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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1439/2001
of 10 July 2001**

on the conclusion of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros for the period from 28 February 2001 to 27 February 2004

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 in conjunction with Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

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

Whereas:

- (1) In accordance with the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros ⁽²⁾, the two parties held negotiations to determine amendments or additions to be made to the Agreement at the end of the period of application of the Protocol attached to it.
- (2) As a result of those negotiations, a new Protocol setting out the fishing opportunities and financial contribution provided for in the above Agreement for the period from 28 February 2001 to 27 February 2004 was initialled on 13 December 2000.
- (3) It is in the Community's interest to approve that Protocol.
- (4) The method of allocating the fishing opportunities among the Member States should be defined on the basis of the traditional allocation of fishing opportunities under the said Agreement,

HAS ADOPTED THIS REGULATION:

Article 1

The Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Federal Republic

of the Comoros on fishing off the Comoros for the period from 28 February 2001 to 27 February 2004 (hereinafter 'the Protocol') is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation. ⁽³⁾

Article 2

The fishing opportunities set out in the Protocol shall be allocated among the Member States as follows:

- (a) Tuna seiners:

Spain:	18 vessels
France:	21 vessels
Italy:	1 vessel
- (b) Surface longliners:

Spain:	20 vessels
Portugal:	5 vessels

If licence applications from these Member States do not cover all the fishing opportunities set out in the Protocol, the Commission may take into consideration licence applications from any other Member State.

Article 3

The President of the Council is hereby authorised to designate the persons empowered to sign the Protocol in order to bind the Community.

Article 4

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

⁽¹⁾ Opinion delivered on 14 June 2001 (not yet published in the Official Journal).

⁽²⁾ OJ L 137, 2.6.1988, p. 19.

⁽³⁾ See page 19 of this Official Journal.

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

Done at Brussels, 10 July 2001.

For the Council

The President

D. REYNDEERS

COMMISSION REGULATION (EC) No 1440/2001
of 16 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 17 July 2001.

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

Done at Brussels, 16 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 16 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	064	60,0
	091	53,1
	092	53,1
	999	55,4
0707 00 05	052	65,3
	628	126,4
	999	95,8
0709 90 70	052	69,5
	388	67,1
	999	68,3
0805 30 10	388	68,8
	528	70,6
	999	69,7
0808 10 20, 0808 10 50, 0808 10 90	388	92,6
	400	113,7
	404	139,9
	508	87,7
	512	90,0
	524	75,0
	528	76,1
	720	143,5
	804	99,9
	999	102,0
	388	88,4
	512	67,7
0808 20 50	528	65,2
	800	67,4
	804	118,3
	999	81,4
	052	177,3
0809 10 00	064	125,8
	999	151,6
	052	326,9
0809 20 95	400	280,2
	999	303,5
0809 30 10, 0809 30 90	052	192,2
	999	192,2
0809 40 05	064	117,9
	624	284,4
	999	201,1

⁽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 1441/2001

of 16 July 2001

amending Regulation (EC) No 2848/98 in the raw tobacco sector as regards the amount to be paid to producers whose quotas for the 2001 and subsequent harvests are to be bought back

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2075/92 of 30 June 1992 on the common organisation of the market in raw tobacco ⁽¹⁾, as last amended by Regulation (EC) No 1336/2000 ⁽²⁾, and in particular Article 14a thereof,

Whereas:

- (1) Article 36 of Commission Regulation (EC) No 2848/98 of 22 December 1998 laying down detailed rules for the application of Council Regulation (EEC) No 2075/92 as regards the premium scheme, production quotas and the specific aid to be granted to producer groups in the raw tobacco sector ⁽³⁾, as last amended by Regulation (EC) No 385/2001 ⁽⁴⁾, fixes the amounts to which producers are entitled when their quotas for the 1999 and 2000 harvests are bought under the quota buy-back scheme. For the purpose of simplifying the scheme the fixing of the amounts to which producers whose quotas for the 2001 and subsequent harvests are bought back will be entitled should be made permanent by expressing those amounts as a percentage of the production premium in force during the year in which the buy-back application is submitted, this without prejudice to future amendments.
- (2) The quantities which were the subject of a quota buy-back application and the quantities bought back by group of varieties under Article 35 of Regulation (EC) No 2848/98 in respect of the 1999 and 2000 harvests were extremely small, while the average prices paid to producers for a large part of the quantities of tobacco, in particular for the group V varieties, remain extremely low, and a large proportion of the stocks of tobacco of that group remain unsold. The amounts to be paid for buy-backs from the 2001 harvest on should therefore be varied according to group of varieties and the annual buy-back amount to be paid for group V should be increased.
- (3) To prevent speculation during the 2001 harvest, for that harvest only the increased amount should be granted only to producers who have already held a quota for at least one harvest.

- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Tobacco,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 36, the following subparagraphs are added to Regulation (EC) No 2848/98:

‘Without prejudice to future amendments, producers whose quotas for the 2001 and subsequent harvests have been bought back shall be entitled, at the time of payment of the premiums for the three consecutive harvests following the one in question, to receive each year an amount equal to a percentage of the premium referred to in Article 3(1) of Regulation (EEC) No 2075/92 applicable to the raw tobacco produced during the year of the harvest in question.

That percentage shall be:

(%)

Group of varieties	Year		
	1	2	3
Group I quotas	25	25	25
Group II quotas	25	25	25
Group III quotas	25	25	25
Group IV quotas	25	25	25
Group V quotas	75	75	50
Group VI quotas	25	25	25
Group VII quotas	25	25	25
Group VIII quotas	25	25	25

By derogation from the above subparagraph, producers whose quotas for the 2001 harvest have been bought back and who have held those quotas since the 2001 harvest only shall be entitled, at the time of payment of the premiums for the 2002, 2003 and 2004 harvests, to receive each year the amount referred to in the first subparagraph for the 1999 harvest.’

