

Official Journal

of the European Communities

ISSN 0378-6978

L 155

Volume 44

12 June 2001

English edition

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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1142/2001
of 7 June 2001
amending Regulation (EC) No 2505/96 opening and providing for the administration of
autonomous Community tariff quotas for certain agricultural and industrial products**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community, and in particular Article 26 thereof,

Article 1

Having regard to the proposal from the Commission,

For the quota period from 1 January to 30 June 2001, Annex I to Regulation (EC) No 2505/96 shall be amended as follows:

— order number 09.2935: the amount of the tariff quota shall be altered to 80 000 tonnes.

Whereas:

For the quota period from 1 January to 31 December 2001, Annex I to Regulation (EC) No 2505/96 shall be amended as follows:

(1) By virtue of Regulation (EC) No 2505/96 ⁽¹⁾ the Council opened Community tariff quotas for certain agricultural and industrial products. Community demand for these products should be met under the most favourable conditions. Community tariff quotas should therefore be opened at reduced or zero rates of duty for appropriate volumes, and increased or extended in the case of certain existing tariff quotas, while avoiding any disturbance to the markets for these products.

— order number 09.2711: the amount of the tariff quota shall be altered to 700 000 tonnes;

— order number 09.2727: the amount of the tariff quota shall be altered to 10 000 tonnes;

— order number 09.2867: the amount of the tariff quota shall be altered to 460 tonnes;

— order number 09.2976: the amount of the tariff quota shall be altered to 1 200 000 units;

(2) It is no longer in the Community's interest to maintain a Community tariff quota on some of the products covered by Regulation (EC) No 2505/96, and those products should therefore be removed from the table in Annex I thereto.

— order number 09.2993: the amount of the tariff quota shall be altered to 120 000 000 m².

Article 2

(3) Having regard to the economic importance of this Regulation for European industry it is necessary to invoke the grounds of urgency referred to in point I(3) of the Additional Protocol to the Treaty of Amsterdam on the role of national parliaments in the European Union.

With effect from 1 July 2001, the tariff quotas listed in the Annex to this Regulation shall be added to Annex I to Regulation (EC) No 2505/96.

(4) Regulation (EC) No 2505/96 should therefore be amended accordingly,

Article 3

⁽¹⁾ OJ L 345, 31.12.1996, p. 1. Regulation as last amended by Regulation (EC) No 2802/2000 (OJ L 331, 27.12.2000, p.55).

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 Luxembourg, 7 June 2001.

For the Council

The President

K. LARSSON

ANNEX

Order No	CN code	TARIC code	Description	Amount of quota	Quota duty (%)	Quota period
09.2601	ex 0807 90 10	30	Four-stroke petrol engines of a cylinder capacity not exceeding 250 cc, for use in the manufacture of products of subheading 8432 29 50 or 8433 20 10 ^(*)	60 000 units	0	1.7.-31.12.2001
09.2985	ex 8540 91 00	32	Flat masks of a length of 691,6 mm ($\pm 0,2$ mm) and a height of 407,7 mm ($\pm 0,2$ mm), with a width of the slots at the end of the central vertical axe of 155 micrometer ($\pm 0,8$ micrometer)	300 000 units	0	1.7.-31.12.2001
09.2991	ex 2846 90 00	20	Rare earth chloride, containing by weight 57 % or more of lanthanum trichloride heptahydrate, in solid form	2 700 tonnes	0	1.7.-31.12.2001
09.2995	ex 8536 90 85 ex 8538 90 99	95 93	Keypads, — comprising a layer of silicone and polycarbonate keytops or — wholly of silicone or wholly of polycarbonate, including printed keys, for the manufacture or repair of mobile radiotelephones of subheading 8525 20 91 ^(*)	30 000 000 units	0	1.7.-31.12.2001
09.2998	ex 2924 29 90	55	5'-Chloro-3-hydroxy-2',4'-dimethoxy-2-naphthanilide	12 tonnes	0	1.7.-31.12.2001
09.2999	ex 7011 20 00	10	Glass face-plate with a diagonal measurement from the outer edge to the outer edge of 70,8 cm ($\pm 0,2$ cm) or 72,4 cm ($\pm 0,2$ cm), and having a light transmission of 80 % (± 3 %) by a reference thickness of the glass of 11,43 mm	460 000 units	0	1.7.-31.12.2001

^(*) Control of the use for this special purpose shall be carried out pursuant to the relevant Community provisions.

