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(Acts adopted pursuant to Title VI of the Treaty on European Union)

COUNCIL DECISION
of 28 May 2001
on the transmission of samples of controlled substances
(2001/419/JHA)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 30, 31 and 34(2)(c) thereof,

Having regard to the initiative of the Kingdom of Sweden,

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

Whereas:

- (1) The fight against the illicit production and trafficking of drugs is a matter of common concern for law enforcement and justice authorities in the Member States.
- (2) The possibility of legally transmitting samples of seized controlled substances between the authorities of the Member States for the purposes of detection, investigation and prosecution of criminal offences or for the forensic analysis of samples would increase the effectiveness of the fight against the illicit production and trafficking of drugs.
- (3) At present no legally binding rules exist regulating the transmission of seized controlled narcotic substance samples between the authorities of the Member States. A system should therefore be created at European Union level to allow for the legal transmission of such samples. Such system should apply to all forms of transmission of samples of seized controlled substances between Member States. Transmission should be based on agreement between the sending and the receiving Member State.
- (4) Transmission should take place in a manner that is secure and guarantees that the transported samples cannot be abused,

HAS DECIDED AS FOLLOWS:

Article 1

Establishment of a system for the transmission of samples

1. This Decision establishes a system for the transmission between Member States of samples of controlled substances.

⁽¹⁾ Opinion delivered 4 May 2001 (not yet published in the Official Journal).

2. Transmission of samples of controlled substances (hereinafter referred to as 'samples') shall be considered lawful in all Member States when it is conducted in accordance with this Decision.

Article 2

Definitions

For the purposes of this Decision, controlled substances means:

- (a) any substance, natural or synthetic, mentioned in Schedules I or II of the United Nations Single Convention on Narcotic Drugs 1961, and that Convention as amended by the 1972 Protocol;
- (b) any substance mentioned in the revised Schedules I, II, III and IV of the United Nations Convention on Psychotropic Substances 1971;
- (c) any substance that is subject to control measures taken pursuant to Article 5(1) of Joint Action 97/396/JHA of 16 June 1997 concerning the information exchange, risk assessment and the control of new synthetic drugs ⁽²⁾.

Article 3

National contact points

1. Each Member State shall designate a national contact point for the purposes of implementing this Decision.

2. Information concerning the designated national contact points, including subsequent modifications, shall be transmitted to the General Secretariat of the Council which shall publish the information in the Official Journal.

3. The national contact points shall, if appropriate in association with other relevant national bodies, be the sole bodies competent for authorising the transmission of samples under this Decision, notwithstanding relevant provisions on mutual legal assistance in criminal matters.

⁽²⁾ OJ L 167, 25.6.1997, p. 1.

*Article 4***Agreement to transmit samples and acknowledgement of receipt**

1. The national contact point of the Member State intending to send a sample and the national contact point of the Member State intended to receive a sample shall agree on the transport before the transmission takes place. For this purpose they shall make use of the Sample Transmission Form set out in the Annex.

2. Where transmission of a sample involves transportation through the territory of another Member State (hereinafter referred as 'transit Member State'), the national contact point of such a transit Member State shall subsequently be informed of the planned transport by the national contact point of the sending Member State. To that end, each transit Member State shall receive a copy of the duly completed Sample Transmission Form before the transmission begins.

3. The receiving Member State shall acknowledge to the sending Member State the receipt of the sample.

*Article 5***Means of transport**

1. Transport of samples shall take place in a secure way.

2. The following means of transport shall be regarded as secure:

- (a) transport by an official of the sending or receiving Member State;
- (b) transport by courier;
- (c) transport by diplomatic bag;
- (d) transport by registered (express) mail.

3. The duly completed Sample Transmission Form referred to in Article 4 shall accompany the sample during the entire transport.

4. The authorities of the Member States involved shall not hinder or detain any transport accompanied by a duly completed Sample Transmission Form unless they have doubts as to whether the transport is carried out lawfully. In case of doubts as to the legal status of the Sample Transmission Form, the national contact point of the Member State detaining the transport shall, without delay, contact the national contact points of the Member States responsible for the completion of the Sample Transmission Form in order to clarify the issue.

5. If the means of transport chosen is transport by an official of the sending or receiving Member State, that official shall not be permitted to wear a uniform. Further, he or she shall not carry out any operational tasks in connection with the transport unless this would be compatible with the applicable national legislation and agreed upon by the sending, transit or receiving Member States. When travelling by aircraft, only airline companies registered in one of the Member States shall be used.

*Article 6***Quantity of the sample and its use**

1. A sample shall not exceed the quantity deemed necessary for law enforcement and judicial purposes or for the analysis of samples.

2. The use of the sample within the receiving Member State shall be agreed between the sending and receiving Member States, it being understood that samples can be used for detection, investigation and prosecution of criminal offences or for the forensic analysis of samples.

*Article 7***Evaluation**

1. This Decision shall be subject to evaluation within the Council after at least two and no more than five years after its entry into force.

2. For the purpose of the evaluation the national contact point of each sending Member State shall hold in its archives a copy of every Sample Transmission Form issued during at least the previous five years.

*Article 8***Entry into force**

This Decision shall take effect on 1 July 2001.

Done at Brussels, 28 May 2001.

For the Council

The President

T. BODSTRÖM

ANNEX

SAMPLE TRANSMISSION FORM

- A. **Reference number:** (Two-letter country code/year/consecutive number)
- B. **National contact point responsible for sending the sample**
- B.1. Name:
- B.2. Address:
- B.3. Stamp:
- B.4. Signature and date:
- C. **Sending authority, receiving authority and intended use of sample in receiving Member State**
- C.1. The sample originates from:
- C.1.1. Name:
- C.1.2. Address:
- C.2. The sample is intended for:
- C.2.1. Name:
- C.2.2. Address:
- C.3. The sample is intended to be used for:
- (a) detection of criminal offences,
- (b) investigation of criminal offences,
- (c) prosecution of criminal offences,
- (d) forensic analysis,
- (e) other use.
- D. **Nature and quantity of sample**
- D.1. The sample is of the following nature (indicate composition):
- D.2. The sample is of the following quantity (indicate exact quantity, i.e. grams, number of pills, etc.):
- E. **Means of transport and route to be used**
- E.1. The following means of transport will be used:
- (a) transport by an official of the sending or receiving Member State,
- (b) transport by courier,
- (c) transport by diplomatic bag,
- (d) transport by registered (express) mail,
- E.2. The following route will be used (indicate starting point, destination and general route to be used between those two points):
- E.3. Where transport is to be by an official of the sending or receiving Member State, indicate the intended means of transport (train, car, etc.):
- E.4. National contact points of Member States to be informed pursuant to Article 4(2):
- F. **National contact point receiving the sample**
- F.1. Name:
- F.2. Address:
- F.3. Stamp:
- F.4. Signature and date:
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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1091/2001
of 28 May 2001
on freedom of movement with a long-stay visa**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 62(2)(b)(ii) and 63(3)(a) thereof,

Having regard to the initiative of the French Republic ⁽¹⁾,

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

Whereas:

- (1) There may be a time lag between the arrival in a Member State's territory of a person holding a national long-stay visa issued by that Member State and the moment when the person receives a residence permit enabling him or her to move freely in the other Member States' territories.
- (2) Steps should be taken to facilitate the free movement of holders of national long-stay visas pending the issue of their residence permits, by stipulating that such visas, which currently enable their holders to transit only once through the territories of the other Member States in order to reach the territory of the State which issued the visa, are concurrently valid as uniform short-stay visas, provided that the applicants fulfil the conditions of entry and residence laid down in the Convention implementing the Schengen Agreement of 14 June 1985 signed at Schengen on 19 June 1990.
- (3) This measure is a first step in the harmonisation of the conditions for the issue of national long-stay visas.
- (4) The Convention implementing the Schengen Agreement and the Common Consular Instructions on Visas for the diplomatic missions and consular posts ⁽³⁾ should be amended accordingly.
- (5) This instrument constitutes a development of the Schengen acquis, in accordance with the Protocol integrating the Schengen acquis into the framework of the European Union, as defined in Annex A to Council Decision 1999/435/EC concerning the definition of the

Schengen acquis for the purpose of determining, in conformity with the relevant provisions of the Treaty establishing the European Community and the Treaty on European Union, the legal basis for each of the provisions or decisions which constitute the acquis ⁽⁴⁾.

- (6) As provided for in Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not participating in the adoption of this instrument and, accordingly, is neither bound by it nor subject to its application. Given that the present instrument is intended to build upon the Schengen acquis under the provisions of Title IV of the Treaty establishing the European Community, Denmark, shall, in accordance with Article 5 of the Protocol, decide within a period of six months after the Council has adopted this instrument whether it will implement this decision in its national law.
- (7) In relation to the Republic of Iceland and the Kingdom of Norway, this instrument constitutes a development of the Schengen acquis within the meaning of the Agreement concluded on 18 May 1999 by the Council of the European Union with these two States ⁽⁵⁾.
- (8) Pursuant to Article 1 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and to the Treaty establishing the European Community, Ireland and the United Kingdom are not participating in the adoption of this instrument. Consequently, and without prejudice to Article 4 of the said Protocol, the provisions of this instrument apply neither to Ireland nor to the United Kingdom,

HAS ADOPTED THIS REGULATION:

Article 1

Article 18 of the Convention implementing the Schengen Agreement shall be replaced by the following:

⁽¹⁾ OJ C 200, 13.7.2000, p. 4.

⁽²⁾ (Opinion of the European Parliament of 18.1.2001 (not yet published in the Official Journal).

⁽³⁾ OJ L 239, 22.9.2000, p. 318.

⁽⁴⁾ OJ L 176, 10.7.1999, p. 1.

⁽⁵⁾ OJ L 176, 10.7.1999, p. 36.

'Article 18

Visas for stays exceeding three months shall be national visas issued by one of the Member States in accordance with its national law. For a period of not more than three months from their initial date of validity such visas shall be valid concurrently as uniform short-stay visas, provided that they were issued in accordance with the common conditions and criteria adopted under or pursuant to the relevant provisions of Chapter 3, section 1 and their holders fulfil the entry conditions referred to in Article 5(1)(a), (c), (d) and (e). Otherwise, such visas shall merely enable their holders to transit through the territories of the other Member States in order to reach the territory of the Member State which issued the visa, unless the holders do not fulfil the entry conditions referred to in Article 5(1)(a), (d) and (e) or are on the national list of alerts of the Member State through whose territory they seek to transit.'

Article 2

Section 2.2 of Part I of the Common Consular Instructions on Visas shall be replaced by the following:

'2.2. Long-stay visas

Visas for visits exceeding three months shall be national visas issued by one of the Member States in accordance with its national legislation.

However, such visas shall, for a period of not more than three months from their initial date of validity, be valid concurrently as uniform short-stay visas, provided that they were issued in accordance with the common conditions and criteria adopted under or pursuant to the relevant provisions of Chapter 3, section 1 of the Convention implementing the Schengen Agreement and their holders fulfil the entry conditions referred to in Article 5(1)(a), (c), (d) and (e) of the said Convention and reproduced in Part IV of these Instructions. Otherwise, such visas shall merely enable their holders to transit through the territories of the other Contracting Parties in order to reach the territory of the Member State which issued the visa, unless the holders do not fulfil the entry conditions referred to in Article 5(1)(a), (d) and (e) of the Convention implementing the Schengen Agreement or are on the national list of alerts of the Member State through whose territory they seek to transit.'

Article 3

This Regulation shall enter into force on the 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 in accordance with the Treaty establishing the European Community.

Done at Brussels, 28 May 2001.

For the Council

The President

T. BODSTRÖM

**COMMISSION REGULATION (EC) No 1092/2001
of 30 May 2001**

**laying down detailed rules for the application of Council Regulation (EC) No 2202/96 introducing a
Community aid scheme for producers of certain citrus fruits**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2202/96 of 28 October 1996 introducing a Community aid scheme for certain producers of citrus fruits ⁽¹⁾, as last amended by Regulation (EC) No 2699/2000 ⁽²⁾ and in particular Articles 2(2), 3(4) and 6 thereof,

Whereas:

- (1) Regulation (EC) No 2202/96 establishes an aid scheme for producer organisations that deliver for processing certain citrus fruits harvested within the Community and listed in Article 1 of that Regulation.
- (2) The marketing years and equivalent periods for citrus fruits should be defined with a view to applying the scheme uniformly.
- (3) The aid scheme for producers of certain citrus fruits is based on contracts between producer organisations recognised or granted preliminary recognition under Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽³⁾ as last amended by Commission Regulation (EC) No 911/2001 ⁽⁴⁾, on the one hand, and processors, on the other hand. Producer organisations may also act as processors in certain circumstances. The types and duration of contracts and the particulars to be included therein should be specified for the purposes of applying the aid scheme.
- (4) For each of the products referred to in Article 1 of Regulation (EC) No 2202/96 contracts must be concluded before a given date, so that the producer organisations can establish their plans and guarantee processors a steady supply. To ensure that the scheme is as effective as possible, the parties to such contracts should nevertheless be authorised to conclude amendments adjusting the quantities originally stipulated therein up to a given limit.
- (5) In order to improve the way the scheme operates, the authorities should know of all producer organisations marketing the production of their members, of members of other producer organisations and of individual producers who wish to qualify under the scheme. The processors signing contracts with these producer organisations

should also send the authorities the information required to ensure that the scheme operates correctly.

