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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 591/2001
of 19 March 2001**

renewing for 2001 the measures laid down in Regulation (EC) No 1416/95 establishing certain concessions in the form of Community tariff quotas in 1995 for certain processed agricultural products, with respect to products originating in Norway

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Regulation (EC) No 1416/95 ⁽¹⁾ opened tariff quotas for 1995 in favour of Norway in accordance with the conditions set out in Annex II thereto.
- (2) Regulation (EC) No 1416/95 was renewed for 1996, 1997, 1998, 1999 and 2000 by Regulations (EC) No 102/96 ⁽²⁾, (EC) No 306/97 ⁽³⁾, (EC) No 560/98 ⁽⁴⁾, (EC) No 2847/98 ⁽⁵⁾ and (EC) No 215/2000 ⁽⁶⁾ respectively.
- (3) It was not possible to conclude additional Protocols before 1 January 2001. In these circumstances and pursuant to Articles 76, 102 and 128 of the 1994 Act of Accession, the Community should adopt the measures required to remedy the situation. Therefore, it is necessary to renew the measures provided for in Regulation (EC) No 1416/95 for 2001.
- (4) The measures necessary for the implementation of this Regulation should be adopted in accordance with Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁷⁾.
- (5) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the

Community Customs Code ⁽⁸⁾ consolidated the arrangements for managing the tariff quotas to be used in chronological order of the dates of acceptance of the declarations for release for free circulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. The measures provided for in Article 1(2) of Regulation (EC) No 1416/95 shall be renewed to cover 2001.

Annex II to Regulation (EC) No 1416/95 shall be replaced by the Annex to this Regulation.

2. If Norway discontinues the application of the reciprocal measures in favour of the Community, the Commission may, in accordance with the procedure laid down in Article 2(2) of this Regulation, suspend application of the measures provided for in paragraph 1.

Article 2

1. The Commission shall be assisted by the Committee referred to in Article 15 of Council Regulation (EC) No 3448/93 ⁽⁹⁾ (hereinafter referred to as 'the Committee').

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

⁽¹⁾ OJ L 141, 24.6.1995, p. 1.

⁽²⁾ OJ L 19, 25.1.1996, p. 1.

⁽³⁾ OJ L 51, 21.2.1997, p. 8.

⁽⁴⁾ OJ L 76, 13.3.1998, p. 1.

⁽⁵⁾ OJ L 358, 31.12.1998, p. 14.

⁽⁶⁾ OJ L 24, 29.1.2000, p. 9.

⁽⁷⁾ OJ L 184, 17.7.1999, p. 23.

⁽⁸⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1602/2000 (OJ L 188, 26.7.2000, p. 1).

⁽⁹⁾ OJ L 318, 20.12.1993, p. 18. Regulation as last amended by Regulation (EC) No 2491/98 (OJ L 309, 19.11.1998, p. 28).

3. The Committee shall adopt its rules of procedure.

Article 4

Article 3

The Community tariff quotas referred to in Annex II to Regulation (EC) No 1416/95 shall be administered in accordance with Articles 308a to 308c of Regulation (EEC) No 2454/93.

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

It shall apply with effect from 1 January 2001.

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

Done at Brussels, 19 March 2001.

For the Council

The President

A. LINDH

ANNEX

ANNEX II

PREFERENTIAL TARIFF QUOTAS OPENED FOR 2001

NORWAY

Order No	CN code	Description	Autonomous quotas	Rate of duty applicable
09.0765	1517 10 90	Margarine, excluding liquid margarine Other	2 470 t	Free
09.0766	2102 30 00	Prepared baking powders	150 t	Free
09.0767	ex 2103 90 90 (TARIC codes 90/10 to 90/89)	Sauces and preparations therefor; mixed condiments and mixed seasonings of CN code 2103 90 90, other than mayonnaise	130 t	Free
09.0768	2104 10	Soups and broths and preparations therefor	390 t	Free
09.0769	2106 90 92	Food preparations/other, containing no milk fats, sucrose, isoglucose, glucose or starch or containing less than 1,5 % milk fat, 5 % sucrose or isoglucose, 5 % glucose or starch	510 t	Free
09.0770	2203 00	Beer made from malt	4 800 hl	Free
09.0771	ex 2207 10 00 (TARIC code 90)	Undenatured ethyl alcohol of an alcohol strength by volume of 80 % vol or higher/other than that obtained from agricultural products listed in Annex I to the Treaty	134 000 hl	Free
09.0772	ex 2207 20 00 (TARIC code 90)	Ethyl alcohol and other spirits, denatured, of any strength/other than those obtained from agricultural products listed in Annex I to the Treaty	3 340 hl	Free
09.0774	2403 10	Smoking tobacco, whether or not containing tobacco substitutes in any proportion	370 t	Free'

COMMISSION REGULATION (EC) No 592/2001
of 27 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 28 March 2001.