COMMISSION REGULATION (EC) No 1143/2001
of 11 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 12 June 2001.

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

Done at Brussels, 11 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 11 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	85,5
	999	85,5
0707 00 05	052	65,3
	068	68,6
	999	66,9
0709 90 70	052	80,8
	999	80,8
0805 30 10	388	68,0
	528	89,4
	624	60,5
	999	72,6
0808 10 20, 0808 10 50, 0808 10 90	388	83,5
	400	99,1
	508	76,1
	512	98,0
	524	69,8
	528	76,5
	720	95,2
	804	90,8
	999	86,1
	052	245,4
0809 10 00	999	245,4
	052	378,8
0809 20 95	064	138,6
	068	264,1
	400	282,1
	999	265,9

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

COMMISSION REGULATION (EC) No 1144/2001**of 11 June 2001****fixing, for the purposes of Regulation (EC) No 411/97, the ceiling for Community financial assistance granted to producer organisations setting up operational funds for 2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 411/97 of 3 March 1997 laying down detailed rules for the application of Council Regulation (EC) No 2200/96 as regards operational programmes, operational funds and Community financial assistance ⁽¹⁾, as last amended by Regulation (EC) No 1923/1999 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) Article 15(1) of Council Regulation (EC) No 2200/96 ⁽³⁾, as last amended by Commission Regulation (EC) No 911/2001 ⁽⁴⁾, provides for the granting of Community financial assistance to producer organisations setting up operational funds. Paragraph 5 of that Article provides that from 1999, financial assistance is to be capped at 4,5 % of the value of the marketed production of each producer organisation, provided that the total financial assistance represents less than 2,5 % of the total turnover of all producer organisations.
- (2) According to information forwarded to the Commission by the Member States pursuant to Article 10 of Regulation (EC) No 411/97, the financial assistance applied for

in respect of 2000 by producer organisations amounts to EUR 342,46 million against a total turnover of all producer organisations of EUR 12 753,69 million. The ceiling for the abovementioned Community financial assistance should therefore be set at 3,4780 % of the value of marketed production of each producer organisation,

HAS ADOPTED THIS REGULATION:

Article 1

The Community financial assistance provided for in Article 15(1) of Regulation (EC) No 2200/96 shall be capped at 3,4780 % of the value of marketed production of each producer organisation for aid applications in respect of 2000.

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, 11 June 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 62, 4.3.1997, p. 9.

⁽²⁾ OJ L 238, 9.9.1999, p. 11.

⁽³⁾ OJ L 297, 21.11.1996, p. 1.

⁽⁴⁾ OJ L 129, 11.5.2001, p. 3.

COMMISSION REGULATION (EC) No 1145/2001**of 11 June 2001****fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5(2) (a) thereof,

Whereas:

Pursuant to Article 2 (2) and Article 3 of abovementioned Regulation (EEC) No 4088/87, Community import and producer prices are fixed each fortnight for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses and apply for two-weekly periods. Pursuant to Article 1b of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the

Gaza Strip ⁽³⁾, as last amended by Regulation (EC) No 2062/97 ⁽⁴⁾, those prices are determined for fortnightly periods on the basis of weighted prices provided by the Member States. Those prices should be fixed immediately so the customs duties applicable can be determined. To that end, provision should be made for this Regulation to enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer and import prices for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses as referred to in Article 1b of Regulation (EEC) No 700/88 for a fortnightly period shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 12 June 2001.

It shall apply from 13 until 26 June 2001.

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

Done at Brussels, 11 June 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 382, 31.12.1987, p. 22.

⁽²⁾ OJ L 177, 5.7.1997, p. 1.

⁽³⁾ OJ L 72, 18.3.1988, p. 16.

⁽⁴⁾ OJ L 289, 22.10.1997, p. 1.

