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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1606/2001
of 6 August 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 7 August 2001.

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

Done at Brussels, 6 August 2001.

For the Commission
Philippe BUSQUIN
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 6 August 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
0707 00 05	052	57,0
	999	57,0
0709 90 70	052	79,6
	999	79,6
0805 30 10	388	90,6
	524	60,0
	528	74,6
	999	75,1
0806 10 10	052	88,9
	220	87,3
	400	192,4
	600	104,3
0808 10 20, 0808 10 50, 0808 10 90	999	118,2
	388	86,2
	400	70,1
	508	87,4
	512	92,7
	524	51,2
	528	56,6
	720	117,5
	800	199,8
	804	95,5
0808 20 50	999	95,2
	052	114,4
	388	77,0
	512	65,6
	528	68,5
0809 20 95	804	122,9
	999	89,7
	052	347,6
	400	248,1
0809 30 10, 0809 30 90	404	244,4
	999	280,0
	052	124,3
	999	124,3
0809 40 05	052	76,8
	064	63,4
	066	69,9
	999	70,0

⁽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 1607/2001
of 6 August 2001
on the supply of white sugar as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security ⁽¹⁾, and in particular Article 24(1)(b) thereof,

Whereas:

- (1) The abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage.
- (2) Following the taking of a number of decisions on the allocation of food aid, the Commission has allocated white sugar to certain beneficiaries.
- (3) It is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied

pursuant to Council Regulation (EC) No 1292/96 as Community food aid ⁽²⁾. It is necessary to specify the time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

White sugar shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

This Regulation shall enter into force on the 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, 6 August 2001.

For the Commission
Philippe BUSQUIN
Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOTS A, B, C, D, E

1. **Action Nos:** 137/00 (A); 138/00 (B); 139/00 (C); 140/00 (D); 141/00 (E)
2. **Beneficiary** ⁽²⁾: UNRWA, Supply division, Amman Office, PO Box 140157, Amman - Jordan; telex 21170 UNRWA JO; tel. (962-6) 586 41 26; fax 586 41 27
3. **Beneficiary's representative:** UNRWA Field Supply and Transport Officer
A+E: PO Box 19149, Jerusalem, Israel (tel. (972-2) 589 05 55; telex 26194 UNRWA IL; fax 581 65 64)
B: PO Box 947, Beirut, Lebanon (tel. (961-1) 840 461-6; fax 840 467)
C: PO Box 4313, Damascus, Syria (tel. (963-11) 613 30 35; telex 412006 UNRWA SY; fax 613 30 47)
D: PO Box 484, Amman, Jordan (tel. (962-6) 474 19 14/477 22 26; telex 23402 UNRWAJFO JO; telefax: 474 63 61)
4. **Country of destination:** A, E: Israel (A: Gaza; E: West Bank); B: Lebanon; C: Syria; D: Jordan
5. **Product to be mobilised:** white sugar ('A' or 'B' sugar)
6. **Total quantity (tonnes net):** 1 850
7. **Number of lots:** 5 (A: 490 tonnes; B: 340 tonnes; C: 260 tonnes; D: 480 tonnes; E: 280 tonnes)
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁵⁾ ⁽⁹⁾: see OJ C 312, 31.10.2000, p. 1 (C1)
9. **Packaging** ⁽⁷⁾: see OJ C 267, 13.9.1996, p. 1 (11.2 A 1.b, 2.b and B.4)
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (V.A(3))
— language to be used for the markings: English
— supplementary markings: 'NOT FOR SALE'
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage** ⁽⁸⁾: A, C, E: free at port of landing — container terminal
B, D: free at destination
13. **Alternative delivery stage:** free at port of shipment
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** A, E: Ashdod; C: Lattakia
16. **Place of destination:** UNRWA warehouse in Beirut (B) and Amman (D)
— port or warehouse of transit: —
— overland transport route: —
17. **Period or deadline of supply at the specified stage:**
— first deadline: A, B, C, E: 7.10.2001; D: 14.10.2001
— second deadline: A, B, C, E: 21.10.2001; D: 28.10.2001
18. **Period or deadline of supply at the alternative stage:**
— first deadline: 10-23.9.2001
— second deadline: 24.9-7.10.2001
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
— first deadline: 21.8.2001
— second deadline: 4.9.2001
20. **Amount of tendering guarantee:** EUR 15 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; telex 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund** ⁽⁴⁾: refund applicable on 31.7.2001, fixed by Commission Regulation (EC) No 1520/2001 (OJ L 201, 26.7.2001, p. 18)