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

Done at Brussels, 27 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 27 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	90,2
	204	34,7
	212	87,6
	624	85,7
	999	74,5
0707 00 05	052	124,1
	999	124,1
0709 10 00	220	255,0
	999	255,0
0709 90 70	052	126,1
	204	103,2
	624	60,4
	999	96,6
0805 10 10, 0805 10 30, 0805 10 50	052	62,7
	204	47,9
	212	48,0
	220	53,2
	600	54,5
	624	60,5
	999	54,5
0805 30 10	052	57,2
	999	57,2
0808 10 20, 0808 10 50, 0808 10 90	388	94,4
	400	84,8
	404	75,1
	508	86,0
	512	94,0
	524	92,2
	528	87,6
	720	106,6
	728	105,3
	999	91,8
0808 20 50	388	71,9
	512	72,1
	528	74,8
	999	72,9

⁽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 593/2001**of 27 March 2001****amending Regulation (EC) No 528/1999 laying down measures to improve the quality of olive oil production**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EC) No 2826/2000 ⁽²⁾, and in particular Article 5(11) thereof,

Whereas:

- (1) Article 5(9) of Regulation No 136/66/EEC lays down that a percentage of the production aid to all or a proportion of growers is assigned to finance regional measures in producer Member States to improve the quality of olive oil production and its environmental impact.
- (2) The mechanism for determining the financing ceilings provided for in Article 3 of Commission Regulation (EC) No 528/1999 ⁽³⁾ does not permit the distribution of the sum actually withheld. The ceilings set for the production cycles following the fixing of aid for a marketing year should be adjusted in accordance with the difference for that marketing year between the calculation

based on estimated production and that based on actual production.

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

HAS ADOPTED THIS REGULATION:

Article 1

The following subparagraph is added to Article 3(2) of Regulation (EC) No 528/1999:

'The ceilings shall be adjusted on the basis of the difference between the calculation of the deduction from the aid based on estimated production and that based on actual production for the marketing year preceding that on the basis of which the ceilings are fixed under the second subparagraph.'

Article 2

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, 27 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 72, 30.9.1966, p. 3025/66.

⁽²⁾ OJ L 328, 23.12.2000, p. 2.

⁽³⁾ OJ L 62, 11.3.1999, p. 8.

COMMISSION REGULATION (EC) No 594/2001

of 27 March 2001

amending Regulation (EC) No 1374/98 laying down detailed rules for the application of the import arrangements and opening tariff quotas for milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as amended by Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 26(3) and Article 29(1) thereof,

Whereas:

- (1) Article 3(a) of Commission Regulation (EC) No 1374/98 of 29 June 1998 laying down detailed rules for the application of the import arrangements and opening tariff quotas for milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 1998/2000 ⁽⁴⁾, lays down that the classification of certain cheeses is subject to the presentation of a licence issued in accordance with Article 23. Article 23(3) and (4) clearly state that the headings concerned are reserved exclusively for preferential imports from Switzerland under the special arrangements that the Community has concluded with that country. Given that IMA 1 certificates are no longer used when those products are imported, Article 3(b) no longer makes any sense. In the interests of clarity, Article 3 should therefore be updated.
- (2) Article 13 of Regulation (EC) No 1374/98 permits operators to submit a licence application for each CN code under the 'minimum access' quotas referred to in Annex II. This has resulted in excessive numbers of applications, leading to a heavy workload for the competent departments of the Member States and the Commission and financial costs to operators. The provisions concerned should be amended to restrict operators to just one application per serial number.
- (3) Article 21 of Chapter III of Regulation (EC) No 1374/98, which lays down the detailed rules for the application of the non-quota preferential import arrangements, lists the products covered by those arrangements. CN codes 0406 90 02 to 0406 90 06, which are covered, *inter alia*, by Council Decision 69/352/EEC of 6 October 1969 concluding a tariff agreement with Switzerland

concerning certain cheeses listed in position ex 4.04 of the Common Customs Tariff ⁽⁵⁾ and listed in Article 23 of Regulation (EC) No 1374/98, are not listed in Article 21. An addition should therefore be made to Article 21 and it should be stipulated that 'Bergkäse' cheese falling within CN codes 0406 90 02 to 0406 90 06 is not covered by the said tariff agreement.

- (4) Article 1 of Council Regulation (EC) No 2007/2000 of 18 September 2000 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process, amending Regulation (EC) No 2820/98, and repealing Regulations (EC) No 1763/1999 and (EC) No 6/2000 ⁽⁶⁾, as amended by Regulation (EC) No 2563/2000 ⁽⁷⁾, provides for the import of milk and milk products into the Community without quantitative restrictions or measures having equivalent effect and with exemption from customs duties and charges having equivalent effect. Those exceptional measures go beyond the concessions granted to those countries in the form of reduced duties laid down in Annex IV to Regulation (EC) No 1374/98. Those countries should be deleted from that Annex and consequently from Annex VII.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1374/98 is amended as follows:

1. Article 3 is replaced by the following:

'Article 3

CN code 0406 90 01, covering cheeses for processing, shall apply only to imports.

CN codes 0406 90 02 to 0406 90 06, 0406 20 10 and 0406 90 19 shall apply only to imported products originating in and coming from Switzerland in accordance with Article 23.;

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 185, 30.6.1998, p. 21.

⁽⁴⁾ OJ L 238, 22.9.2000, p. 28.

⁽⁵⁾ OJ L 257, 13.10.1969, p. 3.

⁽⁶⁾ OJ L 240, 23.9.2000, p. 1.

