

Official Journal

of the European Communities

ISSN 0378-6978

L 66

Volume 44

8 March 2001

English edition

Legislation

Contents

I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 459/2001 of 26 February 2001 on the conclusion of the Protocol setting out for the period from 3 May 2000 to 2 May 2002 the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola** 1
- Protocol setting out for the period from 3 May 2000 to 2 May 2002 the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola** ... 3
- Commission Regulation (EC) No 460/2001 of 7 March 2001 establishing the standard import values for determining the entry price of certain fruit and vegetables 22
- Commission Regulation (EC) No 461/2001 of 7 March 2001 fixing the maximum export refund for white sugar for the 30th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1531/2000 24
- Commission Regulation (EC) No 462/2001 of 7 March 2001 fixing the representative prices and the additional import duties for molasses in the sugar sector 25
- Commission Regulation (EC) No 463/2001 of 7 March 2001 fixing the export refunds on white sugar and raw sugar exported in its unaltered state 27
- ★ **Commission Regulation (EC) No 464/2001 of 7 March 2001 supplementing the Annex to Regulation (EC) No 2400/96 on the entry of certain names in the 'Register of protected designations of origin and protected geographical indications' provided for in Council Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs** 29
- Commission Regulation (EC) No 465/2001 of 7 March 2001 amending the corrective amount applicable to the refund on cereals 31

Council

2001/179/EC:

- ★ **Council Decision of 26 February 2001 setting the terms for financial support to Guinea-Bissau in the fisheries sector** 33

Commission

2001/180/EC:

- ★ **Commission Decision of 16 May 2000 on the aid scheme which Germany is planning to implement for company founders ⁽¹⁾ (notified under document number C(2000) 1402)** 35

2001/181/EC:

- ★ **Commission Decision of 22 February 2001 amending Annex I to Council Decision 91/666/EEC establishing Community reserves of foot-and-mouth disease vaccines and updating Decision 2000/112/EC with regard to distribution between antigen banks of antigen reserves ⁽¹⁾ (notified under document number C(2001) 425)** 39

EUROPEAN ECONOMIC AREA

The EEA Joint Committee

- ★ **Decision of the EEA Joint Committee No 1/2001 of 31 January 2001 amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement** 42
- ★ **Decision of the EEA Joint Committee No 2/2001 of 31 January 2001 amending Annex II (Technical regulations, standards testing and certification) to the EEA Agreement** 44
- ★ **Decision of the EEA Joint Committee No 3/2001 of 31 January 2001 amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement** 45
- ★ **Decision of the EEA Joint Committee No 4/2001 of 31 January 2001 amending Annex IX (Financial services) to the EEA Agreement** 46
- ★ **Decision of the EEA Joint Committee No 5/2001 of 31 January 2001 amending Annex IX (Financial services) to the EEA Agreement** 47
- ★ **Decision of the EEA Joint Committee No 6/2001 of 31 January 2001 amending Annex XV (State aid) to the EEA Agreement** 48
- ★ **Decision of the EEA Joint Committee No 7/2001 of 31 January 2001 amending Annex XX (Environment) to the EEA Agreement** 49
- ★ **Decision of the EEA Joint Committee No 8/2001 of 31 January 2001 amending Annex XX (Environment) to the EEA Agreement** 50

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 459/2001
of 26 February 2001**

on the conclusion of the Protocol setting out for the period from 3 May 2000 to 2 May 2002 the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37, in conjunction with Article 300(2) and the first subparagraph of Article 300(3) thereof,

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

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

Whereas:

- (1) In accordance with the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola ⁽³⁾, the two Parties held negotiations to determine any amendments or additions to be made to the Agreement at the end of the period of application of the Protocol annexed thereto.
- (2) As a result of these negotiations, a new Protocol setting out the fishing opportunities and financial contribution provided for in the above Agreement for the period from 3 May 2000 to 2 May 2002 was initialled on 6 July 2000.
- (3) It is in the Community's interest to approve the Protocol.
- (4) The method of allocating the fishing opportunities among the Member States should be defined on the basis of the traditional allocation of fishing opportunities under the Fisheries Agreement,

HAS ADOPTED THIS REGULATION:

Article 1

The Protocol setting out for the period 3 May 2000 to 2 May 2002 the fishing opportunities and the financial contribution provided for by the Agreement between the European

Economic Community and the Government of the People's Republic of Angola on fishing off Angola is hereby approved on behalf of the Community.

The text of the Protocol is attached hereto.

Article 2

The fishing opportunities fixed in the Protocol shall be allocated among the Member States as follows:

- shrimp vessels:
 - Spain: 6 550 gross registered tonnage (GRT) per month, averaged over the year, 22 vessels;
- demersal fishing vessels:
 - Spain: 1 650 GRT per month, averaged over the year,
 - Portugal: 1 000 GRT per month, averaged over the year,
 - Italy: 650 GRT per month, averaged over the year,
 - Greece: 450 GRT per month, averaged over the year;
- freezer tuna seiners:
 - France: 7 vessels,
 - Spain: 11 vessels;
- surface longliners:
 - Portugal: 5 vessels,
 - Spain: 20 vessels;
- pelagic fishing vessels:
 - Ireland: 2 vessels.

If licence applications from these Member States do not cover all the fishing opportunities fixed by the Protocol, the Commission may take into consideration licence applications from any other Member State.

⁽¹⁾ Proposal of 23 November 2000 (not yet published in the Official Journal).

⁽²⁾ Opinion delivered on 1 February 2001 (not yet published in the Official Journal).

⁽³⁾ OJ L 341, 3.12.1987, p. 2.

Article 3

The President of the Council is hereby authorised to designate the persons empowered to sign the Protocol in order to bind the Community.

Article 4

This Regulation shall enter into force on the third 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, 26 February 2001.

For the Council

The President

M. WINBERG

PROTOCOL

setting out for the period from 3 May 2000 to 2 May 2002 the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola

Article 1

From 3 May 2000, for a period of two years, the limits referred to in Article 2 of the Agreement shall be as follows:

1. Shrimp vessels:

6 550 gross registered tonnage (GRT) per month, as an annual average (maximum 22 vessels).

However, the quantities to be fished by Community vessels may not exceed 5 000 t of shrimps and prawns per year, of which 30 % shall be prawns and 70 % shrimps.

2. Demersal vessels: (trawlers, bottom longliners, fixed gillnets):

3 750 GRT per month, as an annual average.

Fishing for *Centrophorus granulosus* is forbidden.

3. Freezer tuna seiners: 18 vessels.

4. Surface longliners: 25 vessels.

5. Fishing for pelagic species: 2 vessels.

Because of the nature of this type of fishing, it shall be subject to a trial period of six months starting on the date that this Protocol enters into force.

Article 2

1. The financial contribution provided for in Article 7 of the Agreement for the period referred to in Article 1 of this Protocol is hereby set at EUR 13 975 000 per year (including EUR 9 950 000 per year by way of financial compensation and EUR 4 025 000 per year for the measures referred to in Article 3 of this Protocol) in return for the fishing opportunities set out in Article 1.

The financial compensation shall be payable into a budget account of the Ministry for Fisheries and the Environment.

The financial compensation shall be paid not later than 30 November for the first year of the Protocol and not later than the anniversary date of the Protocol the following year.

2. If vessels withdraw from the Agreement and the Angolan authorities do not agree to their replacement by other vessels, the resulting reduction in fishing opportunities for the Community shall entail a proportional adjustment of the financial contribution provided for in paragraph 1.

3. Angola shall have full discretion regarding the use to which the financial compensation is put.

Article 3

The amount of EUR 4 025 000 earmarked for the specific measures provided for in Article 2(1) each year shall be broken down as follows:

1. Angolan scientific and technical programmes to improve knowledge of fishery and biological resources in Angola's fishing zone: EUR 750 000;
2. Quality control programme: EUR 350 000;
3. Programme of support for fisheries surveillance: EUR 775 000;
4. Programme to develop non-industrial fishing: EUR 150 000;
5. Programme of institutional support to the Ministry for Fisheries and the Environment: EUR 500 000;
6. Programme to finance fishing schools, study grants, practical training in the various scientific, technical and economic disciplines related to fisheries and participation in international organisations, seminars, symposia and workshops: EUR 1 500 000.

The measures and the annual amounts allocated thereto shall be decided on by the Ministry for Fisheries and the Environment, which shall inform the Commission of the European Communities thereof.

The annual amounts shall be made available to the bodies concerned, through a budget account of the Ministry for Fisheries and the Environment, not later than 30 November for the first year and after the anniversary date of the Protocol the following year.

The Ministry for Fisheries and the Environment shall provide the Commission of the European Communities with detailed information in writing. The European Community may reconsider the payments concerned, after consulting the Angolan authorities, in the light of actual progress in implementing the measures.

Article 4

Should there be any significant change in the conditions of exploiting fisheries resources in Angola's exclusive economic zone (EEZ) which prevent the exercise of fishing activities, the European Community reserves the right to stop payment of the financial contribution, on agreement between the Parties.

Article 5

A joint scientific meeting shall be held annually to analyse matters relating to the sustainable management of fisheries resources.

Article 6

Should the Community fail to make the payments provided for in Articles 2 and 3 within the time limits laid down, application of the Agreement may be suspended.

Article 7

The Annex to the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola is hereby repealed and replaced by the Annex to this Protocol.

Article 8

This Protocol shall enter into force on the date of its signing. It shall apply from 3 May 2000.

ANNEX A

CONDITIONS GOVERNING FISHING ACTIVITIES BY COMMUNITY VESSELS IN ANGOLAN WATERS**1. LICENCE APPLICATION AND ISSUING FORMALITIES**

- 1.1. The Commission of the European Communities shall present to Angola's fishing authority, via the Delegation of the Commission of the European Communities in Angola, an application made by the shipowner for each vessel wishing to fish under this Agreement, at least 15 days before the date of commencement of the period of validity requested. Applications shall be made on forms provided for the purpose by Angola, specimens of which are contained in Appendix 1 and Appendix 2. On first application the form should be accompanied by a tonnage certificate. All licence applications shall be accompanied by proof of payment of the licence fee for the period of its validity.