Notes:

- (¹) Supplementary information: Torben Vestergaard (tel. (32-2) 299 30 50; fax (32-2) 296 20 05).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EC) No 259/98 (OJ L 25, 31.1.1998, p. 39), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that indicated in point 22 of this Annex.
- The supplier's attention is drawn to the last subparagraph of Article 4(1) of the above Regulation. The photocopy of the export licence shall be sent as soon as the export declaration has been accepted (fax: (32-2) 296 20 05)).
- (⁵) The supplier shall supply to the beneficiary or its representative, on delivery, the following documents:
— health certificate (including 'production date:...').
- (⁶) Notwithstanding OJ C 114, point V.A(3)(c) is replaced by the following, 'the words "European Community"'
- (⁷) Since the goods may be rebagged, the supplier must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'
- (⁸) Shipment to take place in 20-foot containers: Lots A, C and E: The contracted shipping terms shall be considered full liner terms free port of landing container yard and is understood to cover 15 days — Saturdays, and official public and religious holidays excluded — free of container detention charges at the port of discharge taken from the day/time of the arrival of the vessel. The 15 day period should be clearly marked on the bill of lading. Bona fide detention charges levied in respect of container detention(s) in excess of the said 15 days as detailed above will be borne by UNRWA. UNRWA shall not pay/not be charged any container deposit fees.
- After take-over of the goods at the delivery stage, the recipient will bear all costs of shifting the containers for destuffing outside the port area and of returning them to the container yard.
- (⁹) Lot C: The health certificate and the certificate of origin must be signed and stamped by a Syrian Consulate, including the statement that consular fees and charges have been paid.
-

COMMISSION REGULATION (EC) No 1608/2001
of 6 August 2001
on the supply of vegetable oil as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security ⁽¹⁾, and in particular Article 24(1)(b) thereof,

Whereas:

- (1) The abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage.
- (2) Following the taking of a number of decisions on the allocation of food aid, the Commission has allocated vegetable oil to certain beneficiaries.
- (3) It is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied under Council Regulation (EC) No 1292/96 as Community food aid ⁽²⁾. It is necessary to specify the

time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Vegetable oil shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The supply shall cover the mobilisation of vegetable oil produced in the Community. Mobilisation may not involve a product manufactured and/or packaged under inward processing arrangements.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

This Regulation shall enter into force on the 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, 6 August 2001.

For the Commission

Philippe BUSQUIN

Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOTS A, B, C, D, E

1. **Action Nos:** 132/00 (A); 133/00 (B); 134/00 (C); 135/00 (D); 136/00 (E)
2. **Beneficiary** ⁽²⁾: UNRWA, Supply division, Amman Office, PO Box 140157, Amman - Jordan; telex 21170 UNRWA JO; tel. (962-6) 586 41 26; fax 586 41 27
3. **Beneficiary's representative:** UNRWA Field Supply and Transport Officer
 A+E: PO Box 19149, Jerusalem, Israel (tel. (972-2) 589 05 55; telex 26194 UNRWA IL; fax 581 65 64)
 B: PO Box 947, Beirut, Lebanon (tel. (961-1) 840 461-6; fax 840 467)
 C: PO Box 4313, Damascus, Syria (tel. (963-11) 613 30 35; telex 412006 UNRWA SY; fax 613 30 47)
 D: PO Box 484, Amman, Jordan (tel. (962-6) 474 19 14/477 22 26; telex 23402 UNRWAJFO JO; telefax 474 63 61)
4. **Country of destination:** A, E: Israel (A: Gaza; E: West Bank); B: Lebanon; C: Syria; D: Jordan
5. **Product to be mobilised:** refined sunflower oil
6. **Total quantity (tonnes net):** 900
7. **Number of lots:** 5 (A: 426 tonnes; B: 152 tonnes; C: 102 tonnes; D: 117 tonnes; E: 103 tonnes)
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾ ⁽⁷⁾: see OJ C 312, 31.10.2000, p. 1 (D.2)
9. **Packaging** ⁽⁶⁾: see OJ C 267, 13.9.1996, p. 1 (10.1 A, B and C.2)
10. **Labelling or marking** ⁽⁵⁾: see OJ C 114 29.4.1991, p. 1 (III.A.(3))
 — language to be used for the markings: English
 — supplementary markings: 'NOT FOR SALE'
 lot D: 'Expiry date...' (date of manufacture plus 2 years)
11. **Method of mobilisation of the product:** mobilisation of refined sunflower oil produced in the Community.
 The mobilisation may not involve a product manufactured and/or packaged under inward-processing arrangements.
12. **Specified delivery stage:** A, C, E: free at port of landing — container terminal
 B, D: free at destination
13. **Alternative delivery stage:** free at port of shipment
14. a) **Port of shipment:** —
 b) **Loading address:** —
15. **Port of landing:** A, E: Ashdod; C: Lattakia
16. **Place of destination:** UNRWA warehouse in Beirut (B) and Amman (D)
 — port or warehouse of transit: —
 — overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 — first deadline: A, B, C, E: 7.10.2001; D: 14.10.2001
 — second deadline: A, B, C, E: 21.10.2001; D: 28.10.2001
18. **Period or deadline of supply at the alternative stage:**
 — first deadline: 10-23.9.2001
 — second deadline: 24.9-7.10.2001
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 — first deadline: 21.8.2001
 — second deadline: 4.9.2001
20. **Amount of tendering guarantee:** EUR 15 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; tlx 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund:** —

