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

**COUNCIL COMMON POSITION
of 23 July 2001
on the fight against ballistic missile proliferation**

(2001/567/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) The European Council meeting in Göteborg on 15 and 16 June 2001 adopted a Declaration on Prevention of Proliferation of Ballistic Missiles.
- (2) The Council (General Affairs) adopted on 14 May 2001 conclusions on Missile non-proliferation.
- (3) The proliferation of ballistic missiles capable of carrying weapons of mass destruction is an issue of concern to the Union.
- (4) The strengthening of international norms and political instruments to prevent the proliferation of weapons of mass destruction and their means of delivery is of prime importance to the Union which is committed to the reinforcement of disarmament and non-proliferation multilateral instruments.
- (5) The Union sees an urgent need for a global and multilateral approach to complement existing efforts against ballistic missile proliferation.
- (6) The Union therefore strongly supports the draft International Code of Conduct against ballistic missile proliferation (hereafter referred to as 'the Code') which has been elaborated among the Members of the Missile Technology Control Regime (MTCR), and which has been distributed to all countries with an invitation to join this effort. The text of the Code will be reconsidered in light of the comments received from other countries.
- (7) The Code is the most concrete and advanced initiative in this field and as such poses the best chance to achieve results in the short term.
- (8) The Code will be a politically binding document. The Union expects that it will have a positive influence on other initiatives to address the proliferation of ballistic

missiles. The Union considers that after its adoption the Code could be of interest to the United Nations,

HAS ADOPTED THIS COMMON POSITION:

Article 1

The objective of the Union shall be to curb ballistic missile proliferation. In order to achieve this objective, the Union supports the universalisation of the Code.

Article 2

The Union shall actively support an ad hoc international negotiating process to finalise the Code, leading to an International Conference for its adoption no later than 2002.

The process, which should be based on the Code, should be kept open, transparent and inclusive, enabling any State wishing to subscribe to the code to participate in its elaboration on an equal basis.

Article 3

The Union will pursue this initiative in full transparency with all other interested parties.

Article 4

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

Article 5

This Common Position shall be published in the Official Journal.

Done at Brussels, 23 July 2001.

For the Council

The President

A. NEYTS-UYTTEBROECK

COUNCIL JOINT ACTION**of 26 July 2001****regarding a contribution of the European Union towards reinforcing the capacity of the Georgian authorities to support and protect the OSCE Observer Mission on the border of the Republic of Georgia with the Chechen Republic of the Russian Federation**

(2001/568/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and in particular Article 14 thereof,

Whereas:

- (1) On 20 July 2000, the Council adopted Joint Action 2000/456/CFSP⁽¹⁾ regarding a contribution of the European Union towards reinforcing the capacity of the Georgian authorities to support and protect the OSCE Observer Mission on the border of the Republic of Georgia with the Chechen Republic of the Russian Federation, which expired on 31 December 2000.
- (2) The Stockholm European Council reiterated its strong concerns over the situation in Chechnya and stressed the need for a political solution of the conflict as a matter of urgency.
- (3) From 28 May to 1 June 2000, General Sir Garry Johnson, as an Expert of the European Union, carried out an up-to-date assessment mission on the spot, as a result of which he concluded that there is a need for further EU support to permit the Georgian Border Guards to perform their duties effectively, in particular protection of the OSCE Observer Mission.
- (4) Taking into account the above elements, it is of great importance that the EU continues to provide assistance for reinforcing the capacity of the Georgian authorities to support and protect the OSCE Observation Mission on the border of the Republic of Georgia with the Chechen Republic of the Russian Federation.
- (5) There is a need to implement this Joint Action rapidly.
- (6) The Commission has agreed to be entrusted with certain tasks necessary for the implementation of this Joint Action,

HAS ADOPTED THIS JOINT ACTION:

Article 1

1. The European Union shall provide assistance to reinforce the capacity of the Georgian authorities to provide, through their Border Guards, support and protection for the OSCE Observer Mission on the border of Georgia with the Chechen Republic of the Russian Federation.

2. For this purpose, the European Union shall as soon as possible provide aid to the Government of Georgia in the form of equipment which shall be transported to the Shatili border post.

Article 2

1. The Council shall entrust the Commission with the implementation of the objective specified in Article 1(2).
2. The Commission shall monitor and evaluate the effective delivery of the equipment to the Georgian Border Guards and its further use.
3. In carrying out its activities, the Commission will cooperate, as appropriate, with local missions of Member States.

Article 3

1. The financial reference amount for the purposes referred to in Article 1 shall be EUR 45 000.
2. The management of the expenditure financed by the amount specified in paragraph 1 shall be subject to the procedures and rules of the Community applying to budget matters. Procurement, transport and delivery of the equipment shall be undertaken in accordance with the most appropriate procedures in order to address the urgency of the action.

Article 4

1. This Joint Action shall enter into force on the day of its adoption. It shall expire on 31 March 2002.
2. This Joint Action shall be reviewed by 30 November 2001, before which date the Commission shall report on the implementation of the action to the Council under the authority of the Presidency, assisted by the Secretary-General of the Council, High Representative for the CFSP.

Article 5

This Joint Action shall be published in the Official Journal.

Done at Brussels, 26 July 2001.

For the Council

The President

L. MICHEL

⁽¹⁾ OJ L 183, 22.7.2000, p. 3.

I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1524/2001
of 26 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 27 July 2001.

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

Done at Brussels, 26 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 26 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	052	74,1
	999	74,1
0709 90 70	052	71,0
	999	71,0
0805 30 10	388	76,8
	524	88,4
	528	75,4
	999	80,2
0806 10 10	052	120,1
	508	74,9
	600	104,3
	624	120,7
	999	105,0
0808 10 20, 0808 10 50, 0808 10 90	388	94,3
	400	80,6
	404	122,9
	508	105,3
	512	93,2
	524	64,6
	528	76,4
	720	127,3
	800	215,3
	804	102,7
	999	108,3
0808 20 50	052	127,0
	388	82,9
	512	71,3
	528	69,4
	999	87,7
0809 10 00	052	102,6
	064	112,4
	999	107,5
0809 20 95	052	294,9
	061	258,3
	400	239,9
	404	244,6
	999	259,4
0809 30 10, 0809 30 90	052	134,7
	999	134,7
0809 40 05	064	83,4
	066	78,0
	624	231,2
	999	130,9

⁽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 1525/2001**of 26 July 2001****amending Regulation (EC) No 1101/2001 fixing the reduction percentages to be applied to applications for an allocation by non-traditional operators under the tariff quotas for imports of bananas**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Under Article 29(3) of Regulation (EC) No 896/2001, the Commission must determine, in the light of the total quantities available under tariff quotas and the notifications made by the Member States of the allocations sought, the quantities for which the allocations for non-traditional operators are granted for the second half of 2001.
- (2) Based on the Member States' notifications of the total volume of allocations applied for by non-traditional operators A/B and C under Article 29(2), the Commission fixed in Regulation (EC) No 1101/2001 ⁽⁴⁾, a

percentage reduction to be applied to each application for an allocation from non-traditional operators.

- (3) A check has found that the sum of the allocations applied for by non-traditional operators for the A/B tariff quota amounts to 4 206 593 tonnes. This requires an amendment to the percentage reduction to be applied to each application for an allocation from non-traditional operators A/B. It is therefore necessary to amend Article 1 of Regulation (EC) No 1101/2001,

HAS ADOPTED THIS REGULATION:

Article 1

The percentage reduction in Article 1 of Regulation (EC) No 1101/2001 to be applied to each application for an allocation from a non-traditional operator A/B is replaced by 4,5955 %.

Article 2

The competent authorities of the Member States shall notify the operators concerned of the quantity allocated to them pursuant to Article 1 no later than 17 August 2001.

Article 3

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

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

Done at Brussels, 26 July 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 47, 25.2.1993, p. 1.

⁽²⁾ OJ L 31, 2.2.2001, p. 2.

⁽³⁾ OJ L 126, 8.5.2001, p. 6.

⁽⁴⁾ OJ L 150, 6.6.2001, p. 41.

COMMISSION REGULATION (EC) No 1526/2001**of 26 July 2001****amending Regulation (EEC) No 388/92 laying down detailed rules for implementation of the specific arrangements for the supply of cereal products to the French overseas departments (FOD) and establishing the forecast supply balance**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments ⁽¹⁾, as last amended by Regulation (EC) No 1448/2001 ⁽²⁾, and in particular Article 2(6) thereof,

Whereas:

- (1) The quantities of products eligible for the specific supply arrangements are determined by means of periodic forecast balances which may be revised according to the essential requirements of the market taking into account local production and traditional trade flows.
- (2) Pursuant to Article 2 of Regulation (EEC) No 3763/91, the forecast supply balance of cereal products to the FOD for 2001 was established by Commission Regulation (EEC) No 388/92 ⁽³⁾, as last amended by Regulation (EC) No 110/2001 ⁽⁴⁾. In order to meet the needs of this

region, amendments must be made to this forecast supply balance. Subsequently, Regulation (EEC) No 388/92 should be amended.

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 388/92 is replaced by the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 2001.

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

Done at Brussels, 26 July 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 356, 24.12.1991, p. 1.

⁽²⁾ OJ L 198, 21.7.2001, p. 3.

⁽³⁾ OJ L 43, 19.2.1992, p. 16.

⁽⁴⁾ OJ L 19, 20.1.2001, p. 9.

ANNEX

'ANNEX

Cereals supply balance for the French overseas departments (2001)

(tonnes)

[illegible]

COMMISSION REGULATION (EC) No 1527/2001**of 26 July 2001****amending Regulation (EC) No 825/2001 laying down special measures derogating from Regulation (EC) No 800/1999 and Regulation (EC) No 1520/2000 as regards products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 2580/2000 ⁽²⁾, and in particular the first subparagraph of Article 8(3) thereof,

Whereas:

- (1) It is useful that special measures as foreseen in Commission Regulation (EC) No 825/2001 of 27 April 2001 laying down special measures derogating from Regulation (EC) No 800/1999 and Regulation (EC) No 1520/2000 as regards products exported in the form of goods not covered by Annex I to the Treaty ⁽³⁾ be brought in line with the common rules for the fixing in advance of refund rates.
- (2) The measures provided for in this Regulation are in line with the opinion of the Management Committee on

horizontal questions concerning trade in processed agricultural products not listed in Annex I,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1(2) of Regulation (EC) No 825/2001, the following subparagraph is added:

'By way of derogation from the second subparagraph of Article 9(2) of Regulation (EC) No 1520/2000, where the system of advance fixing of the refund rate is applied, the rate in force on the day on which the application for advance fixing is lodged shall apply to goods exported during the extended period of validity of the refund certificate.'

Article 2

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

It shall apply to all extended certificates.

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

Done at Brussels, 26 July 2001.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 318, 20.12.1993, p. 18.

⁽²⁾ OJ L 298, 25.11.2000, p. 5.

⁽³⁾ OJ L 120, 28.4.2001, p. 5.

COMMISSION REGULATION (EC) No 1528/2001
of 26 July 2001
amending Regulation (EEC) No 2179/92 laying down detailed rules for the application of the
specific import measures for the Canary Islands as regards tobacco

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 1450/2001 ⁽²⁾, and in particular Article 6(2) thereof,

Whereas:

- (1) Article 6 of Regulation (EEC) No 1601/92 provides for exemption from customs duties for direct imports into the Canary Islands of up to 20 000 tonnes of raw and semi-manufactured tobacco intended for local manufacture of tobacco products.
- (2) Commission Regulation (EEC) No 2179/92 of 30 July 1992 laying down detailed rules for the application of the specific import measures for the Canary Islands as regards tobacco ⁽³⁾, as last amended by Regulation (EC) No 1459/2000 ⁽⁴⁾, lays down detailed rules for the application of that measure.

(3) To provide maximum flexibility for imports of tobacco products into the Canary Islands, the overall quantity of 20 000 tonnes of raw stripped tobacco may be used for the importation of other products, taking account of the coefficient of equivalence, as required by the local industry. As a result, the Annex to Regulation (EEC) No 2179/92 should be adjusted.

(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

The Annex to Regulation (EEC) No 2179/92 is replaced by the Annex to this Regulation.

Article 2

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

It shall apply from 1 July 2001.

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

Done at Brussels, 26 July 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27.6.1992, p. 13.

⁽²⁾ OJ L 198, 21.7.2001, p. 7.

⁽³⁾ OJ L 217, 31.7.1992, p. 79.

⁽⁴⁾ OJ L 164, 5.7.2000, p. 5.

ANNEX

'ANNEX

**Products eligible for exemption from customs duties on direct imports into the Canary Islands for the period
1 July 2001 to 30 June 2002**

CN code	Description	Coefficient of equivalence	Maximum quantity (tonnes)
2401 10	Tobacco, not stemmed/stripped	0,72	} 20 000 ⁽¹⁾
2401 20	Tobacco, partly or wholly stemmed/stripped	1,00	
ex 2401 20	Outer coverings for cigars presented on supports, in reels for the manufacture of tobacco ⁽²⁾	1,05	
2401 30	Tobacco waste	0,28	
ex 2402 10 00	Unfinished cigars without wrapping	1,05	
ex 2403 10 00	Cigarette rag (finished mixtures of tobacco for the manufacture of cigarettes, cigars, cheroots and cigarillos)	1,05	
ex 2403 91 00	Homogenised or reconstituted tobacco, whether or not put up in sheets or strips	1,05	
ex 2403 99 90	Expanded tobacco	1,05	

⁽¹⁾ Maximum quantity of raw stripped tobacco equivalent. The quantities of the various products actually available are to be converted up to the maximum quantity of raw stripped tobacco equivalent using the coefficients of equivalence pursuant to Article 3(2).

⁽²⁾ Monitoring arrangements for this particular utilisation are laid down in the relevant Community provisions.'

