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Commission

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- ★ **Commission Decision of 26 March 2001 amending Decision 2001/208/EC concerning certain protection measures with regard to foot-and-mouth disease in France** ⁽¹⁾ (notified under document number C(2001) 983) 35

⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 582/2001
of 26 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 27 March 2001.

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

Done at Brussels, 26 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 26 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	87,7
	204	36,4
	212	92,2
	624	102,5
	999	79,7
0707 00 05	052	124,1
	999	124,1
0709 10 00	220	255,0
	999	255,0
0709 90 70	052	129,7
	204	105,0
	999	117,3
0805 10 10, 0805 10 30, 0805 10 50	052	60,6
	204	48,0
	212	50,2
	624	59,5
	999	54,6
0805 30 10	052	57,2
	999	57,2
0808 10 20, 0808 10 50, 0808 10 90	388	90,4
	400	88,3
	404	81,1
	508	85,9
	512	78,1
	528	90,3
	720	106,6
	728	105,3
	999	90,8
	999	90,8
0808 20 50	388	68,7
	512	74,3
	528	75,9
	999	73,0

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2032/2000 (OJ L 243, 28.9.2000, p. 14). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 583/2001
of 26 March 2001
closing an invitation to tender for the supply of cereals as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

By Regulation (EC) No 447/2001 ⁽²⁾, the Commission issued an invitation to tender for the supply of cereals as food aid. The conditions of the supply, as regards lot C should be reviewed

and the invitation to tender for this lot should consequently be closed,

HAS ADOPTED THIS REGULATION:

Article 1

For lot C of the Annex to Regulation (EC) No 447/2001 the invitation to tender is closed.

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, 26 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 64, 6.3.2001, p. 7.

COMMISSION REGULATION (EC) No 584/2001**of 26 March 2001****amending Regulations (EC) No 1103/2000 and (EC) No 1926/2000 providing for the granting of compensation to producers' organisations in respect of tuna delivered to the processing industry from 1 July to 30 September 1999 and from 1 October to 31 December 1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the market in fishery and aquaculture products ⁽¹⁾, and in particular Article 27(6) thereof,

Whereas:

(1) Regulation (EC) No 104/2000 replaced Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organisation of the market in fishery and aquaculture products ⁽²⁾ with effect from 1 January 2001. Article 27 of Regulation (EC) No 104/2000 provides for an allowance to be granted to producers' organisations in respect of tuna delivered to the processing industry, which was formerly provided for in Article 18 of Regulation (EEC) No 3759/92.

(2) By Commission Regulations (EC) No 1103/2000 ⁽³⁾ and (EC) No 1926/2000 ⁽⁴⁾, the allowance provided for in Article 18 of Regulation (EEC) No 3759/92 was granted respectively from 1 July to 30 September and from 1 October to 31 December 1999 to producer organisations in respect of yellowfin tuna (*Thunnus albacares*) weighing more than 10 kg each, yellowfin tuna (*Thunnus albacares*) not weighing more than 10 kg each and skipjack or stripe-bellied bonito (*Euthynnus (Katsuwonus) pelamis*).

(3) According to the Spanish authorities, some members of the producer organisation OPTUC (Organización de Productores de Túnidos Congelados) withdrew their membership in June 1998 and became members of the producer organisation Opagac (Organización de Productores Asociados de Grandes Atuneros Congeladores de España). On 16 October 2000 the Spanish authorities provided the Commission with final data concerning the

quantities of tuna that were sold and delivered to the processing industry by the members of the concerned producer organisations in the period from 1 July 1995 until 30 June 1998. These final data modified the data sent to the Commission on 30 July 1998 following the change of enterprises and vessels from OPTUC to Opagac.

(4) The data provided by the Spanish authorities do affect the allocation of quantities eligible for compensation among the two producer organisations concerned for the periods from 1 July to 30 September 1999 and from 1 October to 31 December 1999 as laid down respectively in the Annex to Regulation (EC) No 1103/2000 and in the Annex to Regulation (EC) No 1926/2000.

(5) Regulations (EC) No 1103/2000 and (EC) No 1926/2000 should therefore be amended accordingly.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1103/2000 is replaced by the text shown in Annex I to this Regulation.

Article 2

The Annex to Regulation (EC) No 1926/2000 is replaced by the text shown in Annex II to this Regulation.

Article 3

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

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

⁽²⁾ OJ L 388, 31.12.1992, p. 1.

⁽³⁾ OJ L 125, 26.5.2000, p. 18.

⁽⁴⁾ OJ L 230, 12.9.2000, p. 10.

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

Done at Brussels, 26 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

'ANNEX

Allocation among producers' organisations of quantities of tuna on which the compensatory allowance is payable for the period 1 July to 30 September 1999, broken down by compensation percentage band

1. (tonnes)

Yellowfin tuna (<i>Thunnus albacares</i>) weighing more than 10 kg each	Quantities 100 % of which is eligible for compensation	Quantities 50 % of which is eligible for compensation	Total quantities on which compensation is payable
Opagac	1 835,411	0	1 835,411
OPTUC	1 212,810	0	1 212,810
OP 42 (Can.)	196,277	0	196,277
Orthongel	1 604,884	205,236	1 810,120
APASA	0	0	0
Madeira	0	0	0
EU — Total	4 849,382	205,236	5 054,618

2. (tonnes)

Yellowfin tuna (<i>Thunnus albacares</i>) not weighing more than 10 kg each	Quantities 100 % of which is eligible for compensation	Quantities 50 % of which is eligible for compensation	Total quantities on which compensation is payable
Opagac	1 603,622	50,322	1 653,944
OPTUC	706,830	22,181	729,011
OP 42 (Can.)	0	0	0
Orthongel	2,467	0,077	2,544
APASA	0	0	0
Madeira	0	0	0
EU — Total	2 312,919	72,580	2 385,499

3. (tonnes)

Skipjack or stripe-bellied bonito (<i>Euthynnus (Katsuwonus) pelamis</i>)	Quantities 100 % of which is eligible for compensation	Quantities 50 % of which is eligible for compensation	Total quantities on which compensation is payable
Opagac	6 030,949	1 416,642	7 447,591
OPTUC	4 995,189	1 173,347	6 168,536
OP 42 (Can.)	282,770	0	282,770
Orthongel	25,619	6,018	31,637
APASA	921,880	0	921,880
Madeira	107,270	0	107,270
EU — Total	12 363,677	2 596,007	14 959,684

ANNEX II

'ANNEX

Allocation among producers' organisations of quantities of tuna on which the compensatory allowance is payable for the period 1 October to 31 December 1999, broken down by compensation percentage band

1. (tonnes)

Yellowfin tuna (<i>Thunnus albacares</i>) weighing more than 10 kg each	Quantities 100 % of which is eligible for compensation	Quantities 50 % of which is eligible for compensation	Total quantities on which compensation is payable
Opagac	2 990,747	0	2 990,747
OPTUC	2 651,937	943,088	3 595,025
OP 42 (Can.)	108,256	0	108,256
Orthongel	1 777,962	109,592	1 887,554
APASA	0	0	0
Madeira	0	0	0
EU — Total	7 528,902	1 052,680	8 581,582

2. (tonnes)

Yellowfin tuna (<i>Thunnus albacares</i>) not weighing more than 10 kg each	Quantities 100 % of which is eligible for compensation	Quantities 50 % of which is eligible for compensation	Total quantities on which compensation is payable
Opagac	4 019,423	11,635	4 031,058
OPTUC	2 525,672	110,640	2 636,312
OP 42 (Can.)	0	0	0
Orthongel	0	0	0
APASA	0	0	0
Madeira	0	0	0
EU — Total	6 545,095	122,275	6 667,370

3. (tonnes)

Skipjack or stripe-bellied bonito (<i>Euthynnus (Katsuwonus) pelamis</i>)	Quantities 100 % of which is eligible for compensation	Quantities 50 % of which is eligible for compensation	Total quantities on which compensation is payable
Opagac	5 766,904	460,494	6 227,398
OPTUC	5 718,278	456,610	6 174,888
OP 42 (Can.)	159,639	0	159,639
Orthongel	1,190	0	1,190
APASA	0	0	0
Madeira	0	0	0
EU — Total	11 646,011	917,104	12 563,115'

**COMMISSION REGULATION (EC) No 585/2001
of 26 March 2001**

providing for compensation to producer organisations for tuna delivered to the processing industry between 1 January and 31 March 2000

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the market in fishery and aquaculture products ⁽¹⁾, and in particular Article 27(6) thereof,

Whereas:

