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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 322/2001
of 16 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 17 February 2001.

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

Done at Brussels, 16 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 16 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	99,4
	204	53,7
	212	82,8
	624	160,7
	999	99,1
0707 00 05	052	104,3
	068	130,7
	628	138,3
	999	124,4
0709 10 00	220	189,3
	999	189,3
0709 90 70	052	104,2
	204	74,4
	999	89,3
0805 10 10, 0805 10 30, 0805 10 50	052	45,5
	204	47,4
	212	36,5
	220	47,8
	624	55,5
	999	46,5
0805 20 10	204	99,0
	999	99,0
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	67,8
	204	44,2
	600	89,3
	624	71,4
	999	68,2
	600	62,6
0805 30 10	999	62,6
	600	62,6
0808 10 20, 0808 10 50, 0808 10 90	039	91,2
	400	77,7
	404	91,5
	720	88,0
	728	90,6
	999	87,8
	388	101,3
0808 20 50	400	99,6
	999	100,4

⁽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 323/2001**of 16 February 2001****amending Regulation (EC) No 2869/2000 and increasing to 750 000 tonnes the amount of common wheat from the 1999 harvest held by the French intervention agency for which a standing invitation to tender for resale on the internal market has been opened**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 ⁽³⁾, as last amended by Regulation (EC) No 1630/2000 ⁽⁴⁾, lays down the procedure and conditions for the disposal of cereals held by the intervention agencies.
- (2) Commission Regulation (EC) No 2869/2000 ⁽⁵⁾, as amended by Regulation (EC) No 109/2001 ⁽⁶⁾, opened a standing invitation to tender for the resale on the internal market of 500 000 tonnes of common wheat from the 1999 harvest held by the French intervention agency.
- (3) In the present situation on the market the quantities of common wheat from the 1999 harvest held by the French intervention agency put up for sale on the

internal market of the Community should be increased to 750 000 tonnes.

- (4) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2869/2000 is amended as follows:

1. In Article 1 'of 500 000 tonnes' is replaced by 'of 750 000 tonnes'.
2. Article 2(2) is replaced by the following:
'2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 24 April 2001.'

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, 16 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 191, 31.7.1993, p. 76.

⁽⁴⁾ OJ L 187, 26.7.2000, p. 24.

⁽⁵⁾ OJ L 333, 29.12.2000, p. 19.

⁽⁶⁾ OJ L 19, 20.1.2001, p. 8.

COMMISSION REGULATION (EC) No 324/2001**of 16 February 2001****opening a standing invitation to tender for the resale on the internal market of approximately
30 000 tonnes of rice held by the Spanish intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1667/2000 ⁽²⁾, and in particular the last indent of Article 8(b) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 75/91 ⁽³⁾ lays down the procedures and conditions for the disposal of paddy rice held by intervention agencies.
- (2) There is strong demand on the Community market at present for certain varieties of Japonica rice consumed on the internal market, with market prices higher than the intervention price. At the same time, certain quantities of rice of those varieties are available in the Spanish intervention agency's stores. Under those circumstances, a standing invitation to tender should be opened for the resale on the internal market of approximately 30 000 tonnes of Japonica paddy rice held by the Spanish intervention agency.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The Spanish intervention agency shall open, under the conditions laid down in Regulation (EEC) No 75/91, a standing invitation to tender for the resale on the internal market of

approximately 30 000 tonnes of Japonica paddy rice held by that agency, in accordance with Regulation (EEC) No 75/91.

Article 2

1. The closing date for the submission of tenders in response to the first partial invitation to tender shall be 28 February 2001.

2. The closing date for the submission of tenders in response to the last partial invitation to tender shall be 25 April 2001.

3. Tenders must be lodged with the Spanish intervention agency at the following address:

Fondo Español de Garantía Agraria (FEGA)
C/Beneficencia 8
E-28004 Madrid
(telex 23427 FEGA E;
fax 915 21 98 32/915 22 43 87).

Article 3

By Tuesday of the week following the closing date for the submission of tenders, the Spanish intervention agency shall notify the Commission of the quantities and the average prices of the various lots sold.

Article 4

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

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

Done at Brussels, 16 February 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 193, 29.7.2000, p. 3.

⁽³⁾ OJ L 9, 12.1.1991, p. 15.

COMMISSION REGULATION (EC) No 325/2001

of 16 February 2001

fixing the maximum buying-in price and the quantities of beef to be bought in under the 261st partial invitation to tender as a general intervention measure pursuant to Regulations (EEC) No 1627/89 and (EC) No 284/2001

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, and in particular Article 17(8) thereof,

Whereas:

(1) Commission Regulation (EC) No 562/2000 of 15 March 2000 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 as regards the buying-in of beef ⁽²⁾, as amended by Regulation (EC) No 2734/2000 ⁽³⁾, lays down buying standards. Pursuant to the above Regulation, an invitation to tender was opened under Article 1(1) of Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying-in of beef by invitation to tender ⁽⁴⁾, as last amended by Regulation (EC) No 285/2001 ⁽⁵⁾, and Article 1 of Commission Regulation (EC) No 284/2001 of 9 February 2001 opening intervention in accordance with Article 47(5) of Regulation (EC) No 1254/1999 ⁽⁶⁾.

(2) Article 13(1) of Regulation (EC) No 562/2000 lays down that a maximum buying-in price is to be fixed for quality R3, where appropriate, under each partial invitation to tender in the light of tenders received while Article 13(2) of that Regulation states that a decision may be taken to make no award. In accordance with Article 36 of that Regulation, only tenders quoting prices not exceeding the maximum buying-in price and not exceeding the average national or regional market price, plus the amount referred to in Article 6(2) of Regulation (EC) No 2734/2000 are to be accepted.