COMMISSION REGULATION (EC) No 1529/2001

of 26 July 2001

determining the extent to which applications for import licences submitted in July 2001 for certain products in the milk and milk products sector under the schemes provided for in the Europe Agreements between the Community and the Republic of Hungary, the Republic of Poland, the Czech Republic, the Slovak Republic, Bulgaria, Romania and Slovenia and in the Agreements on free trade between the Community and the Baltic States may be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1349/2000 of 19 June 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Estonia ⁽¹⁾, as amended by Regulation (EC) No 2677/2000 ⁽²⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 1727/2000 of 31 July 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Hungary ⁽³⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2290/2000 of 9 October 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Bulgaria ⁽⁴⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2341/2000 of 17 October 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Latvia ⁽⁵⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2433/2000 of 17 October 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with the Czech Republic ⁽⁶⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2434/2000 of 17 October 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and

providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with the Slovak Republic ⁽⁷⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2435/2000 of 17 October 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Romania ⁽⁸⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2475/2000 of 7 November 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Slovenia ⁽⁹⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2766/2000 of 14 December 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Lithuania ⁽¹⁰⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2851/2000 of 22 December 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Poland ⁽¹¹⁾, and in particular Article 1(3) thereof,

Having regard to Commission Regulation (EC) No 2508/97 of 15 December 1997 laying down detailed rules for the application to milk and milk products of the schemes provided for in the Europe Agreements between the Community and the Republic of Hungary, the Republic of Poland, the Czech Republic, the Slovak Republic, Bulgaria, Romania and Slovenia and the Agreements on free trade between the Community and the Baltic States ⁽¹²⁾, as last amended by Regulation (EC) No 2856/2000 ⁽¹³⁾, and in particular Article 4(4) thereof,

⁽¹⁾ OJ L 155, 28.6.2000, p. 1.

⁽²⁾ OJ L 308, 8.12.2000, p. 7.

⁽³⁾ OJ L 198, 4.8.2000, p. 6.

⁽⁴⁾ OJ L 262, 17.10.2000, p. 1.

⁽⁵⁾ OJ L 271, 24.10.2000, p. 7.

⁽⁶⁾ OJ L 280, 4.11.2000, p. 1.

⁽⁷⁾ OJ L 280, 4.11.2000, p. 9.

⁽⁸⁾ OJ L 280, 4.11.2000, p. 17.

⁽⁹⁾ OJ L 286, 11.11.2000, p. 15.

⁽¹⁰⁾ OJ L 321, 19.12.2000, p. 8.

⁽¹¹⁾ OJ L 332, 28.12.2000, p. 7.

⁽¹²⁾ OJ L 345, 16.12.1997, p. 31.

⁽¹³⁾ OJ L 332, 28.12.2000, p. 49.

Whereas:

The applications for import licences submitted for the products listed in Regulation (EC) No 2508/97 exceed the quantities available for certain products. Allocation coefficients should therefore be set for the period 1 July to 31 December 2001 for certain quantities applied for,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for import licences submitted for the period 1 July to 31 December 2001 pursuant to Regulation (EC) No 2508/97, shall be accepted by country of origin and by product covered by the CN codes set out in the Annex for the quantities applied for, multiplied by the allocation coefficients shown.

Article 2

This Regulation shall enter into force on 27 July 2001.

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

Done at Brussels, 26 July 2001.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Country	Poland			Czech Republic			Slovak Republic			Hungary		Romania
CN codes and	0402 10 19 0402 21 19 0402 21 99	0405 10 11 0405 10 19 0405 10 30 0405 10 50 0405 10 90 0405 20 90	0406	0402 10 19 0402 21 19 0402 21 91	0405 10 11 0405 10 19 0405 10 30 0405 10 50 0405 20 90	0406	0402 10 19 0402 21 19 0402 21 91	0405 10 11 0405 10 19 0405 10 30 0405 10 50 0405 20 90	0406	0402 10	0406	0406
serial number	09.4813	09.4814	09.4815	09.4611	09.4612	09.4613	09.4611	09.4612	09.4613	09.4731	09.4733	09.4758
Allocation coefficient	0,0039	0,0038	0,0053	0,0044	0,0038	0,0107	0,0042	0,0039	0,0058	0,0072	0,0061	0,8906

Country	Bulgaria	Slovenia			Republic of Estonia						
CN codes and	0406	0402 10 0402 21	0403 10	0406 90	0401 30	0402 10 19 0402 21 19	0403 10 11 0403 10 13 0403 10 19	0403 90 59 0403 90 61 0403 90 63 0403 90 69	0405 10 11 0405 10 19	ex 0406	ex 0406 10
serial number	09.4660	09.4086	09.4087	09.4088	09.4578	09.4546	09.4579	09.4580	09.4547	09.4581	09.4582
Allocation coefficient	1,0000	0,0997	—	0,0184	0,0095	0,0039	—	0,0607	0,0038	0,0045	0,0161

Country	Republic of Latvia				Republic of Lithuania			
CN codes and	0402 10 19 0402 21 19	0402 29	0405 10	0406	0402 10 19 0402 21 19	0402 99 11	0405 10 11 0405 10 19	0406
serial number	09.4549	09.4550	09.4551	09.4552	09.4554	09.4567	09.4556	09.4557
Allocation coefficient	0,0084	—	0,0039	0,0041	0,0039	—	0,0039	0,0043

COMMISSION REGULATION (EC) No 1530/2001**of 26 July 2001****on the issue of import licences for rice against applications submitted during the first 10 working days of July 2001 pursuant to Regulation (EC) No 327/98**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 327/98 of 10 February 1998 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice ⁽¹⁾, as amended by Regulation (EC) No 648/98 ⁽²⁾, and in particular Article 5(2) thereof,

Whereas:

- (1) Pursuant to Article 5(2) of Regulation (EC) No 327/98, within 10 days of the closing date for notification by the Member States of licence applications, the Commission must decide to what extent the applications may be accepted and fix the quantities available under the following tranche.
- (2) Examination of the quantities for which applications have been submitted for under the July 2001 tranche shows that licences should be issued for the quantities

applied for reduced, where appropriate, by the percentages set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. Import licences for rice against applications submitted during the first 10 working days of July 2001 pursuant to Regulation (EC) No 327/98 and notified to the Commission shall be issued for the quantities applied for reduced, where appropriate, by the percentages set out in the Annex hereto.

2. The quantities available under the following tranche shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 July 2001.

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

Done at Brussels, 26 July 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 37, 11.2.1998, p. 5.

⁽²⁾ OJ L 88, 24.3.1998, p. 3.

ANNEX

to the Commission Regulation of 26 July 2001 on the issue of import licences for rice against applications submitted during the first ten working days of July 2001 pursuant to Regulation (EC) No 327/98

Reduction percentages to be applied to quantities applied for under the tranche for July 2001 and quantities available for the following tranche:

- (a) quantity referred to in Article 2: semi-milled and wholly-milled rice falling within CN code 1006 30

Origin	Reduction (%)	Quantity available for the additional tranche for September 2001 (in t)
United States of America	0 ⁽¹⁾	2 544,10
Thailand	0 ⁽¹⁾	467,93
Australia	0 ⁽¹⁾	868,50
Other origins	100	—

⁽¹⁾ Issue for the quantity applied for.

- (b) quantity referred to in Article 2: husked rice falling within CN code 1006 20

Origin	Reduction (%)	Quantity available for the additional tranche for September 2001 (in t)
Australia	0 ⁽¹⁾	12,60
United States of America	0 ⁽¹⁾	380,00
Thailand	0 ⁽¹⁾	4,00
Other origins	0 ⁽¹⁾	117,00

⁽¹⁾ Issue for the quantity applied for.

- (c) quantity referred to in Article 2: broken rice falling within CN code 1006 40 00

Ursprung	Reduction (%)
Thailand	0 ⁽¹⁾
Australia	0 ⁽¹⁾
Guyana	0 ⁽¹⁾
United States of America	91,6667
Other origins	92,5612

⁽¹⁾ Issue for the quantity applied for.

COMMISSION REGULATION (EC) No 1531/2001**of 26 July 2001****fixing the export refunds on milk and milk products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 31(3) thereof,

Whereas:

(1) Article 31 of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund within the limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

(2) Regulation (EC) No 1255/1999 provides that when the refunds on the products listed in Article 1 of the above-mentioned Regulation, exported in the natural state, are being fixed, account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organisation of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the limits resulting from agreements concluded in accordance with Article 300 of the Treaty, and
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports.

(3) Article 31(5) of Regulation (EC) No 1255/1999 provides that when prices within the Community are being determined account should be taken of the ruling prices which are most favourable for exportation, and that

when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices.

(4) Article 31(3) of Regulation (EC) No 1255/1999 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of the abovementioned Regulation according to destination.

(5) Article 31(3) of Regulation (EC) No 1255/1999 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; the amount of the refund may, however, remain at the same level for more than four weeks.

(6) In accordance with Article 16 of Commission Regulation (EC) No 174/1999 of 26 January 1999 on specific detailed rules for the application of Council Regulation (EC) No 804/68 as regards export licences and export refunds on milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 1370/2001 ⁽⁴⁾; the refund granted for milk products containing added sugar is equal to the sum of the two components; one is intended to take account of the quantity of milk products and is calculated by multiplying the basic amount by the milk products content in the product concerned; the other is intended to take account of the quantity of added sucrose and is calculated by multiplying the sucrose content of the entire product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1(1)(d) of Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽⁵⁾, however, this second component is applied only if the added sucrose has been produced using sugar beet or cane harvested in the Community.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 20, 27.1.1999, p. 8.

⁽⁴⁾ OJ L 183, 6.7.2001, p. 18.

⁽⁵⁾ OJ L 178, 30.6.2001, p. 1.

- (7) Commission Regulation (EEC) No 896/84 ⁽¹⁾, as last amended by Regulation (EEC) No 222/88 ⁽²⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; those provisions provide for the possibility of varying refunds according to the date of manufacture of the products.
- (8) For the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account.
- (9) It follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation.

- (10) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds referred to in Article 31 of Regulation (EC) No 1255/1999 on products exported in the natural state shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 27 July 2001.

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

Done at Brussels, 26 July 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 91, 1.4.1984, p. 71.

⁽²⁾ OJ L 28, 1.2.1988, p. 1.

ANNEX

to the Commission Regulation of 26 July 2001 fixing the export refunds on milk and milk products

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0401 10 10 9000	970	EUR/100 kg	2,048	0402 29 91 9000	A02	EUR/kg	0,5033
0401 10 90 9000	970	EUR/100 kg	2,048	0402 29 99 9100	A02	EUR/kg	0,5033
0401 20 11 9100	970	EUR/100 kg	2,048	0402 29 99 9500	A02	EUR/kg	0,5475
0401 20 11 9500	970	EUR/100 kg	3,165	0402 91 11 9370	A02	EUR/100 kg	5,670
0401 20 19 9100	970	EUR/100 kg	2,048	0402 91 19 9370	A02	EUR/100 kg	5,670
0401 20 19 9500	970	EUR/100 kg	3,165	0402 91 31 9300	A02	EUR/100 kg	6,715
0401 20 91 9000	970	EUR/100 kg	4,005	0402 91 39 9300	A02	EUR/100 kg	6,715
0401 20 99 9000	970	EUR/100 kg	4,005	0402 91 99 9000	A02	EUR/100 kg	36,61
0401 30 11 9400	970	EUR/100 kg	9,24	0402 99 11 9350	A02	EUR/kg	0,1445
0401 30 11 9700	970	EUR/100 kg	13,88	0402 99 19 9350	A02	EUR/kg	0,1445
0401 30 19 9700	970	EUR/100 kg	13,88	0402 99 31 9150	A02	EUR/kg	0,1513
0401 30 31 9100	A02	EUR/100 kg	33,72	0402 99 31 9300	A02	EUR/kg	0,2191
0401 30 31 9400	A02	EUR/100 kg	52,67	0402 99 31 9500	A02	EUR/kg	0,3775
0401 30 31 9700	A02	EUR/100 kg	58,08	0402 99 39 9150	A02	EUR/kg	0,1513
0401 30 39 9100	A02	EUR/100 kg	33,72	0403 90 11 9000	A02	EUR/100 kg	—
0401 30 39 9400	A02	EUR/100 kg	52,67	0403 90 13 9200	A02	EUR/100 kg	—
0401 30 39 9700	A02	EUR/100 kg	58,08	0403 90 13 9300	A02	EUR/100 kg	43,73
0401 30 91 9100	A02	EUR/100 kg	66,19	0403 90 13 9500	A02	EUR/100 kg	46,00
0401 30 91 9500	A02	EUR/100 kg	97,28	0403 90 13 9900	A02	EUR/100 kg	49,55
0401 30 99 9100	A02	EUR/100 kg	66,19	0403 90 19 9000	A02	EUR/100 kg	49,82
0401 30 99 9500	A02	EUR/100 kg	97,28	0403 90 33 9400	A02	EUR/kg	0,4373
0402 10 11 9000	A02	EUR/100 kg	0	0403 90 33 9900	A02	EUR/kg	0,4955
0402 10 19 9000	A02	EUR/100 kg	0	0403 90 51 9100	970	EUR/100 kg	2,048
0402 10 91 9000	A02	EUR/kg	0	0403 90 59 9170	970	EUR/100 kg	13,88
0402 10 99 9000	A02	EUR/kg	0	0403 90 59 9310	A02	EUR/100 kg	33,72
0402 21 11 9200	A02	EUR/100 kg	—	0403 90 59 9340	A02	EUR/100 kg	52,10
0402 21 11 9300	A02	EUR/100 kg	44,00	0403 90 59 9370	A02	EUR/100 kg	52,10
0402 21 11 9500	A02	EUR/100 kg	46,45	0403 90 59 9510	A02	EUR/100 kg	52,10
0402 21 11 9900	A02	EUR/100 kg	50,00	0404 90 21 9120	A02	EUR/100 kg	—
0402 21 17 9000	A02	EUR/100 kg	—	0404 90 21 9160	A02	EUR/100 kg	—
0402 21 19 9300	A02	EUR/100 kg	44,00	0404 90 23 9120	A02	EUR/100 kg	—
0402 21 19 9500	A02	EUR/100 kg	46,45	0404 90 23 9130	A02	EUR/100 kg	44,00
0402 21 19 9900	A02	EUR/100 kg	50,00	0404 90 23 9140	A02	EUR/100 kg	46,45
0402 21 91 9100	A02	EUR/100 kg	50,33	0404 90 23 9150	A02	EUR/100 kg	50,00
0402 21 91 9200	A02	EUR/100 kg	50,74	0404 90 29 9110	A02	EUR/100 kg	50,36
0402 21 91 9350	A02	EUR/100 kg	51,23	0404 90 29 9115	A02	EUR/100 kg	50,73
0402 21 91 9500	A02	EUR/100 kg	56,06	0404 90 29 9125	A02	EUR/100 kg	51,27
0402 21 99 9100	A02	EUR/100 kg	50,33	0404 90 29 9140	A02	EUR/100 kg	56,09
0402 21 99 9200	A02	EUR/100 kg	50,74	0404 90 81 9100	A02	EUR/kg	—
0402 21 99 9300	A02	EUR/100 kg	51,23	0404 90 83 9110	A02	EUR/kg	—
0402 21 99 9400	A02	EUR/100 kg	54,75	0404 90 83 9130	A02	EUR/kg	0,4400
0402 21 99 9500	A02	EUR/100 kg	56,06	0404 90 83 9150	A02	EUR/kg	0,4645
0402 21 99 9600	A02	EUR/100 kg	60,82	0404 90 83 9170	A02	EUR/kg	0,5000
0402 21 99 9700	A02	EUR/100 kg	63,45	0404 90 83 9936	A02	EUR/kg	0,1445
0402 21 99 9900	A02	EUR/100 kg	66,55	0405 10 11 9500	L05	EUR/100 kg	146,34
0402 29 15 9200	A02	EUR/kg	—	0405 10 11 9700	L05	EUR/100 kg	150,00
0402 29 15 9300	A02	EUR/kg	0,4402	0405 10 19 9500	L05	EUR/100 kg	146,34
0402 29 15 9500	A02	EUR/kg	0,4647	0405 10 19 9700	L05	EUR/100 kg	150,00
0402 29 15 9900	A02	EUR/kg	0,5000	0405 10 30 9100	L05	EUR/100 kg	146,34
0402 29 19 9300	A02	EUR/kg	0,4402	0405 10 30 9300	L05	EUR/100 kg	150,00
0402 29 19 9500	A02	EUR/kg	0,4647	0405 10 30 9700	L05	EUR/100 kg	150,00
0402 29 19 9900	A02	EUR/kg	0,5000	0405 10 50 9300	L05	EUR/100 kg	150,00