For the purposes of this Protocol the fishery products caught by Community vessels fishing under this Agreement shall be of Community origin.

- 1.2. Each licence shall be issued to a shipowner for a specific vessel. In cases of proven *force majeure*, at the request of the Commission of the European Communities, the licence for a vessel shall be replaced by a licence valid for another Community vessel of a similar type.
- 1.3. Licences shall be issued by the Angolan authorities to the skipper of the vessel in the port of Luanda after inspection of the vessel by the competent authority. However, in the case of tuna vessels and surface longliners, licences shall be issued to the shipowners or their representatives or agents.
- 1.4. The Delegation of the Commission of the European Communities in Angola shall be notified of the licences issued by Angola's fishing authority.
- 1.5. Licences must be held on board at all times; however, in the case of tuna vessels and surface longliners, the vessel shall be entered on the list of authorised fishing vessels as soon as notification is received that the European Commission has paid the advance to the Angolan authorities and the list shall then be communicated to the Angolan authorities responsible for supervising fisheries. Pending receipt of the licence, a copy may be obtained by fax and should be kept on board.
- 1.6. Licences shall be valid for periods of one year.
- 1.7. Each vessel shall be represented by an agent who is resident in Angola and approved by the Ministry for Fisheries and the Environment.
- 1.8. The Angolan authorities shall communicate, as soon as possible, particulars of the bank accounts and currencies to be used for financial settlements under this Agreement.

2. FEES**2.1. Provisions applicable to licences for shrimp vessels and demersal fishing vessels**

The fees shall be:

- EUR 58/month per GRT for shrimp vessels,
- EUR 205/year per GRT for demersal vessels.

The fees may be paid quarterly or half-yearly. In this case the amount shall be increased by 5 % and 3 % respectively.

2.2. Provisions applicable to tuna vessels and surface longliners

The fees shall be EUR 25 per tonne caught within Angola's fishing zone.

Licences shall be issued following advance payment to Angola at a flat rate of EUR 4 200 a year for each freezer tuna seiner, equivalent to the fees for a catch of 168 tonnes per year, and at a flat rate of EUR 2 100 a year for each surface longliner, equivalent to the fees for a catch of 84 tonnes per year.

The final statement of the fees due for the fishing year shall be drawn up by the Commission of the European Communities at the end of the first quarter of the year following that of the catches on the basis of the catch statements made for each vessel and verified by a specialised scientific body in the region, in particular the Institut de Recherche pour le Développement (IRD), the Instituto Español de Oceanografía (IEO) and the Instituto Português de Investigação Marítima (IPIMAR).

This statement shall be communicated to the Angolan authorities and to the shipowners at the same time. The shipowners shall make any additional payment, within 30 days of notification of the final statement at the latest, into an account opened with a financial institution or any other body specified by the Angolan authorities.

However, if the amount of the final statement is lower than the advance referred to above, the balance shall not be reimbursed to the shipowners.

3. BIOLOGICAL REST-PERIOD

Each year there is the possibility that a closed season on shrimp fishing may be decided for reasons of biological recovery in the light of the findings of scientific surveys. The Commission and shipowners shall be notified not less than three months in advance of any such closed season. Shipowners shall not pay for the licence fee during this period.

4. BY-CATCHES

The by-catches of shrimp vessels shall be the property of the shipowners. They shall be authorised to catch up to 500 tonnes of crab per year.

5. LANDINGS

Community surface longliners shall endeavour to help supply Angolan tuna-canning factories, in accordance with their fishing effort in the zone, at a price to be jointly agreed between the shipowners and the Angolan fishing authorities based on current international market prices. Payment shall be made in convertible currency.

6. TRANSHIPMENT

All transshipments shall be notified to the competent Angolan fishing authorities eight days in advance and shall take place in one of the bays of Luanda or Lobito in the presence of the tax authorities.

A copy of the documentation relating to transshipments shall be forwarded to the Inspection and Monitoring Department of the Ministry for Fisheries and the Environment 15 days before the end of each month for the preceding month.

7. DECLARATIONS OF CATCHES

7.1. Shrimp vessels and demersal vessels

- 7.1.1. At the end of each fishing campaign these vessels must forward to the Fisheries Research Institute in Luanda, via the Delegation of the Commission of the European Communities, the daily catch reports drawn up by the skipper in accordance with the specimen contained in Appendices 3 and 4.

Furthermore, each vessel shall present a monthly report to the planning, studies and statistics office of the Ministry for Fisheries and the Environment, via the delegation of the Commission of the European Communities, listing the catches made during the month and quantities on board on the last day of the month. This report shall be presented no later than the 45th day following the end of the month concerned.

In the event of failure to comply with this provision, Angola reserves the right to apply the penalties provided for in its legislation.

- 7.1.2. These vessels must also inform Luanda radio station daily of their geographical position and the previous day's catches. Shipowners shall be notified of the call sign at the time of issue of the fishing licence. In cases where radio communication cannot be used, vessels may use alternative means, such as telex or telegram.

Before leaving Angola's fishing zone, these vessels must obtain authorisation from the Department of Inspection and Monitoring of the Ministry for Fisheries and the Environment and have the catches on board checked.

7.2. Tuna vessels and surface longliners

Every three days during the fishing period in Angola's fishing zone, vessels shall inform Luanda radio station of their position and their catches. On entering and leaving Angola's fishing zone, the vessels shall inform Luanda radio station of their position and the volume of the catches on board.

In cases where radio communication cannot be used, vessels may use alternative means, such as telex or telegram.

In addition, the skipper shall keep a fishing log book, in accordance with Appendix 5, for each fishing period spent in Angola's fishing zone.

This form must be completed legibly and be signed by the skipper of the vessel and sent to the Department of Inspection and Monitoring of the Ministry for Fisheries and the Environment via the Delegation of the Commission of the European Communities within 45 days of the end of the fishing campaign.

In the event of failure to comply with this provision, Angola reserves the right to apply the penalties provided for in its legislation.

8. FISHING ZONES

- 8.1. The fishing zones accessible to shrimp vessels shall comprise all waters under the sovereignty or the jurisdiction of the Republic of Angola north of 12°20' prime and beyond the first 12 nautical miles measured from the base lines.

- 8.2. The fishing zones accessible to freezer tuna seiners and surface longliners shall comprise all waters under the sovereignty or the jurisdiction of the republic of Angola beyond the first 12 nautical miles measured from the base lines.
- 8.3. The fishing zones accessible to vessels engaged in demersal fishing shall comprise all waters under the sovereignty or the jurisdiction of the Republic of Angola:
- trawlers: beyond the first 12 nautical miles measured from the base lines and restricted northwards by 13°00' prime and south and southwards by a line five miles north of the limit between the exclusive economic zones (EEZs) of Angola and Namibia,
 - other types of vessels: beyond the first eight nautical miles measured from the base lines and restricted northwards by a line five miles north of the limit between the EEZs of Angola and Namibia.

9. SIGNING-ON OF SEAMEN

Owners of all vessels, except freezer tuna seiners and surface longliners, to whom fishing licences have been issued under this Agreement shall contribute to the on-the-job vocational training of at least six Angolan seamen on board each vessel, who shall be freely chosen from a list drawn up by the Ministry for Fisheries and the Environment.

Should an observer be taken on board at Angola's request, he shall be included among the six seamen referred to above.

Community shipowners shall endeavour to increase the number of seamen and improve their vocational skills.

The seamen's wages shall be borne by the shipowners in accordance with the terms mutually agreed and shall be paid into an account opened with a financial institution designated by the Ministry for Fisheries and the Environment. This pay shall include life insurance against all risks.

10. SCIENTIFIC OBSERVERS

- 10.1. Any vessel may be asked to take on board a scientific observer designated and employed by the Ministry for Fisheries and the Environment. Observers shall not normally remain on board for more than one trip.
- 10.2. The time spent on board by the observer shall be fixed by the Angolan authorities, but, as a general rule, it should not exceed the time required to carry out his duties.
- 10.3. Observers shall be treated as officers. They shall:
- observe the fishing activities of the vessels,
 - perform biological sampling in the context of scientific programmes,
 - note the fishing gear used,
 - verify the catch data for Angola's zone recorded in the logbook,
 - report fishing data by radio once a week.

While on board, observers shall:

- take all appropriate steps to ensure that the conditions under which they are taken on board and their presence on board do not interrupt or hamper fishing activities,
- respect the material and equipment on board and the confidentiality of all documents belonging to the said vessel,
- draft an activity report to be transmitted to the competent Angolan authorities.

The terms of observers' embarkation are to be agreed between the shipowner or his agent and the Angolan authorities. Their wages and social insurance contributions are to be paid by the Ministry for Fisheries and the Environment. Shipowners, through their agents, shall pay the Ministry for Fisheries and Environment EUR 15 for each day spent by an observer on board a vessel. Shipowners who are unable to take observers aboard and put them off at an Angolan port agreed by common accord with the Angolan authorities shall bear the cost of taking the observers aboard and putting them ashore.

If the observer is not present at the time and place agreed and during the twelve hours following the time agreed, shipowners shall be automatically absolved of their obligation to take the observer on board.

11. INSPECTION AND MONITORING

Community vessels fishing under the Agreement shall be monitored by satellite in accordance with conditions to be agreed between the parties.

At the request of the Angolan authorities, Community fishing vessels fishing under the Agreement shall allow on board any Angolan officials responsible for the inspection and monitoring of fishing activities and facilitate the accomplishment of their duties.

These officials shall remain on board no longer than is necessary for the accomplishment of their duties.

12. FUEL SUPPLIES, REPAIRS AND OTHER SERVICES

All vessels, except tuna vessels, operating in Angola's fishing zone under this Agreement must obtain their fuel and water supplies and have shipyard repairs and maintenance carried out in Angola wherever possible.

Subject to these same conditions, the transport of crews shall be undertaken by the Angolan national airline, TAAG.

Fuel shall not be taken on board outside the ports of Luanda or Lobito without authorisation from the Department of Inspection and Monitoring of the Ministry for Fisheries and the Environment.