- (1) Until 31 December 2000, Article 18 of Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organisation of the market in fishery and aquaculture products ⁽²⁾, which was repealed by Regulation (EC) No 104/2000, provided for a compensatory allowance to be granted under certain conditions to Community tuna producer organisations for quantities of tuna delivered to the processing industry during the calendar quarter for which prices had been recorded, where both the average quarterly selling price recorded on the Community market and the free-at-frontier price plus any applicable countervailing charge were lower than 91 % of the Community producer price for the product concerned.
- (2) An examination of the situation on the Community market in the year 2000 has shown that between 1 January and 31 March of that year both the average quarterly selling price and the free-at-frontier price as referred to in Article 18 of Regulation (EEC) No 3759/92 for yellowfin tuna (*Thunnus albacares*) weighing more than 10 kg each, yellowfin tuna (*Thunnus albacares*) weighing not more than 10 kg each, bigeye tuna (*Thunnus obesus*) and skipjack or stripe-bellied bonito (*Euthynnus (Katsuwonus) pelamis*) were lower than 91 % of the Community producer price in force, as laid down in Council Regulation (EC) No 2748/1999 ⁽³⁾.
- (3) The conditions laid down by Regulation (EEC) No 3759/92 should be retained in order to take a decision on granting the compensatory allowance on the products in question for the period from 1 January to 31 March 2000.
- (4) Entitlement to the compensatory allowance should be determined on the basis of sales covered by invoices bearing a date falling within the quarter concerned and which have been used to calculate the average monthly selling price referred to in Article 7(1)(b) of Commission Regulation (EEC) No 2210/93 ⁽⁴⁾, which was repealed with effect from 1 January 2001 by Commission Regulation (EC) No 80/2001 ⁽⁵⁾.
- (5) The level of the compensation provided for in Article 18(2) of Regulation (EEC) No 3759/92 may not in any case exceed either the difference between the triggering threshold and the average selling price of the product in question on the Community market or a flat-rate amount equivalent to 12 % of that threshold.
- (6) The quantities on which compensation as provided for in Article 18(1) of Regulation (EEC) No 3759/92 is payable may under no circumstances exceed the limits laid down in paragraph 3 of that Article for the quarter concerned.
- (7) The quantities of yellowfin tuna (*Thunnus albacares*) weighing more than 10 kg each, yellowfin tuna (*Thunnus albacares*) weighing not more than 10 kg each, bigeye tuna (*Thunnus obesus*) and skipjack or stripe-bellied bonito (*Euthynnus (Katsuwonus) pelamis*) sold and delivered to the processing industry established in the customs territory of the Community were higher during the quarter concerned than the quantities sold and delivered during the same quarter of the three previous fishing years. Since those quantities exceed the limit set in Article 18(3) of Regulation (EEC) No 3759/92, the total quantities of those products on which compensation is payable should therefore be limited.

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

⁽²⁾ OJ L 388, 31.12.1992, p. 1.

⁽³⁾ OJ L 331, 23.12.1999, p. 28.

⁽⁴⁾ OJ L 197, 6.8.1993, p. 8.

⁽⁵⁾ OJ L 13, 17.1.2001, p. 3.

- (8) In accordance with the ceilings laid down in Article 18(4) of Regulation (EEC) No 3759/92 for the purpose of calculating the allowance to be granted to each producer organisation, the quantities on which the allowance is payable should be allocated among the producer organisations concerned in proportion to the quantities produced by them in the same quarter of the 1997, 1998 and 1999 fishing years.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

The compensatory allowance to producer organisations for tuna delivered to the processing industry shall be granted for the period from 1 January to 31 March 2000 in respect of the following products:

(EUR/tonne)	
Product	Maximum allowance
Yellowfin tuna (<i>Thunnus albacares</i>) weighing more than 10 kg each	8
Yellowfin tuna (<i>Thunnus albacares</i>) weighing not more than 10 kg each	104
Bigeye tuna (<i>Thunnus obesus</i>)	13
Skipjack or stripe-bellied bonito (<i>Euthynnus (Katsuwonus) pelamis</i>)	83

Article 2

- The total quantities on which the allowance for these species is payable shall be:
 - yellowfin tuna (*Thunnus albacares*) weighing more than 10 kg each: 11 739,039 tonnes
 - yellowfin tuna (*Thunnus albacares*) weighing not more than 10 kg each: 6 148,861 tonnes
 - bigeye tuna (*Thunnus obesus*): 684,420 tonnes
 - skipjack or stripe-bellied bonito (*Euthynnus (Katsuwonus) pelamis*): 10 040,996 tonnes.
- The allocation of the total quantity among the producer organisations concerned shall be as set out in the Annex hereto.

Article 3

This Regulation shall enter into force on the seventh 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 March 2001.

For the Commission
 Franz FISCHLER
 Member of the Commission

ANNEX

Allocation among producer organisations of quantities of tuna on which the compensatory allowance is payable for the period 1 January to 31 March 2000, broken down by compensation percentage band

1. (tonnes)

Yellowfin tuna (<i>Thunnus albacares</i>) weighing more than 10 kg each	Quantities 100 % of which is eligible for compensation	Quantities 50 % of which is eligible for compensation	Total quantities on which compensation is payable
Opagac	3 091,113	0	3 091,113
OPTUC	4 697,777	0	4 697,777
OP 42 (Can.)	0	0	0
Orthongel	3 950,149	0	3 950,149
APASA	0	0	0
Madeira	0	0	0
EU — Total	11 739,039	0	11 739,039

2. (tonnes)

Yellowfin tuna (<i>Thunnus albacares</i>) not weighing more than 10 kg each	Quantities 100 % of which is eligible for compensation	Quantities 50 % of which is eligible for compensation	Total quantities on which compensation is payable
Opagac	3 067,739	0	3 067,739
OPTUC	3 004,708	0	3 004,708
OP 42 (Can.)	0	0	0
Orthongel	76,414	0	76,414
APASA	0	0	0
Madeira	0	0	0
EU — Total	6 148,861	0	6 148,861

3. (tonnes)

Bigeye tuna (<i>Thunnus obesus</i>)	Quantities 100 % of which is eligible for compensation	Quantities 50 % of which is eligible for compensation	Total quantities on which compensation is payable
Opagac	326,997	1,262	328,259
OPTUC	293,932	1,135	295,067
OP 42 (Can.)	0	0	0
Orthongel	60,859	0,235	61,094
APASA	0	0	0
Madeira	0	0	0
EU — Total	681,788	2,632	684,420

4. (tonnes)

Skipjack or stripe-bellied bonito (<i>Euthynnus (Katsuwonus) pelamis</i>)	Quantities 100 % of which is eligible for compensation	Quantities 50 % of which is eligible for compensation	Total quantities on which compensation is payable
Opagac	5 432,346	398,364	5 830,710
OPTUC	4 204,620	0	4 204,620
OP 42 (Can.)	0	0	0
Orthongel	5,279	0,387	5,666
APASA	0	0	0
Madeira	0	0	0
EU — Total	9 642,245	398,751	10 040,996

COMMISSION REGULATION (EC) No 586/2001
of 26 March 2001
on implementing Council Regulation (EC) No 1165/98 concerning short-term statistics as regards
the definition of Main Industrial Groupings (MIGS)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1165/98 of 19 May 1998 ⁽¹⁾ concerning short-term statistics, and in particular Article 3 and Article 17(c) thereof,

Whereas:

- (1) Regulation (EC) No 1165/98 established a common framework for the production of short-term Community statistics on the business cycle.
- (2) In accordance with Article 3 and Article 17(c) of Regulation (EC) No 1165/98, implementing measures are necessary concerning the definition of Main Industrial Groupings (MIGS).
- (3) The definition of Main Industrial Groupings (MIGS) is based on the statistical classification of economic activities in the European Community, Council Regulation (EEC) No 3037/90 ⁽²⁾, as last amended by Commission Regulation (EEC) No 761/93 ⁽³⁾, (NACE rev. 1). It uses the level of Groups (3 digits) for distinguishing between the Main Industrial Groupings (MIGS).
- (4) The measures provided for in this Regulation are in accordance with the opinion delivered by the Statistical Programme Committee, established by Council Decision 89/382/EEC, Euratom ⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Definition of Main Industrial Groupings (MIGS)

The allocation of NACE rev. 1 Groups to the Main Industrial Groupings (MIGS) is defined in the Annex to this Regulation.

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

Done at Brussels, 26 March 2001.

Article 2

Non-availability of data on NACE rev. 1 Group level

Member States that do not calculate the statistical data covered by Regulation (EC) No 1165/98 to the level of detail of NACE rev. 1 Groups are allowed to calculate national weights for the Groups within a Division in order to do the split-up of the Division-based data into Groups.

The Member States that apply the allocation to Main Industrial Groupings (MIGS) in part or in total on the basis of NACE rev. 1 Divisions shall inform Eurostat on the weights used for the split-up into NACE rev. 1 Groups.

Article 3

Implementation of the definitions

Member States shall apply the definitions set forth in the Annex for statistical data communicated pursuant to Regulation (EC) No 1165/98, not later than three months after the present Regulation enters into force; Member States shall, in applying the definitions set forth in the Annex, take the necessary measures to assure that existing statistical data covered by Regulation (EC) No 1165/98 will be revised by means of recalculation or estimation to satisfy these definitions.

Article 4

Information on conformance to the definitions

Each Member State shall transmit to the Commission, at its request, any relevant information on conformance within that Member State to the definitions set forth in the Annex.

Article 5

Entry into force

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

For the Commission

Pedro SOLBES MIRA

Member of the Commission

⁽¹⁾ OJ L 162, 5.6.1998, p. 1.

⁽²⁾ OJ L 293, 24.10.1990, p. 1.

⁽³⁾ OJ L 83, 3.4.1993, p. 1.

⁽⁴⁾ OJ L 181, 28.6.1989, p. 47.

