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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1404/2001
of 11 July 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 July 2001.

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

Done at Brussels, 11 July 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 July 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	060	71,3
	999	71,3
0707 00 05	052	81,2
	999	81,2
0709 90 70	052	70,8
	388	67,1
	999	68,9
0805 30 10	388	67,8
	528	65,2
	999	66,5
0808 10 20, 0808 10 50, 0808 10 90	388	95,3
	400	118,2
	404	139,9
	508	99,1
	512	96,5
	524	60,9
	528	75,4
	720	143,5
	800	215,7
	804	102,8
	999	114,7
0808 20 50	388	89,1
	512	71,4
	528	75,9
	800	67,4
	804	139,5
0809 10 00	999	88,7
	052	181,5
	064	139,2
0809 20 95	999	160,3
	052	333,9
	064	201,8
	400	427,0
0809 30 10, 0809 30 90	999	320,9
	052	192,2
	999	192,2
0809 40 05	064	139,6
	624	286,1
	999	212,9

⁽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 1405/2001**of 11 July 2001****fixing the maximum export refund for white sugar for the 47th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1531/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular Article 27(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1531/2000 of 13 July 2000 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽²⁾, as amended by Regulation (EC) No 1264/2001 ⁽³⁾, requires partial invitations to tender to be issued for the export of this sugar.
- (2) Pursuant to Article 9(1) of Regulation (EC) No 1531/2000 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community

and world markets in sugar, for the partial invitation to tender in question.

- (3) Following an examination of the tenders submitted in response to the 47th partial invitation to tender, the provisions set out in Article 1 should be adopted.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

For the 47th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1531/2000 the maximum amount of the export refund is fixed at 37,620 EUR/100 kg.

Article 2

This Regulation shall enter into force on 12 July 2001.

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

Done at Brussels, 11 July 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 69.

⁽³⁾ OJ L 178, 30.6.2001, p. 61.

COMMISSION REGULATION (EC) No 1406/2001**of 11 July 2001****fixing the representative prices and the additional import duties for molasses 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 1260/2001 of 19 June 2001 on the common organisation of the market in sugar ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68 ⁽²⁾, and in particular Articles 1(2) and 3(1) thereof,

Whereas:

- (1) Regulation (EC) No 1422/95 stipulates that the cif import price for molasses, hereinafter referred to as the 'representative price', should be set in accordance with Commission Regulation (EEC) No 785/68 ⁽³⁾. That price should be fixed for the standard quality defined in Article 1 of the above Regulation.
- (2) The representative price for molasses is calculated at the frontier crossing point into the Community, in this case Amsterdam; that price must be based on the most favourable purchasing opportunities on the world market established on the basis of the quotations or prices on that market adjusted for any deviations from the standard quality. The standard quality for molasses is defined in Regulation (EEC) No 785/68.
- (3) When the most favourable purchasing opportunities on the world market are being established, account must be taken of all available information on offers on the world market, on the prices recorded on important third-country markets and on sales concluded in international trade of which the Commission is aware, either directly or through the Member States. Under Article 7 of Regulation (EEC) No 785/68, the Commission may for this purpose take an average of several prices as a basis, provided that this average is representative of actual market trends.
- (4) The information must be disregarded if the goods concerned are not of sound and fair marketable quality or if the price quoted in the offer relates only to a small

quantity that is not representative of the market. Offer prices which can be regarded as not representative of actual market trends must also be disregarded.

- (5) If information on molasses of the standard quality is to be comparable, prices must, depending on the quality of the molasses offered, be increased or reduced in the light of the results achieved by applying Article 6 of Regulation (EEC) No 785/68.
- (6) A representative price may be left unchanged by way of exception for a limited period if the offer price which served as a basis for the previous calculation of the representative price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the representative price.
- (7) Where there is a difference between the trigger price for the product in question and the representative price, additional import duties should be fixed under the conditions set out in Article 3 of Regulation (EC) No 1422/95. Should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed.
- (8) Application of these provisions will have the effect of fixing the representative prices and the additional import duties for the products in question as set out in the Annex to this Regulation.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 12 July 2001.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 141, 24.6.1995, p. 12.

⁽³⁾ OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 11 July 2001.

For the Commission
 Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 11 July 2001 fixing the representative prices and additional import duties to imports of molasses in the sugar sector

(in EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	10,49	—	0
1703 90 00 ⁽¹⁾	13,35	—	0

⁽¹⁾ For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

⁽²⁾ This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

COMMISSION REGULATION (EC) No 1407/2001
of 11 July 2001
fixing the export refunds on white sugar and raw sugar exported in its unaltered state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular the second subparagraph of Article 27(5) thereof,

Whereas:

(1) Article 27 of Regulation (EC) No 1260/2001 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(a) of that Regulation and prices for those products within the Community may be covered by an export refund.

(2) Regulation (EC) No 1260/2001 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 28 of that Regulation. The same Article provides that the economic aspect of the proposed exports should also be taken into account.

(3) The refund on raw sugar must be fixed in respect of the standard quality. The latter is defined in Annex I, point II, to Regulation (EC) No 1260/2001. Furthermore, this refund should be fixed in accordance with Article 28(4) of Regulation (EC) No 1260/2001. Candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector ⁽²⁾. The refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content.

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

(5) In special cases, the amount of the refund may be fixed by other legal instruments.

(6) The refund must be fixed every two weeks. It may be altered in the intervening period.

(7) It follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should be as set out in the Annex hereto.

(8) Regulation (EC) No 1260/2001 does not make provision to continue the compensation system for storage costs from 1 July 2001. This should accordingly be taken into account when fixing the refunds granted when the export occurs after 30 September 2001.

