

Official Journal

of the European Communities

ISSN 0378-6978

L 90

Volume 44

30 March 2001

English edition

Legislation

Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 607/2001 of 29 March 2001 establishing the standard import values for determining the entry price of certain fruit and vegetables	1
★ Commission Regulation (EC) No 608/2001 of 29 March 2001 prohibiting fishing for Northern prawn by vessels flying the flag of Sweden	3
★ Commission Regulation (EC) No 609/2001 of 28 March 2001 laying down detailed rules for the application of Council Regulation (EC) No 2200/96 as regards operational programmes, operational funds and Community financial assistance, and repealing Regulation (EC) No 411/97	4
★ Commission Regulation (EC) No 610/2001 of 29 March 2001 amending Regulation (EC) No 708/98 on the taking over of paddy rice by the intervention agencies and fixing the corrective amounts and the price increases and reductions to be applied	17
Commission Regulation (EC) No 611/2001 of 29 March 2001 amending representative prices and additional duties for the import of certain products in the sugar sector	20
Commission Regulation (EC) No 612/2001 of 29 March 2001 on the issue of system B export licences in the fruit and vegetables sector	22
Commission Regulation (EC) No 613/2001 of 29 March 2001 on the issue of import licences for garlic originating in China	23
Commission Regulation (EC) No 614/2001 of 29 March 2001 fixing the export refunds on products processed from cereals and rice	24
Commission Regulation (EC) No 615/2001 of 29 March 2001 fixing the export refunds on cereal-based compound feedingstuffs	27
Commission Regulation (EC) No 616/2001 of 29 March 2001 fixing production refunds on cereals and rice	29

Commission Regulation (EC) No 617/2001 of 29 March 2001 fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 1701/2000	30
Commission Regulation (EC) No 618/2001 of 29 March 2001 fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 2014/2000	31
Commission Regulation (EC) No 619/2001 of 29 March 2001 fixing the maximum export refund on barley in connection with the invitation to tender issued in Regulation (EC) No 2317/2000	32
Commission Regulation (EC) No 620/2001 of 29 March 2001 concerning tenders notified in response to the invitation to tender for the export of rye issued in Regulation (EC) No 1740/2000	33
Commission Regulation (EC) No 621/2001 of 29 March 2001 fixing the maximum export refund on oats in connection with the invitation to tender issued in Regulation (EC) No 2097/2000	34
Commission Regulation (EC) No 622/2001 of 29 March 2001 fixing the export refunds on cereals and on wheat or rye flour, groats and meal	35
Commission Regulation (EC) No 623/2001 of 29 March 2001 fixing the corrective amount applicable to the refund on cereals	37
Commission Regulation (EC) No 624/2001 of 29 March 2001 fixing the corrective amount applicable to the refund on malt	39
Commission Regulation (EC) No 625/2001 of 29 March 2001 fixing the rates of the refunds applicable to certain cereal and rice-products exported in the form of goods not covered by Annex I to the Treaty	41

II Acts whose publication is not obligatory

Council

2001/248/EC:

- ★ **Council Decision of 19 March 2001 concerning the conclusion of the framework Agreement for Trade and Cooperation between the European Community and its Member States, on the one hand, and the Republic of Korea, on the other hand** 45
- Framework Agreement for Trade and Cooperation between the European Community and its Member States, on the one hand, and the Republic of Korea, on the other hand 46
- Joint Declarations 59
- Joint Interpretative Declaration concerning Article 23 60
- Information concerning the date of entry into force of the Framework Agreement for Trade and Cooperation between the European Community and its Member States, on the one hand, and the Republic of Korea, on the other hand 61

Commission

2001/249/EC:

- ★ **Commission Decision of 26 March 2001 fixing the maximum amount of aid granted for the private storage of olive oil under the first partial invitation to tender provided for by Regulation (EC) No 327/2001 (notified under document number C(2001) 823)** 62

2001/250/EC:

- ★ **Commission Decision of 29 March 2001 amending for the second time Decision 2001/208/EC concerning certain protection measures with regard to foot-and-mouth disease in France ⁽¹⁾ (notified under document number C(2001) 1031)** 63

⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 607/2001
of 29 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 30 March 2001.

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

Done at Brussels, 29 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 29 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	79,4
	204	35,1
	212	71,2
	624	85,7
	999	67,9
0707 00 05	052	140,4
	999	140,4
0709 90 70	052	125,5
	204	88,5
	624	63,1
	999	92,4
0805 10 10, 0805 10 30, 0805 10 50	052	84,0
	204	47,6
	212	45,7
	220	52,3
	600	54,5
	624	45,2
	999	54,9
0808 10 20, 0808 10 50, 0808 10 90	388	100,7
	400	77,5
	404	91,5
	508	86,3
	512	77,1
	524	92,2
	528	89,2
	720	108,5
	999	90,4
	388	70,7
0808 20 50	512	70,9
	528	74,1
	999	71,9

⁽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 608/2001**of 29 March 2001****prohibiting fishing for Northern prawn by vessels flying the flag of Sweden**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, as last amended by Regulation (EC) No 2846/98 ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2848/2000 of 15 December 2000 fixing for 2001 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required ⁽³⁾ lays down quotas for Northern prawn for 2001.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of Northern prawn in Norwegian waters south of 62° 00' N by vessels flying the flag of Sweden

or registered in Sweden have exhausted the quota allocated for 2001. Sweden has prohibited fishing for this stock from 5 March 2001. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of Northern prawn in Norwegian waters south of 62° 00' N by vessels flying the flag of Sweden or registered in Sweden are hereby deemed to have exhausted the quota allocated to Sweden for 2001.

Fishing for Northern prawn in Norwegian waters south of 62° 00' N by vessels flying the flag of Sweden or registered in Sweden is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 5 March 2001.

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

Done at Brussels, 29 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 358, 31.12.1998, p. 5.

⁽³⁾ OJ L 334, 30.12.2000, p. 1.

**COMMISSION REGULATION (EC) No 609/2001
of 28 March 2001**

**laying down detailed rules for the application of Council Regulation (EC) No 2200/96 as regards
operational programmes, operational funds and Community financial assistance, and repealing
Regulation (EC) No 411/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 2826/2000 ⁽²⁾, and in particular Article 48 thereof,

Whereas:

- (1) Article 15 of Regulation (EC) No 2200/96 provides for financial assistance to be granted to producer organisations setting up an operational fund in accordance with certain rules and within certain limits. Article 13 grants financial assistance to existing producer organisations needing a transitional period in order to qualify for recognition. Article 16 lays down certain rules for the implementation of operational programmes, and action plans in the case of producer organisations recognised under Article 13. Detailed rules should be laid down for the application of those provisions.
- (2) So as to promote regrouping of supply and facilitate the implementation of certain measures within operational programmes, producer organisations should be able to confer the partial or total implementation of actions in their operational programme to a recognised association of producer organisations. However, specific provisions are necessary in order to avoid abuses or double financing.
- (3) To facilitate the use of the scheme, the marketed production of producer organisations should be clearly defined, including the specification of the eligibility of product and the marketing stage at which the value of production is to be calculated. To guarantee equal treatment for all products intended for processing eligible for an aid system under Council Regulations (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetables ⁽³⁾, as last amended by Regulation (EC) No 2699/2000 ⁽⁴⁾, and (EC) No 2202/96 of 28 October 1996 introducing a Community aid scheme for producers of certain citrus

fruits ⁽⁵⁾, as last amended by Regulation (EC) No 2699/2000, the aid referred to in Article 2 of Regulation (EC) No 2201/96 and Article 1 of Regulation (EC) No 2202/96 should be added to the appropriate value of marketed production. For consistency, the ceilings on Community financial assistance should be calculated on the basis of the value of production marketed during a 12-month period. To ensure flexibility of this system for operators, Member States may define limited options for calculating this 12-month period; additional methods of calculation of marketable production should also be made possible in case of yearly fluctuations or insufficient data. To prevent misuse of the scheme, producer organisations should not be permitted to change reference periods within the duration of a programme.

- (4) To ensure correct use of Community funds, rules must be laid down for the management of operational funds and members' financial contributions towards these funds. In particular it should be specified that the financial contributions of members of the producer organisation are based on the marketed production used to calculate the Community financial assistance. Different levels of contributions may be set to take into account different levels of participation in an operational programme by different groups of members, on condition that the collective nature of the operational programme is not weakened.
- (5) In the interests of sound management, procedures for the presentation and approval of operational programmes, including deadlines, should be laid down so as to enable the adequate evaluation of the information by the competent authorities, and measures and activities to be included in or excluded from the programmes. Since the programmes are managed on an annual basis, it should be stipulated that programmes not approved before a given date should be postponed for one year.
- (6) There should be an annual procedure for amending operational programmes for the following year, so that they can be adjusted to take account of any new conditions which could not have been foreseen when they were initially presented. In addition, it must be possible for measures to be changed within the year of execution of a programme. All such changes should be subject to certain limits and conditions, to be defined by Member States and including obligatory notification of changes to the competent authorities, to ensure the approved programmes maintain their overall objectives.

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 328, 23.12.2000, p. 2.

⁽³⁾ OJ L 297, 21.11.1996, p. 29.

⁽⁴⁾ OJ L 311, 12.12.2000, p. 9.

⁽⁵⁾ OJ L 297, 21.11.1996, p. 49.

- (7) For reasons of financial and legal security, lists of operations and expenditure which may or may not be covered by operational programmes should be drawn up; these lists should be non-exhaustive. For transparency and ease of application of Community rules, eligibility criteria of certain measures should, where appropriate, follow guidelines set in Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the structural funds⁽¹⁾. Certain operations and expenditure should be permitted temporarily or within certain limits.
- (8) In the interests of sound management of Community finances, a written undertaking should be made by the producer organisation, on behalf of itself and its members, not to receive duplicate financing of Community or national funding of in respect of measures qualifying for Community financing under this Regulation.
- (9) To ensure the effective implementation of operational programmes, producer organisations shall receive notification of the decisions of the competent authorities on operational programmes and the approved amount of financial assistance on or before 15 December of the year preceding implementation of the programme.
- (10) To prevent cash-flow difficulties, a system of advance payments accompanied by appropriate securities should be available to producer organisations. It should be stipulated that, in order to prevent the systematic recovery of advances, such payments should not exceed the minimum level of financial assistance. It should be possible for furnished securities to be progressively released as implementation of the operational programme proceeds, to the extent of up to 80 % of the advances paid, the remaining amount being retained until the balance of the assistance has been paid. An alternative system should be available for the reimbursement, at periods throughout the year, of expenditure already incurred.
- (11) To ensure correct application of the scheme, the information to be included in applications for assistance should be specified. To provide against unforeseen circumstances in the implementation of operational programmes, applications for advances or payment may be carried over to the following year for operations which for reasons beyond the control of the producer organisation could not be implemented within the time limits laid down. All applications should be subject to administrative checks for verification. In the interests of sound financial management, penalties should be determined for late submission of applications for financial assistance.
- (12) The ceiling on Community financial assistance applies to all applications at the level fixed by Article 15(5) of Regulation (EC) No 2200/96.
- (13) The activities of producer organisations and their effectiveness should be monitored. This can be achieved by means of periodical reports and an assessment.
- (14) Strict control procedures should be laid down, together with deterrent penalties in the event of infringement, given the high degree of responsibility and initiative conferred on the producer organisations. These penalties should be weighted according to the severity of the infringement. To ensure fair treatment, conditions should be laid down to cover ineligible actions included in error by the producer organisation in an operational programme and approved by the Member State, whereby Member States should not be obliged to withhold aid payments or recover sums paid, in accordance with the jurisprudence of the Court of Justice.
- (15) The competent authorities responsible for verifying the eligibility of the proposed measures in operational programmes and their execution must be provided with the possibility of introducing complementary national legislative measures to ensure the correct application of this scheme.
- (16) This Regulation must apply to all operational programmes to be implemented from 2001. Programmes already approved whose application continues into 2001 must be amended unless their advanced state of implementation makes this inappropriate.
- (17) To ensure correct application of this scheme, Member States should forward all details of complementary and additional measures taken in the framework of this Regulation. An adequate record of the activities of producer organisations and use of the operational funds should be made available to the Commission for statistical, budget and control purposes.
- (18) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

CHAPTER I

SUBJECT MATTER AND SCOPE

Article 1

1. The rules laid down herein shall apply to Community financial assistance, operational funds and operational programmes as referred to in Article 15(1) and (2)(b) of Regulation (EC) No 2200/96 and to action plans as referred to in Article 13(2)(a) of that Regulation.

2. For the purposes of this Regulation, unless it is stated otherwise, action plans shall be treated in the same way as operational programmes.

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

Article 2

1. 'Producer organisations' as referred to in this Regulation means those recognised pursuant to Article 11 of Regulation (EC) No 2200/96 and those referred to in Article 13 of that Regulation subject to the conditions therein.

2. Where a recognised 'association of producer organisations' acts on behalf of its members for the purposes of fully managing their operational funds in accordance with Article 16(3) of Regulation (EC) No 2200/96, it shall be treated in the same way as a producer organisation for the purposes of this Regulation.

3. A recognised association of producer organisations may act on behalf of its members for the partial implementation of their operational programmes. In such cases, Member States may authorise such associations to present a partial operational programme on their own:

- (i) consisting of actions identified, but not implemented by the member producer organisations within their operational programmes;
- (ii) in accordance with the provisions of Articles 4, 5, 6, 7 and 8; the partial programme shall be considered together with the operational programmes of the member producer organisations.

In this case Member States shall ensure that:

- (a) these actions are fully financed from contributions of member producer organisations paid out of the operational funds of these organisations;
- (b) these actions and the corresponding financial participation are listed in the operational programme of each participating producer organisation;
- (c) there is no risk of duplicate financing.