Article 2

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

⁽¹⁾ OJ L 215, 30.7.1992, p. 70.

⁽²⁾ OJ L 154, 27.4.2000, p. 2.

⁽³⁾ OJ L 358, 31.12.1998, p. 17.

⁽⁴⁾ OJ L 57, 27.2.2001, p. 18.

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

Done at Brussels, 16 July 2001.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 1442/2001**of 16 July 2001****on the authorisation of transfers between the quantitative limits of textiles and clothing products
originating in the Republic of India**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries ⁽¹⁾, as last amended by Regulation (EC) No 391/2001 ⁽²⁾, and in particular Article 7 thereof,

Whereas:

- (1) The Memorandum of Understanding between the European Community and the Republic of India on arrangements in the area of market access for textiles products, initialled on 31 December 1994 ⁽³⁾ provides that favourable consideration shall be given to certain requests for so-called 'exceptional flexibility' by India
- (2) The Republic of India has made a request on 31 May 2001.
- (3) The transfers requested by the Republic of India fall within the limits of the flexibility provisions referred to in Article 7 and set out in Annex VIII of Regulation (EEC) No 3030/93.

(4) It is appropriate to grant the request.

(5) It is desirable that this Regulation enters into force the day after its publication in order to allow operators to benefit from it as soon as possible.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Textile Committee provided for in Article 17 of Regulation (EEC) No 3030/93,

HAS ADOPTED THIS REGULATION:

Article 1

Transfers between the quantitative limits for textile goods originating in the Republic of India are authorised for the quota year 2001 as detailed in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 16 July 2001.

For the Commission

Pascal LAMY

Member of the Commission

⁽¹⁾ OJ L 275, 8.11.1993, p. 1.

⁽²⁾ OJ L 58, 28.2.2001, p. 3.

⁽³⁾ OJ L 153, 27.6.1996, p. 53.

ANNEX

664 INDIA					ADJUSTMENT				
Group	Category	Unit	Limit 2001	Adjusted working level	Quantity in units	Quantity in tonnes	%	Flexibility	Adjusted working level
IB	4	pieces	74 819 000	80 056 330	12 960 000	2 000	17,3 %	Transfer from category 15	93 016 330
IB	6	pieces	10 279 000	10 998 530	2 640 000	1 500	25,7 %	Transfer from category 15	13 638 530
IIB	15	pieces	7 459 000	7 981 130	- 3 780 000	- 4 500	- 50,7 %	Transfer to categories 4, 6, 26	4 201 130
IIB	26	pieces	19 546 000	20 914 220	3 100 000	1 000	15,9 %	Transfer from category 15	24 014 220

COMMISSION REGULATION (EC) No 1443/2001**of 16 July 2001****on the issue of system B export licences in the fruit and vegetables sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Regulation (EC) No 1185/2001 ⁽³⁾ fixes the indicative quantities for system B export licences other than those sought in the context of food aid.
- (2) In the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for peaches will shortly be exceeded. This overrun will prejudice the

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

- (3) To avoid this situation, applications for system B licences for peaches exported after 16 July 2001 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for system B export licences for peaches submitted pursuant to Article 1 of Regulation (EC) No 1185/2001, export declarations for which are accepted after 16 July 2001 and before 17 September 2001 are hereby rejected.

Article 2

This Regulation shall enter into force on 17 July 2001.

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

Done at Brussels, 16 July 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 292, 15.11.1996, p. 12.

⁽²⁾ OJ L 34, 9.2.2000, p. 16.

⁽³⁾ OJ L 161, 16.6.2001, p. 26.

COMMISSION REGULATION (EC) No 1444/2001
of 16 July 2001
providing for the rejection of applications for export licences in relation to cereal products

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 1162/95 of 23 May 1995 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽³⁾, as last amended by Regulation (EC) No 409/2001 ⁽⁴⁾, and in particular Article 7(3) thereof,

Whereas:

The quantity covered by applications for advance fixing of refunds for malt could give rise to speculation. It has therefore

been decided to reject all applications for export licences for this product made on 12, 13 and 16 July 2001,

HAS ADOPTED THIS REGULATION:

Article 1

In accordance with Article 7(3) of Regulation (EC) No 1162/95, applications for export licences with advance fixing of refunds for products falling within CN codes 1107 10 19, 1107 10 99 and 1107 20 00 made on 12, 13 and 16 July 2001 shall be rejected.

Article 2

This Regulation shall enter into force on 17 July 2001.

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

Done at Brussels, 16 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 117, 24.5.1995, p. 2.

⁽⁴⁾ OJ L 60, 1.3.2001, p. 27.

**COMMISSION REGULATION (EC) No 1445/2001
of 16 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 1438/2001 ⁽⁵⁾.

- (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 1438/2001,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 1438/2001 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 17 July 2001.

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

Done at Brussels, 16 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 192, 14.7.2001, p. 17.

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	15,22	5,22
1002 00 00	Rye	21,28	11,28
1003 00 10	Barley, seed	21,28	11,28
1003 00 90	Barley, other ⁽³⁾	21,28	11,28
1005 10 90	Maize seed other than hybrid	64,03	54,03
1005 90 00	Maize other than seed ⁽³⁾	64,03	54,03
1007 00 90	Grain sorghum other than hybrids for sowing	45,99	35,99

⁽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

(for 13 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)	137,48	131,99	123,28	96,96	208,03 (**)	198,03 (**)	113,97 (**)
Gulf premium (EUR/t)	—	16,32	7,74	9,18	—	—	—
Great Lakes premium (EUR/t)	24,07	—	—	—	—	—	—

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

(**) Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: 20,79 EUR/t; Great Lakes — Rotterdam: 31,78 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 REGULATION (EC) No 1446/2001
of 16 July 2001
altering the corrective amount applicable to the refund on malt**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) The corrective amount applicable to the refund on malt was fixed by Commission Regulation (EC) No 1298/2001 ⁽³⁾.
- (2) On the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market

into account, the corrective amount at present applicable to the refund on malt should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 17 July 2001.