- (6) There is a close link between the raw material delivered for processing and the finished product obtained. The raw material should therefore meet certain minimum requirements.
- (7) Aid applications for each product must include all the information needed to check their acceptability, given the information contained in the contracts.
- (8) In order to ensure that the aid scheme is properly applied, producer organisations and processors must forward appropriate information and keep suitable documentation up to date and should, in particular, specify the areas under oranges, small citrus fruits, lemons, grapefruit and pomelos, on the basis of Council Regulation (EEC) No 3508/92 of 27 November 1992 establishing an integrated administration and control system for certain Community aid schemes ⁽⁵⁾, as last amended by Commission Regulation (EC) No 495/2001 ⁽⁶⁾, and Commission Regulation (EEC) No 3887/92 of 23 December 1992 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes ⁽⁷⁾, as last amended by Regulation (EC) No 2721/2000 ⁽⁸⁾, for the purposes of all inspections and controls deemed necessary.
- (9) For the purposes of administering the aid scheme, procedures must be laid down for physical and documentary checks on delivery and processing operations, checks must cover a sufficiently representative number of aid applications and certain penalties must be laid down for producer organisations and processors which breach the regulations, in particular by making false declarations, by failing to observe the terms of the contract or by failing to process products delivered.
- (10) The measures provided for in this Regulation are to replace those laid down in Commission Regulation (EC) No 1196/97 of 26 June 1997 laying down detailed rules for the application of Council Regulation (EC) No 2200/96 as regards the system of production aid for products processed from fruit and vegetables ⁽⁹⁾, as last amended by Regulation (EC) No 2729/1999 ⁽¹⁰⁾. That Regulation should therefore be repealed.

⁽¹⁾ OJ L 297, 21.11.1996, p. 49.

⁽²⁾ OJ L 311, 12.12.2000, p. 9.

⁽³⁾ OJ L 297, 21.11.1996, p. 1.

⁽⁴⁾ OJ L 129, 11.5.2001, p. 3.

⁽⁵⁾ OJ L 355, 5.12.1992, p. 1.

⁽⁶⁾ OJ L 72, 14.3.2001, p. 6.

⁽⁷⁾ OJ L 391, 31.12.1992, p. 36.

⁽⁸⁾ OJ L 314, 14.12.2000, p. 8.

⁽⁹⁾ OJ L 169, 27.6.1997, p. 15.

⁽¹⁰⁾ OJ L 328, 22.12.1999, p. 35.

- (11) The Management Committee for Fruit and Vegetables has not delivered an opinion within the time limit set by its Chairman,

— from 1 March of the previous marketing year to 28/29 February of the current year in the case of lemons.

HAS ADOPTED THIS REGULATION:

CHAPTER I

DEFINITIONS AND MARKETING YEARS

Article 1

For the purposes of this Regulation the following definitions shall apply:

- (a) 'producer organisations' means producer organisations as referred to in Articles 11 and 13 of Regulation (EC) No 2200/96 and producer organisations granted preliminary recognition under Article 14 of that Regulation;
- (b) 'association of producer organisations' means associations as referred to in Article 16(3) of Regulation (EC) No 2200/96;
- (c) 'individual producer' means any natural or legal person as referred to in Article 4(1) of Regulation (EC) No 2202/96 not belonging to a producer organisation and growing on their holding raw material intended for processing;
- (d) 'processor' means a processing enterprise operating, for economic ends and on its own responsibility, one or more plants with facilities for manufacturing one or more of the products listed in Article 1 of Regulation (EC) No 2202/1996.

Article 2

1. The marketing years within the meaning of Article 6 of Regulation (EC) No 2202/96 shall run:

- (a) from 1 October to 30 September in the case of:

- sweet oranges,
- mandarins, clementines and satsumas,
- grapefruit and pomelos;

- (b) from 1 June to 31 May in the case of lemons.

2. Aid to producer organisations delivering mandarins, clementines and satsumas shall be granted solely on products delivered to the processing industry in the period from 1 October to 30 June.

3. For a given marketing year, the 'equivalent period' referred to in Article 5(2) of Regulation (EC) No 2202/96 shall run:

- from 1 July of the previous year to 30 June of the current year in the case of oranges,
- from 1 October to 30 June of the current marketing year in the case of mandarins, clementines and satsumas,
- from 1 July of the previous marketing year to 30 June of the current year in the case of grapefruit and oranges,

CHAPTER II

CONTRACTS

Article 3

1. The contracts referred to in Article 2(1) of Regulation (EC) No 2202/96 on which the aid scheme is based (hereinafter referred to as 'contracts'), shall be concluded in writing. They shall be concluded separately for each of the basic products listed in Article 1 of that Regulation and shall bear an identification number. Contracts may take one of the following forms:

- (a) a contract between a producer organisation or association of producer organisations, and a processor,
- (b) a commitment to supply, where the producer organisation also acts as a processor.

At any time and for each of the basic products listed in Article 1 of Regulation (EC) No 2202/96 a single one-year contract and/or a single multiannual contract may be in force between a producer organisation and a processor.

2. Contracts shall cover:

- (a) the entire marketing year in question in the case of a one-year contract;
- (b) at least three marketing years in the case of multiannual contracts within the meaning of Article 3(2)(a) of Regulation (EC) No 2202/96.

In the case of clementines, separate contracts must be concluded for the two possible uses: juice or segments.

3. Contracts must specify, in particular:

- (a) the name and address of the contracting producer organisation;
- (b) the name and address of the processor;
- (c) the quantities of raw materials to be delivered for processing this quantity shall be broken down by marketing year in the case of multiannual contracts;
- (d) the schedule of deliveries to processors;
- (e) an undertaking by the processors to process the quantities delivered under the contract in question;
- (f) the price to be paid to the producer organisation for the raw materials, which may vary by variety and/or quality and/or three-month delivery period; this price shall be paid only by bank or post office transfer.

The contract shall also indicate the delivery stage to which that price applies and the payment terms. Any payment deadline may not exceed 90 days from the date of delivery of each consignment;

- (g) the compensation payable should either party fail to fulfil its contractual obligations, in particular as regards payment deadlines and the obligation to deliver and accept the quantities covered by the contract.

4. In the case of one-year contracts, the price referred to in paragraph 3(f) may be adjusted, with the agreement of both parties, by the written amendments referred to in Article 5(2) below and solely for the additional quantities fixed by these amendments.

5. Multiannual contracts may cover both the production of the members of the producer organisation signing the contract and the production of members of other producer organisations where the second and third indents of Article 11(1)(c)(3) of Regulation (EC) No 2200/96 apply.

6. To qualify for the aid laid down in Table 2 of Annex I to Regulation (EC) No 2202/96, quantities delivered under multi-annual contracts must be at least 1 000 tonnes per contract, product and marketing year.

7. In the case of multiannual contracts, the price referred to in paragraph 3(f) above for each marketing year shall be established when the relevant contract is signed. However, the price applicable to a given marketing year may be revised, with the agreement of both parties, by written amendment to the contract before 1 July of the marketing year in question in the case of lemons and before 1 November of the marketing year in question in the case of the other products.

8. The Member States may adopt additional provisions covering contracts, in particular as regards compensation payable by processors or producer organisations that fail to fulfil their contractual obligations.

Article 4

In the case of a commitment to supply within the meaning of Article 3(1)(b), contracts covering the production of the members of the producer organisation concerned shall be deemed to have been concluded after the following particulars have been forwarded to the competent authority:

- (a) the name and address of each producer and the reference data and areas of the parcels on which each producer cultivates the raw material;
- (b) the estimated total harvest;
- (c) the quantity intended for processing, broken down by type of contract;
- (d) the delivery schedule referred to in Article 3(3)(d);
- (e) an undertaking by the producer organisation to process the quantities delivered under the contract in question.

This notification shall be sent to the competent authority by the deadline laid down in Article 6.

Article 5

1. Contracts shall be concluded no later than:

- (a) 1 November in the case of oranges, mandarins, clementines, satsumas, grapefruit and pomelos;
- (b) 1 July in the case of lemons.

2. In the case of one-year contracts, the quantity initially laid down in the processing contract referred to in Article

3(3)(c) may be amended with the agreement of both parties by one or two written amendments.

The total quantity laid down in the amendment(s) may not exceed 40 % of the quantity initially laid down in the contract. Where there are two amendments, they may not relate to more than 20 % of the said initial quantity each. The amendments shall include the identification number of the contract to which they relate.

The quantities delivered by the new members referred to in Article 8(5) shall be included in the amendments.

3. In the case of multiannual contracts, the quantity initially laid down for each year, within the meaning of Article 3(3)(c), may be amended in writing with the agreement of both parties. The amendment shall include the identification number of the contract to which it relates. Amendments shall be concluded before 1 July of the year in question in the case of lemons and before 1 November of the year in question in the case of the other products. The quantity to be delivered each year as laid down in the amendment may not exceed 40 % of the quantity initially laid down in the contract for the given year.

Article 6

1. Producer organisations signing contracts shall forward a copy of each contract and any amendments thereto to the body designated by the Member State in which their head office is situated and, if appropriate, to the body designated by the Member State where processing is to take place. These copies must reach the competent authorities no later than 10 working days after the conclusion of the contract or amendment thereto and no less than five working days before the start of deliveries.

The total quantity covered by all the contracts signed by a given producer organisation may not exceed, per product, the quantity intended for processing indicated by that producer organisation under Article 4(c) and Article 8(1)(c).

2. In exceptional and duly justified cases, the Member States may accept contracts and amendments thereto that reach their authorities after the time limit laid down in paragraph 1, provided that such late arrival does not hinder their checks.

CHAPTER III

INFORMATION TO BE PROVIDED

Article 7

1. Producer organisations wishing to participate in the aid scheme provided for in Article 3 of Regulation (EC) No 2202/96 and processors wishing to sign contracts with those producer organisations shall so inform the body designated by the Member State in which their head office is situated and, if appropriate, the body designated by the Member State where processing takes place, no later than 30 days before the start of the marketing year. They shall communicate at this time the information needed by the Member State in question to

manage and inspect the aid scheme. The information must include the hourly extraction, pasteurisation and concentration capacity of each processing plant. Member States may decide that such information shall:

- (a) be notified by new producer organisations only, or new processors, if the necessary information for the others is already available;
- (b) cover a single marketing year, several marketing years or an unlimited period.

2. At least five working days before the start of deliveries or processing each marketing year, producer organisations and processors shall notify the competent authorities of the week in which deliveries and processing are to commence. Producer organisations and processors shall be deemed to have discharged this obligation where they provide proof that they have sent this information at least eight working days before that deadline.

3. In exceptional and duly justified cases, the Member States may accept notifications from producer organisations and processors after the deadline laid down in paragraph 2. However, no aid shall be granted in such cases to producer organisations or processors for quantities already delivered or in the course of delivery unless the checks needed to establish eligibility for the aid can be conducted to the satisfaction of the competent authorities.

Article 8

1. The producer organisation signing the contracts shall send the body designated by the Member State in which its head office is situated the following information, by product:

- (a) the name and address of each producer covered by the contracts and the reference data and areas of the parcels on which each producer cultivates the raw materials;
- (b) the estimated total harvest;
- (c) the quantity intended for processing;
- (d) the producer organisation's average yields per hectare and the average percentage of this quantity sent for processing during the previous two marketing years.

2. The information referred to in paragraph 1 shall be provided by the producer organisations or individual producers concerned to the producer organisation signing the contract, which shall forward it to the body designated by the Member State, where the producer organisation signing the contract:

- (a) markets quantities intended for processing produced by members of other producer organisations under the second and third indents of Article 11(1)(c)(3) of Regulation (EC) No 2200/96; and/or
- (b) passes on the benefit of the aid scheme to individual producers under Article 4(1) of Regulation (EC) No 2202/96.

3. To qualify for the aids, producer organisations and individual producers as referred to in paragraph 2 shall sign agreements with the producer organisation signing the contract.

Such agreements shall cover all citrus fruit production delivered for processing by the said producer organisations and individual producers concerned and must specify at least the following:

- (a) the number of marketing years covered by the agreement;
- (b) the quantities to be delivered for processing, broken down by producer and product and based on a delivery schedule as referred to in Article 3(3)(d);
- (c) the consequences of failure to comply with the agreement.

The Member States may adopt additional provisions covering the agreements referred to in the first subparagraph, in particular as regards compensation payable by producer organisations or individual producers failing to fulfil their contractual obligations.

4. The information referred to in paragraphs 1 and 2, together with a copy of the agreements referred to in paragraph 3 shall be sent to the body referred to in paragraph 1 within 30 days of the start of the marketing year in question.

