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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 804/2001
of 26 April 2001
establishing the standard import values for determining the entry price of certain fruit and
vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1498/98 ⁽²⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 April 2001.

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

Done at Brussels, 26 April 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 26 April 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	86,4
	204	76,4
	212	110,1
	999	91,0
0707 00 05	052	90,7
	999	90,7
0709 90 70	052	85,0
	999	85,0
0805 10 10, 0805 10 30, 0805 10 50	052	75,6
	204	46,4
	212	52,0
	220	56,7
	600	67,4
	624	57,8
	999	59,3
0808 10 20, 0808 10 50, 0808 10 90	388	92,1
	400	86,9
	404	96,7
	508	78,1
	512	82,6
	524	90,2
	528	87,8
	720	94,4
	804	119,1
	999	92,0
0808 20 50	388	79,3
	512	87,4
	528	81,3
	999	82,7

⁽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 805/2001**of 26 April 2001****amending Regulation (EC) No 2869/2000 and increasing to 1 000 000 tonnes the amount of common wheat from the 1999 harvest held by the French intervention agency for which a standing invitation to tender for resale on the internal market has been opened**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 ⁽³⁾, as last amended by Regulation (EC) No 1630/2000 ⁽⁴⁾, lays down the procedure and conditions for the disposal of cereals held by the intervention agencies.
- (2) Commission Regulation (EC) No 2869/2000 ⁽⁵⁾, as last amended by Regulation (EC) No 323/2001 ⁽⁶⁾, opened a standing invitation to tender for the resale on the internal market of 750 000 tonnes of common wheat from the 1999 harvest held by the French intervention agency.
- (3) In the present situation on the market the quantities of common wheat held by the French intervention agency put up for sale on the internal market of the Community should be increased to 1 000 000 tonnes, without indicating the harvest year.

- (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

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

1. in the title, the words 'from the 1999 harvest' are deleted;
2. in Article 1 'of 750 000 tonnes of common wheat from the 1999 harvest' is replaced by 'of 1 000 000 tonnes of common wheat';
3. Article 2(2) is replaced by the following:
'2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 26 June 2001.'

Article 2

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

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

Done at Brussels, 26 April 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 191, 31.7.1993, p. 76.

⁽⁴⁾ OJ L 187, 26.7.2000, p. 24.

⁽⁵⁾ OJ L 333, 29.12.2000, p. 19.

⁽⁶⁾ OJ L 48, 17.2.2001, p. 3.

COMMISSION REGULATION (EC) No 806/2001

of 26 April 2001

amending Regulation (EC) No 174/1999, as regards management of the milk powder quota for export to the Dominican Republic

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 20a of Commission Regulation (EC) No 174/1999 of 26 January 1999 laying down special detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 2884/2000 ⁽⁴⁾, lays down the provisions applicable to the management of the milk powder quota for export to the Dominican Republic under the Memorandum of Understanding concluded between the European Community and the Dominican Republic and approved by Council Decision 98/486/EC ⁽⁵⁾.
- (2) In view of the difficulties encountered in the Dominican Republic during 2000 in implementing the Memorandum, that year should be excluded from the reference period for future applications under the quota. Measures should also be taken to avoid the cancellation of licences. Accordingly, the amount of the security for exports under the quota should be increased and release of that security should be conditional upon proof being provided that the products had been declared for import in the Dominican Republic during the year of the quota. Other provisions should be adapted in order to guarantee better administration of the scheme.
- (3) In view of the fact that the period for the submission of licence applications is fixed at 1 to 10 May 2001, this Regulation should enter into force immediately.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

Article 20a of Regulation (EC) No 174/1999 is amended as follows:

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 20, 27.1.1999, p. 8.

⁽⁴⁾ OJ L 333, 29.12.2000, p. 76.

⁽⁵⁾ OJ L 218, 6.8.1998, p. 45.

1. Paragraph 4(a) is replaced by the following wording:

‘(a) the first part, equal to 80 % or 17 920 t, shall be distributed among Community exporters who can prove that they have exported products as referred to in paragraph 3 to the Dominican Republic during each of the three calendar years prior to the period for submission of applications, excluding 2000;’

2. In paragraph 5, the first indent is replaced by the following:

‘— for the part referred to in paragraph 4(a), a quantity equal to 110 % of the total quantity of products referred to in paragraph 3 exported during one of the three calendar years prior to the period for submission of applications, excluding 2000;’

3. In paragraph 6(b), the first indent is replaced by the following:

‘— lodge a security of EUR 15 per 100 kilogrammes,’

4. Paragraph 9(c) is replaced by the following:

‘(c) in section 20, one of the following indications:

— Artículo 20 bis del Reglamento (CE) nº 174/1999:

contingente arancelario de leche en polvo del año 1.7.....-30.6..... fijado en el Memorandum de acuerdo celebrado entre la Comunidad Europea y la República Dominicana y aprobado mediante la Decisión 98/486/CE del Consejo.

— Artikel 20a i förordning (EF) nr. 174/1999:

toldkontingent for perioden 1.7..... til 30.6..... for mælkepulver i henhold til den aftale, som blev indgået mellem Det Europæiske Fællesskab og Den Dominikanske Republik og godkendt ved Rådets afgørelse 98/486/EF.

— Artikel 20a der Verordnung (EG) Nr. 174/1999:

Milchpulverkontingent für das Jahr 1.7.....-30.6..... gemäß der mit dem Beschluss 98/486/EG des Rates genehmigten Vereinbarung zwischen der Europäischen Gemeinschaft und der Dominikanischen Republik.

— Άρθρο 20α του κανονισμού (ΕΚ) αριθ. 174/1999:

δασμολογική ποσόστωση, για το έτος 1.7.....-30.6....., γάλακτος σε σκόνη δυνάμει του μνημονίου συμφωνίας που συνήφθη μεταξύ της Ευρωπαϊκής Κοινότητας και της Δομινικανικής Δημοκρατίας και εγκρίθηκε από την απόφαση 98/486/ΕΚ του Συμβουλίου.

- Article 20a of Regulation (EC) No 174/1999:
tariff quota for 1.7.....-30.6....., for milk powder under the Memorandum of Understanding concluded between the European Community and the Dominican Republic and approved by Council Decision 98/486/EC.
- Article 20 bis du règlement (CE) n° 174/1999:
contingent tarifaire pour l'année 1.7.....-30.6....., de lait en poudre au titre du mémorandum d'accord conclu entre la Communauté européenne et la République dominicaine et approuvé par la décision 98/486/CE du Conseil.
- Articolo 20 bis del regolamento (CE) n. 174/1999:
contingente tariffario per l'anno 1.7.....-30.6....., di latte in polvere a titolo del memorandum d'intesa concluso tra la Comunità europea e la Repubblica dominicana e approvato con la decisione 98/486/CE del Consiglio.
- Artikel 20 bis van Verordening (EG) nr. 174/1999:
tariefcontingent melkpoeder voor het jaar 1.7.....-30.6..... krachtens het memorandum van overeenstemming tussen de Europese Gemeenschap en de Dominicaanse Republiek, goedgekeurd bij Besluit 98/486/EG van de Raad.
- Artigo 20.ºA do Regulamento (CE) n.º 174/1999:
contingente pautal do ano 1.7.....-30.6....., de leite em pó ao abrigo do memorando de acordo concluído entre a Comunidade Europeia e a República Dominicana e aprovado pela Decisão 98/486/CE do Conselho.
- Asetuksen (EY) N:o 174/1999 20 a artikla:
neuvoston päätöksellä 98/486/EY hyväksytyn Euroopan yhteisön ja Dominikaanisen tasavallan yhteisymmärryspöytäkirjan mukainen maitojauheen tariffikiintiö 1.7..... ja 30.6..... välisenä aikana.

— Artikel 20a i förordning (EG) nr 174/1999:

tullkvot för året 1.7.....—30.6....., för mjölkpulver enligt avtalsmemorandumet mellan Europeiska gemenskapen och Dominikanska republiken, godkänt genom rådets beslut 98/486/EG.'

- 5. In paragraph 12, the first subparagraph is replaced by the following:
'Licences shall be issued at the request of the operator, not earlier than 1 June and not later than 15 February the following year. They shall be issued only to operators whose licence applications were notified in accordance with paragraph 10.'
- 6. In paragraph 14, the first subparagraph is replaced by the following:
'The security shall be released only in one of the following two cases:
(a) on presentation of the proof referred to in Article 35(5) of Commission Regulation (EC) No 1291/2000 (*) accompanied by a copy of the export declaration duly initialled by the competent authorities of the Dominican Republic;
(b) in respect of the quantities covered by applications for which no licence could be issued.

(*) OJ L 152, 24.6.2000, p. 1.'

- 7. Paragraph 17 is replaced by the following:

'Chapter 1 shall apply, with the exception of Articles 6, 9 and 10.'

Article 2

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

It shall apply to licences applied for from 1 May 2001.

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

Done at Brussels, 26 April 2001.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 807/2001**of 25 April 2001****amending Annexes I, II and III to Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin ⁽¹⁾, as last amended by Commission Regulation (EC) No 750/2001 ⁽²⁾, and in particular Articles 6, 7 and 8 thereof,

Whereas:

- (1) In accordance with Regulation (EEC) No 2377/90, maximum residue limits must be established progressively for all pharmacologically active substances which are used within the Community in veterinary medicinal products intended for administration to food-producing animals.
- (2) Maximum residue limits should be established only after the examination within the Committee for Veterinary Medicinal Products of all the relevant information concerning the safety of residues of the substance concerned for the consumer of foodstuffs of animal origin and the impact of residues on the industrial processing of foodstuffs.
- (3) In establishing maximum residue limits for residues of veterinary medicinal products in foodstuffs of animal origin, it is necessary to specify the animal species in which residues may be present, the levels which may be present in each of the relevant meat tissues obtained from the treated animal (target tissue) and the nature of the residue which is relevant for the monitoring of residues (marker residue).
- (4) For the control of residues, as provided for in appropriate Community legislation, maximum residue limits should usually be established for the target tissues of liver or kidney. However, the liver and kidney are frequently removed from carcasses moving in international trade, and maximum residue limits should therefore also always be established for muscle or fat tissues.
- (5) In the case of veterinary medicinal products intended for use in laying birds, lactating animals or honey bees,

maximum residue limits must also be established for eggs, milk or honey.

- (6) Cefoperazone, cyhalothrin, lincomycin, nafcillin, netobimin, phoxim, tiamulin and cyfluthrin should be inserted into Annex I to Regulation (EEC) No 2377/90.
- (7) 'Linear alkyl benzene sulphonic acids with alkyl chain lengths ranging from C₉ to C₁₃, containing less than 2,5 % of chains longer than C₁₃' should be inserted into Annex II to Regulation (EEC) No 2377/90.
- (8) In order to allow for the completion of scientific studies, the duration of the validity of the provisional maximum residue limits previously defined in Annex III to Regulation (EEC) No 2377/90 should be extended for ceface-trile, oxolinic acid and permethrin.
- (9) An adequate period should be allowed before the entry into force of this Regulation in order to allow Member States to make any adjustment which may be necessary to the authorisations to place the veterinary medicinal products concerned on the market which have been granted in accordance with Council Directive 81/851/EEC ⁽³⁾, as last amended by Commission Directive 2000/37/EC ⁽⁴⁾, to take account of the provisions of this Regulation.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products,

HAS ADOPTED THE FOLLOWING REGULATION:

Article 1

Annexes I, II and III to Regulation (EEC) No 2377/90 are hereby amended as set out in the Annex hereto.

Article 2

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

It shall apply from the 60th day following its publication.

⁽¹⁾ OJ L 224, 18.8.1990, p. 1.

⁽²⁾ OJ L 109, 19.4.2001, p. 35.

⁽³⁾ OJ L 317, 6.11.1981, p. 1.