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0405 10 50 9500	L05	EUR/100 kg	146,34		L03	EUR/100 kg	—
0405 10 50 9700	L05	EUR/100 kg	150,00		A24	EUR/100 kg	27,09
0405 10 90 9000	L05	EUR/100 kg	155,49		L04	EUR/100 kg	27,09
0405 20 90 9500	L05	EUR/100 kg	137,20		400	EUR/100 kg	—
0405 20 90 9700	L05	EUR/100 kg	142,69		A01	EUR/100 kg	27,09
0405 90 10 9000	L05	EUR/100 kg	190,59	0406 10 20 9870	A00	EUR/100 kg	—
0405 90 90 9000	L05	EUR/100 kg	150,00	0406 10 20 9900	A00	EUR/100 kg	—
0406 10 20 9100	A00	EUR/100 kg	—	0406 20 90 9100	A00	EUR/100 kg	—
0406 10 20 9230	L02	EUR/100 kg	—	0406 20 90 9913	L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	32,03		A24	EUR/100 kg	49,95
	L04	EUR/100 kg	32,03		L04	EUR/100 kg	49,95
	400	EUR/100 kg	—		400	EUR/100 kg	20,23
	A01	EUR/100 kg	32,03		A01	EUR/100 kg	49,95
0406 10 20 9290	L02	EUR/100 kg	—	0406 20 90 9915	L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	29,79		A24	EUR/100 kg	65,93
	L04	EUR/100 kg	29,79		L04	EUR/100 kg	65,93
	400	EUR/100 kg	—		400	EUR/100 kg	26,95
	A01	EUR/100 kg	29,79		A01	EUR/100 kg	65,93
0406 10 20 9300	L02	EUR/100 kg	—	0406 20 90 9917	L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	13,08		A24	EUR/100 kg	70,05
	L04	EUR/100 kg	13,08		L04	EUR/100 kg	70,05
	400	EUR/100 kg	—		400	EUR/100 kg	28,65
	A01	EUR/100 kg	13,08		A01	EUR/100 kg	70,05
0406 10 20 9610	L02	EUR/100 kg	—	0406 20 90 9919	L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	43,44		A24	EUR/100 kg	78,29
	L04	EUR/100 kg	43,44		L04	EUR/100 kg	78,29
	400	EUR/100 kg	—		400	EUR/100 kg	31,96
	A01	EUR/100 kg	43,44		A01	EUR/100 kg	78,29
0406 10 20 9620	L02	EUR/100 kg	—	0406 20 90 9990	A00	EUR/100 kg	—
	L03	EUR/100 kg	—	0406 30 31 9710	L02	EUR/100 kg	—
	A24	EUR/100 kg	44,06		L03	EUR/100 kg	—
	L04	EUR/100 kg	44,06		A24	EUR/100 kg	12,33
	400	EUR/100 kg	—		L04	EUR/100 kg	6,58
	A01	EUR/100 kg	44,06		400	EUR/100 kg	—
0406 10 20 9630	L02	EUR/100 kg	—		A01	EUR/100 kg	12,33
	L03	EUR/100 kg	—	0406 30 31 9730	L02	EUR/100 kg	—
	A24	EUR/100 kg	49,18		L03	EUR/100 kg	—
	L04	EUR/100 kg	49,18		A24	EUR/100 kg	18,09
	400	EUR/100 kg	—		L04	EUR/100 kg	9,64
	A01	EUR/100 kg	49,18		400	EUR/100 kg	—
0406 10 20 9640	L02	EUR/100 kg	—		A01	EUR/100 kg	18,09
	L03	EUR/100 kg	—	0406 30 31 9910	L02	EUR/100 kg	—
	A24	EUR/100 kg	72,28		L03	EUR/100 kg	—
	L04	EUR/100 kg	72,28		A24	EUR/100 kg	12,33
	400	EUR/100 kg	—		L04	EUR/100 kg	6,58
	A01	EUR/100 kg	72,28		400	EUR/100 kg	—
0406 10 20 9650	L02	EUR/100 kg	—	0406 30 31 9930	A01	EUR/100 kg	12,33
	L03	EUR/100 kg	—		L02	EUR/100 kg	—
	A24	EUR/100 kg	60,23		L03	EUR/100 kg	—
	L04	EUR/100 kg	60,23		A24	EUR/100 kg	18,09
	400	EUR/100 kg	—		L04	EUR/100 kg	9,64
	A01	EUR/100 kg	60,23		400	EUR/100 kg	—
0406 10 20 9660	A00	EUR/100 kg	—		A01	EUR/100 kg	18,09
0406 10 20 9830	L02	EUR/100 kg	—	0406 30 31 9950	L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	22,34		A24	EUR/100 kg	26,31
	L04	EUR/100 kg	22,34		L04	EUR/100 kg	14,03
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	22,34		A01	EUR/100 kg	26,31
0406 10 20 9850	L02	EUR/100 kg	—				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 30 39 9500	L02	EUR/100 kg	—	0406 90 23 9900	L04	EUR/100 kg	87,47
	L03	EUR/100 kg	—		400	EUR/100 kg	28,48
	A24	EUR/100 kg	18,09		A01	EUR/100 kg	99,91
	L04	EUR/100 kg	9,64		L02	EUR/100 kg	—
	400	EUR/100 kg	—		L03	EUR/100 kg	—
0406 30 39 9700	A01	EUR/100 kg	18,09	0406 90 25 9900	A24	EUR/100 kg	88,33
	L02	EUR/100 kg	—		L04	EUR/100 kg	76,81
	L03	EUR/100 kg	—		400	EUR/100 kg	—
	A24	EUR/100 kg	26,31		A01	EUR/100 kg	88,33
	L04	EUR/100 kg	14,03		L02	EUR/100 kg	—
0406 30 39 9930	400	EUR/100 kg	—	0406 90 27 9900	L03	EUR/100 kg	—
	A01	EUR/100 kg	26,31		A24	EUR/100 kg	87,38
	L02	EUR/100 kg	—		L04	EUR/100 kg	76,30
	L03	EUR/100 kg	—		400	EUR/100 kg	—
	A24	EUR/100 kg	26,31		A01	EUR/100 kg	87,38
0406 30 39 9950	L04	EUR/100 kg	14,03	0406 90 31 9119	L02	EUR/100 kg	—
	400	EUR/100 kg	—		L03	EUR/100 kg	—
	A01	EUR/100 kg	26,31		A24	EUR/100 kg	79,14
	L02	EUR/100 kg	—		L04	EUR/100 kg	69,11
	L03	EUR/100 kg	—		400	EUR/100 kg	—
0406 30 90 9000	A24	EUR/100 kg	29,75	0406 90 33 9119	A01	EUR/100 kg	79,14
	L04	EUR/100 kg	15,87		L02	EUR/100 kg	—
	400	EUR/100 kg	—		L03	EUR/100 kg	—
	A01	EUR/100 kg	29,75		A24	EUR/100 kg	72,85
	L02	EUR/100 kg	—		L04	EUR/100 kg	63,51
0406 40 50 9000	L03	EUR/100 kg	—	0406 90 33 9919	400	EUR/100 kg	16,32
	A24	EUR/100 kg	31,21		A01	EUR/100 kg	72,85
	L04	EUR/100 kg	16,64		L02	EUR/100 kg	—
	400	EUR/100 kg	—		L03	EUR/100 kg	—
	A01	EUR/100 kg	31,21		A24	EUR/100 kg	72,85
0406 40 90 9000	L04	EUR/100 kg	76,50	0406 90 33 9951	L04	EUR/100 kg	63,51
	L03	EUR/100 kg	—		400	EUR/100 kg	16,32
	A24	EUR/100 kg	76,50		A01	EUR/100 kg	72,85
	400	EUR/100 kg	—		L02	EUR/100 kg	—
	A01	EUR/100 kg	76,50		L03	EUR/100 kg	—
0406 90 13 9000	L02	EUR/100 kg	—	0406 90 35 9190	A24	EUR/100 kg	66,81
	L03	EUR/100 kg	—		L04	EUR/100 kg	58,05
	A24	EUR/100 kg	98,91		400	EUR/100 kg	—
	L04	EUR/100 kg	86,38		A01	EUR/100 kg	66,81
	400	EUR/100 kg	38,51		L02	EUR/100 kg	—
0406 90 15 9100	A01	EUR/100 kg	98,91	0406 90 35 9990	L03	EUR/100 kg	—
	L02	EUR/100 kg	—		A24	EUR/100 kg	103,33
	L03	EUR/100 kg	—		L04	EUR/100 kg	89,85
	A24	EUR/100 kg	102,21		400	EUR/100 kg	39,27
	L04	EUR/100 kg	89,26		A01	EUR/100 kg	103,33
0406 90 17 9100	400	EUR/100 kg	39,70	0406 90 37 9000	L02	EUR/100 kg	—
	A01	EUR/100 kg	102,21		L03	EUR/100 kg	—
	L02	EUR/100 kg	—		A24	EUR/100 kg	103,33
	L03	EUR/100 kg	—		L04	EUR/100 kg	89,85
	A24	EUR/100 kg	102,21		400	EUR/100 kg	25,67
0406 90 21 9900	L04	EUR/100 kg	89,26		A01	EUR/100 kg	103,33
	400	EUR/100 kg	39,70		L02	EUR/100 kg	—
	A01	EUR/100 kg	102,21		L03	EUR/100 kg	—
	L02	EUR/100 kg	—		A24	EUR/100 kg	98,91
	L03	EUR/100 kg	—		L04	EUR/100 kg	86,38
	A24	EUR/100 kg	99,91		400	EUR/100 kg	38,51
					A01	EUR/100 kg	98,91