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

Where an export licence for which the refund amount was fixed in accordance with the first paragraph is used after 30 September 2001, the refund in question shall be reduced by EUR 2/100 kg net white sugar equivalent.

Article 2

This Regulation shall enter into force on 12 July 2001.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 214, 8.9.1995, p. 16.

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

Done at Brussels, 11 July 2001.

For the Commission
 Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 11 July 2001 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	A00	EUR/100 kg	32,80 ⁽¹⁾
1701 11 90 9910	A00	EUR/100 kg	31,82 ⁽¹⁾
1701 11 90 9950	A00	EUR/100 kg	⁽²⁾
1701 12 90 9100	A00	EUR/100 kg	32,80 ⁽¹⁾
1701 12 90 9910	A00	EUR/100 kg	31,82 ⁽¹⁾
1701 12 90 9950	A00	EUR/100 kg	⁽²⁾
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,3566
1701 99 10 9100	A00	EUR/100 kg	35,66
1701 99 10 9910	A00	EUR/100 kg	34,59
1701 99 10 9950	A00	EUR/100 kg	34,59
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,3566

⁽¹⁾ Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 19 (4) of Council Regulation (EC) No 1260/2001.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ L 255, 26.9.1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ L 309, 21.11.1985, p. 14).

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

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

COMMISSION REGULATION (EC) No 1408/2001**of 11 July 2001****concerning Regulation (EC) No 1970/96 opening and laying down detailed rules for the management of a Community tariff quota for millet falling within CN code 1008 20 00**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1970/96 of 14 October 1996 opening and laying down detailed rules for the management of a Community tariff quota for millet falling within CN code 1008 20 00 ⁽³⁾, and in particular Article 2 (4) thereof,

Whereas:

In accordance with Regulation (EC) No 1970/96, the Commission must fix a single coefficient for reducing the quantities in the import licences applied for where these quantities exceed the quantities in the annual quota; whereas applications for import licences submitted on 9 July 2001 for millet falling

within CN code 1008 20 00 relate to 70 569 t and the maximum quantity which may be imported is 1 300 t at a duty rate of EUR/t 7. The corresponding percentage reductions for import licence applications submitted on 9 July 2001 should be fixed,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for licences for the millet quota provided for in Regulation (EC) No 1970/96 at a duty rate of EUR/t for millet falling within CN code 1008 20 00 submitted on 9 July 2001 and forwarded to the Commission, shall be accepted for the tonnages indicated therein multiplied by a coefficient of 0,01842.

Article 2

This Regulation shall enter into force on 12 July 2001.

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

Done at Brussels, 11 July 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 261, 15.10.1996, p. 34.

COMMISSION REGULATION (EC) No 1409/2001
of 11 July 2001
fixing the export refunds on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EC) No 2826/2000 ⁽²⁾, and in particular Article 3(3) thereof,

Whereas:

- (1) Article 3 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries.
- (2) The detailed rules for fixing and granting export refunds on olive oil are contained in Commission Regulation (EEC) No 616/72 ⁽³⁾, as last amended by Regulation (EEC) No 2962/77 ⁽⁴⁾.
- (3) Article 3(3) of Regulation No 136/66/EEC provides that the refund must be the same for the whole Community.
- (4) In accordance with Article 3(4) of Regulation No 136/66/EEC, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market. However, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period. The amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take

account of export costs for the products on the world market.

- (5) In accordance with Article 3(3) third indent, point (b) of Regulation No 136/66/EEC, it may be decided that the refund shall be fixed by tender. The tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations.
- (6) The second indent of Article 3(3) of Regulation No 136/66/EEC provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary.
- (7) The refund must be fixed at least once every month. It may, if necessary, be altered in the intervening period.
- (8) It follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto.
- (9) The Management Committee for Oils and Fats has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(2)(c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 12 July 2001.

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

Done at Brussels, 11 July 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ 172, 30.9.1966, p. 3025/66.

⁽²⁾ OJ L 328, 23.12.2000, p. 2.

⁽³⁾ OJ L 78, 31.3.1972, p. 1.

⁽⁴⁾ OJ L 348, 30.12.1977, p. 53.

ANNEX

to the Commission Regulation of 11 July 2001 fixing the export refunds on olive oil

Product code	Destination	Unit of measurement	Amount of refund
1509 10 90 9100	A00	EUR/100 kg	0,00
1509 10 90 9900	A00	EUR/100 kg	0,00
1509 90 00 9100	A00	EUR/100 kg	0,00
1509 90 00 9900	A00	EUR/100 kg	0,00
1510 00 90 9100	A00	EUR/100 kg	0,00
1510 00 90 9900	A00	EUR/100 kg	0,00

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

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

COMMISSION REGULATION (EC) No 1410/2001
of 11 July 2001
amending the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ⁽³⁾, as last amended by Regulation (EC) No 2235/2000 ⁽⁴⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) The import duties in the cereals sector are fixed by Commission Regulation (EC) No 1301/2001 ⁽⁵⁾, as last amended by Regulation (EC) No 1397/2001 ⁽⁶⁾.

- (2) Article 2(1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by EUR 5 per tonne from the duty fixed, a corresponding adjustment is to be made. Such a difference has arisen. It is therefore necessary to adjust the import duties fixed in Regulation (EC) No 1301/2001,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 1301/2001 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 12 July 2001.

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

Done at Brussels, 11 July 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 256, 10.10.2000, p. 13.

⁽⁵⁾ OJ L 177, 30.6.2001, p. 3.

⁽⁶⁾ OJ L 187, 10.7.2001, p. 40.