⁽⁴⁾ OJ L 139, 10.6.2000, p. 25.

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

Done at Brussels, 25 April 2001.

For the Commission

Erkki LIIKANEN

Member of the Commission

ANNEX

A. Annex I to Regulation (EEC) No 2377/90 is amended as follows:

1. Anti-infectious agents

1.2. Antibiotics

1.2.1. Penicillins

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Nafcillin	Nafcillin	Bovine	300 µg/kg 300 µg/kg 300 µg/kg 300 µg/kg 30 µg/kg	Muscle Fat Liver Kidney Milk	For intramammary use only'

1.2.2. Cephalosporins

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Cefoperazone	Cefoperazone	Bovine	50 µg/kg	Milk'	

1.2.8. Pleuromutilines

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Tiamulin	Sum of metabolites that may be hydrolysed to 8-α-hydroxymutilin	Turkey	100 µg/kg 100 µg/kg 300 µg/kg	Muscle Skin and fat Liver'	

1.2.9. Lincosamides

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Lincomycin	Lincomycin	Ovine	100 µg/kg 50 µg/kg 500 µg/kg 1 500 µg/kg 150 µg/kg	Muscle Fat Liver Kidney Milk	

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
		Porcine	100 µg/kg 50 µg/kg 500 µg/kg 1 500 µg/kg	Muscle Skin and fat Liver Kidney	
		Chicken	100 µg/kg 50 µg/kg 500 µg/kg 1 500 µg/kg 50 µg/kg	Muscle Skin and fat Liver Kidney Eggs'	

2. Antiparasitic agents

2.1. Agents acting against endoparasites

2.1.3. Benzimidazoles and pro-benzimidazoles

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Netobimin	Sum of albendazole oxide, albendazole sulphone and albendazole 2-aminosulphone, expressed as albendazole	Turkey	100 µg/kg 100 µg/kg 1 000 µg/kg 500 µg/kg 100 µg/kg	Muscle Fat Liver Kidney Milk	For oral use only'

2.2. Agents acting against ectoparasites

2.2.1. Organophosphates

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Phoxim	Phoxim	Ovine	50 µg/kg 400 µg/kg 50 µg/kg	Muscle Fat Kidney	Not for use in animals from which milk is produced for human consumption'
		Porcine	20 µg/kg 700 µg/kg 20 µg/kg 20 µg/kg	Muscle Skin and fat Liver Kidney	

2.2.3. Pyrethroids

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Cyhalothrin	Cyhalothrin (sum of isomers)	Bovine	500 µg/kg 50 µg/kg 50 µg/kg 10 µg/kg	Fat Kidney Milk Muscle	Further provisions in Council Directive 94/29/EC are to be observed'
Cyfluthrin	Cyfluthrin (sum of isomers)	Bovine	50 µg/kg 10 µg/kg 10 µg/kg 20 µg/kg	Fat Liver Kidney Milk	

B. Annex II to Regulation (EEC) No 2377/90 is amended as follows:

2. Organic compounds

Pharmacologically active substance(s)	Animal species	Other provisions
'Linear alkyl benzene sulphonic acids with alkyl chain lengths ranging from C ₉ to C ₁₃ , containing less than 2,5 % of chains longer than C ₁₃	Bovine	For topical use only'

C. Annex III to Regulation (EEC) No 2377/90 is amended as follows:

1. Anti-infectious agents

1.2. Antibiotics

1.2.4. Cephalosporins

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Cefacetrile	Cefacetrile	Bovine	125 µg/kg	Milk	Provisional MRLs expire on 1.1.2002 For intramammary use only'

1.2.6. Quinolones

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Oxolinic acid	Oxolinic acid	Bovine	100 µg/kg 50 µg/kg 150 µg/kg 150 µg/kg	Muscle Fat Liver Kidney	Provisional MRLs expire on 1.1.2003 Not for use in animals from which milk is produced for human consumption'

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
		Porcine	100 µg/kg 50 µg/kg 150 µg/kg 150 µg/kg	Muscle Skin and fat Liver Kidney	
		Chicken	100 µg/kg 50 µg/kg 150 µg/kg 150 µg/kg 50 µg/kg	Muscle Skin and fat Liver Kidney Eggs	
		Fin fish	300 µg/kg	Muscle and skin in natural proportions	

2. Antiparasitic agents

2.2. Agents acting against ectoparasites

2.2.3. Pyrethroids

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Permethrin	Permethrin (sum of isomers)	Chicken, porcine	50 µg/kg 500 µg/kg 50 µg/kg 50 µg/kg	Muscle Skin and fat Liver Kidney	Provisional MRLs expire on 1.1.2003
		Bovine, caprine	50 µg/kg 500 µg/kg 50 µg/kg 50 µg/kg 50 µg/kg	Muscle Fat Liver Kidney Milk	Provisional MRLs expire on 1.1.2003
		Chicken	50 µg/kg	Eggs	Further provisions in Commission Directive 98/82/EC are to be observed (OJ L 290, 29.10.1998, p. 25) Provisional MRLs expire on 1.1.2003'

COMMISSION REGULATION (EC) No 808/2001

of 26 April 2001

providing for compensation to producer organisations for tuna delivered to the processing industry between 1 April and 30 June 2000

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Until 31 December 2000, Article 18 of Council Regulation (EC) No 3759/92 of 17 December 1992 on the common organisation of the market in fishery and aquaculture products ⁽²⁾, which was repealed by Regulation (EC) No 104/2000, provided for a compensatory allowance to be granted under certain conditions to Community tuna producer organisations for quantities of tuna delivered to the processing industry during the calendar quarter for which prices had been recorded, where both the average quarterly selling price recorded on the Community market and the free-at-frontier price plus any applicable countervailing charge were lower than 91 % of the Community producer price for the product concerned.
- (2) An examination of the situation on the Community market in the year 2000 has shown that between 1 April and 30 June of that year both the average quarterly selling price and the free-at-frontier price as referred to in Article 18 of Regulation (EEC) No 3759/92 for yellowfin tuna (*Thunnus albacares*) weighing more than 10 kg each, yellowfin tuna (*Thunnus albacares*) weighing not more than 10 kg each and skipjack or stripe-bellied bonito (*Euthynnus (Katsuwonus) pelamis*) were lower than 91 % of the Community producer price in force, as laid down in Council Regulation (EC) No 2748/1999 ⁽³⁾.
- (3) The conditions laid down by Regulation (EEC) No 3759/92 should be retained in order to take a decision on granting the compensatory allowance on the products in question for the period 1 April to 30 June 2000.
- (4) Entitlement to the compensatory allowance should be determined on the basis of sales covered by invoices bearing a date falling within the quarter concerned and which have been used to calculate the average monthly selling price referred to in Article 7(1)(b) of Commission Regulation (EEC) No 2210/93 ⁽⁴⁾, which was repealed

with effect from 1 January 2001 by Commission Regulation (EC) No 80/2001 ⁽⁵⁾.

- (5) The level of the compensation provided for in Article 18(2) of Regulation (EEC) No 3759/92 may not in any case exceed either the difference between the triggering threshold and the average selling price of the product in question on the Community market or a flat-rate amount equivalent to 12 % of that threshold.
- (6) The quantities on which compensation as provided for in Article 18(1) of Regulation (EEC) No 3759/92 is payable may under no circumstances exceed the limits laid down in paragraph 3 of that Article for the quarter concerned.
- (7) In accordance with the ceilings laid down in Article 18(4) of Regulation (EEC) No 3759/92 for the purpose of calculating the allowance to be granted to each producer organisation, the quantities on which the allowance is payable should be allocated among the producer organisations concerned in proportion to the quantities produced by them in the same quarter of the 1997, 1998 and 1999 fishing years.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

The compensatory allowance to producer organisations for tuna delivered to the processing industry shall be granted for the period 1 April to 30 June 2000 in respect of the following products:

(EUR/tonne)	
Product	Maximum allowance
Yellowfin tuna (<i>Thunnus albacares</i>) weighing more than 10 kg each	23
Yellowfin tuna (<i>Thunnus albacares</i>) weighing not more than 10 kg each	96
Skipjack or stripe-bellied bonito (<i>Euthynnus (Katsuwonus) pelamis</i>)	55

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

⁽²⁾ OJ L 388, 31.12.1992, p. 1.

⁽³⁾ OJ L 331, 23.12.1999, p. 28.

⁽⁴⁾ OJ L 197, 6.8.1993, p. 8.

⁽⁵⁾ OJ L 13, 17.1.2001, p. 3.

Article 2

1. The total quantities on which the allowance for these species is payable shall be:

- | | |
|--|-------------------|
| — yellowfin tuna (<i>Thunnus albacares</i>)
weighing more than 10 kg each | 18 699,680 tonnes |
| — yellowfin tuna (<i>Thunnus albacares</i>)
weighing not more than 10 kg each | 3 511,942 tonnes |
| — skipjack or stripe-bellied bonito
(<i>Euthynnus (Katsuwonus) pelamis</i>) | 6 962,352 tonnes |

2. The allocation of the total quantity among the producer organisations concerned shall be as set out in the Annex hereto.

Article 3

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

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

Done at Brussels, 26 April 2001.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

**Allocation among producer organisations of quantities of tuna on which the compensatory allowance is payable
for the period 1 April to 30 June 2000, broken down by compensation percentage band**

1. (tonnes)

Yellowfin tuna (<i>Thunnus albacares</i>) weighing more than 10 kg each	Quantities eligible for compensation At 100 %	Quantities eligible for compensation At 50 %	Quantities eligible for compensation Total
OPAGAC	4 896,549	0	4 896,549
OPTUC	7 024,104	543,012	7 567,116
OP 42 (CAN.)	0	0	0
ORTHONGEL	4 846,014	1 390,001	6 236,015
APASA	0	0	0
MADEIRA	0	0	0
EU Total	16 766,667	1 933,013	18 699,680

2. (tonnes)

Yellow tuna (<i>Thunnus albacares</i>) weighing not more than 10 kg each	Quantities eligible for compensation At 100 %	Quantities eligible for compensation At 50 %	Quantities eligible for compensation Total
OPAGAC	2 287,357	0	2 287,357
OPTUC	1 125,097	0	1 125,097
OP 42 (CAN.)	0	0	0
ORTHONGEL	65,918	33,570	99,488
APASA	0	0	0
MADEIRA	0	0	0
EU Total	3 478,372	33,570	3 511,942

3. (tonnes)

Skipjack or stripe-bellied bonito (<i>Euthynnus (Katsuwonus)</i> <i>pelamis</i>)	Quantities eligible for compensation At 100 %	Quantities eligible for compensation At 50 %	Quantities eligible for compensation Total
OPAGAC	3 346,151	0	3 346,151
OPTUC	3 553,943	0	5 553,943
OP 42 (CAN.)	41,264	0	41,264
ORTHONGEL	6,844	0	6,844
APASA	1,380	0	1,380
MADEIRA	12,770	0	12,770
EU Total	6 962,352	0	6 962,352

COMMISSION REGULATION (EC) No 809/2001
of 26 April 2001
establishing unit values for the determination of the customs value of certain perishable goods

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾, as last amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council ⁽²⁾,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾, as last amended by Regulation (EC) No 1602/2000 ⁽⁴⁾, and in particular Article 173 (1) thereof,

Whereas:

- (1) Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish

unit values for the products referred to in the classification in Annex 26 to that Regulation.

- (2) The result of applying the rules and criteria laid down in the abovementioned Articles to the elements communicated to the Commission in accordance with Article 173 (2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 173 (1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 April 2001.

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

Done at Brussels, 26 April 2001.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

⁽²⁾ OJ L 311, 12.12.2000, p. 17.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁴⁾ OJ L 188, 26.7.2000, p. 1.