(3) Once tenders submitted in respect of the 261st partial invitation to tender have been considered pursuant to Article 47(8) of Regulation (EC) No 1254/1999, and taking account of the requirements for reasonable

support of the market and the seasonal trend in slaughtering and prices, the maximum buying-in price and the quantities which may be bought in should be fixed for category A and no award made for category C.

(4) As the quantities offered at present exceed the quantities which may be bought in, a reducing coefficient should therefore be applied in accordance with Article 13(3) of Regulation (EC) No 562/2000.

(5) Article 7 of Regulation (EC) No 2734/2000 also opens buying-in of carcasses and half-carcasses of store cattle and lays down special rules in addition to those laid down for the buying-in of other products.

(6) In the light of developments, this Regulation should enter into force immediately.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

Under the 261st partial invitation to tender opened pursuant to Regulations (EEC) No 1627/89 and (EC) No 284/2001:

(a) for category A:

(i) in the Member States or regions thereof meeting the conditions laid down in Article 47(2) of Regulation (EC) No 1254/1999:

— the maximum buying-in price shall be EUR 227,00/100 kg of carcasses or half-carcasses of quality R3,

— the maximum quantity of carcasses and half-carcasses accepted shall be 30 129 t,

— the quantities offered at a price of EUR 223,75 or more shall be multiplied by a coefficient of 40 % in accordance with Article 13(3) of Regulation (EC) No 562/2000;

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 68, 16.3.2000, p. 22.

⁽³⁾ OJ L 316, 15.12.2000, p. 45, Regulation as amended by Regulation (EC) No 283/2001 (OJ L 41, 10.2.2001, p. 22).

⁽⁴⁾ OJ L 159, 10.6.1989, p. 36.

⁽⁵⁾ OJ L 41, 10.2.2001, p. 26.

⁽⁶⁾ OJ L 41, 10.2.2001, p. 24.

- (ii) in the Member States or regions thereof meeting the conditions laid down in Article 47(5) of Regulation (EC) No 1254/1999:
- the maximum buying-in price shall be EUR 179/100 kg of carcasses or half-carcasses of quality R3,
 - the maximum quantity of carcasses and half-carcasses accepted shall be 2 700 tonnes;
- (b) for category C no award shall be made;
- (c) for carcasses and half-carcasses of store cattle as referred to in Article 7 of Regulation (EC) No 2734/2000:
- the maximum buying-in price shall be EUR 381,50/100 kg of carcasses or half-carcasses,
 - the maximum quantity of carcasses and half-carcasses shall be 998 t.
- Article 2*
- This Regulation shall enter into force on 17 February 2001.

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

Done at Brussels, 16 February 2001.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 326/2001**of 16 February 2001****fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 69th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) The intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽³⁾, as last amended by Regulation (EC) No 635/2000 ⁽⁴⁾, to sell by invitation to tender certain quantities of butter that they hold and to grant aid for cream, butter and concentrated butter. Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further stipulated that the price

or aid may vary according to the intended use of the butter, its fat content and the incorporation procedure, and that a decision may also be taken to make no award in response to the tenders submitted. The amount(s) of the processing securities must be fixed accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices and the maximum aid and processing securities applying for the 69th individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 February 2001.

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

Done at Brussels, 16 February 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁴⁾ OJ L 76, 25.3.2000, p. 9.

ANNEX

to the Commission Regulation of 16 February 2001 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 69th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter ≥ 82 %	Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Processing security		Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Maximum aid	Butter ≥ 82 %		95	91	95	91
	Butter < 82 %		92	88	—	88
	Concentrated butter		117	113	117	113
	Cream		—	—	40	38
Processing security	Butter		105	—	105	—
	Concentrated butter		129	—	129	—
	Cream		—	—	44	—

COMMISSION REGULATION (EC) No 327/2001**of 16 February 2001****authorising the conclusion of private storage contracts for olive oil and opening an invitation to tender for a limited period for aid relating thereto**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EC) No 2826/2000 ⁽²⁾, and in particular Article 12a thereof,

Having regard to Commission Regulation (EC) No 2768/98 of 21 December 1998 on the aid scheme for the private storage of olive oil ⁽³⁾, and in particular Article 1(2) thereof,

Whereas:

- (1) The first paragraph of Article 12a of Regulation No 136/66/EEC provides that, in order to regularise the market in the event of serious disturbance in certain regions of the Community, bodies offering sufficient guarantees and approved by the Member States may be authorised to conclude storage contracts for the olive oil they market.
- (2) The third paragraph of Article 12a of that Regulation provides for aid to be granted for the performance of storage contracts. The aid may be granted by means of tenders.
- (3) Regulation (EC) No 2768/98 establishes detailed rules and conditions for invitation to tender.
- (4) The Commission has noted that average market prices for olive oil in Spain and Greece over the period from 17 to 31 January 2001, which constitutes a representative period, are less than 95 % of the intervention price for the 1997/98 marketing year for virgin and extra virgin olive oil. The quantities of olive oil available are causing market disturbances that could be reduced by measures for the private storage of virgin and extra virgin olive oil in bulk.
- (5) In order to determine the aid to be granted for the performance of contracts for the private storage of olive oil in bulk, an invitation to tender should be opened for a limited period for a maximum quantity of virgin and extra virgin olive oil.
- (6) In view of the period covered by this tendering procedure and subject to market developments, in order to ensure that the measure is effective contracts need not and should not extend beyond the end of 2001.
- (7) Article 12a of Regulation No 136/66/EEC lays down that priority should be given to producer groups and associations thereof recognised in accordance with

Council Regulation (EC) No 952/97 of 20 May 1997 on producer groups and associations thereof ⁽⁴⁾.

- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Oils and Fats,

HAS ADOPTED THIS REGULATION:

Article 1

Bodies offering sufficient guarantees and approved by the Member States in accordance with Article 3 of Regulation (EC) No 2768/98 shall be authorised to conclude contracts for the private storage of virgin and extra virgin olive oil they market.

Article 2

An invitation to tender is hereby opened for a limited period, as provided for in Regulation (EC) No 2768/98. However, notwithstanding the 365-day period provided for in Article 5(1) of that Regulation, and without prejudice to Article 11 thereof, the period to be covered by tenders and contracts shall begin on the date of commencement of performance of the contract as referred to in Article 9(3) of the Regulation concerned and shall end on 31 December 2001.

Four consecutive partial invitations to tender shall be opened from 1 March 2001.

Article 3

The first partial invitation to tender shall be restricted to producer groups or associations of such groups as referred to in the second sentence of the first paragraph of Article 12a of Regulation No 136/66/EEC. The following three partial invitations to tender shall be open to all the approved operators referred to in Article 3(1) of Regulation (EC) No 2768/98.

Article 4

The maximum quantity to which the invitation to tender as a whole may relate shall be 100 000 tonnes of virgin and extra virgin olive oil, broken down as follows:

- 80 000 tonnes in Spain,
- 20 000 tonnes in Greece.

Article 5

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

⁽¹⁾ OJ 172, 30.9.1966, p. 3025/66.

⁽²⁾ OJ L 328, 23.12.2000, p. 2.

⁽³⁾ OJ L 346, 22.12.1998, p. 14.

⁽⁴⁾ OJ L 142, 2.6.1997, p. 30.

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

Done at Brussels, 16 February 2001.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 328/2001
of 16 February 2001
suspending the buying-in of butter in certain Member States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) Article 2 of 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 ⁽³⁾, as last amended by Regulation (EC) No 213/2001 ⁽⁴⁾, lays down the criteria for opening or suspending the buying-in of butter by invitation to tender in the Member States.
- (2) Commission Regulation (EC) No 165/2001 ⁽⁵⁾ suspending the buying-in of butter in certain Member States establishes the list of Member States in which intervention is suspended. As a result of the market prices communicated by Spain and Portugal intervention must no longer be suspended in these countries and the

list of Member States established by Regulation (EC) No 165/2001 adjusted accordingly.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

Buying-in of butter by invitation to tender as provided for in Article 6(1) of Regulation (EC) No 1255/1999 is hereby suspended in Belgium, Denmark, Germany, France, Greece, Luxembourg, the Netherlands, Austria, Finland, the United Kingdom and Sweden.

Article 2

Regulation (EC) No 165/2001 is hereby repealed.

Article 3

This Regulation shall enter into force on 17 February 2001.

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

Done at Brussels, 16 February 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 333, 24.12.1999, p. 11.

⁽⁴⁾ OJ L 37, 7.2.2001, p. 1.

⁽⁵⁾ OJ L 26, 27.1.2001, p. 12.

COMMISSION REGULATION (EC) No 329/2001**of 16 February 2001****fixing the maximum aid for concentrated butter for the 241st special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Commission Regulation (EEC) No 429/90 of 20 February 1990 on the granting by invitation to tender of an aid for concentrated butter intended for direct consumption in the Community ⁽³⁾, as last amended by Regulation (EC) No 124/1999 ⁽⁴⁾, the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter; Article 6 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 % or a decision is to be taken to make no award; whereas the end-use security must be fixed accordingly.

- (2) In the light of the tenders received, the maximum aid should be fixed at the level specified below and the end-use security determined accordingly.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 241st special invitation to tender under the standing invitation to tender opened by Regulation (EEC) No 429/90, the maximum aid and the amount of the end-use security shall be as follows:

- | | |
|---------------------|-----------------|
| — maximum aid: | EUR 117/100 kg |
| — end-use security: | EUR 129/100 kg. |

Article 2

This Regulation shall enter into force on 17 February 2001.

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

Done at Brussels, 16 February 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 45, 21.2.1990, p. 8.

⁽⁴⁾ OJ L 16, 21.1.1999, p. 19.

COMMISSION REGULATION (EC) No 330/2001**of 16 February 2001****fixing the maximum purchasing price for butter for the 22nd invitation to tender carried out under the standing invitation to tender governed by Regulation (EC) No 2771/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Commission Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) Article 13 of 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 ⁽³⁾, as last amended by Regulation (EC) No 213/2001 ⁽⁴⁾, provides that, in the light of the tenders received for each invitation to tender, a maximum buying-in price is to be fixed in relation to the interven-

tion price applicable and that it may also be decided not to proceed with the invitation to tender.

- (2) As a result of the tenders received, the maximum buying-in price should be fixed as set out below.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 22nd invitation to tender issued under Regulation (EC) No 2771/1999, for which tenders had to be submitted not later than 13 February 2001, the maximum buying-in price is fixed at 295,38 EUR/100 kg.

Article 2

This Regulation shall enter into force on 17 February 2001.

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

Done at Brussels, 16 February 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 333, 24.12.1999, p. 11.

⁽⁴⁾ OJ L 37, 7.2.2001, p. 1.

COMMISSION REGULATION (EC) No 331/2001**of 16 February 2001****fixing the maximum export refund on wholly milled round grain rice in connection with the invitation to tender issued in Regulation (EC) No 2281/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1667/2000 ⁽²⁾, and in particular Article 13 (3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2281/2000 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2281/2000 is hereby fixed on the basis of the tenders submitted from 9 to 15 February 2001 at 220,00 EUR/t.

Article 2

This Regulation shall enter into force on 17 February 2001.

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

Done at Brussels, 16 February 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 193, 29.7.2000, p. 3.