Notes:

- (¹) Supplementary information: Torben Vestergaard (tel. (32-2) 299 30 50; fax (32-2) 296 20 05).
 - (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
 - (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
 - (⁴) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
 - health certificate (including 'production date:...').
 - (⁵) Notwithstanding OJ C 114, point III.A(3)(c) is replaced by the following: 'the words "European Community"'
 - (⁶) Shipment to take place in 20-foot containers: Lots A, C and E: the contracted shipping terms shall be considered full liner terms free port of landing container yard and is understood to cover 15 days — Saturdays, Sundays and official public and religious holidays excluded — free of container detention charges at the port of discharge taken from the day/time of the arrival of the vessel. The 15 day period should be clearly marked on the bill of lading. Bona fide detention charges levied in respect of container detention(s) in excess of the said 15 days as detailed above will be borne by UNRWA. UNRWA shall not pay/not be charged any container deposit fees.

After take-over of the goods at the delivery stage, the recipient will bear all costs of shifting the containers for destuffing outside the port area and of returning them to the container yard.
 - (⁷) Lot C: the health certificate and the certificate of origin must be signed and stamped by a Syrian Consulate, including the statement that consular fees and charges have been paid.
-

COMMISSION REGULATION (EC) No 1609/2001**of 6 August 2001****amending Regulation (EC) No 1622/2000 laying down certain detailed rules for implementing Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine and establishing a Community code of oenological practices and processes, as regards the methods of analysis**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 2826/2000 ⁽²⁾, and in particular Article 46 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1622/2000 ⁽³⁾, as last amended by Regulation (EC) No 885/2001 ⁽⁴⁾, maintains in force Commission Regulation (EEC) No 2676/90 of 17 September 1990 determining Community methods for the analysis of wines ⁽⁵⁾, as last amended by Regulation (EC) No 761/1999 ⁽⁶⁾, with the exception of the usual methods which will no longer be described from 1 August 2001.
- (2) Several of the usual methods of analysis are normally used by the control laboratories of the Member States and their precision and accuracy, established through collaborative analytical studies, appear to be the same as those of the reference methods of analysis in Regulation (EEC) No 2676/90. Furthermore, the International Vine and Wine Office has organised a validation study of some of these methods with a view to their recognition

as reference methods. This review of the validity of the usual methods will require a further two years of study, during which time it is advisable that the methods remain as described in Regulation (EEC) No 2676/90.

- (3) Regulation (EC) No 1622/2000 should therefore be amended so that the repeal of the usual methods described in the Annex to Regulation (EEC) No 2676/90 is postponed for two years.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION:

Article 1

The date of 1 August 2001 in Article 44 of Regulation (EC) No 1622/2000 is replaced by 1 August 2003.

*Article 2*This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

It shall apply from 1 August 2001.

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

Done at Brussels, 6 August 2001.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ L 179, 14.7.1999, p. 1.⁽²⁾ OJ L 328, 23.12.2000, p. 2.⁽³⁾ OJ L 194, 31.7.2000, p. 1.⁽⁴⁾ OJ L 128, 10.5.2001, p. 54.⁽⁵⁾ OJ L 272, 3.10.1990, p. 1.⁽⁶⁾ OJ L 99, 14.4.1999, p. 4.

COMMISSION REGULATION (EC) No 1610/2001**of 6 August 2001****fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 7 August 2001.

It shall apply from 8 to 21 August 2001.

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

Done at Brussels, 6 August 2001.