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

Done at Brussels, 16 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 176, 29.6.2001, p. 56.

ANNEX

to the Commission Regulation of 16 July 2001 amending the corrective amount applicable to the refund on malt

(EUR/t)

Product code	Destination	Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11	5th period 12
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	0	-1,18	-2,36	-3,54	-4,72	-5,91
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	0	-1,18	-2,36	-3,54	-4,72	-5,91
1107 20 00 9000	A00	0	-1,39	-2,77	-4,16	-5,54	-6,93

(EUR/t)

Product code	Destination	6th period 1	7th period 2	8th period 3	9th period 4	10th period 5	11th period 6
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	-7,09	-8,27	-9,45	-10,63	-11,81	-12,99
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	-7,09	-8,27	-9,45	-10,63	-11,81	-12,99
1107 20 00 9000	A00	-8,31	-9,70	-11,09	-12,47	-13,86	-15,24

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 2543/1999 (OJ L 307, 2.12.1999, p. 46).

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 19 June 2001

on the conclusion of the Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros for the period 28 February 2001 to 27 February 2004

(2001/534/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) In accordance with Article 12 of the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros⁽¹⁾, the Community and the Islamic Federal Republic of the Comoros held negotiations to determine amendments or additions to be made to the Agreement at the end of the period of application of the Protocol to the Agreement.
- (2) As a result of those negotiations, a new Protocol was initialled on 13 December 2000.
- (3) Under that Protocol, Community fishermen enjoy fishing opportunities in the waters falling within the sovereignty or jurisdiction of the Islamic Federal Republic of the Comoros for the period 28 February 2001 to 27 February 2004.
- (4) In order to ensure uninterrupted fishing activities by Community vessels, it is essential that the new Protocol be applied as quickly as possible. For this reason, the two Parties have initialled an Agreement in the form of an Exchange of Letters providing for the provisional application of the initialled Protocol from 28 February 2001.
- (5) The Agreement in the form of an Exchange of Letters should be approved, pending a definitive decision under Article 37 of the Treaty.

- (6) The method of allocating the fishing opportunities among the Member States should be defined on the basis of the traditional allocation of fishing opportunities under the Fisheries Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros for the period 28 February 2001 to 27 February 2004 is hereby approved on behalf of the Community.

The texts of the Agreement in the form of an Exchange of Letters and of the Protocol are attached to this Decision.

Article 2

The fishing opportunities set out in the Protocol shall be allocated among the Member States as follows:

Tuna seiners:	Spain:	18	vessels
	France:	21	vessels
	Italy:	1	vessel
Surface longliners:	Spain:	20	vessels
	Portugal:	5	vessels.

If licence applications from these Member States do not cover all the fishing opportunities fixed by the Protocol, the Commission may take into consideration licence applications from any other Member State.

⁽¹⁾ OJ L 137, 2.6.1988, p. 19.

Article 3

The President of the Council is hereby authorised to designate the persons empowered to sign the Agreement in the form of an Exchange of Letters in order to bind the Community.

Done at Luxembourg, 19 June 2001.

For the Council
The President
M. WINBERG

AGREEMENT

in the form of an Exchange of Letters concerning the provisional application of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros for the period 28 February 2001 to 27 February 2004

A. Letter from the Government of the Comoros

Sir,

With reference to the Protocol initialled on 13 December 2000 setting out the fishing opportunities and financial contribution for the period from 28 February 2001 to 27 February 2004, I have the honour to inform you that the Government of the Islamic Federal Republic of the Comoros is prepared to apply the Protocol on a provisional basis with effect from 28 February 2001, pending its entry into force in accordance with Article 7 of the said Protocol, provided that the European Community is disposed to do the same.

This is on the understanding that the payment of the first annual financial compensation specified in Article 2 of the Protocol is paid by 1 September 2001.

I should be grateful if you would confirm the European Community's agreement to the foregoing.

Please accept, Sir, the assurance of my highest consideration,

For the Government of the Comoros

B. Letter from the Community

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

'With reference to the Protocol initialled on 13 December 2000 setting out the fishing opportunities and financial contribution for the period from 28 February 2001 to 27 February 2004, I have the honour to inform you that the Government of the Islamic Federal Republic of the Comoros is prepared to apply the Protocol on a provisional basis with effect from 28 February 2001, pending its entry into force in accordance with Article 7 of the said Protocol, provided that the European Community is disposed to do the same.

This is on the understanding that the payment of the first annual financial compensation specified in Article 2 of the Protocol is paid by 1 September 2001.

I should be grateful if you would confirm the European Community's agreement to the foregoing.'

I have the honour to confirm that the Community is in agreement with the contents of this letter.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the Council of the European Union

PROTOCOL**setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros for the period 28 February 2001 to 27 February 2004***Article 1*

Pursuant to Article 2 of the Agreement, licences authorising simultaneous fishing in Comorian waters shall be granted to 40 freezer tuna seiners and 25 surface longliners for a period of three years beginning on 28 February 2001.

Article 2

1. The financial compensation referred to in Article 1 shall be fixed at EUR 350 250 per year (comprising EUR 140 000 financial compensation, to be paid not later than 1 September each year, and EUR 210 250 for the measures referred to in Article 3 of this Protocol).
2. The financial contribution shall cover catches of 4 670 tonnes per year in Comorian waters. If the quantity of tuna caught by Community vessels in Comorian waters exceeds this weight, the above sum shall be increased proportionally.
3. The financial compensation shall be paid into an account to be indicated by the Government of the Comoros, in the name of the Public Treasury.
4. The use to which the compensation is to be put shall fall within the exclusive competence of the Government of the Comoros.