13. MESH SIZE

The minimum size of the mesh used shall be:

13.1. for shrimp fishing: 40 mm until 1 March 2001 and 50 mm from that date onward.

13.2. 110 mm for demersal fishing.

13.3. The introduction of new mesh sizes shall apply to Community vessels from the sixth month following notification to the Commission of the European Communities.

14. BOARDING

14.1. The Delegation of the Commission of the European Communities in Luanda shall be informed within 48 hours of the boarding of any fishing vessel flying the flag of a Member State of the Community within Angola's fishing zone and operating under an Agreement concluded between the Community and a third country, and shall at the same time receive a report of the circumstances and reasons for the boarding of the vessel.

14.2. In the case of vessels authorised to fish in Angolan waters, before any measures regarding the master or the crew of the vessel of any action regarding the cargo and equipment of the vessel are considered, other than those to safeguard evidence relating to the presumed infringement, a consultation meeting shall be held, within 48 hours of receipt of the abovementioned information, between the Delegation of the Commission of the European Communities, the Ministry for Fisheries and the Environment and the inspection authorities, possibly attended by a representative of the Member State concerned.

At the meeting, the parties shall exchange any relevant documentation or information, in particular automatically registered data showing the vessel's positions during the trip up to the time of boarding, helping to clarify the circumstances of the established facts.

The shipowner or his representative shall be informed of the outcome of the meeting and of any measures resulting from the boarding.

14.3. Before any judicial procedure, an attempt shall be made to resolve the presumed infringement through a compromise procedure. This procedure shall be completed no later than three working days after the boarding.

14.4. Should the case not be settled by means of compromise, and therefore be brought before a competent judicial body, a bank security payable by the shipowner shall be fixed by the relevant authority within 48 hours following the conclusion of the compromise procedure, pending the judicial decision. The amount of the security must not exceed the amount of the penalty laid down under national legislation for the presumed infringement in question. The bank security shall be returned to the shipowner by the relevant authority once the case is settled without incrimination of the master of the vessel concerned.

14.5. The vessel and its crew shall be released:

- at the end of the consultation meeting, if the established facts permit, or
 - once the obligations arising under the compromise have been fulfilled, or
 - once a bank security is deposited by the shipowner (judicial procedure).
-

ANNEX B

CONDITIONS GOVERNING FISHING ACTIVITIES BY EUROPEAN COMMUNITY VESSELS FISHING FOR PELAGIC SPECIES IN ANGOLAN WATERS**1. LICENCE APPLICATION AND ISSUING FORMALITIES**

- 1.1. The Commission of the European Communities shall present to Angola's fishing authority, via the Delegation of the Commission of the European Communities in Angola, an application made by the shipowner for each vessel wishing fish under this Agreement, at least 15 days before the date of commencement of the period of validity requested. Applications shall be made on forms provided for the purpose by Angola, specimens of which are contained in Appendix 1. On first application the form should be accompanied by a tonnage certificate. All licence applications shall be accompanied by proof of payment of the licence fee for the period of its validity.

When renewing the licence, only proof of payment of the fee for the period in question need be presented to the Angolan authorities; the other documents referred to above are presented only with the first application or when the technical characteristics of the vessel have changed.

- 1.2. Each licence shall be issued to a shipowner for a specific vessel. In cases of proven *force majeure*, at the request of the Commission of the European Communities, the licence for a vessel shall be replaced by a licence valid for another Community vessel of a similar type.
- 1.3. Licences shall be issued by the Angolan authorities to the skipper of the vessel in the nearest port after inspection of the vessel by the competent authority.
- 1.4. The Delegation of the Commission of the European Communities in Angola shall be notified of the licences issued by Angola's fishing authority.
- 1.5. Licences must be held on board at all times; however the vessel shall be entered on the list of authorised fishing vessels as soon as notification is received that the European Commission has paid the advance to the Angolan authorities and the list shall then be communicated to the Angolan authorities responsible for supervising fisheries. Pending receipt of the licence, a copy may be obtained by fax and should be kept on board.
- 1.6. Licences shall be valid for a minimum period of one month and be renewable.
- 1.7. Each vessel shall be represented by an agent who is resident in Angola and approved by the Ministry for Fisheries and the Environment.
- 1.8. The Angolan authorities shall communicate particulars of the bank accounts and currencies to be used for payment of fees before the entry into force of this Protocol.
- 1.9. Licences shall authorise the fishing of mackerel and horse mackerel. A by-catch of up to 10 % is authorised.

2. FEES

The fee shall be set at EUR 3/month per GRT.

After the trial period the conditions governing fishing shall be laid down by common agreement of the shipowners and the Angolan authorities in the light of the results of this period.

3. TRANSHIPMENT

All transshipments shall be notified to the competent Angolan fishing authorities eight days in advance and shall take place in one of the bays of Luanda or Lobito in the presence of the tax authorities.

A copy of the documentation relating to transshipments shall be forwarded to the Inspection and Monitoring Department of the Ministry for Fisheries and the Environment 15 days before the end of each month for the preceding month.

4. DECLARATIONS OF CATCHES

- 4.1. At the end of each fishing campaign these vessels must forward to the Fisheries Research Institute in Luanda, via the Delegation of the Commission of the European Communities, the daily catch reports drawn up by the skipper in accordance with the specimen contained in Appendix 6.

Furthermore, each vessel shall present a monthly report to the planning, studies and statistics office of the Ministry for Fisheries and the Environment, via the delegation of the Commission of the European Communities, listing the catches made during the month and quantities on board on the last day of the month. This report shall be presented no later than the 45th day following the end of the month concerned.

- 4.2. Before leaving Angola's fishing zone, these vessels must obtain authorisation from the Department of Inspection and Monitoring of the Ministry for Fisheries and the Environment and have the catches on board checked.

In the event of failure to comply with this provision, Angola reserves the right to apply the penalties provided for in its legislation.

5. FISHING ZONES

The fishing zones accessible to vessels fishing pelagic species shall comprise all waters under the sovereignty or the jurisdiction of the Republic of Angola beyond the first 12 nautical miles.

6. SIGNING-ON OF SEAMEN

Vessels fishing for pelagic species during the trial period shall not be subject to the requirement to sign on Angolan seamen.

7. SCIENTIFIC OBSERVERS

- 7.1. Any vessel may be asked to take on board a scientific observer designated and employed by the Ministry for Fisheries and the Environment. Observers shall not normally remain on board for more than one trip.

- 7.2. The time spent on board by the observer shall be fixed by the Angolan authorities, but, as a general rule, it should not exceed the time required to carry out his duties.

- 7.3. Observers shall be treated as officers. They shall:

- observe the fishing activities of the vessels,
- perform biological sampling in the context of scientific programmes,
- note the fishing gear used,
- verify the catch data for Angola's zone recorded in the logbook,
- report fishing data by radio once a week.

While on board, observers shall:

- take all appropriate steps to ensure that the conditions under which they are taken on board and their presence on board do not interrupt or hamper fishing activities,
- respect the material and equipment on board and the confidentiality of all documents belonging to the said vessel,
- draft an activity report to be transmitted to the competent Angolan authorities.

The terms of observers' embarkation are to be agreed between the shipowner or his agent and the Angolan authorities. Their wages and social insurance contributions are to be paid by the Ministry for Fisheries and the Environment. Shipowners, through their agents, shall pay the Ministry for Fisheries and Environment EUR 15 for each day spent by an observer on board a vessel. Shipowners who are unable to take observers aboard and put them off at an Angolan port agreed by common accord with the Angolan authorities shall bear the cost of taking the observers aboard and putting them ashore.

If the observer is not present at the time and place agreed and during the twelve hours following the time agreed, shipowners shall be automatically absolved of their obligation to take the observer on board.

8. INSPECTION AND MONITORING

Community vessels fishing under the Agreement shall be monitored by satellite in accordance with conditions to be agreed between the parties.

At the request of the Angolan authorities, Community fishing vessels operating under the Agreement shall allow on board any Angolan officials responsible for the inspection and monitoring of fishing activities and facilitate the accomplishment of their duties.

These officials shall remain on board no longer than is necessary for the accomplishment of their duties.

9. FUEL SUPPLIES, REPAIRS AND OTHER SERVICES

All vessels operating in Angola's fishing zone under this Agreement must obtain their fuel and water supplies and have shipyard repairs and maintenance carried out in Angola wherever possible.

Subject to these same conditions, the transport of crews shall be undertaken by the Angolan national airline, TAAG.

Fuel shall not be taken on board outside the ports of Luanda or Lobito without authorisation from the Department of Inspection and Monitoring of the Ministry for Fisheries and the Environment.

10. MESH SIZE

The minimum size of the mesh used shall be that laid down by Angolan law.

11. BOARDING

11.1. The Delegation of the Commission of the European Communities in Luanda shall be informed within 48 hours of the boarding of any fishing vessel flying the flag of a Member State of the Community within Angola's fishing zone and operating under an Agreement concluded between the Community and a third country, and shall at the same time receive a report of the circumstances and reasons for the boarding of the vessel.

11.2. In the case of vessels authorised to fish in Angolan waters, before any measures regarding the master or the crew of the vessel or any action regarding the cargo and equipment of the vessel are considered, other than those to safeguard evidence relating to the presumed infringement, a consultation meeting shall be held, within 48 hours of receipt of the abovementioned information, between the Delegation of the Commission of the European Communities, the Ministry for Fisheries and the Environment and the inspection authorities, possibly attended by a representative of the Member State concerned.

At the meeting, the parties shall exchange any relevant documentation or information, in particular automatically registered data showing the vessel's positions during the trip up to the time of boarding, helping to clarify the circumstances of the established facts.

The shipowner or his representative shall be informed of the outcome of the meeting and of any measures resulting from the boarding.

11.3. Before any judicial procedure, an attempt shall be made to resolve the presumed infringement through a compromise procedure. This procedure shall be completed no later than three working days after the boarding.