For the Commission

Philippe BUSQUIN

Member of the Commission

⁽¹⁾ OJ L 382, 31.12.1987, p. 22.

⁽²⁾ OJ L 177, 5.7.1997, p. 1.

⁽³⁾ OJ L 72, 18.3.1988, p. 16.

⁽⁴⁾ OJ L 289, 22.10.1997, p. 1.

ANNEX

to the Commission Regulation of 6 August 2001 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

(EUR/100 pieces)

Period: from 8 to 21 August 2001

Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	14,16	10,90	16,09	7,29
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	—	—	7,54	5,21
Morocco	—	—	—	—
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	—	—	—	—

COUNCIL DIRECTIVE 2001/55/EC**of 20 July 2001****on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular point 2(a) and (b) of Article 63 thereof,

Having regard to the proposal from the Commission ⁽¹⁾

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

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Having regard to the opinion of the Committee of the Regions ⁽⁴⁾,

Whereas:

with regard to the admission and residence of displaced persons on a temporary basis ⁽⁶⁾.

(1) The preparation of a common policy on asylum, including common European arrangements for asylum, is a constituent part of the European Union's objective of establishing progressively an area of freedom, security and justice open to those who, forced by circumstances, legitimately seek protection in the European Union.

(2) Cases of mass influx of displaced persons who cannot return to their country of origin have become more substantial in Europe in recent years. In these cases it may be necessary to set up exceptional schemes to offer them immediate temporary protection.

(3) In the conclusions relating to persons displaced by the conflict in the former Yugoslavia adopted by the Ministers responsible for immigration at their meetings in London on 30 November and 1 December 1992 and Copenhagen on 1 and 2 June 1993, the Member States and the Community institutions expressed their concern at the situation of displaced persons.

(4) On 25 September 1995 the Council adopted a Resolution on burden-sharing with regard to the admission and residence of displaced persons on a temporary basis ⁽⁵⁾, and, on 4 March 1996, adopted Decision 96/198/JHA on an alert and emergency procedure for burden-sharing

(5) The Action Plan of the Council and the Commission of 3 December 1998 ⁽⁷⁾ provides for the rapid adoption, in accordance with the Treaty of Amsterdam, of minimum standards for giving temporary protection to displaced persons from third countries who cannot return to their country of origin and of measures promoting a balance of effort between Member States in receiving and bearing the consequences of receiving displaced persons.

(6) On 27 May 1999 the Council adopted conclusions on displaced persons from Kosovo. These conclusions call on the Commission and the Member States to learn the lessons of their response to the Kosovo crisis in order to establish the measures in accordance with the Treaty.

(7) The European Council, at its special meeting in Tampere on 15 and 16 October 1999, acknowledged the need to reach agreement on the issue of temporary protection for displaced persons on the basis of solidarity between Member States.

(8) It is therefore necessary to establish minimum standards for giving temporary protection in the event of a mass influx of displaced persons and to take measures to promote a balance of efforts between the Member States in receiving and bearing the consequences of receiving such persons.

(9) Those standards and measures are linked and interdependent for reasons of effectiveness, coherence and solidarity and in order, in particular, to avert the risk of secondary movements. They should therefore be enacted in a single legal instrument.

(10) This temporary protection should be compatible with the Member States' international obligations as regards refugees. In particular, it must not prejudice the recognition of refugee status pursuant to the Geneva Convention of 28 July 1951 on the status of refugees, as amended by the New York Protocol of 31 January 1967, ratified by all the Member States.

⁽¹⁾ OJ C 311 E, 31.10.2000, p. 251.

⁽²⁾ Opinion delivered on 13 March 2001 (not yet published in the Official Journal).

⁽³⁾ OJ C 155, 29.5.2001, p. 21.

⁽⁴⁾ Opinion delivered on 13 June 2001 (not yet published in the Official Journal).

⁽⁵⁾ OJ C 262, 7.10.1995, p. 1.

⁽⁶⁾ OJ L 63, 13.3.1996, p. 10.

⁽⁷⁾ OJ C 19, 20.1.1999, p. 1.