⁽⁷⁾ OJ L 295, 23.11.2000, p. 1.

2. Article 13(2) is replaced by the following:

'2. Licence applications may show one or more of the CN codes set out in Annex II for the same serial number and must indicate the quantity requested for each code. However, a licence shall be issued for each separate product code.

The licence application must be for a minimum of 10 tonnes and a maximum of 25 % of the quantity available for each serial number and for each period as referred to in Article 12(2) for which the licence application is submitted.'

3. Article 14(2) is replaced by the following:

'2. Licence applications shall be admissible only where applicants declare in writing that they have not submitted, and undertake not to submit, any other applications under the import arrangements referred to in this section for the same period and for the same serial number in the Member State in which the application is being submitted or in any other Member State; in the event that an applicant submits more than one application for the same serial number, all applications from that applicant shall be invalid.'

4. Article 21 is replaced by the following:

'Article 21

The milk products referred to in Article 20 and the duties applicable shall be as set out in:

- (a) Annex IV.
- (b) Under headings CN 0406 90 02 to 0406 90 06 of the Combined Nomenclature, with the exception of "Bergkäse".

Where appropriate, Article 7 shall apply *mutatis mutandis* to the products referred to in point (a).';

5. Annex IV is amended as follows:

- (a) the information on serial numbers 8 and 9 is replaced by that in the Annex hereto;
- (b) the fourth indent of footnote (2)(a) is deleted;

6. in Annex VII, the information under the heading 'Yugoslavia' is deleted.

Article 2

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, 27 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Order No	CN code	Description	Country of origin	Import duty (EUR/100 kg net weight)	Rules for completing IMA 1 certificates
'8	ex 0406 90 29	Kashkaval, made exclusively from sheep's milk, matured for at least two months, of a minimum fat content of 45 % in the dry matter and a minimum dry matter content of 58 %, in whole cheeses not exceeding 10 kg, whether wrapped in plastic or not	Cyprus Hungary Israel Romania Slovenia Turkey	67,19	See Annex VI (F) —
9	ex 0406 90 31 ex 0406 90 50	Cheeses made exclusively from sheep's milk or buffalo milk, in containers containing brine, or in sheep or goatskin bottles	Cyprus Hungary Israel Romania Slovenia Turkey	67,19	See Annex VI (G) —'

**COMMISSION REGULATION (EC) No 595/2001
of 27 March 2001**

**derogating from Regulation (EC) No 174/1999 laying down detailed rules for the application of
Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of
milk and milk products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the markets in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 30(1) thereof,

Whereas:

- (1) Article 20a of Commission Regulation (EC) No 174/1999 of 26 January 1999 laying down detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 2884/2000 ⁽⁴⁾, lays down the rules for administering the milk powder quota for imports into the Dominican Republic under the Memorandum of Understanding between the European Community and the Dominican Republic, approved by Council Decision 98/486/EC ⁽⁵⁾. As a result of difficulties with the application of that Memorandum in the Dominican Republic,

the application period from 1 July 2001 to 30 June 2002 should be postponed.

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

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 20a(7) of Regulation (EC) No 174/1999, for the period from 1 July 2001 to 30 June 2002, licence applications shall be lodged from 1 to 10 May 2001.

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, 27 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 20, 27.1.1999, p. 8.

⁽⁴⁾ OJ L 333, 27.12.2000, p. 76.

⁽⁵⁾ OJ L 218, 6.8.1998, p. 45.

II

(Acts whose publication is not obligatory)

COUNCIL

DECISION No 1/2001 OF THE EU-SLOVENIA ASSOCIATION COUNCIL

of 7 March 2001

adopting the terms and conditions for the participation of the Republic of Slovenia in the Financial Instrument for the Environment (LIFE)

(2001/241/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Slovenia, of the other part ⁽¹⁾, signed in Luxembourg on 10 June 1996, and, in particular, Article 106 thereof,

Whereas:

- (1) According to Article 106 of the Europe Agreement and Annex XI thereto, Slovenia may participate in Community framework programmes, specific programmes, projects or other actions notably in the field of environment.
- (2) According to the same Article the terms and conditions for Slovenia's participation in these activities shall be decided by the Association Council,

HAS DECIDED AS FOLLOWS:

Article 1

As from 1 January 2001, Slovenia shall participate in the Financial Instrument for the Environment (hereinafter called

LIFE) according to the terms and conditions set out in Annexes I and II which shall form an integral part of this Decision.

Article 2

This Decision shall apply for the duration of the LIFE third phase, starting from 1 January 2001.

Article 3

Proposals submitted to the Commission by Slovenia before 31 October 2000 for LIFE Nature and before 30 November 2000 for LIFE Environment shall be eligible for evaluation.

Article 4

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

Done at Brussels, 7 March 2001.

For the Association Council

The President

A. LINDH

⁽¹⁾ OJ L 51, 26.2.1999, p. 3.