Article 3

The measures set out below shall be financed from the financial contribution provided for in Article 2(1), to the amount of EUR 210 250 per year broken down as follows:

1. assistance for the development of non-industrial fishing: EUR 126 000;
2. the financing of scientific and technical programmes and interinstitutional support to the Ministry responsible for fisheries and the structures responsible for fisheries surveillance: EUR 31 600;
3. the participation of Comorian delegates in international meetings concerning fisheries, the Comoros' contribution to regional fisheries organisations and the financing of study grants and practical training courses in the fisheries field: EUR 52 650.

The measures will be adopted by the Ministry responsible for fisheries, which will inform the Commission thereof.

The amounts referred to in points 1 and 2 shall be made available to the structures concerned by 1 September each year at the latest, and paid into the bank accounts of the competent Comorian authorities according to the schedule for their use.

The amount referred to in paragraph 3 shall be payable as it is used.

The Ministry responsible for fisheries shall transmit an annual report on the implementation of these measures and the results achieved to the Delegation of the European Commission in the Comoros, not later than three months after the anniversary date of the Protocol. The Commission reserves the right to ask the Fisheries Ministry for any additional information on the results and to reconsider the payments concerned should the measures not be implemented.

Article 4

Should the Community fail to make the payments provided for in Articles 2 and 3, the Fishing Agreement may be suspended.

Article 5

Where severe circumstances prevent fishing activities in the Comorian fishing zone, the Community may suspend payment of the financial contribution following prior consultations, where possible, between the two Parties.

Payment of the financial contribution shall recommence once the situation returns to normal and following consultation between the two Parties confirming that the situation is likely to allow a return to normal fishing activities.

Article 6

The Protocol to the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros is hereby repealed and replaced by this Protocol.

Article 7

This Protocol shall enter into force on the date on which it is signed.

It shall apply from 28 February 2001.

ANNEX

CONDITIONS FOR THE PURSUIT OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN COMORIAN WATERS**1. Formalities concerning applications for, and the issue of, licences**

The procedure for application for, and issue of, the licences allowing Community vessels to fish in Comorian waters shall be as follows.

- 1.1. The European Commission, through its representative in the Comoros, shall submit to the Comorian Ministry responsible for fisheries, at least 20 days before the date of commencement of the period of validity requested, an application in respect of each vessel wishing to fish under this Agreement, drawn up by the owner. The applications shall be made on the forms provided for that purpose by the Comoros, a specimen of which is attached.
- 1.2. Licences shall be issued to shipowners for a specific vessel. At the request of the European Commission, a licence issued for one vessel may, and in cases of *force majeure* shall, be replaced by a licence issued for another Community vessel.
- 1.3. Licences shall be issued by the Ministry responsible for fisheries to the Commission's representative in the Comoros.
- 1.4. Licences must be held on board at all times; however, fishing shall be authorised as soon as the Comorian Ministry responsible for fisheries has received notification from the European Commission that the advance payment has been made. Pending receipt of the original of the licence, a copy of the licence that has been drawn up may be issued by fax to be held on board the vessel.
- 1.5. Licences shall be valid for a period of one year. They shall be renewable.
- 1.6. The licence fee shall be set at EUR 25 per tonne of tuna caught in Comorian waters.
- 1.7. Licences shall be issued on advance payment to the Comoros of an annual sum of EUR 2 250 per tuna seiner, EUR 1 375 per surface longliner of more than 150 grt and EUR 1 000 per surface longliner of 150 grt or less.
- 1.8. Before the entry into force of the Agreement the Comorian authorities shall communicate the arrangements for payment of the licence fees, in particular the details of the bank accounts and the currencies to be used.

2. Statement of catch and statement of fees due from shipowners

The captain shall complete a fishing form corresponding to the model given in Appendix 2 for each period spent fishing in the Comorian fishing zone. The form may be replaced during the period of application of the Protocol by another document devised for the same purpose by an international organisation responsible for tuna fishing in the Indian Ocean.

The forms, which must be legible and signed by the captain of the ship, shall be sent to the IRD (Office of Research and Development), IEO (Spanish Oceanographic Institute) and IPIMAR (Instituto Nacional das Pescas e do Mar) for processing within one month of the end of each calendar quarter.

If these provisions are not complied with, the Comorian Ministry responsible for fisheries reserves the right to suspend the licence of the offending vessel until these formalities have been carried out and to apply the penalties provided for under national law.

Member States shall inform the European Commission before 15 April of the tonnages caught during the past year, as confirmed by the scientific institutes. On the basis of those figures the Commission shall establish a breakdown of the fees due in respect of a fishing year, which it shall then send to the Comorian Ministry responsible for fisheries for its comments.

Shipowners shall receive notification by the end of April of the statement drawn up by the Commission, and shall have 30 days to make any payment due. The shipowner cannot recover the balance in cases where the amount payable in respect of actual fishing operations is less than the advance payment.

3. Inspection and monitoring

Community vessels fishing in the Comorian fishing zone shall permit and facilitate the boarding and fulfilment of the tasks of Comorian officials responsible for the inspection and monitoring of fishing activities. Those officials should not remain on board any longer than is necessary to verify catches by sampling and carry out any other inspection relating to fishing activities.

4. Observers

At the request of the Comorian Ministry responsible for fisheries, tuna vessels shall take on board an observer designated by the former to check catches made in Comorian waters. Observers shall have all the facilities needed for the performance of their duties, including access to parts of the ship and documents. Observers shall not remain on board for longer than the time required to carry out their duties. They shall be provided with suitable food and accommodation while on board. Should a tuna vessel with a Comorian observer on board leave Comorian waters, every step shall be taken to ensure that the observer returns to Comoros as soon as possible, at the shipowner's expense.