- (11) The mandate of the United Nations High Commissioner for Refugees regarding refugees and other persons in need of international protection should be respected, and effect should be given to Declaration No 17, annexed to the Final Act to the Treaty of Amsterdam, on Article 63 of the Treaty establishing the European Community which provides that consultations are to be established with the United Nations High Commissioner for Refugees and other relevant international organisations on matters relating to asylum policy.
- (12) It is in the very nature of minimum standards that Member States have the power to introduce or maintain more favourable provisions for persons enjoying temporary protection in the event of a mass influx of displaced persons.
- (13) Given the exceptional character of the provisions established by this Directive in order to deal with a mass influx or imminent mass influx of displaced persons from third countries who are unable to return to their country of origin, the protection offered should be of limited duration.
- (14) The existence of a mass influx of displaced persons should be established by a Council Decision, which should be binding in all Member States in relation to the displaced persons to whom the Decision applies. The conditions for the expiry of the Decision should also be established.
- (15) The Member States' obligations as to the conditions of reception and residence of persons enjoying temporary protection in the event of a mass influx of displaced persons should be determined. These obligations should be fair and offer an adequate level of protection to those concerned.
- (16) With respect to the treatment of persons enjoying temporary protection under this Directive, the Member States are bound by obligations under instruments of international law to which they are party and which prohibit discrimination.
- (17) Member States should, in concert with the Commission, enforce adequate measures so that the processing of personal data respects the standard of protection of Directive 95/46/EC of the European Parliament and the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽¹⁾.
- (18) Rules should be laid down to govern access to the asylum procedure in the context of temporary protection in the event of a mass influx of displaced persons, in conformity with the Member States' international obligations and with the Treaty.
- (19) Provision should be made for principles and measures governing the return to the country of origin and the measures to be taken by Member States in respect of persons whose temporary protection has ended.
- (20) Provision should be made for a solidarity mechanism intended to contribute to the attainment of a balance of effort between Member States in receiving and bearing the consequences of receiving displaced persons in the event of a mass influx. The mechanism should consist of two components. The first is financial and the second concerns the actual reception of persons in the Member States.
- (21) The implementation of temporary protection should be accompanied by administrative cooperation between the Member States in liaison with the Commission.
- (22) It is necessary to determine criteria for the exclusion of certain persons from temporary protection in the event of a mass influx of displaced persons.
- (23) Since the objectives of the proposed action, namely to establish minimum standards for giving temporary protection in the event of a mass influx of displaced persons and measures promoting a balance of efforts between the Member States in receiving and bearing the consequences of receiving such persons, cannot be sufficiently attained by the Member States and can therefore, by reason of the scale or effects of the proposed action, be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.
- (24) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, the United Kingdom gave notice, by letter of 27 September 2000, of its wish to take part in the adoption and application of this Directive.
- (25) Pursuant to Article 1 of the said Protocol, Ireland is not participating in the adoption of this Directive. Consequently and without prejudice to Article 4 of the aforementioned Protocol, the provisions of this Directive do not apply to Ireland.
- (26) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not participating in the adoption of this Directive, and is therefore not bound by it nor subject to its application.

⁽¹⁾ OJ L 281, 23.11.1995, p. 31.

HAS ADOPTED THIS DIRECTIVE:

CHAPTER I

General provisions

Article 1

The purpose of this Directive is to establish minimum standards for giving temporary protection in the event of a mass influx of displaced persons from third countries who are unable to return to their country of origin and to promote a balance of effort between Member States in receiving and bearing the consequences of receiving such persons.

Article 2

For the purposes of this Directive:

- (a) 'temporary protection' means a procedure of exceptional character to provide, in the event of a mass influx or imminent mass influx of displaced persons from third countries who are unable to return to their country of origin, immediate and temporary protection to such persons, in particular if there is also a risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation, in the interests of the persons concerned and other persons requesting protection;
- (b) 'Geneva Convention' means the Convention of 28 July 1951 relating to the status of refugees, as amended by the New York Protocol of 31 January 1967;
- (c) 'displaced persons' means third-country nationals or stateless persons who have had to leave their country or region of origin, or have been evacuated, in particular in response to an appeal by international organisations, and are unable to return in safe and durable conditions because of the situation prevailing in that country, who may fall within the scope of Article 1A of the Geneva Convention or other international or national instruments giving international protection, in particular:
 - (i) persons who have fled areas of armed conflict or endemic violence;
 - (ii) persons at serious risk of, or who have been the victims of, systematic or generalised violations of their human rights;
- (d) 'mass influx' means arrival in the Community of a large number of displaced persons, who come from a specific country or geographical area, whether their arrival in the Community was spontaneous or aided, for example through an evacuation programme;
- (e) 'refugees' means third-country nationals or stateless persons within the meaning of Article 1A of the Geneva Convention;

- (f) 'unaccompanied minors' means third-country nationals or stateless persons below the age of eighteen, who arrive on the territory of the Member States unaccompanied by an adult responsible for them whether by law or custom, and for as long as they are not effectively taken into the care of such a person, or minors who are left unaccompanied after they have entered the territory of the Member States;
- (g) 'residence permit' means any permit or authorisation issued by the authorities of a Member State and taking the form provided for in that State's legislation, allowing a third country national or a stateless person to reside on its territory;
- (h) 'sponsor' means a third-country national enjoying temporary protection in a Member State in accordance with a decision taken under Article 5 and who wants to be joined by members of his or her family.