11.4. Should the case not be settled by means of compromise, and therefore be brought before a competent judicial body, a bank security payable by the shipowner shall be fixed by the relevant authority within 48 hours following the conclusion of the compromise procedure, pending the judicial decision. The amount of the security must not exceed the amount of the penalty laid down under national legislation for the presumed infringement in question. The bank security shall be returned to the shipowner by the relevant authority once the case is settled without incrimination of the master of the vessel concerned.

11.5. The vessel and its crew shall be released:

- at the end of the consultation meeting, if the established facts permit, or
 - once the obligations arising under the compromise have been fulfilled, or
 - once a bank security is deposited by the shipowner (judicial procedure).
-

Appendix 1

APPLICATION FOR A LICENCE TO FISH FOR SHRIMP AND DEMERSAL SPECIES IN ANGOLAN WATERS

SECTION A

1. Name of shipowner:
2. Nationality of shipowner:
3. Business address of shipowner:
.....
.....
4. Chemical additives which may be used (name and composition):
.....
.....
.....

SECTION B

To be completed for each vessel

1. Period of validity:
2. Name of vessel:
3. Year of construction:
4. Original flag:
5. Current flag:
6. Date on which current flag acquired:
7. Year acquired:
8. Port and registration number:
9. Type of fishing:
10. Gross tonnage:
11. Call sign:
12. Length overall (m):
13. Bow height (m):
14. Depth (m):
15. Hull construction material:
16. Engine power:
17. Speed (knots):
18. Capacity of the cold storage chamber:
19. Capacity of tanks (m³):
20. Capacity of fish holds (m³):
21. Colour of hull:
22. Colour of superstructure:

23. On-board communication equipment:

Type	Make	Power (Watts)	Year of construction	Frequencies	
				Reception	Transmission

24. Navigating and sounding equipment:

Type	Make	Model	Range

25. Skipper:

26. Nationality of skipper:

Include:

- Three colour photographs of vessel (side view),
- an illustration and detailed description of the fishing gear used,
- a document proving that the representative of the shipowner is empowered to sign this application.

.....
(Date of application)

.....
(Signature of representative of shipowner)

Appendix 2

APPLICATION FOR A LICENCE TO FISH FOR TUNA IN ANGOLAN WATERS

SECTION A

1. Name of shipowner:
2. Nationality of shipowner:
3. Business address of shipowner:
.....
.....

SECTION B

To be completed for each vessel

1. Period of validity:
2. Name of vessel:
3. Year of construction:
4. Original flag:
5. Current flag:
6. Date on which current flag acquired:
7. Year acquired:
8. Port and registration number:
9. Type of fishing:
10. Gross tonnage:
11. Call sign:
12. Length overall (m):
13. Bow height (m):
14. Depth (m):
15. Hull construction material:
16. Engine power:
17. Speed (knots):
18. Cabins:
19. Capacity of tanks (m³):
20. Capacity of fish holds (m³):
21. Freezing capacity in tonnes/24 hours and system used:
22. Colour of hull:
23. Colour of superstructure:

24. On-board communication equipment:

Type	Make	Model	Power (Watts)	Year of construction	Frequencies	
					Reception	Transmission

25. Navigating and sounding equipment:

Type	Make	Model

26. Auxiliary boats used (for each vessel):
- 26.1. Gross tonnage:
- 26.2. Length overall (m):
- 26.3. Bow height (m):
- 26.4. Depth (m):
- 26.5. Hull construction material:
- 26.6. Engine power:
- 26.7. Speed (knots):
27. Auxiliary aerial equipment used to detect fish (even if not installed on board):
-
28. Home port:
29. Skipper:
30. Nationality of skipper:

Include:

- three colour photographs of vessel (side view), additional boats used for fishing and additional out-of-water equipment for detecting fish,
- an illustration and detailed description of the fishing gear used,
- a document proving that the representative of the shipowner is empowered to sign this application.

.....
(Date of application)

.....
(Signature of representative of shipowner)

Appendix 3.1

FISHING LOGBOOK

(for all bottom trawlers)

INSTITUTO DE INVESTIGAÇÃO PESQUEIRA

Haul	(13)	No	No	No	No	No
Date	(14)					
Latitude	(15)					
Longitude	(16)					
Sounding (m)	(17)					
Duration (h)	(18)					
Total catch (kg)	(19)					

1. Horse mackerel					
2. Sardines					
3. Scabbardfishes					
4. Antarctic toothfish					
5. Large-eye dentex					
6. Red pandora					
7. Sea bream					
8. Barracuda					
9. Hake					
10. Drums					
11. Meagres					
12. Splitfins					
13. Grunts					
14. Skates and rays					
15. Sharks					
16. Shrimps					
17. Cuttlefish					
18. Squid					

Total quantity of fish processed (kg)

Species	Whole	Fillets	Heads off

Discards

[illegible]

TRIP

Call sign (1)	
Registration (2)	
Name of vessel (3)	
Nationality (4)	
Shipowner (5)	

	Departure (6)	Arrival (7)
Date		
Port		
Skipper's name and signature (8)		

FISHING GEAR (Specify and give measurements) (9)

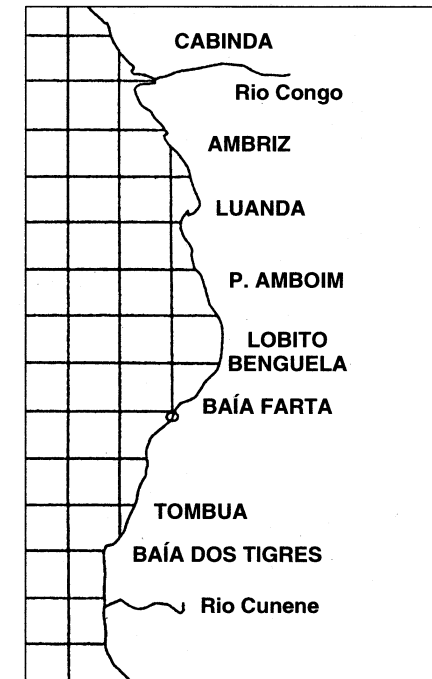
Gear	Headline (m) (g)	Footrope (m)	Codend mesh size (mm)
Demersal trawl (a)			
Pelagic trawl (b)			
Shrimp trawl (c)			
	Floatline	Depth (m)	
Seine (d)			
	Length (m)	No of hooks used	
Longline (e)			
	Length (m)	Depth (m)	
Gillnet/trammel net (f)			
Other (specify)			

MAIN SPECIES FISHED (Please state name or serial number) (10)

--	--	--	--

Please enter the TOTAL NUMBER OF FISHING DAYS in each box in the diagram opposite (11)

TOTAL CATCH (KG) (Weight of all fish on board) (12)



Appendix 4.1

FISHING LOGBOOK

(for all bottom trawlers)

INSTITUTO DE INVESTIGAÇÃO PESQUEIRA

Haul	(13)	No	No	No	No	No
Date	(14)					
Latitude	(15)					
Longitude	(16)					
Sounding (m)	(17)					
Duration (h)	(18)					
Total catch (kg)	(19)					

	1. Deepwater shrimps					
	2. Deep-water rose shrimp					
	3. Blue-and-red shrimp					
	4. Lobster					
	5. Crabs					
	6.					
	7.					
	8.					
	9.					
	10.					
	11.					
	12.					
	13.					

NB: See attached table to confirm the common name of the species in your language.

Total quantity of fish processed (kg)

Species	Heads off	Others

Discards

[illegible]

TRIP

Call sign (1)	
Registration (2)	
Name of vessel (3)	
Nationality (4)	
Shipowner (5)	

	Departure (6)	Arrival (7)
Date		
Port		
Skipper's name and signature (8)		

FISHING GEAR (Specify and give measurements) (9)

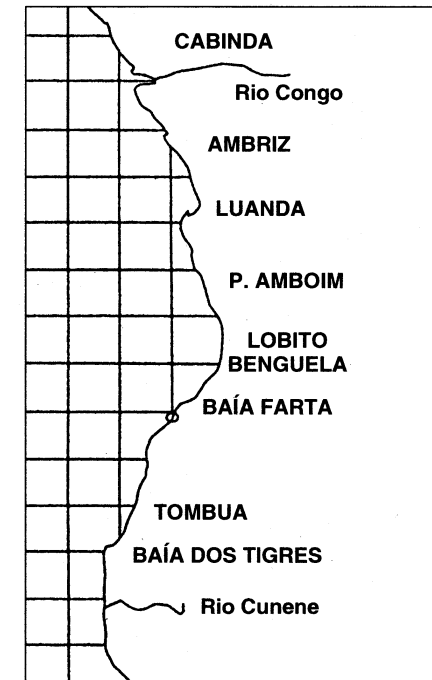
Gear	Headline (m) (g)	Footrope (m)	Codend mesh size (mm)
Demersal trawl (a)			
Pelagic trawl (b)			
Shrimp trawl (c)			
	Floatline	Depth (m)	
Seine (d)			
	Length (m)	No of hooks used	
Longline (e)			
	Length (m)	Depth (m)	
Gillnet/trammel net (f)			
Other (specify)			

MAIN SPECIES FISHED (Please state name or serial number) (10)

--	--	--	--

Please enter the TOTAL NUMBER OF FISHING DAYS in each box in the diagram opposite (11)

TOTAL CATCH (KG) (Weight of all fish on board) (12)



FISHING LOG BOOK FOR TUNA BOATS

[illegible]

1 – At the end of each trip forward a copy of the log to Ministry of Fisheries

2 – Fishing area refers to the position of the set. Round off minutes and record degree of latitude and longitude

3 - The bottom line -landing weight- should be completed only at the end of the trip. Actual weight at the time of unloading should be recorded

4 – All information reported herein will be kept strictly confidential

STATISTICS ON DEEP-SEA FISHING ACTIVITIES

MINISTRY FOR FISHERIES

Month:

Year:

Name of vessel:	
Nationality (flag):	

Engine rating	
Gross registered tonnage (GRT)	

Fishing method	
Home port	

Date	Fishing zone		Number of sets	Number of fishing hours	Species (kg)				
	Longitude	Latitude			Mackerel and horse mackerel		Total	Other fish	Total
					Mackerel	Horse mackerel			
1)									
2)									
3)									
4)									
5)									
6)									
7)									
8)									
9)									
10)									
11)									
12)									
13)									
14)									
15)									
16)									
17)									
18)									
19)									
20)									
21)									
22)									
23)									
24)									
25)									
26)									
27)									
28)									
29)									
30)									
31)									
		TOTAL							

COMMISSION REGULATION (EC) No 460/2001
of 7 March 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 8 March 2001.