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (EUR/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00	0,00
	medium quality ⁽¹⁾	0,00	0,00
1001 90 91	Common wheat seed	0,00	0,00
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	0,00	0,00
	medium quality	0,00	0,00
	low quality	26,68	16,68
1002 00 00	Rye	19,75	9,75
1003 00 10	Barley, seed	19,75	9,75
1003 00 90	Barley, other ⁽³⁾	19,75	9,75
1005 10 90	Maize seed other than hybrid	67,72	57,72
1005 90 00	Maize other than seed ⁽³⁾	67,72	57,72
1007 00 90	Grain sorghum other than hybrids for sowing	44,46	34,46

⁽¹⁾ In the case of durum wheat not meeting the minimum quality requirements for durum wheat of medium quality, referred to in Annex I to Regulation (EC) No 1249/96, the duty applicable is that fixed for low-quality common wheat.

⁽²⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— EUR 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

— EUR 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic Coasts of the Iberian Peninsula.

⁽³⁾ The importer may benefit from a flat-rate reduction of EUR 24 or 8 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

(period from 29 June to 10 July 2001)

1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Kansas City	Chicago	Chicago	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	Medium quality (*)	US barley 2
Quotation (EUR/t)	133,49	129,53	112,82	90,10	205,22 (**)	195,22 (**)	115,25 (**)
Gulf premium (EUR/t)	—	19,10	5,70	12,20	—	—	—
Great Lakes premium (EUR/t)	26,29	—	—	—	—	—	—

(*) A discount of 10 EUR/t (Article 4(1) of Regulation (EC) No 1249/96).

(**) Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: 21,84 EUR/t; Great Lakes — Rotterdam: 32,03 EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: 0,00 EUR/t (HRW2)
0,00 EUR/t (SRW2).

COMMISSION DIRECTIVE 2001/50/EC
of 3 July 2001
amending Directive 95/45/EC laying down specific purity criteria concerning colours for use in
foodstuffs
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/107/EEC of 21 December 1988 on the approximation of the laws of the Member States concerning food additives authorised for use in foodstuffs intended for human consumption ⁽¹⁾, as amended by Directive 94/34/EC of the European Parliament and of the Council ⁽²⁾ and in particular Article 3(3)(a) thereof,

After consulting the Scientific Committee for Food,

Whereas:

- (1) Council Directive 94/36/EC of the European Parliament and of Council of 30 June 1994 on colours for use in foodstuffs ⁽³⁾ lists those substances which may be used as colours in foodstuffs.
- (2) Commission Directive 94/45/EC of 26 July 1995 laying down specific purity criteria concerning colours for use in foodstuffs ⁽⁴⁾, as amended by Directive 1999/75/EC ⁽⁵⁾, sets out the purity criteria for the colours mentioned in Directive 94/36/EC.
- (3) It is necessary, in the light of technical progress, to amend the purity criteria set out in Directive 95/45/EC for mixed carotenes (E160a(i)) and beta-carotene (E160a(ii)).
- (4) It is necessary to take into account the specifications and analytical techniques for additives as set out in the *Codex alimentarius* as drafted by the Joint FAO/WHO Expert Committee on Food Additives (JECFA).
- (5) It is consequently necessary to adapt Directive 95/45/EC.
- (6) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Foodstuffs,

HAS ADOPTED THIS DIRECTIVE:

Article 1

In part B of the Annex to Directive 95/45/EC, the text concerning mixed carotenes (E160a(i)) and beta-carotene (E160a(ii)) is replaced by the text of the Annex to this Directive.

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 30 June 2002. They shall immediately inform the Commission thereof.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 3 July 2001.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 40, 11.2.1989, p. 27.

⁽²⁾ OJ L 237, 10.9.1994, p. 1.

⁽³⁾ OJ L 237, 10.9.1994, p. 13.

⁽⁴⁾ OJ L 226, 22.9.1995, p. 1.

⁽⁵⁾ OJ L 206, 5.8.1999, p. 19.

ANNEX

'E 160 a (i) MIXED CAROTENES**1. Plant carotenes****Synonyms**

CI food orange 5

Definition

Mixed carotenes are obtained by solvent extraction of natural strains of edible plants, carrots, vegetable oils, grass, alfalfa (lucerne) and nettle

The main colouring principle consists of carotenoids of which β -carotene accounts for the major part. α , γ -carotene and other pigments may be present. Besides the colour pigments, this substance may contain oils, fats and waxes naturally occurring in the source material

Only the following solvents may be used in the extraction: acetone, methyl ethyl ketone, methanol, ethanol, propan-2-ol, hexane (*), dichloromethane and carbon dioxide

Class

Carotenoid

Colour index No

75130

Einecs

230-636-6

Chemical formula

 β -carotene: $C_{40}H_{56}$

Molecular weight

 β -carotene: 536,88

Assay

Content of carotenes (calculated as β -carotene) is not less than 5 %. For products obtained by extraction of vegetables oils: not less than 0,2 % in edible fats

$E_{1\text{ cm}}^{1\%}$ 2 500 at approximately 440 nm to 457 nm in cyclohexane

Identification

A. Spectrometry

Maximum in cyclohexane at 440 nm to 457 nm and 470 nm to 486 nm

Purity

Solvent residues

Acetone

Methyl ethyl ketone

Methanol

Propan-2-ol

Hexane

Ethanol

Not more than 50 mg/kg, singly or in combination

Dichloromethane

Not more than 10 mg/kg

Arsenic

Not more than 3 mg/kg

Lead

Not more than 5 mg/kg

Mercury

Not more than 1 mg/kg

Cadmium

Not more than 1 mg/kg

2. Algal carotenes**Synonyms**

CI food orange 5

Definition

Mixed carotenes may also be produced from natural strains of the algae *Dunaliella salina*, grown in large saline lakes located in Whyalla, South Australia. β -carotene is extracted using an essential oil. The preparation is a 20 to 30 % suspension in edible oil. The ratio of trans-cis isomers is in the range of 50/50 to 71/29