5. Where a producer joins a producer organisation after the dates referred to in paragraph 4, the information referred to in paragraphs 1 and 2 and, where appropriate, the agreements referred to in paragraph 3 which relate to this new member shall be sent to the body referred to in paragraph 1 no later than 30 days from the date on which his membership takes effect.

6. For the purposes of Article 4(a) and paragraph 1(a) of this Article:

- the parcel identification system shall be that used for the integrated system referred to in Article 4 of Regulation (EEC) No 3508/92. The areas are to be declared in hectares to two decimal places. Article 6(7) of Regulation (EEC) No 3887/92 shall apply for the purposes of determining the area of parcels during on-the-spot checks as provided for in Article 19(1)(a),
- the name and address of each producer may be replaced by any other information required by national legislation to allow the producer to be determined unequivocally to the satisfaction of the competent authorities.

CHAPTER IV

RAW MATERIALS

Article 9

Products delivered by the producer organisations to the processors under a contract must satisfy the minimum requirements laid down in the Annex hereto.

Article 10

1. No later than 18.00 on the preceding working day, the producer organisation shall notify each delivery to the body designated by the Member State where its head office is situated and, where applicable, to the body designated by the Member State where processing is carried out. This notification shall include the quantity to be delivered, a precise identification of the means of transport used and the identification number of the contract relating to the delivery in question. It shall be sent electronically or via computer and the body to which it is addressed shall keep a written record of it for at least three years.

The competent body may ask for any additional information it considers necessary for a physical check on the deliveries.

Should the data in the first subparagraph be amended after they have been notified, the amended data must be notified in the same way as the initial notification, before delivery commences. The initial notification may be amended only once.

2. A delivery certificate shall be issued for each product lot delivered under contract and accepted for processing at the processing plant, specifying:

- (a) the date and time of unloading;
- (b) the precise identification of the means of transport used;
- (c) the identification number of the contract to which the consignment relates;
- (d) the gross weight and net weight;
- (e) where applicable, the rate of reduction calculated on the basis of the minimum quality criteria laid down in the Annex.

Delivery certificates shall be prepared in quadruplicate. They shall be signed by the processor or its representative and by the producer organisation or its representative. Signatures shall be preceded by the handwritten words 'Agreed by'. Each certificate shall bear an identification number.

Processors and producer organisations shall both keep a copy of delivery certificates. For inspection purposes, the producer organisation shall send a copy to the bodies referred to in paragraph 1 no later than the fifth working day after the week of delivery.

3. Where all or part of a lot belongs to producers as referred to in Article 8(2)(a) or (b), the contracting producer organisation shall forward a copy of the certificate provided for in paragraph 2 to each producer organisation and individual producer concerned.

4. For each quarter from the start of the marketing year, no later than the tenth day of the following month the producer organisation shall notify the body designated by the Member State where its head office is situated and, where applicable, the body designated by the Member State where processing is

carried out, of the quantities delivered, by lot and by product. Quantities delivered under contract shall be broken down by contract and on the basis of the corresponding amount of aid.

5. The documents required under national law may be used for the purposes of this Article, provided they contain all the information referred to paragraph 2.

Article 11

1. For each quarter from the start of the marketing year, no later than the tenth day of the following month processors who conclude contracts with producer organisations shall send the body designated by the Member State where the head office of the producer organisation is situated and, where applicable, the body designated by the Member State where processing is carried out, the following information, broken down by product.

- (a) the quantity of product received for each lot and for each contract in question and the quantity of products received outside these contracts;
- (b) the quantities of juice obtained, broken down by Brix concentration, specifying the quantities obtained from lots delivered under contract;
- (c) the average weight of the yield in juice from the raw materials and the Brix concentration of this juice;
- (d) the quantities of segments obtained, specifying the quantities obtained from lots delivered under contract.

The quantities shall be expressed as net weight.

The notifications shall be signed by the processor, who shall certify their accuracy by doing so.

2. Within 45 days of completion of processing operations for the marketing year, the processors shall notify the body referred to in paragraph 1 of the following in respect of each product:

- (a) the quantities received, broken down by the resulting finished product;
- (b) the quantities received under contract, broken down by delivery period and type of contract (one-year or multi-annual);
- (c) the quantities received, broken down by the resulting finished product;
- (d) the quantity of finished products obtained from each of the quantities referred to in (a). In the case of juice, these quantities are to be broken down on the basis of their Brix concentration;
- (e) the quantity of finished products obtained from each of the quantities referred to in (c). In the case of juice, these quantities are to be broken down on the basis of their Brix concentration;

- (f) the quantities of each finished product in stock at the end of the processing operations for that marketing year.

The quantities shall be expressed as net weight.

CHAPTER V

AID APPLICATIONS

Article 12

1. Producer organisations shall submit their aid applications, per product and per marketing year, to the body designated by the Member State in which their head office is situated.

Such aid applications shall be submitted:

- (a) for quantities accepted for processing during the first half of the marketing year, no later than:
 - 31 December in the case of lemons,
 - 30 April in the case of other products;
- (b) for quantities accepted for processing during the second half of the marketing year, with the exception of mandarins and clementines, no later than:
 - 30 June of the following marketing year in the case of lemons,
 - 31 October of the following marketing year in the case of oranges, grapefruit and pomelos;
- (c) in the case of mandarins and clementines accepted for processing during the third quarter of the marketing year, no later than 31 July.

2. In exceptional and duly justified cases, the Member States may accept aid applications after the deadlines laid down in paragraph 1, provided that this does not have an adverse effect on control of the production aid scheme.

3. If aid applications are submitted after the deadlines laid down in paragraph 1, the aid shall be reduced by 1 % per day of delay. No aid shall be granted if the delay exceeds fifteen days. These provisions shall not be applicable where paragraph 2 is applied.

4. In the case of clementines, separate aid applications must be prepared for the two possible uses: juice or segments.

Article 13

1. Each aid application as referred to in Article 12 must include the following information:

- (a) the name and address of the producer organisation;
- (b) the quantity covered by the aid application. That quantity, broken down by contract and on the basis of the corresponding amount of aid, may not exceed the quantity accepted for processing, after deduction of any reduction rates applied;

- (c) the average selling price for the quantity delivered under contract;

- (d) the quantity delivered during the same period otherwise than under contract, and its average selling price.

2. The aid shall be paid by the competent body in the Member State in which the producer organisation signing the contract has its head office as soon as that body has undertaken the checks provided for in Article 19(1)(a) and checked that the aid application tallies with the delivery certificates referred to in Article 10(2) for the product in question.

Where processing takes place in another Member State, that Member State shall provide the Member State where the head office of the producer organisation signing the contract is situated with proof that the product has in fact been delivered and accepted for processing.

Aid shall not be granted if the proof referred to in the preceding subparagraph is not provided, nor shall aid be granted on quantities in respect of which the checks referred to in the first subparagraph have not been conducted.

Article 14

The aid shall be paid to producer organisations:

- (a) for quantities accepted for processing during the first half of the marketing year, no later than:
 - 28 or 29 February in the case of lemons,
 - 30 June in the case of other products;
- (b) for quantities accepted for processing during the second half of the marketing year, with the exception of mandarins and clementines, no later than:
 - 31 August of the following marketing year in the case of lemons,
 - 31 December of the following marketing year in the case of oranges, grapefruit and pomelos.
- (c) in the case of mandarins and clementines accepted for processing during the third quarter of the marketing year, no later than 30 September.

Article 15

Within 15 working days following receipt of the aid, the producer organisation shall pay in full the amounts received, by bank or postal transfer, to its members and, where applicable, to producers as referred to in Article 8(2)(a) and (b). In cases covered by Article 3(1)(b), payment may be made by opening a credit line.

Where a producer organisation is wholly or partly made up of members which are themselves organisations with legal personality made up of producers, payments as provided for in the first subparagraph shall be paid on by those member organisations to the producers within 15 working days.

CHAPTER VI

CHECKS AND PENALTIES

Article 16

1. Without prejudice to Title VI of Regulation (EC) No 2200/96, Member States shall take the necessary steps:

- (a) to ensure that this Regulation is complied with;
 - (b) to prevent and prosecute irregularities and apply the penalties provided for in this Regulation;
 - (c) to recover sums lost as a result of irregularities or negligence;
 - (d) to verify the records provided for in Articles 17 and 18, ensuring that they tally with the accounting required of producer organisations and processors under national law;
 - (e) to carry out unannounced checks as referred to in Article 19 during the appropriate periods.
2. The Member States must programme their tally checks on the basis of a risk analysis that considers, among other things:
- (a) the findings of checks conducted in earlier years;
 - (b) developments since the year before;
 - (c) the raw material yield by homogeneous production zone;
 - (d) the ratio of the quantities delivered to the estimated total harvest;
 - (e) the yield of the raw material in terms of finished product.
- The risk analysis criteria shall be regularly updated.

3. Where irregularities or anomalies are found, the Member States shall increase the frequency and percentage of checks as referred to in Article 19, having regard to the seriousness of the findings.

Article 17

1. Producer organisations delivering products for processing shall keep a record of each product delivered. These records shall include the following information:

- (a) in the case of quantities delivered under multiannual contracts:
 - (i) the lots delivered each day, and the identification number of the contract to which they relate;
 - (ii) the net weight of each lot delivered and accepted for processing, minus any reduction, and the identification number of the relevant delivery certificate;

(b) in the case of quantities delivered under one-year contracts:

- (i) the lots delivered each day, and the identification number of the contract to which they relate;
- (ii) the net weight of each lot delivered and accepted for processing, minus any reduction, and the identification number of the relevant delivery certificate;
- (iii) the total quantity delivered each day, broken down on the basis of the applicable aid;

(c) in the case of quantities delivered otherwise than under contract:

- (i) the lots delivered each day, and the name and address of the processor;
- (ii) the net weight of each lot delivered and accepted for processing.

2. Producer organisations and the producers referred to in Article 8(2) shall keep available for the national inspection authorities all the information needed for checking compliance with this Regulation.

In the case of each basic product, that information must make it possible to establish, for each producer covered by a contract, whether the areas, the total harvest, the total quantities delivered to the producer organisation and the quantities delivered for processing tally with the aid payments.

Producer organisations and the producers referred to in Article 8(2) shall submit to all inspections and checks deemed necessary by the competent authorities and shall keep all additional records required by those authorities for the purposes of the checks deemed necessary.

3. The Member States may decide what material or computerised form the records provided for in paragraphs 1 and 2 shall take.

The records or accounting documents required under national law may be used for the purposes of this Article, provided they contain all the information referred to in paragraph 1.

Article 18

1. Processors shall keep a record of each product purchased. These records shall include the following information:

- (a) in the case of quantities purchased from producer organisations under contract:
 - (i) the lots received each day, and the identification number of the contract to which they relate;
 - (ii) the net weight of each lot received and accepted for processing, the identification number of the relevant delivery certificate and the precise identification of the means of transport used;

- (b) in the case of the other quantities purchased:
- (i) the lots received each day, and the name and address of the seller;
 - (ii) the net weight of each lot received;
- (c) the quantities of juice obtained each day, broken down by Brix concentration, specifying the quantities obtained from lots delivered under contract;
- (d) the quantities of segments obtained each day, specifying the quantities obtained from lots delivered under contract;
- (e) the quantities and prices of finished products bought by the processor each day, with the name and address of the seller indicated. In the case of juice, these quantities shall be broken down on the basis of their Brix concentration;
- (f) the quantities and prices of each finished product leaving the processor's premises each day, giving the name and address of the consignee. In the case of juice, these quantities shall be broken down on the basis of their Brix concentration; this information may be recorded by reference to supporting documents held elsewhere, provided they contain the abovementioned particulars;
- (g) the quantities of each finished product in stock at the end of the marketing year. In the case of juice, these quantities are to be broken down on the basis of their Brix concentration.

The quantities shall be expressed as net weight.

2. Processors shall keep proof of payment for all raw materials purchased under contract or a written amendment thereto for five years from the end of the processing year concerned. Processors shall also keep proof of any purchases or sales of processed juice for five years.

Processors shall update daily their juice and/or segment records for each plant.

3. Processors shall submit to all inspections and checks deemed necessary by the competent authorities and shall keep all additional records required by those authorities for the purposes of the checks deemed necessary.

4. The Member States may decide what material or computerised form the records provided for in paragraphs 1 and 3 shall take.

The records or accounting documents required under national law may be used for the purposes of this Article, provided they contain all the information referred to in paragraph 1.