ANNEX I

Terms and conditions for the participation of the Republic of Slovenia in the Financial Instrument for the Environment (LIFE)

1. Slovenia will participate in all actions of LIFE in accordance with the objectives, criteria, procedures and deadlines laid down in Regulation (EC) No 1655/2000 of the European Parliament and of the Council of 17 July 2000 concerning the Financial Instrument for the Environment (LIFE) ⁽¹⁾.
2. To participate in the programme, each year, Slovenia will pay a contribution to the general budget of the European Union according to the procedures outlined in Annex II.
If necessary in order to take into account LIFE developments, or the evolution of Slovenia's absorption capacity, the Association Committee is entitled to adapt this contribution, so as to avoid budgetary imbalance in the implementation of LIFE.
3. The terms and conditions for the submission, assessment and selection of applications related to eligible institutions, organisations and individuals of Slovenia will be the same as those applicable to eligible institutions, organisations and individuals of the Community.
The Commission may take Slovenian experts into consideration when appointing independent experts according to the relevant provisions of the decision establishing the programme to assist it in the project evaluation.
4. To reflect the Community dimension of LIFE, transnational projects and activities proposed by Slovenia should, whenever relevant, include at least one partner from one of the Member States of the Community.
5. The Member States of the Community and Slovenia will make every effort, within the framework of existing provisions, to facilitate the free movement and residence of experts and other eligible persons moving between Slovenia and the Member States of the Community for the purpose of participating in activities covered by this Decision.
6. Activities covered by this Decision shall be exempt from imposition by Slovenia of indirect taxes, customs duties, prohibitions and restrictions on imports and exports in respect of goods and services intended for use under such activities.
7. Without prejudice to the responsibilities of the the European Commission and the Court of Auditors in relation to the monitoring and evaluation of the programme pursuant to Article 9 of Regulation (EC) No 1655/2000, the participation of Slovenia in the programme will be monitored continuously on a partnership basis involving the Commission and Slovenia. Slovenia will take part in any other specific activities set out by the Community in that context.
8. In conformity with the Community's financial regulations, contractual arrangements concluded with entities of Slovenia shall provide for controls and audits to be carried out by, or under the authority of, the Commission and the Court of Auditors. Financial audits may be carried out with the purpose of controlling such entities' income and expenditure, related to the contractual obligations towards the Community. In a spirit of cooperation and mutual interest, the relevant authorities of Slovenia shall provide any reasonable and feasible assistance as may be necessary or helpful under the circumstances to perform such controls and audits.
9. Without prejudice to the procedures referred to in Article 3(7) and in Article 11 of Regulation (EC) No 1655/2000, representatives of Slovenia will, for the points which concern them, participate as observers in the relevant committees. These committees shall meet without the presence of representatives of Slovenia for the rest of the points, as well as when voting takes place.
10. The language to be used in all contacts with the Commission, as regards the application process, contracts, reports to be submitted and other administrative arrangements for the programmes, will be one of the official languages of the Community.
11. The Community and Slovenia may terminate activities under this Decision at any time on 12 months' notice in writing. Projects and activities in progress at the time of termination shall continue until their completion under the conditions laid down in the appropriate agreements.

⁽¹⁾ OJ L 192, 28.7.2000, p. 1.

ANNEX II

Financial contribution of Slovenia to LIFE

1. The financial contribution to be paid by Slovenia to the general budget of the European Union to participate in LIFE will be EUR 700 000 for each of the first two budgetary years. Supplementary costs of administrative nature are included in the abovementioned amount.

The contribution to be paid by Slovenia for the following period will be decided by the Association Council in the course of the year 2002.

2. Slovenia will pay the contribution mentioned in point 1, partly from the Slovenian national budget and partly from Slovenia's PHARE National Programme. Subject to a separate PHARE programming procedure, the requested PHARE funds will be transferred to Slovenia by means of a separate financing memorandum. Together with the part coming from Slovenia's State budget, these funds will constitute Slovenia's national contribution, out of which it will make payments in response to annual calls for funds from the Commission.
3. PHARE funds will be requested according to the following schedule:
 - EUR 330 000 for the contribution to LIFE for the first year, 2001,
 - EUR 330 000 for the second year.

The remaining part of the contribution of Slovenia will be covered from the Slovenian State budget.

4. The Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽¹⁾ will apply, notably to the management of the contribution of Slovenia.

Travel costs and subsistence costs incurred by representatives and experts of Slovenia for the purposes of taking part as observers in the work of the relevant committees referred to in point 9 of Annex I or other meetings related to the implementation of LIFE shall be reimbursed by the Commission on the same basis as, and in accordance with, the procedures currently in force for non-governmental experts of the Member States of the European Union.

5. After the entry into force of this Decision and at the beginning of each following year, the Commission will send to Slovenia a call for funds corresponding to its contribution to LIFE under this Decision.

This contribution shall be expressed in euro and paid into a euro bank account of the Commission.

Slovenia will pay its contribution according to the call for funds:

- by 1 April for the part financed from its national budget, provided that the call for funds is sent by the Commission before 1 March, or at the latest one month after the call for funds is sent if later,
- by 1 April for the part financed from PHARE, provided that the corresponding amounts have been sent to Slovenia by this time, or at the latest in a period of 30 days after these funds have been sent to Slovenia.

Any delay in the payment of the contribution shall give rise to the payment of interest by Slovenia on the outstanding amount from the due date. The interest rate corresponds to the rate applied by the European Central Bank, on the due date, for its operations in euro, increased by 1,5 percentage points.