ANNEX

to the Commission Regulation of 11 June 2001 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

(EUR/100 pieces)

Period: from 13 to 26 June 2001

Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	16,04	12,10	25,42	13,67
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	7,97	—	9,35	9,36
Morocco	14,94	12,72	—	—
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	—	—	—	—

II

(Acts whose publication is not obligatory)

CONFERENCE OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES

DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES of 6 June 2001 appointing members of the Court of First Instance of the European Communities

(2001/438/EC, ECSC, Euratom)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 225 thereof,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 32d thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 140a thereof,

Having regard to Council Decision 88/591/ECSC, EEC, Euratom of 24 October 1988 establishing a Court of First Instance of the European Communities ⁽¹⁾,

Whereas:

- (1) The terms of office of Mr John D. COOKE, Mr Nicholas James FORWOOD, Mr Rafael GARCÍA-VALDECASAS Y FERNÁNDEZ, Mrs Pernilla LINDH, Mr Paolo MENGGOZZI, Mr Jörg PIRRUNG and Mr André POTOCKI, members of the Court of First Instance of the European Communities, expire on 31 August 2001.
- (2) The partial replacement of members of the Court of First Instance should take place for the period from 1 September 2001 to 31 August 2007,

HAVE DECIDED AS FOLLOWS:

Article 1

The following are hereby appointed members of the Court of First Instance of the European Communities for the period 1 September 2001 to 31 August 2007:

Mr John D. COOKE

Mr Nicholas James FORWOOD

Mr Rafael GARCÍA-VALDECASAS Y FERNÁNDEZ

Mr Hubert LEGAL

Mrs Pernilla LINDH

Mr Paolo MENGGOZZI

Mr Jörg PIRRUNG.

⁽¹⁾ OJ L 319, 25.11.1988, p. 1. Corrigendum: OJ C 215, 21.8.1989, p. 1. Decision as amended by Decision 93/350/Euratom, ECSC, EEC (OJ L 144, 16.6.1993, p. 21).

Article 2

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

Done at Brussels, 6 June 2001.

The President

G. LUND

COUNCIL

COUNCIL DECISION

of 5 June 2001

authorising the Kingdom of Belgium, in accordance with Article 8(4) of Directive 92/81/EEC, to apply a differentiated rate of excise duty to low-sulphur diesel and unleaded petrol

(2001/439/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/81/EEC of 19 October 1992 on the harmonisation of the structures of excise duties on mineral oils ⁽¹⁾, and in particular Article 8(4) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Under Article 8(4) of Directive 92/81/EEC, the Council, acting unanimously on a proposal from the Commission, may authorise any Member State to introduce exemptions or reductions in the excise duty charged on mineral oils for specific policy considerations.
- (2) The Kingdom of Belgium has requested authorisation to apply a differentiated rate of excise duty to low-sulphur (50 ppm) and low-aromatic (35 %) unleaded petrol and low-sulphur (50 ppm) diesel from 1 May 2001 and 1 October 2001 respectively. This differentiation of BEF 0,65 per litre is available to all users of these types of fuel.
- (3) Low-sulphur fuels comply with the environmental criterion (50 ppm) laid down in Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels ⁽²⁾. Under Articles 3 and 4 of that Directive, the use of 50 ppm fuels will, in principle, be compulsory from 1 January 2005.
- (4) The other Member States have been informed of this request by the Belgian authorities.
- (5) The measure envisaged by the Kingdom of Belgium complies with the minimum rates of excise duty referred to in Articles 4 and 5 of Council Directive 92/82/EEC of

19 October on the approximation of the rates of excise duties on mineral oils ⁽³⁾.

- (6) The derogation is sought on environmental grounds - the benefits in terms of air quality are known.
- (7) Taking into account the information available at present, neither the Commission nor the Member States consider that the application of a differentiated rate of excise duty on low-sulphur fuel will cause distortions of competition affecting the common interest or hinder the operation of the single market.
- (8) This Decision does not prejudice the outcome of any future state aid procedures that may be undertaken in accordance with Articles 87 and 88 of the Treaty, nor does it override the requirement for Member States to notify instances of potential state aid to the Commission under Article 88 of the Treaty.
- (9) The Commission regularly reviews reductions and exemptions to check that they do not distort competition or the operation of the internal market or are incompatible with Community environmental policy.
- (10) The Council will review this decision on the basis of a proposal from the Commission no later than 31 December 2004, when the authorisation granted by this Decision expires,

HAS ADOPTED THIS DECISION:

Article 1

1. In accordance with Article 8(4) of Directive 92/81/EEC, the Kingdom of Belgium is authorised to apply a differentiated rate of excise duty on low-sulphur (50 ppm) and low-aromatic (35 %) unleaded petrol from 1 May 2001.

