,'

read: '— "beurre de laiterie; qualité extra; melkerijboter, extra kwaliteit" as regards Belgian butter,'

and in the last indent:

for: '— "svenkst smör" as regards Swedish butter,'

read: '— "svenskt smör" as regards Swedish butter,'.