The main colouring principle consists of carotenoids of which β -carotene accounts for the major part. α -carotene, lutein, zeaxanthin and β -cryptoxanthin may be present. Besides the colour pigments, this substance may contain oils, fats and waxes naturally occurring in the source material

Class	Carotenoid
Colour Index No	75130
Chemical formula	β -Carotene: $C_{40}H_{56}$
Molecular weight	β -Carotene: 536,88
Assay	Content of carotenes (calculated as β -carotene) is not less than 20 % $E_{1\text{ cm}}^{1\%}$ 2 500 at approximately by 440 nm to 457 nm in cyclohexane

Identification

A. Spectrometry	Maximum in cyclohexane at 448 nm to 457 nm and 474 nm to 486 nm
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Purity

Natural tocopherols in edible oil	Not more than 0,3 %
Arsenic	Not more than 3 mg/kg
Lead	Not more than 5 mg/kg
Mercury	Not more than 1 mg/kg
Cadmium	Not more than 1 mg/kg

E 160 a (ii) BETA-CAROTENE**1. Beta-carotene**

Synonyms	CI food orange 5
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Definition	These specifications apply predominantly to all trans isomer of β -carotene together with minor amounts of other carotenoids. Diluted and stabilised preparations may have different trans-cis isomer ratios
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Class	Carotenoid
Colour index No	40800
Einecs	230-636-6
Chemical names	β -carotene, β,β -carotene
Chemical formula	$C_{40}H_{56}$
Molecular weight	536,88
Assay	Not less than 96 % total colouring matters (expressed as β -carotene) $E_{1\text{ cm}}^{1\%}$ 2 500 at approximately by 440 nm to 457 nm in cyclohexane

Description	Red to brownish-red crystals or crystalline powder
--------------------	--

Identification

A. Spectrometry	Maximum in cyclohexane at 453 nm to 456 nm
-----------------	--

Purity

Sulphated ash	Not more than 0,2 %
Subsidiary colouring matters	Carotenoids other than β -carotene: not more than 3,0 % of total colouring matters
Arsenic	Not more than 3 mg/kg
Lead	Not more than 5 mg/kg
Mercury	Not more than 1 mg/kg
Cadmium	Not more than 1 mg/kg

2. Beta-carotene from *Blakeslea trispora*

Synonyms

CI food orange 5

Definition

Obtained by a fermentation process using a mixed culture of the two sexual mating types (+) and (–) of natural strains of the fungus *Blakeslea trispora*. The β -carotene is extracted from the biomass with ethyl acetate and crystallised. The crystallised product consists mainly of trans β -carotene. Because of the natural process approximately 3 % of the product consists of mixed carotenoids, which is specific for the product

Class

Carotenoid

Colour Index No

40800

Einecs

230-636-6

Chemical names

β -carotene, β,β -carotene

Chemical formula

$C_{40}H_{56}$

Molecular weight

536,88

Assay

Not less than 96 % total colouring matters (expressed as β -carotene)

$E_{1\text{ cm}}^{1\%}$ 2 500 at approximately 440 nm to 457 nm in cyclohexane

Description

Red to brownish-red crystals or crystalline powder

Identification

A. Spectrometry

Maximum in cyclohexane at 453 nm to 456 nm

Purity

Solvent residues

Ethyl acetate

Ethanol

Not more than 0,8 %,
singly or in combination

Sulphated ash

Not more than 0,2 %

Subsidiary colouring matters

Carotenoids other than β -carotene: not more than 3,0 % of total colouring matters

Arsenic

Not more than 3 mg/kg

Lead

Not more than 5 mg/kg

Mercury

Not more than 1 mg/kg

Cadmium

Not more than 1 mg/kg

Aflatoxin B1

Absent

Mycotoxins:

T2

Ochratoxin

Zearalenone

} Absent

Microbiology:

Moulds

Not more than 100/g

Yeasts

Not more than 100/g

Salmonella

Absent in 25 g

Escherichia coli

Absent in 5 g

(*) Benzene not more than 0,05 % v/v.*

COMMISSION DIRECTIVE 2001/52/EC
of 3 July 2001
amending Directive 95/31/EC laying down specific criteria of purity concerning sweeteners for use
in foodstuffs
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/107/EEC of 21 December 1988 on the approximation of the laws of the Member States concerning food additives authorised for use in foodstuffs intended for human consumption ⁽¹⁾, as amended by Directive 94/34/EC ⁽²⁾ of the European Parliament and of the Council, and in particular Article 3(3)(a) thereof,

After consulting the Scientific Committee on Food,

Whereas:

- (1) Directive 94/35/EC of the European Parliament and of the Council of 30 June 1994 on sweeteners for use in foodstuffs ⁽³⁾, as amended by Directive 96/83/EC ⁽⁴⁾, lists those substances which may be used as sweeteners in foodstuffs.
- (2) Commission Directive 95/31/EC of 5 July 1995 laying down specific criteria of purity concerning sweeteners for use in foodstuffs ⁽⁵⁾, as last amended by Directive 2000/51/EC ⁽⁶⁾, sets out the purity criteria for the sweeteners mentioned in Directive 94/35/EC.
- (3) It is necessary, in the light of technical progress, to amend the purity criteria set out in Directive 95/31/EC for mannitol (E 421) and acesulfame K (E 950).
- (4) It is necessary to take into account the specifications and analytical techniques for sweeteners as set out in the *Codex alimentarius* by the Joint FAO/WHO Expert Committee on Food Additives (JECFA).
- (5) It is consequently necessary to adapt Directive 95/31/EC.
- (6) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Foodstuffs,

HAS ADOPTED THIS DIRECTIVE:

Article 1

In the Annex to Directive 95/31/EC, the text concerning E 421 mannitol and E 950 acesulfame K shall be replaced by the text in the Annex to this Directive.