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 61 9000	L02	EUR/100 kg	39,96	0406 90 78 9500	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		A24	EUR/100 kg	90,08
	A24	EUR/100 kg	110,19		L04	EUR/100 kg	78,86
	L04	EUR/100 kg	95,20		400	EUR/100 kg	—
	400	EUR/100 kg	36,55		A01	EUR/100 kg	90,08
	A01	EUR/100 kg	110,19	0406 90 79 9900	L02	EUR/100 kg	—
0406 90 63 9100	L02	EUR/100 kg	36,41		L03	EUR/100 kg	—
	L03	EUR/100 kg	—		A24	EUR/100 kg	88,70
	A24	EUR/100 kg	109,27		L04	EUR/100 kg	78,12
	L04	EUR/100 kg	94,70		400	EUR/100 kg	—
	400	EUR/100 kg	40,89		A01	EUR/100 kg	88,70
0406 90 63 9900	A01	EUR/100 kg	109,27	0406 90 81 9900	L02	EUR/100 kg	—
	L02	EUR/100 kg	29,09		L03	EUR/100 kg	—
	L03	EUR/100 kg	—		A24	EUR/100 kg	92,33
	A24	EUR/100 kg	105,55		L04	EUR/100 kg	80,62
	L04	EUR/100 kg	91,04		400	EUR/100 kg	30,43
	400	EUR/100 kg	31,28	0406 90 85 9930	A01	EUR/100 kg	92,33
0406 90 69 9100	A01	EUR/100 kg	105,55		L02	EUR/100 kg	—
	A00	EUR/100 kg	—		L03	EUR/100 kg	—
0406 90 69 9910	L02	EUR/100 kg	—		A24	EUR/100 kg	100,22
	L03	EUR/100 kg	—		L04	EUR/100 kg	87,07
	A24	EUR/100 kg	105,55		400	EUR/100 kg	25,67
	L04	EUR/100 kg	91,04	0406 90 85 9970	A01	EUR/100 kg	100,22
	400	EUR/100 kg	31,28		L02	EUR/100 kg	—
	A01	EUR/100 kg	105,55		L03	EUR/100 kg	—
0406 90 73 9900	L02	EUR/100 kg	—		A24	EUR/100 kg	91,86
	L03	EUR/100 kg	—		L04	EUR/100 kg	79,82
	A24	EUR/100 kg	90,87		400	EUR/100 kg	—
	L04	EUR/100 kg	79,29	0406 90 85 9999	A01	EUR/100 kg	91,86
	400	EUR/100 kg	33,66		A00	EUR/100 kg	—
	A01	EUR/100 kg	90,87	0406 90 86 9100	A00	EUR/100 kg	—
0406 90 75 9900	L02	EUR/100 kg	—		L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	91,86		A24	EUR/100 kg	86,90
	L04	EUR/100 kg	79,82		L04	EUR/100 kg	73,24
	400	EUR/100 kg	14,20		400	EUR/100 kg	17,68
	A01	EUR/100 kg	91,86	0406 90 86 9200	A01	EUR/100 kg	86,90
0406 90 76 9300	L02	EUR/100 kg	—		L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	82,43		A24	EUR/100 kg	87,82
	L04	EUR/100 kg	71,98		L04	EUR/100 kg	74,30
	400	EUR/100 kg	—		400	EUR/100 kg	19,38
	A01	EUR/100 kg	82,43	0406 90 86 9300	A01	EUR/100 kg	87,82
0406 90 76 9400	L02	EUR/100 kg	—		L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	92,33		A24	EUR/100 kg	92,33
	L04	EUR/100 kg	80,62		L04	EUR/100 kg	78,94
	400	EUR/100 kg	14,79		400	EUR/100 kg	21,93
	A01	EUR/100 kg	92,33	0406 90 86 9400	A01	EUR/100 kg	92,33
0406 90 76 9500	L02	EUR/100 kg	—		L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	87,08		A24	EUR/100 kg	100,22
	L04	EUR/100 kg	76,70		L04	EUR/100 kg	87,07
	400	EUR/100 kg	14,79		400	EUR/100 kg	25,67
	A01	EUR/100 kg	87,08	0406 90 86 9900	A01	EUR/100 kg	100,22
0406 90 78 9100	L02	EUR/100 kg	—		L04	EUR/100 kg	87,07
	L03	EUR/100 kg	—		400	EUR/100 kg	25,67
	A24	EUR/100 kg	86,92		A01	EUR/100 kg	100,22
	L04	EUR/100 kg	74,38		L04	EUR/100 kg	87,07
	400	EUR/100 kg	—		400	EUR/100 kg	25,67
	A01	EUR/100 kg	86,92		A01	EUR/100 kg	100,22
0406 90 78 9300	L02	EUR/100 kg	—				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 87 9100	A00	EUR/100 kg	—		400	EUR/100 kg	—
0406 90 87 9200	L02	EUR/100 kg	—		A01	EUR/100 kg	38,79
	L03	EUR/100 kg	—	0406 90 87 9973	L02	EUR/100 kg	—
	A24	EUR/100 kg	72,41		L03	EUR/100 kg	—
	L04	EUR/100 kg	61,04		A24	EUR/100 kg	89,03
	400	EUR/100 kg	15,81		L04	EUR/100 kg	77,74
	A01	EUR/100 kg	72,41		400	EUR/100 kg	15,39
0406 90 87 9300	L02	EUR/100 kg	—		A01	EUR/100 kg	89,03
	L03	EUR/100 kg	—	0406 90 87 9974	L02	EUR/100 kg	—
	A24	EUR/100 kg	80,66		L03	EUR/100 kg	—
	L04	EUR/100 kg	68,23		A24	EUR/100 kg	96,21
	400	EUR/100 kg	17,85		L04	EUR/100 kg	84,37
	A01	EUR/100 kg	80,66		400	EUR/100 kg	15,39
0406 90 87 9400	L02	EUR/100 kg	—		A01	EUR/100 kg	96,21
	L03	EUR/100 kg	—	0406 90 87 9975	L02	EUR/100 kg	—
	A24	EUR/100 kg	81,88		L03	EUR/100 kg	—
	L04	EUR/100 kg	70,01		A24	EUR/100 kg	97,28
	400	EUR/100 kg	19,55		L04	EUR/100 kg	86,06
	A01	EUR/100 kg	81,88		400	EUR/100 kg	20,40
0406 90 87 9951	L02	EUR/100 kg	—		A01	EUR/100 kg	97,28
	L03	EUR/100 kg	—	0406 90 87 9979	L02	EUR/100 kg	—
	A24	EUR/100 kg	90,68		L03	EUR/100 kg	—
	L04	EUR/100 kg	79,18		A24	EUR/100 kg	88,33
	400	EUR/100 kg	27,03		L04	EUR/100 kg	76,81
	A01	EUR/100 kg	90,68		400	EUR/100 kg	15,39
0406 90 87 9971	L02	EUR/100 kg	—		A01	EUR/100 kg	88,33
	L03	EUR/100 kg	—	0406 90 88 9100	A00	EUR/100 kg	—
	A24	EUR/100 kg	90,68	0406 90 88 9300	L02	EUR/100 kg	—
	L04	EUR/100 kg	79,18		L03	EUR/100 kg	—
	400	EUR/100 kg	21,93		A24	EUR/100 kg	70,98
	A01	EUR/100 kg	90,68		L04	EUR/100 kg	60,27
0406 90 87 9972	A24	EUR/100 kg	38,79		400	EUR/100 kg	19,38
	L03	EUR/100 kg	—		A01	EUR/100 kg	70,98
	L04	EUR/100 kg	33,73				

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).

The other destinations are defined as follows:

L02 Switzerland, Liechtenstein,

L03 Ceuta, Melilla, Iceland, Norway, Andorra, Gibraltar, Holy See (often referred to as Vatican City), Malta, Turkey, Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovakia, Hungary, Romania, Bulgaria, Canada, Cyprus, Australia and New Zealand,

L04 Albania, Slovenia, Croatia, Bosnia and Herzegovina, Yugoslavia and the Former Yugoslav Republic of Macedonia,

L05 all destinations except Poland and the United States of America.

970 includes the exports referred to in Articles 36(1)(a) and (c) and 44(1)(a) and (b) of Commission Regulation (EC) No 800/1999 (OJ L 102, 17.4.1999, p. 11) and exports under contracts with armed forces stationed on the territory of a Member State which do not come under its flag.

COMMISSION REGULATION (EC) No 1532/2001**of 26 July 2001****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 943/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 602/2001 ⁽⁴⁾, and in particular Article 4 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of common wheat to all third countries except for Poland was opened pursuant to Commission Regulation (EC) No 943/2001 ⁽⁵⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix

a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 20 to 26 July 2001, pursuant to the invitation to tender issued in Regulation (EC) No 943/2001, the maximum refund on exportation of common wheat shall be EUR 0,00/t.

Article 2

This Regulation shall enter into force on 27 July 2001.

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

Done at Brussels, 26 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 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 89, 29.3.2001, p. 16.

⁽⁵⁾ OJ L 133, 16.5.2001, p. 3.

COMMISSION REGULATION (EC) No 1533/2001
of 26 July 2001
fixing the maximum export refund on rye in connection with the invitation to tender issued in
Regulation (EC) No 1005/2001

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 602/2001 ⁽⁴⁾, and in particular Article 7 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of rye to all third countries was opened pursuant to Commission Regulation (EC) No 1005/2001 ⁽⁵⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix

a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 20 to 26 July 2001, pursuant to the invitation to tender issued in Regulation (EC) No 1005/2001, the maximum refund on exportation of rye shall be EUR 30,95/t.

Article 2

This Regulation shall enter into force on 27 July 2001.

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

Done at Brussels, 26 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 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 89, 29.3.2001, p. 16.

⁽⁵⁾ OJ L 140, 24.5.2001, p. 10.

COMMISSION REGULATION (EC) No 1534/2001**of 26 July 2001****fixing the rates of the refunds applicable to certain cereal and rice-products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽³⁾, as last amended by Regulation (EC) No 1667/2000 ⁽⁴⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13(1) of Regulation (EEC) No 1766/92 and Article 13(1) of Regulation (EC) No 3072/95 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽⁵⁾, as amended by Regulation (EC) No 2390/2000 ⁽⁶⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 as appropriate.
- (3) In accordance with the first subparagraph of Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.
- (4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. Whereas it is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. Whereas the fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

- (5) Now that a settlement has been reached between the European Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC ⁽⁷⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.
- (6) Pursuant to Article 4(3) and (5) of Regulation (EC) No 1520/2000 provides that a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Council Regulation (EEC) No 1722/93 ⁽⁸⁾, as last amended by Commission Regulation (EC) No 87/1999 ⁽⁹⁾, for the basic product in question, used during the assumed period of manufacture of the goods.
- (7) Spirituous beverages are considered less sensitive to the price of the cereals used in their manufacture. However, Protocol 19 of the Act of Accession of the United Kingdom, Ireland and Denmark stipulates that the necessary measures must be decided to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals. Accordingly, it is necessary to adapt the refund rate applying to cereals exported in the form of spirituous beverages.
- (8) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1(1) of Regulation (EC) No 3072/95, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to amended Regulation (EC) No 3072/95 respectively, are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 27 July 2001.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 193, 29.7.2000, p. 3.

⁽⁵⁾ OJ L 177, 15.7.2000, p. 1.

⁽⁶⁾ OJ L 276, 28.10.2000, p. 3.

⁽⁷⁾ OJ L 275, 29.9.1987, p. 36.

⁽⁸⁾ OJ L 159, 1.7.1993, p. 112.

⁽⁹⁾ OJ L 9, 15.1.1999, p. 8.

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

Done at Brussels, 26 July 2001.

For the Commission

Erkki LIIKANEN

Member of the Commission

ANNEX

to the Commission Regulation of 26 July 2001 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product (EUR/100 kg)	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in other cases	— —	— —
1001 90 99	Common wheat and meslin: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in other cases: – – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where goods falling within subheading 2208 ⁽³⁾ are exported – – in other cases	— — — — —	— — — — —
1002 00 00	Rye	1,643	1,643
1003 00 90	Barley – where goods falling within subheading 2208 ⁽³⁾ are exported – in other cases	— —	— —
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of: – starch: – – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where goods falling within subheading 2208 ⁽³⁾ are exported – – in other cases – glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽⁴⁾ : – – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where goods falling within subheading 2208 ⁽³⁾ are exported – – in other cases – where goods falling within subheading 2208 ⁽³⁾ are exported – other (including unprocessed) Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize: – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where goods falling within subheading 2208 ⁽³⁾ are exported – in other cases	2,876 1,588 3,563 1,985 1,191 2,672 1,588 3,563 2,876 1,588 3,563	2,876 1,588 3,563 1,985 1,191 2,672 1,588 3,563 2,876 1,588 3,563

(EUR/100 kg)			
CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly-milled rice:		
	– round grain	19,400	19,400
	– medium grain	19,400	19,400
	– long grain	19,400	19,400
1006 40 00	Broken rice	4,900	4,900
1007 00 90	Sorghum	—	—

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E of amended Commission Regulation (EC) No 1520/2000 shall be applied (OJ L 177, 15.7.2000, p. 1).

⁽²⁾ The goods concerned fall under CN code 3505 10 50.

⁽³⁾ Goods listed in Annex B of Council Regulation (EEC) No 1766/92 or referred to in Article 2 of Regulation (EEC) No 2825/93.

⁽⁴⁾ For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

COMMISSION REGULATION (EC) No 1535/2001
of 26 July 2001
fixing production refunds on cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992, on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 7 ⁽³⁾ thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽³⁾, as last amended by Regulation (EC) No 1667/2000 ⁽⁴⁾, and in particular Article 7(2) thereof,

Having regard to Commission Regulation (EEC) No 1722/93 of 30 June 1993 laying down detailed rules for the arrangements concerning production refunds in the cereals and rice sectors ⁽⁵⁾, as last amended by Regulation (EC) No 87/1999 ⁽⁶⁾, and in particular Article 3 thereof,

Whereas:

- (1) Regulation (EEC) No 1722/93 establishes the conditions for granting the production refund; whereas the basis for the calculation is established in Article 3 of the said Regulation; whereas the refund thus calculated must be

fixed once a month and may be altered if the price of maize and/or wheat changes significantly.

- (2) The production refunds to be fixed in this Regulation should be adjusted by the coefficients listed in the Annex II to Regulation (EEC) No 1722/93 to establish the exact amount payable.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The refund referred to in Article 3(2) of Regulation (EEC) No 1722/93, expressed per tonne of starch extracted from maize, wheat, barley, oats, potatoes, rice or broken rice, shall be EUR 17,40/t.

Article 2

This Regulation shall enter into force on 27 July 2001.

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

Done at Brussels, 26 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 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 193, 29.7.2000, p. 3.

⁽⁵⁾ OJ L 159, 1.7.1993, p. 112.

⁽⁶⁾ OJ L 9, 15.1.1999, p. 8.

COMMISSION REGULATION (EC) No 1536/2001
of 26 July 2001
fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EEC) No 1766/92 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽³⁾ in Article 2 lays down general rules for fixing the amount of such refunds.
- (3) That calculation must also take account of the cereal products content. In the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products. A

refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff.

- (4) Furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export.
- (5) However, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported.
- (6) The refund must be fixed once a month; whereas it may be altered in the intervening period.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EEC) No 1766/92 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 27 July 2001.

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

Done at Brussels, 26 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 147, 30.6.1995, p. 51.

ANNEX

to the Commission Regulation of 26 July 2001 fixing the export refunds on cereal-based compound feedingstuffs

Product codes benefiting from export refund:

2309 10 11 9000, 2309 10 13 9000, 2309 10 31 9000,
2309 10 33 9000, 2309 10 51 9000, 2309 10 53 9000,
2309 90 31 9000, 2309 90 33 9000, 2309 90 41 9000,
2309 90 43 9000, 2309 90 51 9000, 2309 90 53 9000.

Cereal products	Destination	Unit of measurement	Amount of refunds
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	A00	EUR/t	35,63
Cereal products excluding maize and maize products	A00	EUR/t	0,00

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

COMMISSION REGULATION (EC) No 1537/2001**of 26 July 2001****fixing the export refunds on products processed from cereals and rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽³⁾, as last amended by Regulation (EC) No 1667/2000 ⁽⁴⁾, and in particular Article 13(3) thereof,

Whereas:

(1) Article 13 of Regulation (EEC) No 1766/92 and Article 13 of Regulation (EC) No 3072/95 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund.

(2) Article 13 of Regulation (EC) No 3072/95 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other. The same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market.

(3) Article 4 of Commission Regulation (EC) No 1518/95 ⁽⁵⁾, as amended by Regulation (EC) No 2993/95 ⁽⁶⁾, on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated.

(4) The refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product.

(5) There is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products. For certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time.

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

(7) The refund must be fixed once a month; whereas it may be altered in the intervening period.

(8) Certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinized starch, no export refund is to be granted.

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(d) of Regulation (EEC) No 1766/92 and in Article 1(1)(c) of Regulation (EC) No 3072/95 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 193, 29.7.2000, p. 3.

⁽⁵⁾ OJ L 147, 30.6.1995, p. 55.

⁽⁶⁾ OJ L 312, 23.12.1995, p. 25.

Article 2

This Regulation shall enter into force on 27 July 2001.