4. Producer organisations may qualify for Community financial assistance on the terms set out in Articles 15 and 16 of Regulation (EC) No 2200/96 and those laid down herein.

The provisions of Regulation (EC) No 2200/96 and of this Regulation relating to verifications and penalties shall apply to both the associations of producer organisations and the member producer organisations.

5. For the purposes of this Regulation, the 'value of marketed production' is based on the production of members of producer organisations:

- (a) for which the producer organisations are recognised;
- (b) disposed of under the conditions laid down in the first and second subparagraphs of Article 11(1)(c)(3), with the exception of:

- (i) the first indent thereof,
- (ii) the second indent thereof, in cases of marginal quantities of product marketed fresh or to the processing industry by the producer members themselves,

of Regulation (EC) No 2200/96;

(c) invoiced at the 'ex-producer organisation' stage:

- (i) where applicable, as 'packaged or prepared but not processed product',
- (ii) excluding VAT,
- (iii) excluding internal transport costs ⁽¹⁾,

where applicable, Member States shall define reductions to be applied to the invoiced value for products invoiced at different stages of processing or delivery/transport;

- (d) including, where relevant, the amount of the aid as provided for in Article 2 of Regulation (EC) No 2201/96 and Article 1 of Regulation (EC) No 2202/96 received by producer organisations during the same period;
- (e) including, under conditions determined by Member States to avoid duplicate counting, the production of members who leave or join the producer organisation up to the time of submission of the operational programme or of the submission of changes to the programme as in Article 6(1) of this Regulation.

6. The annual ceiling on financial assistance referred to in the third subparagraph of Article 15(5) of Regulation (EC) No 2200/96 shall be calculated each year on the basis of the value of marketed production during a 12-month reference period to be determined by Member States, which may be based on:

- (a) an actual 12-month period, commencing no earlier than 1 January two years preceding the year in which the operational programme is implemented and ending no later than 30 June of the year preceding the operational programme year; or
- (b) the average value of three subsequent 12-month periods between 1 January of the fourth year and 30 June of the year preceding the operational programme year.

7. Different reference periods may be defined by the Member States for different producer organisations to take into account various production, sales and accounting periods for different products or groups of products. The reference period shall not vary during an operational programme except in duly justified situations.

8. Where a reduction in value of a product has occurred due to reasons falling outside the responsibility and control of the producer organisation, the value of the marketed production referred to in paragraph 6 shall not be less than 65 % of the value of the previous reference period.

⁽¹⁾ Where the distance between the centralised collection or packing points of the producer organisation and the point of distribution of the producer organisation is significant.

9. Where recently recognised producer organisations have insufficient historical data on marketed production for the application of paragraph 6, the value of marketed production shall be considered to be the value of marketable production provided by the producer organisation for the purposes of recognition.

10. Member States shall take the measures necessary to gather information on the value of marketed production within the meaning of paragraph 5 of producer organisations which have not presented operational programmes.

CHAPTER II

OPERATIONAL FUNDS AND PROGRAMMES

Article 3

Operational funds

1. Operational funds set up by producer organisations as referred to in Article 15(1) of Regulation (EC) No 2200/96 shall:

(a) be used solely for transactions connected with:

1. the implementation of the operational programme,
2. the administration of the operational fund, and
3. the financing of withdrawals, in accordance with Article 15(3) of Regulation (EC) No 2200/96;

(b) be managed:

1. in a bank account with a financial institution in the Member State in which the producer organisation has its headquarters, or
2. at the request of a producer organisation and upon decision of the Member State, in financial accounts managed by the organisation, comprising accounts for each operation in which each item of expenditure and revenue relating to the operational fund can be identified and can be checked and certified annually by external auditors.

2. Financial contributions to the operational fund shall be levied in accordance with Article 15(1) of Regulation (EC) No 2200/96. The producer organisation may set the levy:

- (a) on the basis of volume or value of the marketed production, or a combination of both;
- (b) at different levels for different products or groups of members on the basis of objective criteria set by the producer organisation, taking into account in particular different levels of participation in an operational programme by different groups of members under the following conditions:
 - (i) if the collective nature of the operational programmes is not weakened,

(ii) where the contribution of each individual member of that group is calculated on the basis referred to in paragraph 2(a).

3. An operational programme shall be deemed to be of a collective nature if its actions:

- (i) involve a significant number or proportion of members; and
- (ii) are approved democratically by the members of the producer organisation.

4. Under conditions set by Member States, producer organisations may advance members' contributions to the fund for a given year of implementation of the operational programme, conditional to compensation against the levies collected from their members by 31 January of the following year.

5. Any credit to the operational fund other than members contributions is not eligible for the financial assistance referred to in Article 15(1) of Regulation (EC) No 2200/96.

Article 4

Operational programme submission to Member States

Proposed operational programmes shall be submitted for approval to the competent authorities in the Member State in which the producer organisation has its headquarters on or before 15 September of the year preceding that in which they are to be implemented. However, the Member States may postpone that date.

Article 5

Operational programme approval by Member States

1. The competent national authorities shall take decisions on programmes and funds on or before 15 December of the year in which they are submitted.

2. The national competent authorities shall verify:

- (a) by all appropriate means, including on-the-spot inspections, the accuracy of information provided pursuant to Article 8(1)(b)(c) and (e);
- (b) compliance of the objectives of programmes with Article 15(4) of Regulation (EC) No 2200/96 or, in the case of action plans, compliance of their objectives with Article 11(2) of that Regulation;
- (c) eligibility of the operations and the expenditure proposed, account being taken of the operations in Article 8(2) and the non-exhaustive list of ineligible operations and expenditure in Annex I;
- (d) the economic consistency and technical quality of proposed programmes, the soundness of the estimates and the financing plan, and the planning of its implementation.

3. The competent national authorities shall, as appropriate:
- (a) approve programmes which meet the requirements of Articles 15 and 16 of Regulation (EC) No 2200/96 and those of this chapter;
 - (b) request changes to the proposed programmes, in which event only programmes that incorporate the changes requested shall be approved;
 - (c) reject the programmes.

The competent national authorities shall notify producer organisations of their decisions.

4. Operational programmes approved on or before 15 December shall be implemented as from 1 January of the following year.

The implementation of programmes approved after 15 December shall be postponed for one year.

Article 6

Operational programme changes

1. Producer organisations may request changes for the subsequent year(s) of operational programmes each year on or before 15 September for implementation on 1 January of the following year.

However, Member States may postpone the date for submitting requests.

2. Requests for changes shall be accompanied by supporting documents justifying the reason, nature and implications of the changes.

The competent authorities shall take decisions on requests for changes to operational programmes on or before 15 December, after considering the evidence supplied, and with due regard for the verification of the authorities as in Article 5(2). Where a decision is not taken within the abovementioned time limit, the request shall be deemed to have been rejected.

3. Under conditions to be determined by Member States and subject to approval by Member States, producer organisations may be allowed, during any given year to:

- (a) implement their operational programmes in part only;
- (b) change the contents of the operational programme. Changes may include extending operational programmes on condition that their total duration does not exceed five years;
- (c) change the amount of operational fund approved for financing withdrawals as in Article 15(2)(a) of Regulation (EC) No 2200/96 within the limits laid down in the third subparagraph of Article 15(3) and in Article 23(3), (4) and (5),

provided the overall objectives of the operational programme are maintained and the amount of the operational fund referred to in Article 9(1) is not exceeded.

4. Member States shall determine the conditions under which in-year changes to operational programmes as in paragraph 3(a) and (b) of this Article may go ahead without the prior approval of Member States.

These changes are only eligible for financing if they are communicated by the producer organisation to the competent authorities without delay.

5. Any increase of the amount of operational fund approved for financing withdrawals as in Article 15(2)(a) of Regulation (EC) No 2200/96 must in all cases be the subject of prior approval by the competent authorities.

Article 7

Operational programme format

Operational programmes shall be implemented in annual periods running from 1 January to 31 December.

Article 8

Operational programme contents

1. Proposed operational programmes shall satisfy the requirements of Article 15(4) of Regulation (EC) No 2200/96 or, in the case of action plans, those required, once the action plan is completed, for compliance with Article 11(2) of that Regulation.

They shall cover at least the following:

- (a) the duration of the operational programme;
- (b) description of the initial situation, in particular as regards production, marketing and equipment;
- (c) the objectives of the programme, bearing in mind the outlook for production and outlets;
- (d) the operations to be undertaken and the means to be employed for attaining those objectives in each year of implementation of the programme;
- (e) the financial aspects, namely:
 - (i) the method of calculation and the level of financial contributions;
 - (ii) the procedure for financing the operational fund as referred to in Article 3;
 - (iii) if applicable, all necessary information to justify different levels of contribution levied in accordance with Article 3;
 - (iv) the budget and timetable for undertaking operations for each year of implementation of the programme.

2. Proposed operational programmes as in paragraph 1 may cover in particular:

- (a) costs of plants in the case of perennial crops (perennials, trees and shrubs);
- (b) specific costs for:
 - (i) organic, integrated or experimental production ⁽¹⁾,
 - (ii) organic plant protection materials ⁽²⁾,
 - (iii) environmental measures (including re-useable packaging),
 - (iv) quality improvement measures (including certified seeds and plants),

for a maximum of 10 years per measure from the beginning of the first operational programme;

- (c) overheads specifically related to the operational fund or programme ⁽³⁾ by means of the payment of a lump sum equal to 2 % of the approved operational fund and up to a maximum of EUR 180 000 ⁽⁴⁾;

- (d) personnel costs (including charges linked to wages and salaries, if these are borne by the producer organisation) resulting from measures:

- (i) to improve or maintain a high level of quality or environmental protection,
 - (ii) to improve the level of marketing,

implementation of which essentially involves the use of qualified personnel. If, in such cases, the producer organisation uses its own employees or member producers, the time worked must be documented;

- (e) investments in means of transport equipped with cold-storage or controlled-atmosphere transport;

- (f) additional external transport costs, compared with road haulage costs, incurred when using rail and/or ship as part of a measure to respect the environment, set by Member States per kilometre on a flat-rate basis;

- (g) costs of meetings and training programmes related to implementation of actions in the operational programme, including daily allowances of participants covering transport and accommodation costs (where appropriate on a flat-rate basis);

- (h) generic promotion and promotion of collective labels ⁽⁵⁾. Geographical names are allowed only:

- (i) if covered by Council Regulation (EEC) No 2081/92 ⁽⁶⁾, and which in particular use a protected designation of origin or a protected geographical indication, or
 - (ii) if these geographical names are secondary to the principal message and are not reserved for the use of the producer organisation concerned.

Promotional material must bear the emblem of the European Community (in the case of visual media only) and include the following legend: 'Campaign financed with the assistance of the European Community';

- (i) legal and administrative costs of mergers of producer organisations or their acquisition; feasibility studies and proposals commissioned by producer organisations in this respect;

- (j) second-hand equipment within the conditions laid down in Rule No 4 of Commission Regulation (EC) No 1685/2000 ⁽⁷⁾;

- (k) land not built on where purchase is necessary to carry out an investment included in the programme, within the conditions laid down in paragraphs 1.1(a), (b) and (c) and 1.2 of Rule No 5 of Regulation (EC) No 1685/2000 ⁽⁸⁾;

- (l) leasing within the limits of the net market value of the item and within the conditions laid down in paragraph 3 of Rule No 10 of Regulation (EC) No 1685/2000;

- (m) hire as an alternative to purchase where economically justified;

- (n) real estate purchase within the conditions laid down in paragraphs 2.1, 2.2 and 2.3 of Rule No 6 of Regulation (EC) No 1685/2000;

- (o) investments or actions on individual holdings, on condition that:

- (i) the collective nature of the operational programme in the sense of Article 3(3) of this Regulation is not weakened, and
 - (ii) appropriate provisions are made in order to recover the investment or its value if the member leaves the organisation;

⁽¹⁾ The competent national authority must lay down the eligibility criteria for an experimental production taking account of the newness of the procedure or concept and the risk involved.

⁽²⁾ Organic plant protection materials (such as pheromones and predators), whether used in organic, integrated or conventional production.

⁽³⁾ Including management and personnel costs, reports and evaluation studies; the costs of keeping accounts and the management of accounts referred to in Article 3(1)(b).

⁽⁴⁾ Member States may restrict funding to the real costs, in which case they should define the eligible costs.

⁽⁵⁾ Collective labels must not be restricted to producer organisation members and must not represent an individual producer organisation name or trademark.

⁽⁶⁾ OJ L 208, 24.7.1992, p. 1.

⁽⁷⁾ OJ L 193, 29.7.2000, p. 39.

⁽⁸⁾ The competent national authority may set additional conditions to Rule No 5 of Regulation (EC) No 1685/2000 for the acceptance of this type of expenditure in order to avoid all speculation; these conditions may include in particular forbidding the sale of the investment/land during a minimum period and the setting of a maximum correlation between the value of the land and the value of the investment.

- (p) replacements for investments, provided that the residual value of the replaced investments is either:
- (i) added to the operational fund of the producer organisation, or
 - (ii) subtracted from the cost of the replacement.

Investments, including those under leasing contracts, whose repayment period exceeds the length of the operational programme may be carried over to a subsequent operational programme on duly justified economic grounds, and in particular in cases where the fiscal depreciation period is longer than five years.

3. Proposed operational programmes shall not cover operations or expenditure on the non-exhaustive list of ineligible operations and expenditure given in Annex I.

4. Proposed operational programmes shall be admissible only if accompanied by:

- (a) evidence of the setting-up of an operational fund as referred to in Article 3;
- (b) a written undertaking from the producer organisation to comply with Regulation (EC) No 2200/96 and this Regulation, and for neither it nor its members to receive, directly or indirectly, duplicate Community or national funding in respect of measures and/or operations qualifying for Community financing under this Regulation.