⁽³⁾ OJ L 260, 14.10.2000, p. 7.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 332/2001**of 16 February 2001****fixing the maximum export refund on wholly milled medium grain and long grain A rice in connection with the invitation to tender issued in Regulation (EC) No 2282/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1667/2000 ⁽²⁾, and in particular Article 13 (3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2282/2000 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

- (3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain European third countries pursuant to the invitation to tender issued in Regulation (EC) No 2282/2000 is hereby fixed on the basis of the tenders submitted from 9 to 15 February 2001 at 223,00 EUR/t.

Article 2

This Regulation shall enter into force on 17 February 2001.

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

Done at Brussels, 16 February 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 193, 29.7.2000, p. 3.

⁽³⁾ OJ L 260, 14.10.2000, p. 10.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 333/2001**of 16 February 2001****fixing the maximum export refund on wholly milled round grain, medium grain and long grain A rice in connection with the invitation to tender issued in Regulation (EC) No 2283/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1667/2000 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2283/2000 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled grain, medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2283/2000 is hereby fixed on the basis of the tenders submitted from 9 to 15 February 2001 at 239,00 EUR/t.

Article 2

This Regulation shall enter into force on 17 February 2001.

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

Done at Brussels, 16 February 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 193, 29.7.2000, p. 3.

⁽³⁾ OJ L 260, 14.10.2000, p. 13.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 334/2001**of 16 February 2001****fixing the maximum export refund on wholly milled long grain rice in connection with the invitation to tender issued in Regulation (EC) No 2284/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1667/2000 ⁽²⁾, and in particular Article 13 (3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2284/2000 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled long grain rice falling within CN code 1006 30 67 to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2284/2000 is hereby fixed on the basis of the tenders submitted from 9 to 15 February 2001 at 314,00 EUR/t.

Article 2

This Regulation shall enter into force on 17 February 2001.

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

Done at Brussels, 16 February 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 193, 29.7.2000, p. 3.

⁽³⁾ OJ L 260, 14.10.2000, p. 16.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION DIRECTIVE 2001/9/EC**of 12 February 2001****adapting to technical progress Council Directive 96/96/EC on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 96/96/EC of 20 December 1996 on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers ⁽¹⁾, as amended by Commission Directive 1999/52/EC ⁽²⁾, and in particular Article 8 thereof,

Whereas:

- (1) The auto-oil programmes, which were initiated in 1992 to provide the analytical foundation for the setting of vehicle emission and fuel quality standards for the year 2000 and beyond in order to achieve air quality objectives with a particular focus on reducing road transport emissions, identified the standard of motor vehicle maintenance as a key factor in the effect of traffic on air quality.
- (2) Directive 96/96/EC specifies the tests to be carried out at periodic inspection to check that emissions from both petrol and diesel driven vehicles are still within acceptable limits.
- (3) The carbon monoxide content of the exhaust emissions of petrol driven vehicles equipped with certain exhaust after-treatment systems (Euro 1 standard) need to be tested at both low and high engine speeds.
- (4) Directive 98/69/EC of the European Parliament and of the Council of 13 October 1998 relating to measures to be taken against air pollution by emissions from motor vehicles and amending Council Directive 70/220/EEC ⁽³⁾ requires the introduction, from 2000, of on-board diagnostic (OBD) systems for petrol driven cars and light commercial vehicles to monitor the functioning of the vehicle's emission control system in service. Similarly, OBD systems will be required for new diesel vehicles from 2003.
- (5) The development of OBDs capable of monitoring and recording vehicle faults during operation should narrow the gap between test conditions and actual operation in the future.
- (6) This Directive abolishes the need to test petrol driven vehicles at low idle speed thus reducing the complexity

of the test, but increasing accuracy through monitoring the functioning of the vehicle's OBD system.

- (7) The measures provided for in this Directive are in accordance with the opinion of the committee for the adaptation to technical progress of the Directive on roadworthiness tests for motor vehicles and their trailers instituted by Article 8 of Directive 96/96/EC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 96/96/EC is amended as set out in the Annex to this Directive.

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive one year after the entry into force of the Directive at the latest. They shall forthwith inform the Commission thereof.

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

Member States shall communicate to the Commission the texts of the provisions of national law that they adopt in the field governed by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 12 February 2001.

For the Commission

Loyola DE PALACIO

Vice-President

⁽¹⁾ OJ L 46, 17.2.1997, p. 1.

⁽²⁾ OJ L 142, 5.6.1999, p. 26.

⁽³⁾ OJ L 350, 28.12.1998, p. 1.

ANNEX

Point 8.2.1(b)(4) of Annex II to Directive 96/96/EC is replaced by the following:

‘4. Exhaust pipe emissions — limit values

(a) Measurement at engine idling speed:

The maximum permissible CO content in the exhaust gases is that stated by the vehicle manufacturer. Where this information is not available, the maximum CO content must not exceed 0,5 % vol.

(b) Measurement at high idle speed, engine speed to be at least 2 000 revs/min.:

The maximum permissible CO content in the exhaust gases is that stated by the vehicle manufacturer at high idle speed. Where this is not available, the maximum CO content must not exceed 0,3 % vol.

The air/fuel ratio, Lambda shall be $= 1 \pm 3 \%$ or in accordance with manufacturer's specifications.

(c) For motor vehicles equipped with on-board diagnostic systems in accordance with Directive 98/69/EC, Member States may as an alternative to the test specified in item (a) establish the correct functioning of the emission system through the appropriate reading of the OBD device and simultaneous checking of the proper functioning of the OBD system.’