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

Done at Brussels, 7 March 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 7 March 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	132,2
	204	64,4
	212	104,9
	624	120,7
	999	105,5
0707 00 05	052	197,4
	999	197,4
0709 90 70	052	120,6
	204	116,0
	624	127,6
	999	121,4
0805 10 10, 0805 10 30, 0805 10 50	052	54,2
	204	44,2
	212	50,5
	600	48,3
	624	51,3
	999	49,7
0805 30 10	600	66,4
	999	66,4
0808 10 20, 0808 10 50, 0808 10 90	388	99,7
	400	91,9
	404	79,0
	508	92,2
	512	101,4
	528	104,8
	720	120,8
	728	104,0
	999	99,2
	388	68,1
0808 20 50	400	96,3
	512	79,3
	528	79,5
	720	64,5
	999	77,5

⁽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 461/2001
of 7 March 2001**

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

- (3) Following an examination of the tenders submitted in response to the 30th partial invitation to tender, the provisions set out in Article 1 should be adopted.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

For the 30th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1531/2000 the maximum amount of the export refund is fixed at 45,217 EUR/100 kg.

Article 2

This Regulation shall enter into force on 8 March 2001.

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

Done at Brussels, 7 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 175, 14.7.2000, p. 69.

**COMMISSION REGULATION (EC) No 462/2001
of 7 March 2001**

fixing the representative prices and the additional import duties for molasses in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the market in sugar ⁽¹⁾, as amended by Commission Regulation 1527/2000 ⁽²⁾,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 8 March 2001.

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 141, 24.6.1995, p. 12.

⁽⁴⁾ OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 7 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 7 March 2001 fixing the representative prices and additional import duties to imports of molasses in the sugar sector

(in EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	9,05	—	0
1703 90 00 ⁽¹⁾	10,99	—	0

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

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

COMMISSION REGULATION (EC) No 463/2001**of 7 March 2001****fixing the export refunds on white sugar and raw sugar exported in its unaltered state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 8 March 2001.

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

Done at Brussels, 7 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 89, 10.4.1968, p. 3.

⁽⁴⁾ OJ L 349, 31.12.1994, p. 105.

⁽⁵⁾ OJ L 214, 8.9.1995, p. 16.

ANNEX

to the Commission Regulation of 7 March 2001 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	A00	EUR/100 kg	39,35 ⁽¹⁾
1701 11 90 9910	A00	EUR/100 kg	34,55 ⁽¹⁾
1701 11 90 9950	A00	EUR/100 kg	⁽²⁾
1701 12 90 9100	A00	EUR/100 kg	39,35 ⁽¹⁾
1701 12 90 9910	A00	EUR/100 kg	34,55 ⁽¹⁾
1701 12 90 9950	A00	EUR/100 kg	⁽²⁾
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,4278
1701 99 10 9100	A00	EUR/100 kg	42,78
1701 99 10 9910	A00	EUR/100 kg	42,17
1701 99 10 9950	A00	EUR/100 kg	42,17
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,4278

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

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

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

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

COMMISSION REGULATION (EC) No 464/2001**of 7 March 2001****supplementing the Annex to Regulation (EC) No 2400/96 on the entry of certain names in the 'Register of protected designations of origin and protected geographical indications' provided for in Council Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, as last amended by Commission Regulation (EC) No 2796/2000 ⁽²⁾, and in particular Article 6(3) and (4) thereof,

Whereas:

- (1) Under Article 5 of Regulation (EEC) No 2081/92, Spain has sent the Commission two applications for the registration of certain names as designations of origin.
- (2) In accordance with Article 6(1) of that Regulation, the applications have been found to meet all the requirements laid down therein and in particular to contain all the information required in accordance with Article 4 thereof.
- (3) No statements of objection have been received by the Commission under Article 7 of that Regulation in respect of the names given in the Annex to this Regulation following their publication in the *Official Journal of the European Communities* ⁽³⁾.

- (4) The names should therefore be entered in the 'Register of protected designations of origin and protected geographical indications' and hence be protected throughout the Community as protected designations of origin.

- (5) The Annex to this Regulation supplements the Annex to Commission Regulation (EC) No 2400/96 ⁽⁴⁾, as last amended by Regulation (EC) No 138/2001 ⁽⁵⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The names in the Annex hereto are added to the Annex to Regulation (EC) No 2400/96 and entered as protected designations of origin (PDO) or protected geographical indications (PGI) in the 'Register of protected designations of origin' provided for in Article 6(3) of Regulation (EEC) No 2081/92.

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, 7 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 208, 24.7.1992, p. 1.

⁽²⁾ OJ L 324, 21.12.2000, p. 26.

⁽³⁾ OJ C 173, 22.6.2000, pp. 4 and 8.

⁽⁴⁾ OJ L 327, 18.12.1996, p. 11.

⁽⁵⁾ OJ L 23, 25.1.2001, p. 17.

ANNEX

PRODUCTS LISTED IN ANNEX I TO THE EC TREATY, INTENDED FOR HUMAN CONSUMPTION**Fruit and vegetables**

SPAIN

Azafrán de la Mancha (AOP)

Pimentón de Murcia (AOP)

COMMISSION REGULATION (EC) No 465/2001
of 7 March 2001
amending the corrective amount applicable to the refund on cereals

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 13(8) thereof,

Whereas:

- (1) The corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EC) No 269/2001 ⁽³⁾, as last amended by Regulation (EC) No 414/2001 ⁽⁴⁾.
- (2) On the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered.

- (3) The corrective amount must be fixed according to the same procedure as the refund. It may be altered in the period between fixings,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 1(1)(a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to the export refunds fixed in advance in respect of the products referred to, except for malt, is hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 March 2001.

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

Done at Brussels, 7 March 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 39, 9.2.2001, p. 25.

⁽⁴⁾ OJ L 60, 1.3.2001, p. 39.

ANNEX

to the Commission Regulation of 7 March 2001 altering the corrective amount applicable to the refund on cereals

(EUR/t)

Product code	Destination	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7	5th period 8	6th period 9
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	—	—	—	—	—	—	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	C01	0	0,00	0,00	0,00	0,00	—	—
1002 00 00 9000	A00	0	0,00	0,00	0,00	-35,00	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	A00	0	-1,00	-2,00	-2,00	0,00	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	A00	0	0,00	0,00	0,00	-35,00	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	A00	0	-1,00	-2,00	-3,00	-4,00	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	C01	0	0,00	0,00	0,00	-5,00	—	—
1101 00 15 9130	C01	0	0,00	0,00	0,00	-5,00	—	—
1101 00 15 9150	C01	0	0,00	0,00	0,00	-5,00	—	—
1101 00 15 9170	C01	0	0,00	0,00	0,00	-5,00	—	—
1101 00 15 9180	C01	0	0,00	0,00	0,00	-5,00	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	C01	0	0,00	0,00	0,00	-50,00	—	—
1102 10 00 9700	C01	0	0,00	0,00	0,00	-45,00	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	A00	0	-1,50	-3,00	-3,00	0,00	—	—
1103 11 10 9400	A00	0	-1,34	-2,68	-2,68	0,00	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	A00	0	-1,37	-2,74	-2,74	0,00	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

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 as follows:

C01 All destinations except for Poland.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 26 February 2001

setting the terms for financial support to Guinea-Bissau in the fisheries sector

(2001/179/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) In accordance with the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau signed at Bissau on 27 February 1980 ⁽²⁾ (hereinafter 'the Agreement'), the Council, by Regulation (EC) No 2615/97 ⁽³⁾, has approved a protocol which sets out fishing possibilities and financial compensation for the period from 16 June 1997 to 15 June 2001 (hereinafter 'the Protocol').
- (2) As a result of the armed conflict which affected Guinea-Bissau from June 1998 until March 1999, the Government of Guinea-Bissau was not able to ensure the normal course of fishing activities under the said Agreement.
- (3) This exceptional situation endangered Community vessels and called for a temporary break in fishing under the said Agreement as from June 1998 until 1 April 1999. This temporary break in fishing also meant the non-payment *pro rata temporis* of the financial compensation referred to in Article 2 of the Protocol during the second year of its validity.
- (4) To facilitate the normal course of fishing activities by Community vessels under the Agreement following the

armed conflict, there is a need to set the terms for financial support to Guinea-Bissau in the fisheries sector.

- (5) It is appropriate for a sum corresponding to the unpaid financial compensation to be allocated as financial aid for the restoration of facilities supporting fishing activities, including infrastructure for monitoring these activities, under rules to be determined in accord with the legitimate authorities in Guinea-Bissau,

HAS DECIDED AS FOLLOWS:

Sole Article

The terms for granting financial support to Guinea-Bissau up to a maximum of EUR 6 500 000 for the restoration of facilities supporting fishing activities, shall be as follows:

1. the financial support will cover the following activities in particular:
 - support for the management of the Ministry of Fishing and the rehabilitation of equipment and infrastructure in the fisheries department,
 - strengthening of the system for maritime monitoring and supervision,
 - revitalisation and reinforcement of the fisheries research programmes;
2. on the basis of the presentation of a programme of activities by the Government of Guinea-Bissau, the Commission shall make available before 31 May 2001 to the Government of Guinea-Bissau, through the bank accounts notified by the Ministry of Fishing, an amount corresponding to 50 % of the cost of the planned activities;

⁽¹⁾ OJ C 219, 30.7.1999, p. 33.

⁽²⁾ OJ L 226, 29.8.1980, p. 33.

⁽³⁾ OJ L 353, 24.12.1997, p. 7.

3. the Commission will pay the balance of the funds, after acceptance of a detailed report which the Government of Guinea-Bissau shall send to the European Commission delegation, before 31 May 2003. This report will describe in detail the implementation of these activities and the results obtained. The Commission reserves the right to ask the Ministry of Fishing for any supplementary information, and to re-examine the payments involved in the light of the effective implementation of these activities.