Article 19

1. For each producer organisation, finished product and marketing year:

- (a) physical checks shall be conducted on at least:
- 5 % of the areas referred to in Articles 4 and 8(1) and (2),
 - 20 % of the quantities delivered for processing under each contract, in order to check that they tally with the delivery certificates referred to in Article 10(2) and comply with the minimum quality requirements referred to in Article 9;
- (b) administrative and accounting checks shall be conducted on at least:
- 5 % of producers covered by contracts, in order to check in particular that for each producer the areas, the total harvest, the quantity delivered to the producer organisation and the quantity delivered for processing all tally with the aid payments provided for in Article 15,
 - 10 % of the agreements referred to in Article 8(3);
- (c) administrative and accounting checks shall be conducted to verify that the quantities of products delivered to the producer organisation by the producers referred to in Article 8(1) and (2), the quantities delivered for processing, the delivery certificates referred to in Article 10, and the quantities stated in the applications for aid all tally with the aid paid under Article 15;
- (d) administrative checks shall be conducted on all aid applications as referred to in Article 12.

2. For each processor, plant, product received and marketing year:

- (a) physical checks shall be conducted on at least:
- 10 % of the finished products obtained, in order to verify the yield of raw material under contract and otherwise;
- (b) administrative and accounting checks shall be conducted on at least:
- 5 % of the lots received under each type of contract (one-year or multiannual); they shall involve the real link with a contract, the delivery certificates referred to in Article 10(2), the precise identification of the means of transport used and compliance with the minimum requirements laid down in Article 9,
 - 10 % of the price transfers referred to in Article 3(3)(f);
- (c) physical and accounting checks shall be conducted on stocks and, at least twice a year, shall cover all stocks of finished products to ensure that they tally with the finished products manufactured, purchased and sold.

Furthermore, tally checks shall be conducted to ensure that:

- (a) the purchase and sales invoices for juice tally; and
- (b) the quantities of raw materials received by the industry, the quantities of juice produced, the quantities of juice purchased and the quantities of juice sold or in stock.

Article 20

1. Where it is ascertained, for a given product, that the aid applied for in respect of any marketing year exceeds the amount due, then that amount shall be reduced, unless the difference is clearly due to error. The reduction shall be equal to the difference. If the aid has already been paid, the beneficiary shall pay back twice the difference, plus interest calculated on the time elapsing between payment and reimbursement by the beneficiary.

The interest rate shall be that applied by the European Central Bank to its main refinancing operations, as published in the C series of the *Official Journal of the European Communities*, in force on the date of the undue payment, plus three percentage points.

2. If the difference referred to in paragraph 1 is more than 20 %, the beneficiary shall lose all entitlement to the aid and, if the aid has already been paid, reimburse the total aid, plus interest calculated in accordance with paragraph 1.

If the difference is more than 30 %, the producer organisation shall also be excluded from the aid scheme for the product concerned for the following three marketing years.

3. Amounts recovered and interest due shall be paid to the competent paying agency and deducted from expenditure financed by the European Agricultural Guidance and Guarantee Fund.

4. The Member States shall take the necessary measures to ensure that the provisions on aid payments are complied with, in accordance with Article 15. They shall provide in particular for penalties commensurate with the seriousness of any irregularity to be imposed on the officers of the producer organisation.

5. Except in cases of force majeure, if the quantity delivered of a product under a multiannual contract for a marketing year is found to be less than the minimum quantity laid down in Article 3(6), the corresponding aid shall be reduced by 50 % for the marketing year in question. If the aid has already been paid, the beneficiary shall pay back the difference between the aid paid and the aid due, plus interest calculated in accordance with paragraph 1.

Where three multiannual contracts or more at the same time are affected by a failure to deliver the minimum quantity for a marketing year, the producer organisation in question shall be barred from signing further multiannual contracts from the time such failure is noted. The Member State shall determine the duration of such a bar, based on the seriousness of the failure. The bar shall last for at least two marketing years. The first subparagraph shall apply to every contract.

6. Except in cases of force majeure, if the quantities accepted for processing during a marketing year under each contract referred to in Article 3(2)(a) and (b) are found to be less than the quantities contracted for in respect of that marketing year, including any amendments thereto, the corresponding aid shall be reduced by:

- 20 %, if the discrepancy between the quantities accepted for processing and the quantities contracted for is equal to or more than 20 % but less than 30 % of the quantities contracted for,
- 30 %, if the discrepancy between the quantities accepted for processing and the quantities contracted for is equal to or more than 30 % but less than 40 % of the quantities contracted for,
- 40 %, if the discrepancy between the quantities accepted for processing and the quantities contracted for is equal to or more than 40 % but less than 50 % of the quantities contracted for.

No aid shall be granted if the discrepancy between the quantities accepted for processing and the quantities contracted for is equal to or more than 50 % of the quantities contracted for.

If the aid has already been paid, the producer organisation shall pay back the difference between the aid paid and the aid due, plus interest calculated in accordance with paragraph 1.

In the case of multiannual contracts, where it is possible to apply paragraphs 5 and 6 simultaneously, the higher penalty shall be imposed.

7. If it is found that a processing contract has been totally or partially cancelled before its full term, the producer organisation that signed the contract shall reimburse 40 % of the aid received under that contract, plus interest calculated in accordance with the second subparagraph of paragraph 1.

In addition, in the case of multiannual contracts:

- a producer organisation that has cancelled all or part of two contracts or more in the same marketing year may not conclude any further multiannual contract under Regulation (EC) No 2202/96 for three marketing years from the date on which the competent body in the Member State concerned becomes aware of the cancellation,
- except in the case of bankruptcy of the processor, failure to deliver a product for one of the marketing years under contract shall be considered a cancellation of the contract in question.

8. If the area checks referred to in Article 19(1)(a) show a discrepancy between the area declared and that actually determined, at the level of the total area checked, the aid payable to the producer organisation shall be reduced, unless the discrepancy is clearly due to error:

- by the percentage of the discrepancy established, if it is more than 5 % but not more than 20 % of the area actually determined,
- by 30 % if the discrepancy is more than 20 % of the area determined.

The aid reduction thus calculated shall be halved where the area declared is less than the area determined.

9. Where a producer organisation commits a subsequent irregularity, the Member State shall withdraw that organisation's recognition, or preliminary recognition in the case of a producer group granted preliminary recognition.

Article 21

1. Except in cases of force majeure, where it is found that the full quantity of a product accepted for processing under contract has not been processed into one of the products listed in Article 1 of Regulation (EC) No 2202/96, the processor shall pay an amount equal to twice the unit amount of the aid, multiplied by the quantity of the raw material concerned which has not been processed, plus interest calculated in accordance with Article 20(1).

Furthermore, the processor shall not sign new contracts:

- for the marketing year following the finding, if the difference referred to in the first subparagraph is 10 % or less,
- for two marketing years following the finding, if the difference is more than 10 % but no more than 20 %,
- for three marketing years following the finding if the difference is more than 20 %.

2. In addition, the Member States shall exclude the processor from the aid scheme provided for in Regulation (EC) No 2202/96:

- where the producer organisation makes false declarations with the collaboration of the processor,
- where the processor fails to pay the price referred to in Article 3(3)(f),
- where the processor fails to pay the penalties provided for in paragraph 1.

The Member State shall decide on the length of time for which the processor may not take part in the processing scheme, having regard to the seriousness of the case.

3. Amounts recovered and interest due shall be paid to the competent paying agency and deducted from expenditure financed by the European Agricultural Guidance and Guarantee Fund.

Article 22

1. Compliance with national and Community thresholds shall be ascertained on the basis of the quantities delivered for processing under Regulation (EC) No 2202/96 in each of the Member States in question.

2. The Member States shall take the measures required to ensure reciprocal administrative cooperation with a view to ensuring that this Regulation is properly applied.

CHAPTER VII

NOTIFICATIONS TO THE COMMISSION

Article 23

1. Each Member State shall notify to the Commission:

- (a) before the beginning of each marketing year, if it has had recourse to Article 5(3) of Regulation (EC) No 2202/96 and the quantities of each of the subthresholds concerned;

- (b) the quantity of each product contracted for in the current marketing year, broken down by type of contract:

- (i) no later than 15 August in the case of lemons;
- (ii) no later than 15 December in the case of the other products;

- (c) the quantity of each product delivered for processing under Regulation (EC) No 2202/96 in the periods referred to in Article 2(3):

- (i) no later than 1 April of the current marketing year in the case of lemons;
- (ii) no later than 1 August of the current marketing year in the case of the other products.

In the case of clementines, this quantity shall be broken down into products delivered for processing into segments on the one hand and into juice on the other.

- 2. No later than 1 January of the following marketing year, each Member State concerned shall notify to the Commission:

- (a) the quantities of each product received by the processors, broken down by the resulting finished product;
- (b) the quantities of each product received by the processors under contract, broken down by type of contract (one-year or multiannual);
- (c) the quantities of each product received by the processors under contract, broken down by the resulting finished product;
- (d) the quantity of finished products obtained from each of the quantities referred to in (a). In the case of juice, these quantities shall be broken down on the basis of their Brix concentration;
- (e) the quantity of finished products obtained from each of the quantities referred to in (c). In the case of juice, these quantities shall be broken down on the basis of their Brix concentration;
- (f) the quantities of each finished product in stock at the end of the processing operations for that marketing year;
- (g) the quantities of each product contracted for and delivered by type of contract (one-year or multiannual);
- (h) the quantities of each product delivered, broken down on the basis of the corresponding amount of aid;
- (i) the expenditure, expressed in national currency, on aid paid to the producer organisations for each product.

The quantities shall be expressed as net weight.

- 3. No later than 1 January of the following marketing year, a report on the checks made during the preceding marketing year, specifying the number of checks and the results, broken down by type of finding, shall be prepared for each product.

CHAPTER VIII

TRANSITIONAL AND FINAL PROVISIONS

Article 24

Notwithstanding Article 8(6), for the 2001/02 marketing year parcel references shall be the cadastral references or any other references recognised as equivalent by the inspection body.

Article 25

Regulation (EEC) No 1169/97 is hereby repealed with effect from the end of the 2000/01 marketing year for each of the products concerned.

Article 26

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

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

Done at Brussels, 30 May 2001.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

MINIMUM REQUIREMENTS REFERRED TO IN ARTICLE 9

Products delivered for processing must:

1. be whole, of sound, genuine and merchantable quality and suitable for processing. Products affected by rot are excluded;
2. comply with the following minimum values:
 - (a) Products for processing into juice

	Yield in juice	Degrees Brix ⁽¹⁾
Oranges	30 %	10°
Mandarins	23 %	9°
Clementines	25 %	10°
Grapefruit and pomelos	22 %	8°
Lemons	20 %	7°

⁽¹⁾ Refractometric method.

- (b) Products for processing into segments

	Yield in juice	Degrees Brix ⁽¹⁾
Clementines	33 %	10°
Satsumas	33 %	10°

⁽¹⁾ Refractometric method.

For processing into segments, clementines and satsumas must be at least 45 mm in size.

COMMISSION REGULATION (EC) No 1093/2001**of 1 June 2001****amending Regulation (EC) No 245/2001 laying down detailed rules for the application of Council Regulation (EC) No 1673/2000 on the common organisation of the markets in flax and hemp grown for fibre**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EC) No 1673/2000 of 27 July 2000 on the common organisation of the markets in flax and hemp grown for fibre ⁽¹⁾, and in particular Articles 9 and 14 thereof,

Regulation (EC) No 245/2001 is amended as follows:

Whereas:

1. In Article 6(2)(e), the words 'and processing contracts' are inserted after the word 'straw'.

2. Article 15(1)(c) is replaced by the following text:

(1) With a view to clarifying certain provisions of Commission Regulation (EC) No 245/2001 ⁽²⁾ laying down detailed rules for the application of Council Regulation (EC) No 1673/2000, a number of amendments need to be made to the text of the Regulation.

'(c) for each marketing year, a summary statement of the quantities of long flax fibre, short flax fibre and hemp fibre obtained from straw of Community origin in storage at the end of the period concerned.'

(2) Article 5 of Regulation (EC) No 1673/2000 lays down certain provisions in order to prevent illicit hemp crops from disturbing the market in hemp for fibre. The Article thus provides for the issue of a licence for imported hemp and the establishment of a system of checks on imported raw hemp and hemp seed and restricts the import of hemp seed other than for sowing to authorised importers. A standard licence establishing the compliance of imported hemp with the conditions laid down should therefore be provided for. The establishment by the Member States concerned of a system of checks on imported hemp and arrangements for the authorisation of importers of hemp seed other than for sowing should also be provided for. Provisions should also be laid down to cover trade between the Member States in such seed.

3. The following Article 17a is added:

*'Article 17a***Imported hemp**

1. The licence referred to in the first subparagraph of Article 5(2) of Regulation (EC) No 1673/2000 shall be drawn up in accordance with the model given in the Annex hereto. The licence shall be issued only where it has been proven to the satisfaction of the importer Member State that all the conditions laid down have been fulfilled.

Without prejudice to paragraph 2, the Member States concerned shall lay down the conditions to be fulfilled by the licence application and the issue and use of the licence. However, boxes 1, 2, 4, 14, 15, 16, 17, 18, 20, 24 and 25 of the licence form must be filled in.

The system of checks referred to in the second subparagraph of Article 5(2) of Regulation (EC) No 1673/2000 shall be established by each Member State concerned.