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

Done at Brussels, 26 July 2001.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 26 July 2001 fixing the export refunds on products processed from cereals and rice

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 ⁽¹⁾	C01	EUR/t	49,88	1104 23 10 9100	A00	EUR/t	53,45
1102 20 10 9400 ⁽¹⁾	C01	EUR/t	42,76	1104 23 10 9300	A00	EUR/t	40,97
1102 20 90 9200 ⁽¹⁾	C01	EUR/t	42,76	1104 29 11 9000	A00	EUR/t	0,00
1102 90 10 9100	C01	EUR/t	0,00	1104 29 51 9000	A00	EUR/t	0,00
1102 90 10 9900	C01	EUR/t	0,00	1104 29 55 9000	A00	EUR/t	0,00
1102 90 30 9100	C01	EUR/t	0,00	1104 30 10 9000	A00	EUR/t	0,00
1103 12 00 9100	A00	EUR/t	0,00	1104 30 90 9000	A00	EUR/t	8,91
1103 13 10 9100 ⁽¹⁾	A00	EUR/t	64,13	1107 10 11 9000	A00	EUR/t	0,00
1103 13 10 9300 ⁽¹⁾	A00	EUR/t	49,88	1107 10 91 9000	A00	EUR/t	0,00
1103 13 10 9500 ⁽¹⁾	A00	EUR/t	42,76	1108 11 00 9200	A00	EUR/t	0,00
1103 13 90 9100 ⁽¹⁾	A00	EUR/t	42,76	1108 11 00 9300	A00	EUR/t	0,00
1103 19 10 9000	A00	EUR/t	16,43	1108 12 00 9200	A00	EUR/t	57,01
1103 19 30 9100	A00	EUR/t	0,00	1108 12 00 9300	A00	EUR/t	57,01
1103 21 00 9000	A00	EUR/t	0,00	1108 13 00 9200	A00	EUR/t	57,01
1103 29 20 9000	A00	EUR/t	0,00	1108 13 00 9300	A00	EUR/t	57,01
1104 11 90 9100	A00	EUR/t	0,00	1108 19 10 9200	A00	EUR/t	74,48
1104 12 90 9100	A00	EUR/t	0,00	1108 19 10 9300	A00	EUR/t	74,48
1104 12 90 9300	A00	EUR/t	0,00	1109 00 00 9100	A00	EUR/t	0,00
1104 19 10 9000	A00	EUR/t	0,00	1702 30 51 9000 ⁽²⁾	A00	EUR/t	55,85
1104 19 50 9110	A00	EUR/t	57,01	1702 30 59 9000 ⁽²⁾	A00	EUR/t	42,76
1104 19 50 9130	A00	EUR/t	46,32	1702 30 91 9000	A00	EUR/t	55,85
1104 21 10 9100	A00	EUR/t	0,00	1702 30 99 9000	A00	EUR/t	42,76
1104 21 30 9100	A00	EUR/t	0,00	1702 40 90 9000	A00	EUR/t	42,76
1104 21 50 9100	A00	EUR/t	0,00	1702 90 50 9100	A00	EUR/t	55,85
1104 21 50 9300	A00	EUR/t	0,00	1702 90 50 9900	A00	EUR/t	42,76
1104 22 20 9100	A00	EUR/t	0,00	1702 90 75 9000	A00	EUR/t	58,52
1104 22 30 9100	A00	EUR/t	0,00	1702 90 79 9000	A00	EUR/t	40,62
				2106 90 55 9000	A00	EUR/t	42,76

⁽¹⁾ No refund shall be granted on products given a heat treatment resulting in pregelatinisation of the starch.

⁽²⁾ Refunds are granted in accordance with Council Regulation (EEC) No 2730/75 (OJ L 281, 1.11.1975, p. 20), amended.

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

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

C01: All destinations except Poland.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 12 July 2001

laying down certain detailed rules for the application in France of Article 9 of Regulation (EC) No 690/2001 on special market support measures in the beef sector

(notified under document number C(2001) 1857)

(Only the French text is authentic)

(2001/569/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, and in particular Article 38(2) thereof,

Having regard to Commission Regulation (EC) No 690/2001 of 3 April 2001 on special market support measures in the beef sector ⁽²⁾, and in particular Article 9(4) thereof,

Whereas:

- (1) Article 9 of Regulation (EC) No 690/2001 provides for the release, on approval from the Commission, of meat bought in under that Regulation. In particular, it is laid down that the release for a specific use in the Community shall be made in a way which avoids both disturbance of the market and direct competition with disposal of intervention products.
- (2) In application of Article 2 and the second indent of the second subparagraph of Article 12 of Regulation (EC) No 690/2001 France has bought a certain quantity of beef. It is likely that France will continue to buy meat under partial tenders until the end of the year.
- (3) France has submitted a request to the Commission to release up to 5 000 tonnes of beef bought in under the scheme and intended to be distributed to the most deprived persons in France meeting the eligibility criteria applied under Commission Regulation (EEC) No 3149/92 of 29 October 1992 laying down detailed rules of the supply of food from intervention stocks for the

benefit of the most deprived persons in the Community ⁽³⁾, as last amended by Regulation (EC) No 1098/2001 ⁽⁴⁾. According to the request for approval the release should follow the same procedure as the one laid down in the first and second indent of Article 4(2)(a) of Regulation (EEC) No 3149/92.

- (4) As release for direct consumption by the most deprived persons does not disturb the market and currently does not compete with disposal of intervention products, the French request should be met. However, in order not to disturb the market where released products are intended as payment in kind such products may not comprise meat from hindquarters corresponding to pistola hind-quarters with a maximum of eight ribs.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS DECISION:

Article 1

1. In application of Article 9(4) of Regulation (EC) No 690/2001, France is authorised to release up to 5 000 tonnes expressed in product weight of beef purchased under that Regulation provided that the released products are used for consumption, either directly or after processing, by the most deprived persons meeting the eligibility criteria laid down by France pursuant to Article 1(2)(c) of Regulation (EEC) No 3149/92.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 95, 5.4.2001, p. 8.

⁽³⁾ OJ L 313, 30.10.1992, p. 50.

⁽⁴⁾ OJ L 150, 6.6.2001, p. 37.

2. The provisions of the first and second indent of Article 4(2)(a) of Regulation (EEC) No 3149/92 shall apply with regard to the release referred to in paragraph 1. In application thereof France shall be authorised to use the products concerned as payment in kind with the exception of meat from hindquarters.

3. For the purpose of this Decision the hindquarter referred to above shall be a pistola hindquarter with a maximum of eight ribs.

Article 2

This Decision is addressed to the French Republic.

Done at Brussels, 12 July 2001.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 13 July 2001

on draft national provisions notified by the Federal Republic of Germany on limitations on the marketing and use of organostannic compounds*(notified under document number C(2001) 1912)***(Only the German text is authentic)****(Text with EEA relevance)**

(2001/570/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 95(6) thereof,

Whereas:

I. FACTS**1. Community legislation**

- (1) Council Directive 76/769/EEC of 27 July 1976 on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations ⁽¹⁾, as last amended by Commission Directive 1999/77/EC ⁽²⁾, provides for the prohibition and restriction of the use of certain dangerous substances and preparations. Directive 76/769/EEC is regularly amended to include in its Annex additional substances which are dangerous to man or the environment.
- (2) Council Directive 89/677/EEC ⁽³⁾ amended Directive 76/769/EEC to harmonise amongst other things the placing on the market and use of organostannic compounds in certain areas. The provisions concerning organostannic compounds were modified by Commission Directive 1999/51/EC of 26 May 1999 adapting to technical progress for the fifth time Annex I to Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (tin, PCP and Cadmium) ⁽⁴⁾.
- (3) Directive 1999/51/EC amends Directive 76/769/EEC to prohibit the marketing and use of organostannic compounds as substances and constituents of preparations when acting as biocides in free association anti-fouling paint.

- (4) Directive 1999/51/EC also serves to prohibit the use of organostannic compounds as substances and constituents of preparations when acting as biocides to prevent the fouling by micro-organisms, plants or animals of:

- (a) the hulls of:

- boats of an overall length, as defined by ISO 8666, of less than 25 m,
- vessels of any length for use predominantly on inland waterways and lakes;

- (b) cages, floats, net and any other appliances or equipment used for fish or shellfish farming;

- (c) any totally or partly submerged appliance or equipment.

Such substances and preparations:

- may be placed on the market only in packages of a capacity equal to or greater than 20 l,
- may not be sold to the general public but only to professional users.

- (5) Without prejudice to the application of other Community provisions on the classification, packaging and labelling of dangerous substances and preparations, the packaging of such preparations must be legible and indelibly marked as follows:

'Not to be used on boats of an overall length of less than 25 m, or on vessels of any length for use predominantly on inland waterways and lakes, or any appliances or equipment used in fish or shellfish farming.

Restricted to professional users.'

- (6) The provisions referred to under recital 4(a) and the special labelling provisions are applicable to Sweden and Austria from 1 January 2003 and will be reviewed by the Commission in cooperation with Member States and stakeholders before that date.

- (7) Furthermore organostannic compounds may not be used as substances and constituents of preparations intended for the use in the treatment of industrial waters.

⁽¹⁾ OJ L 262, 27.9.1976, p. 201.

⁽²⁾ OJ L 207, 6.8.1999, p. 18.

⁽³⁾ OJ L 398, 30.12.1989, p. 19.

⁽⁴⁾ OJ L 142, 5.6.1999, p. 22.

- (8) It also follows from Directive 1999/51/EC that the remaining allowed uses are to be reviewed before 1 January 2003. In recital 2, specific reference is made to the developments in the International Maritime Organisation (IMO), which has recognised the risks posed by organostannic compounds to the marine environment. The Marine Environment Protection Committee (MEPC) of the IMO has called for a global prohibition of the application of organostannic compounds which act as biocides in antifouling systems on ships by 1 January 2003.
- (9) The MEPC met on 23 to 27 April 2001 and prepared a legally binding instrument (International Convention on the Control of Harmful Antifouling Systems) to be adopted at a diplomatic conference scheduled for 1 to 5 October 2001. The Council of the European Union had adopted conclusions for the negotiations in April, which, among others, underline its intention to contribute to the conclusion of a legally binding instrument to prohibit the use of organostannic compounds as of 1 January 2003. They also urged the Commission to take as soon as possible any additional steps deemed necessary in relation to relevant Community legislation.

2. National provisions

- (10) Germany intends to adopt new national provisions going beyond the measures provided for under Directive 1999/51/EC by amending:
- the Annex to paragraph 1 of the Chemicals Prohibition Order (Chemikalienverbotsverordnung) regarding organostannic compounds in the version published on 19 July 1996 and last amended by Article 2 of the Order of 26 June 2000, and
 - Annex IV to the Dangerous Substances Order (Gefahrstoffverordnung) in the version published on 15 November 1999 and last amended by Article 3 of the Order of 26 June 2000.
- (11) The draft amendment of the Chemicals Prohibition Order modifies the existing section 11 (entitled 'Organostannic compounds') and seeks to ban the placing on the market of organostannic compounds and preparations containing organostannic compound for the following purposes:
1. as antifouling paints,
 2. for water treatment in the industrial, commercial, and municipal sectors, regardless of use,
 3. for wood preservation,
 4. for the biocidal impregnation of heavy industrial textiles and their constituent yarns, and
 5. for the biocidal treatment of consumer articles within the meaning of paragraph 5(1) No 6 of the Foodstuffs and Consumer Products Law.
- (12) In addition, the following products may not be placed on the market if they have a mass content of triorganotin compounds of more than 1 mg tin/kg:
1. heavy industrial textiles, and
 2. products within the meaning of paragraph 5(1) No 6 of the Foodstuffs and Consumer Products Law.
- (13) By way of derogation, the restriction referred to in recital 11(1) will not apply until 31 December 2002 to the placing on the market of antifouling paints containing chemically bound organostannic compounds for ships with an overall length of more than 25 m that are essentially intended for operation outside inland waterways and lakes, if sold for professional purposes in minimum quantities of 20 l. The prohibitions referred to in recital 12 will not apply to products which were placed on the market for the first time before the first day of the calendar month following promulgation of the draft national legislation.
- (14) The draft amendment to Annex IV (Restrictions on production and use) to the Dangerous Substances Order, seeks to modify points (entitled 'Antifouling Paints') and 8 (entitled 'Organostannic Compounds').
- (15) Point 5(1) already contains a general ban on the use of organostannic compounds in antifouling paints, but, in line with the provisions of Directive 1999/51/EC, the current paragraph 2 provides for a derogation for 'chemically-bound organostannic antifouling paints for ships more than 25 m in total length that are essentially intended to operate outside inland waterways and lakes if sold for professional purposes in minimum quantities of 20 l.' The draft amendment seeks to limit the duration of the derogation by adding 'until 31 December 2002'.
- (16) The draft amendment of point 8 (Organostannic compounds) intends to replace the current text by:
- 'Dangerous substances containing organostannic compounds shall not be used:
1. for the treatment of water in the industrial, commercial and municipal sectors, regardless of its use;
 2. for wood preservation;
 3. for the biocidal impregnation of heavy industrial textiles and their constituent yarns, and
 4. for the biocidal treatment of products within the meaning of paragraph 5(1) No 6 of the Foodstuffs and Consumer Products Law ⁽⁵⁾.'

⁽⁵⁾ According to paragraph 5(1) No 6 of that law these are: Objects, that are intended to be in contact with the human body in a non-transitory way, such as clothes, bedlinen, masks, wigs, hair pieces, artificial eyelashes, bracelets, spectacle frames.

II. PROCEDURE

- (17) Directive 1999/51/EC was adopted on 26 May 1999. Member States had to bring into force the national provisions necessary to comply with it before 29 February 2000 and to apply them from 1 September 2000. Germany correctly transposed the Community provisions through an amendment of the Dangerous Substances Order (Order of 26 June 2000, Federal Law Gazette I 2000, p. 932).
- (18) By letter of 22 January 2001, the German Permanent Representation informed the Commission that Germany, in accordance with Article 95(5) of the Treaty, intended to apply stricter measures regarding organostannic compounds than those contained in Directive 1999/51/EC. Germany considered it necessary to introduce such national measures which are justified in accordance with Article 30 of the Treaty to protect the environment and human health against the harmful effects of organostannic compounds used as components in biocidal preparations. The letter was received on 25 January 2001.
- (19) By letter of 22 February 2001, the Commission informed the German authorities that it had received the notification under Article 95(5) and that the six month period for its examination according to Article 95(6) started on 26 January 2001, the day following the one when the notification was received.
- (20) By letter of 17 April 2001, the Commission informed the other Member States about the request received from Germany and invited them to submit comments, if deemed necessary, within one month. The Commission also published a notice regarding the request in the *Official Journal of the European Communities* ⁽⁶⁾ in order to inform other interested parties of the draft national measures that Germany intends to adopt.