ANNEX

ALLOCATION OF NACE HEADINGS TO CATEGORIES OF AGGREGATE CLASSIFICATION

NACE	NACE description	Aggregate classification
13	Mining of metal ores	Intermediate goods
14	Other mining and quarrying	Intermediate goods
15.6	Manufacture of grain mill products, starches and starch products	Intermediate goods
15.7	Manufacture of prepared animal feeds	Intermediate goods
17.1	Preparation and spinning of textile fibres	Intermediate goods
17.2	Textile weaving	Intermediate goods
17.3	Finishing of textiles	Intermediate goods
17.6	Manufacture of knitted and crocheted fabrics	Intermediate goods
20	Manufacture of wood and of products of wood and cork, except furniture; manufacture of articles of straw and plaiting materials	Intermediate goods
21	Manufacture of pulp, paper and paper products	Intermediate goods
24.1	Manufacture of basic chemicals	Intermediate goods
24.2	Manufacture of pesticides and other agro-chemical products	Intermediate goods
24.3	Manufacture of paints, varnishes and similar coatings, printing ink and mastics	Intermediate goods
24.6	Manufacture of other chemical products	Intermediate goods
24.7	Manufacture of man-made fibres	Intermediate goods
25	Manufacture of rubber and plastic products	Intermediate goods
26	Manufacture of other non-metallic mineral products	Intermediate goods
27	Manufacture of basic metals	Intermediate goods
28.4	Forging, pressing, stamping and roll forming of metal; powder metallurgy	Intermediate goods
28.5	Treatment and coating of metals; general mechanical engineering	Intermediate goods
28.6	Manufacture of cutlery, tools and general hardware	Intermediate goods
28.7	Manufacture of other fabricated metal products	Intermediate goods
31.2	Manufacture of electricity distribution and control apparatus	Intermediate goods
31.3	Manufacture of insulated wire and cable	Intermediate goods
31.4	Manufacture of accumulators, primary cells and primary batteries	Intermediate goods
31.5	Manufacture of lighting equipment and electric lamps	Intermediate goods
31.6	Manufacture of electrical equipment n.e.c.	Intermediate goods
32.1	Manufacture of electronic valves and tubes and other electronic components	Intermediate goods

NACE	NACE description	Aggregate classification
37	Recycling	Intermediate goods
28.1	Manufacture of structural metal products	Capital goods
28.2	Manufacture of tanks, reservoirs and containers of metal; manufacture of central heating radiators and boilers	Capital goods
28.3	Manufacture of steam generators, except central heating hot water boilers	Capital goods
29.1	Manufacture of machinery for the production and use of mechanical power, except aircraft, vehicle and cycle engines	Capital goods
29.2	Manufacture of other general purpose machinery	Capital goods
29.3	Manufacture of agricultural and forestry machinery	Capital goods
29.4	Manufacture of machine-tools	Capital goods
29.5	Manufacture of other special purpose machinery	Capital goods
29.6	Manufacture of weapons and ammunition	Capital goods
30	Manufacture of office machinery and computers	Capital goods
31.1	Manufacture of electric motors, generators and transformers	Capital goods
32.2	Manufacture of television and radio transmitters and apparatus for line telephony and line telegraphy	Capital goods
33.1	Manufacture of medical and surgical equipment and orthopaedic appliances	Capital goods
33.2	Manufacture of instruments and appliances for measuring, checking, testing, navigating and other purposes, except industrial process control equipment	Capital goods
33.3	Manufacture of industrial process control equipment	Capital goods
34	Manufacture of motor vehicles, trailers and semi-trailers	Capital goods
35.1	Building and repairing of ships and boats	Capital goods
35.2	Manufacture of railway and tramway locomotives and rolling stock	Capital goods
35.3	Manufacture of aircraft and spacecraft	Capital goods
29.7	Manufacture of domestic appliances n.e.c.	Consumer durables
32.3	Manufacture of television and radio receivers, sound or video recording or reproducing apparatus and associated goods	Consumer durables
33.4	Manufacture of optical instruments and photographic equipment	Consumer durables
33.5	Manufacture of watches and clocks	Consumer durables
35.4	Manufacture of motorcycles and bicycles	Consumer durables
35.5	Manufacture of other transport equipment n.e.c.	Consumer durables
36.1	Manufacture of furniture	Consumer durables
36.2	Manufacture of jewellery and related articles	Consumer durables
36.3	Manufacture of musical instruments	Consumer durables
15.1	Production, processing and preserving of meat and meat products	Consumer non-durables

NACE	NACE description	Aggregate classification
15.2	Processing and preserving of fish and fish products	Consumer non-durables
15.3	Processing and preserving of fruit and vegetables	Consumer non-durables
15.4	Manufacture of vegetable and animal oils and fats	Consumer non-durables
15.5	Manufacture of dairy products	Consumer non-durables
15.8	Manufacture of other food products	Consumer non-durables
15.9	Manufacture of beverages	Consumer non-durables
16	Manufacture of tobacco products	Consumer non-durables
17.4	Manufacture of made-up textile articles, except apparel	Consumer non-durables
17.5	Manufacture of other textiles	Consumer non-durables
17.7	Manufacture of knitted and crocheted articles	Consumer non-durables
18	Manufacture of wearing apparel; dressing and dyeing of fur	Consumer non-durables
19	Tanning and dressing of leather; manufacture of luggage, handbags, saddlery, harness and footwear	Consumer non-durables
22	Publishing, printing and reproduction of recorded media	Consumer non-durables
24.4	Manufacture of pharmaceuticals, medicinal chemicals and botanical products	Consumer non-durables
24.5	Manufacture of soap and detergents, cleaning and polishing preparations, perfumes and toilet preparations	Consumer non-durables
36.4	Manufacture of sports goods	Consumer non-durables
36.5	Manufacture of games and toys	Consumer non-durables
36.6	Miscellaneous manufacturing n.e.c.	Consumer non-durables
10	Mining of coal and lignite; extraction of peat	Energy
11	Extraction of crude petroleum and natural gas; service activities incidental to oil and gas extraction, excluding surveying	Energy
12	Mining of uranium and thorium ores	Energy
23	Manufacture of coke, refined petroleum products and nuclear fuel	Energy
40	Electricity, gas, steam and hot water supply	Energy
41	Collection, purification and distribution of water	Energy

**COMMISSION REGULATION (EC) No 587/2001
of 26 March 2001**

amending Regulation (EC) No 2461/1999 laying down detailed rules for the application of Council Regulation (EC) No 1251/1999 as regards the use of land set aside for the production of raw materials for the manufacture within the Community of products not primarily intended for human consumption

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1251/1999 of 17 May 1999 establishing a support system for producers of certain arable crops ⁽¹⁾, as last amended by Regulation (EC) No 1672/2000 ⁽²⁾, and in particular Article 9 thereof,

Whereas:

- (1) Hemp falling within CN code 5302 has found some new industrial uses, for example in insulating panels or in brick manufacture, without there being a need, in certain cases, to separate the fibre from the woody portion of the stalk. This is a non-food use meeting the objectives of Commission Regulation (EC) No 2461/1999 of 19 November 1999 laying down detailed rules for the application of Council Regulation (EC) No 1251/1999 as regards the use of land set aside for the production of raw materials for the manufacture within the Community of products not primarily intended for human consumption ⁽³⁾, as last amended by Regulation (EC) No 2555/2000 ⁽⁴⁾.
- (2) Until the end of the 2000/01 marketing year, hemp intended for this kind of use qualifies for Community aid under the common organisation of the market in flax and hemp governed by Council Regulations (EEC) No 1308/70 ⁽⁵⁾, as last amended by Regulation (EC) No 2826/2000 ⁽⁶⁾, and (EEC) No 619/71 ⁽⁷⁾, as last amended by Regulation (EC) No 1420/98 ⁽⁸⁾, and Commission Regulation (EEC) No 1164/89 ⁽⁹⁾, as last amended by Regulation (EC) No 1313/2000 ⁽¹⁰⁾. With effect from the 2001/02 marketing year, hemp will be included in the support system for producers of certain arable crops established by Regulation (EC) No 1251/1999. However, only hemp intended for fibre production will qualify for the area aid provided for in that Regulation and the processing aid provided for in Council Regulation (EC)

No 1673/2000 of 27 July 2000 on the common organisation of the markets in flax and hemp grown for fibre ⁽¹¹⁾. As there is no risk under the circumstances of multiple payments of Community aid as excluded by Regulation (EC) No 2461/1999, hemp for processing into products not covered by Regulation (EC) No 1673/2000 can be added to Annex I to Regulation (EC) No 2461/1999.

- (3) To prevent the growing of illegal varieties of hemp, the cultivation terms and specific control measures laid down for hemp for fibre production under Regulation (EC) No 1251/1999 and Commission Regulation (EC) No 2316/1999 ⁽¹²⁾, as last amended by Regulation (EC) No 2860/2000 ⁽¹³⁾, should be imposed.
- (4) Moreover, new heating technology has been developed whereby heaters can now use totally unprocessed cereals or certain oilseeds such as soya beans or rape, colza or sunflower seeds as fuel. Those raw materials can also be processed on farm for the production of biofuels such as raw colza oil or for power production, for example electricity. The use of those raw materials, which have a high heat value, is a non-food use meeting the objectives of Regulation (EC) No 2461/1999.
- (5) To facilitate the use of those raw materials as fuel, Member States should be allowed to authorise the burning of cereals or certain oilseeds harvested on an applicant's set-aside land in heaters used on the applicant's agricultural holding.
- (6) To prevent those raw materials being used for other purposes, the Member States must take the necessary steps to ensure that the measures laid down for the grant of aid are properly applied and provide in particular for the denaturing of the cereals or oilseeds.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

⁽¹⁾ OJ L 160, 26.6.1999, p. 1.

⁽²⁾ OJ L 193, 29.7.2000, p. 13.

⁽³⁾ OJ L 299, 20.11.1999, p. 16.

⁽⁴⁾ OJ L 292, 21.11.2000, p. 18.

⁽⁵⁾ OJ L 146, 4.7.1970, p. 1.

⁽⁶⁾ OJ L 328, 13.12.2000, p. 2.

⁽⁷⁾ OJ L 72, 26.3.1971, p. 2.

⁽⁸⁾ OJ L 19, 4.7.1998, p. 7.

⁽⁹⁾ OJ L 121, 29.4.1989, p. 4.

⁽¹⁰⁾ OJ L 148, 22.6.2000, p. 34.

⁽¹¹⁾ OJ L 193, 29.7.2000, p. 16.

⁽¹²⁾ OJ L 280, 30.10.1999, p. 43.