COMMISSION DIRECTIVE 2001/11/EC**of 14 February 2001****adapting to technical progress Council Directive 96/96/EC on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers — functional testing of commercial vehicles' speed limitation device****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 96/96/EC of 20 December 1996 on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers ⁽¹⁾, as amended by Commission Directive 1999/52/EC ⁽²⁾, and in particular Article 8 thereof,

Whereas:

- (1) The fitting of road speed limiter (RSL) systems to certain vehicles in categories M3 and N3 was mandated through Council Directive 92/6/EEC of 10 February 1992 on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community ⁽³⁾ for safety, environmental and competitive equalisation reasons. The installation to the vehicles within the scope of the Directive was implemented by 1 January 1996.
- (2) Directive 96/96/EC does not include a requirement to carry out functional checking of RSL systems, i.e. the ability for the device to effectively control the vehicle's maximum speed.
- (3) This amending Directive requires the authorities to carry out a test that will ensure that the RSL functions correctly.
- (4) Today simple, common diagnostic systems are available that can be used by testing organisations to test the vast majority of the speed limiters equipped. For those vehicles that are not accessible by such readily available diagnostic tools, the authorities will need to either make use of available equipment from the original vehicle manufacturer or provide for the acceptance of appropriate test certification from the vehicle manufacturer or their franchise organisation.
- (5) In the future, periodic verification of the correct functioning of the speed limiter will be facilitated for the vehicles that are fitted with the new recording equipment (digital tachograph) according to Council Regulation (EC) No 2135/98 of 24 September 1998 amending Regulation (EEC) No 3821/85 on recording equipment

in road transport and Directive 88/599/EEC concerning the application of Regulations (EEC) No 3820/85 and (EEC) No 3821/85 ⁽⁴⁾. New vehicles will be fitted with such equipment from the year 2003.

- (6) The provisions of this Directive are in accordance with the opinion of the Committee for the adaptation to technical progress of the Directive on motor vehicle roadworthiness testing established under Article 8 of Directive 96/96/EC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

A fourth indent is added to point 7.10 of Annex II to Directive 96/96/EC as follows:

‘— check wherever practical that the set speed of the speed limitation device conforms to the limits according to Articles 2 and 3 of Directive 92/6/EEC and that the speed limitation device prevents vehicles mentioned in those same Articles from exceeding those pre-set values.’

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive two years after the entry into force of the Directive at the latest. They shall forthwith inform the Commission thereof.

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

Member States shall communicate to the Commission the texts of the provisions of national law that they adopt in the field governed by this Directive.

Article 3

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

⁽¹⁾ OJ L 46, 17.2.1997, p. 1.

⁽²⁾ OJ L 142, 5.6.1999, p. 26.

⁽³⁾ OJ L 57, 2.3.1992, p. 27.

⁽⁴⁾ OJ L 274, 9.10.1998, p. 1.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 14 February 2001.

For the Commission

Loyola DE PALACIO

Vice-President

II

(Acts whose publication is not obligatory)

COUNCIL

**DECISION No 4/2000 OF THE EU-CZECH REPUBLIC ASSOCIATION COUNCIL
of 15 December 2000
on the transition to the second stage of the Association between the European Communities and
their Member States, of the one part, and the Czech Republic, of the other part**

(2001/128/EC)

THE EU-CZECH REPUBLIC ASSOCIATION COUNCIL,

Having regard to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part ⁽¹⁾, (hereinafter referred to as 'the Europe Agreement') and in particular Article 7(3) thereof,

Whereas:

- (1) Article 7(1) of the Europe Agreement provides for a transition period of a maximum of 10 years divided into two successive stages, each in principle lasting five years.
- (2) The first stage began on 1 February 1995, the date of entry into force of the Europe Agreement.
- (3) The Association Council, in accordance with Article 7(2) of the Europe Agreement, has regularly examined the application of that Agreement and the accomplishment of the Czech Republic's economic reforms on the basis of the principles established in the preamble to the Agreement.
- (4) The Parties are determined to comply with the obligations deriving from the transition to the second stage of the Association.

- (5) The Association Council is to decide on the transition to the second stage as well as any possible changes to be brought about as regards measures concerning the content of the provisions governing the second stage,

HAS DECIDED AS FOLLOWS:

Article 1

The transition to the second stage referred to in Article 7(3) of the Europe Agreement shall hereby take effect.

Article 2

This Decision shall enter into force on the first day of the second month following the date of its adoption by the Association Council.

Done at Brussels, 15 December 2000.

For the Association Council

The President

J. KAVAN

⁽¹⁾ OJ L 360, 31.12.1994, p. 2.

DECISION No 5/2000 OF THE EU-SLOVENIA ASSOCIATION COUNCIL
of 22 December 2000
amending Protocol 4 to the Europe Agreement with Slovenia concerning the definition of the
concept of 'originating products' and methods of administrative cooperation

(2001/129/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Slovenia, of the other part ⁽¹⁾, signed in Luxembourg on 10 June 1996, and in particular Article 38 of Protocol 4 thereto,

Whereas:

- (1) Some technical amendments are in order to correct anomalies between the different language versions of the text.
- (2) The list of insufficient working and processing needs to be amended to ensure proper interpretation and to take account of the need to include some operations not covered previously by this list.
- (3) The provisions for the temporary use of flat rates in cases where drawback is prohibited or exemptions from customs duties are granted need to be prolonged until 31 December 2001.
- (4) The need has arisen to provide for a system of accounting segregation of originating and non-originating materials, subject to authorisation by customs authorities.
- (5) The provisions concerning the amounts expressed in euro need to be revised in order to clarify the procedure and to provide greater stability for the level of the amounts in national currencies.
- (6) To take account of the lack of production of a certain material within the countries concerned, a correction should be made to the list of working and processing requirements which non-originating materials have to fulfil to qualify for originating status,

HAS DECIDED AS FOLLOWS:

Article 1

Protocol 4 concerning the definition of originating products and methods of administrative cooperation is hereby amended as follows:

1. Article 1(i) shall be replaced by the following:

- ‘(i) “added value” shall be taken to be the ex-works price minus the customs value of each of the materials incorporated which originate in the other countries referred to in Articles 3 and 4 or, where the customs value is not known or cannot be ascertained, the first verifiable price paid for the materials in the Community or Slovenia;’

⁽¹⁾ OJ L 51, 26.2.1999, p. 3.