ANNEX

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.10	New potatoes 0701 90 50	a) b) c)	38,60 229,50 351,05	531,13 253,19 1 557,06	75,49 30,40 24,07	288,08 74 737,31	13 152,47 85,06	6 422,27 7 738,32
1.30	Onions (other than seed) 0703 10 19	a) b) c)	45,90 272,93 417,49	631,65 301,11 1 851,75	89,78 36,15 28,62	342,60 88 881,96	15 641,69 101,16	7 637,73 9 202,87
1.40	Garlic 0703 20 00	a) b) c)	141,04 838,58 1 282,75	1 940,74 925,16 5 689,50	275,85 111,08 87,94	1 052,64 273 089,58	48 059,04 310,81	23 466,92 28 275,78
1.50	Leeks ex 0703 90 00	a) b) c)	54,10 321,65 492,01	744,39 354,85 2 182,26	105,80 42,60 33,73	403,75 104 746,20	18 433,52 119,21	9 000,97 10 845,45
1.60	Cauliflowers 0704 10 00	a) b) c)	55,28 328,68 502,77	760,67 362,61 2 229,99	108,12 43,54 34,47	412,58 107 037,01	18 836,66 121,82	9 197,82 11 082,64
1.80	White cabbages and red cabbages 0704 90 10	a) b) c)	11,42 67,88 103,84	157,10 74,89 460,56	22,33 8,99 7,12	85,21 22 106,59	3 890,38 25,16	1 899,65 2 288,92
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> <i>L. convar. botrytis</i> (L.) Alef var. <i>italica</i> Plenck) ex 0704 90 90	a) b) c)	74,29 441,71 675,67	1 022,25 487,31 2 996,85	145,30 58,51 46,32	554,46 143 845,50	25 314,32 163,71	12 360,82 14 893,81
1.100	Chinese cabbage ex 0704 90 90	a) b) c)	84,64 503,27 769,84	1 164,73 555,23 3 414,53	165,55 66,66 52,78	631,74 163 893,44	28 842,41 186,53	14 083,56 16 969,58
1.110	Cabbage lettuce (head lettuce) 0705 11 00	a) b) c)	90,36 537,26 821,82	1 243,38 592,72 3 645,11	176,73 71,16 56,34	674,40 174 961,36	30 790,17 199,13	15 034,64 18 115,55
1.130	Carrots ex 0706 10 00	a) b) c)	51,94 308,83 472,41	714,74 340,72 2 095,34	101,59 40,91 32,39	387,67 100 573,93	17 699,27 114,47	8 642,44 10 413,46
1.140	Radishes ex 0706 90 90	a) b) c)	138,63 824,26 1 260,84	1 907,59 909,35 5 592,32	271,14 109,18 86,44	1 034,67 268 425,11	47 238,17 305,50	23 066,09 27 792,82
1.160	Peas (<i>Pisum sativum</i>) 0708 10 00	a) b) c)	393,10 2 337,25 3 575,22	5 409,14 2 578,55 15 857,51	768,83 309,59 245,10	2 933,88 761 142,90	133 947,97 866,27	65 405,92 78 808,97

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.170	Beans:							
1.170.1	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 00	a) b) c)	162,01 963,27 1 473,48	2 229,30 1 062,72 6 535,46	316,86 127,59 101,01	1 209,16 313 694,91	55 204,87 357,02	26 956,18 32 480,07
1.170.2	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 00	a) b) c)	151,86 902,89 1 381,13	2 089,58 996,11 6 125,84	297,00 119,60 94,68	1 133,38 294 033,64	51 744,83 334,65	25 266,66 30 444,33
1.180	Broad beans ex 0708 90 00	a) b) c)	157,74 937,88 1 434,65	2 170,55 1 034,71 6 363,22	308,51 124,23 98,35	1 177,29 305 427,23	53 749,91 347,61	26 245,73 31 624,03
1.190	Globe artichokes 0709 10 00	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
1.200	Asparagus:							
1.200.1	— green ex 0709 20 00	a) b) c)	421,97 2 508,90 3 837,79	5 806,39 2 767,92 17 022,09	825,29 332,33 263,10	3 149,35 817 041,07	143 785,08 929,89	70 209,32 84 596,69
1.200.2	— other ex 0709 20 00	a) b) c)	419,91 2 496,69 3 819,11	5 778,13 2 754,45 16 939,25	821,28 330,71 261,82	3 134,02 813 064,94	143 085,35 925,37	69 867,64 84 185,00
1.210	Aubergines (eggplants) 0709 30 00	a) b) c)	148,18 881,05 1 347,72	2 039,04 972,01 5 977,67	289,82 116,70 92,39	1 105,96 286 921,52	50 493,22 326,55	24 655,51 29 707,94
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	a) b) c)	84,86 504,54 771,77	1 167,66 556,62 3 423,12	165,97 66,83 52,91	633,33 164 305,87	28 914,99 187,00	14 119,00 17 012,28
1.230	Chantarelles 0709 51 30	a) b) c)	2 154,59 12 810,61 19 596,00	29 647,80 14 133,18 86 915,95	4 214,01 1 696,88 1 343,39	16 080,78 4 171 867,98	734 176,54 4 748,09	358 493,61 431 956,51
1.240	Sweet peppers 0709 60 10	a) b) c)	242,22 1 440,16 2 202,97	3 332,99 1 588,84 9 771,04	473,74 190,76 151,02	1 807,79 468 999,06	82 535,72 533,78	40 301,65 48 560,31
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	a) b) c)	79,69 473,80 724,76	1 096,53 522,72 3 214,60	155,86 62,76 49,69	594,75 154 297,29	27 153,65 175,61	13 258,95 15 975,99
2.10	Chestnuts (<i>Castanea</i> spp.), fresh ex 0802 40 00	a) b) c)	176,48 1 049,30 1 605,09	2 428,42 1 157,63 7 119,19	345,16 138,99 110,04	1 317,16 341 712,93	60 135,56 388,91	29 363,80 35 381,06
2.30	Pineapples, fresh ex 0804 30 00	a) b) c)	94,38 561,16 858,39	1 298,70 619,09 3 807,29	184,59 74,33 58,85	704,41 182 745,74	32 160,09 207,99	15 703,56 18 921,55

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.40	Avocados, fresh ex 0804 40 00	a) b) c)	171,84 1 021,73 1 562,90	2 364,60 1 127,21 6 932,09	336,09 135,34 107,14	1 282,54 332 732,51	58 555,16 378,69	28 592,10 34 451,23
2.50	Guavas and mangoes, fresh ex 0804 50 00	a) b) c)	120,03 713,66 1 091,67	1 651,64 787,34 4 841,99	234,76 94,53 74,84	895,84 232 409,91	40 900,12 264,51	19 971,26 24 063,79
2.60	Sweet oranges, fresh:							
2.60.1	— Sanguines and semi-sanguines 0805 10 10	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins 0805 10 30	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.60.3	— Others 0805 10 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:							
2.70.1	— Clementines ex 0805 20 10	a) b) c)	147,86 879,14 1 344,79	2 034,60 969,90 5 964,66	289,19 116,45 92,19	1 103,55 286 296,88	50 383,30 325,84	24 601,83 29 643,27
2.70.2	— Monreales and satsumas ex 0805 20 30	a) b) c)	96,58 574,23 878,38	1 328,95 633,51 3 895,96	188,89 76,06 60,22	720,81 187 001,86	32 909,09 212,83	16 069,29 19 362,23
2.70.3	— Mandarines and wilkings ex 0805 20 50	a) b) c)	73,65 437,91 669,86	1 013,47 483,12 2 971,10	144,05 58,01 45,92	549,70 142 609,38	25 096,78 162,31	12 254,60 14 765,82
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	a) b) c)	64,53 383,67 586,89	887,93 423,28 2 603,07	126,21 50,82 40,23	481,61 124 944,60	21 988,09 142,20	10 736,64 12 936,80
2.85	Limes (<i>Citrus aurantifolia</i> , <i>Citrus latifolia</i>), fresh ex 0805 30 90 ex 0805 90 00	a) b) c)	274,72 1 633,39 2 498,55	3 780,18 1 802,02 11 082,04	537,30 216,36 171,29	2 050,35 531 925,32	93 609,65 605,40	45 708,98 55 075,71
2.90	Grapefruit, fresh:							
2.90.1	— white ex 0805 40 00	a) b) c)	60,18 357,83 547,35	828,12 394,77 2 427,73	117,71 47,40 37,52	449,17 116 528,41	20 506,98 132,62	10 013,43 12 065,39
2.90.2	— pink ex 0805 40 00	a) b) c)	63,62 378,26 578,62	875,42 417,32 2 566,40	124,43 50,10 39,67	474,82 123 184,14	21 678,28 140,20	10 585,36 12 754,52
2.100	Table grapes 0806 10 10	a) b) c)	182,06 1 082,45 1 655,79	2 505,14 1 194,21 7 344,10	356,07 143,38 113,51	1 358,77 352 508,60	62 035,41 401,20	30 291,49 36 498,85

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.110	Water melons 0807 11 00	a) b) c)	88,91 528,66 808,68	1 223,49 583,24 3 586,81	173,90 70,03 55,44	663,61 172 162,67	30 297,65 195,94	14 794,14 17 825,78
2.120	Melons (other than water melons):							
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onteniente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	a) b) c)	97,24 578,19 884,44	1 338,12 637,88 3 922,84	190,19 76,59 60,63	725,79 188 292,00	33 136,13 214,30	16 180,16 19 495,81
2.120.2	— other ex 0807 19 00	a) b) c)	149,00 885,94 1 355,19	2 050,34 977,40 6 010,79	291,43 117,35 92,90	1 112,09 288 511,39	50 773,01 328,36	24 792,13 29 872,56
2.140	Pears							
2.140.1	Pears — nashi (<i>Pyrus pyrifolia</i>), Pears — Ya (<i>Pyrus bretschneideri</i>) ex 0808 20 50	a) b) c)	150,20 893,06 1 366,08	2 066,82 985,26 6 059,11	293,77 118,29 93,65	1 121,03 290 830,46	51 181,13 331,00	24 991,41 30 112,68
2.140.2	Other ex 0808 20 50	a) b) c)	72,83 433,06 662,43	1 002,23 477,76 2 938,15	142,45 57,36 45,41	543,60 141 027,84	24 818,46 160,51	12 118,69 14 602,07
2.150	Apricots 0809 10 00	a) b) c)	666,67 3 963,84 6 063,36	9 173,58 4 373,07 26 893,40	1 303,89 525,05 415,67	4 975,69 1 290 853,12	227 167,80 1 469,15	110 924,55 133 655,33
2.160	Cherries 0809 20 95 0809 20 05	a) b) c)	443,51 2 636,99 4 033,72	6 102,83 2 909,23 17 891,15	867,43 349,29 276,53	3 310,14 858 755,11	151 126,03 977,37	73 793,85 88 915,77
2.170	Peaches 0809 30 90	a) b) c)	206,10 1 225,40 1 874,45	2 835,96 1 351,91 8 313,94	403,09 162,31 128,50	1 538,21 399 059,63	70 227,59 454,18	34 291,67 41 318,76
2.180	Nectarines ex 0809 30 10	a) b) c)	185,79 1 104,66 1 689,76	2 556,52 1 218,70 7 494,74	363,37 146,32 115,84	1 386,64 359 739,22	63 307,87 409,43	30 912,82 37 247,51
2.190	Plums 0809 40 05	a) b) c)	118,40 703,98 1 076,86	1 629,24 776,66 4 776,30	231,57 93,25 73,82	883,69 229 257,27	40 345,31 260,92	19 700,35 23 737,37
2.200	Strawberries 0810 10 00	a) b) c)	78,04 464,02 709,80	1 073,90 511,93 3 148,26	152,64 61,46 48,66	582,48 151 112,90	26 593,25 171,98	12 985,31 15 646,28
2.205	Raspberries 0810 20 10	a) b) c)	1 632,79 9 708,13 14 850,23	22 467,68 10 710,40 65 866,59	3 193,46 1 285,93 1 018,04	12 186,33 3 161 522,29	556 373,19 3 598,20	271 673,40 327 345,00
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	a) b) c)	2 145,22 12 754,90 19 510,78	29 518,87 14 071,72 86 537,96	4 195,69 1 689,50 1 337,54	16 010,85 4 153 725,13	730 983,71 4 727,44	356 934,57 430 078,00
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 00	a) b) c)	85,34 507,41 776,17	1 174,30 559,79 3 442,61	166,91 67,21 53,21	636,94 165 241,28	29 079,60 188,06	14 199,38 17 109,13