CHAPTER III

COMMUNITY FINANCIAL ASSISTANCE

Article 9

Estimates of operational funds

1. Each year on or before 15 September and, where applicable, at the same time as proposed operational programmes as referred to in Article 4 of this Regulation or requests for changes as referred to in Article 6(2) are submitted, producer organisations implementing operational programmes shall forward the estimated amounts of the operational funds for the following year to the Member States in accordance with Article 16(2) of Regulation (EC) No 2200/96.

Calculation of the estimated amount of operational funds shall be based on:

- (a) the factors referred to in Article 16(2) of Regulation (EC) No 2200/96 and contained in the proposed operational programmes and on estimated expenditure on withdrawals as referred to in Article 15(3) thereof;
- (b) the value of marketed production established in accordance with Article 2(5) of this Regulation.

2. When proposed programmes are being approved, Member States shall establish the approved amount of financial assistance as referred to in the first subparagraph of Article 16(2) of Regulation (EC) No 2200/96.

3. Member States shall notify the producer organisations on or before 15 December of:

- (a) the approved amount of financial assistance referred to in paragraph 2 of this Article;
- (b) the decisions on the operational programmes as referred to in Article 5(1) or changes to the operational programmes as in Article 6(2) of this Regulation, in accordance with Article 16(2) of Regulation (EC) No 2200/96.

4. Member States shall report estimates of operational funds to the Commission within the framework provided for under Article 17 of this Regulation.

Article 10

Advance payments

1. Producer organisations may on application be granted advance payments on the proportion of the operational fund to be used to finance an operational programme.

Applications for advance payments shall be made in January, April, July and October. They shall cover foreseeable expenditure arising from operational programmes for the three-month period starting in the month in which the application is submitted. Total advance payments made for a given year may not exceed 90 % of the approved amount of financial assistance for the operational programme.

2. Advances shall be paid subject to the furnishing of a security equivalent to 110 % thereof and according to conditions to be set by Member States:

- (i) to ensure that financial contributions to the operational fund have been levied in accordance with Article 3(2), (3) and (4);
- (ii) to ensure previous advance payments have actually been spent.

Applications for the release of securities may be submitted during the year and shall be accompanied by the relevant supporting documents. Securities shall be released in respect of up to 80 % of advances paid.

3. Securities shall be furnished in accordance with the conditions laid down in Commission Regulation (EEC) No 2220/85 ⁽¹⁾.

The primary requirement within the meaning of Article 20 of that Regulation shall cover the performance of the operations set out in the operational programmes subject to the undertakings set out in Article 8(4)(b) of this Regulation.

⁽¹⁾ OJ L 205, 3.8.1985, p. 5.

In the event of failure to comply with the primary requirement or of serious failure to meet the obligations referred to in Article 8(4)(b) the security shall be forfeited, without prejudice to other penalties to be applied in accordance with Article 48 of Regulation (EC) No 2200/96 and Article 15 of this Regulation.

In the event of failure to comply with other requirements, the security shall be forfeited in proportion to the gravity of the irregularity that has been established.

4. Alternatively, at their request producer organisations may opt for a system of applications for a proportion of the Community financial assistance covering:

- (a) expenditure resulting from the operational programme. Applications shall be submitted in April, July and October and shall cover expenditure incurred during the three preceding months. They shall be accompanied by suitable supporting documents.

Total payments in respect of applications for a proportion of the financial assistance may not exceed 90 % of the approved amount of financial assistance for the operational programme or of the real expenditure, whichever is less;

- (b) withdrawals. Applications may, where applicable, be submitted together with applications as referred to in paragraph 4(a). Such applications shall be subject to the limits laid down in the third subparagraph of Article 15(3) and in Article 23(3), (4) and (5) of Regulation (EC) No 2200/96.

Article 11

Producer organisation applications for aid

1. Applications for financial assistance or the balance thereof shall be submitted, one only in respect of each programme, no later than 31 January of the year following that to which they relate.

2. Applications shall be accompanied by supporting documents showing:

- (a) the value of the marketed production within the meaning of Article 2(5);
- (b) the financial contributions levied on members and paid into the operational fund, in accordance with the second subparagraph of Article 15(1) of Regulation (EC) No 2200/96 and Article 3 of this Regulation, for marketed production within the meaning of Article 2(5) of this Regulation;
- (c) the expenditure incurred in respect of the operational programme;
- (d) the proportion of the operational fund spent on the financing of market withdrawals in accordance with Article 15(3) of Regulation (EC) No 2200/96, the level of compensation and/or supplements paid to members, and also compliance with the limits laid down in the third subparagraph of Article 15(3) and in Article 23(3), (4) and (5) of that Regulation.

3. Applications for financial assistance or the balance thereof may cover expenditure programmed but not incurred relating to operations for which it is proved to the satisfaction of the competent national authority that:

- (i) these operations could not be carried out on or before 31 December of the year of implementation of the operational programme for reasons beyond the control of the producer organisation concerned, and that they can be carried out on or before 30 April of the following year;
- (ii) an equivalent contribution from the producer organisation is maintained in the operational fund.

The assistance shall be paid out and the security lodged in accordance with Article 10(2) shall be released only on condition that proof of implementation of the programmed expenditure referred to in the preceding subparagraph is provided on or before 30 April of the year following that for which the expenditure in question was programmed, and on the basis of the entitlement to the assistance actually established.

4. Applications and their supporting documents are subject to administrative checks. Member States shall pay the financial assistance due to the producer organisations at the latest on 30 June of the year following the year of implementation of the programme. However Member States may postpone this date until 31 August.

5. Where applications for financial assistance or the balance thereof are submitted later than the date set in paragraph 1, the aid is reduced by 1 % for each day late.

6. In exceptional and duly justified cases, Member States may accept applications for financial assistance or the balance thereof after the date set in paragraph 1, and not apply the provisions of paragraph 5, if this does not prejudice either the carrying out of the checks or the payment deadline by Member States set in paragraph 4.

Article 12

Reporting applications for aid

Member States shall report details on applications for aid to the Commission within the framework provided for under Article 17 of this Regulation.

CHAPTER IV

GENERAL PROVISIONS

Article 13

Producer organisation reports

1. The implementation of operational programmes and withdrawal operations eligible for Community financing under an operational fund shall be the subject of annual reports, which shall:

- (a) accompany applications for financial assistance or, as appropriate, applications for the balance;
- (b) cover operational programmes implemented during the preceding year and withdrawals;
- (c) contain reasoned details of
 - (i) main changes to operational programmes, and
 - (ii) variances between estimated and actual aid applied for.

2. Final reports shall replace the reports referred to in the first paragraph for the final year of application of operational programmes.

Such final reports shall be accompanied by an assessment of the operational programmes, prepared, where applicable, with the assistance of a specialised consultancy office. Such assessments must verify attainment of the objectives pursued by the programmes and, where appropriate, detail changes to operations and/or methods which have been or will be considered when subsequent operational programmes are drawn up.

Article 14

Checks

1. Member States shall carry out checks on producer organisations, with little or no prior notification and including checks on the spot, so as to ensure effective verification of compliance with the conditions for grant of assistance, and in particular on:

- (a) implementation of the measures in the operational programme, and in particular relating to investments;
- (b) real costs and expenses incurred compared with declared amounts.

2. The checks referred to in paragraph 1 shall relate at least to a significant sample of applications each year. The sample must represent at least 20 % of producer organisations and 30 % of total Community assistance.

Should the checks reveal significant irregularities in a region or part of a region or a specific producer organisation, the competent authorities shall carry out additional checks during the year in question and shall increase the percentage of corresponding applications to be checked the following year.

3. The competent authorities shall determine which producer organisations to check on the basis, in particular, of a risk analysis and the representativeness of the assistance. The risk analysis shall take account of:

- (a) the amount of assistance;
- (b) the trend of annual programmes in relation to the previous year;

- (c) the findings of the checks in previous years;
- (d) other parameters to be determined by Member States.

4. At least one check must be made on each producer organisation before the payment of aid or the balance thereof relating to the final year of its operational programme.

5. Member States shall report details on checks to the Commission within the framework provided for under Article 17 of this Regulation.

Article 15

Recovery and sanctions

1. Amounts unduly paid shall be recovered and sanctions shall be applied to the producer organisations concerned, in particular where:

- (a) the real value of marketed production within the meaning of Article 2(5) is less than the amount used to calculate the Community financial assistance; or
- (b) the operational fund has been maintained in a manner which does not comply with Article 15(1) of Regulation (EC) No 2200/96 or has been used for purposes other than those referred to in Article 15(2) of that Regulation; or
- (c) the operational programme has been implemented in a manner which does not comply with the conditions for its approval by the Member State concerned, without prejudice to Article 6 of this Regulation.

2. Without prejudice to the provisions of Article 7(4) of Council Regulation (EC) No 1258/1999 ⁽¹⁾, in the case of a measure which is subsequently found to be ineligible, and which has been implemented in conformity with an operational programme approved by the Member State, the latter may:

- (a) pay the relevant aid due, or
- (b) not proceed to the recovery of aid already paid out,

if it would proceed in such a way for comparable cases financed from the national budget and if the producer organisation has not acted negligently.

3. Where recovery and/or sanctions apply as in paragraph 1, the recipient/applicant shall be required:

- (a) in cases where aid has already been paid:
 - (i) in the case of obvious error, to reimburse the amounts unduly paid out, plus interest,
 - (ii) in the case of fraud, to reimburse double the amounts unduly paid out, plus interest;
 - (iii) in all other cases, to reimburse the amounts unduly paid out, increased by 20 %, plus interest;

⁽¹⁾ OJ L 160, 26.6.1999, p. 103.

(b) in cases where applications for financial assistance have been submitted according to Article 11 of this Regulation but no aid has been paid:

(i) in the case of fraud, to pay the amounts unduly applied for,

(ii) in all cases other than those of obvious error, to pay 20 % of the amounts unduly applied for.

4. The interest referred to in paragraph 3(a) shall be calculated:

(a) on the basis of the period elapsing between payment and reimbursement by the recipient;

(b) at the rate applied by the European Central Bank to its main refinancing operations published in the 'C' series of the *Official Journal of the European Communities* and in force on the date on which the undue payment is made, plus three percentage points.

5. Sums recovered, with the interest accrued, shall be paid to the responsible paying agency and deducted by it from expenditure financed by the European Agricultural Guidance and Guarantee Fund.

6. In the event of a false declaration made deliberately or by serious negligence, the producers' organisation concerned shall be debarred from receiving Community financial assistance for the year following that in respect of which the false declaration was discovered.

7. Paragraphs 1 to 6 shall apply without prejudice to other penalties to be adopted in accordance with Article 48 of Regulation (EC) No 2200/96.

8. Member States shall report details on recovery and sanctions to the Commission within the framework provided for under Article 17 of this Regulation.

CHAPTER V

Article 16

Member State provisions

1. Member States may adopt complementary rules to Regulation (EC) No 2200/96 and to this Regulation concerning operations or expenditure eligible for assistance.

2. Member States shall report details on provisions adopted to the Commission within the framework provided for under Article 17 of this Regulation.

Article 17

Member State reporting

1. Member States shall report financial and qualitative data on producer organisations, operational funds and operational programmes and controls as set out in Annex II.

2. Member States shall communicate to the Commission all measures and conditions set by them in the framework of this Regulation, and in particular:

(a) the procedure for financing the operational funds as in Article 8(1)(e)(i), (ii) and (iii);

(b) conditions set for enabling in-year changes to be made to operational programmes as in Article 6(3) and (4);

(c) provisions made, if relevant, for the application of Article 15(2);

(d) the provisions adopted under Article 16(1).

Article 18

Commission Regulation (EC) No 411/97 ⁽¹⁾ is repealed.

However the provisions of Article 10 of Regulation (EC) No 411/97 shall continue to apply for operational funds relating to the year 2000.

Article 19

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

(a) operational programmes approved by Member States before the entry into force of this Regulation and whose application continues into 2001 must comply with this Regulation, if necessary by means of an amendment to be requested by producer organisations on or before 15 September 2001;

(b) member States may provide for the retention of programmes approved before the entry into force of this Regulation if adjusting them would be inappropriate given their state of advancement;

(c) upon request by interested parties, the provisions of Article 15 may apply to cases occurring prior to the entry into force of this Regulation.

⁽¹⁾ OJ L 62, 4.3.1997, p. 9.

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

Done at Brussels, 28 March 2001.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX I

INELIGIBLE OPERATIONS AND EXPENDITURE

As far as they are not covered by Article 8(2), the following operations and expenditure are ineligible:

1. General production costs, and in particular:
 - seeds and plants,
 - plant protection products, including integrated control materials, fertilisers and other inputs,
 - packing costs, storage costs, packaging costs, even as part of new processes,
 - costs of collection or transport (internal or external),
 - operating costs (in particular electricity, fuel and maintenance).
 2. Overheads.
 3. Income or price supplements.
 4. Insurance costs including individual or group insurance premiums and the creation of insurance funds within a producer organisation.
 5. Reimbursement (especially in the form of annual payments) of loans taken out for an operation carried out in full or in part before the beginning of the operational programme.
 6. Purchase of land not built on.
 7. Payments to producers, participating in meetings and training programmes, to compensate for loss of income.
 8. Operations or costs relating to the quantities produced by the members of the producer organisation outside the Community.
 9. Operations that could distort competition in the other economic activities of the producer organisation; operations or measures which profit directly or indirectly other economic activities of the producer organisation should be financed in proportion to their use by the sectors or products for which the producer organisation is recognised.
 10. Second-hand equipment.
 11. Investment in means of transport to be used for marketing or distribution by the producer organisation.
 12. Hire as an alternative to purchase; the operating cost of the goods hired.
 13. Expenditure linked to leasing contracts (taxes, interest, insurance costs, etc.) and operating costs.
 14. Promotion of individual commercial labels or containing geographic references.
 15. Subcontracting contracts relating to the operations or expenditure mentioned in this list.
 16. VAT and other taxes or charges within the conditions laid down in paragraph 4 of Rule No 7 of Regulation (EC) No 1685/2000.
 17. Investments for the processing of fresh products (operations carried out by producer organisations concerning preparation of the product, in particular cleaning, cutting, trimming, drying and packaging, with a view to its marketing, are not deemed processing).
-

ANNEX II

MEMBER STATE REPORTING REQUIREMENTS

Information to be forwarded by Member States to the Commission by 1 June of each year, according to formats to be provided by the Commission

PART 1: *Producer organisations*

1. Administrative information (in particular concerning recognition number, legal form, number of physical and legal members).
2. Production information (including the calculation of the value of marketed production calculation and information on key products).