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 June 2002 at the latest. They shall forthwith inform the Commission thereof.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 3 July 2001.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 40, 11.2.1989, p. 27.

⁽²⁾ OJ L 237, 10.9.1994, p. 1.

⁽³⁾ OJ L 237, 10.9.1994, p. 3.

⁽⁴⁾ OJ L 48, 19.2.1997, p. 16.

⁽⁵⁾ OJ L 178, 28.7.1995, p. 1.

⁽⁶⁾ OJ L 198, 4.8.2000, p. 41.

ANNEX

E 950 ACESULFAME K**Synonyms**

Acesulfame potassium, potassium salt of 3,4-dihydro-6-methyl-1,2,3-oxathiazin-4-one, 2,2-dioxide

Definition

Chemical name	6-methyl-1,2,3-oxathiazin-4(3H)-one-2,2-dioxide potassium salt
Einecs	259-715-3
Chemical formula	$C_4H_4KNO_4S$
Molecular weight	201,24
Assay	Content not less than 99 % of $C_4H_4KNO_4S$ on the anhydrous basis

Description

Odourless, white, crystalline powder. Approximately 200 times as sweet as sucrose

Identification

A. Solubility	Very soluble in water, very slightly soluble in ethanol
B. Ultra violet absorption	Maximum 227 ± 2 nm for a solution of 10 mg in 1 000 ml of water
C. Positive test for potassium	Passes test (test the residue obtained by igniting 2 g of the sample)
D. Precipitation test	Add a few drops of a 10 % solution of sodium cobaltinitrite to a solution of 0,2 g of the sample in 2 ml of acetic acid and 2 ml of water. A yellow precipitate is produced

Purity

Loss on drying	Not more than 1 % (105 °C, two hours)
Organic impurities	Passes test for 20 mg/kg of UV active components
Fluoride	Not more than 3 mg /kg
Lead	Not more than 1 mg/kg

E 421 MANNITOL**1. Mannitol****Synonyms**

D-mannitol

Definition

Manufactured by catalytic hydrogenation of carbohydrate solutions containing glucose and/or fructose

Chemical name	D-mannitol
Einecs	200-711-8
Chemical formula	$C_6H_{14}O_6$
Molecular weight	182,2
Assay	Content not less than 96,0 % D-mannitol and not more than 102 % on the dried basis

Description

White, odourless, crystalline powder

Identification

A. Solubility	Soluble in water, very slightly soluble in ethanol, practically insoluble in ether
B. Melting range	Between 164 and 169 °C
C. Thin layer chromatography	Passes test
D. Specific rotation	$[\alpha]^{20}_D$: + 23° to + 25° (borate solution)
E. pH	Between 5 and 8

Add 0,5 ml of a saturated solution of potassium chloride to 10 ml of a 10 % w/v solution of the sample, then measure the pH

Purity

Loss on drying	Not more than 0,3 % (105 °C, four hours)
Reducing sugars	Not more than 0,3 % (as glucose)
Total sugars	Not more than 1 % (as glucose)
Sulphated ash	Not more than 0,1 %
Chlorides	Not more than 70 mg/kg
Sulphate	Not more than 100 mg/kg
Nickel	Not more than 2 mg/kg
Lead	Not more than 1 mg/kg

2. Mannitol manufactured by fermentation**Synonyms**

D-mannitol

DefinitionManufactured by discontinuous fermentation under aerobic conditions using a conventional strain of the yeast *Zygosaccharomyces rouxii*

Chemical name	D-mannitol
Einecs	200-711-8
Chemical formula	C ₆ H ₁₄ O ₆
Molecular weight	182,2
Assay	Not less than 99 % on the dried basis

Description

White, odourless crystalline powder

Identification

A. Solubility	Soluble in water, very slightly soluble in ethanol, practically insoluble in ether
B. Melting range	Between 164 and 169 °C
C. Thin layer chromatography	passes test
D. Specific rotation	[α] _D ²⁰ : + 23° to + 25° (borate solution)
E. pH	Between 5 and 8 Add 0,5 ml of a saturated solution of potassium chloride to 10 ml of a 10 % w/v solution of the sample, then measure the pH

Purity

Arabitol	Not more than 0,3 %
Loss on drying	Not more than 0,3 % (105 °C, four hours)
Reducing sugars	Not more than 0,3 % (as glucose)
Total sugars	Not more than 1 % (as glucose)
Sulphated ash	Not more than 0,1 %
Chlorides	Not more than 70 mg/kg
Sulphate	Not more than 100 mg/kg
Lead	Not more than 1 mg/kg
Aerobic mesophilic bacteria	Not more than 10 ³ /g
Coliforms	Absent in 10 g
<i>Salmonella</i>	Absent in 10 g
<i>E. coli</i>	Absent in 10 g
<i>Staphylococcus aureus</i>	Absent in 10 g
<i>Pseudomonas aeruginosa</i>	Absent in 10 g
Moulds	Not more than 100/g
Yeasts	Not more than 100/g'

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 28 June 2001

relating to the publication of references for standards EN 13428:2000, EN 13429:2000, EN 13430:2000, EN 13431:2000 and EN 13432:2000 in the *Official Journal of the European Communities* in connection with Directive 94/62/EC on packaging and packaging waste

(notified under document number C(2001) 1681)

(Text with EEA relevance)

(2001/524/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste ⁽¹⁾, and in particular the second subparagraph of Article 9(4) thereof,

Having regard to the opinion of the Committee set up by Article 5 of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations ⁽²⁾, as amended by Directive 98/48/EC ⁽³⁾,

Whereas:

- (1) Article 4 of Directive 94/62/EC stipulates that the Commission shall help to promote the prevention of packaging waste formation by encouraging the development of suitable European standards.
- (2) Article 10 of Directive 94/62/EC indicates that the Commission shall promote, as appropriate, the preparation of European standards relating to the essential requirements referred to in Annex II thereto.
- (3) When packaging is manufactured for a specific product in accordance with a harmonised standard whose references have been published in the *Official Journal of the European Communities*, the packaging is presumed to comply with the essential requirements of Directive 94/62/EC, as covered by that harmonised standard.