III. ASSESSMENT

1. Consideration of admissibility

- (21) The notification submitted by the German authorities on 25 January 2001 intends to obtain approval to introduce national provisions incompatible with Directive 1999/51/EC, which constitutes a harmonisation measure adopted on the basis of Article 95 of the Treaty.
- (22) Article 95(5) of the Treaty reads as follows: 'If, after the adoption by the Council or by the Commission of a harmonisation measure, a Member State deems it necessary to introduce national provisions based on new scientific evidence relating to the protection of the environ-

ment or the working environment on grounds of a problem specific to that Member State arising after the adoption of the harmonisation measure, it shall notify the Commission of the envisaged provisions as well as the grounds for introducing them.'

- (23) Annex I to Directive 76/769/EEC as amended by Directive 1999/51/EC deals with three different situations in which organostannic compounds are marketed or used. These three situations are all concerned with the aquatic environment, or more precisely they involve applications in water or on objects partially or totally submerged in water:
- point 21.1 currently prohibits the marketing of organostannic compounds for use as substances and constituents of preparations when acting as biocides in free association antifouling paints ⁽⁷⁾. Other types of preparations are allowed to be placed on the market,
 - point 21.2 restricts the use of organostannic compounds as substances and constituents of preparations when acting as biocides to prevent the fouling by micro-organisms, plants or animals of the hulls of boats of an overall length of less than 25 m, of vessels of any length for use predominantly on inland waterways and lakes, any equipment used for fish or shellfish farming, and any totally or partly submerged appliance or equipment,
 - in addition, point 21.4 prohibits the use of organostannic compounds in the treatment of industrial waters irrespective of their use.
- (24) When comparing the current Community legislation and the draft national provisions which Germany intends to apply, it emerges that the national measures go beyond the Community legislation, as they amount to:
- a ban on the marketing and use of organostannic compounds in all kinds of antifouling products as of 1 January 2003,
 - a ban on the use of organostannic compounds for a range of other uses: wood preservation, impregnation of heavy industrial textiles and their constituent yarns, and treatment of consumer articles.

- (25) In addition, the draft national measures intend to limit the maximum content of triorganic-tin compounds for a number of products such as heavy industrial textiles and consumer products.

- (26) The draft national provisions notified by Germany concern the use of organostannic compounds in antifouling paints, which is within the harmonised area created by Directive 1999/51/EC. The draft national provisions also seek to ban the use of organostannic compounds for the treatment of wood, textiles, and consumer articles. Here, two cases have to be distinguished: if the treated products are intended for uses where they are partly or totally submerged in water (i.e.

⁽⁶⁾ OJ C 120, 24.4.2001, p. 9.

⁽⁷⁾ Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 describes in Annex V, antifouling products (product-type 21) as 'products used to control the growth and settlement of fouling organisms (microbes and higher forms of plant or animal species) on vessels, aquaculture equipment or other structures used in water'.

use in the aquatic environment) or intended for equipment or appliances for fish or shellfish farming, they are within the harmonised area and Directive 1999/51/EC already bans the use of organostannic compounds for this purpose. Treatment of wood, heavy industrial textiles and consumer products, which are intended for other purposes is not regulated by the Directive.

- (27) As required by Article 95(5) of the Treaty, Germany notified the Commission of the actual wording of the provisions that are intended to be introduced, accompanying the request by an explanation of the reasons, which, in its opinion, justify the introduction of those provisions. However, only a part of the draft national measures is within the area of harmonisation created by Directive 1999/51/EC.
- (28) The notification submitted by Germany on 25 January 2001 in order to obtain approval for the introduction of national provisions regarding the use of organostannic compounds in antifouling products which derogate from the provisions of Directive 1999/51/EC may therefore be held admissible under Article 95(5) of the Treaty. The notification of the draft national measures concerning other uses of organostannic compounds, which are outside the area of harmonisation created by Directive 1999/51/EC, is inadmissible.
- (29) Consequently, this Decision will only refer to the draft national provisions regarding antifouling products intended for use in the aquatic environment, for which derogation is sought. The draft national measures for the other uses are not concerned by this Decision and will have to be notified and evaluated according to the procedures established by 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⁽⁸⁾, as amended by Directive 1998/48/EC⁽⁹⁾.

2. Assessment of merits

- (30) In accordance with Article 95 of the Treaty, the Commission has to ensure that all the conditions enabling a Member State to avail itself of the possibilities of derogation provided for in that Article are fulfilled.
- (31) The Commission must therefore assess whether the conditions provided for by Article 95(5) are met. This requires (a) 'new scientific evidence with regard to the protection of the environment or the working environment', (b) which causes the applicant Member State to consider the introduction of national provisions to be necessary 'on grounds of a problem specific to that Member State', (c) where the problem concerned arose 'after the adoption of the harmonisation measure'.
- (32) In addition, pursuant to Article 95(6), where it considers that the introduction of such national provisions is justified, the Commission must check whether or not those national provisions are a means of arbitrary discrimination or a disguised restriction on trade between Member States and whether or not they constitute an obstacle to the functioning of the internal market.
- 2.1. *The nature of organostannic compounds*
- (33) Organostannic compounds are a group of substances, which are composed of tin and a variable number of organic groups, which are directly bound to the tin atom. Organostannic compounds are very effective anti-fouling agents for ships, the most important and effective compounds being tributyltin, TBT, and Bis(tributyltin)oxide TBTO.
- (34) Tributyltin compounds are classified according to Council Directive 67/548/EEC of 27 June 1967 relating to the classification, packaging and labelling of dangerous substances⁽¹⁰⁾, as last amended by Directive 99/33/EC⁽¹¹⁾, as:
- harmful in contact with skin,
 - toxic if swallowed,
 - irritating to eyes and skin,
 - toxic: danger of serious damage to health by prolonged exposure through inhalation and if swallowed,
 - very toxic to aquatic organisms, may cause long-term adverse effects in the aquatic environment.
- (35) For an antifoulant to be effective, the active substance must be bioavailable, and hence constantly released to the surrounding environment. As a result of this release to the aquatic environment and the high acute and chronic toxicity of organostannic compounds, damage can result to exposed ecosystems.
- (36) TBTO is strongly absorbed to sediment. The principal degradation pathway of TBT is biodegradation to dibutyltin and monobutyltin and eventually tin oxide. The speed of the degradation is strongly influenced by the surrounding matrix, with half lives in water of two weeks, biota two months, sediment 0,5 to 20 years. TBT shows some bioaccumulation within the environment.
- (37) TBT interferes with the metabolism of exposed organisms (inhibition of enzymes and denaturing of proteins), and the endocrine system of certain snails (imposing the development of male sexual characteristics in females; a phenomenon called imposex).

⁽⁸⁾ OJ L 204, 21.7.1998, p. 37.

⁽⁹⁾ OJ L 217, 5.8.1998, p. 18.

⁽¹⁰⁾ OJ L 196, 16.8.1967, p. 1.

⁽¹¹⁾ OJ L 199, 30.7.1999, p. 57.

- (38) Risks to the aquatic environment from TBT are well recognised and even in 1989, the first Community measures (Directive 89/677/EEC) had been taken to reduce the risks from the use of organostannic compounds in antifouling paints by restricting their use to professional users for ships of a length of more than 25 m.
- (39) A thorough reevaluation carried out by the Commission in cooperation with the Member States, led to the adoption of Directive 1999/51/EC, which strengthens these protective measures considerably. That Directive bans completely the use of those types of antifouling paints, which are liable to higher and uncontrolled release of organostannic compounds, and the use on boats of any size predominantly employed on inland waterways and lakes. In the course of the review process, the Commission had commissioned a study on the matter by an external consultant⁽¹²⁾ and, based on that study, requested the opinion of the Scientific Committee of Toxicity, Ecotoxicity, and the Environment (SCTEE), which was adopted on 27 November 1998.

2.2. The position of Germany

- (40) A description is given of all the arguments behind the notified provisions, including those relating to areas which have been considered as falling outside of the scope of Directive 1999/51/EC.
- (41) Germany takes the view that the knowledge both of the ecotoxicological effects and possible health damage justifies a more comprehensive ban on the use of organostannic compounds as biocidal agents than is provided for in Directive 1999/51/EC.
- (42) In the interests of health and environment protection, Germany considers it necessary to transpose into national law IMO Resolution A.895(21), which was adopted on 25 November 1999, and to lay down further requirements prohibiting the use of organostannic compound as biocidal agents in certain consumer products.
- (43) Germany believes that the national provisions set out in the draft measures are necessary and justified for reasons of protection of human and animal health and life pursuant to Article 30 of the Treaty. In its view, only

these measures can ensure adequate protection of the abovementioned legal rights.

- (44) Germany recalls that in the context of a 'concerted action' at the 45th MEPC meeting, the parties to the OSPAR Convention (including Germany and the European Commission emphasised that the proposed date for the entry into force of the ban on organostannic compounds as antifouling agents in ships' paint (1 January 2003) must be regarded as definitive and that it was extremely important for the proposed globally binding instrument to take effect on time (MEPC document 45/4/8 of 9 August 2000).
- (45) Accordingly, the draft national measures intend to eliminate the existing exemption on the marketing of chemically-bound organostannic antifouling paints for ships of more than 25 m in total length that are essentially intended to operate outside inland waterways and lakes as of 1 January 2003.
- (46) In addition, Germany thinks that as yet, Directive 76/769/EEC does not cover the use of organostannic compounds as biocidal agents in heavy textiles and consumer products. In view of the need for action to protect the environment and human health, the existing prohibitions on the marketing and use of organostannic compounds and preparations containing these substances will be extended. Their use will be prohibited for the biocidal impregnation of heavy industrial textiles and their constituent yarns, the biocidal treatment of certain consumer products and as wood preservatives.
- (47) Wood preservatives containing biocidal organostannic compounds have not been used in Germany for several years. More ecologically acceptable alternatives for the biocidal treatment of heavy textiles are also available. The particular objective of the ban is to prevent the diffusion of triorgano-tin compounds in the environment. Since high concentrations of organostannic compounds are necessary to achieve biocidal effects, the biocidal treatment of consumer products, which have prolonged contact with the human body must also be prohibited because of the toxic properties of these substances.
- (48) Germany claims that there is new scientific evidence, which was discussed on 14 March 2000, when the Federal Environmental Office and the Federal Institute for Consumer Protection and Veterinary Medicine on behalf of the Federal Ministry of the Environment, organised a panel hearing in Berlin on the 'Production and use of organotin compounds in Germany'. The report

⁽¹²⁾ WS Atkins International Ltd, 'Assessment of the risks to health and to the environment of tin organic compounds and of arsenic in certain biocidal products and of the effects of further restrictions on their marketing and use', final report, April 1998. Opinion of the SCTEE on the report by WS Atkins International Ltd. Expressed at the sixth SCTEE plenary meeting, Brussels, 27 November 1998.

(which was annexed to the request), outlines recent findings on use, environmental concentrations and toxicology. According to Germany, a number of the results were obtained only after the preparation of Directive 1999/51/EC, and reflect the environmental damage caused by organostannic compounds in Germany and thus justify the tighter restrictions contained in the draft measures.

- (49) In the case of sediment, a distinction should be drawn between 'normal' concentrations and concentrations in the vicinity of 'hot spots' (ports, production facilities of organostannic compounds). As expected, concentrations of organostannic compounds in suspended matter and sediments also generally correlate with the percentage of municipal waste waters in the examined water.
- (50) In the course of various measurement programmes, maximum concentrations of 10-77 µg Tributyltin (TBT)/kg were recorded in the suspended matter of water taken from the rivers Rhine, Main, Fulda, Lahn and Nidda, with typical values lying between 5 and 20 µg TBT/kg dry matter (DM). Comparable values were also recorded for mono- and di-butyltin.
- (51) Maximum values in sediments are very much higher. Thus, the 'Elbe Association' reported levels ranging from 1 000 to 5 000 µg organostannic compounds/kg DM in the rivers Elbe and Mulde. Greenpeace identified similarly high values in the vicinity of shipyards in 1999 and reported measuring 4 978 µg organostannic compounds/kg close to the Neptune shipyard floating dock. The area around the largest German ship repair yard (Norderwerft) is the most contaminated, with 103 795 µg TBT/kg being recorded.
- (52) The particularly high contamination with organostannic compounds of the German Bay is essentially due to the fact that it encompasses the estuaries and lower reaches not only of the Elbe but also of the Weser and Ems, which have some of the busiest shipping lanes in the Community. This problem is aggravated by the proximity of these routes to the Wadden Sea, a particularly vulnerable area enjoying special protection as a national park. Since TBT degrades much more slowly in sediment than in water, high sedimentary concentrations create a special problem for countries having mudflats that warrant protection.
- (53) That extreme contamination of the marine environment leads to high accumulation of organostannic compounds in marine animals. The Institute for Environmental Chemistry and Ecotoxicology of the Fraunhofer-Gesellschaft, Schmallenberg, completed a research project on

the 'Monitoring of environmental pollution caused by alkyl phenols, bisphenol A and organostannic compounds in representative samples' in 1999. The study identified up to 459 µg TBT/kg in bream musculature and 940 µg TBT/kg in *dreissenidae* mussels.