⁽¹⁾ OJ L 316, 31.10.1992, p. 12. Directive as last amended by Directive 94/74/EC (OJ L 365, 31.12.1994, p. 46).

⁽²⁾ OJ L 350, 28.12.1998, p. 58. Directive amending Council Directive 93/12/EEC (OJ L 74, 27.3.1993, p. 81).

⁽³⁾ OJ L 316, 31.10.1992, p. 19. Directive as last amended by Directive 94/74/EC (OJ L 365, 31.12.94, p. 46).

2. In accordance with Article 8(4) of Directive 92/81/EEC, the Kingdom of Belgium is authorised to apply a differentiated rate of excise duty on low-sulphur (50 ppm) diesel fuel from 1 October 2001.

3. These differentiated rates, not exceeding BEF 0.65 per litre of fuel, must comply with the terms of Directive 92/82/EEC and in particular the minimum rates laid down in Articles 4 and 5 thereof.

Article 2

The differentiated rates must be accorded to all users of 50 ppm fuel purchased in Belgium, without discrimination.

Article 3

Subject to a prior review by the Council, on the basis of a proposal from the Commission, this Decision shall expire on 31 December 2004.

Article 4

This Decision is addressed to the Kingdom of Belgium.

Done at Luxembourg, 5 June 2001.

For the Council

The President

B. RINGHOLM

COMMISSION

COMMISSION DECISION

of 29 May 2001

amending Decision 98/83/EC recognising certain third countries and certain areas of third countries as being free of *Xanthomonas campestris* (all strains pathogenic to Citrus), *Cercospora angolensis* Carv. et Mendes and *Guignardia citricarpa* Kiely (all strains pathogenic to Citrus)

(notified under document number C(2001) 1484)

(2001/440/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, and in particular Annex IV, part A, section I, points 16.2 and 16.4 thereof,

Whereas:

- (1) Annex IV, part A section I, points 16.2, 16.3 and 16.4 of Directive 2000/29/EC, read with Article 6 thereof, require Member States to ban the introduction into their territory of fruits of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., and their hybrids, originating in third countries where *Xanthomonas campestris* (all strains pathogenic to Citrus), *Cercospora angolensis* Carv. et Mendes and *Guignardia citricarpa* Kiely (all strains pathogenic to Citrus) are known to occur.
- (2) Under Commission Decision 98/83/EC⁽²⁾, as last modified by Decision 1999/104/EC⁽³⁾, certain third countries were recognised as being free of *Xanthomonas campestris* (all strains pathogenic to Citrus), *Cercospora angolensis* Carv. et Mendes and *Guignardia citricarpa* Kiely (all strains pathogenic to Citrus) and certain areas were recognised as being free of those harmful organisms in third countries where they are known to occur.
- (3) On the basis of information collected in the United States of America during a mission carried out by the Food and Veterinary Office (FVO) in March 2000, and supplied by the Animal and Plant Health Inspection Service of the United States Department of Agriculture, it appears that new infestations of *Xanthomonas*

campestris, strains pathogenic to Citrus were detected in Broward, Hendry and Hillsborough Counties in Florida; therefore the said counties should be deleted from the list of areas recognised in Florida as being free of *Xanthomonas campestris* (all strains pathogenic to Citrus).

- (4) On the basis of information collected in Brazil during a mission carried out by the said FVO in July 2000, and supplied by the Secretaria de Defesa Agropecuária of the Ministério da Agricultura e do Abastecimento of Brazil it appears that *Xanthomonas campestris*, strains pathogenic to Citrus have only been detected in the States of Rio Grande do Sul, Santa Catarina, Paraná, São Paulo, Minas Gerais and Mato Grosso do Sul. The list of areas recognised as being free of *Xanthomonas campestris* (all strains pathogenic to Citrus) should be amended to reflect this.
- (5) On the basis of information supplied during the above mission, it appears that *Guignardia citricarpa* Kiely (all strains pathogenic to Citrus) is present only in the States of Rio de Janeiro, São Paulo and Rio Grande do Sul. Therefore, other Brazilian states should be restored to the list of areas recognised as being free of *Guignardia citricarpa* Kiely (all strains pathogenic to Citrus).
- (6) In 2000, interceptions of fruits of *Citrus sinensis* originating in Swaziland, found infected by *Guignardia citricarpa* Kiely (all strains pathogenic to Citrus), have been notified to the Commission. The list of countries recognised as being free from *Guignardia citricarpa* Kiely (all strains pathogenic to Citrus) should be amended to reflect this.
- (7) Specific arrangement should be made for goods in transit for which the official statement foreseen by Annex IV, part A, section I, points 16.2 and 16.4 of Directive 2000/29/EC was issued in accordance with Decision 98/83/EC.