5. Communication of information

Fishing vessels shall communicate the date and time direct to the Comorian Ministry responsible for fisheries immediately on entering or leaving the Comorian fishing zone and their position and catches held on board within three hours of entering or leaving the zone and every three days while engaged in fishing activities in Comorian waters. This information should preferably be communicated by fax or, for vessels not equipped with a fax, by radio.

The Comorian Ministry responsible for fisheries shall inform vessels of the relevant fax number and radio frequency when the fishing licence is issued.

The Comorian Ministry responsible for fisheries and the shipowners shall keep a copy of fax communications or a recording of radio communications until both parties have agreed to the final statement of fees due referred to in point 2.

A vessel found to be fishing without having informed the Comorian Ministry responsible for fisheries shall be regarded as a vessel without a licence.

6. Fishing zones

To avoid adverse effects on small-scale fisheries in Comorian waters, Community tuna vessels shall not be allowed to fish within 10 nautical miles of any of the islands nor within a radius of three nautical miles of fish aggregating devices placed by the Comorian Ministry responsible for fisheries, the positions of which have been communicated to the representative of the European Commission in the Comoros.

These provisions may be reviewed by the Joint Committee referred to in Article 7 of the Agreement.

7. Ownership of rare species

Any coelacanth (*Latimeria chalumnae*) caught by a Community vessel authorised to fish in Comorian waters remains the property of the Comoros and must be turned over, without charge, to the port authorities of Moroni, Mutsamudu or Mohéli immediately in the best state possible.

8. Transshipment

Community vessel owners must give consideration to the existence of the harbour facilities of the Comoros for any transshipment operations.

9. Procedure in case of boarding

9.1. Transmission of information

The Comorian Ministry responsible for fisheries shall inform the delegation of the flag State, within 48 hours, of the boarding of any fishing vessel flying the flag of a Member State of the Community fishing under the Fisheries Agreement in the Comorian fishing zone and shall transmit a brief report of the circumstances and reasons leading to such boarding. The delegation and the flag State shall be kept informed of any proceedings initiated and penalties imposed.

9.2. Settlement of boarding

In accordance with the law on fisheries and the relevant regulations, infringements may be settled:

- (a) either administratively, in which case the amount of the fine shall be determined in accordance with Comorian legislation laying down minimum and maximum figures;
- (b) or by legal proceedings, if no administrative settlement was possible, in accordance with Comorian law.

9.3. The vessel shall be released and its crew authorised to leave the port:

- (a) either as soon as the obligations imposed by the composition procedure have been completed on presentation of the receipt for the settlement, or
 - (b) on presentation of proof that a bank security has been lodged, pending completion of the legal proceedings.
-

*Appendix 1***LICENCE APPLICATION FORM FOR A FOREIGN FISHING VESSEL**

Name of applicant:

Address of applicant:

Name and address of charterer of vessel if different from above:

Name and address of representative (agent) in Comoros:

Name of vessel:

Type of vessel:

Country of registry:

Port and registration number:

Vessel's external identification:

Radio call sign and frequency:

Length of vessel:

Width of vessel:

Engine type and horse power:

Gross registered tonnage of vessel:

Net registered tonnage of vessel:

Minimum crew:

Type of fishing:

Proposed catch species:

Period of validity requested:

I, the undersigned, declare that the above particulars are correct.

Date:

Signature:

Appendix 2

[illegible]

- 1 - Use one sheet per month, and one line per day.
- 2 - At the end of each trip forward a copy of the log to your correspondent or to ICCAT, Calle Corazón de María 8, E-28002 Madrid.
- 3 - 'Day' refers to the day you set the line.
- 4 - Fishing area refers to the position of the boat. Round off minutes and record degree of latitude and longitude. Be sure to record N/S and E/W.
- 5 - The bottom line, landing weight, should be completed only at the end of the trip. Actual weight at the time of unloading should be recorded.
- 6 - All information reported herein will be kept strictly confidential.

COMMISSION

COMMISSION DECISION

of 6 July 2001

amending Decision 94/442/EC setting up a conciliation procedure in the context of the clearance of the accounts of the European Agricultural Guidance and Guarantee Fund (EAGGF) Guarantee Section

(notified under document number C(2001) 1756)

(2001/535/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy ⁽¹⁾, and in particular Article 7(5) thereof,

Whereas:

- (1) In order to ensure that the Conciliation Body can continue to function while its members are gradually replaced, members' terms of office should be renewable for a shorter term after the initial term of three years. The special rules to apply to the term of office of the Chairman of the Body should be made clearer. To that end, Commission Decision 94/442/EC of 1 July 1994 setting up a conciliation procedure in the context of the clearance of the accounts of the European Agricultural Guidance and Guarantee Fund (EAGGF) Guarantee Section ⁽²⁾, as last amended by Decision 2000/649/EC ⁽³⁾, should be adopted.
- (2) The EAGGF Committee has delivered a favourable opinion,

HAS ADOPTED THIS DECISION:

Article 1

Decision 94/442/EC is hereby amended as follows:

1. The second and third subparagraphs of Article 3(2) are replaced by the following:

'The Chairman and the members shall be appointed by the Commission for an initial term of office of three years after the EAGGF Committee has been consulted in accordance with Article 14(1) of Regulation (EC) No 1258/1999. Their terms of office may be renewed for a year at a time only, and the Committee must be informed. However, where the

Chairman to be appointed is already a member of the Body, his/her initial term of office as Chairman shall be three years.

Furthermore, after the EAGGF Committee has been consulted as before in accordance with Article 14(1)(a) of Regulation (EC) No 1258/1999, the Commission shall appoint substitute members who meet the criteria laid down in the first subparagraph and who shall be called on in the order of the Commission's list.'