Done at Brussels, 26 February 2001.

For the Council

The President

M. WINBERG

COMMISSION

COMMISSION DECISION

of 16 May 2000

on the aid scheme which Germany is planning to implement for company founders

(notified under document number C(2000) 1402)

(Only the German text is authentic)

(Text with EEA relevance)

(2001/180/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 88(2) thereof,

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof,

Having called on interested parties to submit their comments ⁽¹⁾,

Whereas:

meeting, the Commission subsequently registered the case as non-notified aid. Germany sent further information on the question of the entry into force of the provision and the treatment of sensitive sectors by letter dated 22 June 1998, comprehensive annexes to that communication being received by the Commission on 29 June and 1 July 1998.

(2) The Commission informed Germany by letter dated 17 August 1998 of its decision to declare the aid compatible with the common market to the extent that the scheme fell within the scope of the Community guidelines on State aid for small and medium-sized enterprises ⁽²⁾ (SME guidelines), and to initiate the procedure laid down in Article 88(2) of the EC Treaty as far as sensitive sectors were concerned.

(3) The Commission decision to initiate the procedure was published in the *Official Journal of the European Communities* ⁽³⁾. The Commission invited other interested parties to submit their comments on the scheme.

(4) No such comments were received.

(5) By letter dated 25 August 1998 Germany asked the Commission to confirm the accuracy of a list of sensitive sectors with a view to its being forwarded to the German tax authorities. The Commission acceded to this request by letter dated 7 December 1998. By letter dated 17 January 2000 Germany communicated the text of the Tax Provisions (Revision) Act (*Gesetz zur Bereinigung von steuerlichen Vorschriften*) of 22 December 1999 ⁽⁴⁾.

I. PROCEDURE

(1) By letter dated 9 August 1996, registered as received by the Commission's Secretariat-General on 14 August 1996, Germany notified the Commission pursuant to Article 88(3) of the EC Treaty of the draft of Section 7(g), paragraph 7, of the German Income Tax Act (*Einkommensteuergesetz* — EStG), which provides for a tax-free depreciation reserve for business start-ups. By letter dated 10 September 1996 the Commission asked for further information, which Germany provided by letter dated 10 March 1997. Further requests by the Commission dated 11 April 1997 and 8 August 1997 were answered by letters dated 24 June and 11 September 1997. Questions put by letter dated 11 November 1997 were discussed at a meeting between the German authorities and the Commission's departments held on 16 January 1998 in Bonn and answered by the German authorities in a letter dated 4 March 1998. On the basis of information obtained at that

⁽²⁾ OJ C 213, 23.7.1996, p. 4.

⁽³⁾ See footnote 1.

⁽⁴⁾ Federal Law Gazette, Part I, 29 December 1999, p. 2601.

⁽¹⁾ OJ C 334, 31.10.1998, p. 6.

II. DETAILED DESCRIPTION OF THE MEASURE

1. Description of Section 7(g), paragraph 7, of the EstG

- (6) The notified measure seeks to help company founders finance future investment in order to meet their particularly high investment needs.
- (7) It extends an existing measure authorised by the Commission on 14 July 1993 allowing enterprises under certain circumstances to deduct reserves for future investment from their taxable profits.
- (8) Investment must be in new moveable assets (*bewegliche Wirtschaftsgüter des Anlagevermögens*). The investment must be carried out before the end of the second year after the reserve is formed and the reserve must not exceed 50 % of the investment or DEM 300 000 (EUR 150 000). In the year the reserve is established the taxable profit of the enterprise will be reduced. When the investment expenditure is incurred, the reserve is added back to taxable profits, which are reduced by the usual accelerated depreciation allowance. If the planned investment is not undertaken within the two-year time limit, the reserve is cancelled and, with the addition of two years' interest at market rates, added back to taxable profits.
- (9) Section 7(g), paragraph 7, EStG extends this possibility for company founders within the meaning of the provision in several respects:
 - (a) the period within which the reserve may be kept is extended from two to four years;
 - (b) the maximum reserve is doubled to DEM 600 000 (EUR 300 000); and
 - (c) if the planned investment is not undertaken, there will be no interest added to the dissolved reserve.

2. The Commission's decision of 17 August 1998

- (10) By its decision of 17 August 1998 the Commission declared the notified scheme compatible with the common market to the extent that it fell under the SME guidelines.
- (11) Section 7(g), paragraph 7, EStG is worded in such a way that only small and medium-sized enterprises as defined in the Community guidelines may benefit under the scheme. Germany had argued that the provisions of Section 7(g), paragraph 7, EStG concerning the object of

assistance, the aid intensity, the eligible costs and the combination of aid were in keeping with the SME guidelines.

- (12) For the remaining part of the scheme, i.e. that applicable to sensitive sectors, the Commission decided to initiate the procedure laid down in Article 88(2) of the EC Treaty.
- (13) The Commission had serious doubts about the compatibility of the proposed aid with the common market under Article 87(3) of the EC Treaty in so far as the provision exceeded the scope of the SME guidelines, that is to say, to the extent that it applied to sensitive sectors. These doubts related to the question whether the procedure chosen by Germany could indeed ensure that the special rules governing the sensitive sectors were actually applied and hence whether the provision was compatible with the common market.
- (14) The Commission's reasoning was basically as follows:

Firstly, in its opinion, the so-called 'tax office solution' (*Finanzamtlösung*) procedure involved considerable legal uncertainties which would not have arisen had the scope of the notified measure been limited under the Act, and this despite the fact that the German authorities had argued ⁽⁵⁾ that the tax office solution ensured that all German tax offices in the country would be instructed to proceed accordingly, which, of course, could not exclude individual errors of application.

The Commission referred secondly to the limited scope of the undertakings given by the Member States concerning the application of Acts of Parliament directly conferring a right. In the State aid field the Commission relied on principle on Member States' assurances that they would comply with the obligations stemming from the Community State aid rules. However, where a national law directly granted a right to aid without the Member State concerned retaining any discretionary power, the Commission took the view that the applicable rules of national law had to be amended.

Lastly, the Commission considered that the invoking of the principle of the primacy of Community law, which underlay the German line of argument, was no suitable means of releasing Member States from their obligation to frame their national provisions in accordance with Community law. The Commission argued thus: in its view, it was not certain that the tax office solution would be accepted by a German court. An enterprise bringing an action to obtain tax exemption in one of the sensitive sectors excluded by Community law was not certain to fail. If that enterprise invoked its statutory right, it was only by transposing higher-ranking Community law that the administrative instruction contradicting the Act could prevail and hence exclude the enterprise from the benefit of the right conferred by the Act. It was questionable, however, whether the State could successfully rely on this principle before the courts in this way with a view to derogating from Acts of Parliament by means of administrative instructions.

⁽⁵⁾ On Germany's statement regarding the application of the provision in the sensitive sectors, see footnote 1, point 2.6.

The principle of the primacy of Community law was intended to make it possible to rely directly on Community law when applying it, despite the existence of opposing national laws. This principle could, however, scarcely serve as justification for the Member State itself to refrain from framing its laws in accordance with Community law. The manner of proceeding chosen by the Federal Government was therefore fraught with considerable legal uncertainty; for the enterprises concerned, the outcome was neither clear nor predictable.

- (15) Unlike Germany, the Commission therefore took the view that a higher degree of legal certainty could be achieved by a statutory provision which was more restrictive as to the rights conferred, i.e. expressly excluding the sensitive sectors, than by the 'tax office solution'.

III. COMMENTS FROM GERMANY

- (16) By letter dated 25 August 1998 Germany asked the Commission to confirm the accuracy of a list of sensitive sectors with a view to its being forwarded to the tax authorities. The Commission acceded to this request by letter dated 7 December 1998. Germany transmitted the Commission's reply to the highest tax authorities in the *Länder* together with the list of sensitive sectors, informing them that 'applications for the formation of the reserve under Section 7(g), paragraph 7, EStG [may] be processed only if no sensitive sector is involved'.

- (17) By letter dated 17 January 2000 Germany transmitted the text of the Tax Provisions (Revision) Act of 22 December 1999 ⁽⁶⁾. Under Article 1 point 6 of that Act the following paragraph 8 is added to Section 7 (g) EStG:

'8. Paragraph 7 shall be applicable only in so far as, in sensitive sectors, eligibility for aid is not excluded. Sensitive sectors are:

1. The iron and steel industry (Commission Decision No 2496/96/ECSC of 18 December 1996 establishing Community rules for State aid to the steel industry, OJ L 338, 28.12.1996, p. 42, and Framework for certain steel sectors not covered by the ECSC Treaty, OJ C 320, 13.12.1988, p. 3);
2. Shipbuilding (Council Directive 90/684/EEC of 21 December 1990 on aid to shipbuilding, OJ L 380, 31.12.1990, p. 27, and Council Regulation (EC) No 1540/98 of 29 June 1998 establishing new rules on aid to shipbuilding, OJ L 202, 18. 7.1998, p. 1);
3. The motor vehicle industry (Framework for State aid in the motor vehicle sector, OJ C 279, 15.9.1997, p. 1);

4. Synthetic fibres (Code on aid to the synthetic fibres industry, OJ C 94, 30.3.1996, p. 11, and OJ C 24, 29.1.1999, p. 18);
5. Agriculture (processing and marketing of agricultural products) (Guidelines for State aid in connection with investments in the processing and marketing of agricultural products, OJ C 29, 2.2.1996, p. 4, Commission Decision 94/173/EEC of 22 March 1994 on the selection criteria to be adopted for investments for improving the processing and marketing conditions for agricultural and forestry products and repealing Decision 90/342/EEC, OJ L 79, 23.3.1994, p. 29, and Council Regulation (EC) No 950/97 of 20 May 1997 on improving the efficiency of agricultural structures, OJ L 142, 2.6.1997, p. 1);
6. Fisheries and aquaculture (Guidelines for the examination of State aid to fisheries and aquaculture, OJ C 100, 27.3.1997, p. 12);
7. Transport (Council Regulation (EEC) No 1107/70 of 4 June 1970 on the granting of aid for transport by rail, road and inland waterway, OJ L 130, 15.6.1970, p. 1, as amended by Regulation (EC) No 543/97 of 17 March 1997, OJ L 84, 26.3.1997, p. 6; Community guidelines on State aid to maritime transport, OJ C 205, 5.7.1997, p. 5; and application of Articles 92 and 93 of the EC Treaty and Article 61 of the EEA Agreement to State aids in the aviation sector, OJ C 350, 10.12.1994, p. 5); and
8. Coal (Commission Decision No 3632/93 ECSC of 28 December 1993 establishing Community rules for State aid to the coal industry, OJ L 329, 30.12.1993, p. 12).