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.230	Pomegranates ex 0810 90 85	a) b) c)	339,11 2 016,28 3 084,25	4 666,32 2 224,45 13 679,85	663,25 267,07 211,44	2 530,98 656 617,23	115 553,27 747,31	56 423,91 67 986,35
2.240	Khakis (including sharon fruit) ex 0810 90 85	a) b) c)	597,71 3 553,80 5 436,14	8 224,62 3 920,70 24 111,42	1 169,01 470,73 372,67	4 460,98 1 157 321,16	203 668,49 1 317,17	99 449,99 119 829,39
2.250	Lychees ex 0810 90 30	a) b) c)	800,26 4 758,11 7 278,33	11 011,77 5 249,34 32 282,27	1 565,17 630,25 498,96	5 972,72 1 549 512,85	272 687,44 1 763,53	133 151,49 160 437,04

COMMISSION REGULATION (EC) No 810/2001
of 26 April 2001
fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending
Regulation (EC) No 1484/95

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EC) No 1516/96 ⁽²⁾, and in particular Article 5(4) thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽³⁾, as last amended by Commission Regulation (EC) No 2916/95 ⁽⁴⁾, and in particular Article 5(4) thereof,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin ⁽⁵⁾, as last amended by Regulation (EC) No 2916/95, and in particular Article 3(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95 ⁽⁶⁾, as last amended by Regulation (EC) No 549/2001 ⁽⁷⁾, fixes detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin.

- (2) It results from regular monitoring of the information providing the basis for the verification of the import prices in the poultrymeat and egg sectors and for egg albumin that the representative prices for imports of certain products should be amended taking into account variations of prices according to origin. Therefore, representative prices should be published.
- (3) It is necessary to apply this amendment as soon as possible, given the situation on the market.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1484/95 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 27 April 2001.

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

Done at Brussels, 26 April 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 49.

⁽²⁾ OJ L 189, 30.7.1996, p. 99.

⁽³⁾ OJ L 282, 1.11.1975, p. 77.

⁽⁴⁾ OJ L 305, 19.12.1995, p. 49.

⁽⁵⁾ OJ L 282, 1.11.1975, p. 104.

⁽⁶⁾ OJ L 145, 29.6.1995, p. 47.

⁽⁷⁾ OJ L 81, 21.3.2001, p. 26.

ANNEX

**to the Commission Regulation of 26 April 2001 fixing representative prices in the poultrymeat and egg sectors
and for egg albumin, and amending Regulation (EC) No 1484/95**

ANNEX I

CN code	Description	Representative price EUR/100 kg	Security referred to in Article 3(3) EUR/100 kg	Origin (¹)
0207 14 10	Boneless cuts of fowl of the species <i>Gallus domesticus</i> , frozen	286,7	4	01
		290,4	3	02
0207 14 70	Other parts of chicken, frozen	270,0	4	01

(¹) Origin of imports:

01 Brazil

02 Thailand.

COMMISSION REGULATION (EC) No 811/2001**of 26 April 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 27 April 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, 26 April 2001.

For the Commission

Erkki LIIKANEN

Member of the Commission

ANNEX

to the Commission Regulation of 26 April 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 (EUR/100 kg)	
		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	4,121	4,121
1003 00 90	Barley – where goods falling within subheading 2208 ⁽³⁾ are exported – in other cases	— —	— —
1004 00 00	Oats	3,215	3,215
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	3,020 1,933 3,861 2,055 1,450 2,896 1,933 3,861 3,020 1,933 3,861	3,020 1,933 3,861 2,055 1,450 2,896 1,933 3,861 3,020 1,933 3,861

(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	23,800	23,800
	– medium grain	23,800	23,800
	– long grain	23,800	23,800
1006 40 00	Broken rice	5,400	5,400
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.

COMMISSION REGULATION (EC) No 812/2001**of 26 April 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 27 April 2001.

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

Done at Brussels, 26 April 2001.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 26 April 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	54,05	1104 23 10 9100	A00	EUR/t	57,92
1102 20 10 9400 ⁽¹⁾	C01	EUR/t	46,33	1104 23 10 9300	A00	EUR/t	44,40
1102 20 90 9200 ⁽¹⁾	C01	EUR/t	46,33	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	57,87	1104 30 10 9000	A00	EUR/t	0,00
1103 12 00 9100	A00	EUR/t	57,87	1104 30 90 9000	A00	EUR/t	9,65
1103 13 10 9100 ⁽¹⁾	A00	EUR/t	69,50	1107 10 11 9000	A00	EUR/t	0,00
1103 13 10 9300 ⁽¹⁾	A00	EUR/t	54,05	1107 10 91 9000	A00	EUR/t	0,00
1103 13 10 9500 ⁽¹⁾	A00	EUR/t	46,33	1108 11 00 9200	A00	EUR/t	0,00
1103 13 90 9100 ⁽¹⁾	A00	EUR/t	46,33	1108 11 00 9300	A00	EUR/t	0,00
1103 19 10 9000	A00	EUR/t	41,21	1108 12 00 9200	A00	EUR/t	61,78
1103 19 30 9100	A00	EUR/t	0,00	1108 12 00 9300	A00	EUR/t	61,78
1103 21 00 9000	A00	EUR/t	0,00	1108 13 00 9200	A00	EUR/t	61,78
1103 29 20 9000	A00	EUR/t	0,00	1108 13 00 9300	A00	EUR/t	61,78
1104 11 90 9100	A00	EUR/t	0,00	1108 19 10 9200	A00	EUR/t	82,08
1104 12 90 9100	A00	EUR/t	64,30	1108 19 10 9300	A00	EUR/t	82,08
1104 12 90 9300	A00	EUR/t	51,44	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	60,52
1104 19 50 9110	A00	EUR/t	61,78	1702 30 59 9000 ⁽²⁾	A00	EUR/t	46,33
1104 19 50 9130	A00	EUR/t	50,19	1702 30 91 9000	A00	EUR/t	60,52
1104 21 10 9100	A00	EUR/t	0,00	1702 30 99 9000	A00	EUR/t	46,33
1104 21 30 9100	A00	EUR/t	0,00	1702 40 90 9000	A00	EUR/t	46,33
1104 21 50 9100	A00	EUR/t	0,00	1702 90 50 9100	A00	EUR/t	60,52
1104 21 50 9300	A00	EUR/t	0,00	1702 90 50 9900	A00	EUR/t	46,33
1104 22 20 9100	A00	EUR/t	51,44	1702 90 75 9000	A00	EUR/t	63,42
1104 22 30 9100	A00	EUR/t	54,66	1702 90 79 9000	A00	EUR/t	44,02
				2106 90 55 9000	A00	EUR/t	46,33

⁽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 813/2001
of 26 April 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 27 April 2001.

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

Done at Brussels, 26 April 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 26 April 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	38,61
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 814/2001
of 26 April 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 22,93/t.

Article 2

This Regulation shall enter into force on 27 April 2001.

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

Done at Brussels, 26 April 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 815/2001**of 26 April 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 602/2001⁽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 Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 20 to 26 April 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 0,00/t.

Article 2

This Regulation shall enter into force on 27 April 2001.

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

Done at Brussels, 26 April 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 89, 29.3.2001, p. 16.

⁽⁵⁾ OJ L 195, 1.8.2000, p. 18.

⁽⁶⁾ OJ L 43, 14.2.2001, p. 10.

COMMISSION REGULATION (EC) No 816/2001**of 26 April 2001****concerning tenders notified in response to the invitation to tender for the export of common wheat 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 602/2001 ⁽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 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 20 to 26 April 2001 in response to the invitation to tender for the refund for the export of common wheat issued in Regulation (EC) No 2014/2000.

Article 2

This Regulation shall enter into force on 27 April 2001.

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

Done at Brussels, 26 April 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 89, 29.3.2001, p. 16.

⁽⁵⁾ OJ L 241, 26.9.2000, p. 23.

COMMISSION REGULATION (EC) No 817/2001
of 26 April 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 602/2001 ⁽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 20 to 26 April 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 27 April 2001.

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

Done at Brussels, 26 April 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 89, 29.3.2001, p. 16.

⁽⁵⁾ OJ L 267, 20.10.2000, p. 23.

COMMISSION REGULATION (EC) No 818/2001
of 26 April 2001
fixing the maximum export refund on rye in connection with the invitation to tender 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 602/2001⁽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 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 20 to 26 April 2001, pursuant to the invitation to tender issued in Regulation (EC) No 1740/2000, the maximum refund on exportation of rye shall be EUR 34,50/t.

Article 2

This Regulation shall enter into force on 27 April 2001.

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

Done at Brussels, 26 April 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 89, 29.3.2001, p. 16.

⁽⁵⁾ OJ L 199, 5.8.2000, p. 3.

COMMISSION REGULATION (EC) No 819/2001**of 26 April 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 602/2001 ⁽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 last amended by Regulation (EC) No 680/2001 ⁽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 20 to 26 April 2001, pursuant to the invitation to tender issued in Regulation (EC) No 2097/2000, the maximum refund on exportation of oats shall be EUR 36,45/t.

Article 2

This Regulation shall enter into force on 27 April 2001.

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

Done at Brussels, 26 April 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 89, 29.3.2001, p. 16.

⁽⁵⁾ OJ L 249, 4.10.2000, p. 15.

⁽⁶⁾ OJ L 94, 4.4.2001, p. 20.

COMMISSION REGULATION (EC) No 820/2001**of 26 April 2001****fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 555/2001**

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 12(1) thereof,

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on maize imported into Portugal was opened pursuant to Commission Regulation (EC) No 555/2001⁽³⁾.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 1839/95⁽⁴⁾, as last amended by Regulation (EC) No 2235/2000⁽⁵⁾, the Commission, acting under the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, may decide to fix maximum reduction in the import duty. In fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account. A contract is

awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty.

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty 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 20 to 26 April 2001, pursuant to the invitation to tender issued in Regulation (EC) No 555/2001, the maximum reduction in the duty on maize imported shall be 45,25 EUR/t and be valid for a total maximum quantity of 45 500 t.

Article 2

This Regulation shall enter into force on 27 April 2001.

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

Done at Brussels, 26 April 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 82, 22.3.2001, p. 12.

⁽⁴⁾ OJ L 177, 28.7.1995, p. 4.

⁽⁵⁾ OJ L 256, 10.10.2000, p. 13.

**COMMISSION REGULATION (EC) No 821/2001
of 26 April 2001**

**fixing the maximum reduction in the duty on maize imported in connection with the invitation to
tender issued in Regulation (EC) No 730/2001**

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 12(1) thereof,

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on maize imported into Spain was opened pursuant to Commission Regulation (EC) No 730/2001⁽³⁾.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 1839/95⁽⁴⁾, as last amended by Regulation (EC) No 2235/2000⁽⁵⁾, the Commission, acting under the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, may decide to fix maximum reduction in the import duty. In fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account. A contract is

awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty.

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty 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 20 to 26 April 2001, pursuant to the invitation to tender issued in Regulation (EC) No 730/2001, the maximum reduction in the duty on maize imported shall be 48,91 EUR/t and be valid for a total maximum quantity of 175 000 tonnes.

Article 2

This Regulation shall enter into force on 27 April 2001.