⁽¹³⁾ OJ L 332, 28.12.2000, p. 63.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2461/1999 is amended as follows:

1. The following paragraph 1a is added to Article 3:

'1a. In the case of a hemp crop, payment shall also be subject to the use of varieties whose tetrahydrocannabinol content does not exceed 0,2 % and which are listed in Annex XII to Regulation (EC) No 2316/1999 on 15 May preceding the marketing year for which the payment is sought. The seeds of these varieties must have been certified in accordance with Council Directive 69/208/EEC (*).

With a view to the controls laid down in Article 21a of this Regulation, the hemp must continue growing for at least a further 10 days after flowering. However, the Member State may permit the hemp to be harvested before this 10-day deadline if the producer in question has already been checked under Article 21a or if all the controls under Article 21a have been completed.

(*) OJ L 169, 10.7.1969, p. 3.'

2. Article 3(4) is replaced by the following:

'4. Paragraphs 2 and 3 notwithstanding, Member States may permit applicants:

- (a) to use all the cereals or all the oilseeds falling within CN codes 1201 00 90, ex 1205 00 90 and 1206 00 91 harvested on certain set-aside land:
 - (i) as fuel for heating their agricultural holding,
 - (ii) for the production on the holding of power or biofuels;
- (b) to process into biogas falling within CN code 2711 29 00, on their holdings, all the raw material harvested on certain set-aside land.

In this case applicants shall undertake, by way of a declaration in place of the contract referred to in Article 4, to use or process directly the raw material covered by the declaration.

Member States applying the first subparagraph shall introduce adequate control measures to ensure that the raw material is directly used on the holding or is processed into biogas falling within CN code 2711 29 00. Furthermore, cereals or oilseeds used directly on the holding as fuel must be denatured in accordance with the method laid down by the Member State.

The measures as provided for in the preceding subparagraphs and any amendments thereto shall be notified to the Commission by 30 November of the year preceding the harvest year to which these measures apply. In the case of the 2001/02 marketing year, the measures shall be communicated before 31 May 2001.

Articles 4 to 21 shall apply *mutatis mutandis*.'

3. The following paragraph is added to the end of Article 5:

'In the case of a hemp crop, the application must also:

- (a) provide information on the quantities of seed used, in kilograms per hectare;
- (b) be accompanied by the official labels introduced under Article 10 of Directive 69/208/EEC or by provisions adopted pursuant to that Article, appearing on the packaging of the seed used.

Where sowing takes place after the final date for lodging payment applications, the labels must be lodged no later than 30 June following the lodgement of the application.

Member States may lay down that the labels are to be returned to the grower after their presentation to the competent authorities in cases where they need to be presented to other national authorities.'

4. The following Article 21a is added to Section 9 of Chapter II:

'Article 21a

In the case of hemp crops, the system for checking the hemp's tetrahydrocannabinol content established by the Member States for hemp for fibre production in accordance with Article 5a(2) of Regulation (EC) No 1251/1999 and Article 7b(1) and (2) of Regulation (EC) No 2316/1999 shall also apply.'

5. The following CN code is added to Annex I:

'ex 5302 10 00 True hemp, raw or retted for processing into products not covered by Regulation (EC) No 1673/2000

(*Cannabis sativa* L.)'

Article 2

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 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 588/2001
of 26 March 2001
implementing Council Regulation (EC) No 1165/98 concerning short-term statistics as regards the
definition of variables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1165/98 of 19 May 1998 concerning short-term statistics ⁽¹⁾, and in particular Article 3 and Article 17(c) thereof,

Whereas:

- (1) Regulation (EC) No 1165/98 established a common framework for the production of short-term Community statistics on the business cycle.
- (2) In accordance with Article 17(c) of Regulation (EC) No 1165/98, implementing measures are necessary concerning the definition of variables to be provided.
- (3) The measures provided for in this Regulation are in accordance with the opinion delivered by the Statistical Programme Committee, established by Council Decision 89/382/EEC, Euratom ⁽²⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Definition of the variables

Regulation (EC) No 1165/98 specifies in Annex A(c)(1), Annex B(c)(1), Annex C(c)(1) and Annex D(c)(1) the variables to be covered by short-term statistics. The definitions of the variables, as well as the objectives, characteristics and calculation of the relevant indices, are set forth in the Annex.

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

Done at Brussels, 26 March 2001.

Article 2

Implementation of the definitions

Member States shall apply the definitions set forth in the Annex for the collection of statistical data covered by Regulation (EC) 1165/98 not later than one year after the present Regulation enters into force.

Member States shall comply with the definition of statistical data covered by Regulation (EC) 1165/98 to definitions set forth in the Annex not later than in the next revision of the base year foreseen in Article 11 of Regulation (EC) 1165/98.

Member States shall, in the implementation of the definitions set forth in the Annex, take the necessary measures to assure that existing statistical data covered by Regulation (EC) 1165/98 will be revised by recalculation or estimation to satisfy these definitions.

Results for a variable which differ by no more than 0,2 % from the results of a variable which conforms with the definitions of the variable laid down in the Annex shall be deemed conforming.

Article 3

Information on conformance to the definitions

Each Member State shall transmit to the Commission, at its request, any relevant information on the conformance of statistical data within that Member State to the definitions set forth in the Annex.

Article 4

Entry into force

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

For the Commission

Pedro SOLBES MIRA

Member of the Commission

⁽¹⁾ OJ L 162, 5.6.1998, p. 1.

⁽²⁾ OJ L 181, 28.6.1989, p. 47.

ANNEX

DEFINITION OF OBJECTIVES AND CHARACTERISTICS OF VARIABLES

Variable 110: Production

It is the objective of the production index to measure changes in the volume of output at close and regular intervals. It provides a measure of the volume trend in value added at factor cost over a given reference period ⁽¹⁾.

The production index is a theoretical measure that must be approximated by practical measures.

Value added at factor cost ⁽²⁾ can be calculated from turnover (excluding VAT and other similar deductible taxes directly linked to turnover), plus capitalised production, plus other operating income plus or minus the changes in stocks, minus the purchases of goods and services, minus other taxes on products which are linked to turnover but not deductible, minus the duties and taxes linked to production.

Income and expenditure classified as financial or extraordinary in company accounts is excluded from value-added.

Subsidies on products and on production are included in value added at factor cost, whereas all taxes on products and on production are excluded.

Value-added at factor cost is calculated 'gross' as value adjustments (such as depreciation) are not subtracted.

Note: indirect taxes can be separated into three groups.

- (i) The first comprises VAT and other deductible taxes directly linked to turnover which are excluded from turnover. These taxes are collected in stages by the enterprise and fully borne by the final purchaser.
- (ii) The second group concerns all other taxes and duties linked to products which are either: (1) linked to turnover and not deductible, or (2) taxes on products not linked to turnover. Included here are taxes and duties on imports and taxes on the production, export, sale, transfer, leasing or delivery of goods and services or as a result of their use for own consumption or own capital formation.
- (iii) The third group concerns taxes and duties linked to production. These are compulsory, unrequited payments, in cash or in kind which are levied by general government, or by the institutions of the European Union, in respect of the production and importation of goods and services, the employment of labour, the ownership or use of land, buildings or other assets used in production irrespective of the quantity or the value of goods and services produced or sold.

The theoretical formula for an index of production (Q) is a Laspeyres-type volume index, i.e.

$$Q_t^L = \frac{\sum_{i=1}^N p_{i,0} \times q_{i,t} - \sum_{j=1}^{M(t)} \alpha_{j,0} \times \delta_{j,t}}{\sum_{i=1}^N p_{i,0} \times q_{i,0} - \sum_{j=1}^{M(0)} \alpha_{j,0} \times \delta_{j,0}}$$

with

- q = output quantity
- p = output price
- α = input material prices
- δ = input material quantities
- i = one of N commodities
- j = one of M input materials
- 0 = base period
- t = current period

⁽¹⁾ The common understanding of the term 'production index' as an 'evolution of value added' contradicts the definition of 'production' in the framework of national accounts or structural business statistics, but nonetheless is the correct term traditionally used in this area of business statistics. The term 'value added index' is never used in practice. As the index follows the evolution of production at constant prices, sometimes the term 'production volume index' is used. The term production index is always used in this text as a quantity index, in other words at constant prices.

⁽²⁾ National accounts have introduced the concept of 'value added at basic prices'. In comparison to value added at factor costs, it includes taxes linked to production, but operating subsidies on production are excluded. The alignment with the national accounts may introduce some advantages, so Member States may use the concept of value added at basic prices as a proxy for value added at factor costs.

The data necessary for the compilation of such an index are, however, not available on a monthly basis. In practice, suitable proxy values for the continuation of the indices are:

- continuation with gross production values (deflated),
- continuation with volumes,
- continuation with turnover (deflated),
- continuation with work input,
- continuation with raw material input,
- continuation with energy input.

Dependent on the approximation method used, the index of production should take account of:

- variations in type and quality of the commodities and of the input materials,
- changes in stocks of finished goods and work in progress on goods and services,
- changes in technical input-output relations (processing techniques),
- services related to the achievement of value added, such as the assembling of production units, mounting, installations, repairs, planning, engineering, creation of software.

Variable 115: Production of building construction

Variable 116: Production of civil engineering

The objectives and characteristics of indices for variable 110 (production) also apply to the indices for the variables on building construction and civil engineering.

The division of production between building construction and civil engineering is based on the classification of types of construction (CC). These indices aim to show the evolution of value added for each of the two main sections in construction, namely buildings and civil engineering works. These indices are calculated by assigning the basic information (deflated output, hours worked, authorisations/permits) to products in the CC and then aggregating the product indices in accordance with the CC to the section level.

Variable 120: Turnover

It is the objective of the turnover index to show the evolution of the market for goods and services.

Turnover⁽¹⁾ comprises the totals invoiced by the observation unit during the reference period, and this corresponds to market sales of goods or services supplied to third parties.