The extent of eligibility for aid is laid down in the legal instruments referred to in the second sentence.'

- (18) The provision entered into force on 1 January 2000.

IV. ASSESSMENT OF THE AID

- (19) The Commission has assessed the provisions of Section 7, paragraph 8, EStG and has come to the conclusion that the list of sensitive sectors is in keeping with its letter and is accurate.
- (20) With regard to agriculture, it would draw Germany's attention to the fact that the above-mentioned instruments have been replaced with effect from 1 January 2000 by Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations ⁽⁷⁾ and by the Community guidelines for State aid in the agriculture sector ⁽⁸⁾.

⁽⁶⁾ See footnote 4.

⁽⁷⁾ OJ L 160, 26.6.1999, p. 80.

⁽⁸⁾ OJ C 28, 1.2.2000, p. 2.

- (21) With the adoption of the above statutory provision, the Commission's doubts about the compatibility of the notified aid scheme with the common market — doubts which led to its decision of 17 August 1998 to initiate the formal examination procedure to the extent that the scheme affected the sensitive sectors — have been removed. The enterprises concerned can now see from the Act itself whether they are entitled under Community law to the tax exemption provided for in Section 7(g), paragraph 7, EStG. The Commission's concerns regarding the lesser degree of legal certainty afforded by the 'tax office solution' are thus allayed.
- (22) This holds true at least as of the date of entry into force of Section 7(g), paragraph 8, EStG, namely 1 January 2000. Nevertheless, even for the period between the entry into force of the scheme provided for in Section 7(g), paragraph 7, EStG and the entry into force of the amendment introduced by Section 7(g), paragraph 8, EStG, no other decision needed to be taken in this matter. The Commission did admittedly decide to register the case as non-notified aid because, in view of the nature of the scheme as a directly applicable tax provision, it regarded publication in the Federal Law Gazette without any proviso as a failure by the Member State to fulfil its obligations under Article 88 of the EC Treaty ⁽⁹⁾. There is no evidence to suggest, however, that, during the period between the entry into force of the scheme provided for in Section 7(g), paragraph 7, EStG and the entry into force of the amendment introduced by Section 7(g), paragraph 8, EStG, any enterprise doing business in one of the sensitive sectors actually benefited from the tax break. The question of an investigation into aid paid unlawfully under Section 7(g), paragraph 7, and

of the recovery of unlawfully paid aid therefore does not arise in respect of this period either.

V. CONCLUSION

- (23) By inserting Section 7(g), paragraph 8, into the Income Tax Act and thereby excluding the sensitive sectors by law from the scope of the aid scheme provided for in Section 7(g), paragraph 7, of that Act, the Federal Republic of Germany has allayed the concerns which induced the Commission to initiate the formal investigation procedure in respect of the tax-free depreciation reserve for business start-ups provided for in the said Section 7(g), paragraph 7. The formal investigation procedure ought therefore to be closed,

HAS ADOPTED THIS DECISION:

Article 1

Proceeding C 56/98 concerning the scheme of aid contained in Section 7(g), paragraph 7, of the German Income Tax Act in favour of company founders is hereby closed.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 16 May 2000.

For the Commission

Mario MONTI

Member of the Commission

⁽⁹⁾ See footnote 4, points 2.7 and 3.

COMMISSION DECISION

of 22 February 2001

amending Annex I to Council Decision 91/666/EEC establishing Community reserves of foot-and-mouth disease vaccines and updating Decision 2000/112/EC with regard to distribution between antigen banks of antigen reserves

(notified under document number C(2001) 425)

(Text with EEA relevance)

(2001/181/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 91/666/EEC of 11 December 1991 establishing Community reserves of foot-and-mouth disease vaccines ⁽¹⁾, as last amended by Decision 1999/762/EC ⁽²⁾, and in particular Articles 7 and 9 thereof,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽³⁾, as last amended by Regulation (EC) No 1258/1999 ⁽⁴⁾, and in particular Article 14 thereof,

Whereas:

- (1) In conformity with Decision 91/666/EEC, the purchase of antigens is a part of the Community action to establish Community reserves of foot-and-mouth disease vaccines.
- (2) Annex I to Decision 91/666/EEC details the quantities and subtypes of antigen of the foot-and-mouth disease virus to be stored in Community antigen reserves.
- (3) Forced by the epidemiological situation and following the advice of the World Reference Laboratory for Foot-and-Mouth Disease, Pirbright, United Kingdom, and the advice of an expert group established to review certain provisions of Directive 85/511/EEC ⁽⁵⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, the Community has made purchases of subtypes and quantities of foot-and-mouth disease virus antigens.
- (4) By Commission Decision 93/590/EC of 5 November 1993 for the purchase by the Community of foot-and-mouth disease antigens within the framework of the Community action concerning reserves of foot-and-mouth disease vaccines ⁽⁶⁾, as last amended by Decision 2000/112/EC ⁽⁷⁾, arrangements were made for purchase of A5, A22 and O1 foot-and-mouth disease virus antigens.

- (5) By Commission Decision 97/348/EC of 23 May 1997 for the purchase by the Community of foot-and-mouth disease antigens and for the formulation, production, bottling and distribution of vaccines against foot-and-mouth disease ⁽⁸⁾, as last amended by Decision 2000/112/EC, arrangements were made for the purchase of A22-Iraq, C1 and ASIA1 foot-and-mouth disease virus antigens.
- (6) By Commission Decision 2000/77/EC of 17 December 1999 for the purchase by the Community of foot-and-mouth disease antigens and for the formulation, production, bottling and distribution of vaccines against foot-and-mouth disease ⁽⁹⁾, arrangements were made for purchase of certain quantities of A Iran 96, A Iran 99, A Malaysia 97, SAT 1, SAT 2 (East African and Southern African strains) and SAT 3 foot-and-mouth disease virus antigen.
- (7) By Commission Decision 2000/569/EC of 8 September 2000 for the purchase by the Community of foot-and-mouth disease antigens and for the formulation, production, bottling and distribution of vaccines against foot-and-mouth disease ⁽¹⁰⁾, arrangements were made for purchase of additional quantities of A22-Iraq, O1-Manisa, ASIA 1-Shamir, A Malaysia 97, SAT 1, SAT 2 (East African and Southern African strains) and SAT 3 foot-and-mouth disease virus antigen.
- (8) It appears necessary to align Annex I to Decision 91/666/EEC to the purchases made by the Community in the light of the epidemiological development.
- (9) It appears also appropriate to update the Annex to Decision 2000/112/EC detailing the distribution between antigen banks of antigen reserves established within the framework of the Community action concerning reserves of foot-and-mouth disease vaccines and amending Decisions 93/590/EC and 97/348/EC.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

⁽¹⁾ OJ L 368, 31.12.1991, p. 21.

⁽²⁾ OJ L 301, 24.11.1999, p. 6.

⁽³⁾ OJ L 224, 18.8.1990, p. 19.

⁽⁴⁾ OJ L 160, 26.6.1999, p. 103.

⁽⁵⁾ OJ L 315, 26.11.1985, p. 11.

⁽⁶⁾ OJ L 280, 13.11.1993, p. 33.

⁽⁷⁾ OJ L 33, 8.2.2000, p. 21.

⁽⁸⁾ OJ L 148, 6.6.1997, p. 27.

⁽⁹⁾ OJ L 30, 4.2.2000, p. 35.

⁽¹⁰⁾ OJ L 238, 22.9.2000, p. 61.

HAS ADOPTED THIS DECISION:

Article 1

Annex I to Decision 91/666/EEC is replaced by Annex I to this Decision.

Article 2

The Annex to Decision 2000/112/EC is replaced by Annex II to this Decision.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 22 February 2001.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

'ANNEX I

Quantities and sub-types of antigen to be held in the antigen banks

Potent well-tested vaccine strains corresponding to:

- | | | | |
|----|-------|-----------------------|---------------------------|
| 1. | O | European strain | O1-BFS |
| | | Middle East strain | O1-Manisa |
| 2. | A | South American strain | A24-Cruzeiro |
| | | Middle East strain | A22-Iraq |
| | | Middle East strain | A-Iran 96 |
| | | Middle East strain | A-Iran 99 |
| | | Asian strain | A-Malaysia 97 |
| 3. | C | European strain | C1-Noville |
| 4. | ASIA1 | | ASIA1-Shamir |
| 5. | SAT | SAT 1 | |
| | | SAT 2 | — East African strain |
| | | | — Southern African strain |
| | | SAT 3 | |

The above strains shall be kept in quantities sufficient to carry out an emergency vaccination taking into account the estimated risks the different subtypes present to the Community livestock and in any case not less than two million doses of each subtype.

Each dose of vaccine reconstituted from the above antigen should have an observed potency of 6 PD50 in cattle, when tested according to the European Pharmacopoeia.'

ANNEX II

'ANNEX

EUROPEAN ANTIGEN BANK	Designated antigen banks			EUROPEAN ANTIGEN BANK
	IZP Brescia	LNPB Lyon	Merial SAS Pirbright/Lyon	
Antigen type/subtype	Quantity ⁽¹⁾ (× 1 000 000)	Quantity ⁽¹⁾ (× 1 000 000)	Quantity ⁽¹⁾ (× 1 000 000)	Totals (× 1 000 000)
O1 — Manisa	2,5	2,5		5,0
O1 — BFS		2,5	1,0	3,5
A24 — Cruzeiro		2,5	2,5	5,0
A22 — Iraq	2,5	2,2		4,7
A Iran 96			1,0	1,0
A Iran 99			1,0	1,0
A Malaysia 97			0,5	0,5
C1 — Noville	2,5		2,5	5,0
ASIA1 — Shamir	2,5		1,0	3,5
SAT 1			0,5	0,5
SAT 2 (E Africa)			0,5	0,5
SAT 2 (S Africa)			0,5	0,5
SAT 3			0,5	0,5
Quantity ⁽¹⁾ (× 1 000 000) total per site	10,0	9,7	11,5	31,2

⁽¹⁾ quantity in vaccine equivalent antigen doses.'