PART 2: *Operational funds and operational programmes*

1. Reference period(s) used.
2. Aid estimates (Article 9).
3. Applications for aid and final aid payments actually made (Article 11) including the percentage of operational fund spent on withdrawals.
4. Main categories of expenditure (including significant changes made in-year).

PART 3: *Checks (Article 14); recovery and sanctions (Article 15)*

1. Producer organisations checked.
2. Checking authority and summary including results of controls (key points only).

Updated final figures relating to final aid payments actually made as in Part 2(3) may be submitted up to 1 October at the latest.

COMMISSION REGULATION (EC) No 610/2001**of 29 March 2001****amending Regulation (EC) No 708/98 on the taking over of paddy rice by the intervention agencies and fixing the corrective amounts and the price increases and reductions to be applied**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) The conditions for the taking over of paddy rice by the intervention agencies are laid down in Commission Regulation (EC) No 708/98 ⁽³⁾, as amended by Regulation (EC) No 691/1999 ⁽⁴⁾. Article 2 of that Regulation lays down the conditions under which rice may be accepted for intervention and Article 3 lays down the criteria for applying price increases and reductions, in particular as regards the yield after processing.
- (2) Experience in recent marketing years has shown that yields after processing of rice offered for intervention are generally above the basic yields listed in Part B of Annex II to Regulation (EC) No 708/98.
- (3) In order to strengthen the role of intervention as a safety net and to encourage the production of high-quality rice, the intervention criteria should be tightened up.
- (4) Adjustment of the yields after processing listed in Part B of Annex II to Regulation (EC) No 708/98, together with a reduction in the current price increases and a reduc-

tion in the tolerances for divergence from the basic yield, would appear to be the most effective ways of promoting the production of high-quality rice and, at the same time, ensuring the high quality of rice stored by the intervention agencies.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 708/98 is hereby amended as follows:

1. The second indent of Article 2(2) is replaced by:
‘— the yield after processing is not less than 7 points below the basic yields listed in Part B of Annex II.’.
2. Annex II is replaced by the Annex hereto.

Article 2

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

It shall apply from 1 April 2001.

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

Done at Brussels, 29 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 193, 29.7.2000, p. 3.

⁽³⁾ OJ L 98, 31.3.1998, p. 21.

⁽⁴⁾ OJ L 87, 31.3.1999, p. 8.

ANNEX

ANNEX II

A. Price increases and reduction related to yield after processing

Yield from paddy rice in the form of whole grains of milled rice	Price increases and reductions per unit of yield
Above the basic yield	Price increase of 0,75 %
Below the basic yield	Price reduction of 1 %
Total yield from paddy rice in the form of milled rice	Price increases and reductions per unit of yield
Above the basic yield	Price increase of 0,60 %
Below the basic yield	Price reduction of 0,80 %

B. Basic yield after processing

Description of quality of rice	Yield in whole grains (%)	Total yield (%)
Carillon	66	70
Argo, Selenio, Couachi	65	72
Alpe, Arco, Balilla, Balilla GG, Balilla Sollana, Bomba, Bombon, Colina, Elio, Flipper, Frances, Lido, Riso, Matusaka, Monticili, Pegoni, Sara, Strella, Thainato, Thaiperla, Ticinese, Veta, Leda, Marenny, Clot, Albada, Guadamar	64	72
Ispaniko A, Makedonia	63	72
Bravo, Europa, Loto, Riva, Rosa Marchetti, Savio, Veneria	62	71
Tolima	62	70
Inca	62	69
Arôme	61	72
Alfa, Ariete, Bahia, Carola, Cigalon, Corallo, Cripto, Cristal, Drago, Eolo, Girona, Gladio, Graldo, Indio, Italico, Jucar, Korai, Lago, Lemont, Mercurio, Miara, Molo, Navile, Niva, Onda, Padano, Panda, Pierina, Marchetti, Ribe, Ringo, Rio S. Andrea, Saturno, Senia, Sequial, Smeraldo, Star, Stirpe, Vela, Vitro, Calca, Dion, Zeus	61	71
Strymonas	61	70
Anseatico, Arlesienne, Baldo, Belgioioso, Betis, Euribe, Italpatna, Marathon, Redi, Ribello, Rizzotto, Rocca, Roma, romanico, Romeo, Tebre, Volano	60	71

Description of quality of rice	Yield in whole grains (%)	Total yield (%)
Bonnet Bell, Rita, Silla, Thaibonnet, L 202, Puntal	59	71
Evropi, Melas	59	69
Arborio, Arlatan, Blue Belle, Blue Belle "E", Blue Bonnet, Calendal, Razza 82, Rea	57	71
Cesariot, Maratelli, Precoce Rossi	57	69
Carnaroli, Elba, Vialone Nano	56	71
Delta	56	69
Axios	56	66
Roxani	56	65
Irat 348, Mana	46	66
Pygmalion	51	70
Varieties not specified	63	71'

COMMISSION REGULATION (EC) No 611/2001
of 29 March 2001
amending representative prices and additional duties for the import of certain products in the
sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽³⁾, as last amended by Regulation (EC) No 624/98 ⁽⁴⁾, and in particular the second subparagraph of Article 1(2), and Article 3(1) thereof,

Whereas:

- (1) The amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation

(EC) No 1411/2000 ⁽⁵⁾, as last amended by Regulation (EC) No 457/2001 ⁽⁶⁾.

- (2) It follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 30 March 2001.

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

Done at Brussels, 29 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 141, 24.6.1995, p. 16.

⁽⁴⁾ OJ L 85, 20.3.1998, p. 5.

⁽⁵⁾ OJ L 161, 1.7.2000, p. 22.

⁽⁶⁾ OJ L 65, 7.3.2001, p. 17.

ANNEX

to the Commission Regulation of 29 March 2001 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(EUR)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	24,57	4,01
1701 11 90 ⁽¹⁾	24,57	9,25
1701 12 10 ⁽¹⁾	24,57	3,82
1701 12 90 ⁽¹⁾	24,57	8,82
1701 91 00 ⁽²⁾	25,78	12,36
1701 99 10 ⁽²⁾	25,78	7,82
1701 99 90 ⁽²⁾	25,78	7,82
1702 90 99 ⁽³⁾	0,26	0,39

⁽¹⁾ For the standard quality as defined in Article 1 of amended Council Regulation (EEC) No 431/68 (OJ L 89, 10.4.1968, p. 3).

⁽²⁾ For the standard quality as defined in Article 1 of Council Regulation (EEC) No 793/72 (OJ L 94, 21.4.1972, p. 1).

⁽³⁾ By 1 % sucrose content.

COMMISSION REGULATION (EC) No 612/2001
of 29 March 2001
on the issue of system B export licences in the fruit and vegetables sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 298/2000 ⁽²⁾, and in particular Article 5(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 397/2001 ⁽³⁾ fixes the indicative quantities for system B export licences other than those sought in the context of food aid.
- (2) In the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for lemons will shortly be exceeded. This overrun will prejudice the

proper working of the export refund scheme in the fruit and vegetables sector.

- (3) To avoid this situation, applications for system B licences for lemons exported after 29 March 2001 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for system B export licences for lemons submitted pursuant to Article 1 of Regulation (EC) No 397/2001, export declarations for which are accepted after 29 March 2001 and before 14 May 2001 are hereby rejected.

Article 2

This Regulation shall enter into force on 30 March 2001.

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

Done at Brussels, 29 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 292, 15.11.1996, p. 12.

⁽²⁾ OJ L 34, 9.2.2000, p. 16.

⁽³⁾ OJ L 58, 28.2.2001, p. 16.

COMMISSION REGULATION (EC) No 613/2001
of 29 March 2001
on the issue of import licences for garlic originating in China

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 2826/2000 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1104/2000 of 25 May 2000 concerning a protective measure applicable to imports of garlic from China ⁽³⁾, and in particular Article 1(3) thereof,

Whereas:

- (1) Pursuant to Commission Regulation (EEC) No 1859/93 ⁽⁴⁾, as amended by Regulation (EC) No 2872/2000 ⁽⁵⁾, the release for free circulation in the Community of garlic imported from non-member countries is subject to presentation of an import licence.
- (2) Article 1(1) of Regulation (EC) No 1104/2000, restricts the issue of import licences for garlic originating in China to a maximum monthly quantity in the case of applications lodged from 29 May 2000 to 31 May 2001.
- (3) Given the criteria laid down in Article 1(2) of that Regulation and the import licences already issued, the quantity applied for on 26 March 2001 is in excess of

the maximum quantity given in the Annex to that Regulation for the month of April 2001. It is therefore necessary to determine to what extent import licences may be issued in response to these applications. The issue of licences in response to applications lodged after 26 March 2001 and before 3 May 2001 should be refused,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences applied for on 26 March 2001 pursuant to Article 1 of Regulation (EEC) No 1859/93 for garlic falling within CN code 0703 20 00 originating in China shall be issued for 0,40568 % of the quantity applied for, having regard to the information available to the Commission on 28 March 2001.

For the abovementioned products applications for import licences lodged after 26 March 2001 and before 3 May 2001 shall be refused.

Article 2

This Regulation shall enter into force on 30 March 2001.

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

Done at Brussels, 29 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 328, 23.12.2000, p. 2.

⁽³⁾ OJ L 125, 26.5.2000, p. 21.

⁽⁴⁾ OJ L 170, 13.7.1993, p. 10.

⁽⁵⁾ OJ L 333, 29.12.2000, p. 49.

COMMISSION REGULATION (EC) No 614/2001**of 29 March 2001****fixing the export refunds on products processed from cereals and rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽³⁾, as last amended by Regulation (EC) No 1667/2000 ⁽⁴⁾, and in particular Article 13(3) thereof,

Whereas:

(1) Article 13 of Regulation (EEC) No 1766/92 and Article 13 of Regulation (EC) No 3072/95 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund.

(2) Article 13 of Regulation (EC) No 3072/95 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other. The same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market.

(3) Article 4 of Commission Regulation (EC) No 1518/95 ⁽⁵⁾, as amended by Regulation (EC) No 2993/95 ⁽⁶⁾, on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated.

(4) The refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product.

(5) There is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products. For certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time.

(6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.

(7) The refund must be fixed once a month; whereas it may be altered in the intervening period.

(8) Certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinized starch, no export refund is to be granted.

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(d) of Regulation (EEC) No 1766/92 and in Article 1(1)(c) of Regulation (EC) No 3072/95 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 193, 29.7.2000, p. 3.

⁽⁵⁾ OJ L 147, 30.6.1995, p. 55.

⁽⁶⁾ OJ L 312, 23.12.1995, p. 25.

Article 2

This Regulation shall enter into force on 30 March 2001.

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

Done at Brussels, 29 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 29 March 2001 fixing the export refunds on products processed from cereals and rice

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 ⁽¹⁾	C01	EUR/t	46,44	1104 23 10 9100	A00	EUR/t	49,76
1102 20 10 9400 ⁽¹⁾	C01	EUR/t	39,80	1104 23 10 9300	A00	EUR/t	38,15
1102 20 90 9200 ⁽¹⁾	C01	EUR/t	39,80	1104 29 11 9000	A00	EUR/t	0,00
1102 90 10 9100	C01	EUR/t	0,00	1104 29 51 9000	A00	EUR/t	0,00
1102 90 10 9900	C01	EUR/t	0,00	1104 29 55 9000	A00	EUR/t	0,00
1102 90 30 9100	C01	EUR/t	60,34	1104 30 10 9000	A00	EUR/t	0,00
1103 12 00 9100	A00	EUR/t	60,34	1104 30 90 9000	A00	EUR/t	8,29
1103 13 10 9100 ⁽¹⁾	A00	EUR/t	59,71	1107 10 11 9000	A00	EUR/t	0,00
1103 13 10 9300 ⁽¹⁾	A00	EUR/t	46,44	1107 10 91 9000	A00	EUR/t	0,00
1103 13 10 9500 ⁽¹⁾	A00	EUR/t	39,80	1108 11 00 9200	A00	EUR/t	0,00
1103 13 90 9100 ⁽¹⁾	A00	EUR/t	39,80	1108 11 00 9300	A00	EUR/t	0,00
1103 19 10 9000	A00	EUR/t	36,46	1108 12 00 9200	A00	EUR/t	53,07
1103 19 30 9100	A00	EUR/t	0,00	1108 12 00 9300	A00	EUR/t	53,07
1103 21 00 9000	A00	EUR/t	0,00	1108 13 00 9200	A00	EUR/t	53,07
1103 29 20 9000	A00	EUR/t	0,00	1108 13 00 9300	A00	EUR/t	53,07
1104 11 90 9100	A00	EUR/t	0,00	1108 19 10 9200	A00	EUR/t	77,52
1104 12 90 9100	A00	EUR/t	67,04	1108 19 10 9300	A00	EUR/t	77,52
1104 12 90 9300	A00	EUR/t	53,63	1109 00 00 9100	A00	EUR/t	0,00
1104 19 10 9000	A00	EUR/t	0,00	1702 30 51 9000 ⁽²⁾	A00	EUR/t	51,99
1104 19 50 9110	A00	EUR/t	53,07	1702 30 59 9000 ⁽²⁾	A00	EUR/t	39,80
1104 19 50 9130	A00	EUR/t	43,12	1702 30 91 9000	A00	EUR/t	51,99
1104 21 10 9100	A00	EUR/t	0,00	1702 30 99 9000	A00	EUR/t	39,80
1104 21 30 9100	A00	EUR/t	0,00	1702 40 90 9000	A00	EUR/t	39,80
1104 21 50 9100	A00	EUR/t	0,00	1702 90 50 9100	A00	EUR/t	51,99
1104 21 50 9300	A00	EUR/t	0,00	1702 90 50 9900	A00	EUR/t	39,80
1104 22 20 9100	A00	EUR/t	53,63	1702 90 75 9000	A00	EUR/t	54,48
1104 22 30 9100	A00	EUR/t	56,98	1702 90 79 9000	A00	EUR/t	37,81
				2106 90 55 9000	A00	EUR/t	39,80

⁽¹⁾ No refund shall be granted on products given a heat treatment resulting in pregelatinisation of the starch.