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

⁽²⁾ OJ L 15, 21.1.1998, p. 41.

⁽³⁾ OJ L 33, 6.2.1999, p. 27.

- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

Decision 98/83/EC is hereby amended as follows:

1. In Article 2, the third indent is replaced by the following:
‘— all areas of Brazil, with the exception of the States of Rio Grande do Sul, Santa Catarina, Paraná, São Paulo, Minas Gerais and Mato Grosso do Sul’
2. In Article 2, fourth indent, the text ‘Florida (with the exception of Collier County, Dade County and Manatee County)’, is replaced by ‘Florida (with the exception of Broward County, Collier County, Miami — Dade County, Hendry County, Hillsborough County and Manatee County)’.
3. In Article 4, third indent, the text ‘all citrus-growing third countries in Africa, with the exception of South Africa, Kenya, Mozambique, Zambia and Zimbabwe,’ is replaced by ‘all citrus-growing third countries in Africa, with the excep-

tion of South Africa, Kenya, Mozambique, Swaziland, Zambia and Zimbabwe’.

4. In Article 5, a further indent is added:

‘— in Brazil : all areas with the exception of the States of Rio de Janeiro, São Paulo and Rio Grande do Sul.’

Article 2

The present Decision does not apply to citrus for which the official statement foreseen by Annex IV, part A, section I, points 16.2 and 16.4 of Directive 2000/29/EC was issued in accordance with Decision 98/83/EC and which were exported before the competent authorities of Brazil, United States and Swaziland were informed of the present Decision.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 29 May 2001.

For the Commission

David BYRNE

Member of the Commission

COMMISSION DECISION

of 29 May 2001

authorising Member States to provide for derogations from certain provisions of Council Directive 2000/29/EC in respect of plants of strawberry (*Fragaria* L.), intended for planting, other than seeds, originating in Argentina

(notified under document number C(2001) 1485)

(2001/441/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, and in particular Article 15(1) thereof,

Having regard to the request made by the Republic of France, the Republic of Italy and the Kingdom of Spain,

Whereas:

- (1) Under the provisions of Directive 2000/29/EC, plants of strawberry (*Fragaria* L.), intended for planting, other than seeds, originating in non-European countries, other than Mediterranean countries, Australia, New Zealand, Canada and the continental States of the USA, may in principle not be introduced into the Community.
- (2) The multiplication in Argentina of plants of *Fragaria* L. from plants supplied by a Member State, in order to prolong the producing season of the plants, has become an established practice. The plants produced are afterwards exported to the Community to be planted for the fruit production.
- (3) By Decisions 93/411/EEC⁽²⁾, 95/53/EC⁽³⁾, 96/403/EC⁽⁴⁾, 97/353/EC⁽⁵⁾ and 1999/181/EC⁽⁶⁾, the Commission authorised derogations from the requirements of Directive 2000/29/EC and its predecessor, Council Directive 77/93/EEC⁽⁷⁾, subject to special technical conditions, in respect of such plants for the 1993 to 2000 seasons.
- (4) In the season 2000, Italy reported to the Commission detection of the harmful organism *Xanthomonas fragariae* Kennedy & King in plants imported pursuant to the above derogation. The organism was detected at the time of import of the plants which were therefore destroyed at the point of entry.
- (5) From the additional information supplied by Argentina on the above finding it was not possible to confirm the source of the contamination. However Argentina

confirmed that administrative and technical measures will be strengthened for all future shipments of strawberry plants destined to the EU; it is considered therefore that the circumstances justifying the previous authorisations still obtain.

- (6) A similar derogation to that granted in previous years should therefore be provided, with similar stringent requirements, for the import of Argentinean strawberry plants for a limited period between 1 June 2001 and 30 September 2002.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

1. By derogation from Article 4(1) of Directive 2000/29/EC with regard to the requirements referred to in Annex III(A) (18), Member States may permit the introduction into their territory of plants of strawberry (*Fragaria* L.), intended for planting, other than seeds, originating in Argentina, under the conditions laid down in paragraph 2 and 3.