2. Article 7 shall be replaced by the following:

'Article 7

Insufficient working or processing

1. Without prejudice to paragraph 2, the following operations shall be considered as insufficient working or processing to confer the status of originating products, whether or not the requirements of Article 6 are satisfied:

- (a) preserving operations to ensure that the products remain in good condition during transport and storage;
- (b) breaking-up and assembly of packages;
- (c) washing, cleaning; removal of dust, oxide, oil, paint or other coverings;
- (d) ironing or pressing of textiles;
- (e) simple painting and polishing operations;
- (f) husking, partial or total bleaching, polishing, and glazing of cereals and rice;
- (g) operations to colour sugar or form sugar lumps;
- (h) peeling, stoning and shelling, of fruits, nuts and vegetables;
- (i) sharpening, simple grinding or simple cutting;
- (j) sifting, screening, sorting, classifying, grading, matching (including the making-up of sets of articles);
- (k) simple placing in bottles, cans, flasks, bags, cases, boxes, fixing on cards or boards and all other simple packaging operations;
- (l) affixing or printing marks, labels, logos and other like distinguishing signs on products or their packaging;
- (m) simple mixing of products, whether or not of different kinds;
- (n) simple assembly of parts of articles to constitute a complete article or disassembly of products into parts;
- (o) a combination of two or more operations specified in subparagraphs (a) to (n);
- (p) slaughter of animals.

2. All operations carried out either in the Community or in Slovenia on a given product shall be considered together when determining whether the working or processing undergone by that product is to be regarded as insufficient within the meaning of paragraph 1.'

3. The last sentence of Article 15(6), shall be replaced by the following:

'The provisions of this paragraph shall apply until 31 December 2001.'

4. The following Article shall be inserted:

'Article 20a

Accounting segregation

1. Where considerable cost or material difficulties arise in keeping separate stocks of originating and non-originating materials which are identical and interchangeable, the customs authorities may, at the written request of those concerned, authorise the "accounting segregation" method to be used for managing such stocks.

2. This method must be able to ensure that, for a specific reference-period, the number of products obtained which could be considered as "originating" is the same as that which would have been obtained if there had been physical segregation of the stocks.
 3. The customs authorities may grant such authorisation, subject to any conditions deemed appropriate.
 4. This method is recorded and applied on the basis of the general accounting principles applicable in the country where the product was manufactured.
 5. The beneficiary of this facilitation may issue or apply for proofs of origin, as the case may be, for the quantity of products which may be considered as originating. At the request of the customs authorities, the beneficiary shall provide a statement of how the quantities have been managed.
 6. The customs authorities shall monitor the use made of the authorisation and may withdraw it at any time whenever the beneficiary makes improper use of the authorisation in any manner whatsoever or fails to fulfil any of the other conditions laid down in this Protocol.'
5. In the first sentence of Article 22(1), the following shall be inserted after the term 'exporter':
- 'hereinafter referred to as "approved exporter",'
6. Article 30 shall be replaced by the following:

'Article 30

Amounts expressed in euro

1. For the application of the provisions of Article 21(1)(b) and Article 26(3) in cases where products are invoiced in a currency other than euro, amounts in the national currencies of the countries referred to in Articles 3 and 4, equivalent to the amounts expressed in euro, shall be fixed annually by each of the countries concerned.
 2. A consignment shall benefit from the provisions of Article 21(1)(b) or Article 26(3) by reference to the currency in which the invoice is drawn up, according to the amount fixed by the country concerned.
 3. The amounts to be used in any given national currency shall be the equivalent in that currency of the amounts expressed in euro as at the first working day of October. The amounts shall be communicated to the European Commission by 15 October and shall apply from 1 January the following year. The European Commission shall notify all countries concerned of the relevant amounts.
 4. A country may round up or down the amount resulting from the conversion into its national currency of an amount expressed in euro. The rounded-off amount may not differ from the amount resulting from the conversion by more than 5 %. A country may retain unchanged its national currency equivalent of an amount expressed in euro if, at the time of the annual adjustment provided for in paragraph 3, the conversion of that amount, prior to any rounding-off, results in an increase of less than 15 % in the national currency equivalent. The national currency equivalent may be retained unchanged if the conversion were to result in a decrease in that equivalent value.
 5. The amounts expressed in euro shall be reviewed by the Association Committee at the request of the Community or Slovenia. When carrying out this review, the Association Committee shall consider the desirability of preserving the effects of the limits concerned in real terms. For this purpose, it may decide to modify the amounts expressed in euro.'
7. Annex II shall be amended as follows:

The entry for HS heading 5309 to 5311 shall be replaced by:

'5309 to 5311	Woven fabrics of other vegetable textile fibres; woven fabrics of paper yarn: — Incorporating rubber thread — Other	Manufacture from single yarn ⁽¹⁾ Manufacture from ⁽¹⁾ : — coir yarn, — jute yarn, — natural fibres, — man-made staple fibres not carded or combed or otherwise prepared for spinning, — chemical materials or textile pulp, or — paper or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric does not exceed 47,5 % of the exworks price of the product	
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⁽¹⁾ For special conditions relating to products made of a mixture of textile materials, see Introductory Note 5.'

Article 2

This Decision shall enter into force on the day of its adoption.

It is applicable from 1 January 2001.

Done at Brussels, 22 December 2000.