⁽²⁾ Refunds are granted in accordance with Council Regulation (EEC) No 2730/75 (OJ L 281, 1.11.1975, p. 20), amended.

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

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

C01: All destinations except Poland.

COMMISSION REGULATION (EC) No 615/2001
of 29 March 2001
fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EEC) No 1766/92 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽³⁾ in Article 2 lays down general rules for fixing the amount of such refunds.
- (3) That calculation must also take account of the cereal products content. In the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products. A

refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff.

- (4) Furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export.
- (5) However, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported.
- (6) The refund must be fixed once a month; whereas it may be altered in the intervening period.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EEC) No 1766/92 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 30 March 2001.

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

Done at Brussels, 29 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 51.

ANNEX

to the Commission Regulation of 29 March 2001 fixing the export refunds on cereal-based compound feeding-stuffs

Product codes benefiting from export refund:

2309 10 11 9000, 2309 10 13 9000, 2309 10 31 9000,
2309 10 33 9000, 2309 10 51 9000, 2309 10 53 9000,
2309 90 31 9000, 2309 90 33 9000, 2309 90 41 9000,
2309 90 43 9000, 2309 90 51 9000, 2309 90 53 9000.

Cereal products	Destination	Unit of measurement	Amount of refunds
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	A00	EUR/t	33,17
Cereal products excluding maize and maize products	A00	EUR/t	0,00

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

COMMISSION REGULATION (EC) No 616/2001
of 29 March 2001
fixing production refunds on cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992, on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 7 ⁽³⁾ thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽³⁾, as last amended by Regulation (EC) No 1667/2000 ⁽⁴⁾, and in particular Article 7(2) thereof,

Having regard to Commission Regulation (EEC) No 1722/93 of 30 June 1993 laying down detailed rules for the arrangements concerning production refunds in the cereals and rice sectors ⁽⁵⁾, as last amended by Regulation (EC) No 87/1999 ⁽⁶⁾, and in particular Article 3 thereof,

Whereas:

- (1) Regulation (EEC) No 1722/93 establishes the conditions for granting the production refund; whereas the basis for the calculation is established in Article 3 of the said Regulation; whereas the refund thus calculated must be

fixed once a month and may be altered if the price of maize and/or wheat changes significantly.

- (2) The production refunds to be fixed in this Regulation should be adjusted by the coefficients listed in the Annex II to Regulation (EEC) No 1722/93 to establish the exact amount payable.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The refund referred to in Article 3(2) of Regulation (EEC) No 1722/93, expressed per tonne of starch extracted from maize, wheat, barley, oats, potatoes, rice or broken rice, shall be EUR 13,46/t.

Article 2

This Regulation shall enter into force on 30 March 2001.

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

Done at Brussels, 29 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 193, 29.7.2000, p. 3.

⁽⁵⁾ OJ L 159, 1.7.1993, p. 112.

⁽⁶⁾ OJ L 9, 15.1.1999, p. 8.

COMMISSION REGULATION (EC) No 617/2001**of 29 March 2001****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 1701/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) An invitation to tender for the refund on exportation of common wheat to all third countries with the exclusion of certain ACP States was opened pursuant to Commission Regulation (EC) No 1701/2000⁽⁵⁾, as last amended by Regulation (EC) No 293/2001⁽⁶⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in

Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 23 to 29 March 2001, pursuant to the invitation to tender issued in Regulation (EC) No 1701/2000, the maximum refund on exportation of common wheat shall be EUR 9,50/t.

Article 2

This Regulation shall enter into force on 30 March 2001.

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

Done at Brussels, 29 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 195, 1.8.2000, p. 18.

⁽⁶⁾ OJ L 43, 14.2.2001, p. 10.

**COMMISSION REGULATION (EC) No 618/2001
of 29 March 2001**

**fixing the maximum export refund on common wheat in connection with the invitation to tender
issued in Regulation (EC) No 2014/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾, and in particular Article 7 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of common wheat to certain ACP States was opened pursuant to Commission Regulation (EC) No 2014/2000 ⁽⁵⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix

a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 23 to 29 March 2001, pursuant to the invitation to tender issued in Regulation (EC) No 2014/2000, the maximum refund on exportation of common wheat shall be EUR 11,50/t.

Article 2

This Regulation shall enter into force on 30 March 2001.

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

Done at Brussels, 29 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 241, 26.9.2000, p. 23.

COMMISSION REGULATION (EC) No 619/2001
of 29 March 2001
fixing the maximum export refund on barley in connection with the invitation to tender issued in
Regulation (EC) No 2317/2000

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) An invitation to tender for the refund for the export of barley to all third countries except for the United States of America and Canada was opened pursuant to Commission Regulation (EC) No 2317/2000 ⁽⁵⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix

a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 23 to 29 March 2001, pursuant to the invitation to tender issued in Regulation (EC) No 2317/2000, the maximum refund on exportation of barley shall be EUR 0,00/t.

Article 2

This Regulation shall enter into force on 30 March 2001.

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

Done at Brussels, 29 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 267, 20.10.2000, p. 23.

COMMISSION REGULATION (EC) No 620/2001
of 29 March 2001
concerning tenders notified in response to the invitation to tender for the export of rye issued in
Regulation (EC) No 1740/2000

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾, and in particular Article 7 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of rye to all third countries was opened pursuant to Commission Regulation (EC) No 1740/2000 ⁽⁵⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92

and on the basis of the tenders notified, to make no award.

- (3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 a maximum refund should not be fixed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for cereals,

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 23 to 29 March 2001 in response to the invitation to tender for the refund for the export of rye issued in Regulation (EC) No 1740/2000.

Article 2

This Regulation shall enter into force on 30 March 2001.

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

Done at Brussels, 29 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 199, 5.8.2000, p. 3.

COMMISSION REGULATION (EC) No 621/2001**of 29 March 2001****fixing the maximum export refund on oats in connection with the invitation to tender issued in Regulation (EC) No 2097/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Having regard to Commission Regulation (EC) No 2097/2000 of 3 October 2000 on a special intervention measure for cereals in Finland and Sweden ⁽⁵⁾, as amended by Regulation (EC) No 393/2001 ⁽⁶⁾, and in particular Article 8 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland or Sweden to all third countries was opened pursuant to Regulation (EC) No 2097/2000.
- (2) Article 8 of Regulation (EC) No 2097/2000 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in

Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 23 to 29 March 2001, pursuant to the invitation to tender issued in Regulation (EC) No 2097/2000, the maximum refund on exportation of oats shall be EUR 38,55/t.

Article 2

This Regulation shall enter into force on 30 March 2001.

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

Done at Brussels, 29 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 249, 4.10.2000, p. 15.

⁽⁶⁾ OJ L 58, 28.2.2001, p. 8.

COMMISSION REGULATION (EC) No 622/2001**of 29 March 2001****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1666/2000⁽²⁾, and in particular Article 13(2) thereof,

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2513/98⁽⁴⁾.
- (3) As far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture. These quantities were fixed in Regulation (EC) No 1501/95.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 30 March 2001.

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

Done at Brussels, 29 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

ANNEX

**to the Commission Regulation of 29 March 2001 fixing the export refunds on cereals and on wheat or rye flour,
groats and meal**

Product code	Destination	Unit of measurement	Amount of refunds	Product code	Destination	Unit of measurement	Amount of refunds
1001 10 00 9200	—	EUR/t	—	1101 00 11 9000	—	EUR/t	—
1001 10 00 9400	—	EUR/t	—	1101 00 15 9100	C01	EUR/t	15,75
1001 90 91 9000	—	EUR/t	—	1101 00 15 9130	C01	EUR/t	14,75
1001 90 99 9000	C01	EUR/t	0	1101 00 15 9150	C01	EUR/t	13,50
1002 00 00 9000	A00	EUR/t	0	1101 00 15 9170	C01	EUR/t	12,50
1003 00 10 9000	—	EUR/t	—	1101 00 15 9180	C01	EUR/t	11,75
1003 00 90 9000	A00	EUR/t	0	1101 00 15 9190	—	EUR/t	—
1004 00 00 9200	—	EUR/t	—	1101 00 90 9000	—	EUR/t	—
1004 00 00 9400	—	EUR/t	—	1102 10 00 9500	C01	EUR/t	50,00
1005 10 90 9000	—	EUR/t	—	1102 10 00 9700	C01	EUR/t	39,50
1005 90 00 9000	A00	EUR/t	0	1102 10 00 9900	—	EUR/t	—
1007 00 90 9000	—	EUR/t	—	1103 11 10 9200	A00	EUR/t	0 ⁽¹⁾
1008 20 00 9000	—	EUR/t	—	1103 11 10 9400	A00	EUR/t	0 ⁽¹⁾
				1103 11 10 9900	—	EUR/t	—
				1103 11 90 9200	A00	EUR/t	0 ⁽¹⁾
				1103 11 90 9800	—	EUR/t	—

⁽¹⁾ No refund is granted when this product contains compressed meal.

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

The other destinations are as follows:

C01 All destinations except for Poland.

COMMISSION REGULATION (EC) No 623/2001
of 29 March 2001
fixing the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13 (8) thereof,

Whereas:

- (1) Article 13 (8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾, allows for the fixing of a corrective amount for the products listed in Article 1(1) (c) of Regulation (EEC) No 1766/92; that corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) The world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination.
- (4) The corrective amount must be fixed at the same time as the refund and according to the same procedure; it may be altered in the period between fixings.
- (5) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 April 2001.

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

Done at Brussels, 29 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

ANNEX

to the Commission Regulation of 29 March 2001 fixing the corrective amount applicable to the refund on cereals

(EUR/t)

Product code	Destination	Current 4	1st period 5	2nd period 6	3rd period 7	4th period 8	5th period 9	6th period 10
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	—	—	—	—	—	—	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	C01	0	0,00	0,00	0,00	0,00	—	—
1002 00 00 9000	A00	0	0,00	0,00	-35,00	-35,00	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	A00	0	-1,00	-1,00	0,00	-1,00	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	A00	0	0,00	0,00	-35,00	-35,00	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	A00	0	-1,00	-2,00	-3,00	-4,00	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	C01	0	0,00	0,00	-10,00	-10,00	—	—
1101 00 15 9130	C01	0	0,00	0,00	-10,00	-10,00	—	—
1101 00 15 9150	C01	0	0,00	0,00	-10,00	-10,00	—	—
1101 00 15 9170	C01	0	0,00	0,00	-10,00	-10,00	—	—
1101 00 15 9180	C01	0	0,00	0,00	-10,00	-10,00	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	C01	0	0,00	0,00	-50,00	-50,00	—	—
1102 10 00 9700	C01	0	0,00	0,00	-40,00	-40,00	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	A00	0	-1,50	-3,00	0,00	-1,40	—	—
1103 11 10 9400	A00	0	-1,34	-2,68	0,00	-1,25	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	A00	0	-1,37	-2,74	0,00	-1,27	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

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

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

The other destinations are as follows:

C01 All destinations except for Poland.

COMMISSION REGULATION (EC) No 624/2001
of 29 March 2001
fixing the corrective amount applicable to the refund on malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13(8),

Whereas:

- (1) Article 13(8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾, allows for the fixing of a corrective amount for the malt referred to

in Article 1(1)(c) of Regulation (EEC) No 1766/92. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 13(4) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 April 2001.

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

Done at Brussels, 29 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

ANNEX

to the Commission Regulation of 29 March 2001 fixing the corrective amount applicable to the refund on malt

(EUR/t)

Product code	Destination	Current 4	1st period 5	2nd period 6	3rd period 7	4th period 8	5th period 9
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	0	-1,27	-2,54	-3,81	-5,08	-6,35
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	0	-1,27	-2,54	-3,81	-5,08	-6,35
1107 20 00 9000	A00	0	-1,49	-2,98	-4,47	-5,96	-7,45

(EUR/t)

Product code	Destination	6th period 10	7th period 11	8th period 12	9th period 1	10th period 2	11th period 3
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	—	—	—	—	—	—
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	—	—	—	—	—	—
1107 20 00 9000	A00	—	—	—	—	—	—

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

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

**COMMISSION REGULATION (EC) No 625/2001
of 29 March 2001**

**fixing the rates of the refunds applicable to certain cereal and rice-products exported in the form of
goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽³⁾, as last amended by Regulation (EC) No 1667/2000 ⁽⁴⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13(1) of Regulation (EEC) No 1766/92 and Article 13(1) of Regulation (EC) No 3072/95 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽⁵⁾, as amended by Regulation (EC) No 2390/2000 ⁽⁶⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 as appropriate.
- (3) In accordance with the first subparagraph of Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.
- (4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. Whereas it is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. Whereas the fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

- (5) Now that a settlement has been reached between the European Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC ⁽⁷⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.
- (6) Pursuant to Article 4(3) and (5) of Regulation (EC) No 1520/2000 provides that a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Council Regulation (EEC) No 1722/93 ⁽⁸⁾, as last amended by Commission Regulation (EC) No 87/1999 ⁽⁹⁾, for the basic product in question, used during the assumed period of manufacture of the goods.
- (7) Spirituous beverages are considered less sensitive to the price of the cereals used in their manufacture. However, Protocol 19 of the Act of Accession of the United Kingdom, Ireland and Denmark stipulates that the necessary measures must be decided to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals. Accordingly, it is necessary to adapt the refund rate applying to cereals exported in the form of spirituous beverages.
- (8) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1(1) of Regulation (EC) No 3072/95, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to amended Regulation (EC) No 3072/95 respectively, are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 30 March 2001.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 193, 29.7.2000, p. 3.