⁽¹⁾ OJ L 356, 31.12.1977, p. 1. Regulation as last amended by Regulation (EC) No 2673/1999 (OJ L 326, 18.12.1999, p. 1).

COUNCIL DECISION

of 19 March 2001

authorising the Republic of Austria to apply a measure derogating from Article 11 of the Sixth Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes

(2001/242/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Union,

Having regard to the Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment ⁽¹⁾, and in particular Article 27 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Under Article 27(1) of Directive 77/388/EEC, the Council, acting unanimously on a proposal from the Commission, may authorise any Member State to introduce or extend special measures for derogation from the Directive in order to simplify the procedure for charging the tax or to prevent certain types of tax evasion or avoidance.
- (2) By letter registered by the Secretariat-General of the Commission on 25 August 2000, the Republic of Austria requested authorisation to extend application of a special measure derogating from Article 11 of the said Directive.
- (3) In accordance with Article 27 of the Directive, the other Member States have been notified of the Republic of Austria's request, by letter dated 4 December 2000.
- (4) The special measure is a simplified tax regime for international passenger transport carried out by taxable persons not established in Austria by means of motor vehicles not registered in Austria. VAT is collected through payment at the border of an amount calculated on the basis of an average taxable amount per person and per kilometre.
- (5) The Republic of Austria was authorised to apply this special measure until 31 December 2000 under the 1994 Act of Accession.

- (6) The special measure is a simplification measure satisfying the conditions of Article 27 of Directive 77/388/EEC, provided that it applies to all operators not established in Austria that fulfil the same conditions, regardless of their country of establishment.
- (7) The authorisation should be accorded, with the above-mentioned proviso, until 31 December 2005 when the appropriateness of the derogation will be reviewed,

HAS ADOPTED THIS DECISION:

Article 1

By derogation from Article 11 of Directive 77/388/EEC, the Republic of Austria is hereby authorised to tax, from 1 January 2001 to 31 December 2005, international passenger transport carried out by taxable persons not established in Austria by means of motor vehicles not registered in Austria under the following conditions:

- the distance covered in Austria shall be taxed on the basis of an average taxable amount per person and per kilometre;
- the system shall apply to all taxable persons not established in Austria, whatever the country in which their place of business is established;
- the system shall not involve fiscal controls at frontiers between Member States.

Article 2

This Decision is addressed to the Republic of Austria.

Done at Brussels, 19 March 2001.

*For the Council**The President*

A. LINDH

⁽¹⁾ OJ L 145, 13.6.1977, p. 1. Directive as last amended by Directive 2001/41/EC (OJ L 22, 24.1.2001, p. 17).

COUNCIL DECISION

of 19 March 2001

amending Article 1 of Decision 1999/81/EC authorising the Kingdom of Spain to apply a measure derogating from Article 2 and Article 28a(1) of the Sixth Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes

(2001/243/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment ⁽¹⁾, and in particular Article 27 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Pursuant to Article 27(1) of the Sixth VAT Directive, the Council, acting unanimously on a proposal from the Commission, may authorise any Member State to introduce or extend special measures for derogation from that Directive in order to simplify the procedure for charging the tax or to prevent certain types of tax evasion or avoidance.
- (2) By letter registered with the Commission's Secretariat-General on 27 October 2000, the Kingdom of Spain requested authorisation to extend the application of the derogation previously granted to it by Decision 1999/81/EC ⁽²⁾.
- (3) The other Member States were informed on 27 November 2000 the said request.
- (4) The derogation in question is designed:
 - (a) to exempt the supply and intra-Community acquisition of used and waste materials consisting of glass, paper and board, in the case of taxable persons whose sales of such products in the previous year were not worth more than PTA 50 million;
 - (b) to exempt the supply and intra-Community acquisition of used and waste materials consisting of ferrous metals, in the case of taxable persons whose sales of such products in the previous year were not worth more than PTA 200 million;

(c) to exempt the supply and intra-Community acquisition of waste non-ferrous metals, irrespective of the turnover for sales of such goods.

- (5) This measure has proven to be an effective means of combating the evasion or fraud and the legal and factual circumstances which justified granting authorisation to apply a derogation have not changed and still obtain.
- (6) On 7 June 2000 the Commission published a strategy to improve the operation of the VAT system in the short term, including the modernisation, simplification and the countering of abuse of the current rules while moving towards greater uniform application.
- (7) In the context of this strategy the Commission would expect fewer derogations but pending reflection on this area, the Commission accepts that this measure significantly counters abuse of the VAT system.
- (8) It is appropriate, therefore, to extend the period of the authorisation granted until 31 December 2003 pending an assessment of the compatibility of this measure with the overall approach to the system of VAT.
- (9) The derogation has no adverse impact on the European Communities' own resources accruing from VAT,

HAS ADOPTED THIS DECISION:

Article 1

Article 1 of Decision 1999/81/EC shall be replaced by the following:

'Article 1

The Kingdom of Spain is hereby authorised until 31 December 2003 to apply a special measure for taxation of used and waste materials that contains provisions derogating from the Sixth Directive 77/388/EEC.

The provisions in question are laid down in Articles 2, 3 and 4 below.'

Article 2

This Decision shall apply from 1 January 2001.