EUROPEAN ECONOMIC AREA

THE EEA JOINT COMMITTEE

DECISION OF THE EEA JOINT COMMITTEE

No 1/2001

of 31 January 2001

amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex II to the Agreement was amended by Decision No 74/2000 of the EEA Joint Committee of 2 October 2000 ⁽¹⁾.
- (2) Commission Directive 1999/21/EC of 25 March 1999 on dietary foods for special medical purposes ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following point shall be inserted after point 54v (Commission Decision 1999/217/EC) in Chapter XII of Annex II to the Agreement:

'54w. **399 L 0021:** Commission Directive 1999/21/EC of 25 March 1999 on dietary foods for special medical purposes, as corrected by OJ L 2, 5.1.2000, p. 79 (OJ L 91, 7.4.1999, p. 29).'

Article 2

The texts of Directive 1999/21/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Communities*, shall be authentic.

Article 3

This Decision shall enter into force on 1 February 2001, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

⁽¹⁾ OJ L 315, 14.12.2000, p. 11.

⁽²⁾ OJ L 91, 7.4.1999, p. 29; Corrigendum: OJ L 2, 5.1.2000, p. 79.

(*) No constitutional requirements indicated.

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 31 January 2001.

For the EEA Joint Committee
The President
P. WESTERLUND

DECISION OF THE EEA JOINT COMMITTEE

No 2/2001

of 31 January 2001

amending Annex II (Technical regulations, standards testing and certification) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex II to the Agreement was amended by Decision No 76/2000 of the EEA Joint Committee of 2 October 2000 ⁽¹⁾.
- (2) Commission Regulation (EC) No 1286/2000 of 19 June 2000 amending Annexes I, II and III of Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Regulation (EC) No 1295/2000 of 20 June 2000 amending Annexes II and III to Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin ⁽³⁾ is to be incorporated into the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The following indents shall be added in point 14 (Council Regulation (EEC) No 2377/90) in Chapter XIII of Annex II to the Agreement:

- **32000 R 1286:** Commission Regulation (EC) No 1286/2000 of 19 June 2000 (OJ L 145, 20.6.2000, p. 15).
- **32000 R 1295:** Commission Regulation (EC) No 1295/2000 of 20 June 2000 (OJ L 146, 21.6.2000, p. 11).'

Article 2

The texts of Regulations (EC) No 1286/2000 and (EC) No 1295/2000 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Communities*, shall be authentic.

Article 3

This Decision shall enter into force on 1 February 2001, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 31 January 2001.

For the EEA Joint Committee

The President

P. WESTERLUND

⁽¹⁾ OJ L 315, 14.12.2000, p. 14.

⁽²⁾ OJ L 145, 20.6.2000, p. 15.

⁽³⁾ OJ L 146, 21.6.2000, p. 11.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 3/2001

of 31 January 2001

amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex II to the Agreement was amended by Decision No 30/2000 of the EEA Joint Committee of 31 March 2000 ⁽¹⁾.
- (2) Commission Decision 2000/367/EC of 3 May 2000 implementing Council Directive 89/106/EEC as regards the classification of the resistance to fire performance of construction products, construction works and parts thereof ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following indent shall be added in point 1 (Council Directive 89/106/EEC) in Chapter XXI of Annex II to the Agreement:

— **32000 D 0367:** Commission Decision 2000/367/EC of 3 May 2000 (OJ L 133, 6.6.2000, p. 26).'

Article 2

The texts of Decision 2000/367/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Communities*, shall be authentic.

Article 3

This Decision shall enter into force on 1 February 2001, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 31 January 2001.

For the EEA Joint Committee

The President

P. WESTERLUND

⁽¹⁾ OJ L 141, 15.6.2000, p. 53.

⁽²⁾ OJ L 133, 6.6.2000, p. 26.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 4/2001
of 31 January 2001
amending Annex IX (Financial services) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex IX to the Agreement was amended by Decision No 117/1999 of the EEA Joint Committee of 30 September 1999 ⁽¹⁾.
- (2) Directive 2000/26/EC of the European Parliament and of the Council of 16 May 2000 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles and amending Council Directives 73/239/EEC and 88/357/EEC (Fourth motor insurance Directive) ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Annex IX to the Agreement shall be amended as follows:

1. The following point shall be inserted after point 10 (third Council Directive 90/232/EEC):
'10a. **32000 L 0026:** Directive 2000/26/EC of the European Parliament and of the Council of 16 May 2000 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles and amending Council Directives 73/239/EEC and 88/357/EEC (Fourth motor insurance Directive) (OJ L 181, 20.7.2000, p. 65).'
2. The following indent shall be added in point 2 (First Council Directive 73/239/EEC) and point 7 (Second Council Directive 88/357/EEC):
'— **32000 L 0026:** Directive 2000/26/EC of the European Parliament and of the Council of 16 May 2000 (OJ L 181, 20.7.2000, p. 65).'

Article 2

The texts of Directive 2000/26/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Communities*, shall be authentic.

Article 3

This Decision shall enter into force on 1 February 2001, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 31 January 2001.

For the EEA Joint Committee
The President
P. WESTERLUND

⁽¹⁾ OJ L 325, 21.12.2000, p. 32.

⁽²⁾ OJ L 181, 20.7.2000, p. 65.

(*) Constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 5/2001
of 31 January 2001
amending Annex IX (Financial services) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex IX to the Agreement was amended by Decision No 117/1999 of the EEA Joint Committee of 30 September 1999 ⁽¹⁾.
- (2) Commission Recommendation 2000/408/EC of 23 June 2000 concerning disclosure of information on financial instruments and other items complementing the disclosure required according to Council Directive 86/635/EEC on the annual accounts and consolidated accounts of banks and other financial institutions ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following point shall be inserted after point 38 (Commission Recommendation 97/489/EC) of Annex IX to the Agreement:

- '39. **32000 X 0408:** Commission Recommendation 2000/408/EC of 23 June 2000 concerning disclosure of information on financial instruments and other items complementing the disclosure required according to Council Directive 86/635/EEC on the annual accounts and consolidated accounts of banks and other financial institutions (OJ L 154, 27.6.2000, p. 36).'

Article 2

The texts of Recommendation 2000/408/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Communities*, shall be authentic.

Article 3

This Decision shall enter into force on 1 February 2001, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 31 January 2001.

For the EEA Joint Committee

The President

P. WESTERLUND

⁽¹⁾ OJ L 325, 21.12.2000, p. 32.

⁽²⁾ OJ L 154, 27.6.2000, p. 36.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 6/2001
of 31 January 2001
amending Annex XV (State aid) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XV to the Agreement was amended by Decision No 12/1999 of the EEA Joint Committee of 29 January 1999 ⁽¹⁾.
- (2) Commission Directive 2000/52/EC of 26 July 2000 amending Directive 80/723/EEC on the transparency of financial relations between Member States and public undertakings ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following indent shall be added in point 1 (Commission Directive 80/723/EEC) of Annex XV to the Agreement:

— **32000 L 0052:** Commission Directive 2000/52/EC of 26 July 2000 (OJ L 193, 29.7.2000, p. 75).'

Article 2

The texts of Directive 2000/52/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Communities*, shall be authentic.

Article 3

This Decision shall enter into force on 1 February 2001, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to the *Official Journal of the European Communities*.

Done at Brussels, 31 January 2001.

For the EEA Joint Committee
The President
P. WESTERLUND

⁽¹⁾ OJ L 35, 10.2.2000, p. 43.

⁽²⁾ OJ L 193, 29.7.2000, p. 75.

(*) Constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 7/2001
of 31 January 2001
amending Annex XX (Environment) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XX to the Agreement was amended by Decision No 152/1999 of the EEA Joint Committee of 5 November 1999 ⁽¹⁾.
- (2) Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following point shall be inserted after point 7 (Council Directive 80/778/EEC) in Annex XX to the Agreement:

'7a. **398 L 0083**: Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption (OJ L 330, 5.12.1998, p. 32).'

Article 2

The texts of Directive 98/83/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Communities*, shall be authentic.

Article 3

This Decision shall enter into force on 1 February 2001, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 31 January 2001.

For the EEA Joint Committee
The President
P. WESTERLUND

⁽¹⁾ OJ L 15, 18.1.2001, p. 53.

⁽²⁾ OJ L 330, 5.12.1998, p. 32.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 8/2001
of 31 January 2001
amending Annex XX (Environment) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XX to the Agreement was amended by Decision No 22/2000 of the EEA Joint Committee of 25 February 2000 ⁽¹⁾.
- (2) Directive 1999/94/EC of the European Parliament and of the Council of 13 December 1999 relating to the availability of consumer information on fuel economy and CO₂ emissions in respect of the marketing of new passenger cars ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following point shall be inserted after point 21ab (Council Directive 1999/13/EC) in Chapter III of Annex XX to the Agreement:

'21ac. **399 L 0094:** Directive 1999/94/EC of the European Parliament and of the Council of 13 December 1999 relating to the availability of consumer information on fuel economy and CO₂ emissions in respect of the marketing of new passenger cars (OJ L 12, 18.1.2000, p. 16).³

Article 2

The texts of Directive 1999/94/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Communities*, shall be authentic.

Article 3

This Decision shall enter into force on 1 February 2001, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 31 January 2001.

For the EEA Joint Committee

The President

P. WESTERLUND

⁽¹⁾ Not yet published in the Official Journal.

⁽²⁾ OJ L 12, 18.1.2000, p. 16.

(*) Constitutional requirements indicated.