Turnover includes all duties and taxes on the goods or services invoiced by the unit with the exception of the VAT invoiced by the unit vis-a-vis its customer and other similar deductible taxes directly linked to turnover.

Turnover also includes all other charges (transport, packaging, etc.) passed on to the customer, even if these charges are listed separately in the invoice.

Reduction in prices, rebates and discounts as well as the value of returned packing must be deducted. Price reductions, rebates and bonuses conceded later to clients, for example at the end of the year, are not taken into account.

Income classified as other operating income, financial income and extraordinary income in company accounts is excluded from turnover. Subsidies received from public authorities or the institutions of the European Union are also excluded.

According to this definition, the items generally included are:

- sales of manufactured products,
- sales of products manufactured by subcontractors,
- sales of goods purchased for resale in the same condition as received,
- invoiced services provided,
- sales of by-products,
- invoiced charges for packaging and transport,

⁽¹⁾ The expressions 'turnover', 'sales', 'deliveries' and 'shipments' are often used as synonyms in the context of short-term statistics.

- invoiced hours worked to third parties for labour only subcontracting,
- invoiced mounting, installations and repairs,
- invoiced instalments (stage payments),
- invoiced development of software and software licences,
- sales of supplied electric power, gas, heat, steam and water,
- sales of waste and scrap materials.

Subject to the treatment of income classified as other operating income, financial income and extraordinary income in company accounts⁽¹⁾, the items generally excluded are:

- commissions,
- leases and rentals,
- leases for own production units and machines if used by third parties,
- leases of company-owned dwellings,
- receipts for licence-fees,
- receipts from staff facilities (for example from a factory canteen),
- the supply of products and services within the observation unit,
- sales of own land and fixed assets,
- sales or leases of own properties,
- sales of shares,
- interest receipts and dividends,
- subsidies,
- other extraordinary income.

The above items may be included if they generate turnover in the principle field of operation of the observation unit.

Variable 121: Domestic turnover

Variable 122: Non-domestic turnover

The objectives and characteristics of indices for variable 120 (turnover) also apply to the indices for the distinction between domestic and non-domestic turnover.

The indices of domestic and non-domestic turnover require turnover to be split according to the first destination of the product based on the change of ownership (whether or not there are also corresponding physical movements of goods across frontiers). The destination is determined by the residency of the third party that purchased the goods and services. The domestic market is defined as third parties resident in the same national territory as the observation unit.

Variable 123: Volume of sales

The volume of sales represents the value of turnover in constant prices and as such is a quantity index. It can be calculated as turnover at current prices, deflated by the deflator of sales, or as a quantity index derived directly from the quantity of goods sold.

The information on the volume of sales (variable 123) can be used instead of the deflator of sales (variable 330) in Annex C (retail trade and repair) of Regulation (EC) No 1165/98.

Variable 130: New orders received

It is the objective of the new orders received index to show the development of demand for products and services as an indication of future production. It is also suitable to indicate whether the demand originates from the domestic or non-domestic market.

An order is defined as the value of the contract linking a producer and a third party in respect of the provision by the producer of goods and services. The order is accepted if, in the producer's judgement, there is sufficient evidence for a valid agreement.

New orders refer to goods and services to be provided by the observation unit, including those originating from sub-contractors.

The following items should be deducted from the value of orders:

- VAT and other similar deductible taxes directly linked to turnover,
- reduction in prices, rebates and discounts when they are given at the moment of order as well as the value of packing that is expected to be returned after the delivery,
- subsidies received from public authorities or the institutions of the European Union.

⁽¹⁾ National accounting rules should be used as guiding principles of what to include and to exclude.

Orders of previous periods that have been cancelled during the observation period are not to be deducted from the new orders received nor is the index for previous periods revised due to cancellations.

New orders include all duties and taxes on the goods or services that will be invoiced by the unit with the exception of the VAT and other similar deductible taxes directly linked to turnover.

The value of new orders also includes all other charges (transport, packaging, etc.) passed on to the customer, even if these charges will be listed separately in the invoice.

Variable 131: Domestic new orders

Variable 132: Non-domestic new orders

The objectives and characteristics of indices for variable 130 (new orders received) also apply to the indices for the distinction between domestic and non-domestic new orders.

The indices of domestic and non-domestic new orders received require the new orders received to be split according to the origin of the order based on the change of ownership. The origin is determined by the residency of the third party that has made the order. The domestic market is defined as third parties resident in the same economic territory (see definition of economic territory at the end of this annex) as the observation unit.

Variable 135: New orders for building construction

Variable 136: New orders received for civil engineering

The objectives and characteristics of indices for variable 130 (new orders received) also apply to the indices for the variables on new orders received for building construction and civil engineering.

The division of new orders received between building construction and civil engineering is based on the classification of types of construction (CC). These indices aim to show the future production possibilities for each of the two main sections in construction namely buildings and civil engineering works. These indices are calculated by assigning basic information on orders to products in the CC and then aggregating the product indices in accordance with the CC to the section level.

Variable 210: Number of persons employed

It is the objective of the index of number of persons employed to show the development of employment in industry, construction and services.

The number of persons employed is defined as the total number of persons who work in the observation unit (inclusive of working proprietors, partners working regularly in the unit and unpaid family workers), as well as persons who work outside the unit who belong to it and are paid by it (e.g. sales representatives, delivery personnel, repair and maintenance teams). It includes persons absent for a short period (e.g. sick leave, paid leave or special leave), and also those on strike, but not those absent for an indefinite period. It also includes part-time workers who are regarded as such under the laws of the country concerned and who are on the payroll, as well as seasonal workers, apprentices and home workers on the payroll.

The number of persons employed excludes manpower supplied to the unit by other enterprises, persons carrying out repair and maintenance work in the observation unit on behalf of other enterprises, as well as those on compulsory military service.

Unpaid family workers refer to persons who live with the proprietor of the unit and work regularly for the unit, but do not have a contract of service and do not receive a fixed sum for the work they perform. This is limited to those persons who are not included on the payroll of another unit as their principal occupation.

According to this definition, the groups included are:

- all paid employees, including the following categories as long as they are included on the payroll:
 - homeworkers,
 - apprentices/trainees,
 - paid working proprietors and paid family workers,
 - persons on temporary leave (maternity, sickness leave, strike, lock-out, etc.) for a definite period,
 - part time workers,
 - temporary workers,
 - seasonal workers,

- unpaid persons employed:
 - unpaid working proprietors (owners),
 - unpaid family workers ⁽¹⁾.

The groups excluded are:

- agency workers (except for the activity in which such employment agencies are classified),
- persons on indefinite leave (e.g. long term sickness, military service or social service),
- persons carrying out repair or maintenance work on behalf of other observation units and other staff borrowed from other observation units,
- family workers included on the payroll of another unit as their principal occupation.

The number of persons employed should be determined as a representative figure for the reference period.

Variable 211: Number of employees

The number of employees is used as a temporary approximation of the number of persons employed.

The number of employees is defined as those persons who work for an employer and who have a contract of employment and receive compensation in the form of wages, salaries, fees, gratuities, piecework pay or remuneration in kind.

The relationship of employer to employee exists when there is an agreement, which may be formal or informal, between an enterprise and a person, normally entered into voluntarily by both parties, whereby the person works for the enterprise in return for remuneration in cash or in kind.

A worker is considered to be a wage or salary earner of a particular unit if he or she receives a wage or salary from the unit regardless of where the work is done (in or outside the production unit). A worker from a temporary employment agency is considered to be an employee of the temporary employment agency and not of the unit (customer) in which they work.

According to this definition, the groups included are:

- paid working proprietors,
- students who have a formal commitment whereby they contribute to the unit's process of production in return for remuneration and/or education services,
- employees engaged under a contract specifically designed to encourage the recruitment of unemployed persons,
- homeworkers if there is an explicit agreement that the homeworker is remunerated on the basis of the work done and they are included on the payroll.

The number of employees includes part-time workers, seasonal workers, persons on strike or on short-term leave, but excludes persons on long-term leave.

The number of employees does not include voluntary workers.

The number of employees should be determined as a representative figure for the reference period.

Variable 220: Hours worked

It is the objective of the hours worked index to show the development in the volume of work done.

The total number of hours worked by employees represents the aggregate number of hours actually worked for the output of the observation unit during the reference period.

This variable excludes hours paid but not actually worked such as for annual leave, holidays and sickness leave. It also excludes meal breaks and commuting between home and work.

Included are hours actually worked during normal working hours; hours worked in addition to those; time which is spent at the place of work on tasks such as preparing the site and time corresponding to short periods of rest at the work place.

If the exact number of hours actually worked is not known, it may be estimated on the basis of the theoretical number of working hours and the average rate of absences (sickness, maternity, etc.).

⁽¹⁾ The unpaid family workers have been added as a matter of principle although accurate figures may be difficult to obtain.

According to this definition, the items included are:

- the total amount of all hours actually worked:
 - during regular working hours,
 - overtime, whether paid or unpaid ⁽¹⁾,
 - during nights, Sundays or public holidays,
- the time spent on tasks such as work preparation, preparing, maintaining and cleaning tools and machines and writing up work cards and reports,
- time spent at the place of work during which no work is done owing to, for example, machine stoppages, accidents or occasional lack of work but for which payment is made in accordance with the employment contract,
- short rest periods at the place of work, including tea and coffee breaks.

The items excluded are:

- hours paid but not worked due to leave, sickness, accidents, strikes, lock outs, slack time, etc.,
- time spent for meal breaks,
- commuting between home and work.

Variable 230: Wages and salaries

It is the objective of the wages and salaries index to approximate the development of the wage and salaries bill.

Wages and salaries are defined as the total remuneration, in cash or in kind, payable to all persons counted on the payroll (including homeworkers), in return for work done during the accounting period, regardless of whether it is paid on the basis of working time, output or piecework and whether it is paid regularly.