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

Done at Brussels, 26 April 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 102, 12.4.2001, p. 32.

⁽⁴⁾ OJ L 177, 28.7.1995, p. 4.

⁽⁵⁾ OJ L 256, 10.10.2000, p. 13.

II

(Acts whose publication is not obligatory)

EUROPEAN PARLIAMENT AND COUNCIL

RECOMMENDATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 4 April 2001

providing for minimum criteria for environmental inspections in the Member States

(2001/331/EC)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and in particular Article 175(1) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee ⁽¹⁾,

Having regard to the opinion of the Committee of the Regions ⁽²⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾, and in the light of the joint text approved by the Conciliation Committee on 8 January 2001,

Whereas:

- (1) The resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, of 1 February 1993 on a Community programme of policy and action in relation to the environment and sustainable development ⁽⁴⁾ and the Decision of the European Parliament and the Council on its review ⁽⁵⁾ emphasised the importance of implementation of Community environmental law through the concept of shared responsibility.
- (2) The Commission Communication of 5 November 1996 to the Council of the European Union and the European Parliament on implementing Community environmental law, in particular paragraph 29 thereof, proposed the

establishment of guidelines at Community level in order to assist Member States in carrying out inspection tasks, thereby reducing the currently-existing wide disparity among Member States' inspections.

- (3) The Council in its resolution of 7 October 1997 on the drafting, implementation and enforcement of Community environmental law ⁽⁶⁾ invited the Commission to propose, for further consideration by the Council, in particular on the basis of the work of the European Union network for the implementation and enforcement of environmental law (IMPEL), minimum criteria and/or guidelines for inspection tasks carried out at Member State level and the possible ways in which their application in practice could be monitored by Member States, in order to ensure an even practical application and enforcement of environmental legislation, and the Commission's proposal has taken into account a paper produced by IMPEL in November 1997 and entitled 'Minimum Criteria for Inspections'.
- (4) The European Parliament by its resolution of 14 May 1997 on the Commission's Communication called for Community legislation on environmental inspections, and the Economic and Social Committee and the Committee of the Regions gave favourable opinions on the Commission's Communication and stressed the importance of environmental inspections.
- (5) Different systems and practices of inspection already exist in Member States and should not be replaced by a system of inspection at Community level, as was considered in the Council resolution of 7 October 1997, and Member States should retain responsibility for environmental inspection tasks.

⁽¹⁾ OJ C 169, 16.6.1999, p. 12.

⁽²⁾ OJ C 374, 23.12.1999, p. 48.

⁽³⁾ Opinion of the European Parliament of 16 September 1999 (OJ C 54, 25.2.2000, p. 92), Council Common Position of 30 March 2000 (OJ C 137, 16.5.2000, p. 1) and Decision of the European Parliament of 6 July 2000 (not yet published in the Official Journal). Decision of the European Parliament of 1 February 2001 and Council Decision of 26 February 2001.

⁽⁴⁾ OJ C 138, 17.5.1993, p. 1.

⁽⁵⁾ OJ L 275, 10.10.1998, p. 1.

⁽⁶⁾ OJ C 321, 22.10.1997, p. 1.

- (6) The European Environment Agency can advise the Member States on developing, setting up and extending their systems for monitoring environmental provisions and can assist the Commission and the Member States in monitoring environmental provisions by giving support in respect of the reporting process, so that reporting is coordinated.
- (7) The existence of inspection systems and the effective carrying out of inspections is a deterrent to environmental violations since it enables authorities to identify breaches and enforce environmental laws through sanctions or other means; thus inspections are an indispensable link in the regulatory chain and an efficient instrument to contribute to a more consistent implementation and enforcement of Community environmental legislation across the Community and to avoid distortions of competition.
- (8) There is currently a wide disparity in the inspection systems and mechanisms among Member States in terms not only of their capacities for carrying out inspection tasks but also of the scope and contents of the inspection tasks undertaken and even in the very existence of inspection tasks in a few Member States, and this is a situation which cannot be considered satisfactory with reference to the objective of an effective and more consistent implementation, practical application and enforcement of Community legislation on environmental protection.
- (9) It is necessary, therefore, to provide, at this stage, guidelines in the form of minimum criteria to be applied as a common basis for the performance of environmental inspection tasks within the Member States.
- (10) Community environmental legislation obliges Member States to apply requirements in relation to certain emissions, discharges and activities; minimum criteria on the organisation and carrying out of inspections should be met in the Member States, as a first stage, for all industrial installations and other enterprises and facilities whose air emissions and/or water discharges and/or waste disposal or recovery activities are subject to authorisation, permit or licensing requirements under Community law.
- (11) Inspections should take place taking into account the division of responsibilities in the Member States between authorisation and inspection services.
- (12) In order to make this system of inspections efficient, Member States should ensure that environmental inspections activities are planned in advance.
- (13) Site visits form an important part of environmental inspection activities.
- (14) The data and documentation provided by industrial operators registered under the Community eco-management and audit scheme could be a useful source of information in the context of environmental inspections.
- (15) In order to draw conclusions from site visits, regular reports should be established.
- (16) Reporting on inspection activities, and public access to information thereon, are important means to ensure through transparency the involvement of citizens, non-governmental organisations and other interested actors in the implementation of Community environmental legislation; access to such information should be in line with the provisions of Council Directive 90/313/EEC of 7 June 1990 on the freedom of access to information on the environment ⁽¹⁾.
- (17) Member States should assist each other administratively in operating this recommendation. The establishment by Member States in cooperation with IMPEL of reporting and advice schemes relating to inspectorates and inspection procedures would help to promote best practice across the Community.
- (18) Member States should report to the Council and the Commission on their experience in operating this recommendation and the Commission should regularly inform the European Parliament.
- (19) The Commission should keep the operation and effectiveness of this recommendation under review and report thereon to the European Parliament and the Council as soon as possible after the receipt of the Member States' reports.
- (20) Further work by IMPEL and Member States, in cooperation with the Commission, should be encouraged in respect of best practices concerning the qualifications and training of environmental inspectors.
- (21) In accordance with the principles of subsidiarity and proportionality as set out in Article 5 of the Treaty, and given the differences in inspection systems and mechanisms in the Member States, the objectives of the proposed action can best be achieved by guidance set out at Community level.
- (22) In the light of the experience gained in the operation of this recommendation and taking account of IMPEL's further work, as well as of the results of any schemes provided for in this recommendation, the Commission should, upon receipt of Member States' reports, give consideration to developing the minimum criteria in terms of their scope and substance and to making further proposals which might include a proposal for a directive, if appropriate,

⁽¹⁾ OJ L 158, 23.6.1990, p. 56.

HEREBY RECOMMEND:

I

Purpose

Environmental inspection tasks should be carried out in the Member States, according to minimum criteria to be applied in the organising, carrying out, following up and publicising of the results of such tasks, thereby strengthening compliance with, and contributing to a more consistent implementation and enforcement of Community environmental law in all Member States.

II

Scope and definitions

1. (a) This recommendation applies to environmental inspections of all industrial installations and other enterprises and facilities, whose air emissions and/or water discharges and/or waste disposal or recovery activities are subject to authorisation, permit or licensing requirements under Community law, without prejudice to specific inspection provisions in existing Community legislation.
- (b) For the purposes of this recommendation, all the installations and other enterprises and facilities referred to in point (a) are 'controlled installations'.
2. For the purposes of this recommendation, 'environmental inspection' is an activity which entails, as appropriate:
 - (a) checking and promoting the compliance of controlled installations with relevant environmental requirements set out in Community legislation as transposed into national legislation or applied in the national legal order (referred to hereinafter as 'EC legal requirements');
 - (b) monitoring the impact of controlled installations on the environment to determine whether further inspection or enforcement action (including issuing, modification or revocation of any authorisation, permit or licence) is required to secure compliance with EC legal requirements;
 - (c) the carrying out of activities for the above purposes including:
 - site visits,
 - monitoring achievement of environmental quality standards,
 - consideration of environmental audit reports and statements,
 - consideration and verification of any self monitoring carried out by or on behalf of operators of controlled installations,
 - assessing the activities and operations carried out at the controlled installation,

- checking the premises and the relevant equipment (including the adequacy with which it is maintained) and the adequacy of the environmental management at the site,
- checking the relevant records kept by the operators of controlled installations.

3. Environmental inspections, including site visits, may be:

- (a) routine, that is, carried out as part of a planned inspections programme; or
- (b) non-routine, that is, carried out in such cases in response to complaints, in connection with the issuing, renewal or modification of an authorisation, permit or licence, or in the investigation of accidents, incidents and occurrences of non-compliance.

4. (a) Environmental inspections may be carried out by any public authority at either national, regional or local level, which is established or designated by the Member State and responsible for the matters covered by this recommendation.

(b) The bodies referred to in point (a) may, in accordance with their national legislation, delegate the tasks provided for in this recommendation to be accomplished, under their authority and supervision, to any legal person whether governed by public or private law provided such person has no personal interest in the outcome of the inspections it undertakes.

(c) The bodies referred to in points (a) and (b) are defined as 'inspecting authorities'.

5. For the purposes of this recommendation, an 'operator of a controlled installation' is any natural or legal person who operates or controls the controlled installation or, where this is provided for in national legislation, to whom decisive economic power over the technical functioning of the controlled installation has been delegated.

III

Organisation and carrying out of environmental inspections

1. Member States should ensure that environmental inspections aim to achieve a high level of environmental protection and to this end should take the necessary measures to ensure that environmental inspections of controlled installations are organised and carried out in accordance with points IV to VIII of this recommendation.

2. Member States should assist each other administratively in carrying out the guidelines of this recommendation by the exchange of relevant information and, where appropriate, inspecting officials.

3. To prevent illegal cross-border environmental practices, Member States should encourage, in cooperation with IMPEL, the coordination of inspections with regard to installations and activities which might have significant transboundary impact.

4. In order to promote best practice across the Community, Member States may, in cooperation with IMPEL, consider the establishment of a scheme, under which Member States report and offer advice on inspectorates and inspection procedures in Member States, paying due regard to the different systems and contexts in which they operate, and report to the Member States concerned on their findings.

IV

Plans for environmental inspections

1. Member States should ensure that environmental inspection activities are planned in advance, by having at all times a plan or plans for environmental inspections providing coverage of all the territory of the Member State and of the controlled installations within it. Such a plan or plans should be available to the public according to Directive 90/313/EEC.

2. Such plan or plans may be established at national, regional or local levels, but Member States should ensure that the plan or plans apply to all environmental inspections of controlled installations within their territory and that the authorities mentioned in point II(4) are designated to carry out such inspections.

3. Plans for environmental inspections should be produced on the basis of the following:

- (a) the EC legal requirements to be complied with;
- (b) a register of controlled installations within the plan area;
- (c) a general assessment of major environmental issues within the plan area and a general appraisal of the state of compliance by the controlled installations with EC legal requirements;
- (d) data on and from previous inspection activities, if any.

4. Plans for environmental inspections should:

- (a) be appropriate to the inspection tasks of the relevant authorities, and should take account of the controlled installations concerned and the risks and environmental impacts of emissions and discharges from them;
- (b) take into account relevant available information in relation to specific sites or types of controlled installations, such as reports by operators of controlled installations made to the authorities, self monitoring data, environmental audit information and environmental statements, in particular those produced by controlled installations registered according to the Community eco-management and audit scheme (EMAS), results of previous inspections and reports of environmental quality monitoring.

5. Each plan for environmental inspections should as a minimum:

- (a) define the geographical area which it covers, which may be for all or part of the territory of a Member State;
- (b) cover a defined time period, for example one year;
- (c) include specific provisions for its revision;
- (d) identify the specific sites or types of controlled installations covered;
- (e) prescribe the programmes for routine environmental inspections, taking into account environmental risks; these programmes should include, where appropriate, the frequency of site visits for different types of or specified controlled installations;
- (f) provide for and outline the procedures for non-routine environmental inspections, in such cases in response to complaints, accidents, incidents and occurrences of non-compliance and for purposes of granting permission;
- (g) provide for coordination between the different inspecting authorities, where relevant.