Article 3

1. Temporary protection shall not prejudice recognition of refugee status under the Geneva Convention.
2. Member States shall apply temporary protection with due respect for human rights and fundamental freedoms and their obligations regarding non-refoulement.
3. The establishment, implementation and termination of temporary protection shall be the subject of regular consultations with the Office of the United Nations High Commissioner for Refugees (UNHCR) and other relevant international organisations.
4. This Directive shall not apply to persons who have been accepted under temporary protection schemes prior to its entry into force.
5. This Directive shall not affect the prerogative of the Member States to adopt or retain more favourable conditions for persons covered by temporary protection.

CHAPTER II

Duration and implementation of temporary protection

Article 4

1. Without prejudice to Article 6, the duration of temporary protection shall be one year. Unless terminated under the terms of Article 6(1)(b), it may be extended automatically by six monthly periods for a maximum of one year.
2. Where reasons for temporary protection persist, the Council may decide by qualified majority, on a proposal from the Commission, which shall also examine any request by a Member State that it submit a proposal to the Council, to extend that temporary protection by up to one year.

Article 5

1. The existence of a mass influx of displaced persons shall be established by a Council Decision adopted by a qualified majority on a proposal from the Commission, which shall also examine any request by a Member State that it submit a proposal to the Council.

2. The Commission proposal shall include at least:

- (a) a description of the specific groups of persons to whom the temporary protection will apply;
- (b) the date on which the temporary protection will take effect;
- (c) an estimation of the scale of the movements of displaced persons.

3. The Council Decision shall have the effect of introducing temporary protection for the displaced persons to which it refers, in all the Member States, in accordance with the provisions of this Directive. The Decision shall include at least:

- (a) a description of the specific groups of persons to whom the temporary protection applies;
- (b) the date on which the temporary protection will take effect;
- (c) information received from Member States on their reception capacity;
- (d) information from the Commission, UNHCR and other relevant international organisations.

4. The Council Decision shall be based on:

- (a) an examination of the situation and the scale of the movements of displaced persons;
- (b) an assessment of the advisability of establishing temporary protection, taking into account the potential for emergency aid and action on the ground or the inadequacy of such measures;
- (c) information received from the Member States, the Commission, UNHCR and other relevant international organisations.

5. The European Parliament shall be informed of the Council Decision.

Article 6

1. Temporary protection shall come to an end:

- (a) when the maximum duration has been reached; or
- (b) at any time, by Council Decision adopted by a qualified majority on a proposal from the Commission, which shall also examine any request by a Member State that it submit a proposal to the Council.

2. The Council Decision shall be based on the establishment of the fact that the situation in the country of origin is such as to permit the safe and durable return of those granted tempo-

rary protection with due respect for human rights and fundamental freedoms and Member States' obligations regarding non-refoulement. The European Parliament shall be informed of the Council Decision.

Article 7

1. Member States may extend temporary protection as provided for in this Directive to additional categories of displaced persons over and above those to whom the Council Decision provided for in Article 5 applies, where they are displaced for the same reasons and from the same country or region of origin. They shall notify the Council and the Commission immediately.

2. The provisions of Articles 24, 25 and 26 shall not apply to the use of the possibility referred to in paragraph 1, with the exception of the structural support included in the European Refugee Fund set up by Decision 2000/596/EC⁽¹⁾, under the conditions laid down in that Decision.

CHAPTER III

Obligations of the Member States towards persons enjoying temporary protection*Article 8*

1. The Member States shall adopt the necessary measures to provide persons enjoying temporary protection with residence permits for the entire duration of the protection. Documents or other equivalent evidence shall be issued for that purpose.

2. Whatever the period of validity of the residence permits referred to in paragraph 1, the treatment granted by the Member States to persons enjoying temporary protection may not be less favourable than that set out in Articles 9 to 16.