⁽¹⁾ OJ L 145, 13.6.1977, p. 1. Directive as last amended by Directive 2001/41/EC (OJ L 22, 24.1.2001, p. 17).

⁽²⁾ OJ L 27, 2.2.1999, p. 26.

Article 3

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 19 March 2001.

For the Council

The President

A. LINDH

COUNCIL DECISION

of 19 March 2001

amending Article 1 of Decision 1999/80/EC authorising the Italian Republic to apply a measure derogating from Articles 2 and 10 of the Sixth Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes

(2001/244/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Sixth Council Directive 77/388/EEC of 17 May 1977 ⁽¹⁾ on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment, and in particular Article 27 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Pursuant to Article 27(1) of the Sixth VAT Directive, the Council, acting unanimously on a proposal from the Commission, may authorise any Member State to introduce or extend special measures for derogation from that Directive in order to simplify the procedure for charging the tax or to prevent certain types of tax evasion or avoidance.
- (2) By letter registered with the Commission's Secretariat-General on 19 September 2000, the Italian Republic requested authorisation to extend the application of the derogation previously granted to it by Decision 1999/80/EC ⁽²⁾.
- (3) The other Member States were informed on 17 October 2000 of the said request.
- (4) The derogation in question is designed:
 - (a) to exempt, without granting a right to deduction of input tax, supplies of scrap metal and other recyclable materials made either by firms which have a fixed establishment and a generated turnover excluding tax of not more than ITL 2 billion during the previous year or by firms which do not have a fixed establishment;
 - (b) to grant to firms which have a fixed establishment and a generated turnover excluding tax of between ITL 150 million and ITL 2 thousand million during the previous year, the right to opt for the normal taxation arrangements;

(c) to apply the VAT suspension arrangements with the right to deduct input tax, to supplies of non-ferrous scrap, irrespective of the turnover excluding VAT of the firm making them.

- (5) This measure has proven to be an effective means of combating the evasion or fraud and the legal and factual circumstances which justified granting authorisation to apply a derogation have not changed and still obtain.
- (6) On 7 June 2000 the Commission published a strategy to improve the operation of the VAT system in the short term, including the modernisation, simplification and the countering of abuse of the current rules while moving towards greater uniform application.
- (7) In the context of this strategy the Commission would expect fewer derogations but pending reflection on this area, the Commission accepts that this measure significantly counters abuse of the VAT system.
- (8) It is appropriate, therefore, to extend the period of the authorisation granted until 31 December 2003 pending an assessment of the compatibility of this measure with the overall approach to the system of VAT.
- (9) The derogation has no adverse impact on the European Communities' own resources accruing from VAT,

HAS ADOPTED THIS DECISION:

Article 1

Article 1 of Decision 1999/80/EC shall be replaced by the following:

'Article 1

The Italian Republic is hereby authorised until 31 December 2003 to apply a special measure for taxation of used and waste materials that contains provisions derogating from the Sixth Directive 77/388/EEC.

The provisions in question are laid down in Articles 2 and 3 below.'

Article 2

This Decision shall apply from 1 January 2001.

⁽¹⁾ OJ L 145, 13.6.1977, p. 1. Directive as last amended by Directive 2001/41/EC (OJ L 22, 24.1.2001, p. 17).

⁽²⁾ OJ L 27, 2.2.1999, p. 24.

Article 3

This Decision is addressed to the Italian Republic.

Done at Brussels, 19 March 2001.

For the Council

The President

A. LINDH

COMMISSION

COMMISSION DECISION

of 22 March 2001

concerning the non-inclusion of zineb in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing this active substance

(notified under document number C(2001) 749)

(Text with EEA relevance)

(2001/245/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, as last amended by Commission Directive 2000/80/EC ⁽²⁾, and in particular the fourth subparagraph of Article 8(2) thereof,

Having regard to Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC concerning the placing of plant protection products on the market ⁽³⁾, as last amended by Commission Regulation (EC) No 2266/2000 ⁽⁴⁾, and in particular the fourth subparagraph of Article 6(5) thereof,

Whereas:

- (1) Article 8(2) of Directive 91/414/EEC provided for the Commission to carry out a programme of work for the examination of the active substances used in plant protection products which were already on the market on 15 July 1993. Detailed rules for the carrying out of this programme were established in Regulation (EEC) No 3600/92.
- (2) Commission Regulation (EC) No 933/94 ⁽⁵⁾ as last amended by Regulation (EC) No 2230/95 ⁽⁶⁾ designated the active substances which should be assessed in the framework of Regulation (EEC) No 3600/92, designated a Member State to act as rapporteur in respect of the assessment of each substance and identified the producers of each active substance who submitted a notification in due time in accordance with Article 4(2) of Regulation (EEC) No 3600/92.

- (3) Zineb is one of the 90 active substances designated in Regulation (EC) No 933/94.
- (4) All notifiers for this active substance informed the Commission and the rapporteur Member State that they no longer wished to participate in the programme of work for this active substance, and therefore further information will not be submitted.
- (5) Therefore it is not possible to include this active substance in Annex I to Directive 91/414/EEC.
- (6) Any period of grace for disposal, storage, placing on the market and use of existing stocks of plant protection products containing zineb allowed by Member State, in accordance with the provisions of Article 4(6) of Directive 91/414/EEC should be limited to a period no longer than 18 months to allow existing stocks to be used in no more than one further growing season.
- (7) This Decision does not prejudice any action the Commission may undertake at a later stage for this active substance within the framework of Council Directive 79/117/EEC ⁽⁷⁾.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

Zineb is not included as active substance in Annex I to Directive 91/414/EEC.