2. Article 3(3) shall be replaced by the following:

'After his/her term of office has expired, the member or, where applicable, the Chairman shall remain in office until he/she is replaced or his/her term of office is renewed.'

3. The first subparagraph of Article 3(4) is replaced by the following:

'Before the expiry of the three-year period, a member's term of office may be terminated as a result of voluntary or compulsory resignation, or death. In such cases the member shall be replaced for the remainder of his/her term by the first available substitute member. However, should the Chairman resign or die, the member who is to perform the Chairman's duties for the remainder of the latter's term of office shall be appointed by the Commission after the EAGGF Committee has been consulted in accordance with Article 14(1) Regulation (EC) No 1258/1999.'

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 6 July 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 103.

⁽²⁾ OJ L 182, 16.7.1994, p. 45.

⁽³⁾ OJ L 272, 25.10.2000, p. 41.

COMMISSION DECISION

of 6 July 2001

**on provisional measures to prevent the introduction into and the spread within the Community of
Pepino mosaic virus as regards tomato plants, intended for planting**

(notified under document number C(2001) 1768)

(2001/536/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⁾, as amended by Commission Directive 2001/33/EC ⁽²⁾, and in particular Article 16(3), third sentence thereof,

Whereas:

- (1) In late 1999 and early 2000, the United Kingdom, the Netherlands, Germany and France informed the other Member States and the Commission of outbreaks of Pepino mosaic virus on tomato crops in their respective countries and of the measures taken to control it.
- (2) The Commission, by Decision 2000/325/EC ⁽³⁾ authorised Member States provisionally to take measures against the introduction into and the spread within the Community of Pepino mosaic virus as regards tomato plants, intended for planting, other than seeds.
- (3) In official surveys carried out by Member States pursuant to Decision 2000/325/EC, new outbreaks have been detected. Moreover it becomes apparent that Pepino mosaic virus is present in several non-member countries.
- (4) Pepino mosaic virus is currently not listed in Annex I or Annex II to Directive 2000/29/EC. However, a preliminary pest risk analysis carried out by several Member States based on available scientific information has demonstrated that Pepino mosaic virus and its damaging effects could be of significant plant health concern to the Community, in particular for protected tomato production. The risk to outdoor production of tomatoes and of other *Solanaceae* crops, especially potatoes, has not yet fully been established. The relevant services in the Member States have been asked by the Commission to continue scientific work and to deliver an opinion on the risk of Pepino mosaic virus to outdoor production of tomatoes and of other *Solanaceae* crops. At this stage, the scientific work performed on the Pepino mosaic virus

has not provided sufficient clarification to revise that preliminary pest risk analysis.

- (5) Since Decision 2000/325/EC has expired, it is necessary to provide for provisional measures against Pepino mosaic virus.
- (6) The source of contamination on premises involved in tomato fruit production has not been identified so far. The relevant services in Member States are therefore asked by the Commission in order to back the sources of contamination as well as the pathway of introduction.
- (7) Although the role of tomato seed as source of infection is not yet fully clarified, it is likely that seed plays an important role; consequently the measures should also apply to these tomato seeds.
- (8) Those measures should apply to the introduction on the spread of Pepino mosaic virus, the inspection of tomato plants intended for planting originating in non-member countries and the movement of tomato plants intended for planting. They should also include more general monitoring for the presence of Pepino mosaic virus in the Member States.
- (9) The results of the above measures will be continually assessed, in particular on the basis of information to be provided by the Member States. Possible subsequent measures will be considered in the light of the results of that assessment, of information to be provided and of the scientific opinion delivered by the relevant services of the Member States.
- (10) 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

The introduction into and movement within the Community of plants of tomato, *Lycopersicon lycopersicum* (L.) Karsten ex Farw., intended for planting, shall be banned when they are contaminated by Pepino mosaic virus.

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

⁽²⁾ OJ L 127, 9.5.2001, p. 42.

⁽³⁾ OJ L 113, 12.5.2000, p. 52.

Article 2

Plants of tomato, intended for planting, originating in non-member countries, shall meet the conditions laid down in points 1 or 2 of the Annex to this Decision, and shall be inspected on entry into the Community for the presence of Pepino mosaic virus, in accordance with Article 13(1)(a) of Directive 2000/29/EC, *mutatis mutandis*.

Article 3

1. Plants of tomato, intended for planting, may not be moved from their place of production unless they meet the conditions laid down in points 3 or 4 of the Annex to this Decision.

2. Paragraph 1 shall not apply to movement of plants intended for sale to final consumers not involved in professional plant production, provided that the packaging of the plants or other indications clearly show that they are intended for such consumer sale.

Article 4

Member States shall conduct official surveys as least on premises involved in production of tomato plants and tomato fruit, for the presence of Pepino mosaic virus.

Without prejudice to Article 16(2) of Directive 2000/29/EC the results of the surveys provided for in the first paragraph shall be notified to the Commission and to the other Member States by 30 September 2002.

Article 5

The Commission shall review the operation of this Decision by 31 October 2002 at the latest.

Article 6

This Decision shall cease to apply on 31 December 2002.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 6 July 2001.