⁽⁵⁾ OJ L 177, 15.7.2000, p. 1.

⁽⁶⁾ OJ L 276, 28.10.2000, p. 3.

⁽⁷⁾ OJ L 275, 29.9.1987, p. 36.

⁽⁸⁾ OJ L 159, 1.7.1993, p. 112.

⁽⁹⁾ OJ L 9, 15.1.1999, p. 8.

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

Done at Brussels, 29 March 2001.

For the Commission
Erkki LIIKANEN
Member of the Commission

ANNEX

to the Commission Regulation of 29 March 2001 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in other cases	— —	— —
1001 90 99	Common wheat and meslin: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in other cases: – – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where goods falling within subheading 2208 ⁽³⁾ are exported – – in other cases	— — — — —	— — — — —
1002 00 00	Rye	3,646	3,646
1003 00 90	Barley – where goods falling within subheading 2208 ⁽³⁾ are exported – in other cases	— —	— —
1004 00 00	Oats	3,352	3,352
1005 90 00	Maize (corn) used in the form of: – starch: – – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where goods falling within subheading 2208 ⁽³⁾ are exported – – in other cases – glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽⁴⁾ : – – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where goods falling within subheading 2208 ⁽³⁾ are exported – – in other cases – where goods falling within subheading 2208 ⁽³⁾ are exported – other (including unprocessed) Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize: – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where goods falling within subheading 2208 ⁽³⁾ are exported – in other cases	2,547 1,341 3,317 1,717 1,006 2,488 1,341 3,317 2,547 1,341 3,317	2,547 1,341 3,317 1,717 1,006 2,488 1,341 3,317 2,547 1,341 3,317

(EUR/100 kg)			
CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly-milled rice:		
	– round grain	22,400	22,400
	– medium grain	22,400	22,400
	– long grain	22,400	22,400
1006 40 00	Broken rice	5,100	5,100
1007 00 90	Sorghum	—	—

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E of amended Commission Regulation (EC) No 1520/2000 shall be applied (OJ L 177, 15.7.2000, p. 1).

⁽²⁾ The goods concerned fall under CN code 3505 10 50.

⁽³⁾ Goods listed in Annex B of Council Regulation (EEC) No 1766/92 or referred to in Article 2 of Regulation (EEC) No 2825/93.

⁽⁴⁾ For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 19 March 2001

concerning the conclusion of the framework Agreement for Trade and Cooperation between the European Community and its Member States, on the one hand, and the Republic of Korea, on the other hand

(2001/248/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 57(2), Article 71, Article 80(2), and Articles 133 and 308 thereof, in conjunction with the second sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

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

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

Having consulted the Economic and Social Committee,

Whereas:

The Agreement referred to in this Decision should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The framework Agreement for Trade and Cooperation between the European Community and its Member States, of the one hand, and the Republic of Korea, of the other hand, is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

1. A representative of the Commission, assisted by representatives of the Member States, shall represent the Community in

the Joint Committee provided for in Article 19(3) of the framework Agreement.

2. The position to be taken by the Community within the Joint Committee when it makes recommendations shall be laid down by the Council, on a proposal by the Commission, in accordance with the corresponding provisions of the Treaty establishing the European Community.

Article 3

The President of the Council shall, on behalf the Community, give the notification provided for in Article 21 of the framework Agreement.

Article 4

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

Done at Brussels, 19 March 2001.

For the Council

The President

A. LINDH

⁽¹⁾ OJ C 188, 28.6.1996, p. 11.

⁽²⁾ OJ C 104, 14.4.1999, p. 59.

FRAMEWORK AGREEMENT

for Trade and Cooperation between the European Community and its Member States, on the one hand, and the Republic of Korea, on the other hand

THE KINGDOM OF BELGIUM,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE GRAND DUCHY OF LUXEMBOURG,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE PORTUGUESE REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

Parties to the Treaty establishing the European Community and the Treaty on European Union, hereinafter referred to as 'Member States', and

THE EUROPEAN COMMUNITY,

on the one hand, and

THE REPUBLIC OF KOREA,

on the other hand,

CONSIDERING the traditional links of friendship between the Republic of Korea, the European Community and its Member States,

REAFFIRMING the attachment of the Parties to democratic principles and fundamental human rights as laid down in the Universal Declaration on Human Rights,

CONFIRMING their desire to establish a regular political dialogue between the European Union and the Republic of Korea, based on shared values and aspirations,

RECOGNISING that the General Agreement on Tariffs and Trade (GATT) has played a significant role to promote international trade in general and bilateral trade in particular, and that both the Republic of Korea and the European Community are equally committed to the principles of free trade and market economy on which that Agreement is based,

REAFFIRMING that both the Republic of Korea, the European Community and its Member States have pledged to implement fully their commitments made by the ratification of the Agreement establishing the World Trade Organisation (WTO),

HAVING IN MIND the need to contribute to the full implementation of the results of the GATT Uruguay Round and the need to apply all rules governing international trade in a transparent and non-discriminatory manner,

RECOGNISING the importance of strengthening the existing relationship between the Parties with a view to enhancing cooperation between them, and their common will to consolidate, deepen and diversify their relations in areas of mutual interest on the basis of equality, non-discrimination, respect for the natural environment and mutual benefit,

DESIROUS of creating favourable conditions for sustainable growth and diversification of trade and for economic cooperation in various areas of mutual interest,

BELIEVING that it will be advantageous to the Parties to institutionalise relations and to establish economic cooperation between them, as such cooperation would encourage further development of trade and investment,

MINDFUL of the importance of facilitating the involvement in cooperation of the individuals and entities directly concerned, in particular economic operators and the bodies representing them,

HAVE DECIDED to conclude this Agreement and to this end have designated as their plenipotentiaries:

THE KINGDOM OF BELGIUM:

Erik DERYCKE,
Minister for Foreign Affairs,

THE KINGDOM OF DENMARK:

Niels HELVEG PETERSEN,
Minister for Foreign Affairs,

THE FEDERAL REPUBLIC OF GERMANY:

Werner HOYER,
Minister of State, Foreign Affairs,

THE HELLENIC REPUBLIC:

Georgios PAPANDREOU,
Deputy Minister for Foreign Affairs,

THE KINGDOM OF SPAIN:

Abel MATUTES,
Minister for Foreign Affairs,

THE FRENCH REPUBLIC:

Michel BARNIER,
Minister with responsibility for European Affairs,

IRELAND:

Gay MITCHELL,
Minister of State for European Affairs at the Department of the Taoiseach,

THE ITALIAN REPUBLIC:

Lamberto DINI,
Minister for Foreign Affairs,

THE GRAND DUCHY OF LUXEMBOURG:

Jacques F. POOS,
Minister for Foreign Affairs,

THE KINGDOM OF THE NETHERLANDS:

Hans VAN MIERLO,
Minister for Foreign Affairs,

THE REPUBLIC OF AUSTRIA:

Wolfgang SCHÜSSEL,
Federal Minister for Foreign Affairs,

THE PORTUGUESE REPUBLIC:

Jaime GAMA,
Minister for Foreign Affairs,

THE REPUBLIC OF FINLAND:

Tarja HALONEN,
Minister for Foreign Affairs,

THE KINGDOM OF SWEDEN:

Lena HJELM-WALLÉN,
Minister for Foreign Affairs,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND:

David DAVIS,
Minister of State, Foreign and Commonwealth Office,

THE EUROPEAN COMMUNITY:

Dick SPRING,
Minister for Foreign Affairs (Ireland),
President-in-Office of the Council of the European Union,
Sir Leon BRITTAN,
Vice-President of the Commission of the European Communities,

THE REPUBLIC OF KOREA:

Ro-Myung GONG,
Minister for Foreign Affairs,

WHO, having exchanged their full powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

Article 1

Basis for cooperation

Respect for democratic principles and human rights as defined in the Universal Declaration on Human Rights inspires the domestic and international policies of the Parties and constitutes an essential element of this Agreement.

Article 2

Aims of cooperation

With a view to enhancing cooperation between them, the Parties undertake to promote further development of economic relations between them. Their efforts will in particular be aimed at:

- (a) stepping up, establishing cooperation in and diversifying trade to their mutual advantage;
- (b) establishing economic cooperation in fields of mutual interest, including scientific and technological cooperation and industrial cooperation;
- (c) facilitating cooperation between businesses by facilitating investment on both sides and by promoting better mutual understanding.

Article 3

Political dialogue

A regular political dialogue, based on shared values and aspirations, shall be established between the European Union and the Republic of Korea. This dialogue shall take place in accordance

with the procedures agreed in the Joint Declaration between the European Union and the Republic of Korea on this subject.

Article 4

Most-favoured-nation treatment

In accordance with their rights and obligations under the World Trade Organisation, the Parties undertake to accord each other most-favoured-nation treatment.

Article 5

Trade cooperation

1. The Parties undertake to promote the development and diversification of their reciprocal commercial exchanges to the highest possible level and to their mutual benefit.

The Parties undertake to achieve improved market access conditions. They will ensure that applied, most-favoured-nation customs duties are set, taking into account various elements, including the domestic market situation of one Party and the export interests of the other Party. They undertake to work towards the elimination of barriers to trade, in particular through the timely removal of non-tariff barriers and by taking measures to improve transparency, having regard to the work carried out by international organisations in this field.

2. The Parties shall take steps to conduct a policy aimed at:

- (a) multilateral and bilateral cooperation to address issues relating to the development of trade which are of interest to both sides, including the future proceedings of the WTO. To that end they shall cooperate at the international level and bilaterally in the solution of commercial problems of common interest;

- (b) promoting exchanges of information between economic operators and industrial cooperation between enterprises in order to diversify and increase existing flows of trade;
- (c) studying and recommending trade-promotion measures suitable for fostering the development of trade;
- (d) facilitating cooperation between the competent customs authorities of the European Community, its Member States and Korea;
- (e) improving market access for industrial, agricultural and fisheries products;
- (f) improving market access for services, such as financial services and telecommunications services;
- (g) strengthening cooperation in the fields of standards and technical regulations;
- (h) effectively protecting intellectual, industrial and commercial property;
- (i) organising trade and investment visits;
- (j) organising general and single industry trade fairs.

3. The Parties shall foster fair competition of economic activities through fully enforcing their relevant laws and regulations.

4. In accordance with their obligations under the WTO Government Procurement Agreement, the Parties shall ensure participation in procurement contracts on a non-discriminatory and reciprocal basis.

They will continue their discussions aimed at further mutual opening of their respective procurement markets in other sectors such as telecommunications procurement.

Article 6

Agriculture and fisheries

1. The Parties agree to encourage cooperation in the fields of agriculture and fisheries, including horticulture and mariculture. On the basis of discussions about their respective agricultural and fisheries policies the Parties will study:

- (a) the possibilities for increased trade in agricultural products and fish products;
- (b) the effect on trade of sanitary and phytosanitary measures, and measures relating to the environment;
- (c) the links between agriculture and the rural environment;
- (d) research in the fields of agriculture and fisheries, including horticulture and mariculture.

2. As appropriate, the provisions of paragraph 1 apply to products and services in the related agricultural processing industry.

3. The Parties undertake to comply with the terms of the Agreement on Sanitary and Phytosanitary Measures of the WTO and are willing to enter into consultations, on request of either of them, to discuss the proposals from the other Party on the application and the harmonisation of sanitary and phytosanitary measures, taking into consideration the standards agreed on in other international organisations such as OIE, IPPC and Codex Alimentarius.

Article 7

Maritime transport

1. The Parties undertake to move towards the goal of unrestricted access to the international maritime market and traffic based on fair competition on a commercial basis, in accordance with the provisions of this Article.

(a) The above provision does not prejudice the rights and obligations arising from the United Nations Convention Code of Conduct for Liner Conferences as applicable to one or the other Party to this Agreement. Non-conference lines will be free to operate in competition with a conference as long as they adhere to the principle of fair competition on a commercial basis.

(b) The Parties affirm their commitment to build a fair and competitive environment for the dry and liquid bulk trade. In view of this commitment, the Republic of Korea will take necessary steps to phase out the existing cargo reservation of designated bulk commodities for Korean flag carriers over a transitional period, which will end on 31 December 1998.

2. In pursuit of the goal of paragraph 1, the Parties shall:

(a) abstain from introducing cargo-sharing clauses into future bilateral agreements with non-member countries concerning dry and liquid bulk and liner trade, except where, in exceptional circumstances, with regard to liner trade, shipping companies from one or the other Party to this Agreement would not otherwise have an effective opportunity to engage in trade to and from the non-member country concerned;

(b) abstain from implementing, on entry into force of this Agreement, administrative and technical and legislative measures which could have the effect of discriminating between their own nationals or companies and those of the other Party in the supply of services in international maritime transport;

(c) grant no less favourable treatment for the ships operated by nationals or companies of the other Party, than that accorded to its own ships, with regard to access to ports open to international trade, the use of infrastructure and auxiliary maritime services of the ports, as well as related fees and charges, customs facilities and assignment of berths and facilities for loading and unloading.