Article 2

Member States shall ensure that:

1. authorisations for plant protection products containing zineb are withdrawn within a period of six months from the date of adoption of the present Decision;

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 309, 9.12.2000, p. 14.

⁽³⁾ OJ L 366, 15.12.1992, p. 10.

⁽⁴⁾ OJ L 259, 13.10.2000, p. 27.

⁽⁵⁾ OJ L 107, 28.4.1994, p. 8.

⁽⁶⁾ OJ L 225, 22.9.1995, p. 1.

⁽⁷⁾ OJ L 33, 8.2.1979, p. 36.

2. from the date of adoption of the present Decision no authorisations for plant protection products containing zineb are granted or renewed under the derogation provided for in Article 8(2) of Directive 91/414/EEC.

Article 3

Any period of grace granted by Member States in accordance with the provisions of Article 4(6) of Directive 91/414/EEC, shall be as short as possible and not longer than 18 months from the date of adoption of the present Decision.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 22 March 2001.

For the Commission

David BYRNE

Member of the Commission

COMMISSION DECISION

of 27 March 2001

laying down the conditions for the control and eradication of foot-and-mouth disease in the Netherlands in application of Article 13 of Directive 85/511/EEC

(notified under document number C(2001) 1018)

(Text with EEA relevance)

(2001/246/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 85/511/EEC of 18 November 1985 introducing Community measures for the control of foot-and-mouth disease ⁽³⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 13(3) thereof,

Whereas:

- (1) In Article 13(3) of Directive 85/511/EEC provisions are made for emergency vaccination.
- (2) The principles provided for in this Article require to balance the decision on resorting to vaccination against basic Community interests which must not be endangered.
- (3) Following the reports of outbreaks of foot-and-mouth disease in the United Kingdom, France, the Netherlands and Ireland, the Commission adopted Decisions 2001/172/EC ⁽⁴⁾, 2001/208/EC ⁽⁵⁾, 2001/223/EC ⁽⁶⁾ and 2001/234/EC ⁽⁷⁾ concerning certain protection measures with regard to foot-and-mouth disease in the respective Member State.
- (4) In addition to the measures within the framework of Directive 85/511/EEC, the Netherlands apply as a precautionary measure the pre-emptive killing of susceptible animals in holdings situated in close proximity to infected or suspect holdings, taking into account the epidemiological situation and the high density of susceptible animals in certain parts of the territory.

- (5) Killing of animals for disease reasons must be carried out in accordance with Council Directive 93/119/EEC of 22 December 1993 on the protection of animals at the time of slaughter or killing ⁽⁸⁾.
- (6) Large scale killing of animals of infected or contaminated holdings may quickly exhaust the capacities for safe destruction of carcasses and thereby unavoidably delay the pre-emptive killing and this may lead to the amplification and spread of the virus.
- (7) The competent authorities of the Netherlands have presented to the Commission a programme to employ vaccination as an additional instrument to control and eradicate foot-and-mouth disease in connection with the pre-emptive killing of animals of susceptible species. Although the use of vaccine in the framework of pre-emptive killing is only useful where the expected delay in killing exceeds the time required to build-up sufficient immunity to reduce effectively the spread of virus, it should under no circumstances compromise the progress in reducing the number of animals of susceptible species around outbreaks.
- (8) In its report of 10 March 1999 the Scientific Committee on Animal Health and Animal Welfare made recommendations on the strategy for emergency vaccination against foot-and-mouth disease, which must be taken into account ⁽⁹⁾.
- (9) Recourse to any kind of vaccination will inevitably jeopardise the foot-and-mouth disease status in terms of international trade not only for the Member State or part of its territory where vaccination is carried out.
- (10) The Commission prior to taking a Decision on emergency vaccination must ensure that the measures to be taken include at least those provided for in Article 13(3) first to sixth indent of Directive 85/511/EEC.
- (11) It is the purpose of this Decision to define the conditions under which the Netherlands may apply emergency vaccination.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 315, 26.11.1985, p. 11.

⁽⁴⁾ OJ L 62, 2.3.2001, p. 22.

⁽⁵⁾ OJ L 73, 15.3.2001, p. 38.

⁽⁶⁾ OJ L 82, 22.3.2001, p. 29.

⁽⁷⁾ OJ L 84, 23.3.2001, p. 62.

⁽⁸⁾ OJ L 340, 31.12.1993, p. 21.

⁽⁹⁾ http://europa.eu.int/comm/food/fs/sc/scsh/outcome_en.html

HAS ADOPTED THIS DECISION:

Article 1

For the purpose of this Decision the following definitions shall apply:

1. 'Pre-emptive killing' shall mean the killing of susceptible animals on holdings within a certain radius around holdings placed under the restrictions laid down in Articles 4 or 5 of Directive 85/511/EEC.

It is aimed at the urgent reduction of numbers of animals of susceptible species in an infected area.