For the Commission

David BYRNE

Member of the Commission

ANNEX

1. Without prejudice to the provisions of Annex III, point 13 of Directive 2000/29/EC, plants of tomato, intended for planting, other than seeds, originating in non-member countries shall be accompanied by a certificate referred to in Article 7 or 8 of Directive 2000/29/EC, stating that:
 - (a) they originate in areas in which Pepino mosaic virus is known not to occur, or
 - (b) if grown on premises involved in both production of tomato plants and production of tomato fruit, production and packing of fruit are clearly separated from production and packing of plants to avoid contamination and
 - (ba) no symptoms of Pepino mosaic virus have been found at the place of production during inspections carried out at least once during the period the plants have been present at the place of production, or, where Pepino mosaic virus had been found at the place of production, appropriate procedures have been implemented aiming at eradicating Pepino mosaic virus, and subsequently the place of production has been found free from Pepino mosaic virus in official inspections including random testing and monitoring during an appropriate period, or
 - (bb) no Pepino mosaic virus has been found by testing of leaf samples taken from plants, produced, grown or held at the place of production, at least once during a period of four weeks, or, where Pepino mosaic virus had been found at the place of production, additional testing on each lot has been carried out and has found the lots free from Pepino mosaic virus.
 2. Seeds of tomato, originating in non-member countries shall be accompanied by a certificate referred to in Article 7 or 8 of Directive 2000/29/EC, stating that they have been obtained by means of an appropriate acid extraction method, and
 - (a) either they originate in areas in which Pepino mosaic virus is known not to occur, or
 - (b) no symptoms of Pepino mosaic virus have been observed on the plants at the place of production during their complete cycle of vegetation, or
 - (c) they have been subjected to official testing for Pepino mosaic virus, on a representative sample and using appropriate methods, and have been found, in these tests, free from Pepino mosaic virus.
 3. Plants of tomato, intended for planting, other than seeds, originating in the Community may be moved from the place of production only:
 - (a) if they originate in areas in which Pepino mosaic virus is known not to occur, or
 - (b) if grown on premises involved in both production of tomato plants and production of tomato fruit, production and packing of fruit are clearly separated from production and packing of plants to avoid contamination and
 - (ba) if no symptoms of Pepino mosaic virus have been found at the place of production during inspections carried out at least once during the period the plants have been present at the place of production, or, where Pepino mosaic virus had been found at the place of production, after appropriate procedures have been implemented aiming at eradicating Pepino mosaic virus, and subsequently the place of production has been found free from Pepino mosaic virus in official inspections including random testing, and monitoring during an appropriate period or
 - (bb) if no Pepino mosaic virus has been found by testing of leaf samples taken from plants, produced, grown or held at the place of production, at least once during a period of four weeks, or, where Pepino mosaic virus had been found at the place of production, after additional testing on each lot has been carried out and has found the lots free from Pepino mosaic virus.
 4. Seeds of tomato, originating in the Community, may be moved from the place of production only if they have been obtained by means of an appropriate acid extraction method and
 - (a) either they originate in areas in which Pepino mosaic virus is known not to occur, or
 - (b) no symptoms of Pepino mosaic virus have been observed on the plants at the place of production during their complete cycle of vegetation; or
 - (c) they have been subjected to official testing for Pepino mosaic virus, on a representative sample and using appropriate methods, and have been found, in these tests, free from Pepino mosaic virus.
-

COMMISSION DECISION

of 13 July 2001

amending Decision 93/402/EEC concerning animal health conditions and veterinary certification for imports of fresh meat from South American countries to take account of the animal health situation in Uruguay

(notified under document number C(2001) 1892)

(2001/537/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries ⁽¹⁾, as last amended by Directive 97/79/EC ⁽²⁾, and in particular Articles 14 and 22 thereof,

Whereas:

- (1) The animal health conditions and veterinary certification for imports of fresh meat from Argentina, Brazil, Chile, Colombia, Paraguay and Uruguay are laid down by Commission Decision 93/402/EEC ⁽³⁾, as last amended by Decision 2001/410/EC ⁽⁴⁾.
- (2) Imports of fresh meat must take into account the different epidemiological situations in the countries concerned, and indeed in the different parts of their territories.
- (3) The competent veterinary authorities of the concerned countries must confirm that their countries or regions have for at least 12 months been free from foot-and-mouth disease and rinderpest. Furthermore, the competent veterinary authorities of the concerned countries must undertake to notify the Commission and the Member States within 24 hours, by fax, telex or telegram, of the confirmation of the occurrence of any of the abovementioned diseases, or of any alteration in the vaccination policy against them.
- (4) On 23 April 2001 the competent veterinary authorities of Uruguay confirmed outbreaks of foot-and-mouth disease in the department of Soriano. However, further outbreaks of disease were reported in other regions and emergency vaccination of all bovines was introduced.
- (5) The competent veterinary authorities of Uruguay suspended certification of freshmeat from susceptible species to the European Community on 23 April 2001.

- (6) Commission Decision 2001/388/EC ⁽⁵⁾ confirmed this suspension until 30 days after completion of the emergency foot-and-mouth disease vaccination programme in Uruguay.
- (7) The competent veterinary authorities of Uruguay have confirmed that their vaccination programme was completed on 7 June 2001 and the foot-and-mouth situation appears to be under control.
- (8) A Commission mission is foreseen for the end of June 2001.
- (9) Imports into the Community of offal for heat treatment and deboned fresh meat from Uruguay may be resumed.
- (10) It is opportune to clarify and amend the headings in the annexes to the Decision.
- (11) Decision 93/402/EEC must be amended accordingly.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Annex II to Decision 93/402/EEC is replaced by the Annex to this Decision. It shall apply, in relation to Uruguay, to meat of animals of species susceptible to foot-and-mouth disease slaughtered after 16 July 2001.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 13 July 2001.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 302, 31.12.1972, p. 28.

⁽²⁾ OJ L 24, 30.1.1998, p. 31.

⁽³⁾ OJ L 179, 22.7.1993, p. 11.

⁽⁴⁾ OJ L 145, 31.5.2001, p. 49.

⁽⁵⁾ OJ L 137, 19.5.2001, p. 33.