- (54) Consumption of fish, and particularly mussels, can account for a significant proportion of consumer exposure. The consumption of 200 g of highly polluted fish containing 100 µg organostannic compounds/kg would result in the ingestion of 20 µg, corresponding to 0,33 µg/kg bodyweight (60 kg). This would be slightly in excess of the TBTO admissible daily intake (ADI). Values exceeding that level by an even greater margin can be expected in fish taken from problem waters, for example in the vicinity of ports, dense shipping lanes and shipyards.
- (55) Organostannic compounds were also detected in consumer products. Thus, the current textiles resources catalogue (2000) offers anti-microbial agents, which, according to their chemical composition, contain organostannic compounds. These are TBT compounds. Maximum values of 130 mg TBT/kg were detected in textile clothing samples examined in 1999 and 2000 (cycling-shorts padding). Assuming a resorption rate of 1 % whenever such garments are worn and a 20 % resorption quota, the uptake will come close to the WHO ADI value.
- (56) TBT is not only used as an antifouling paint but is also employed, as indicated above, for the biocidal impregnation of heavy textiles (i.e. heavy industrial textiles such as awnings and tarpaulins of Lorries) and articles of clothing. When washed out of textiles, TBT is released to the environment. Sludge concentrations, particularly from municipal areas, are an appropriate indicator of current wastewater contamination by hydrophobic substances having a generally diffuse emission spectrum.
- (57) The concentrations of organostannic compounds measured in municipal sludge vary considerably. Starting at approximately 10 µg/kg DM, they increase to the several mg/kg DM range. TBT is almost totally (97,5 %) sludge-bound. An average concentration of 0,3 mg/kg TBT in dry sludge mass (median value of 53 samples from German treatment plant) and the generation of 2,95 million t of sludge per annum, gives a national annual value of 885 kg. The fact that 40 % of this sludge is used in agriculture means that approximately 350 kg of TBT is spread on farmland each year.

- (58) The harmful effect of TBT on the metabolism of exposed organisms (enzyme inhibition and protein denaturation) and the hormone system of certain snails (appearance of male sexual characteristics in females; imposex) together with the associated threat to the aquatic environment are sufficiently well known and generally recognised.
- (59) Recent scientific studies of human cell cultures, the results of which were published after the entry into force of Directive 1999/51/EC, confirm that TBT also inhibits the enzyme system responsible for female sex hormone development. It therefore seems possible that TBT, even in small concentrations, could damage human health.
- (60) Germany does not believe that the proposed new regulations will hamper the operation of the internal market.
- (61) As regards implementation of the IMO Resolution, the industry concerned is already preparing for the complete worldwide ban on the use of antifouling ships' paint containing organostannic compounds, which is due to come into force on 1 January 2003. The draft Order has also adopted this reference date for its proposed ban on use.
- (62) One company based in Germany is the market leader in TBT production, accounting for approximately 80 % of worldwide output. This proves that the proposed restrictions are neither a means of arbitrary discrimination against foreign producers nor a hidden barrier to intra-Community trade. Since they primarily affect TBT producers and shipyards in Germany, they do not obstruct the operation of the internal market.
- (63) The most recent scientific findings with regard to the toxicological properties of organostannic compounds and current German exposure data justify a complete ban, in line with the IMO Resolution, on the aquatic discharge of TBT ships' paint and the imposition of further restrictions on organostannic compounds. This is the only way of ensuring adequate human and environment protection against the harmful effects of these substances.
- (64) In conclusion, Germany points out that it would have preferred to see the adoption of the proposed measures for the whole of the Community. To that extent, it regrets that the Commission was unable to comply with the request made in its memorandum of 20 September 2000 concerning the presentation of a corresponding draft directive.

2.3. Evaluation of the position of Germany

2.3.1. The burden of proof

- (65) It has to be noted that, in the light of the time frame established by Article 95(6) of the Treaty, the Commission, when examining whether the draft national measures notified under Article 95(5) are justified, has to take as a basis 'the grounds' put forward by the Member

State. This means that, under the Treaty, the responsibility of proving that these measures are justified, lies with the requesting Member State. Given the procedural framework established by Article 95, including in particular a strict six-month deadline for a Decision to be adopted, the Commission normally has to limit itself to examining the relevance of the elements which are submitted by the requesting Member State, without having to seek itself possible justifications.

- (66) If the elements submitted by the requesting Member State are not sufficient to enable the Commission to assess whether the conditions of Article 95(5) are fulfilled and the Commission therefore rejects the draft national measures, the Member State is not precluded from notifying its request again and substantiating it with all additional and/or new elements, which are necessary to establish whether or not the conditions of Article 95(5) are fulfilled.

2.3.2. New scientific evidence concerning the protection of the environment or the working environment regarding a problem specific to the Member State arising after the adoption of the harmonisation measure

- (67) Germany has submitted a number of documents in support of its request for application of Article 95(5). However, only a part of the information contained in both, the request and these documents, relates to the use of organostannic compounds in antifouling paints. In the following the statements and positions of Germany regarding this area of application will be evaluated in the light of the criteria established in that Article.
- (68) The arguments put forward by Germany to justify the draft national provisions regarding the use of organostannic compounds in antifouling paints relate to the protection of the environment, but in part also to human health.

- (69) Germany makes extensive reference to the work of the IMO, and in particular its Resolution A.895(21), which was adopted on 25 November 1999. However, the subject of this resolution and in particular the preparatory work of the MEPC were already well known at the time when Directive 1999/51/EC was adopted and are specifically mentioned in it. The second recital states that the development of the work and the decisions taken in the IMO will be fully taken into account during the revision of provisions on TBT, which will be carried out before 1 January 2003.

- (70) Germany mentions a number of data regarding TBT concentrations in river sediments (Rhine, Main, Fulda, Lahn and Nidda). However, these data are of no relevance for the justification of measures going beyond the restrictions of Directive 1999/51/EC, as the Directive already prohibits completely the use of organostannic compounds for antifouling paints for boats that are predominantly used in inland waterways.
- (71) Germany mentions particularly high concentrations of TBT in sediments in the vicinity of hotspots (ports, organotin production facilities, dockyards) and give as example measurements from the river Elbe and Mulde (1 000 to 5 000 µg/kg dry mass), 4 978 µg/kg around the Neptune shipyard dock, and up to 103 795 µg/kg around the Norderwerft ship repair yard. These data are from a Greenpeace study published in July and September 1999 and thus after the adoption of Directive 1999/51/EC. However, Germany does not indicate when the data were measured nor is the full text of the study available.
- (72) Germany also refers to a particular high contamination of the German Bight by the rivers Elbe, Weser and Ems, which all are very busy shipping lanes leading to major ports. According to Germany, this problem is aggravated by the proximity of these routes to the Wadden Sea (mudflats), a particularly vulnerable area enjoying special protection as a national park. No data are provided to support these claims and Germany itself states that the latter problem is specific for all countries having mudflats that warrant protection.
- (73) Although it is likely that the data referred to in recital 71 were indeed measured at a time, when Directive 1999/51/EC was already adopted, they do not *per se* constitute new information. The effect that there are specifically high releases of biocides (including TBT) from fresh antifouling paint was already well known when Directive 1999/51/EC was prepared and is specifically documented in the study mandated by the Commission⁽¹³⁾ in the course of the preparatory work. Furthermore the argument is applicable to any port in the world where drydock work involving antifouling painting is carried out.
- (74) The data regarding the TBT concentrations in the sediments of busy shipping lanes are not new either. The study mandated by the Commission in the review of the Community legislation gives examples of various ports around the world (Hong Kong, France, New Zealand, the Netherlands), dating from 1989 to 1995 showing TBT concentrations in harbour sediments from 10 to 2 100 µg/kg. This clearly shows that the levels of TBT found in sediments in the river Elbe (close to the port of Hamburg) are of a kind that was already known when Directive 1999/51/EC was drawn up, and that they are not unique for Germany. The problem seems, however, to be specific for Member States, where busy ports are located⁽¹⁴⁾.
- (75) Given that no data are provided concerning the pollution of the Wadden Sea, it is not possible to comment on their potential relevance for the justification of the draft national measures.
- (76) Germany also mentions high concentrations of organostannic compounds found in seafood, fish, and mussels in a study published in 1999. This could lead to an exposure of humans consuming such polluted fish and seafood slightly in excess of recommended admissible daily intake (ADI), or even higher from seafood coming from problematic areas (vicinity of ports, dense shipping lanes, and shipyards). However, these observations are not specific for Germany, and only human health arguments related to the working environment are relevant in the framework of the evaluation procedure under Article 95(5) of the Treaty. It has to be noted that the implications for consumer health from the accumulation of organostannic compounds in food products are undergoing assessment by the Scientific Committee on Food. The outcome of this assessment and the need for future legislation to protect consumers from these compounds in food will be considered.
- (77) All other information and data provided by Germany relate to the use of organostannic compounds in areas of application that are not harmonised by Directive 1999/51/EC and therefore need not be evaluated here.
- (78) Overall it can be seen that the data and justification submitted by Germany in support of its request under Article 95(5) do not establish that the draft national measures regarding the use of organostannic compounds in antifouling paints are based on new scientific evidence relating to the protection of the environment or the working environment on grounds of a problem specific to Germany arising after the adoption of the harmonisation measure. The conditions for the application of Article 95(5), are, therefore, not fulfilled.

⁽¹³⁾ See footnote 12.

⁽¹⁴⁾ Similar arguments were raised by the Belgian authorities and examined by the Commission in the framework of a request by Belgium according to Article 95(5) to introduce draft national measures regarding organostannic compounds as of 1 January 2003. The Commission adopted a Decision rejecting the draft national measures on 25 July 2000 (Decision 2000/509/EC; OJ L 205, 12.8.2000, p. 7).

(79) In view of that analysis of the material submitted, there are no grounds for consulting the other Member States or interested groups or for requesting a new opinion of the SCTEE.

2.4. Absence of any arbitrary discrimination, any disguised restriction of trade or any obstacle to the functioning of the internal market

(80) Under Article 95(6) the Commission is either to approve or reject the draft national provisions notified 'after having verified whether or not they are a means of arbitrary discrimination or a disguised restriction on trade between Member States and whether or not they shall constitute an obstacle to the functioning of the internal market'.

(81) Since the request made by Germany does not fulfil the basic conditions set out in Article 95(5) (see section 2.3 of this Decision), the Commission is not obliged to verify whether or not the draft national provisions are a means of arbitrary discrimination or disguised restriction on trade between Member States, and whether or not they constitute an obstacle to the functioning of the internal market.

IV. CONCLUSION

(82) In the light of the foregoing, it should be concluded that the request by Germany for introducing national legislation going beyond Directive 1999/51/EC as submitted on 25 January 2001:

- is admissible in so far as it refers to antifouling products intended for use in water (i.e. in the aquatic environment) but is inadmissible as regards the rest,
- to the extent it is admissible, does not fulfil the conditions established by Article 95(5) of the Treaty.

(83) That request should, therefore, be rejected in accordance with Article 95(6) of the Treaty.

(84) However, developments in the IMO should be followed very closely and taken into account when Directive 76/769/EEC has to be reviewed, before 1 January 2003. In addition, the necessary conclusions will be drawn from the outcome of the ongoing assessment on the implications for consumer health from the accumulation of organostannic compounds in food products, including the need for future legislation to protect consumers from these compounds,

HAS ADOPTED THIS DECISION:

Article 1

The draft national provisions concerning organostannic compounds, which the Federal Republic of Germany notified to the Commission by letter dated 22 January 2001, and which seek to derogate from Directive 1999/51/EC as of 1 January 2003 regarding the use of organostannic compounds in anti-fouling products intended for use in the aquatic environments are rejected.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 13 July 2001.

For the Commission

Erkki LIIKANEN

Member of the Commission

COMMISSION DECISION
of 18 July 2001
on the national provisions notified by Germany in the field of pharmacovigilance

(notified under document number C(2001) 1974)

(Only the German text is authentic)

(Text with EEA relevance)

(2001/571/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 95(6) thereof,

Whereas:

several points of the abovementioned provisions by Directive 2000/38/EC. In so doing the Commission took as a base a high level of protection pursuant to Article 95(3) of the EC Treaty and in particular it has taken account of all new scientifically based developments. For the sake of legal clarity and irrespective of the scope of each amendment, the individual provisions have been entirely redrafted.

I. THE FACTS

1. Relevant Community legislation

- (1) The current Community provisions on pharmacovigilance, i.e. the supervision of medicinal products once they have been authorised, are contained in Chapter Va (Article 29a to 29i) of Council Directive 75/319/EEC of 20 May 1975 on the approximation of provisions laid down by law, regulation or administrative action relating to proprietary medicinal products ⁽¹⁾, as last amended by Directive 2000/38/EC ⁽²⁾. Chapter Va was added to Directive 75/319/EEC by Directive 93/39/EEC ⁽³⁾.
- (2) The provisions on reporting adverse reactions which are relevant for this notification are contained primarily in Article 29d. Pursuant to Article 29d(1) the person responsible for placing the medicinal product on the market shall be required to recall and to report all suspected serious adverse reactions which are brought to his attention by a health-care professional immediately to the competent authority, and in any case within 15 days at the latest. Pursuant to Article 29d(2) records shall be maintained of all other suspected adverse reactions and shall be submitted to the authorities at regular intervals. In Article 29i the Commission is authorised to update the provisions of Chapter Va, in accordance with the procedures laid down in Article 37a of Directive 75/319/EEC, to take account of scientific and technical progress.
- (3) In the light of new knowledge in the field of pharmacovigilance, continued efforts to achieve international harmonisation of pharmacovigilance data and technological developments in electronic data collection and transmission, the Commission has made use of the authorisation contained in Article 29i and has amended

- (4) The main objective of Directive 2000/38/EC is to remodel the pharmacovigilance systems, which to date have primarily been paper-based and organised at national level, into a Community-wide electronic data system. All pharmacovigilance information will be entered in this and then automatically stored in a data bank, to be set up by the European Agency for the Evaluation of Medicinal Products (hereafter referred to as the EMEA) established by Council Regulation (EEC) No 2309/93 of 22 July 1993 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Agency for the Evaluation of Medicinal Products ⁽⁴⁾. From there the data can be retrieved at any time by the member States, the Commission and the EMEA itself. This electronic network will be based on new knowledge and advances in the field of information technology, thereby making the collection and exchange of data more efficient, relieving the marketing authorisation holders of unnecessary reporting obligations and generally improving the surveillance of medicinal products in the Community.
- (5) The central provisions on reporting adverse reactions are contained in the revised version of Article 29d(2) and (4) from the year 2000. Pursuant to the new version of Article 29d(2), the marketing authorisation holder is required to record and to report all suspected serious adverse reactions which are brought to his attention by a health-care professional immediately to the competent authority of the Member State, in whose territory the incident occurred, and in no case later than 15 days after

⁽¹⁾ OJ L 147, 9.6.1975, p. 13.

⁽²⁾ OJ L 139, 10.6.2000, p. 28; corrected in OJ L 249, 4.10.2000, p. 26 and in OJ L 262, 17.10.2000, p. 46.

⁽³⁾ OJ L 214, 24.8.1993, p. 22.