2. Plants of strawberries introduced pursuant to paragraph 1 shall satisfy the following specific conditions, in addition to the requirements laid down in part A of the Annexes I, II and IV to Directive 2000/29/EC:

- (a) the plants shall be intended for fruit production within the Community and shall have been:
 - (i) produced exclusively from mother plants, certified under an approved certification scheme of a Member State, which were imported from a Member State;
 - (ii) grown on land which is:
 - situated in an area isolated from commercial strawberry production,
 - situated at least 1 km from the nearest crop of strawberry plants grown for fruit or runner production which do not satisfy the conditions of this Decision,
 - situated at least 200 m from any other plants of the genus *Fragaria* which do not satisfy the conditions of this Decision, and

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

⁽²⁾ OJ L 182, 24.7.1993, p. 63.

⁽³⁾ OJ L 53, 9.3.1995, p. 35.

⁽⁴⁾ OJ L 165, 4.7.1996, p. 37.

⁽⁵⁾ OJ L 151, 10.6.1997, p. 40.

⁽⁶⁾ OJ L 59, 6.3.1999, p. 32.

⁽⁷⁾ OJ L 26, 31.1.1977, p. 20.

- prior to planting but after the previous crop was removed from the land, either officially tested by appropriate methods or treated to ensure it is free from soil-infesting harmful organisms;
- (iii) officially inspected by the Plant Protection Service of Argentina, at least three times during the growing season and again prior to export, for the presence of the harmful organisms listed in part A of Annexes I and II to Directive 2000/29/EC, and of any other harmful organism which is not known to occur in the Community and on each occasion found to be free from all such organisms;
- (iv) prior to export:
 - shaken free from soil or other growing medium,
 - cleaned (i.e. free from plant debris) and free from flowers and fruits;
- (b) they shall be accompanied by a phytosanitary certificate issued in Argentina in accordance with Articles 7 and 13 of Directive 2000/29/EC, on the basis of the examination laid down therein.

The certificate shall state:

- under the rubric 'Disinfestation and/or disinfection treatment', the specification of the last treatment(s) applied prior to export,
 - under 'Additional declaration', the indication 'This consignment meets the conditions laid down in Decision 2001/441/EC', as well as the name of the variety and the Member State certification scheme under which the mother plants had been certified.
3. (a) The plants shall be introduced through points of entry designated for the purpose of this derogation by the Member State in which they are situated; these points of entry and the name and address of the responsible official body referred to in Directive 2000/29/EC in charge of each point shall be notified sufficiently in advance by the Member States to the Commission and shall be made available on request to other Member States. In those cases where the introduction into the Community takes place in a Member State other than the Member State making use of this derogation, the responsible official bodies of the Member State of introduction shall inform and cooperate with the responsible official bodies of the Member States making use of this derogation to ensure that the provisions of this Decision are complied with.
- (b) Prior to introduction into the Community, the importer shall be officially informed of the conditions laid down in paragraphs 2(a), 2(b), 3(a), 3(b), 3(c) and 3(d); the said importer shall notify details of each introduction sufficiently in advance to the responsible official bodies of the Member State of introduction indicating:
- the type of material,
 - the quantity,
 - the intended date of introduction and point of entry into the Community,

- the names, addresses and the locations where the plants will be stored under official control pending the results of the inspections and tests referred to in (c); at least two weeks before movement of the plants from the premises where they are stored the importer shall notify the responsible official body of the premises referred to in point (d) where the plants will be planted.

The importer shall inform the official bodies concerned of any changes to the above details as soon as they are known.

The Member State concerned shall inform the Commission of the above details, and details of any changes to them without delay.