Wages and salaries include the values of any social contributions, income taxes, etc. payable by the employee even if they are actually withheld by the employer and paid directly to social insurance schemes, tax authorities, etc. on behalf of the employee. Wages and salaries do not include social contributions payable by the employer.

Wages and salaries include: all gratuities, bonuses, ex gratia payments, 13th month payments, severance payments, lodging, transport, cost-of living, and family allowances, tips, commission, attendance fees, etc. received by employees, as well as taxes, social security contributions and other amounts payable by employees and withheld at source by the employer.

Payments for agency workers are not included in wages and salaries.

According to this definition, the items included are:

- all basic wages and salaries payable at regular intervals,
- enhanced rates of pay for overtime, nightshift, weekend work, etc.,
- any allowances, gratuities or bonuses paid by the employer, such as:
 - cost of living, housing, local or expatriation allowances,
 - food allowances,
 - allowances for travelling to and from work,
 - holiday bonuses, 13th month pay,
 - allowances actually paid for annual holidays not taken,
 - output, production or productivity bonuses,
 - extra allowances for extreme working conditions like dust, dirt, temperature, smoke, danger, etc.,
 - redundancy payments actually paid to laid-off employees,
 - allowances for improvement proposals and patent fees paid to the person employed,
 - directors' and employees' fees,
 - family allowances paid by the employer under a collective agreement,
- commissions,
- value of bonus shares distributed free to the employees,
- payments made by employers to employees under saving schemes or other schemes,
- taxes, contributions and other sums payable by employees and deducted by employers,
- any payment in kind.

⁽¹⁾ Unpaid overtime work is difficult to obtain in various Member States but is, nevertheless, included as a matter of principle.

The items excluded are:

- statutory social contributions payable by the employer,
- collectively agreed, contractual and voluntary social contributions payable by the employer,
- imputed social contributions (social benefits paid directly by the employer),
- allowances paid to employees for the purchase of tools, equipment and special clothing needed for their work or that part of their wages and salaries which under their contracts of employment are required to devote such purchases,
- taxes paid by the employer on the total wages and salaries paid,
- reimbursement of employees for travelling, removal, separation, hotel and entertaining expenses, telephone fees etc. incurred in the course of their duties,
- expenditure for vocational training (training costs), excluding apprentices wages and salaries,
- wages and salaries which the employer continues to pay in the event of illness, occupational accident, maternity leave or short-time working,
- other labour cost expenditure payable by the employer:
 - recruitment costs,
 - social expenditure such as the reimbursement of current expenditure on the transport of employees to and from work, whether this is carried out by the enterprises' own means of transport or by third parties on behalf of the enterprise, payments to trade union funds,
- stock options ⁽¹⁾.

For the evaluation of payments in kind the following rule applies: payments in kind produced by the employer should be valued at producer prices; payments in kind bought by the employer should be valued at market prices.

Variable 310: Output prices

It is the objective of the output price index to measure the monthly development of transaction prices of economic activities.

The domestic output price index for an economic activity measures the average price development of all goods and related services resulting from that activity and sold on the domestic market. The non-domestic price index shows the average price development (converted to local currency) of all goods and related services resulting from that activity and sold outside the domestic market. When combined, these two indices show the average price development of all goods and related services resulting from an activity.

It is essential that all price-determining characteristics of the products are taken into account, including quantity of units sold, transport provided, rebates, service conditions, guarantee conditions and destination. The specification must be such that in subsequent reference periods, the observation unit is able uniquely to identify the product and to provide the appropriate price per unit.

The following rules apply for the definition of prices:

- the appropriate price is the ex-factory ⁽²⁾ price that includes all duties and taxes on the goods on services invoiced by the unit but excludes VAT invoiced by the unit vis-a-vis its customer and similar deductible taxes directly linked to turnover,
- if transport costs are included, this should be part of the product specification,
- in order to show the true evolution of price movements, it should be an actual transaction price, and not a list price,
- the output price index should take into account quality changes in products,
- the price collected in period t should refer to orders booked during period t (moment of order), not the moment when the commodities leave the factory gates,
- for output prices of the non-domestic market, the price should be calculated at national frontiers, fob (free on board).

The collected price information refers preferably to a particular day in the middle of the reference period. If no price information is available for the day in question, the price may represent an average over the whole period.

Output price indices for construction can be used as an approximation for the construction cost variables. They measure the evolution of residential buildings excluding residences for communities, non-residential buildings, land prices and architect's and other fees. They reflect the prices paid by the client to the construction company. They therefore do not only reflect the variations in the cost factors of construction, but also the changes in productivity and profit margins. In addition, a temporal difference exists between the output price and the corresponding costs of production.

⁽¹⁾ Stock options have been excluded mainly for practical reasons linked to the difficulties of a harmonised definition and data collection although it is often considered as a compensation for work linked to the overall performance of the company.

⁽²⁾ Or equivalent for activities outside of manufacturing.

Variable 311: Output prices of the domestic market**Variable 312: Output prices of the non-domestic market**

The objectives and characteristics of indices for variable 310 (output prices) also apply to the indices for the distinction between domestic and non-domestic output prices.

The indices of domestic and non-domestic prices require separate output price indices to be compiled according to the destination of the product. The destination is determined by the residency of the third party that has ordered or purchased the product. The domestic market is defined as third parties resident in the same national territory as the observation unit.

Variable 313: Unit value index

The unit value index may be used as an approximation for non-domestic output prices.

For the purpose of this index, unit values are calculated as the value of sales of a product divided by the quantity sold derived from foreign trade data. This unit value is then treated as the average price of the product and the index calculated in the same way as for the traditional output price indices.

Variable 320: Construction costs

It is the objective of the construction cost index to show the evolution of costs incurred by the contractor to carry out the construction process.

The component costs index (material costs and labour costs) shows the price developments of production factors used in the construction industry.

The construction cost index is calculated as:

$$I = \sum_{i=1}^n (w_i^M * M_i + w_i^L * L_i + \dots)$$

with	I	= Construction index
	M_i	= Material costs index
	L_i	= Labor costs index
	w_i^M	= weight for materials
	w_i^L	= weight for labour costs

Costs that constitute components of the construction costs are also plant and equipment, transport, energy and other costs.

Architect's fees are not part of the construction costs.

Variable 321: Material costs

The material costs index is generally calculated using material prices. Prices of materials should be based on actual prices rather than list prices. Prices should be based on a sample of products and suppliers. Prices are valued excluding VAT.

Variable 322: Labour costs

The labour cost index should cover wages and salaries and social security charges for all persons employed. Social security charges include: (i) statutory social contributions payable by the employer, (ii) collectively agreed, contractual and voluntary social contributions payable by the employer and (iii) imputed social contributions (social benefits paid directly by the employer).

Variable 411: Building permits: number of dwellings

It is the objective of the number of dwellings building permit index to show the future development of construction activity in terms of unit numbers.

A building permit is an authorisation to start work on a building project. As such, a permit is the final stage of planning and building authorisations from public authorities, prior to the start of work.

An index based on these permits should provide a good indication of the workload for the building industry in the near future, although this may not be the case when a large proportion of permits are not used or when there is a long time lag between permits and building starts.

Indices of the number of permits are compiled for one-dwelling residential buildings and residential buildings with two and more dwellings. A dwelling is a room or suite of rooms and its accessories in a permanent building or structurally separated part thereof which by the way it has been built, rebuilt, converted and so on, is intended for private habitation. It should have separate access to a street (direct or via a garden or grounds) or to a common space within the building (staircase, passage, gallery, and so on). Detached rooms for habitation which are clearly to be used as a part of the dwelling should be counted as part of the dwelling. A dwelling may thus be constituted of separate buildings within the same enclosure, provided they are clearly intended for habitation by the same private household.

Variable 412: Building permits: square metres of useful floor area or alternative size measure

It is the objective of the useful floor area building permit index to show the future development of construction activity in terms of volume.

A building permit is an authorisation to start work on a building project. As such a permit is the final stage of planning and building authorisations from public authorities, prior to the start of work.

An index based on these permits should provide a good indication of the workload for the building industry in the near future, although this may not be the case when a large proportion of permits are not used or when there is a long time lag between permits and building starts.

This index is compiled from the square metre of useful floor area of buildings for which permits have been granted. The useful floor area of a building⁽¹⁾ is measured within its external walls, excluding:

- construction areas (e.g. areas of demarcation components, supports, columns, pillars, shafts, chimneys),
- functional areas for ancillary use (e.g. areas occupied by heating and air-conditioning installations, or by power generators),
- thoroughfares (e.g. areas of stairwells, lifts, escalators).

The part of the overall useful area of a building used for residential purposes includes the area used for kitchens, living rooms, bedrooms and ancillary rooms, cellars and common rooms used by the owners of the residential units.

Other measures may be used as long as they are unambiguously and consistently used by the Member States as allowed by Annex B(c)(1) to Regulation (EC) No 1165/98.

Regulation (EC) No 1165/98 refers to the CC classification in requesting data about building permits for different categories of buildings. The category 'other buildings' of Regulation (EC) No 1165/98 includes the following categories in the CC classification:

- hotels and similar buildings,
- wholesale and retail trade buildings,
- traffic and communication buildings,
- industrial buildings and warehouses,
- public entertainment, education, hospital or institutional care buildings,
- other non-residential buildings.

Variable 330: Deflator of sales

It is the objective of the deflator of sales to adjust turnover for the impact of price changes.

The deflator of sales in retail trade is a deflator not of the service provided but of the goods sold.

The prices used to calculate the deflator for an activity are calculated as a weighted average of the relevant goods price indices for that activity. It is essential that all price-determining characteristics of the products are taken into account, including quantity of units sold, transport provided, rebates, guarantee conditions and destination.