ANIMAL HEALTH GUARANTEES REQUESTED ON CERTIFICATION ⁽¹⁾

Country	Territory	Model certificate for fresh meat				Model certificate for offal							Model certificate for de-boned fresh meat (not to be used for offal)			
		Species				of bovine animals						Of ovines	Species			
		Bovine	Ovine/ caprine	Porcine	Soliped	HC	MP				PF	PF	Bovine	Ovine/ caprine	Porcine	Soliped
1	2						3	4								
Argentina	AR	—	—	—	D	—	—	—	—	—	—	—	—	—	—	D
Brazil	BR	—	—	—	D	—	—	—	—	—	—	—	—	—	—	D
	BR-1	—	—	—	D	—	—	—	—	—	F	—	A	—	—	D
Chile	CL	B	B	H	D	B	B	B	B	B	B	B	A	C	H	D
Colombia	CO	—	—	—	D	—	—	—	—	—	—	—	—	—	—	D
	CO-1	—	—	—	D	—	—	—	—	—	—	—	A	—	—	D
	CO-2	—	—	—	D	—	—	—	—	—	—	—	—	—	—	D
	CO-3	—	—	—	D	—	—	—	—	—	—	—	A	—	—	D
Paraguay	PY	—	—	—	D	—	—	—	—	—	F	—	A	—	—	D
Uruguay	UY	—	—	—	D	—	E	E	E	E	F	F	A	C	—	D

⁽¹⁾ The letter (A, B, C, D, E, F, G and H) appearing on the table, are referring to the models of animal health guarantees as described in Annex III Part 2 to Decision 93/402/EEC, to be applied for each product and origin in accordance with Article 2 of this Decision

HC Human consumption.

MP Destined for heat-treated meat products industry:

1 = hearts

2 = livers

3 = masseter muscles

4 = tongues.

PF Destined for the pet food industry'

COMMISSION DECISION

of 16 July 2001

amending Decision 93/402/EEC concerning animal health conditions and veterinary certification for imports of fresh meat from South American countries to take account of the animal health situation in Uruguay

(notified under document number C(2001) 2205)

(2001/538/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries ⁽¹⁾, as last amended by Directive 97/79/EC ⁽²⁾, and in particular Articles 14 and 22 thereof,

Whereas:

- (1) The animal health conditions and veterinary certification for imports of fresh meat from Argentina, Brazil, Chile, Colombia, Paraguay and Uruguay are laid down by Commission Decision 93/402/EEC ⁽³⁾, as last amended by Decision 2001/537/EC ⁽⁴⁾.
- (2) Outbreaks of foot-and-mouth disease were confirmed in Uruguay starting on 23 April 2001 and a program of vaccination of bovines against foot-and-mouth disease has been introduced.
- (3) The Commission suspended the importation into the Community of all categories of fresh meat from those species susceptible to foot-and-mouth disease by Commission Decision 2001/388/EC ⁽⁵⁾.
- (4) A Commission mission took place, from 25 to 29 June 2001, in order to examine the epidemiological situation regarding foot-and-mouth disease and the control measures in place.
- (5) The findings of this mission raise some concerns in relation to certain control measures in place in Uruguay concerning the current foot-and-mouth disease situation, in particular concerning the number of outbreaks, the control of animal movements and of the meat maturation process.
- (6) The competent veterinary authorities of Uruguay are addressing these concerns and it is therefore necessary to prolong the suspension of imports into the Community of all categories of fresh meat from those species

susceptible to foot-and-mouth disease in conformity with Decision 2001/388/CE, at least until the deficiencies found have been rectified and the disease situation has further stabilised.

- (7) In order to clarify the import conditions, it is necessary to repeal Decision 2001/537/EC and to amend Decision 93/402/EEC accordingly.
- (8) This Decision will be reviewed in the light of the evolution of the situation.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Annex II to Decision 93/402/EEC is replaced by the Annex to this Decision.

Article 2

Decision 2001/537/EC is repealed.

Article 3

This Decision shall apply as from 16 July 2001.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 16 July 2001.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 302, 31.12.1972, p. 28.

⁽²⁾ OJ L 24, 30.1.1998, p. 31.

⁽³⁾ OJ L 179, 22.7.1993, p. 11.

⁽⁴⁾ See page 29 of this Official Journal.

⁽⁵⁾ OJ L 137, 19.5.2001, p. 33.

ANIMAL HEALTH GUARANTEES REQUESTED ON CERTIFICATION ⁽¹⁾

Country	Territory	Model certificate for fresh meat				Model certificate for offal							Model certificate for de-boned fresh meat (not to be used for offal)			
		Species				of bovine animals					Of ovines	Species				
		Bovine	Ovine/ caprine	Porcine	Soliped	HC	MP				PF	PF	Bovine	Ovine/ caprine	Porcine	Soliped
1	2						3	4								
Argentina	AR	—	—	—	D	—	—	—	—	—	—	—	—	—	—	D
Brazil	BR	—	—	—	D	—	—	—	—	—	—	—	—	—	—	D
	BR-1	—	—	—	D	—	—	—	—	—	F	—	A	—	—	D
Chile	CL	B	B	H	D	B	B	B	B	B	B	B	A	C	H	D
Colombia	CO	—	—	—	D	—	—	—	—	—	—	—	—	—	—	D
	CO-1	—	—	—	D	—	—	—	—	—	—	—	A	—	—	D
	CO-2	—	—	—	D	—	—	—	—	—	—	—	—	—	—	D
	CO-3	—	—	—	D	—	—	—	—	—	—	—	A	—	—	D
Paraguay	PY	—	—	—	D	—	—	—	—	—	F	—	A	—	—	D
Uruguay	UY	—	—	—	D	—	—	—	—	—	—	—	—	—	—	D

⁽¹⁾ The letter (A, B, C, D, E, F, G and H) appearing on the table, are referring to the models of animal health guarantees as described in Annex III Part 2 to this Decision, to be applied for each product and origin in accordance with Article 2 of this Decision; a dash (—) indicates that imports are not authorised.

HC Human consumption.

MP Destined for heat-treated meat products industry:

1 = hearts

2 = livers

3 = masseter muscles

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PF Destined for the pet food industry'