(3) To allow Member States and operators to adjust to the new provisions relating to imports of hemp, provision should be made for them to apply from 1 November 2001. The control measures in force before that date must therefore remain applicable until 31 October 2001.

2. For the purposes of the third indent of Article 5(2) of Regulation (EC) No 1673/2000, the Member States concerned shall establish arrangements for the authorisation of importers of hemp seed other than for sowing. Those arrangements shall include the definition of the conditions for authorisation, checks and the penalties to be applied in cases of irregularity.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Flax and Hemp,

⁽¹⁾ OJ L 193, 29.7.2000, p. 16.

⁽²⁾ OJ L 35, 6.2.2001, p. 18.

In the case of imports of hemp seed as referred to in the first subparagraph, the licence referred to in paragraph 1 shall be issued only where the authorised importer undertakes that the competent authorities will be presented, within the time limits and under the conditions defined by the Member State, with documents attesting that the hemp seed covered by the licence has undergone, within a period of less than 12 months from the date on which the licence is issued, one of the following operations:

- rendering unusable for sowing,
- mixing with seed other than hemp seed for the purposes of animal nutrition, with hemp seed accounting for a maximum of 15 % of the total mixture and, in exceptional cases, a maximum of 25 % at the request of the authorised importer accompanied by justification,
- re-export to a non-Community country.

However, if part of the hemp seed covered by the licence has not undergone one of the operations referred to in the previous subparagraph within the time limit of 12 months, the Member State may, at the request of the authorised importer accompanied by justification, extend that time limit by one or two periods of six months.

The attestations referred to in the second subparagraph shall be drawn up by the operators who have carried out the operations and shall comprise at least the following information:

- the name, full address, Member State and signature of the operator,
- a description of the operation carried out meeting the conditions laid down in the second subparagraph and the date on which it was carried out,
- the quantity in kilograms of hemp seed to which the operation related.

3. On the basis of a risk analysis, each Member State concerned shall carry out checks on the accuracy of the attestations relating to the operations referred to in the

second subparagraph of paragraph 2 carried out on their territory.

Where appropriate, the importer Member State shall send the Member State concerned copies of the attestations concerning the operations carried out on the latter's territory and submitted by authorised importers. Where irregularities are discovered during the checks referred to in the first subparagraph, the Member State concerned shall inform the competent authority of the importer Member State.

4. Member States shall notify the Commission of the provisions adopted for the application of paragraphs 1 and 2.

No later than 31 January each year the Member States shall notify the Commission of the penalties imposed or steps taken as a result of irregularities discovered during the preceding marketing year.

The Member States shall send the Commission, which shall forward them to the other Member States, the names and addresses of the authorities responsible for issuing licences and for the checks referred to in this Article.'

4. The third paragraph of Article 19 is replaced by the following text:

'Regulations (EEC) No 1523/71, (EEC) No 1164/89, (EEC) No 1784/93 and (EC) No 452/1999 shall continue to apply for the 1998/99, 1999/2000 and 2000/01 marketing years.'

Article 2

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

It shall apply from the 2001/02 marketing year. However, Article 1(3) shall apply only with effect from 1 November 2001 and the national control measures in force on 30 June 2001 shall apply to imports of hemp effected up to 31 October 2001.

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

Done at Brussels, 1 June 2001.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

LICENCE FOR THE IMPORT OF HEMP (conformity of hemp with Article 5 of Regulation (EC) No 1673/2000)

1	1. Agency issuing the licence (name and address)		2. Issuing agency's embossment and perforation ⁽¹⁾		No			
	4. Issued to (name, full address and Member State) ☐		5.					
6.		3.						
		7. Exporting country						
		8. Country of origin						
		10.						
		11.						
		12. LAST DAY OF VALIDITY						
1		13. PRODUCT TO BE IMPORTED						
		14. Trade denomination						
15. Description in accordance with the Combined Nomenclature (CN) (Tick the relevant box)			16. CN code (Tick the relevant box)					
☐ Hemp seeds for sowing ☐ Hemp seeds other than for sowing ☐ True hemp, raw or retted			☐ ex 1207 99 10 ☐ 1207 99 91 ☐ 5302 10 00					
17. Quantity ⁽²⁾ in figures		18. Quantity ⁽²⁾ in words		19. Tolerance % more				
20. Variety of hemp (in the case of seeds for sowing)								
24. Special conditions (Tick the relevant box)								
☐ Hemp seeds for sowing falling within CN code 1207 99 10 are accompanied by proof that the tetrahydrocannabinol content of the variety concerned does not exceed that laid down in accordance with Article 5a of Regulation (EC) No 1251/1999 ☐ Hemp seeds other than for sowing falling within CN code 1207 99 91 are imported by an importer approved by the authorities of the Member State ☐ Raw hemp falling within CN code 5302 10 00 fulfils the conditions laid down in Article 5a of Regulation (EC) No 1251/1999								
25. Issued at:			26. Term of validity extended until					
on under No Signature and stamp of issuing agency:			for ⁽²⁾ : inclusive At , on Signature and stamp of agency issuing the licence:					

²¹⁾ To be completed if the signature and the stamp do not appear in box 25.
²²⁾ Net mass or other measurement, indicating unit.

LICENCE FOR THE IMPORT OF HEMP (conformity of hemp with Article 5 of Regulation (EC) No 1673/2000)

2	1. Agency issuing the licence (name and address)		2. Issuing agency's embossment and perforation ⁽¹⁾		No	
			3.			
	4. Issued to (name, full address and Member State) ☐		5.			
	6.		7. Exporting country			
			8. Country of origin			
10.						
		11.				
		12. LAST DAY OF VALIDITY				
		13. PRODUCT TO BE IMPORTED				
14. Trade denomination						
15. Description in accordance with the Combined Nomenclature (CN) (Tick the relevant box)				16. CN code (Tick the relevant box)		
☐ Hemp seeds for sowing ☐ Hemp seeds other than for sowing ☐ True hemp, raw or retted				☐ ex 1207 99 10 ☐ 1207 99 91 ☐ 5302 10 00		
17. Quantity ⁽²⁾ in figures		18. Quantity ⁽²⁾ in words			19. Tolerance % more	
20. Variety of hemp (in the case of seeds for sowing)						
24. Special conditions (Tick the relevant box)						
☐ Hemp seeds for sowing falling within CN code 1207 99 10 are accompanied by proof that the tetrahydrocannabinol content of the variety concerned does not exceed that laid down in accordance with Article 5a of Regulation (EC) No 1251/1999 ☐ Hemp seeds other than for sowing falling within CN code 1207 99 91 are imported by an importer approved by the authorities of the Member State ☐ Raw hemp falling within CN code 5302 10 00 fulfils the conditions laid down in Article 5a of Regulation (EC) No 1251/1999						
25. Issued at:				26. Term of validity extended until		
on under No				inclusive		
Signature and stamp of issuing agency:				for ⁽²⁾ : At , on		
				Signature and stamp of agency issuing the licence:		

⁽¹⁾ To be completed if the signature and the stamp do not appear in box 25.
⁽²⁾ Net mass or other measurement, indicating unit.

COMMISSION REGULATION (EC) No 1094/2001**of 5 June 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 6 June 2001.

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

Done at Brussels, 5 June 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 5 June 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	70,0
	999	70,0
0707 00 05	052	75,8
	628	106,1
	999	90,9
0709 90 70	052	79,9
	999	79,9
0805 30 10	388	59,7
	999	59,7
0808 10 20, 0808 10 50, 0808 10 90	388	88,2
	400	101,8
	508	74,9
	512	94,6
	524	75,0
	528	81,5
	720	147,1
	804	96,6
	999	95,0
	052	172,9
0809 10 00	999	172,9
	052	379,0
0809 20 95	068	264,1
	400	299,0
	608	244,3
	999	296,6

⁽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 1095/2001**of 5 June 2001****opening and providing for the administration of an import tariff quota for young male bovine animals for fattening (1 July 2001 to 30 June 2002)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, and in particular Article 32(1) thereof,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in schedule CXL drawn up in the wake of the conclusion of the GATT XIV(6) negotiations ⁽²⁾, and in particular Article 1(1) thereof,

Whereas:

- (1) Under schedule CXL the Community undertook to open an annual import tariff quota for 1 690 000 head of young male bovine animals for fattening. The rules for applying that quota for the period 1 July 2001 to 30 June 2002 should be laid down.
- (2) There should be a guarantee in particular of equal and continuing access to the said quota for all interested traders within the Community and of uninterrupted application of the customs duties laid down for the quota to all imports of the animals in question until the quota is used up.
- (3) The requirements of certain Member States which have a shortfall of bovine animals for fattening should be taken into account. As those requirements are particularly evident in Italy and Greece, priority must be given to satisfying demand in those two Member States.
- (4) For the allocation of the quota the method provided for in the third indent of Article 32(2) of Regulation (EC) No 1254/1999 should be applied to the quantities allocated to Italy and Greece, avoiding any discrimination between the traders concerned. Access to the quota should therefore be widened to include 'new arrivals'.
- (5) Checks of these criteria call for applications to be submitted in the Member State where the trader is entered in the value added tax (VAT) register. Italy and

Greece are an exception to this rule: traders entered in the VAT register of another Member State may submit their applications in these two countries.

- (6) In order to prevent speculation:
 - traders no longer involved in trade in live bovine animals at 1 June 2001 should be denied access to the quota,
 - a security should be fixed for import rights,
 - licences should not be transferable,
 - import licences should be issued to traders solely for the quantities for which they have been allocated import rights.
- (7) To oblige traders to apply for import licences for all import rights allocated, it should be established that this obligation is a primary requirement within the meaning of Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products ⁽³⁾, as last amended by Regulation (EC) No 1932/1999 ⁽⁴⁾.
- (8) With a view to using up quota quantities completely, a closing date should be set for the submission of import licence applications and provision should be made for a further allocation of quantities not covered by licence applications submitted by that date. In the light of experience it should also be laid down that this final allocation is open only to importers who have applied for import licences for the total quantity to which they are entitled.
- (9) Provision should be made for the arrangements to be managed using import licences. To that end rules should be laid down in particular on the way applications are to be submitted and the information to be shown in applications and licences, where applicable by waiving or supplementing certain provisions of Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for certain agricultural products ⁽⁵⁾ and of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80 ⁽⁶⁾, as last amended by Regulation (EC) No 24/2001 ⁽⁷⁾.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 146, 20.6.1996, p. 1.

⁽³⁾ OJ L 205, 3.8.1985, p. 5.

⁽⁴⁾ OJ L 240, 10.9.1999, p. 11.

⁽⁵⁾ OJ L 152, 24.6.2000, p. 1.

⁽⁶⁾ OJ L 143, 27.6.1995, p. 35.

⁽⁷⁾ OJ L 3, 6.1.2001, p. 9.

- (10) The application of this tariff quota requires effective checks on the specific destination of imports. The animals must accordingly be fattened in the Member State which issues the import licence.
- (11) A security must be lodged to ensure that the animals are fattened for at least 120 days in designated production units. The amount of the security should cover the difference between the common customs tariff (CCT) duty and the reduced duty applicable on the date of release for free circulation of the animals in question.
- (12) The Management Committee for Beef and Veal has not delivered an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. A tariff quota for 169 000 young male bovine animals covered by CN codes 0102 90 05, 0102 90 29 or 0102 90 49 and intended for fattening in the Community is hereby opened for the period 1 July 2001 to 30 June 2002.

The serial number of the quota shall be 09.4005.

2. The customs import duty applicable under the tariff quota referred to in paragraph 1 shall be 16 % *ad valorem* plus EUR 582 per tonne net.

That rate of duty shall apply on condition that the imported animals are fattened in the Member State of import for at least 120 days.

Article 2

1. Import rights for the quantity referred to in Article 1(1) shall be allocated to the Member States as follows:

- | | |
|-------------------------|---------------|
| a) Italy: | 127 500 head; |
| b) Greece: | 19 500 head; |
| c) other Member States: | 22 000 head. |

2. Within each of the quantities referred to in paragraph 1(a) and (b), import rights relating to:

- 70 % of the quantity shall be allocated upon application directly by the Member State concerned to importers who furnish proof of having imported animals under the Regulations referred to in Annex I; the number of head shall be allocated in proportion to the number of head imported under the Regulations in question,
- 30 % of the quantity shall be allocated upon application directly by the Member State concerned to traders who furnish proof that, in the period 1 July 1999 to 30 June 2000, they exported to and/or imported from third countries at least 75 live animals covered by CN code 0102 90,

excluding imports under the Regulations referred to in Annex I.

Traders must be entered in a national value added tax (VAT) register.

Applications for import rights shall be presented:

- in Italy for the quantities referred to in paragraph 1(a),
- in Greece for the quantities referred to in paragraph 1(b).

3. The quantities referred to in paragraph 1(c) shall be allocated upon application to traders who furnish proof that in the period from 1 July 1999 to 30 June 2000 they exported to and/or imported from third countries at least 75 live animals covered by CN code 0102 90.

Applications for import rights for the quantities referred to in the first subparagraph shall be presented in the Member State, other than Italy or Greece, where the applicant is entered in the national value added tax register.