3. The Member States shall, if necessary, provide persons to be admitted to their territory for the purposes of temporary protection with every facility for obtaining the necessary visas, including transit visas. Formalities must be reduced to a minimum because of the urgency of the situation. Visas should be free of charge or their cost reduced to a minimum.

Article 9

The Member States shall provide persons enjoying temporary protection with a document, in a language likely to be understood by them, in which the provisions relating to temporary protection and which are relevant to them are clearly set out.

Article 10

To enable the effective application of the Council Decision referred to in Article 5, Member States shall register the personal data referred to in Annex II, point (a), with respect to the persons enjoying temporary protection on their territory.

⁽¹⁾ OJ L 252, 6.10.2000, p. 12.

Article 11

A Member State shall take back a person enjoying temporary protection on its territory, if the said person remains on, or, seeks to enter without authorisation onto, the territory of another Member State during the period covered by the Council Decision referred to in Article 5. Member States may, on the basis of a bilateral agreement, decide that this Article should not apply.

Article 12

The Member States shall authorise, for a period not exceeding that of temporary protection, persons enjoying temporary protection to engage in employed or self-employed activities, subject to rules applicable to the profession, as well as in activities such as educational opportunities for adults, vocational training and practical workplace experience. For reasons of labour market policies, Member States may give priority to EU citizens and citizens of States bound by the Agreement on the European Economic Area and also to legally resident third-country nationals who receive unemployment benefit. The general law in force in the Member States applicable to remuneration, access to social security systems relating to employed or self-employed activities and other conditions of employment shall apply.

Article 13

1. The Member States shall ensure that persons enjoying temporary protection have access to suitable accommodation or, if necessary, receive the means to obtain housing.

2. The Member States shall make provision for persons enjoying temporary protection to receive necessary assistance in terms of social welfare and means of subsistence, if they do not have sufficient resources, as well as for medical care. Without prejudice to paragraph 4, the assistance necessary for medical care shall include at least emergency care and essential treatment of illness.

3. Where persons enjoying temporary protection are engaged in employed or self-employed activities, account shall be taken, when fixing the proposed level of aid, of their ability to meet their own needs.

4. The Member States shall provide necessary medical or other assistance to persons enjoying temporary protection who have special needs, such as unaccompanied minors or persons who have undergone torture, rape or other serious forms of psychological, physical or sexual violence.

Article 14

1. The Member States shall grant to persons under 18 years of age enjoying temporary protection access to the education system under the same conditions as nationals of the host

Member State. The Member States may stipulate that such access must be confined to the state education system.

2. The Member States may allow adults enjoying temporary protection access to the general education system.

Article 15

1. For the purpose of this Article, in cases where families already existed in the country of origin and were separated due to circumstances surrounding the mass influx, the following persons shall be considered to be part of a family:

- (a) the spouse of the sponsor or his/her unmarried partner in a stable relationship, where the legislation or practice of the Member State concerned treats unmarried couples in a way comparable to married couples under its law relating to aliens; the minor unmarried children of the sponsor or of his/her spouse, without distinction as to whether they were born in or out of wedlock or adopted;
- (b) other close relatives who lived together as part of the family unit at the time of the events leading to the mass influx, and who were wholly or mainly dependent on the sponsor at the time.

2. In cases where the separate family members enjoy temporary protection in different Member States, Member States shall reunite family members where they are satisfied that the family members fall under the description of paragraph 1(a), taking into account the wish of the said family members. Member States may reunite family members where they are satisfied that the family members fall under the description of paragraph 1(b), taking into account on a case by case basis the extreme hardship they would face if the reunification did not take place.

3. Where the sponsor enjoys temporary protection in one Member State and one or some family members are not yet in a Member State, the Member State where the sponsor enjoys temporary protection shall reunite family members, who are in need of protection, with the sponsor in the case of family members where it is satisfied that they fall under the description of paragraph 1(a). The Member State may reunite family members, who are in need of protection, with the sponsor in the case of family members where it is satisfied that they fall under the description of paragraph 1(b), taking into account on a case by case basis the extreme hardship which they would face if the reunification did not take place.

4. When applying this Article, the Member States shall taken into consideration the best interests of the child.

5. The Member States concerned shall decide, taking account of Articles 25 and 26, in which Member State the reunification shall take place.

6. Reunited family members shall be granted residence permits under temporary protection. Documents or other equivalent evidence shall be issued for that purpose. Transfers of family members onto the territory of another Member State for the purposes of reunification under paragraph 2, shall result in the withdrawal of the residence permits issued, and the termination of the obligations towards the persons concerned relating to temporary protection, in the Member State of departure.