3. For the purpose of this Article, access to the international maritime market shall include, *inter alia*, the right for international maritime transport providers of each Party to arrange door-to-door transport services involving a sea leg, and to this effect to directly contract with local providers of transport modes other than maritime transport on the territory of the other Party without prejudice to applicable nationality restrictions concerning the carriage of goods and passengers by those other transport modes.

4. The provisions of this Article shall apply to European Community companies and Korean companies. Beneficiaries of the provisions of this Article shall also be shipping companies established outside the European Community or the Republic of Korea and controlled by nationals of a Member State or the Republic of Korea, if their vessels are registered in that Member State or in the Republic of Korea in accordance with their respective legislations.

5. The issue of the operations in the European Community and in the Republic of Korea of shipping agency activities shall be dealt with by specific agreements, where appropriate.

Article 8

Shipbuilding

1. The Parties agree to cooperate in the field of shipbuilding with a view to promoting fair and competitive market conditions and note the severe structural disequilibrium between supply and demand and the market trends which depress the world shipbuilding industry. For these reasons, the Parties shall not adopt any measure or take any action to support their shipbuilding industry which would distort competition or allow their shipbuilding industry to escape from any future difficult situation, in accordance with the OECD Agreement on Shipbuilding.

2. The Parties agree to enter into consultations on a request from either Party regarding the implementation of the OECD Agreement on Shipbuilding, exchange of information on the development of the world market for ships and shipbuilding and on any other problem arising in this sector.

The representatives of the shipbuilding industry may be invited as observers to such consultations, on agreement by the Parties.

Article 9

Intellectual, industrial and commercial property protection

1. The Parties undertake to ensure that adequate and effective protection is provided for intellectual, industrial and

commercial property rights, including effective means of enforcing such rights.

2. The parties agree to implement the WTO Agreement on Trade-related Aspects of Intellectual Property Rights not later than 1 July 1996 ⁽¹⁾.

3. The Parties confirm the importance they attach to the obligations contained in multilateral conventions for the protection of intellectual property rights. The Parties shall make efforts to accede as soon as practicable to the conventions in the Annex to which they have not acceded.

Article 10

Technical regulations, standards and conformity assessment

1. Without prejudice to their international obligations, within the scope of their responsibilities and in accordance with their laws, the Parties will promote the use of internationally recognised standards and conformity assessment systems.

To that end, particular attention will be paid to:

- (a) exchange of information and technical experts in the fields of standardisation, accreditation, metrology and certification, as well as joint research where appropriate;
- (b) promotion of interchange and contact between relevant bodies and institutions;
- (c) sectoral consultations;
- (d) cooperation in quality management activities;
- (e) strengthening cooperation in the fields of technical regulations, particularly by concluding an agreement for the mutual recognition of conformity assessment results, as a means of facilitating trade and avoiding any disruption prejudicial to its development;
- (f) participation and cooperation in the framework of the relevant international agreements with a view to promoting the adoption of harmonised standards.

2. The Parties shall ensure that standards and conformity assessment activities do not constitute unnecessary barriers to trade.

Article 11

Consultations

1. The Parties agree to promote the exchange of information concerning trade measures.

Each Party undertakes to inform the other in a timely manner of the application of measures which alter most-favoured-nation applied import duties which affect the exports of the other Party.

⁽¹⁾ For the Republic of Korea with the exception of the Agrochemical Management Law which will enter into force as from 1 January 1997 and the Seedlings Industry Law (and Law on Protection of Geographical Indications) by 1 July 1998, subject to its legislative procedure.

Either Party may request consultations on trade measures. Where such a request is made, the consultations shall take place at the earliest opportunity with a view to reaching a mutually acceptable, constructive solution as early as possible.

2. Each Party agrees to inform the other Party of the initiation of anti-dumping procedures against products of the other Party.

In full respect of the WTO Agreements on anti-dumping and anti-subsidy measures, the Parties shall afford sympathetic consideration to, and shall afford adequate opportunity for consultation regarding representations made by either Party with respect to anti-dumping procedures and anti-subsidy procedures.

3. The Parties agree to consult each other on any disputes which may arise from the implementation of this Agreement. If either Party request such consultation, it shall take place at the earliest opportunity. The Party making its request shall provide the other Party with all information necessary for a detailed examination of the situation. Attempts shall be made through such consultations to resolve trade disputes as rapidly as possible.

4. The provisions of this Article shall in no way prejudice the internal procedures of each Party for the adoption and modification of trade measures, or the notification, consultation and dispute settlement mechanisms provided for under the WTO Agreements.

Article 12

Economic and industrial cooperation

1. The Parties, taking into account their mutual interest and their respective economic policies and objectives, shall foster economic and industrial cooperation in all fields deemed suitable by them.

2. The objectives of such cooperation shall be in particular:

- to promote exchanges of information between economic operators, and develop and improve existing networks, while ensuring that personal data are suitably protected,
- to bring about exchanges of information on the terms and conditions for cooperation in the field of all services as well as information infrastructures,
- to promote mutually beneficial investment and establish a climate which favours investment,
- to improve the economic environment and business climate.

3. As means to such ends, the Parties shall endeavour, *inter alia*:

- (a) to diversify and strengthen economic links between them;
- (b) to establish industry specific channels of cooperation;
- (c) to promote industrial cooperation between enterprises, in particular between small and medium-sized enterprises;
- (d) to promote sustainable development of their economies;
- (e) to encourage ways of production which are not prejudicial to the environment;
- (f) to encourage the flow of investment and technology;
- (g) to increase mutual understanding and awareness of their respective business environments.

Article 13

Drugs and money laundering

1. The Parties shall cooperate in increasing the effectiveness and efficiency of policies and measures to counter the illicit production, supply and traffic of narcotic drugs and psychotropic substances, including the prevention of diversion of precursor chemicals, as well as in promoting drug-demand prevention and reduction. The cooperation in this area shall be based on mutual consultation and close coordination between the Parties over the objectives and measures on the various drug-related fields.

2. The Parties agree on the necessity of making serious efforts and cooperating in order to prevent the use of their financial systems for laundering of proceeds from criminal activities in general and drug offences in particular.

Cooperation in this area shall aim at establishing suitable standards against money laundering taking into consideration those adopted by international forums in this field, in particular the Financial Action Task Force (FATF).

Article 14

Cooperation in science and technology

1. In accordance with their mutual interest and the aims of their policies on science, the Parties undertake to promote cooperation in science and technology. To this end the Parties shall endeavour to encourage in particular:

- the exchange of information and know-how in the field of science and technology,
- dialogue about the elaboration and implementation of the respective research and technological development policies,
- cooperation in the field of information technology, as well as in the technologies and industry affecting interoperability towards the global information society,
- cooperation in the fields of energy and the protection of the environment,
- cooperation in science and technology sectors of common interest.

2. With a view to attaining the aims of their respective policies, the Parties shall, *inter alia*, endeavour:

- to exchange information on research projects in the fields of energy, protection of the environment, telecommunications and information technology, and information technology industry,
- to advance the training of scientists by appropriate means,
- to encourage technology transfer on the basis of mutual benefit,
- to jointly organise seminars bringing together senior scientists of both sides, and
- to encourage researchers from both Parties to conduct joint research in fields of mutual interest.

3. The Parties agree that all cooperation and joint actions in the field of science and technology take place on the basis of reciprocity.

The Parties agree to protect effectively the information and the intellectual property resulting from cooperation against any abuse or unauthorised use by others than the legitimate owners thereof.

In case of participation by institutions, bodies and undertakings of one of the Parties in specific research and technological development programmes of the other Party, such as those set up under the European Community's general framework programme, this participation and the dissemination and exploitation of knowledge obtained as a result thereof shall take place in accordance with the general rules laid down by that other Party.

4. The priorities for cooperation shall be decided through consultation between the Parties. Subject to the preceding paragraph, the participation of private sector institutions, bodies and undertakings in cooperation activities and specific research projects of common interest shall be encouraged.

Article 15

Cooperation in environmental matters

The Parties will establish cooperative relations seeking to protect and preserve the environment. This will take place through:

- exchanges of information on environmental policies and their implementation between relevant officials in the European Commission and the relevant authorities in the Republic of Korea,
- exchanges of information on environmentally sound technologies,
- exchanges of personnel,
- the promotion of cooperation on environmental matters being discussed in the international forums where the European Community and the Republic of Korea participate, particularly the UN Commission on Sustainable Development and other forums where international Conventions on the environment are debated,

- discussion on the pursuit of sustainable development practices and in particular, cooperation in the implementation of Agenda 21 and other follow-up activities from the UN Conference on Environment and Development (UNCED),
- cooperation on joint environmental projects.

Article 16

Energy

The Parties recognise the importance of the energy sector to economic and social development and are willing, within the scope of their respective competences, to enhance cooperation in this field. The objectives of such cooperation shall be:

- to promote the market-economy principle in setting consumer prices in accordance with market principles,
- to diversify energy supplies,
- to develop new and renewable forms of energy,
- to achieve rational use of energy, notably by promoting demand-side management, and
- to foster the best possible conditions for the transfer of technology in the interests of efficient energy use.

To these ends, the Parties agree to promote the conduct of joint studies and research, as well as contacts between those responsible for energy planning.

Article 17

Cooperation in culture, information and communication

The Parties undertake to establish cooperation in the fields of information and communication in order to promote better mutual understanding, taking account of the cultural dimension of relations between them.

These measures shall take the form of, in particular:

- exchange of information on issues of common interest concerning culture and information,
- organisation of cultural events,
- cultural exchanges, and
- academic exchanges.

Article 18

Cooperation in the development of non-member countries

The Parties agree to exchange information on their development assistance policies with a view to establishing a regular dialogue on the objectives of these policies and on their respective development aid programmes in non-member countries. They will study to what extent more substantial cooperation is feasible, in accordance with their respective legislations and the conditions applicable to the implementation of these programmes.

*Article 19***Joint Committee**

1. The Parties shall establish under this Agreement a Joint Committee consisting of representatives of the members of the Council of the European Union and representatives of the European Commission, on the one hand, and representatives of the Republic of Korea, on the other. Consultations shall be held in the Committee in order to facilitate the implementation and to further the general aims of this Agreement.

2. The Joint Committee shall:

- ensure that the Agreement operates properly,
- study the development of trade and cooperation between the two Parties,
- seek appropriate methods of forestalling problems which might arise in areas covered by the Agreement,
- seek ways of developing and diversifying trade,
- exchange opinions and make suggestions on any issue of common interest relating to trade and cooperation, including future action and the resources available to carry it out,
- make recommendations suitable for promoting the expansion of trade and cooperation, taking into account the need to coordinate the measures proposed.

3. The Joint Committee will normally meet once a year in Brussels and Seoul alternately. Special meetings of the Committee shall be held at the request of either Party. The Joint Committee shall be chaired alternately by each of the Parties.

4. The Joint Committee may set up specialised sub-committees in order to assist it in the performance of its tasks. These sub-committees shall make detailed reports of their activities to the Joint Committee at each of its meetings.

*Article 20***Definition**

For the purposes of this Agreement, the term 'the Parties' means the European Community or its Member States, or the European Community and its Member States, in accordance with their respective competences, on the one hand, and the Republic of Korea, on the other.

*Article 21***Entry into force and duration**

1. This Agreement shall enter into force on the first day of the month following the date on which the Parties have notified each other of the completion of the legal procedures necessary for this purpose.

2. This Agreement is concluded for a period of five years. It shall be tacitly renewed on a yearly basis unless one of the Parties denounces it in writing six months before the date of expiry.

*Article 22***Notifications**

The notifications made in accordance with Article 21 shall be made to the Secretariat-General of the Council of the European Union and the Ministry of Foreign Affairs of the Republic of Korea, respectively.

*Article 23***Non-execution of this Agreement**

If either Party considers that the other Party has failed to fulfil an obligation under this Agreement, it may take appropriate measures. Before doing so, except in circumstances of special urgency, it shall supply the other Party with all relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Parties. In the selection of measures, priority must be given to those which least disturb the functioning of this Agreement. These measures shall be notified immediately to the other Party and shall be the subject of consultations if the other Party so requests.

*Article 24***Future developments**

The Parties may by mutual consent expand this Agreement with a view to enhancing the level of cooperation and add to it by means of agreements on specific sectors or activities.

With regard to the implementation of this Agreement, either of the Parties may put forward suggestions for widening the scope of cooperation, taking into account the experience gained in its application.

*Article 25***Declarations and Annex**

The Joint Declarations and Annex to this Agreement shall form an integral part of this Agreement.

*Article 26***Territorial application**

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty, and, on the other hand, to the territory of the Republic of Korea.

*Article 27***Authentic texts**

This Agreement is drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Korean languages, each text being equally authentic.

EN FE DE LO CUAL, los plenipotenciarios abajo firmantes suscriben el presente Acuerdo marco.

TIL BEKRÆFTELSE HERAF har undertegnede befuldmægtigede underskrevet denne rammeaftale.

ZU URKUND DESSEN haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Rahmenabkommen gesetzt.

ΣΕ ΠΙΣΤΩΣΗ ΤΩΝ ΑΝΩΤΕΡΩ, οι υπογράφωντες πληρεξούσιοι έδωσαν την υπογραφή τους κάτω από την παρούσα συμφωνία-πλαίσιο.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Framework Agreement.

EN FOI DE QUOI, les plénipotentiaires soussignés ont apposé leur signature au bas du présent accord-cadre.

IN FEDE DI CHE, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente accordo quadro.

TEN BLIJKE WAARVAN de ondergetekende gevolmachtigden hun handtekening onder deze kaderovereenkomst hebben gesteld.