V

Site visits

1. Member States should ensure that the following criteria are applied in respect of all site visits:

- (a) that an appropriate check is made of compliance with the EC legal requirements relevant to the particular inspection;
- (b) that if site visits are to be carried out by more than one environmental inspecting authority, they exchange information on each others' activities and, as far as possible, coordinate site visits and other environmental inspection work;
- (c) that the findings of site visits are contained in reports made in accordance with point VI and exchanged, as necessary, between relevant inspection, enforcement and other authorities, whether national, regional or local;
- (d) that inspectors or other officials entitled to carry out site visits have a legal right of access to sites and information, for the purposes of environmental inspection.

2. Member States should ensure that site visits are regularly carried out by inspecting authorities as part of their routine environmental inspections and that the following additional criteria are applied for such site visits:

- (a) that the full range of relevant environmental impacts is examined, in conformity with the applicable EC legal requirements, the environmental inspection programmes and the inspecting bodies' organisational arrangements;
- (b) that such site visits should aim to promote and reinforce operators' knowledge and understanding of relevant EC legal requirements and environmental sensitivities, and of the environmental impacts of their activities;

- (c) that the risks to and impact on the environment of the controlled installation are considered in order to evaluate the effectiveness of existing authorisation, permit or licensing requirements and to assess whether improvements or other changes to such requirements are necessary.
3. Member States should also ensure that non-routine site visits are carried out in the following circumstances:
- (a) in the investigation by the relevant inspecting authorities of serious environmental complaints, and as soon as possible after such complaints are received by the authorities;
 - (b) in the investigation of serious environmental accidents, incidents and occurrences of non-compliance, and as soon as possible after these come to the notice of the relevant inspecting authorities;
 - (c) where appropriate, as part of the determination as to whether and on what terms to issue a first authorisation, permit or licence for a process or activity at a controlled installation or the proposed site thereof or to ensure the compliance with the requirements of authorisation, permit or licence after it has been issued and before the start of activity;
 - (d) where appropriate, before the reissue, renewal or modification of authorisations, permits or licences.

VI

Reports and conclusions following site visits

1. Member States should ensure that after every site visit the inspecting authorities process or store, in identifiable form and in data files, the inspection data and their findings as to compliance with EC legal requirements, an evaluation thereof and a conclusion on whether any further action should follow, such as enforcement proceedings, including sanctions, the issuing of a new or revised authorisation, permit or licence or follow-up inspection activities, including further site visits. Reports should be finalised as soon as possible.
2. Member States should ensure that such reports are properly recorded in writing and maintained in a readily accessible database. The full reports, and wherever this is not practicable the conclusions of such reports, should be communicated to the operator of the controlled installation in question according to Directive 90/313/EEC; these reports should be publicly available within two months of the inspection taking place.

VII

Investigations of serious accidents, incidents and occurrences of non-compliance

Member States should ensure that the investigation of serious accidents, incidents and occurrences of non-compliance with EC legislation, whether these come to the attention of the

authorities through a complaint or otherwise, is carried out by the relevant authority in order to:

- (a) clarify the causes of the event and its impact on the environment, and as appropriate, the responsibilities and possible liabilities for the event and its consequences, and to forward conclusions to the authority responsible for enforcement, if different from the inspecting authority;
- (b) mitigate and, where possible, remedy the environmental impacts of the event through a determination of the appropriate actions to be taken by the operator(s) and the authorities;
- (c) determine action to be taken to prevent further accidents, incidents and occurrences of non-compliance;
- (d) enable enforcement action or sanctions to proceed, if appropriate; and
- (e) ensure that the operator takes appropriate follow-up actions.

VIII

Reporting on environmental inspection activities in general

1. Member States should report to the Commission on their experience of the operation of this recommendation two years after the date of its publication in the *Official Journal of the European Communities*, using, to the extent possible, any data available from regional and local inspecting authorities.
2. Such reports should be available to the public and should include in particular the following information:
 - (a) data about the staffing and other resources of the inspecting authorities;
 - (b) details of the inspecting authority's role and performance in the establishment and implementation of relevant plan(s) for inspections;
 - (c) summary details of the environmental inspections carried out, including the number of site visits made, the proportion of controlled installations inspected (by type) and estimated length of time before all controlled installations of that type have been inspected;
 - (d) brief data on the degree of compliance by controlled installations with EC legal requirements as appears from inspections carried out;
 - (e) a summary, including numbers, of the actions taken as a result of serious complaints, accidents, incidents and occurrences of non-compliance;
 - (f) an evaluation of the success or failure of the plans for inspections as applicable to the inspecting body, with any recommendations for future plans.

IX

Review and development of the recommendation

1. The Commission should review the operation and effectiveness of this recommendation, as soon as possible after receipt of the Member States' reports mentioned in point VIII above, with the intention of developing the minimum criteria further in terms of their scope in the light of the experience gained from their application, and taking into account any further contributions from interested parties, including IMPEL and the European Environment Agency. The Commission should then submit to the European Parliament and the Council a report accompanied, if appropriate, by a proposal for a directive. The European Parliament and the Council will consider such a proposal without delay.

2. The Commission is invited to draw up, as quickly as possible, in cooperation with IMPEL and other interested parties, minimum criteria concerning the qualifications of environmental inspectors who are authorised to carry out inspections for or under the authority or supervision of inspecting authorities.

3. Member States should, as quickly as possible, in cooperation with IMPEL, the Commission and other interested parties, develop training programmes in order to meet the demand for qualified environmental inspectors.

X

Implementation

Member States should inform the Commission of the implementation of this recommendation together with details of environmental inspection mechanisms already existing or foreseen not later than twelve months after its publication in the *Official Journal of the European Communities*.

Done at Luxembourg, 4 April 2001.

For the European Parliament

The President

N. FONTAINE

For the Council

The President

B. ROSENGREN

COUNCIL

COUNCIL DECISION

of 26 February 2001

concerning the conclusion of the Cooperation Agreement between the European Community and the People's Republic of Bangladesh on partnership and development

(2001/332/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 133 and 181, in conjunction with the first sentence 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,

Whereas:

- (1) Under Article 177 of the Treaty, Community policy in the sphere of development cooperation should foster the sustainable economic and social development of the developing countries, their smooth and gradual integration into the world economy and the campaign against poverty in these countries.
- (2) The Community should approve, in pursuit of its objectives in the sphere of external relations, the Cooperation Agreement between the European Community and the People's Republic of Bangladesh on partnership and development,

HAS DECIDED AS FOLLOWS:

Article 1

The Cooperation Agreement between the European Community and the People's Republic of Bangladesh on part-

nership and development is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council shall give the notification provided for in Article 20 of the Agreement.

Article 3

The Commission, assisted by representatives of the Member States, shall represent the Community in the Joint Commission provided for in Article 12 of the Agreement.

Article 4

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

Done at Brussels, 26 February 2001.

For the Council

The President

A. LINDH

⁽¹⁾ OJ C 143, 21.5.1999, p. 8.

COOPERATION AGREEMENT

between the European Community and the People's Republic of Bangladesh on partnership and development

THE EUROPEAN COMMUNITY

of the one part,

THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

of the other part,

CONSIDERING the excellent relations and links of friendship and cooperation between the European Community, hereinafter referred to as 'the Community', and the People's Republic of Bangladesh, hereinafter referred to as 'Bangladesh',

RECOGNISING the importance of further strengthening the links and enhancing the relations between the Community and Bangladesh,

REAFFIRMING the importance the Community and Bangladesh attach to the principles of the United Nations Charter, to the Universal Declaration on Human Rights, to the 1993 Declaration of Vienna and the Programme of Action of the World Conference on Human Rights, to the 1995 Copenhagen Declaration on Social Development and programme of action, and to the 1995 Beijing Declaration and platform of action for the 4th World Conference on Women,

HAVING REGARD to the foundations for close cooperation between the Community and Bangladesh laid by the Agreement between the Community and Bangladesh signed on 16 November 1976,

NOTING with satisfaction the achievements resulting from that Agreement,

INSPIRED by their common will to consolidate, deepen and diversify their relations in areas of mutual interest on the basis of equality, non-discrimination and mutual benefit and reciprocity,

ACKNOWLEDGING the great importance of social development which should go hand in hand with economic development, taking into account the current least developed status of Bangladesh,

RECOGNISING the need to support the development of the people of Bangladesh, and particularly of the poor and disadvantaged sections of the population, with special emphasis on women,

CONSIDERING the importance attached by the Community and Bangladesh to the promotion of balanced demographic growth, to the eradication of poverty, to the protection of the environment and to the sustainable use of natural resources, and recognising the link between the environment and development,

DESIROUS of creating favourable conditions for a substantial development and diversification of trade between the Community and Bangladesh,

TAKING INTO ACCOUNT their commitment to conduct trade in accordance with the Agreement establishing the World Trade Organisation (WTO), including the Conclusions of the WTO Singapore Ministerial Conference of December 1996,

HAVING REGARD to the need to create favourable conditions for direct investment and economic cooperation between the Parties,

NOTING their common interest in fostering and strengthening regional cooperation and the North-South dialogue,

BELIEVING that relations between them have developed beyond the scope of the Agreement concluded in 1976,

HAVE DECIDED, as Contracting Parties, hereinafter referred to as 'the Parties', to conclude this Agreement and to this end have designated as their Plenipotentiaries:

THE EUROPEAN COMMUNITY:

Jaime GAMA

Minister for Foreign Affairs of the Portuguese Republic,

President-in-Office of the Council of the European Union,

Christopher PATTEN

Member of the Commission of the European Communities,

THE GOVERNMENT OF BANGLADESH:

Md. Abdul JALIL

Minister for Commerce,

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

HAVE AGREED AS FOLLOWS:

*Article 1***Basis**

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

*Article 2***Objectives**

The principal objectives of this Agreement are to enhance and develop the various aspects of cooperation between the Parties in the areas which fall within the bounds of their respective competences, with the following aims:

1. to support the sustainable economic and social development of Bangladesh and particularly of the poorest sections of its population, with special emphasis on women, taking into account its current least developed country status;
2. to secure the conditions for and to promote the increase and development of two-way trade between the Parties in accordance with the Agreement establishing the World Trade Organisation (WTO) and to assist Bangladesh in diversifying its productive potential;
3. to promote investment and economic, technical and cultural links in their mutual interest;
4. to pursue equilibrium between policies for sustainable economic growth, social development and protection and conservation of the natural environment.

*Article 3***Development cooperation**

1. The Parties recognise that there is a potential for an increased Community contribution, both in terms of size and impact, to the development efforts of Bangladesh, more particularly in the strategic fields of poverty alleviation. Activities undertaken in these areas shall, where appropriate, put special emphasis on women.

In light of the above and in accordance with Community policies, regulations and the limits of financial means available for cooperation, the Parties agree that cooperation will continue to be developed within the context of a clear cooperation strategy and dialogue aimed at defining mutually agreed priorities, and pursuing effectiveness and sustainability.

2. The Parties acknowledge the need for enhanced attention to and cooperation in the fields of drug control and AIDS, taking into account work done in this connection by international bodies. In particular, cooperation between the Parties will include the following:

- (a) prevention, monitoring and reduction of AIDS through supporting information and educational activities;
- (b) strengthening of health services and treatment capabilities in respect of victims of AIDS;
- (c) training, education, health promotion and rehabilitation of drug addicts, including projects for the reintegration of addicts into work and the social environment;

(d) exchange of all relevant information, ensuring that personal data are suitably protected.

3. The Parties will ensure that actions undertaken within the framework of development cooperation are compatible with the development strategies implemented under the auspices of the Bretton Woods Institutions.