- (c) The inspections including testing, as appropriate, required pursuant to Article 13 of Directive 2000/29/EC and in accordance with provisions laid down in the present Decision shall be made by the responsible official bodies, referred to in the said Directive. These inspections shall be carried out by the Member State making use of this derogation and where appropriate, in cooperation with the said bodies of the Member State in which the plants will be planted. Furthermore during the inspection that Member State shall also inspect and, where appropriate, test for all other harmful organisms. Without prejudice to the monitoring referred to in Article 21(3) second indent, first possibility of the said Directive, the Commission shall determine to which extent the inspections referred to in Article 21(3) second indent, second possibility of the said Directive shall be integrated into the inspection programme in accordance with Article 21(5) (third subparagraph) of that Directive.
- (d) The plants shall be planted only at premises officially registered and approved for the purposes of this derogation and of which the name of the owner and address of the site have been notified in advance by the person who intends to plant the plants to the responsible official bodies of the Member State in which the premises are situated; in those cases where the place of planting is situated in a Member State other than the Member State making use of this derogation, the responsible official bodies of the Member State making use of this derogation, at the moment of receipt of the advance notification from the importer, shall inform the responsible official bodies of the Member State in which the plants will be planted giving the name and addresses of the premises where the plants will be planted.
- (e) The responsible official bodies shall ensure that any plant not planted in accordance with (d) is destroyed under their control. Records shall be kept and made available to the Commission on request of the numbers of plants destroyed.

- (f) In the growing period following importation, a suitable proportion of the plants shall be visually inspected by the responsible official bodies of the Member State in which the plants are planted, at appropriate times, at the premises referred to in (d), for the presence of any harmful organism or for signs or symptoms caused by any harmful organism; as a result of such visual inspection any harmful organism having caused signs or symptoms shall be identified by an appropriate testing procedure. Any plant which has not been found free during the said inspections or testing, from the harmful organisms mentioned in paragraph (2)(a)(iii), shall be immediately destroyed under the control of the responsible bodies.

Article 2

Member States shall inform the other Member States and the Commission by means of the notification referred to in Article 1(3)(b) of any use made of the derogation. They shall provide the Commission and the other Member States, before 1 November of each year, with the information on amounts imported pursuant to this Decision and with a detailed technical report of the official examination referred to in Article 1(3)(c). Furthermore all Member States in which the plants are

planted shall also provide the Commission and the other Member States, before 1 March after the year of importation, with a detailed technical report of the official examination referred to in Article 1(3)(f).

Article 3

Article 1 shall apply to plants introduced into the Community during the period between 1 June 2001 and 30 September 2002. The present Decision shall be revoked if it is established that the conditions laid down in Article 1(2) and 1(3) are not sufficient to prevent the introduction of harmful organisms or have not been complied with.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 29 May 2001.

For the Commission

David BYRNE

Member of the Commission

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

**DECISION OF THE SECRETARY-GENERAL OF THE COUNCIL/HIGH REPRESENTATIVE FOR
THE COMMON FOREIGN AND SECURITY POLICY**

of 8 June 2001

**on the application of the Council Decision on the establishment of the Military Staff of the
European Union**

(2001/442/CFSP)

THE SECRETARY-GENERAL OF THE COUNCIL/HIGH REPRESENTATIVE FOR COMMON FOREIGN AND SECURITY POLICY,

Having regard to the second paragraph of Article 5 of Council Decision 2001/80/CFSP of 22 January 2001 regarding the establishment of the Military Staff of the European Union (OJ L 27, 30.1.2001, p. 7) which provides that the Decision shall apply from a date onwards to be determined by the Secretary-General/High Representative upon consultation of the Political and Security Committee and the Military Committee,

Having regard to the opinion of the Military Committee (meeting at the level of Chiefs of Defence) of 23 May 2001,

Having regard to the opinion of the Political and Security Committee of 29 May 2001,

HAS DECIDED AS FOLLOWS:

1. Council Decision 2001/80/CFSP dated 22 January 2001 on the establishment of the Military Staff of the European Union shall apply from 11 June 2001 onwards.
2. This Decision shall be published in the Official Journal.

Done at Brussels, 8 June 2001.