4. The quantities referred to in the second indent of the first subparagraph of paragraph 2 and in paragraph 3 shall be allocated to eligible traders in proportion to the quantities applied for. No application shall be made for import rights for a number of head exceeding 10 % of that available.

5. Proof of import and/or export shall be provided solely by means of customs documents of release for free circulation or export documents.

Member States may accept copies of those documents duly certified by the competent authorities.

Article 3

1. Traders who are no longer engaged in trade in live bovine animals on 1 June 2001 shall not qualify under the arrangements provided for in this Regulation.

2. Companies arising from mergers where each constituent part has rights pursuant to the first indent of the first subparagraph of Article 2(2) shall enjoy the same rights as the companies from which they are formed.

Article 4

1. Where, under any one category referred to in Article 2(2) and (3); applicants submit more than one application, all such applications shall be rejected.

2. For the purposes of Article 2(2) and (3), applications accompanied by the necessary proofs must reach the competent authorities not later than 13 June 2001.

3. As regards applications under Article 2(2), after verification of the documents presented, Italy and Greece shall forward to the Commission by 4 July 2001 at the latest a list of applicants and quantities applied for using the forms set out in Annexes II and III.

4. As regards applications under Article 2(3), after verification of the documents presented, Member States shall forward to the Commission by 26 June 2001 at the latest a list of applicants and quantities applied for using the form set out in Annex II:

The Commission shall decide as soon as possible to what extent applications may be accepted. Where the quantities applied for exceed the quantities available, the Commission shall fix a single percentage reduction to be applied to the quantities applied for.

5. Where the allocation referred to in Article 2(4) results in fewer than 50 head being allocated per application, the allocation shall be made by the Member States concerned by drawing lots for batches of 50 head. Where the remainder is fewer than 50 head, that number shall constitute a single batch.

Article 5

1. A security for import rights is fixed at EUR 3 per head. It must be lodged with the competent authority together with the application for import rights.

2. Import licence applications must be submitted for the quantity allocated. This obligation is a primary requirement within the meaning of Article 20(2) of Regulation (EEC) No 2220/85.

3. Where the allocations for Italy and Greece referred to in Article 2(2) and that of the Commission under Article 4(4) result in import right applications exceeding the rights allocated, the security lodged shall be released for that overrun.

Article 6

1. Any import of animals for which import rights have been allocated shall be subject to presentation of an import licence.

2. Regulations (EC) No 1291/2000 and (EC) No 1445/95 shall apply, save as otherwise provided in this Regulation.

3. Licence applications may be lodged solely:

- in the Member State in which the application for import rights has been lodged, and
- by traders to whom import rights have been allocated in accordance with Articles 2 and 4. Import rights allocated to traders entitle them to import licences for quantities equivalent to the rights allocated.

4. Licences shall be issued up to 30 November 2001 for a maximum of 50 % of the allocated import rights. Import licences for the remaining quantities shall be issued from 1 December 2001.

5. Licence applications and licences shall show:

- (a) the country of origin in box 8;
- (b) one of the eligible CN codes in box 16;
- (c) the following endorsement in box 20:

'Live male bovine animals of a live weight not exceeding 300 kg per head (Regulation (EC) No 1095/2001).'

Article 7

1. Notwithstanding Article 9(1) of Regulation (EC) No 1291/2000, import licences issued pursuant to this Regulation shall not be transferable and shall only confer rights under the tariff quotas where they are made out in the names appearing in the accompanying declarations of release for free circulation.

2. Import licences shall be valid for 90 days from their date of issue within the meaning of Article 23(1) of Regulation (EC) No 1291/2000. However, no licences shall be valid after 30 June 2002.

3. Licences shall be valid throughout the Community.

4. Article 8(4) of Regulation (EC) No 1291/2000 shall not apply.

Article 8

1. At the time of import, the importer shall provide proof that he has:

- given a written undertaking to inform the competent authority of the Member State that issued the licence within one month of the farm or farms where the young bovine animals are to be fattened,
- lodged a security of an amount as laid down for each eligible CN code in Annex IV with the competent authority of the Member State that issued the licence guaranteeing that the animals imported will be fattened in that Member State for at least 120 days from the date of import.

2. The animals covered by this Regulation shall be fattened in the Member State that issues the import licence.

3. Except in cases of *force majeure*, the security referred to in the second indent of paragraph 1 shall be released only if proof is furnished to the competent authority of the Member State that issued the licence that the young bovine animals:

- (a) have been fattened on the farm or farms indicated pursuant to paragraph 1;
- (b) have not been slaughtered before a period of 120 days from the date of import has elapsed; or
- (c) have been slaughtered for health reasons or have died as a result of sickness or accident before that period has elapsed.

The security shall be released immediately after such proof has been furnished.

However, where the time limit referred to in the first indent of paragraph 1 has not been observed, the security to be released shall be reduced by:

- 15 %, and by
- 2 % of the remaining amount for each day by which it has been exceeded.

The amounts not released shall be forfeited and retained as customs duties.

4. If the proof referred to in paragraph 3 is not furnished within 180 days from the date of import, the security shall be forfeited and retained as customs duty.

However, if such proof is not furnished within 180 days but is produced within six months following the said period of 180 days, the amount forfeited, less 15 % of the security, shall be repaid.

Article 9

1. Quantities not covered by import licence applications at 22 February 2002 shall be the subject of a further allocation of import rights, irrespective of the allocation of import rights between Member States referred to in Article 2(1) and of the

two different schemes provided for in the first and second indents of Article 2(2).

2. To that end, by 1 March 2002 at the latest the Member States shall send the Commission details of quantities not covered by import licence applications received.

3. The Commission shall take a decision as quickly as possible as regards the quantities remaining.

4. The allocation of the quantities remaining shall be open to interested traders who have applied for import licences for all the quantities to which they are entitled.

Applications for import rights shall be presented in the Member State where the applicant is entered in the national value added tax register.

5. For the purposes of this Article, Articles 4 to 8 shall apply. However, the date of application mentioned in Article 4(2) shall be 22 March 2002 and the date of communication mentioned in Article 4(4) shall be 29 March 2002.

Article 10

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

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

Done at Brussels, 5 June 2001.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Regulations referred to in Article 2(2)

Commission Regulations:

- (EC) No 1376/97 (OJ L 189, 18.7.1997, p. 3),
- (EC) No 1043/98 (OJ L 149, 20.5.1998, p. 7),
- (EC) No 1431/1999 (OJ L 166, 1.7.1999, p. 49).

ANNEX II

Fax: (32 2) 296 60 27/(32 2) 295 36 13

Application of Article 4(3) and (4) of Regulation (EC) No 1095/2001

Serial No 09.4005

COMMISSION OF THE EUROPEAN COMMUNITIES

DG AGRI/D/2 — BEEF/VEAL SECTOR

Import rights application

Date: Period:

[illegible]

Member State: Fax

Telephone No:

(¹) Continuous numbering.

ANNEX III

Fax: (322) 296 60 27/(322) 295 36 13

Application of Article 4(3) of Regulation (EC) No 1095/2001

Serial No 09.4005

COMMISSION OF THE EUROPEAN COMMUNITIES

DG AGRI/D/2 — BEEF/VEAL SECTOR

Import rights application

Date: Period:

No of applicant (')	Applicant (name and address)	Quantity imported (head)			Total
		1376/97	1043/98	1431/1999	
Total					

Member State: Fax

Telephone No

(¹) Continuous numbering.

ANNEX IV

SECURITY AMOUNTS

Male bovine animals for fattening (CN code)	Amount per head (in EUR)
0102 90 05	28
0102 90 29	56
0102 90 49	105

COMMISSION REGULATION (EC) No 1096/2001**of 5 June 2001****amending Regulations (EC) No 1143/98, (EC) No 1081/1999, (EC) No 1128/1999 and (EC) No 1247/1999 in the beef and veal sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, and in particular Article 32(1) thereof,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV(6) negotiations ⁽²⁾, and in particular Article 1(1) thereof,

Whereas:

(1) The following Regulations lay down the rules for administering tariff quotas for live, bovine animals:

- Commission Regulation (EC) No 1143/98 of 2 June 1998 laying down detailed rules for a tariff quota for cows and heifers of specified mountain breeds originating in various third countries, other than for slaughter, and amending Regulation (EC) No 1012/98 ⁽³⁾, as amended by Regulation (EC) No 1081/1999 ⁽⁴⁾
- Commission Regulation (EC) No 1081/1999 of 26 May 1999 opening and providing for the administration of tariff quotas for imports of bulls, cows and heifers other than for slaughter of certain alpine and mountain breeds, repealing Regulation (EC) No 1012/98 and amending Regulation (EC) No 1143/98,
- Commission Regulation (EC) No 1128/1999 of 28 May 1999 laying down detailed rules of application for a tariff quota for calves weighing not more than 80 kilograms originating in certain third countries ⁽⁵⁾, as last amended by Regulation (EC) No 2857/2000 ⁽⁶⁾,
- Commission Regulation (EC) No 1247/1999 of 16 June 1999 laying down detailed rules for the application of a tariff quota for live bovine animals weighing from 80 to 300 kilograms and originating in certain third countries ⁽⁷⁾, as amended by Regulation (EC) No 2857/2000.

(2) For the purpose of allocating the quotas, the method provided for in the third indent of Article 32(2) of Regulation (EC) No 1254/1999 should be applied,

avoiding discrimination between the traders concerned. Access to the quotas concerned should therefore be extended to those traders known as 'new arrivals'.

- (3) There is a sharp increase in the number of 'new arrivals' submitting applications under certain tariff quotas. The access criterion should therefore be made more rigorous where trade in live animals is concerned.
- (4) The BSE and foot-and-mouth crises have disturbed trade in livestock. The reference periods fixed for traditional traders and new arrivals should therefore end before these crises began.
- (5) In order to prevent speculation:
 - a security relating to import rights should be fixed,
 - the possibility of transferring import licences should be excluded.
- (6) In order to oblige traders to apply for import licences for all the import rights allocated, this obligation should be a primary requirement within the meaning of Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products ⁽⁸⁾, as last amended by Regulation (EC) No 1932/1999 ⁽⁹⁾.
- (7) The Regulations listed in the first recital therefore need to be amended accordingly.
- (8) In view of the dates for submission of applications for import rights, this Regulation must take effect immediately.
- (9) The Management Committee for Beef and Veal has not delivered an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1143/98 is amended as follows:

1. Article 2(1) is replaced by the following:

'1. The quota referred to in Article 1(1) shall be divided into two parts of 70 %, i.e. 4 900 head, and 30 %, i.e. 2 100 head, respectively.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 146, 20.6.1996, p. 1.

⁽³⁾ OJ L 159, 3.6.1998, p. 14.

⁽⁴⁾ OJ L 131, 27.5.1999, p. 15.

⁽⁵⁾ OJ L 135, 29.5.1999, p. 50.

⁽⁶⁾ OJ L 332, 28.12.2000, p. 55.

⁽⁷⁾ OJ L 150, 17.6.1999, p. 18.

⁽⁸⁾ OJ L 205, 3.8.1985, p. 5.

⁽⁹⁾ OJ L 240, 10.9.1999, p. 11.

- (a) The first part, equal to 70 %, shall be allocated among importers in the Community who can furnish proof of having imported animals under the quota for serial No 09.4563 during the 36 months preceding the year of import in question.

However, the Member States may accept as the reference quantity import rights for the preceding year of import which were not allocated because of an administrative error by the competent national body but to which the importer would have been entitled.

- (b) The second part, equal to 30 %, shall be allocated among importers who can furnish proof of having imported from third countries at least 75 live bovine animals falling within CN code 0102 during the 12 months preceding the year of import in question.

However, for the year of import from 1 July 2001 to 30 June 2002, the reference period referred to at (a) in the first subparagraph shall run from 1 July 1997 to 30 June 2000, and that referred to at (b) shall run from 1 July 1999 to 30 June 2000.'

2. The following Article 5a is inserted after Article 5:

'Article 5a

1. The security relating to the import rights shall be EUR 3 per head. It must be deposited with the competent authority together with the application for import rights.

2. Import licence applications must be made for the quantity allocated. This obligation shall constitute a primary requirement within the meaning of Article 20(2) of Regulation (EEC) No 2220/85.

3. If the decision on allocation by the Commission under Article 5 results in application of a reduction percentage, the security provided shall be released for the import rights applied for in excess of the rights allocated.'

3. The following paragraph 7 is added at the end of Article 6:

'7. Notwithstanding Article 9(1) of Commission Regulation (EC) No 1291/2000 (*), import licences issued under this Regulation shall not be transferable and shall confer the right to use the tariff quota only if made out in the name entered on the declaration of release for free circulation accompanying them.