- (4) Article 9 of Directive 94/62/EC stipulates that the Commission shall ensure that the references of the harmonised standards which comply with the essential requirements defined by the Directive are published in the *Official Journal of the European Communities*.
- (5) The Member States are required to publish the references of the national standards transposing the harmonised standards whose references have been published in the *Official Journal of the European Communities*.
- (6) In 2000, the European Committee for Standardisation (CEN) approved five standards (EN 13428:2000, EN 13429:2000, EN 13430:2000, EN 13431:2000 and EN 13432:2000) in line with the mandate which the Commission issued to this body under Directive 94/62/EC, after consultation with the committee set up under Directive 98/34/EC. These standards were presented to the Commission as harmonised standards.
- (7) In 2000, in application of Article 9(4) of Directive 94/62/EC, Belgium raised a formal objection in respect of harmonised standards EN 13428:2000, EN 13429:2000, EN 13430:2000, EN 13431:2000 and EN 13432:2000, to the effect that these standards do not fully meet the essential requirements of the Directive.
- (8) In 2000, in application of Article 9(4) of Directive 94/62/EC, Denmark raised a formal objection in respect of harmonised standards EN 13428:2000, EN 13429:2000, EN 13430:2000 and EN 13431:2000, to the effect that these standards do not fully meet the essential requirements of the Directive.

⁽¹⁾ OJ L 365, 31.12.1994, p. 10.

⁽²⁾ OJ L 204, 21.7.1998, p. 37.

⁽³⁾ OJ L 217, 5.8.1998, p. 18.

- (9) After consulting the committee created by Directive 98/34/EC and examining harmonised standard EN 13428:2000, the Commission was unable to ascertain that this standard does not fully meet the essential requirements of Directive 94/62/EC, with the exception of the requirements of the third indent of Annex II(1) to the Directive. This harmonised standard must accordingly be published in the *Official Journal of the European Communities* with a warning stating that it does not cover the requirements of that indent.
- (10) After consulting the committee created by Directive 98/34/EC and examining harmonised standard EN 13429:2000, the Commission was able to ascertain that this standard does not fully meet the essential requirements of Directive 94/62/EC, as specified in Annex II(2) to the Directive. In particular, this standard does not cover the mandated requirement for a minimum number of trips or rotations in normally predictable conditions of use, or define a test method for checking this minimum number of trips or rotations. Accordingly, this harmonised standard must not be published in the *Official Journal of the European Communities*.
- (11) After consulting the committee created by Directive 98/34/EC and examining harmonised standard EN 13430:2000, the Commission was able to ascertain that this standard does not fully meet the essential requirements of Directive 94/62/EC, as specified in Annex II(3a) to the Directive. In particular, the standard does not cover the essential requirements stipulating that in order to be considered recyclable, packaging must be manufactured in such a way as to enable the recycling of a certain percentage by weight of the materials used, according to the type of material used for the packaging. The standard does not, moreover, cover the mandated requirement for objective consideration of the use of substances or materials likely to cause problems in recovery and sorting prior to recycling, in the recycling process itself or in recycled products. Accordingly, this harmonised standard must not be published in the *Official Journal of the European Communities*.
- (12) After consulting the committee created by Directive 98/34/EC and examining harmonised standard EN 13431:2000, the Commission was able to ascertain that this standard does not fully meet the essential requirements of the Directive, as specified in Annex II(3b) to Directive 94/62/EC, for a minimum lower calorific value to allow optimisation of energy recovery. Furthermore, the standard does not cover the mandated requirement for objective consideration of the use of substances or materials likely to present problems in recovery and sorting prior to energy recovery, or in the energy recovery process itself. Accordingly, this harmonised standard must not be published in the *Official Journal of the European Communities*.
- (13) After consulting the committee created by Directive 98/34/EC and examining harmonised standard EN 13432:2000, the Commission was unable to ascertain that this standard does not fully meet the essential requirements of Directive 94/62/EC, as specified in Annex II(3c) and (3d). This harmonised standard must, accordingly, be published in the *Official Journal of the European Communities*.
- (14) The Commission now calls on the CEN to undertake work to improve those standards which either in part or in full do not fulfil the essential requirements defined in the Directive,

HAS DECIDED AS FOLLOWS:

Article 1

The references of harmonised standard EN 13428:2000 are published in the *Official Journal of the European Communities* in the form given in the Annex, accompanied by the following warning:

'Users of harmonised standard EN 13428:2000 should note that this standard does not cover the essential requirements of Directive 94/62/EC as specified in the third indent of Annex II(1) thereto.'

When Member States publish the references of the national standard transposing harmonised standard EN 13428:2000, the publication must be accompanied by a warning identical to the one provided for in the first indent.

Article 2

The references of harmonised standards EN 13429:2000, EN 13430:2000 and EN 13431:2000 are not published in the *Official Journal of the European Communities*.

Article 3

The references of harmonised standard EN 13432:2000 are published in the *Official Journal of the European Communities* in the form given in the Annex.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 28 June 2001.