*Article 4***Trade and commercial cooperation**

1. Within the bounds of their respective competences the Parties are committed to conduct trade in accordance with the Agreement establishing the WTO.

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

In full compliance with 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 also undertake to promote, within the framework of their current legislation, the expansion and diversification of trade between them. The objective of cooperation in this field is to develop and diversify two-way trade by seeking ways and means to improve market access.

4. The Parties shall seek:

- (a) to work towards the elimination of barriers to trade and implement measures to improve transparency, in particular through the timely removal of non-tariff barriers in accordance with work done in this connection by WTO and other international bodies;
- (b) within the limits of their respective competences, to improve cooperation in customs matters between the respective authorities, especially in professional training, the simplification and harmonisation of customs procedures and the prevention, investigation and penalisation of customs offences;
- (c) to pursue the consideration of transit/re-export matters;
- (d) to exchange information about mutually beneficial market opportunities, statistical cooperation and competition matters;
- (e) to ensure suitable protection of personal data.

5. (a) Bangladesh confirms it will take all necessary measures to improve the conditions for adequate and effective protection and enforcement of intellectual, industrial and commercial property rights.

(b) Without prejudice to its commitments under the trade-related aspects of intellectual property rights (TRIPs) agreement, Bangladesh shall accede to the relevant international conventions on intellectual, industrial and commercial property referred to in Paragraph 1 of Annex II not later than 1 January 2006. The Joint Commission may decide, upon duly motivated request by either Party, to modify this period.

(c) Moreover, Bangladesh shall endeavour to accede to the relevant international conventions on intellectual, industrial and commercial property referred to in Paragraph 2 of Annex II.

(d) In order to enable Bangladesh to fulfil the above-mentioned undertakings and obligations, appropriate technical assistance will be provided upon request.

6. Within the limits of their respective competences, the Parties agree that they will work to improve exchange of information and access to their respective public procurement markets on the basis of reciprocity. To this end, the Community encourages Bangladesh to join the WTO Plurilateral Agreement on Government Procurement.

7. With regard to international maritime transport services, the Parties shall seek to ensure effective application of the principle of unrestricted access to the international maritime market and traffic on a commercial basis.

(a) This 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 other Contracting 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 a freely competitive environment as being an essential feature of the dry and liquid bulk trade.

Article 5

Environmental cooperation

1. Recognising that there is a close link between social deprivation and environmental degradation, the Parties undertake to cooperate in the environmental field with the aim of enhancing the prospects for achieving sustainable economic growth and social development, placing a high priority on respect for the natural environment.

2. Particular attention will be paid to:

(a) reducing risks from the environment in disaster prone areas and/or to offer better protection against such risks and fighting against soil degradation;

(b) developing an effective environment policy providing appropriate legislative measures and resources to implement it. This will encompass training, capacity building and the transfer of appropriate environmental technology;

(c) cooperating in the development of sustainable and non-polluting energy sources, as well as solutions to urban and industrial pollution problems;

(d) avoiding activities which damage the environment (especially areas with a fragile eco-system), while developing tourism as a sustainable source of revenue;

(e) environmental impact assessment, as an essential part of reconstruction and development projects in all fields, at both the preparation and the implementation stages;

(f) seeking close cooperation in the achievement of the objectives of multilateral environmental agreements to which both are party.

Article 6

Economic cooperation

1. In accordance with their respective policies and objectives and to the extent of their available resources, the Parties undertake to foster economic cooperation for mutual benefit. They will determine together, to their mutual advantage and within the limits of their respective competences, the areas and priorities for economic cooperation programmes and activities in the context of a clear cooperation strategy.

2. The Parties agree to cooperate in the following broad fields:

(a) developing a creative competitive economic environment in Bangladesh by facilitating the use of know-how and technology from the Community, including, in the fields of design, packaging, standards, such as consumer and environmental standards, new materials and products;

(b) facilitating contacts between economic operators and other measures designed to promote commercial exchanges and investments;

(c) facilitating exchanges of information on policies relating to enterprise and to small and medium-sized enterprises (SMEs), particularly with a view to improving the business and investment environment and encouraging closer contacts between SMEs, in order to promote trade and increase industrial cooperation opportunities;

(d) strengthening management training in Bangladesh with a view to developing business operators who are able to interact effectively with the European business environment;

(e) promoting dialogue between Bangladesh and the Community in the fields of energy policy and transfer of technology.

3. Within the limits of their respective competences, the Parties undertake to encourage an increase in mutually beneficial investment by establishing a more favourable climate for private investments through better conditions for the transfer of capital and by supporting, where appropriate, the conclusion of conventions on the promotion and protection of investments between the Member States of the Community and Bangladesh.

Article 7

Regional cooperation

1. The Parties agree that cooperation between them may include actions undertaken under cooperation agreements with other countries in the same region, provided that such action is compatible with this Agreement.

2. Without excluding any area, the Parties agree to give particular consideration to the following actions:

- (a) technical assistance (services of outside experts, training of technical staff in certain practical aspects of integration);
- (b) promotion of intra-regional trade;
- (c) support for regional institutions and for joint projects and initiatives established under regional organisations such as the South Asian Agreement on Regional Cooperation (SAARC);
- (d) support for studies on regional/sub-regional issues including, *inter alia*, transport, communications, environmental matters and human and animal health.

Article 8

Cooperation in science and technology

The Parties in accordance with their respective policies and competences, will promote scientific and technological cooperation in areas of common interest. This shall include cooperation on standards and quality control.

Article 9

Drug precursor chemicals and money laundering

1. In conformity with their respective competences and the pertinent legal provisions, the Parties agree to cooperate in order to prevent the diversion of drug precursor chemicals. They also agree on the necessity of making every effort to prevent money laundering.

2. Both Parties shall consider special measures against the illicit cultivation and production of, and trade in, drugs, narcotics and psychotropic substances as well as prevention and reduction of drug abuse. Cooperation in this area shall include:

- (a) assistance for the training and rehabilitation of addicts;
- (b) measures for alternative economic development;
- (c) exchanges of relevant information ensuring that personal data are suitably protected.

Article 10

Human resource development

The Parties agree that human resources development constitutes an integral part of both economic and social development.

The Parties acknowledge the necessity of safeguarding the basic rights of workers by taking account of the principles in the relevant International Labour Organisation instruments, including those on the prohibition of forced and child labour, the freedom of association, the right to organise and bargain collectively and the principle of non-discrimination.

The Parties recognise that both education and skills development as well as improving the living conditions of the disadvantaged sections of the population, with special emphasis on

women, will contribute to creating a favourable economic and social environment.

Article 11

Information, culture and communication

Within the sphere of their respective competences, the Parties shall cooperate in the field of information, culture and communications, both to create a better mutual understanding and to strengthen cultural ties between them, including, *inter alia*, through studies and technical assistance for the preservation of cultural heritage.

The Parties also recognise the importance of cooperation in the fields of telecommunications, the information society and multimedia applications which contribute to increased economic development and trade.

The Parties consider that cooperation in this area, within the sphere of their respective competences, may facilitate:

- (a) regulation and policy for telecommunications;
- (b) mobile communication;
- (c) the information society, including the promotion of the global navigation satellite systems;
- (d) multimedia technologies for telecommunications;
- (e) telematic networks and applications (transportation, health, education, environment).

Article 12

Joint Commission

1. The Parties agree to set up a Joint Commission whose tasks shall be to:

- (a) ensure the proper functioning and implementation of the Agreement;
- (b) set priorities in relation to the aims of the Agreement;
- (c) make recommendations for promoting the objectives of the Agreement.

Provisions will be laid down on the frequency and venue of the meetings, chairmanship and the setting up of subgroups.

2. The Joint Commission shall be composed of representatives of both sides, at the senior official level. The Joint Commission shall normally meet every other year, alternately in Brussels and in Dhaka, on a date to be fixed by mutual agreement. Extraordinary meetings may also be convened by agreement between the Parties.

3. The Joint Commission may set up specialised subgroups to assist in the performance of its tasks and to coordinate the formulation and implementation of projects and programmes in the framework of the Agreement.

4. The agenda for meetings of the Joint Commission shall be determined by agreement between the Parties.

5. The Parties agree that it shall also be the task of the Joint Commission to ensure the proper functioning of any sectoral agreements concluded or which may be concluded between the Community and Bangladesh.

*Article 13***Consultations**

The Parties acknowledge the value, in the light of the objectives of this Agreement, of consulting each other on international, economic and commercial issues of mutual interest.

*Article 14***Evolutive clause**

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 15***Other agreements**

Without prejudice to the relevant provisions of the Treaties establishing the European Communities, neither this Agreement nor action taken thereunder shall in any way affect the powers of the Member States of the European Union to undertake bilateral activities with Bangladesh in the framework of economic and development cooperation or to conclude, where appropriate, new economic and development cooperation agreements with Bangladesh.

*Article 16***Non-execution of the Agreement**

1. If either Party considers that the other Party has failed to fulfil any of its obligations under the Agreement, it may take appropriate measures.
2. Before doing so, except in cases 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.
3. In the selection of measures, priority shall be given to those which least disturb the functioning of the 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 17***Facilities**

To facilitate cooperation in the framework of this Agreement, the Bangladeshi authorities will grant to Community officials and experts involved in implementing cooperation the guarantees and facilities necessary for the performance of their functions. The detailed provisions will be set out by way of a separate Exchange of Letters.

*Article 18***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, to the territory of the People's Republic of Bangladesh.

*Article 19***Annexes**

The Annexes to this Agreement shall form an integral part thereof.

*Article 20***Entry into force and renewal**

1. This Agreement shall enter into force on the first day of the month following the date on which the Parties notify each other of the completion of the procedures necessary for this purpose.
2. This Agreement is concluded for a period of five years. It shall be automatically renewed on a yearly basis unless one of the Parties denounces it at least six months before its expiry date.

*Article 21***Authentic texts**

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

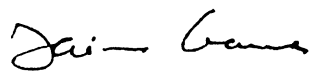
EN FE DE LO CUAL, los plenipotenciarios abajo firmantes suscriben el presente Acuerdo.
 TIL BEKRÆFTELSE HERAF har undertegnede befuldmægtigede underskrevet denne aftale.
 ZU URKUND DESSEN haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Abkommen gesetzt.
 ΣΕ ΠΙΣΤΩΣΗ ΤΩΝ ΑΝΩΤΕΡΩ, οι υπογράφοντες πληρεξούσιοι έθηκεσαν την υπογραφή τους κάτω από την παρούσα συμφωνία.
 IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Agreement.
 EN FOI DE QUOI les plénipotentiaires soussignés ont apposé leur signature au présent accord.
 IN FEDE DI CHE, i plenipotenziari sottoscritti hanno apposto le proprie firme in calce al presente accordo.
 TEN BLIJKE WAARVAN de ondergetekende gevolmachtigden hun handtekening onder deze overeenkomst hebben gesteld.
 EM FÉ DO QUE, os plenipotenciários abaixo-assinados apuseram as suas assinaturas no final do presente acordo.
 TÄMÄN VAKUUDEKSI ALLA MAINITUT täysivaltaiset edustajat ovat allekirjoittaneet tämän sopimuksen.
 TILL BEVIS HÄRAV har undertecknade befullmäktigade ombud undertecknat detta avtal.

সাক্ষী হিসেবে নিম্নে বর্ণিত সম্পূর্ণ ক্ষমতাপ্রাপ্ত রাষ্ট্রীয় প্রতিনিধিগণ এই চুক্তিতে স্বাক্ষর করলেন।

Hecho en Bruselas, el veintidós de mayo del año dos mil.
 Udfærdiget i Bruxelles den toogtyvende maj to tusind.
 Geschehen zu Brüssel am zweiundzwanzigsten Mai zweitausend.
 Έγινε στις Βρυξέλλες, στις είκοσι δύο Μαΐου δύο χιλιάδες.
 Done at Brussels on the twenty-second day of May in the year two thousand.
 Fait à Bruxelles, le vingt-deux mai deux mille.
 Fatto a Bruxelles, addì ventidue maggio duemila.
 Gedaan te Brussel, de tweeëntwintigste mei tweeduizend.
 Feito em Bruxelas, em vinte e dois de Maio de dois mil.
 Tehty Brysselissä kahdentenakymmenentenätoisena päivänä toukokuuta vuonna kaksituhatta.
 Som skedde i Bryssel den tjuogoandra maj tjugohundra.