For the Association Council
The President
D. RUPEL

DECISION No 2/2001 OF THE EU-ROMANIA ASSOCIATION COUNCIL
of 23 January 2001
amending Protocol 4 to the Europe Agreement with Romania concerning the definition of the
concept of 'originating products' and methods of administrative cooperation

(2001/130/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part ⁽¹⁾, signed in Brussels on 1 February 1993, and in particular Article 38 of Protocol 4 thereto,

Whereas:

- (1) Some technical amendments are in order to correct anomalies between the different language versions of the text.
- (2) The list of insufficient working and processing needs to be amended to ensure proper interpretation and to take account of the need to include some operations not covered previously by this list.
- (3) The provisions for the temporary use of flat rates in cases where drawback is prohibited or exemptions from customs duties are granted need to be prolonged until 31 December 2001.
- (4) The need has arisen to provide for a system of accounting segregation of originating and non-originating materials, subject to authorisation by customs authorities.
- (5) The provisions concerning the amounts expressed in euro need to be revised in order to clarify the procedure and to provide greater stability for the level of the amounts in national currencies.
- (6) To take account of the lack of production of a certain material within the countries concerned, a correction should be made to the list of working and processing requirements which non-originating materials have to fulfil to qualify for originating status,

HAS DECIDED AS FOLLOWS:

Article 1

Protocol 4 concerning the definition of originating products and methods of administrative cooperation is hereby amended as follows:

1. Article 1(i) shall be replaced by the following:

'(i) "added value" shall be taken to be the ex-works price minus the customs value of each of the materials incorporated which originate in the other countries referred to in Articles 3 and 4 or, where the customs value is not known or cannot be ascertained, the first verifiable price paid for the materials in the Community or Romania;'

2. Article 7 shall be replaced by the following:

'Article 7

Insufficient working or processing

1. Without prejudice to paragraph 2, the following operations shall be considered as insufficient working or processing to confer the status of originating products, whether or not the requirements of Article 6 are satisfied:

- (a) preserving operations to ensure that the products remain in good condition during transport and storage;
- (b) breaking-up and assembly of packages;
- (c) washing, cleaning; removal of dust, oxide, oil, paint or other coverings;
- (d) ironing or pressing of textiles;

⁽¹⁾ OJ L 357, 31.12.1994, p. 2.

- (e) simple painting and polishing operations;
- (f) husking, partial or total bleaching, polishing, and glazing of cereals and rice;
- (g) operations to colour sugar or form sugar lumps;
- (h) peeling, stoning and shelling, of fruits, nuts and vegetables;
- (i) sharpening, simple grinding or simple cutting;
- (j) sifting, screening, sorting, classifying, grading, matching (including the making-up of sets of articles);
- (k) simple placing in bottles, cans, flasks, bags, cases, boxes, fixing on cards or boards and all other simple packaging operations;
- (l) affixing or printing marks, labels, logos and other like distinguishing signs on products or their packaging;
- (m) simple mixing of products, whether or not of different kinds;
- (n) simple assembly of parts of articles to constitute a complete article or disassembly of products into parts;
- (o) a combination of two or more operations specified in subparagraphs (a) to (n);
- (p) slaughter of animals.

2. All operations carried out either in the Community or in Romania on a given product shall be considered together when determining whether the working or processing undergone by that product is to be regarded as insufficient within the meaning of paragraph 1.'

3. The last sentence of Article 15(6), shall be replaced by the following:

'The provisions of this paragraph shall apply until 31 December 2001.'

4. The following Article shall be inserted:

'Article 20a

Accounting segregation

1. Where considerable cost or material difficulties arise in keeping separate stocks of originating and non-originating materials which are identical and interchangeable, the customs authorities may, at the written request of those concerned, authorise the "accounting segregation" method to be used for managing such stocks.

2. This method must be able to ensure that, for a specific reference-period, the number of products obtained which could be considered as "originating" is the same as that which would have been obtained if there had been physical segregation of the stocks.

3. The customs authorities may grant such authorisation, subject to any conditions deemed appropriate.

4. This method is recorded and applied on the basis of the general accounting principles applicable in the country where the product was manufactured.

5. The beneficiary of this facilitation may issue or apply for proofs of origin, as the case may be, for the quantity of products which may be considered as originating. At the request of the customs authorities, the beneficiary shall provide a statement of how the quantities have been managed.

6. The customs authorities shall monitor the use made of the authorisation and may withdraw it at any time whenever the beneficiary makes improper use of the authorisation in any manner whatsoever or fails to fulfil any of the other conditions laid down in this Protocol.'

5. In the first sentence of Article 22(1), the following shall be inserted after the term 'exporter':

'hereinafter referred to as "approved exporter",'

6. Article 30 shall be replaced by the following:

'Article 30

Amounts expressed in euro

1. For the application of the provisions of Article 21(1)(b) and Article 26(3) in cases where products are invoiced in a currency other than euro, amounts in the national currencies of the countries referred to in Articles 3 and 4 equivalent to the amounts expressed in euro shall be fixed annually by each of the countries concerned.