For the Commission
Margot WALLSTRÖM
Member of the Commission

ANNEX

Publication of the references of harmonised standards pursuant to Directive 94/62/EC on packaging and packaging waste

ESB ⁽¹⁾	Reference	Title of harmonised standard	Ratification year
CEN	EN 13428	Packaging — Requirements specific to manufacturing and composition — Prevention by source reduction	2000

Note: Users of harmonised standard EN 13428:2000 should note that this standard does not cover the essential requirements of Directive 94/62/EC, as specified in the first and third indents of Annex II(1) to that Directive.

ESB ⁽¹⁾	Reference	Title of harmonised standard	Ratification year
CEN	EN 13432	Packaging — Requirements for packaging recoverable through composting and biodegradation — Test scheme and evaluation criteria for the final acceptance of packaging	2000

⁽¹⁾ ESB (European standardisation body):

- CEN Rue de Stassart 36, B-1050 Brussels. Tel. (32-2) 550 08 11, fax (32-2) 550 08 19
- Cenelec Rue de Stassart 35, B-1050 Brussels. Tel. (32-2) 519 68 71, fax (32-2) 519 69 19
- ETSI F-06561 Valbonne Cedex. Tel. (33-4) 92 94 42 00, fax (33-4) 93 65 47 16

Note:

- Any information concerning the availability of the standards can be obtained either from the European standardisation bodies or from the national standardisation bodies, a list of which is annexed to Directive 98/34/EC, as amended by Directive 98/48/EC.
- Publication of the references in the *Official Journal of the European Communities* does not imply that the standards are available in all the Community languages.

The Commission ensures the updating of this list.

COMMISSION DECISION
of 28 June 2001
amending Decision 2000/680/EC approving contingency plans for the control of avian influenza
and of Newcastle disease

(notified under document number C(2001) 1685)

(Text with EEA relevance)

(2001/525/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/40/EEC of 19 May 1992 introducing Community measures for the control of avian influenza ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and in particular Article 17(4) thereof,

Having regard to Council Directive 92/66/EEC of 14 July 1992 introducing Community measures for the control of Newcastle disease ⁽²⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and in particular Article 21(4) thereof,

Whereas:

- (1) Avian influenza and Newcastle disease are diseases which both affect avian species.
- (2) The criteria to be applied when drawing up contingency plans for the control of avian influenza and for Newcastle disease are laid down in Annex VI to Directive 92/40/EEC and in Annex VII to Directive 92/66/EEC, respectively.
- (3) The criteria for contingency plans listed in the two Annexes referred to above are identical.
- (4) Disease control measures to be applied in the event of outbreaks of avian influenza or Newcastle disease follow the same principles and involve poultry producers, operators of slaughterhouses and rendering plants, veterinarians in the field and diagnostic laboratories. It is therefore possible to prepare a contingency plan which covers at the same time avian influenza and Newcastle disease.

(5) Member States have submitted for approval national contingency plans which list and specify the measures to be carried out in the event of outbreaks of avian influenza and Newcastle disease.

(6) By Commission Decision 2000/680/EC of 30 October 2000 approving contingency plans for the control of avian influenza and Newcastle disease ⁽³⁾, contingency plans submitted by 10 Member States were approved.

(7) Contingency plans submitted by all Member States have been examined and fulfil the criteria laid down.

(8) The measures provided for in this decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2000/680/EC is replaced by the Annex hereto.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 28 June 2001.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 167, 22.6.1992, p. 1.

⁽²⁾ OJ L 260, 5.9.1992, p. 1.

⁽³⁾ OJ L 281, 7.11.2000, p. 21.

ANNEX

Belgium
Denmark
Germany
Greece
Spain
France
Ireland
Italy
Luxembourg
Netherlands
Austria
Portugal
Finland
Sweden
United Kingdom

EUROPEAN CENTRAL BANK

GUIDELINE OF THE EUROPEAN CENTRAL BANK

of 21 June 2001

amending Guideline ECB/2000/1 of 3 February 2000 on the management of the foreign reserve assets of the European Central Bank by the national central banks and the legal documentation for operations involving the foreign reserve assets of the European Central Bank

(ECB/2001/5)

(2001/526/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

(4) In accordance with Articles 12.1 and 14.3 of the Statute, ECB guidelines form an integral part of Community law,

Having regard to the Treaty establishing the European Community (hereinafter referred to as the 'Treaty') and in particular to the third indent of Article 105(2) thereof and to the third indent of Article 3.1 and Articles 12.1, 14.3 and 30.6 of the Statute of the European System of Central Banks and of the European Central Bank (hereinafter referred to as the 'Statute'),

HAS ADOPTED THIS GUIDELINE:

Article 1

A new Article 3a shall be inserted in Guideline ECB/2000/1 as follows:

Whereas:

'Article 3a

Minimum standards for the conduct of NCBs in the management of the ECB's foreign reserve assets

- (1) Pursuant to Guideline ECB/2000/1 of 3 February 2000 on the management of the foreign reserve assets of the European Central Bank by the national central banks and the legal documentation for operations involving the foreign reserve assets of the European Central Bank ⁽¹⁾, each national central bank (NCB) of a participating Member State shall carry out operations involving the foreign reserve assets of the European Central Bank (ECB) as an agent for the ECB.

When acting as an agent for the ECB in the management of the ECB's foreign reserve assets, each NCB shall ensure that its internal rules related to such management, whether they are codes of conduct, personnel statutes or any other type of rules (internal rules) comply with the minimum standards for the conduct of the NCBs in the management of the ECB's foreign reserve assets, attached as Annex 4 to this Guideline.'