২২শে মে ২০০০ সালে ব্রাসেলসে স্বাক্ষরিত

Por la Comunidad Europea
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Voor de Europese Gemeenschap
Pela Comunidade Europeia
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar



গণ-প্রজাতন্ত্রী বাংলাদেশ সরকারের পক্ষে :



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ANNEX I

Joint Declaration on Article 4(5) of the Agreement

Under the Agreement, the Parties agree that 'intellectual, industrial and commercial property' comprises, in particular, copyright, including copyright in computer programs, and neighbouring rights, trademarks, service marks and geographical indications, including designation of origin, industrial designs and models, patents, configuration plans (topographies) of integrated circuits, sui generis protection of databases, protection of undisclosed information and protection against unfair competition.

ANNEX II

International conventions on intellectual, industrial and commercial property protection referred to in Article 4(5)

1. Article 4(5)(b) concerns the following multilateral conventions:
 - Berne Convention for the Protection of Literary and Artistic Work as last revised at Paris (Paris Act 1971).
 - Madrid Agreement Concerning the International Registration of Marks as last revised at Stockholm (Stockholm Act 1967).
 - Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (1989).
 - International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Rome Convention 1961).
 - Patent Cooperation Treaty (PCT Union) as modified in 1984.
 - Trademark Law Treaty (1994).
2. Article 4(5)(c) concerns the following multilateral conventions:
 - Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks as revised at Geneva (Geneva Act 1977).
 - Budapest Treaty on the International Recognition of the Deposit of Micro-organisms for the Purposes of Patent Procedure (1977).
 - International Convention for the Protection of New Varieties of Plants (UPOV) as revised at Geneva (Geneva Act 1991).
 - WIPO Copyright Treaty (Geneva 1996).
 - WIPO Performances and Phonograms Treaty (Geneva 1996).
3. The Joint Commission may decide that Article 4(5)(b) and (c) shall apply to other multilateral conventions.

ANNEX III

Interpretative declaration on Article 16: non-execution of the Agreement

- (a) For the purposes of the interpretation and practical application of this Agreement, the Parties agree that the cases of special urgency referred to in Article 16 of the Agreement mean cases of material breach of the Agreement by one of the two Parties. A material breach of the Agreement consists of:
 - repudiation of the Agreement not sanctioned by the general rules of international law,
 - violation of the essential elements of the Agreement set out in Article 1.
- (b) The Parties agree that the 'appropriate measures' referred to in Article 16 are measures taken in accordance with international law. If a Party takes a measure in a case of special urgency pursuant to Article 16, the other Party may avail itself of the dispute settlement procedure.

Information concerning the entry into force of the Cooperation Agreement between the European Community and the People's Republic of Bangladesh on partnership and development

On 28 February 2001 there was an exchange of the instruments of notification of completion of the procedures necessary for the entry into force of the Cooperation Agreement between the European Community and the People's Republic of Bangladesh on partnership and development, signed in Brussels on 22 May 2000; following that exchange, the Agreement, in accordance with Article 20 thereof, came into force on 1 March 2001.

COMMISSION

COMMISSION DECISION

of 13 February 2001

on the allocation of quantities of controlled substances allowed for essential uses in the Community in 2001 under Regulation (EC) No 2037/2000 of the European Parliament and of the Council on substances that deplete the ozone layer

(notified under document number C(2000) 4153)

(Only the Spanish, German, English, French, Italian, Dutch, Portuguese, Finnish and Swedish texts are authentic)

(Text with EEA relevance)

(2001/333/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2037/2000 of the European Parliament and of the Council on substances that deplete the ozone layer ⁽¹⁾, and in particular to Articles 3, 4 and 7 thereof,

Whereas:

- (1) Because of concerns for the ozone layer, the Community has already phased out the production and consumption of certain controlled substances.
- (2) Essential uses have to be decided for chlorofluorocarbons; other fully halogenated chlorofluorocarbons; halons; carbon tetrachloride; 1,1,1 trichloroethane; and hydrobromofluorocarbons (Article 3.1 and Article 4.4).
- (3) The criteria used for assessing essential uses are in line with Decision IV/25 of the Parties to the Montreal Protocol and are:
 - I. That a use of a controlled substance should qualify as 'essential' only if:
 - A. it is necessary for the health, safety, or is critical for the functioning of society (encompassing cultural and intellectual aspects); and
 - B. there are no technically and economically feasible alternatives or substitutes that are acceptable from the standpoint of environment and health.
 - II. That production and consumption, if any, of a controlled substance for essential uses should be permitted only if:

A. all economically feasible steps have been taken to minimise the essential use and any associated emission of the controlled substance; and

B. the controlled substance is not available in sufficient quantity and quality from existing stocks of banked or recycled controlled substances, also bearing in mind the needs of developing countries for controlled substances.

(4) Decision XI/14 of the Parties to the Montreal Protocol authorises the levels of production and consumption necessary to satisfy essential uses of controlled substances for metered dose inhalers (MDIs) for the treatment of asthma and chronic obstructive pulmonary disease (COPD).

(5) Decision XI/17 of the Parties to the Montreal Protocol authorises the production and consumption necessary to satisfy essential uses of controlled substances for laboratory and analytical uses as listed in Annex IV to the report of the Seventh Meeting of the Parties, subject to the conditions set out in Annex II to the report of the Sixth Meeting of the Parties and in Decision VII/11.

(6) The Montreal Protocol's Technology and Economic Assessment Panel noted in its April 2000 report that the European Community's stockpile of CFCs has increased and recommended that it be reduced as production of CFC-based MDIs declines.

(7) The Commission has published a notice ⁽²⁾ to those companies in the European Community that use controlled substances which may be allowed for essential uses in the Community in 2001 pursuant to Regulation (EC) No 2037/2000, and has thereby received applications for quantities of controlled substances for essential uses in 2001.

⁽¹⁾ OJ L 244, 29.9.2000, p. 1.

⁽²⁾ OJ C 224, 5.8.2000, p. 16.

- (8) In the framework of the Montreal Protocol nomination and assessment procedures for essential uses, Parties are requested to identify the users who may take advantage of essential uses in 2001.
- (9) The Commission issues licenses to the users identified pursuant to Articles 3, 4 and 7 and in accordance with the procedure set out in Article 18 of Regulation (EC) No 2037/2000.
- (10) Within this framework, a producer may be authorised by the competent authority of the Member State in which its relevant production is situated to produce the controlled substances for the purposes of meeting the licensed demands presented by the identified users; the competent authority of the Member State concerned shall in turn notify the Commission well in advance of any such authorisation.
- (11) Pursuant to Decision XI/17 of the Parties to the Montreal Protocol, overall quantitative limits may be set for essential laboratory and analytical uses of controlled substances in the European Community during 2001.
- (12) The list of essential uses and the quantities of the controlled substances are hereby given in the Annex as information for producer and user industries.
- (13) The measures provided for in this Decision are in accordance with the opinion of the Committee referred to in Article 18 of Regulation (EC) No 2037/2000,

HAS ADOPTED THIS DECISION:

Article 1

Companies which may take advantage of the essential uses for their own account during 2001 for the manufacture of metered dose inhalers and for the coating of cardiovascular surgical material are listed in Article 5.

Article 2

The total quantities of controlled substances permitted for essential uses during 2001 shall be as specified in the Annex.

Article 3

Within the overall limits set out in Part B of the Annex, the Commission shall issue licenses to acquire controlled substances from producers in the Community or by import for essential laboratory and analytical uses.

Article 4

This Decision shall apply from 1 January 2001 to 31 December 2001.

Article 5

Companies which may take advantage of the essential uses for their own account during 2001 for the manufacture of metered dose inhalers and for the coating of cardiovascular surgical material are:

3M Health Care Ltd
Mr Brian Edwards
3M House
Morley Street
Loughborough
LE11 1EP
United Kingdom

Aventis
Mr Bob Netrefa
London Road
Holmes Chapel
CW4 8BE
United Kingdom

Bespak PLC
Mr Chris Halley
North Lynn Industrial Estate
King's Lynn
PE30 2JJ
United Kingdom

Boehringer Ingelheim GmbH
J. Pink
D-55216 Ingelheim am Rhein

CCL Pharmaceuticals Ltd
Ms C. King
Astmoor Industrial Estate
9 Arkwright Road
Runcorn
Cheshire
WA7 1NU
United Kingdom

Chiesi Farmaceutici SpA
Dr. P. Chiesi
Via Palermo, 26/A
I-43100 Parma

Edwards Life Sciences
Dr. A. Bronkhorst
Energielaan 3
PO Box 169
5400 AD Uden
Nederland

Glaxo SmithKline
Mr Barry Rosenthal
Speke
Liverpool
L24 9JD
United Kingdom

IG Sprühtechnik GmbH
F. Guck
Im Hemmet 1
D-79664 Wehr

Jaba Farmacêutica SA
Ana Maria Baptista de Almeida
Rua da Tapada Grande n.º 2
Abrunheira
P-2710-089 Sintra

Laboratorio Aldo Unión SA
Dr. J. Sabater Sanmartí
Baronesa de Maldà 73
Esplugues de Llobregat
E-08950 Barcelona

Norton Waterford Ltd
Mr Jim Kennedy
Unit 301 Industrial Park
Waterford
Ireland

Orion Corporation
Mr Pasi Salokangas
Orionintie 1
FIN-02200 Espoo

Schering-Plough Labo NV
Dhr P. Gyselinck
Industriepark 30
B-2220 Heist-op-den-Berg

Valeas SpA Pharmaceuticals
Dr. Virgilio Bernareggi
Via Vallisneri, 10
I-20133 Milano

Valois SA
M. Salim Haffar
50, avenue de l'Europe
F-78160 Marly-Le-Roi

VARI
Dr. Bruno Boccardo
Via del Pino, 10
I-23854 Olginate.

Done at Brussels, 13 February 2001.

For the Commission
Margot WALLSTRÖM
Member of the Commission

ANNEX

A. MEDICAL USES

Production of metered dose inhalers (MDIs) for the treatment of asthma and other chronic obstructive pulmonary diseases (COPDs)

(in kg (CFC))

Company	2001 quota allocation
3M (UK)	
Aventis (UK)	
Bespak (UK)	
Boehringer (D)	
CCL Pharmaceuticals (UK)	
Chiesi (I)	
Glaxo SmithKline (UK)	
IG Sprühtechnik (D)	
Jaba Farmacêutica (P)	
Lab. Aldo-Unión (E)	
Norton (IRL)	
Orion (FIN)	
Schering-Plough (B)	
Valeas (I)	
Valois (F)	
VARI (I)	
Total	2 614 662

B. LABORATORY USES

Total quantities of controlled substances that may be produced or imported during 2001 for laboratory and analytical uses

(in kg)

Controlled substance	Quantitative limit
CFCs	160 000
Carbon tetrachloride	190 000
1,1,1 trichloroethane	18 000
Others (other CFCs, halons, HBFCs)	420

Laboratory users or suppliers of laboratory chemicals needing to obtain controlled substances from producers or importers under this essential use exemption should apply to the Commission for authorisation. The total quantity of each controlled substance authorised during 2001 for laboratory and analytical purposes shall not exceed the quantities listed above.

C. CARDIOVASCULAR SURGICAL MATERIALS

(in kg)

Controlled substance	Quantity
CFC 113	100