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

Article 2

Regulation (EC) No 1081/1999 is amended as follows:

1. Article 2(1) is replaced by the following:

'1. The two quota volumes referred to in Article 1(1) shall each be divided into two parts of 70 %, i.e. 3 500 head, and 30 %, i.e. 1 500 head, respectively:

- (a) The first part of each quota volume, equal to 70 %, shall be allocated among importers in the Community who can furnish proof of having imported animals under the quota for serial Nos 09.0001 and/or 09.0003 during the 36 months preceding the year of import in question.

However, the Member States may accept as the reference quantity import rights for the preceding year of import which were not allocated because of an administrative error by the competent national body but to which the importer would have been entitled.

- (b) The second part of each quota volume, equal to 30 %, shall be allocated among importers who can furnish proof of having imported from third countries at least 75 live bovine animals falling within CN code 0102 during the 12 months preceding the year of import in question.

However, for the year of import from 1 July 2001 to 30 June 2002, the reference period referred to at (a) in the first subparagraph shall run from 1 July 1997 to 30 June 2000, and that referred to at (b) shall run from 1 July 1999 to 30 June 2000.'

2. The following Article 5a is inserted after Article 5:

'Article 5a

1. The security relating to the import rights shall be EUR 3 per head. It must be deposited with the competent authority together with the application for import rights.

2. Import licence applications must be made for the quantity allocated. This obligation shall constitute a primary requirement within the meaning of Article 20(2) of Regulation (EEC) No 2220/85.

3. If the decision on allocation by the Commission under Article 5 results in application of a reduction percentage, the security provided shall be released for the import rights applied for in excess of the rights allocated.'

Article 3

Regulation (EC) No 1128/1999 is amended as follows:

1. In Article 2(3) the following subparagraph is added:

'However, for the year of import from 1 July 2001 to 30 June 2002, the reference period referred to at (a) in the first subparagraph shall run from 1 July 1997 to 30 June 2000, and that referred to at (b) shall run from 1 July 1999 to 30 June 2000.'

2. The first subparagraph of Article 4(2) is replaced by the following:

'For the purposes of the first subparagraph of Article 2(3)(a), traders shall present applications for import rights to the competent authorities together with the proof referred to in Article 2(6) by 21 June preceding the year of import in question at the latest.'

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

'3. For the purposes of Article 2(3)(b), applications for import rights, together with the proof referred to in Article 2(6), must be lodged by traders by 21 June preceding the year of import in question.

Only one application may be lodged by each applicant. Where the same applicant lodges more than one application all applications from that person shall be invalid. No application shall be made for import rights for a number of head exceeding 10 % of that available.

After verification of the documents presented, Member States shall forward to the Commission, by the 10th working day following the end of the period for the submission of applications at the latest, the list of applicants and quantities applied for.'

4. The following Article 5a is inserted after Article 5:

'Article 5a

1. The security relating to the import rights shall be EUR 3 per head. It must be deposited with the competent authority together with the application for import rights.

2. Import licence applications must be made for the quantity allocated. This obligation shall constitute a primary requirement within the meaning of Article 20(2) of Regulation (EEC) No 2220/85.

3. If the decision on allocation by the Commission under Article 5 results in application of a reduction percentage, the security provided shall be released for the import rights applied for in excess of the rights allocated.'

5. The following paragraph 8 is added at the end of Article 6:

'8. Notwithstanding Article 9(1) of Commission Regulation (EC) No 1291/2000 (*), import licences issued under this Regulation shall not be transferable and shall confer the right to use the tariff quota only if made out in the name entered on the declaration of release for free circulation accompanying them.

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

Article 4

Regulation (EC) No 1247/1999 is amended as follows:

1. Article 2(1) is replaced by the following:

'1. To be eligible under the quota provided for in Article 1, applicants must be natural or legal persons and must prove to the satisfaction of the competent authorities of the Member State concerned, at the time they submit their applications, that they have imported and/or exported at least 75 animals covered by CN code 0102 90 during the 12 months prior to the year of import concerned; applicants must be entered in a national VAT register.

However, for the year of import from 1 July 2001 to 30 June 2002, the reference period referred to in the first subparagraph shall run from 1 July 1999 to 30 June 2000.'

2. The following Article 4a is inserted after Article 4:

'Article 4a

1. The security relating to the import rights shall be EUR 3 per head. It must be deposited with the competent authority together with the application for import rights.

2. Import licence applications must be made for the quantity allocated. This obligation shall constitute a primary requirement within the meaning of Article 20(2) of Regulation (EEC) No 2220/85.

3. If the decision on allocation by the Commission under Article 4 results in application of a reduction percentage, the security provided shall be released for the import rights applied for in excess of the rights allocated.'

3. The following paragraph 8 is added at the end of Article 5:

'8. Notwithstanding Article 9(1) of Regulation (EC) No 1291/2000, import licences issued under this Regulation shall not be transferable and shall confer the right to use the tariff quota only if made out in the name entered on the declaration of release for free circulation accompanying them.'

Article 5

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, 5 June 2001.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1097/2001**of 5 June 2001****setting, for the 2001/02 marketing year, the amount of the aid for peaches and pears for processing under Regulation (EC) No 2201/96**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products ⁽¹⁾, as last amended by Regulation (EC) No 2699/2000 ⁽²⁾, and in particular Article 6(1) thereof,

Whereas:

- (1) Article 2(3) of Commission Regulation (EC) No 449/2001 of 2 March 2001 laying down detailed rules for the implementation of Regulation (EC) No 2201/96 as regards the aid scheme for products processed from fruit and vegetables ⁽³⁾ stipulates that the Commission is to publish the amount of the aid for peaches and pears after verification of compliance with the thresholds fixed in Annex III to Regulation (EC) No 2201/96.
- (2) The average quantity of peaches processed under the aid scheme during the three previous marketing years is lower than the Community threshold. The aid to be applied for the 2001/02 marketing year in each Member State concerned is the amount fixed in Article 4(2) of Regulation (EC) No 2201/96.
- (3) The average quantity of pears processed under the aid scheme during the three previous marketing years is higher than the Community threshold. The aid to be applied for the 2001/02 marketing year is the amount fixed in Article 4(2) of Regulation (EC) No 2201/96 in the Member States in which the threshold was not exceeded and, for the other Member States concerned, that amount less the overrun of the threshold in each of

them, after allocation of the quantities not processed in accordance with the third subparagraph of Article 5(2) of that Regulation.

- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

For the 2001/02 marketing year, the aid referred to in Article 2 of Regulation (EC) No 2201/96 shall be:

- (a) for peaches, EUR 47,70/t;
- (b) for pears:
 - 60,50 EUR/t in Greece,
 - 160,86 EUR/t in Spain,
 - 123,29 EUR/t in France,
 - 130,68 EUR/t in Italy,
 - 102,64 EUR/t in the Netherlands,
 - 161,70 EUR/t in Austria,
 - 161,70 EUR/t in Portugal.

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 to the 2001/02 marketing year.

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

Done at Brussels, 5 June 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 297, 21.11.1996, p. 29.

⁽²⁾ OJ L 311, 12.12.2000, p. 9.

⁽³⁾ OJ L 64, 6.3.2001, p. 16.

COMMISSION REGULATION (EC) No 1098/2001**of 5 June 2001****amending Regulation (EEC) No 3149/92 laying down detailed rules for the supply of food from intervention stocks for the benefit of the most deprived persons in the Community**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3730/87 of 10 December 1987 laying down the general rules for the supply of food from intervention stocks to designated organisations for distribution to the most deprived persons in the Community ⁽¹⁾, as amended by Regulation (EC) No 2535/95 ⁽²⁾, and in particular Article 6 thereof,

Whereas:

- (1) Under Article 3 of Commission Regulation (EEC) No 3149/92 ⁽³⁾, as last amended by Regulation (EC) No 2760/1999 ⁽⁴⁾, implementation of the annual distribution plan, as defined in Article 2(1) of that Regulation, runs from 1 October to 30 September of the following year. In the light of experience, and to take account of the particular requirements of distribution to the beneficiaries of the measure, the most deprived persons in the Community, distribution to charitable organisations should be allowed to continue until 31 October of the year of implementation. This will also make it possible

to reduce the interim stage between the implementation of two successive plans.

- (2) The measures provided for in this Regulation are in accordance with the opinions of the Management Committees concerned,

HAS ADOPTED THIS REGULATION:

Article 1

Article 3(1) of Regulation (EEC) No 3149/92 is replaced by the following:

- '1. Implementation of the plan shall run from 1 October to 30 September of the following year. However, distribution to charitable organisations may continue until 31 October of the year of implementation.'

Article 2

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

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

Done at Brussels, 5 June 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 352, 15.12.1987, p. 1.

⁽²⁾ OJ L 260, 31.10.1995, p. 3.

⁽³⁾ OJ L 313, 30.10.1992, p. 50.

⁽⁴⁾ OJ L 331, 23.12.1999, p. 55.

COMMISSION REGULATION (EC) No 1099/2001**of 5 June 2001****amending Regulation (EC) No 1608/2000 laying down transitional measures pending the definitive measures implementing Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, as amended by Regulation (EC) No 2826/2000 ⁽²⁾, and in particular Article 80 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1608/2000 of 24 July 2000 laying down transitional measures pending the definitive measures implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine ⁽³⁾, as last amended by Regulation (EC) No 731/2001 ⁽⁴⁾, extends the applicability of certain Council provisions repealed by Article 81 of Regulation (EC) No 1493/1999 until 31 May 2001, pending the finalisation and adoption of measures implementing that Regulation. The finalisation and adoption of those implementing measures will not be completed by 31 May 2001. Certain Council provisions repealed by Article 81 of Regulation (EC) No 1493/1999 should accordingly be allowed to stand for a short additional period.
- (2) The extra transitional period does not affect the implementation of the bulk of the reform of the common organisation of the market in wine on the date set by the Council since the main points concerning the areas covered by those Regulations have been settled in Regulation (EC) No 1493/1999 or in the implementing regulations already adopted.

- (3) Less progress has been made in adopting implementing measures in certain areas than in others, for example regarding the description, designation, presentation and protection of certain wine products, because of the complexity and sensitivity of the issues the Council has to deal with and the direct impact of any measures adopted on operators in the Community and in non-member countries. Provision should therefore be made for an extra transitional period in order to allow in-depth discussions to be held.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1608/2000 is amended as follows:

1. In Article 1, the date '31 May 2001' is replaced by '30 September 2001'.
2. In Article 3, the date '31 March 2001' is replaced by '30 September 2001'.
3. In part B of the Annex, the date '31 March 2001' is replaced by '30 September 2001'.

Article 2

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

It shall apply from 1 June 2001.

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

Done at Brussels, 5 June 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 179, 14.7.1999, p. 1.

⁽²⁾ OJ L 328, 23.12.2000, p. 2.

⁽³⁾ OJ L 185, 25.7.2000, p. 24.

⁽⁴⁾ OJ L 102, 12.4.2001, p. 33.

COMMISSION REGULATION (EC) No 1100/2001**of 5 June 2001****amending Regulation (EC) No 1555/96 on rules of application for additional import duties on fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, as last amended by Commission Regulation (EC) No 911/2001 ⁽²⁾, and in particular Article 33(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1555/96 ⁽³⁾, as last amended by Regulation (EC) No 745/2001 ⁽⁴⁾, provides for surveillance of imports of the products listed in the Annex thereto. That surveillance is to be carried out in accordance with the rules on the surveillance of preferential imports laid down in Article 308d of Commission Regulation (EEC) No 2454/93 ⁽⁵⁾, as last amended by Regulation (EC) No 993/2001 ⁽⁶⁾.
- (2) For the purposes of Article 5(4) of the Agreement on Agriculture ⁽⁷⁾ concluded during the Uruguay Round of multilateral trade negotiations and in the light of the

latest data available for 1997, 1998, 1999 and 2000, the trigger levels for additional duties on lemons, apricots, peaches, including nectarines, and plums should be amended.

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1555/96 is replaced by the Annex hereto.

Article 2

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

It shall apply from 1 June 2001.

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

Done at Brussels, 5 June 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 129, 11.5.2001, p. 3.

⁽³⁾ OJ L 193, 3.8.1996, p. 1.

⁽⁴⁾ OJ L 107, 18.4.2001, p. 5.

⁽⁵⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁶⁾ OJ L 141, 28.5.2001, p. 1.

⁽⁷⁾ OJ L 336, 23.12.1994, p. 22.

ANNEX

‘ANNEX

Without prejudice to the rules for the interpretation of the Combined Nomenclature, the description of the products is deemed to be indicative only. The scope of the additional duties for the purposes of this Annex is determined by the scope of the CN codes as they exist at the time of the adoption of this Regulation. Where “ex” appears before the CN code, the scope of the additional duties is determined both by the scope of the CN code and the corresponding trigger period.