- (2) The ECB considers it necessary for each NCB acting as agent for the ECB to apply minimum standards for the conduct of NCBs in the management of the ECB's foreign reserve assets. Article 38.1 of the Statute provides that members of the governing bodies and the staff of the ECB and the NCBs shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy.

Article 2

A new Annex 4 shall be added to Guideline ECB/2000/1 as follows:

'ANNEX 4

Minimum standards for the conduct of NCBs in the management of the ECB's foreign reserve assets

- (3) The ECB considers it appropriate that legal documentation for operations involving the ECB's foreign reserve assets be executed with counterparties only on a multi-branch basis.

1. SCOPE

The internal rules of the NCBs should contain binding provisions ensuring compliance for all NCBs' activities or operations involving the ECB's foreign reserve assets with these minimum standards.

⁽¹⁾ OJ L 207, 17.8.2000, p. 24.

The rules contained herein should be applicable to the members of NCBs' decision-making bodies and to all NCBs' employees involved in the management of the ECB's foreign reserve assets (such employees and the members of decision-making bodies are hereinafter collectively referred to as "NCBs' employees").

These minimum standards are not intended to exclude or prejudice the operation of any other more stringent provisions laid down in NCBs' internal rules and that apply to NCBs' employees, and these minimum standards shall also be without prejudice to the operation of Article 38 of the Statute of the European System of Central Banks and of the European Central Bank, which provides that the members of the governing bodies and the staff of the ECB and the NCBs shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy.

2. MANAGEMENT SUPERVISION OF OPERATIONS WITH MARKET COUNTERPARTIES

Control of the activities of all NCBs' employees engaged in operations with market counterparties is the responsibility of NCB management. The authorisations and responsibilities according to which market operators and support staff should discharge their duties should be clearly set out in writing.

3. AVOIDANCE OF POTENTIAL CONFLICTS OF INTEREST

NCBs' employees are required to abstain from being a party to any economic or financial transactions that may hinder their independence and impartiality.

NCBs' employees should avoid any situation liable to give rise to a conflict of interest.

4. PROHIBITION OF INSIDER TRADING

NCBs should not allow NCBs' employees to conduct insider trading, nor to pass non-public confidential information obtained at the workplace on to third parties. Moreover, NCBs' employees may not use non-public ESCB related knowledge obtained at the workplace whenever they conduct private financial transactions.

Insider trading is defined as the activity of any person who, by virtue of his or her employment, profession or duties, has access to certain information of a precise nature that could be relevant to the management of the ECB's foreign reserve assets before it becomes public and takes advantage of that information with full knowledge of the facts by acquiring or disposing of, either for his or her own account or for the account of a third party, either directly or indirectly, assets (including trans-

ferable securities) or rights (including rights under derivatives contracts) to which that information is closely related.

The NCBs should have appropriate arrangements in place to enable their management and/or compliance officers to check that financial transactions entered into by NCBs' employees are in conformity with this rule, subject to applicable national laws and labour-market practices. Moreover, these arrangements should be strictly limited to compliance checks regarding those kinds of transactions that could be relevant to the management of the ECB's foreign reserve assets. Such compliance checks should only be carried out where there are compelling reasons for doing so.

5. ENTERTAINMENT AND GIFTS

NCBs' employees may not solicit gifts and entertainment from third parties in the course of the management of the ECB's foreign reserve assets, nor may NCBs' employees accept gifts and entertainment in excess of a customary or negligible amount, whether financial or non-financial, that may hinder their independence and impartiality.

NCBs' employees should be required to inform their management about any attempt by a counterparty to offer them such gifts or entertainment.'

Article 3

Annex 3 to Guideline ECB/2000/1 shall be replaced as follows:

'ANNEX 3

Standard agreements for collateralised and over-the-counter derivatives operations

1. All collateralised operations involving the foreign reserve assets of the ECB comprising repurchase agreements, reverse repurchase agreements, buy/sell-back agreements and sell/buy-back agreements are to be documented under the following standard agreements, in such form as may be approved or amended by the ECB from time to time: for counterparties organised or incorporated under French law, the "Convention-cadre relative aux opérations de pension livrée"; for counterparties organised or incorporated under German law, the "Rahmenvertrag für echte Pensionsgeschäfte"; for counterparties organised or incorporated under the laws of a jurisdiction outside France, Germany and the United States, the "PSA/ISMA Global Master Repurchase Agreement"; and for counterparties organised or incorporated under US federal or State laws, "The Bond Market Association Master Repurchase Agreement".

2. All over-the-counter derivative operations involving the foreign reserve assets of the ECB are to be documented under the following standard agreements, in such form as may be approved or amended by the ECB from time to time: for counterparties organised or incorporated under French law, the "Convention-cadre relative aux opérations de marché à terme"; for counterparties organised or incorporated under German law, the "Rahmenvertrag für echte Finanztermingeschäfte"; for counterparties organised or incorporated under the laws of a jurisdiction outside France, Germany and the United States, the "1992 International Swaps and Derivatives Association Master Agreement" (Multicurrency — cross-border, English law version); and for counterparties organised or incorporated under US federal or State laws, the "1992 International Swaps and Derivatives Association Master Agreement" (Multicurrency — cross-border, New York law version).'

Article 4

Final provisions

This Guideline is addressed to the NCBs.

By 16 August 2001 at the latest, NCBs shall forward details of the texts and means by which they intend to comply with the minimum standards for their conduct in the management of the ECB's foreign reserve assets, as required by Article 3a of Guideline ECB/2000/1.

This Guideline shall enter into force on 21 June 2001.

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

Done at Frankfurt am Main, 21 June 2001.

On behalf of the Governing Council of the
ECB

Willem F. DUISENBERG