EM FÉ DO QUE, os plenipotenciários abaixo assinados apuseram as suas assinaturas no final do presente acordo-quadro.

TÄMÄN VAKUUDEKSI jäljempänä mainitut allekirjoittaneet täysivaltaiset edustajat ovat allekirjoittaneet tämän puitesopimuksen.

TILL BEVIS härpå har undertecknade befullmäktigade ombud undertecknat detta ramavtal.

이상의 증거로, 하기 전권대표는 이 기본협정에 서명하였다.

Hecho en Luxemburgo, el veintiocho de octubre de mil novecientos noventa y seis.

Udfærdiget i Luxembourg den otteogtyvende oktober nitten hundrede og seksoghalvfems.

Geschehen zu Luxemburg am achtundzwanzigsten Oktober neunzehnhundertsechsunneunzig.

Έγινε στο Λουξεμβούργο, στις είκοσι οκτώ Οκτωβρίου χίλια εννιακόσια ενενήντα έξι.

Done at Luxembourg on the twenty-eighth day of October in the year one thousand nine hundred and ninety-six.

Fait à Luxembourg, le vingt-huit octobre mil neuf cent quatre-vingt-seize.

Fatto a Lussemburgo, addì ventotto ottobre millenovecentonovantasei.

Gedaan te Luxemburg, de achtentwintigste oktober negentienhonderd zesennegentig.

Feito no Luxemburgo, em vinte e oito de Outubro de mil novecentos e noventa e seis.

Tehty Luxemburgissa kahdentenäkymmenentenäkahdeksantena päivänä lokakuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäkuusi.

Som skedde i Luxemburg den tjugoåttonde oktober nittonhundranittiosex.

1996년 10월 28일 룩셈부르크에서.

POUR LE ROYAUME DE BELGIQUE

VOOR HET KONINKRIJK BELGIË

FÜR DAS KÖNIGREICH BELGIEN

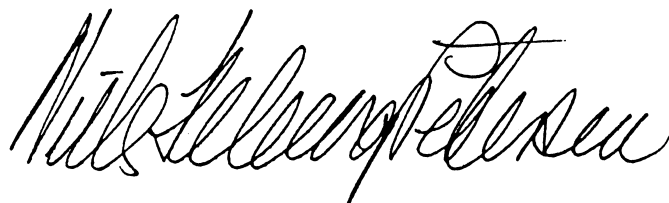


Cette signature engage également la Communauté française, la Communauté flamande, la Communauté germanophone, la Région wallonne, la Région flamande et la Région de Bruxelles-Capitale.

Deze handtekening verbindt eveneens de Vlaamse Gemeenschap, de Franse Gemeenschap, de Duitstalige Gemeenschap, het Vlaamse Gewest, het Waalse Gewest en het Brussels Hoofdstedelijke Gewest.

Diese Unterschrift verbindet zugleich die Deutschsprachige Gemeinschaft, die Flämische Gemeinschaft, die Wallonische Region, die Flämische Region und die Region Brüssel-Hauptstadt.

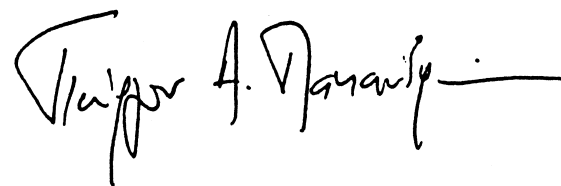
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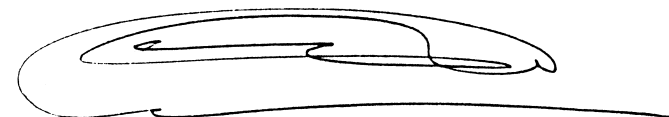
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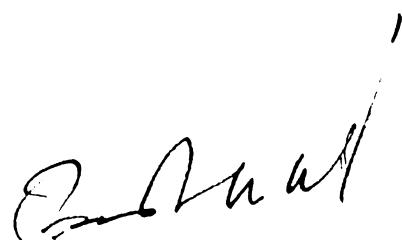
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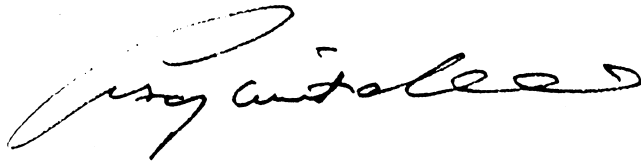
POR EL REINO DE ESPAÑA



POUR LA RÉPUBLIQUE FRANÇAISE



THAR CEANN NA hÉIREANN
FOR IRELAND



PER LA REPUBBLICA ITALIANA



POUR LE GRAND-DUCHÉ DE LUXEMBOURG



VOOR HET KONINKRIJK DER NEDERLANDEN



FÜR DIE REPUBLIK ÖSTERREICH



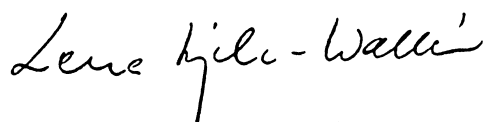
PELA REPÚBLICA PORTUGUESA



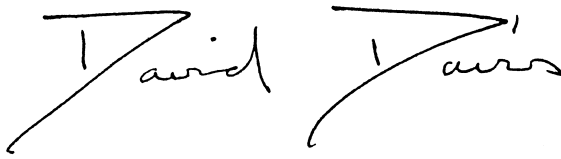
SUOMEN TASAVALLAN PUOLESTA
FÖR REPUBLIKEN FINLAND



FÖR KONUNGARIKET SVERIGE



FOR THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND



POR LA COMUNIDAD EUROPEA

FOR DET EUROPÆISKE FÆLLESSKAB

FÜR DIE EUROPÄISCHE GEMEINSCHAFT

ΓΙΑ ΤΗΝ ΕΥΡΩΠΑΪΚΗ ΚΟΙΝΟΤΗΤΑ

FOR THE EUROPEAN COMMUNITY

POUR LA COMMUNAUTÉ EUROPÉENNE

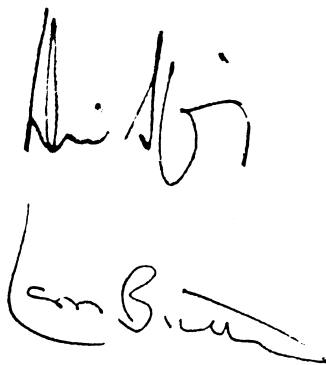
PER LA COMUNITÀ EUROPEA

VOOR DE EUROPESE GEMEENSCHAP

PELA COMUNIDADE EUROPEIA

EUROOPAN YHTEISÖN PUOLESTA

FÖR EUROPEISKA GEMENSKAPEN



대한민국을 대표하여



ANNEX

Intellectual, industrial and commercial property Conventions referred to in Article 9

- Berne Convention for the Protection of Literary and Artistic Works (Paris Act, 1971)
 - International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Rome, 1961)
 - Paris Convention for the Protection of Industrial Property (Stockholm Act, 1967, as amended in 1979)
 - Patent Cooperation Treaty (Washington, 1970, as amended in 1979, and modified in 1984)
 - Madrid Agreement concerning the International Registration of Marks (Stockholm Act, 1967, and amended in 1979)
 - Protocol relating to the Madrid Agreement concerning the International Registration of Marks (Madrid, 1989)
 - Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (Geneva, 1977, and amended in 1979)
 - Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure (1977, modified in 1980)
 - International Convention for the Protection of New Varieties of Plants (UPOV) (Geneva Act, 1991)
-

JOINT DECLARATIONS

JOINT DECLARATION CONCERNING ARTICLE 7

Each Party shall allow the shipping companies of the other Party to have their commercial presence in its territory for the purpose of carrying out shipping agency activities under conditions of establishment and operation no less favourable than those accorded to its own companies or to subsidiaries or branches of companies of any non-member country, whichever is the better.

JOINT DECLARATION CONCERNING ARTICLE 9

The Parties agree that for the purpose of the Agreement, intellectual, industrial and commercial property includes in particular copyright, including the copyright in computer programs, and neighbouring rights, the rights relating to patents, industrial designs, geographical indications, including designations of origin, trade marks and service marks, topographies of integrated circuits as well as protection against unfair competition as referred to in Article 10 *bis* of the Paris Convention for the Protection of Industrial Property and protection of undisclosed information on know-how.

JOINT INTERPRETATIVE DECLARATION CONCERNING ARTICLE 23

The Parties agree, by common consent, for the purpose of its correct interpretation and its practical application that the terms 'circumstances of special urgency' included in Article 23 of the Agreement mean cases of material breach of the Agreement by one of the Parties. A material breach of the Agreement consists in:

- (a) repudiation of the Agreement not sanctioned by the general rules of international law, or
- (b) violation of the essential element of the Agreement set out in Article 1.

The Parties agree that 'appropriate measures' referred to in Article 23 are measures taken in accordance with international law.

Information concerning the date of entry into force of the Framework Agreement for Trade and Cooperation between the European Community and its Member States, on the one hand, and the Republic of Korea, on the other hand

The Framework Agreement for Trade and Cooperation between the European Community and its Member States, on the one hand, and the Republic of Korea, on the other hand, will enter into force on 1 April 2001, since the notifications concerning the completion of procedures provided for in Article 21(1) of the Agreement were completed on 20 March 2001.

COMMISSION

COMMISSION DECISION

of 26 March 2001

fixing the maximum amount of aid granted for the private storage of olive oil under the first partial invitation to tender provided for by Regulation (EC) No 327/2001

(notified under document number C(2001) 823)

(Only the Spanish and Greek texts are authentic)

(2001/249/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) In accordance with Commission Regulation (EC) No 327/2001 of 16 February 2001 authorising the conclusion of private storage contracts for olive oil and opening an invitation to tender for a limited period for aid relating thereto ⁽³⁾, the bodies referred to in Article 1 of that Regulation are authorised to conclude contracts for the private storage of virgin and extra virgin olive oil they market.
- (2) An invitation to tender has been opened for a limited period. Four consecutive partial invitations to tender are to be opened from 1 March 2001. The first partial invitation to tender is restricted to producer groups or associations of such groups as referred to in the second sentence of the first paragraph of Article 12a of Regulation No 136/66/EEC.
- (3) Article 12a of Regulation No 136/66/EEC provides for the granting of aid for the implementation of storage contracts. On the basis of the tenders submitted in response to the first partial invitation to tender and with a view to making a significant contribution to regulating the market, the amount of that aid should be fixed.

- (4) No tenders were received in Greece in response to the first partial invitation to tender.

- (5) The measure provided for in this Decision is in accordance with the opinion of the Management Committee for Oils and Fats,

HAS ADOPTED THIS DECISION:

Article 1

For the first partial invitation to tender provided for by Article 3 of Regulation (EC) No 327/2001, the maximum amount of the aid referred to in Article 12a of Regulation No 136/66/EEC shall be as follows:

Virgin or extra virgin olive oil:

- in Spain: EUR 1,22/1 000 kg,
- in Greece: —

Article 2

This Decision is addressed to the Kingdom of Spain and the Hellenic Republic.

Done at Brussels, 26 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ 172, 30.9.1966, p. 3025/66.

⁽²⁾ OJ L 328, 23.12.2000, p. 2.

⁽³⁾ OJ L 48, 17.2.2001, p. 9.

COMMISSION DECISION

of 29 March 2001

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

(notified under document number C(2001) 1031)

(Text with EEA relevance)

(2001/250/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 2001/239/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) The Commission by adopting Decision 2001/208/EC ⁽⁷⁾ introduced additional control measures for foot-and-mouth disease in France, which were modified in the light of the disease evolution by Decision 2001/240/EC ⁽⁸⁾.
- (6) New outbreaks of foot-and-mouth disease have been reported in certain departments in France and therefore the measures must be adapted.
- (7) In order to complete the epidemiological inquiry it appears appropriate to temporarily extend and prolong the measures introduced by Decision 2001/208/EC.
- (8) The geographic scope for the areas subjected to the measures provided for in this Decision should not be maintained any longer than necessary under objectively defined circumstances.
- (9) The situation shall be reviewed at the meeting of the Standing Veterinary Committee scheduled for 4 April 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. The date in Article 13 is replaced by '12 April 2001'.
2. Article 13a is replaced by the following:

'Article 13a

However, the Commission shall amend this Decision to the effect that the measures provided for in relation to the areas listed in Annex I can be limited to the departments of Seine-et-Marne, Seine-Saint-Denis and Val d'Oise, that the measures provided for in relation to the areas listed in Annex II apply to all departments of mainland France except those in Annex I and that the date referred to in Article 2(2)(a), Article 3(3)(a) and (c), Article 5(2)(a) and (3)(b), Article 6(3), Article 7(2) and Article 8(1) shall be replaced by "25 February 2001", 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 86, 27.3.2001, p. 33.

⁽⁶⁾ OJ L 315, 26.11.1985, p. 11.

⁽⁷⁾ OJ L 73, 15.3.2001, p. 38.

⁽⁸⁾ OJ L 86, 27.3.2001, p. 35.

If, as of 2 April 2001, France notifies the Commission that:

- (a) no further outbreaks of foot and mouth disease are reported before 17.00 on the same day, and
- (b) all the clinical examinations and laboratory tests for foot-and-mouth disease carried out in France in susceptible animals:
 - on holdings where the presence of this disease has been suspected in relation to the outbreaks confirmed in France, the Netherlands 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 in March 2001,

have given negative results,

the Commission shall immediately inform all Member States and amend this Decision accordingly with immediate effect.

The Member States shall adapt the conditions they apply to trade so as to bring them in line with the new situation.'

- 3. In Annex I the words 'Mayenne, Orne' are replaced by 'All departments of mainland France'.
- 4. In Annex II the words 'All departments of mainland France except those in Annex I' are replaced by 'All departments of mainland France'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 29 March 2001.

For the Commission

David BYRNE

Member of the Commission