The specification must be such that in subsequent reference periods, the observation unit is able uniquely to identify the good and to provide the appropriate price per unit.

In order to show the true evolution of price movements, it should be an actual transaction price, and not a list price.

The collected price information refers preferably to a specific date during the month.

⁽¹⁾ The definition of useful floor area is aligned with the Classification of Types of Construction which itself refers to the Statistical Standards and Studies, No 40 United Nations, New York 1987, and Statistical Standards and Studies, No 43 United Nations, New York 1994.

Definition of economic territory

The economic territory includes the following items:

- the geographic territory administered by a national government within which persons, goods, services and capital move freely,
- any free zones, including bonded warehouses and factories under customs control,
- the national airspace, territorial waters and the continental shelf lying in international waters, over which the country enjoys exclusive rights,
- territorial enclaves, i.e. geographic territories situated in the rest of the world and used, under international treaties or agreements between States, by general government agencies of the country (embassies, consulates, military bases, scientific bases, etc.),
- deposits of oil, natural gas, etc. in international waters outside the continental shelf of the country, worked by units resident in the territory as previously defined.

The economic territory excludes the following items:

- extraterritorial enclaves (i.e. the parts of the country's own geographic territory used by general government agencies of other countries, by the institutions of the European Union or by international organisations under international treaties or agreements between States).

This definition follows the European System of Accounts (ESA) 1995, paragraphs 2.05-2.06.

The difference between domestic and non-domestic markets is to be interpreted for the purpose of short-term statistics according to the territory of the Member States. This definition may be revised in the future in order to take specific account of European and/or monetary integration in line with other relevant regulations.

**COMMISSION REGULATION (EC) No 589/2001
of 26 March 2001**

**modifying Regulation (EC) No 2874/2000 on the authorisation of transfers between the
quantitative limits of textiles and clothing products originating in the People's Republic of China**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries ⁽¹⁾ as last amended by Regulation (EC) No 2474/2000 ⁽²⁾, and in particular Article 7 thereof,

Whereas:

- (1) In the Annex to Commission Regulation (EC) No 2874/2000 ⁽³⁾, the figure indicating the authorised transfer between the quantitative limits of textiles and clothing products originating in the People's Republic of China was incorrect. Therefore, the said Regulation should be modified to include the correct amount.
- (2) That modification should apply to the quota year 2000.
- (3) The measure provided for in this Regulation is in accordance with the opinion of the Textile Committee

provided for in Article 17 of Regulation (EEC) No 3030/93,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 2874/2000 is modified by replacing '91 970 kilograms' by '183 940 kilograms'.

Article 2

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

It shall apply from the date of entry into force of Regulation (EC) No 2874/2000.

It shall apply to the quota year 2000.

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

Done at Brussels, 26 March 2001.

For the Commission

Pascal LAMY

Member of the Commission

⁽¹⁾ OJ L 275, 8.11.1993, p. 1.

⁽²⁾ OJ L 286, 11.11.2000, p. 1.

⁽³⁾ OJ L 333, 29.12.2000, p. 52.

**COMMISSION REGULATION (EC) No 590/2001
of 26 March 2001**

**derogating from and amending Regulation (EC) No 562/2000 laying down detailed rules for the
application of Council Regulation (EC) No 1254/1999 as regards the buying-in of beef**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, and in particular Article 38(2) and Article 47(8) thereof,

Whereas:

- (1) Recent events involving bovine spongiform encephalopathy (BSE) have provoked a serious loss of consumer confidence in the safety of beef and veal. This has led to a sharp drop in beef consumption and a significant decline in prices, which may well last for some time. As a result, the market for beef and veal is severely disrupted and there is a risk that it might collapse entirely.
- (2) In view of the market situation described above and to improve the effectiveness of the measures to be taken, additional products should be accepted into intervention, as provided for by Commission Regulation (EC) No 562/2000 of 15 March 2000 laying down rules for the application of Council Regulation (EC) No 1254/1999 as regards the buying-in of beef ⁽²⁾, as last amended by Regulation (EC) No 503/2000 ⁽³⁾, carcasses of animals which exceed the maximum weight currently permitted and which have had to be kept for a longer period than usual due to low demand should be accepted and, finally, the increase to be applied to the average market price in order to calculate the maximum buying-in price should be adjusted temporarily to take account, in particular, of increased costs and reduced receipts in the sector.
- (3) Commission Regulation (EC) No 716/96 of 19 April 1996 adopting exceptional support measures for the beef market in the United Kingdom ⁽⁴⁾, as last amended by Regulation (EC) No 1176/2000 ⁽⁵⁾, adopted special measures in respect of bovine animals reared in the United Kingdom which are more than 30 months old. Those measures comprise the slaughtering and subsequent destruction of such cattle. Castrated animals from the United Kingdom exceeding that age are not therefore eligible for public intervention. Moreover, Commission Decision 2000/764/EC ⁽⁶⁾, as last amended by Decision

2001/8/EC ⁽⁷⁾ on the testing of bovine animals for the presence of bovine spongiform encephalopathy, lays down that all bovine animals over 30 months of age subject to normal slaughter for human consumption are to be examined by one of the approved rapid tests listed in Annex IVa to Commission Decision 98/272/EC ⁽⁸⁾ as from 1 July 2001 at the latest. Animals that have not been subject to those tests may not therefore be accepted into public intervention with a view to subsequent disposal on the market.

- (4) In order to permit intervention to play a full role faced with this serious market situation, the acceptance into intervention of forequarters should also be authorised, with the price being derived from the carcass price.
- (5) Articles 10 and 16 of Regulation (EC) No 562/2000 define the periods for submitting tenders and delivery, respectively. In view of the dates on which the public holidays fall in the second quarter of 2001, for practical reasons the closing dates for submission of tenders in the second quarter and for delivery for the last tendering procedure in the first quarter of 2001 should be changed.
- (6) In order to deal with the further disturbance of the market which may result from the entry onto the market of substantial numbers of male store animals originating in the Community, which have been kept on their holdings of origin due to a lack of demand and for which these holdings no longer have fodder, the necessary support measures should be adopted in accordance with Article 38 of Regulation (EC) No 1254/1999 and buying-in of the carcasses of such animals permitted. Moreover, to prevent the buying-in of animals almost ready for market, a limit should be placed on the weight of eligible carcasses under these arrangements. Since cattle of the breeds listed in Annex I to Commission Regulation (EC) 2342/1999 of 28 October 1999 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 on the common organisation of the market in beef and veal as regards premium schemes ⁽⁹⁾, as last amended by Regulation (EC) No 192/2001 ⁽¹⁰⁾, are not considered as belonging to a meat breed, they should not be eligible for this type of intervention. To avoid granting duplicate aid, a mechanism

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 68, 16.3.2000, p. 22.

⁽³⁾ OJ L 73, 15.3.2001, p. 16.

⁽⁴⁾ OJ L 99, 20.4.1996, p. 14.

⁽⁵⁾ OJ L 131, 1.6.2000, p. 37.

⁽⁶⁾ OJ L 305, 6.12.2000, p. 35.

⁽⁷⁾ OJ L 2, 5.1.2001, p. 28.

⁽⁸⁾ OJ L 122, 24.4.1998, p. 59.

⁽⁹⁾ OJ L 281, 4.11.1999, p. 30.

⁽¹⁰⁾ OJ L 29, 31.1.2001, p. 27.

should be introduced making full payment of the buying-in price conditional on the producer not having applied for the special premium referred to in Article 4 of Regulation (EC) No 1254/1999 for the animal concerned. Finally, further additions to or derogations from the normal intervention scheme as laid down by Regulation (EC) No 1254/1999 are also needed.

- (7) Article 20 of Regulation (EC) No 562/2000 authorises the Member States to bone all or part of the meat bought in. In view of the current crisis, requiring all of the meat to be boned could help free up the storage space needed to cope with the large volumes of beef likely to be bought in, and could facilitate subsequent disposal of the meat. The said Article 20 should therefore be amended accordingly, giving the Member States sufficient time to introduce the measure.
- (8) Consequently, Regulation (EC) No 562/2000 should be derogated from or amended.
- (9) The Management Committee for Beef and Veal has not given an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. Notwithstanding Article 4(1) of Regulation (EC) No 562/2000, the additional products which may be bought into intervention shall be as follows:

- category A, class O2 and class O3,
- Ireland: category C, class O4,
- United Kingdom — Northern Ireland: category C, class O4.

2. In derogation from or in addition to Article 4(2) of Regulation (EC) No 562/2000:

- (a) The following may not be bought into intervention:
 - (i) carcasses and half carcasses of castrated animals reared in the United Kingdom which are more than 30 months old;
 - (ii) in the other Member States, carcasses and half carcasses of castrated animals which are more than 30 months old and which have not been subjected to one of the approved rapid tests listed in Annex IVa to Decision 98/272/EC;
- (b) five-rib forequarters obtained using a straight cut from the carcasses or half carcasses referred to in Article 4(2) of Regulation (EC) No 562/2000; the price of forequarters shall be calculated by applying the coefficient 0,80 to the carcasse price.

3. Notwithstanding Article 4(2)(g) of Regulation (EC) No 562/2000, for the second quarter of 2001 the maximum weight of the carcasses referred to therein shall be:

- 430 kg for the first two tendering procedures,
- 410 kg for the third and fourth tendering procedures,
- 390 kg for the last two tendering procedures.

4. Notwithstanding the first sentence of Article 10 of Regulation (EC) No 562/2000, the deadline for submission of tenders in the second quarter of 2001 shall be 12 noon (Brussels time) on the following dates:

- 17 April,
- 1, 15 and 29 May,
- 12 and 26 June.