Serial No	CN code	Description	Trigger period	Trigger level (tonnes)
78.0015	ex 0702 00 00	Tomatoes	— 1 October to 31 March	718 828
78.0020			— 1 April to 30 September	1 174 823
78.0065	ex 0707 00 05	Cucumbers	— 1 May to 31 October	11 881
78.0075			— 1 November to 30 April	6 621
78.0085	ex 0709 10 00	Artichokes	— 1 November to 30 June	661
78.0100	0709 90 70	Courgettes	— 1 January to 31 December	9 867
78.0110	ex 0805 10 10 ex 0805 10 30 ex 0805 10 50	Oranges	— 1 December to 31 May	372 855
78.0120	ex 0805 20 10	Clementines	— 1 November to end of February	289 518
78.0130	ex 0805 20 30 ex 0805 20 50 ex 0805 20 70 ex 0805 20 90	Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids	— 1 November to end of February	117 200
78.0155	ex 0805 30 10	Lemons	— 1 June to 31 December	289 508
78.0160			— 1 January to 31 May	14 586
78.0170	ex 0806 10 10	Table grapes	— 21 July to 20 November	256 320
78.0175	ex 0808 10 20 ex 0808 10 50 ex 0808 10 90	Apples	— 1 January to 31 August	1 052 182
78.0180			— 1 September to 31 December	588 285
78.0220	ex 0808 20 50	Pears	— 1 January to 30 April	269 823
78.0235			— 1 July to 31 December	96 939
78.0250	ex 0809 10 00	Apricots	— 1 June to 31 July	178 499
78.0265	ex 0809 20 95	Cherries, other than sour cherries	— 21 May to 10 August	153 116
78.0270	ex 0809 30	Peaches, including nectarines	— 11 June to 30 September	255 305
78.0280	ex 0809 40 05	Plums	— 11 June to 30 September	54 177

COMMISSION REGULATION (EC) No 1101/2001**of 5 June 2001****fixing the reduction percentages to be applied to applications for an allocation by non-traditional operators under the tariff quotas for imports of bananas**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 216/2001 ⁽²⁾,

Having regard to Commission Regulation (EC) No 896/2001 of 7 May 2001 laying down detailed rules for the implementation of Council Regulation (EEC) No 404/93 regarding imports of bananas into the Community ⁽³⁾, and in particular Article 29(3) thereof,

Whereas:

- (1) Under Article 29(3) of Regulation (EC) No 896/2001, in the light of the total quantities available under tariff quotas and using the information received from the Member States the Commission is to determine the quantities for which the allocations for non-traditional operators are granted for the second half of 2001.
- (2) According to the information forwarded by the Member States under Article 29(2), the sum of the allocations applied for is 4 214 601 tonnes for non-traditional operators A/B and 148 043 tonnes for non-traditional operators C.

- (3) Based on the quantities available under tariff quotas for the second half of 2001 under Article 28(1) of Regulation (EC) No 896/2001, the share of each allocated to non-traditional operators under Article 2 of that Regulation and the volume of applications referred to above, the percentage reduction to be applied to each application for an allocation under tariff quotas A/B and C respectively should be fixed.

- (4) This Regulation must enter into force without delay, taking into account the deadlines laid down by Regulation (EC) No 896/2001,

HAS ADOPTED THIS REGULATION:

Article 1

For the tariff quotas A/B and C provided for in Article 18 of Regulation (EEC) No 404/93, under Article 29(3) of Regulation (EC) No 896/2001 each application for an allocation submitted by a non-traditional operator for the second half of 2001 shall be subject to the following reduction percentage:

- | | |
|--|------------|
| — for each non-traditional operator A/B: | 4,5868 %, |
| — for each non-traditional operator C: | 58,4903 %. |

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, 5 June 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 47, 25.2.1993, p. 1.

⁽²⁾ OJ L 31, 2.2.2001, p. 2.

⁽³⁾ OJ L 126, 8.5.2001, p. 6.

COMMISSION REGULATION (EC) No 1102/2001**of 5 June 2001****fixing, for May 2001, the specific exchange rate for the amount of the reimbursement of storage costs in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽³⁾,

Having regard to Commission Regulation (EEC) No 1713/93 of 30 June 1993 establishing special detailed rules for applying the agricultural conversion rate in the sugar sector ⁽⁴⁾, as last amended by Regulation (EC) No 1642/1999 ⁽⁵⁾, and in particular Article 1(3) thereof,

Whereas:

- (1) Article 1(2) of Regulation (EEC) No 1713/93 provides that the amount of the reimbursement of storage costs referred to in Article 8 of Regulation (EC) No 2038/1999 is to be converted into national currency using a specific agricultural conversion rate equal to the average, calculated *pro rata temporis*, of the agricultural conversion rates applicable during the month of storage. That specific rate must be fixed each month for the previous month. However, in the case of the reimbursable

amounts applying from 1 January 1999, as a result of the introduction of the agrimonetary arrangements for the euro from that date, the fixing of the conversion rate should be limited to the specific exchange rates prevailing between the euro and the national currencies of the Member States that have not adopted the single currency.

- (2) Application of these provisions will lead to the fixing, for May 2001, of the specific exchange rate for the amount of the reimbursement of storage costs in the various national currencies as indicated in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The specific exchange rate to be used for converting the amount of the reimbursement of the storage costs referred to in Article 8 of Regulation (EC) No 2038/1999 into national currency for May 2001 shall be as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 June 2001.

It shall apply with effect from 1 May 2001.

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

Done at Brussels, 5 June 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 349, 24.12.1998, p. 1.

⁽⁴⁾ OJ L 159, 1.7.1993, p. 94.

⁽⁵⁾ OJ L 195, 28.7.1999, p. 3.

ANNEX

to the Commission Regulation of 5 June 2001 fixing, for May 2001, the specific exchange rate for the amount of the reimbursement of storage costs in the sugar sector

Specific exchange rate		
EUR 1 =	7,46172	Danish kroner
	9,05509	Swedish kroner
	0,614571	Pound sterling

COMMISSION REGULATION (EC) No 1103/2001**of 5 June 2001****amending Regulation (EC) No 1303/2000 adopting the balance and fixing the aid for the supply of products from the eggs and poultrymeat sectors to the Canary Islands under the arrangements provided for in Articles 2, 3 and 4 of Council Regulation (EEC) No 1601/92, regarding the forecast supply balance**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 2826/2000 ⁽²⁾, and in particular Article 3(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1303/2000 ⁽³⁾, as last modified by Regulation (EC) No 2736/2000 ⁽⁴⁾, fixed the forecast supply balance for the supply to the archipelago, of meat and eggs, originating in the rest of the Community. Such balance must be fixed taking into account in particular the costs of supply from the world market, conditions due to the geographical situation of the archipelago and the basis of the current prices on export to third countries for the animals or products concerned.

- (2) It follows from applying these rules and criteria to the present situation on the market in poultrymeat that the quantities included in the forecast supply balance for such deliveries should be adjusted, taking account of their current volume and ensuring that the share of supplies from the Community is maintained.
- (3) 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 1303/2000 is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 6 June 2001.

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

Done at Brussels, 5 June 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27.6.1992, p. 13.

⁽²⁾ OJ L 328, 23.12.2000, p. 2.

⁽³⁾ OJ L 148, 22.6.2000, p. 10.

⁽⁴⁾ OJ L 316, 15.12.2000, p. 56.

ANNEX I

**Forecast supply balance for the Canary Islands regarding products from the eggs and poultrymeat sectors
for the period 1 July 2000 to 30 June 2001**

(in tonnes)

CN code	Description of goods	Quantity ⁽¹⁾
ex 0207	Meat and edible offal, frozen, of poultry within heading No 0105, except products falling within subheading 0207 23	37 000 ⁽²⁾
ex 0408	Birds' eggs, not in shell, and egg yolks, dried, whether or not containing added sugar or other sweetening matter, suitable for human consumption	200

⁽¹⁾ Product weight.⁽²⁾ Of which 200 t for processing and/or packaging.

COMMISSION REGULATION (EC) No 1104/2001**of 5 June 2001****on the issue of system B export licences in the fruit and vegetables sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Regulation (EC) No 862/2001 ⁽³⁾ fixes the indicative quantities for system B export licences other than those sought in the context of food aid.
- (2) In the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for tomatoes will shortly be exceeded. This overrun will prejudice the

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

- (3) To avoid this situation, applications for system B licences for tomatoes exported after 5 June 2001 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for system B export licences for tomatoes submitted pursuant to Article 1 of Regulation (EC) No 862/2001, export declarations for which are accepted after 5 June 2001 and before 14 June 2001 are hereby rejected.

Article 2

This Regulation shall enter into force on 6 June 2001.

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

Done at Brussels, 5 June 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 292, 15.11.1996, p. 12.

⁽²⁾ OJ L 34, 9.2.2000, p. 16.

⁽³⁾ OJ L 122, 3.5.2001, p. 8.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 28 May 2001

on the adaptation of Parts V and VI and Annex 13 of the Common Consular Instructions on Visas and Annex 6a to the Common Manual with regard to long-stay visas valid concurrently as short-stay visas

(2001/420/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EC) No 789/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for examining visa applications ⁽¹⁾,

Having regard to Council Regulation (EC) No 790/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for carrying out border checks and surveillance ⁽²⁾,

Having regard to the initiative of the French Republic,

Whereas:

- (1) It is necessary to adapt the Common Consular Instructions on Visas and the Common Manual in order to facilitate the application of Council Regulation (EC) No 1091/2001 of 28 May 2001 on freedom of movement with a long-stay visa ⁽³⁾.
- (2) This Decision builds on the Schengen acquis, in accordance with the Protocol integrating it into the framework of the European Union, as laid down by Annex A to Council Decision 1999/435/EC of 20 May 1999 concerning the definition of the Schengen acquis for the purpose of determining, in conformity with the relevant provisions of the Treaty establishing the European Community and the Treaty on European Union, the legal basis for each of the provisions or decisions which constitute the acquis ⁽⁴⁾.
- (3) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not participating in the adoption of this instrument, and is therefore not bound by it or subject to its application. Given that this Decision

aims to build upon the Schengen acquis under the provisions of Title IV of the Treaty establishing the European Community, Denmark shall, in accordance with Article 5 of the said Protocol, decide within a period of six months after the Council has adopted this Decision whether it will transpose it into its national law.

- (4) As regards the Republic of Iceland and the Kingdom of Norway, this Decision constitutes a development of the Schengen acquis within the meaning of the Agreement concluded on 18 May 1999 by the Council of the European Union and those two States ⁽⁵⁾.
- (5) Pursuant to Article 1 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and to the Treaty establishing the European Community, Ireland and the United Kingdom are not participating in the adoption of this Decision. Consequently, and without prejudice to the provisions referred to in Article 4 of the Protocol, the provisions of this Decision apply neither to Ireland nor to the United Kingdom,

HAS ADOPTED THIS DECISION:

Article 1

The third subparagraph of section 2.3 of Part V of the Common Consular Instructions on Visas shall be replaced by the following:

'In cases where the applicants come under the categories listed in Annex 5B subject to consultation with a central authority — of the Ministry of Foreign Affairs or of another body — (Article 17(2) of the Convention), uniform visas and long-stay visas valid concurrently as short-stay visas shall be issued according to the procedure outlined below.'

⁽¹⁾ OJ L 116, 26.4.2001, p. 2.

⁽²⁾ OJ L 116, 26.4.2001, p. 5.

⁽³⁾ See page 4 of this Official Journal.

⁽⁴⁾ OJ L 176, 10.7.1999, p. 1.

⁽⁵⁾ OJ L 176, 10.7.1999, p. 36.

Article 2

Part VI of the Common Consular Instructions on Visas is hereby amended as follows:

1. In the second subparagraph of section 1.1, '*valid for*' heading:
 - (a) the introductory wording shall be replaced by the following:

'This heading may only be completed in one of the following four ways:';
 - (b) the following shall be added:

'(d) Schengen State (using the abbreviations in (b)) which issued the national long-stay visa + Schengen States:';
 - (c) The following shall be inserted as a third indent:

'— When the sticker is used to issue a national long-stay visa valid concurrently as a uniform short-stay visa for a maximum period of three months from its initial date of validity, this heading is to be filled in with the Member State which issued the national long-stay visa, followed by "Schengen States"';
2. The following shall be added to the first subparagraph of section 1.7, '*type of visa*' heading:

'D + C: national long-stay visa valid concurrently as a short-stay visa'.

Article 3

An example, as set out in the Annex to this Decision, of the method of filling in a visa-sticker for the issue of a national long-stay visa valid concurrently as a uniform short-stay visa shall be added to Annex 13 to the Common Consular Instructions on Visas and to Annex 6a of the Common Manual.

Article 4

This Decision shall apply from 15 June 2001.

Article 5

This Decision is addressed to the Member States in accordance with the Treaty establishing the European Community.

Done at Brussels, 28 May 2001.

For the Council

The President

T. BODSTRÖM

ANNEX

NATIONAL LONG-STAY VISA VALID CONCURRENTLY AS A SHORT-STAY VISA

EXAMPLE 15

- In this case, the 'VALID FOR' heading is to be filled in with the code of the country which issued the long-stay visa + the words 'Schengen States'.
 - This example shows a national long-stay visa issued by France and valid concurrently as a uniform short-stay visa.
 - A long-stay visa valid concurrently as a short-stay visa bears the identification code D + C.
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