Javier SOLANA

Secretary-General/High Representative

**COUNCIL COMMON POSITION
of 11 June 2001
on the International Criminal Court**

(2001/443/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

- (1) The consolidation of the rule of law and respect for human rights, as well as the preservation of peace and the strengthening of international security, in conformity with the Charter of the United Nations and as provided for in Article 11 of the EU Treaty, are of fundamental importance to, and a priority for, the Union.
- (2) The Statute of the International Criminal Court, adopted by the Rome Conference of Plenipotentiaries, has been signed by 139 and ratified or acceded to by 32 States and will enter into force after the sixtieth instrument of ratification, acceptance, approval or accession is deposited.
- (3) The principles of the Rome Statute of the International Criminal Court, as well as those governing its functioning, are fully in line with the principles and objectives of the Union.
- (4) The serious crimes within the jurisdiction of the Court are of concern for all Member States, which are determined to cooperate for the prevention of those crimes and for putting an end to the impunity of the perpetrators thereof.
- (5) The Union is convinced that compliance with the rules of international humanitarian law and human rights is necessary for the preservation of peace and the consolidation of the rule of law.
- (6) The early entry into force of the Statute is therefore desirable and the Union is committed to making every effort to achieve the required number of instruments of ratification, acceptance, approval or accession, as well as contributing to the full implementation of the Rome Statute.
- (7) On 19 November 1998, 6 May 1999 and 18 January 2001, the European Parliament adopted Resolutions on the ratification of the Rome Treaty to establish the permanent International Criminal Court; and on 8 May 2001, the Commission submitted to the European Parliament and the Council its Communication on the European Union's role in promoting human rights and democratisation in third countries.
- (8) The Final Act of the Rome Conference has established a Preparatory Commission mandated to elaborate proposals for adoption by the Assembly of States Parties, including instruments needed for the practical functioning of the Court.
- (9) The agreement reached on the Rome Statute represents a delicate balance between different legal systems and interests, and the successful finalisation of the first draft instruments on Elements of Crime and on Rules of Procedure and Evidence completed by 30 June 2000 by the Preparatory Commission was achieved with full respect for the integrity of the Statute, to which all Member States are committed.
- (10) The Union recognises that the principles and rules of international criminal law embodied in the Rome Statute should be taken into account in other international legal instruments.
- (11) The Union is convinced that universal adherence to the Rome Statute is desirable for the full effectiveness of the International Criminal Court and, to this end, considers that initiatives to enhance the acceptance of the Statute are to be encouraged, provided they are consistent with the letter and spirit of the Statute.
- (12) The effective establishment of the Court and the implementation of the Statute requires practical measures that the European Union and its Member States should fully support,

HAS ADOPTED THIS COMMON POSITION:

Article 1

1. The establishment of the International Criminal Court, for the purpose of preventing and curbing the commission of the serious crimes falling within its jurisdiction, is an essential means of promoting respect for international humanitarian law and human rights, thus contributing to freedom, security, justice and the rule of law as well as contributing to the preservation of peace and the strengthening of international security, in accordance with the purposes and principles of the Charter of the United Nations.
2. The objective of this Common Position is to pursue and support an early entry into force of the Rome Statute and the establishment of the Court.

Article 2

1. In order to contribute to the objective of an early entry into force of the Statute, the European Union and its Member States shall make every effort to further this process by raising the issue of the widest possible ratification, acceptance, approval or accession to the Rome Statute and the implementation of the Statute in negotiations or political dialogues with third States, groups of States or relevant regional organisations, whenever appropriate.

2. The Union and its Member States shall contribute to an early entry into force and implementation of the Statute also by other means, such as by adopting initiatives to promote the dissemination of the values, principles and provisions of the Rome Statute and related instruments.

3. The Member States shall share with all interested States their own experiences on the issues related to the implementation of the Statute and, when appropriate, provide other forms of support to that objective.

Article 3

The Union and its Member States shall give support, including practical support, to the early establishment and good functioning of the Court. They shall support the early creation of an appropriate planning mechanism in order to prepare the effective establishment of the Court.

Article 4

The Council shall, where appropriate, coordinate measures by the European Union and Member States for the implementation of Articles 2 and 3.

Article 5

The Council notes that the Commission intends to direct its action towards achieving the objectives and priorities of this Common Position, where appropriate by pertinent Community measures.

Article 6

During negotiations of the instruments of, and in carrying out the work provided for in Resolution F of the Final Act of the Rome Diplomatic Conference of Plenipotentiaries, Member States shall contribute to the early finalisation of these instruments and shall support solutions that are consistent with the letter and the spirit of the Rome Statute, taking into account the need for ensuring the widest possible participation thereto.

Article 7

The Council shall review this Common Position every six months.

Article 8

This Common Position shall take effect from the date of its adoption.

Article 9

This Common Position shall be published in the Official Journal.

Done at Luxembourg, 11 June 2001.

For the Council

The President

A. LINDH