2. 'Suppressive vaccination' shall mean emergency vaccination of animals of susceptible species in identified holdings situated in a defined area, the vaccination zone, which is carried out exclusively in conjunction with pre-emptive killing as defined in paragraph 1.

It is aimed at an urgent reduction of the amount of virus circulating and the risk of virus spreading beyond the perimeters of the area without delaying the pre-emptive killing.

It shall only be carried out where the pre-emptive killing of animals of susceptible species must be delayed for an estimated time most likely exceeding the time required to effectively reduce the spread of virus by immunisation for at least one of the following reasons:

- constraints on the execution of killing of animals of susceptible species in compliance with the provisions in Directive 93/119/EEC,
- constraints on the available capacities to destroy killed animals in accordance with Article 5(2) second indent of Directive 85/511/EEC.

Article 2

1. Without prejudice to Directive 85/511/EEC, and in particular Articles 4, 5 and 9 thereof, the Netherlands may decide on resorting to suppressive vaccination under the conditions set out in the Annex.

2. Before commencing the measures referred to in paragraph 1, the Netherlands shall ensure that the Member States and the Commission are officially informed on the details concerning the geographical and administrative definition of the vaccination zone, the number of holdings affected and the time when vaccination will be started and accomplished and the reason why the measures have been taken.

Subsequently the Netherlands shall ensure that the information submitted in accordance with the first subparagraph is completed without undue delay with the details concerning the killing of vaccinated animals, in particular the number of animals killed, the number of holdings affected, the time the killing was completed, and the modifications of the restrictions applied in the areas concerned.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 27 March 2001.

For the Commission

David BYRNE

Member of the Commission

ANNEX

Conditions for the use of suppressive vaccination in the control and eradication of foot-and-mouth disease in application of Article 13(3) of Directive 85/511/EEC

1.	Extent of the geographical area in which suppressive vaccination is to be carried out	The vaccination zone shall be an area of up to 2 km radius around a holding placed under the restrictions laid down in Articles 4 or 5 of Directive 85/511/EEC. The vaccination zone must be situated in the parts of the territory of the Netherlands included in Annex I to Commission Decision 2001/223/EC as last amended.
2.	Species and age of the animals to be vaccinated	All animals of susceptible species independently of their sex, age and gestational or productive status.
3.	Duration of the vaccination campaign	The campaign must be completed within 48 hours.
4.	Specific standstill of vaccinated animals and products of vaccinated animals	The measures laid down in Article 4 of Directive 85/511/EEC shall apply to holdings on which suppressive vaccination is to be carried out.
5.	Special identification and special registration of the vaccinated animals	The measures laid down in Article 4 of Directive 85/511/EEC shall apply to holdings on which suppressive vaccination is to be carried out. An indelible mark must be applied to vaccinated animals at the time of vaccination.
6.	Other matters appropriate to the suppressive vaccination	
6.1.	Adjustment of zones established in accordance with Article 9 of Directive 85/511/EEC	A protection zone of at least 2 km and a surveillance zone of at least 10 km around the vaccination zone referred to in point 1
6.2.	Period for which the measures applied in the zones established in accordance with Article 9 of Directive 85/511/EEC are maintained	The measures applied in the protection zone referred to in point 6.1 must be maintained for at least 15 days after the elimination of all animals of susceptible species and the completion of the preliminary cleansing and disinfection on the holding where suppressive vaccination was carried out. The measures applied in the surveillance zone must remain in force in the protection zone for at least another 15 days. The measures applied in the surveillance zone must remain in force for at least 30 days after the elimination of all animals of susceptible species and the completion of the preliminary cleansing and disinfection on the holding where suppressive vaccination was carried out.
6.3.	Execution of the vaccination campaign	Vaccination must be carried out by an official of the competent authorities. Necessary measures must be in place to avoid possible spread of virus. Any residual quantities of vaccine must be returned to the point of vaccine distribution with a written record on number of animals vaccinated and the number of doses used.
6.4.	Vaccine to be used	The inactivated vaccine to be used must be suitably formulated for the species concerned and be effective against the virus type circulating. It shall be used in accordance with the instructions of the manufacturer.
6.5.	Elimination of all animals of susceptible species on holdings where suppressive vaccination was carried out	Without undue delay and at least at the earliest possible moment when the conditions referred to in Article 1(2) third subparagraph, first and second indent do not longer apply.
6.6.	Information on implementation of this programme to the Commission	A detailed report on the execution of the programme shall be provided to the Commission and the Member States in the framework of a Standing Veterinary Committee before the lifting of the restrictions referred to in points 6.1 and 6.2.

CORRIGENDA

Corrigendum to Council Regulation (EC) No 2802/2000 of 14 December 2000 amending Regulation (EC) No 2505/96 opening and providing for the administration of autonomous Community tariff quotas for certain agricultural and industrial products*(Official Journal of the European Communities L 331 of 27 December 2000)*

On page 60, in the Annex the following shall be inserted after Order No 09.2995:

'09.2996	ex 8407 90 10	20	Two-stroke internal combustion engines, having a cylinder capacity not exceeding 125 cc, for the manufacture of lawnmowers of subheading 8433 11 ⁽⁴⁾	10 000 units	0	1.1 to 31.12'
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