2. A consignment shall benefit from the provisions of Article 21(1)(b) or Article 26(3) by reference to the currency in which the invoice is drawn up, according to the amount fixed by the country concerned.
3. The amounts to be used in any given national currency shall be the equivalent in that currency of the amounts expressed in euro as at the first working day of October. The amounts shall be communicated to the European Commission by 15 October and shall apply from 1 January the following year. The European Commission shall notify all countries concerned of the relevant amounts.
4. A country may round up or down the amount resulting from the conversion into its national currency of an amount expressed in euro. The rounded-off amount may not differ from the amount resulting from the conversion by more than 5 %. A country may retain unchanged its national currency equivalent of an amount expressed in euro if, at the time of the annual adjustment provided for in paragraph 3, the conversion of that amount, prior to any rounding-off, results in an increase of less than 15 % in the national currency equivalent. The national currency equivalent may be retained unchanged if the conversion were to result in a decrease in that equivalent value.
5. The amounts expressed in euro shall be reviewed by the Association Committee at the request of the Community or Romania. When carrying out this review, the Association Committee shall consider the desirability of preserving the effects of the limits concerned in real terms. For this purpose, it may decide to modify the amounts expressed in euro.'
7. Annex II shall be amended as follows:

The entry for HS heading 5309 to 5311 shall be replaced by:

'5309 to 5311	Woven fabrics of other vegetable textile fibres; woven fabrics of paper yarn: — Incorporating rubber thread — Other	Manufacture from single yarn ⁽¹⁾ Manufacture from ⁽¹⁾: — coir yarn, — jute yarn, — natural fibres, — man-made staple fibres not carded or combed or otherwise prepared for spinning, — chemical materials or textile pulp, or — paper or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric does not exceed 47,5 % of the ex-works price of the product	
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⁽¹⁾ For special conditions relating to products made of a mixture of textile materials, see Introductory Note 5.'

Article 2

This Decision shall enter into force on the day of its adoption.

It is applicable from 1 January 2001.

Done at Brussels, 23 January 2001.

For the Association Council

The President

A. LINDH

COUNCIL DECISION
of 29 January 2001
concluding the consultation procedure with Haiti under Article 96 of the ACP-EC Partnership Agreement

(2001/131/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000, hereinafter referred to as 'the ACP-EC Agreement', implemented in advance by Decision No 1/2000 ⁽¹⁾ of the ACP-EC Council of Ministers of 27 July 2000, and in particular Article 96 thereof,

Having regard to the internal agreement on measures to be taken and procedures to be followed for the implementation of the ACP-EC Agreement, as provisionally applied by Decision 2000/771/EC ⁽²⁾ of the representatives of the Governments of the Member States of 18 September 2000, and in particular Article 3 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The essential elements referred to in Article 9 of the ACP-EC Agreement have been breached by non-compliance with the Electoral Law of Haiti.
- (2) In accordance with Article 96 of the ACP-EC Agreement, consultations took place with the ACP States and Haiti on 26 September 2000, on which occasion the Haitian authorities explained their position.
- (3) Democratic principles are still not upheld in Haiti.
- (4) Measures should therefore be taken as 'appropriate measures' referred to under Article 96(2)(c) of the ACP-EC Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The consultations opened with Haiti under Article 96 of the ACP-EC Agreement are hereby terminated.

Article 2

The measures described in the letter appearing in the Annex shall be adopted as 'appropriate measures' referred to in Article 96(2)(c) of the ACP-EC Agreement.

Article 3

This Decision shall enter into force on the day of its adoption.

It shall expire on 31 December 2001.

It shall be reviewed before 31 December 2001 at the latest.

Article 4

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

Done at Brussels, 29 January 2001.

For the Council

The President

M. WINBERG

⁽¹⁾ OJ L 195, 1.8.2000, p. 46.

⁽²⁾ OJ L 317, 15.12.2000, p. 375.

ANNEX

Letter to be addressed to the Government of Haiti

Dear Sir,

The European Union attaches great importance to Article 9 of the ACP-EC Agreement. Democratic principles and the rule of law, on which the ACP-EU partnership is founded, are essential elements of the Agreement and thus form the cornerstone of our relations.

In this spirit, the Union has closely followed the electoral process in Haiti and is concerned about the irregularities mentioned in the report of the Organisation of American States observer mission, in particular the non-compliance with the Electoral Law in the election of senators after the first round.

This is why the Union expressed disquiet about the electoral process in its declaration of 12 July 2000 and signalled that failure to take account of its concerns might have repercussions on cooperation with Haiti.

The Council of the European Union therefore decided on 2 August 2000 to invite the Haitian authorities and the ACP States to enter into consultations with a view to a thorough examination of the situation and finding ways of remedying it.

These consultations were held in Brussels on 26 September and a number of crucial issues were discussed. The Haitian authorities, represented by His Excellency Mr Fritz Longchamp, Foreign Minister, explained their position and gave their analysis of the situation.

This exchange of views did not, however, lead to progress in finding a satisfactory solution to the issues raised by the Union, which then drafted provisional conclusions expressing regret that its concerns had not been taken into account and envisaging the possibility of appropriate measures as defined in the ACP-EC Agreement. In its conclusions the Union also signalled its awareness of the serious social and economic situation in the country and the importance of not penalising the Haitian people.

Now, the Council of the European Union has decided, in accordance with its provisional conclusions of 26 September, to terminate the consultations opened under Article 96 of the ACP-EC Agreement. The Council of the European Union has thus decided to take the following appropriate measures under Article 96(2)(c):

- (a) not making available the second PIN tranche of the eighth EDF of EUR 44,4 million,
- (b) suspension of direct budget aid. This mainly affects structural adjustment programmes and food security,
- (c) redirection of the remaining funds of the first PIN tranche of the eighth EDF to projects that are of direct benefit to the Haitian people, to strengthen civil society and the private sector, and are liable to support democratisation and underpin the rule of law,
- (d) preparations for ninth EDF programming by the Commission delegation in Haiti, which will consult the Haitian Government if necessary. Unless otherwise decided by the Council of the European Union, no allocation of resources shall be notified while this Decision is valid.

The objective of the Union remains not to penalise the Haitian people while signalling its disapproval of the failure to comply with basic democratic principles. It will monitor closely developments with regard to respect of fundamental democratic freedoms and human rights. It reiterates its readiness to engage in an enhanced political dialogue and contribute to the process of democratisation. To this end, it is ready to review this Decision before 31 December 2001 if there are encouraging developments but reserves the right to take further measures if there is no improvement.

For the Commission

For the Council