⁽⁴⁾ OJ L 214, 24.8.1993, p. 1.

the receipt of the information. Pursuant to the new version of Article 29d(4) ⁽¹⁾, the marketing authorisation holder shall also ensure that all suspected serious unexpected adverse reactions occurring in the territory of a non-member country and brought to his attention by a health-care professional are reported immediately to the EMEA and to the competent authorities of the Member State where the medicinal product is authorised, and in no case later than 15 days after the receipt of the information.

- (6) Under the new version of Article 29f(1), the EMEA is required, in collaboration with the Member States and the Commission, to set up a data-processing network to facilitate the exchange of pharmacovigilance information regarding medicinal products marketed in the Community, in order to allow all competent authorities to share the information at the same time. Pursuant to paragraph 2 of this Article, making use of the above-mentioned network Member States shall ensure that reports of suspected serious adverse reactions that have taken place on their territory are immediately made available to the Agency and the other Member States and in any case within 15 days of their notification.

2. National provisions

- (7) The provisions notified by the Federal Republic of Germany relate to the provisions of sentences 2 to 8 of Section 29(1) of the Law on trade in medicinal products (hereafter AMG), in the version of the Notice of 11 December 1998 ⁽²⁾. Pursuant to sentence 2 of Section 29(1) AMG, the applicant shall notify the competent national authorities of any suspected case of serious adverse reaction or serious case of interaction with other products known to him and also of certain cases of abuse immediately and in any case within 15 days of notification. Without further restrictions in the text, this obligation exists irrespective of whether the suspected case occurred inside or outside the Federal Republic of Germany and of whether the adverse effect has been confirmed or not. Sentences 3 to 8 of Section 29(1) AMG contain further provisions relating to the documentation on adverse reactions and its presentation to the competent authorities.

3. Comparison between the German provisions and the Community legal provisions

- (8) The obligation to report adverse reactions of a medicinal product under sentence 2 of Section 29(1) AMG differs

from the obligation under the amended Article 29d of Directive 2000/38/EC in two respects.

- (9) Firstly, sentence 2 of Section 29(1) AMG requires the applicant to report any suspected case of serious adverse reaction notified to him, in other words irrespective of whether the suspected case occurred inside or outside Germany. Under the new version of Article 29d(2), the marketing authorisation holder is required to report the adverse reactions only to the competent authority of the Member State in which the adverse reaction took place.
- (10) To the extent that the suspected serious adverse reaction took place in a non-Member country, i.e. outside the Community, the new version of Article 29d(4) establishes an obligation to report the suspected case only where the adverse reaction is unexpected. Such a restriction is not contained in the second sentence of Section 29(1) AMG.

II. PROCEDURE

- (11) By letter of 18 January 2001, received on 25 January 2001, the Permanent Representation of the Federal Republic of Germany to the European Union applied to the Secretariat-General of the Commission to be allowed to maintain the provisions of sentences 2 to 8 of Section 29(1) AMG regarding the obligation to report adverse reactions. In Germany's opinion, this is justified on the grounds of major needs within the meaning of Article 30 of the EC Treaty, i.e. the protection of health and lives of humans.
- (12) By letter of 2 March 2001, the Commission informed the German authorities that it had received the notification pursuant to Article 95(4) of the EC Treaty and that the period of six months provided under Article 95(6) of the EC Treaty to examine the notification had begun to run from 26 January 2001, the day after it was received.
- (13) By letter of 17 April 2001 the Commission informed the other Member States about the notification of the Federal Republic of Germany and gave them an opportunity to express an opinion within one month. Notice of the notification was also published in the *Official Journal of the European Communities* ⁽³⁾ in order to inform other interested parties of the provisions notified and to be maintained by Germany.

⁽¹⁾ In the light of the corrigendum in OJ L 262, 10.7.2000, p. 46.

⁽²⁾ BGBl. I p. 3586; as last amended by Article 2 of the Law of 20 July 2000, BGBl. I p. 1045.

⁽³⁾ OJ C 130, 1.5.2001, p. 2.

III. ASSESSMENT

1. Consideration of admissibility

- (14) The notification submitted by the German Government aims to maintain the obligations to report adverse reactions contained in Section 29 AMG, which derogate from those of Directive 2000/38/EC. This Directive was adopted on the basis of Article 29i of Directive 75/319/EEC, which in turn is based on ex-Article 100a (current Article 95) of the EC Treaty. Directive 2000/38/EC thus represents a harmonisation measure adopted by the Commission within the meaning of Article 95(4) of the EC Treaty.
- (15) In accordance with the requirements of Article 95(4) of the EC Treaty, Germany has notified the Commission of the text of the national provisions it wishes to maintain as well as the grounds which, in Germany's opinion, justify the application.
- (16) Accordingly, it is the Commission's opinion that the notification with which Germany requests the Commission to approve maintenance of the provisions of sentences 2 to 8 of Section 29(1) AMG, derogating from Directive 2000/38/EC, is admissible on the basis of the provisions of Article 95(4) of the EC Treaty.

2. Assessment of merits

- (17) The Commission can only approve a notification pursuant to Article 95(4) of the EC Treaty if all of the conditions listed in Article 95 of the EC Treaty are met. In particular, maintaining the national provisions must be justified on grounds of major needs referred to in Article 30 of the EC Treaty, or relating to protection of the environment or the working environment (Article 95(4) of the EC Treaty). In addition the national provisions may neither be a means of arbitrary discrimination or a disguised restriction on trade between Member States; neither can they constitute an obstacle to the functioning of the internal market (Article 95(6) of the EC Treaty).

(a) Major needs

- (18) When examining whether the national measures notified under Article 95(4) are justified by major needs, the Commission has to take as a basis 'the grounds' put forward by the Member State to justify the maintenance of its national provisions. This means that, according to the provisions of the Treaty, the responsibility for proving that these measures are justified lies with the requesting Member State. Given the procedural framework established by Article 95 of the EC Treaty, in principle the Commission has to limit itself to exam-

ining the relevance of the elements which are submitted by the requesting Member State, without itself having to seek possible grounds of justification.

- (19) Germany invokes major needs to protect the health and life of humans and consequently one of the circumstances referred to in Article 30 of the EC Treaty. Maintaining the obligations to report as provided for in the current provisions of sentences 2 to 8 of Section 95(1) AMG would attain the highest possible level of health protection for the population in their use of medicinal products. This high national level of protection was endangered by Directive 2000/38/EC since, firstly, adverse reactions will in future only be reported to the Member state in which they take place and, secondly, adverse reactions which take place in a non-member country are only covered by the obligation to report when they are 'unexpected'.

(aa) Reporting adverse reactions from Member States

- (20) Germany considers that it is 'not acceptable on health grounds' to report adverse reactions only to the Member State in which the suspected case occurred. As justification Germany points out that the data network to be established under Directive 2000/38/EC does not yet exist. Therefore, on the basis of the restricted notification requirements, it could not be guaranteed in the foreseeable future that the authorities of all Member States would receive information of equivalent quality and at the same time.
- (21) Major needs within the meaning of Article 30 of the EC Treaty cannot be invoked on this basis for two reasons.
- (22) Firstly, the statement of the Federal Republic of Germany that the data network referred to in Directive 2000/38/EC does not yet exist and cannot be established in the foreseeable future, at least not by 5 December 2001, is incorrect. In so far as the establishment of the data network provided for in the new version of Article 29f requires preliminary work on the part of the EMEA and the Commission, this will be completed on schedule by 5 December 2001. According to the current timetable, the EMEA, will make the basic version of the central bank databank available by 1 December 2001. From that date individual case reports within the meaning of the new Article 29d(2) to (5) can be entered in the databank and shared by the authorities of all Member States. Contrary to Germany's statement therefore, the technical and procedural preconditions for establishing and using the data network will exist by the end of the transposition period for Directive 2000/38/EC.

However, account must be taken of the fact that the establishment of the databank is not the task of the EMEA alone. Rather it is the responsibility of the authorities of the Member States, pursuant to the new version of Article 29f(2), to use the newly established data network to forward the reports of adverse reactions transmitted to them to the EMEA and to the other Member States. However, for this the information must first be entered by the Member States and subsequently transmitted to the EMEA databank, where it is automatically fed into the central databank and is retrievable. To ensure that the reports are generally comparable and to make them more intelligible, the participants have agreed to use the standards developed in the framework of the International Conference on Harmonisation of Technical Requirements for Registration of Medicinal products for Human Use when collecting and entering data.

It is only in the course of 2002 that most Member States will be able to convert their national computer systems to the uniform standard and begin electronic data transmission to the EMEA using this standard. Where a Member State has not yet made the conversion and in the event of a suspected case in this Member State, only the basic information on the product concerned, the patient and the type of adverse reaction will be entered in the central databank of the EMEA and be electronically retrievable. However, this will not interfere with the overall dissemination of pharmacovigilance information within the Community. Where the Member States have not converted their systems by the due date of 5 December 2001, they are required under the new version of Article 29f(2) to transmit the relevant reports in another appropriate form. The restricted operating capacity of the data network will therefore not have any adverse consequences on health protection.

- (23) Secondly, the legal position in most Member States counters Germany's argument that major needs of health protection require it to maintain the obligation to report also adverse reactions from other Member States. According to the current legal position, only four Member States require that their own authorities should also be informed when the suspected case of a serious adverse reaction occurs in another Member State. In addition to Germany, this is the case in Austria, Portugal and the United Kingdom. All other Member States require such a communication to the national authorities only when the adverse reaction occurred on their national territory. With regard to information on adverse reactions in other Member States, the information network which already exists within the Community is for the most part evidently considered to be adequate. This must be even more true for the markedly improved data network to be established on the basis of Directive 2000/38/EC.
- (24) Altogether therefore no major needs within the meaning of Article 30 of the EC Treaty can be recognised which could justify maintaining the obligation to report adverse reactions from other Member States. Rather the restriction contained in the new version of Article 29d(2) represents a logical conclusion to the establishment of the new data network. This will make the same information available to the Member States as previously, but presentation will be improved. Maintaining the previous obligations to report would place an unnecessary and unjustifiable burden on the respective marketing authorisation holders.
- (bb) Reporting adverse reactions from non-member countries
- (25) With regard to restricting the obligation to report adverse reactions from non-member countries to those which are unexpected, as contained in the new version of Article 29d(4), Germany claims that this could lead to a substantial increase in the risk of transmitting infectious pathogens via medicinal products with biological components. It claims that the product information mentions the risk of virus transmission via medicinal products obtained from human body parts. Thus, in the event of a suspected case of virus transmission, for example of the HIV or hepatitis viruses through such a medicinal product, then the adverse reaction could not be classified as 'unexpected' and for this reason would not have to be reported if it occurs in a non-member country. This could interfere with batch recalls and efforts to identify other possibly infected patients and with follow-up measures such as diagnosis and therapy.
- (26) To the extent that Germany's remarks relate to the specific example of a transmission of HIV or hepatitis viruses, they are based on a misconception. Germany assumes that contamination of a medicinal product with the HIV or hepatitis virus is to be classified as an 'expected' adverse reaction and consequently to be excluded from the obligation to report which, in accordance with Directive 2000/38/EC, is restricted to 'unexpected' adverse reactions. This interpretation is not correct. Blood products are examined for such viruses as part of the manufacturing and authorisation process. In principle therefore they are used on the understanding that the medicinal products are not infected. However, if such an infection does exist, then it is an unexpected adverse reaction, which under the new legal position is fully covered by the notification requirement.
- (27) Irrespective of whether virus infections in medicinal products can ever be classified as expected adverse reactions, there is a further reason why Germany's arguments are not grounds for major needs within the meaning of Article 30 of the EC Treaty. This consideration is based on the fact that any expected adverse

reactions have to be taken into account during the testing and authorisation of a product, while obviously this is not possible when these are unexpected. During the subsequent monitoring of a medicinal product in the framework of pharmacovigilance, special significance is thus attached to unexpected as opposed to expected adverse reactions. For this reason, the general reporting and evaluation of adverse reactions, even when they occur outside the Community, appears necessary only when these are unexpected.

- (28) This conclusion is based on scientific evidence acquired in recent years relating to the medicinal products approved as part of the centralised Community procedure pursuant to Regulation (EEC) 2309/93. This procedure is obligatory for certain products of the biotechnology and high technology industries, which are regarded as particularly complex and sensitive. None the less the second subparagraph of Article 22(1) of Regulation (EEC) 2309/93 restricts the obligation to report the adverse reactions of such medicinal products which occur in non-member countries to those which are unexpected. Analyses and evaluations of the information on adverse reactions generated from centrally authorised medicinal products have confirmed that it is also not necessary to report and evaluate information on expected adverse reactions from non-member countries.
- (29) This assessment is further supported by the fact that the Federal Republic of Germany is the only Member State which does not restrict the obligation to report adverse reactions occurring in non-member countries to those which are unexpected, but extends this obligation to adverse reactions which are expected. This highlights the fact that none of the other Member States considers it necessary, in order to protect the health and life of humans, to include reports of suspected serious expected adverse reactions from non-member countries in the pharmacovigilance systems.
- (30) Consequently, in maintaining an obligation to report suspected serious expected adverse reactions from non-member countries, Germany is not able to invoke major needs within the meaning of Article 30 of the EC Treaty. The provision of the new version of Article 29d(4) applies new scientific evidence without prejudicing the high level of health protection in the Community.

(b) *Arbitrary discrimination, disguised restriction on trade, an obstacle to the functioning of the internal market*

- (31) Pursuant to Article 95(6) of the EC Treaty the Commission is required to approve the national provisions or reject them after it has ensured that they do not constitute a means of arbitrary discrimination or a disguised restriction on trade between the Member States and are not an obstacle to the functioning of the internal market.
- (32) Since, in the light of the conditions referred to in Article 95(4) of the EC Treaty, Germany's application is unfounded, the Commission does not need to examine whether the said national provisions constitute a means of arbitrary discrimination and a disguised restriction on trade between the Member States nor whether they are an obstacle to the functioning of the internal market.

IV. CONCLUSION

- (33) In the opinion of the Commission Germany's application is therefore
— admissible,
— but unfounded.
- (34) The Commission has therefore decided to reject this application pursuant to Article 95(6) of the EC Treaty,

HAS ADOPTED THIS DECISION:

Article 1

The national provisions on the obligation to report the adverse reactions of medicinal products notified to the Commission by the Federal Republic of Germany by letter of 18 January 2001, and which derogate from Directive 2000/38/EC are rejected.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 18 July 2001.

For the Commission

Erkki LIIKANEN

Member of the Commission