5. Notwithstanding Article 16(2) of Regulation (EC) No 562/2000, the delivery period for the last tendering procedure in March 2001 shall end on 21 April 2001.

6. Notwithstanding Article 36 of Regulation (EC) No 562/2000:

- (a) in the case of invitations to tender under Article 47(3) of Regulation (EC) No 1254/1999, the amount to be added to the average market price shall be EUR 14 per 100 kg carcasse weight;
- (b) in the case of invitations to tender under Article 47(5) of Regulation (EC) No 1254/1999, the amount to be added to the average market price shall be EUR 7 per 100 kg carcasse weight.

7. Buying-in in accordance with Regulation (EC) No 562/2000 and this Regulation shall also be opened for carcasses and half carcasses of male animals of Community origin under 12 months old in category A and under 14 months old in category C.

In this case:

- the animals shall be of breeds not listed in Annex I to Regulation (EC) No 2342/1999,
- the carcasse weight shall be between 140 and 200 kg and carcasses shall not show any deformities or anomalies of weight vis-à-vis the age of the animal,
- where the carcasses and half carcasses presented for intervention are of animals at least nine months old, the buying-in price to be paid to the successful tenderer shall be reduced by EUR 68 per half carcase delivered. However, where proof is provided that no special premium has been applied for in respect of the animal concerned, that reduction shall not apply,
- the price offered shall be without reference to product quality,

- Article 13(3) of Regulation (EC) No 562/2000 shall apply to buying-in as referred to in this Article. However, the coefficient laid down may be different from those laid down under that Article in the case of buying-in of other products,
- the following provisions of Regulation (EC) No 562/2000 shall not apply:
 - (a) Article 4(3)(b) and (c), with the exception of those concerning the markings indicating the category and the slaughter number;
 - (b) Article 18(3);
 - (c) Article 20 in the case of animals under 12 months old;
 - (d) Article 36;
 - (e) the information in Annex II relating to the classification of products.

Moreover, with respect to products purchased under this Article:

- notwithstanding Article 11(5)(a) of Regulation (EC) No 562/2000, tenders must relate to at least 5 tonnes,
- when notifying tenders to the Commission, the intervention agencies must specify the quantities concerned,

- such products shall be stored separately, by tendering procedure or by month of storage, in easily identifiable lots,
- the notifications provided for in Article 31(1), (2), (3) and (4) of Regulation (EC) No 562/2000 shall be sent separately from those required for other intervention products.

Article 2

Article 20 of Regulation (EC) No 562/2000 is replaced by the following:

‘Article 20

Boning requirement

The intervention agencies shall have all the beef bought in boned.’

Article 3

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

Article 1 shall apply to tendering procedures opened during the second quarter of 2001. However, point 5 shall apply to the last tendering procedure in March 2001.

Article 2 shall apply from 1 July 2001.

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

Done at Brussels, 26 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 26 March 2001

amending for the third time Decision 2001/172/EC concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom

(notified under document number C(2001) 981)

(Text with EEA relevance)

(2001/239/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, as last amended by Directive 92/118/EEC ⁽²⁾, and in particular Article 10 thereof,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽³⁾, as last amended by Directive 92/118/EEC, and in particular Article 9 thereof,

Whereas:

- (1) Following the reports of outbreaks of foot-and-mouth disease in the United Kingdom, the Commission adopted Decision 2001/172/EC concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom ⁽⁴⁾, as last amended by Decision 2001/209/EC ⁽⁵⁾.
- (2) The foot-and-mouth disease situation in the United Kingdom is liable to endanger the herds in other Member States in view of the placing on the market and trade in live biungulate animals and certain of their products.
- (3) The United Kingdom has taken measures in the framework of Council Directive 85/511/EEC of 18 November 1985 introducing Community measures for the control

of foot-and-mouth disease ⁽⁶⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and furthermore has introduced further measures within the affected areas.

- (4) Because the disease situation in the United Kingdom requires reinforcing the control measures for foot-and-mouth disease taken by the United Kingdom, the additional Community protective measures introduced in close co-operation with the Member State concerned by adopting Decision 2001/172/EC must be maintained until a date to be set.
- (5) Certain provisions of this Decision relating to animal movement control measures applied in the other Member States must be adapted to the disease situation and structure of animal husbandry in Member States.
- (6) Certain references must be corrected for the sake of clarity.
- (7) The situation shall be reviewed at the meeting of the Standing Veterinary Committee scheduled for 27 March 2001 and the measures adapted where necessary.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Commission Decision 2001/172/EC is amended as follows:

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 395, 30.12.1989, p. 13.

⁽⁴⁾ OJ L 62, 2.3.2001, p. 22.

⁽⁵⁾ OJ L 76, 16.3.2001, p. 35.

⁽⁶⁾ OJ L 315, 26.11.1985, p. 11.

1. In Article 3(2) the words 'on animal health problems affecting intra-Community trade in meat products' are replaced by the words 'on health problems affecting the production and marketing of meat products and certain other products of animal origin'.
2. In Article 3(3)(b) third indent the words 'Chapter VII of Annex A' are replaced by the words 'Chapter VI of Annex B'.
3. In the second subparagraph of Article 11a(3) the two indents and the point (a), are replaced by the following:
 - directly or through an approved assembly centre to a slaughterhouse for immediate slaughter, subject to authorisation by the competent authorities of the place of departure and destination, and
 - to another holding, subject to authorisation by the competent authorities of the place of departure and destination

under the condition that:

- (a) during transport such animals do not come into contact with animals not of the same holding of dispatch, unless consigned for slaughter, and'
4. The date in Article 14 is replaced by '4 April 2001'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 26 March 2001.

For the Commission

David BYRNE

Member of the Commission

COMMISSION DECISION

of 26 March 2001

amending Decision 2001/208/EC concerning certain protection measures with regard to foot-and-mouth disease in France

(notified under document number C(2001) 983)

(Text with EEA relevance)

(2001/240/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, as last amended by Directive 92/118/EEC ⁽²⁾, and in particular Article 10 thereof,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽³⁾, as last amended by Directive 92/118/EEC, and in particular Article 9 thereof,

Whereas:

- (1) Following the reports of outbreaks of foot-and-mouth disease in the United Kingdom, the Commission adopted Decision 2001/172/EC concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom ⁽⁴⁾, as last amended by Decision 2001/209/EC ⁽⁵⁾.
- (2) Outbreaks of foot-and-mouth disease have been declared in France.
- (3) The foot-and-mouth disease situation in certain departments of France is liable to endanger the herds in other parts of the territory of France and in other Member States in view of the placing on the market and trade in live biungulate animals and certain of their products.
- (4) France has taken measures in the framework of Council Directive 85/511/EEC of 18 November 1985 introducing Community measures for the control of foot-and-mouth disease ⁽⁶⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and furthermore has introduced further measures within the affected areas, including the measures laid down in Decision 2001/172/EC.

- (5) Because the disease situation in France requires reinforcing the control measures for foot-and-mouth disease taken by France, the Commission by adopting, in close cooperation with the Member State concerned, Decision 2001/208/EC ⁽⁷⁾ introduced additional Community protective measures.
- (6) Certain categories of treated meat products of animal origin do not present a risk of spreading the disease, it appeared therefore appropriate to include provisions allowing transport of fresh meat from the restricted areas to meat processing plants in other parts of France under strict veterinary supervision for the appropriate treatment.
- (7) It is necessary to extent the validity of the Decision and at the same time and without prejudice to the restrictions applied in accordance with Article 9 of Directive 85/511/EEC to make provisions to adapt the status of certain restricted areas to the actual disease situation.
- (8) Certain references must be corrected for the sake of clarity.
- (9) The situation shall be reviewed at the meeting of the Standing Veterinary Committee scheduled for 27 March 2001 and the measures adapted where necessary.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Commission Decision 2001/208/EC is amended as follows:

1. A new subparagraph is added to Article 2(2) as follows:

‘(d) fresh meat obtained from animals of susceptible species originating in the areas listed in Annex I transported under veterinary supervision to an establishment situated in France outside the areas listed in Annex I for treatment in accordance with Article 3(2).’

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 395, 30.12.1989, p. 13.

⁽⁴⁾ OJ L 62, 2.3.2001, p. 22.

⁽⁵⁾ OJ L 76, 16.3.2001, p. 35.

⁽⁶⁾ OJ L 315, 26.11.1985, p. 11.

⁽⁷⁾ OJ L 73, 15.3.2001, p. 38.

2. In Article 3(3)(b) third indent the words 'Chapter VII of Annex A' are replaced by the words 'Chapter VI of Annex B'.

3. The date in Article 13 is replaced by '4 April 2001'.

4. A new Article 13a is added as follows:

'1. However, as of midnight 28 March 2001, the words "Mayenne, Orne" in Annex I should be considered deleted and the words "All departments of mainland France except those in Annex I" in Annex II should be considered as replaced by the words "Mayenne, Orne", if:

(a) no further outbreaks of foot-and-mouth disease are reported in France before 17.00 on 28 March 2001; and

(b) all the clinical examinations and laboratory tests for foot-and-mouth disease carried out in France in susceptible animals:

— on all holdings where the presence of this disease has been suspected in relation to the outbreaks confirmed in France and the United Kingdom in February and March 2001, and

— in each holding where susceptible animals are kept and which is located in the protection and surveillance zones established in the areas listed in Annex I following the outbreak confirmed on 13 March 2001,

have given negative results.

2. For the purpose of paragraph 1, on 28 March 2001 France shall inform the Commission and the other Member States on the compliance with the conditions set up in paragraph 1. In case of compliance the Member States shall amend the conditions they apply to trade so as to bring them in line with this Decision.'

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 26 March 2001.

For the Commission

David BYRNE

Member of the Commission