7. The practical implementation of this Article may involve cooperation with the international organisations concerned.

8. A Member State shall, at the request of another Member State, provide information, as set out in Annex II, on a person receiving temporary protection which is needed to process a matter under this Article.

Article 16

1. The Member States shall as soon as possible take measures to ensure the necessary representation of unaccompanied minors enjoying temporary protection by legal guardianship, or, where necessary, representation by an organisation which is responsible for the care and well-being of minors, or by any other appropriate representation.

2. During the period of temporary protection Member States shall provide for unaccompanied minors to be placed:

- (a) with adult relatives;
- (b) with a foster-family;
- (c) in reception centres with special provisions for minors, or in other accommodation suitable for minors;
- (d) with the person who looked after the child when fleeing.

The Member States shall take the necessary steps to enable the placement. Agreement by the adult person or persons concerned shall be established by the Member States. The views of the child shall be taken into account in accordance with the age and maturity of the child.

CHAPTER IV

Access to the asylum procedure in the context of temporary protection

Article 17

1. Persons enjoying temporary protection must be able to lodge an application for asylum at any time.

2. The examination of any asylum application not processed before the end of the period of temporary protection shall be completed after the end of that period.

Article 18

The criteria and mechanisms for deciding which Member State is responsible for considering an asylum application shall apply. In particular, the Member State responsible for examining an asylum application submitted by a person enjoying temporary protection pursuant to this Directive, shall be the Member State which has accepted his transfer onto its territory.

Article 19

1. The Member States may provide that temporary protection may not be enjoyed concurrently with the status of asylum seeker while applications are under consideration.

2. Where, after an asylum application has been examined, refugee status or, where applicable, other kind of protection is not granted to a person eligible for or enjoying temporary protection, the Member States shall, without prejudice to Article 28, provide for that person to enjoy or to continue to enjoy temporary protection for the remainder of the period of protection.

CHAPTER V

Return and measures after temporary protection has ended

Article 20

When the temporary protection ends, the general laws on protection and on aliens in the Member States shall apply, without prejudice to Articles 21, 22 and 23.

Article 21

1. The Member States shall take the measures necessary to make possible the voluntary return of persons enjoying temporary protection or whose temporary protection has ended. The Member States shall ensure that the provisions governing voluntary return of persons enjoying temporary protection facilitate their return with respect for human dignity.

The Member State shall ensure that the decision of those persons to return is taken in full knowledge of the facts. The Member States may provide for exploratory visits.

2. For such time as the temporary protection has not ended, the Member States shall, on the basis of the circumstances prevailing in the country of origin, give favourable consideration to requests for return to the host Member State from persons who have enjoyed temporary protection and exercised their right to a voluntary return.

3. At the end of the temporary protection, the Member States may provide for the obligations laid down in CHAPTER III to be extended individually to persons who have been covered by temporary protection and are benefiting from a voluntary return programme. The extension shall have effect until the date of return.

Article 22

1. The Member States shall take the measures necessary to ensure that the enforced return of persons whose temporary protection has ended and who are not eligible for admission is conducted with due respect for human dignity.

2. In cases of enforced return, Member States shall consider any compelling humanitarian reasons which may make return impossible or unreasonable in specific cases.

Article 23

1. The Member States shall take the necessary measures concerning the conditions of residence of persons who have enjoyed temporary protection and who cannot, in view of their state of health, reasonably be expected to travel; where for example they would suffer serious negative effects if their treatment was interrupted. They shall not be expelled so long as that situation continues.

2. The Member States may allow families whose children are minors and attend school in a Member State to benefit from residence conditions allowing the children concerned to complete the current school period.

CHAPTER VI

Solidarity

Article 24

The measures provided for in this Directive shall benefit from the European Refugee Fund set up by Decision 2000/596/EC, under the terms laid down in that Decision.

Article 25

1. The Member States shall receive persons who are eligible for temporary protection in a spirit of Community solidarity. They shall indicate – in figures or in general terms – their capacity to receive such persons. This information shall be set out in the Council Decision referred to in Article 5. After that Decision has been adopted, the Member States may indicate additional reception capacity by notifying the Council and the Commission. This information shall be passed on swiftly to UNHCR.

2. The Member States concerned, acting in cooperation with the competent international organisations, shall ensure that the eligible persons defined in the Council Decision referred to in

Article 5, who have not yet arrived in the Community have expressed their will to be received onto their territory.

3. When the number of those who are eligible for temporary protection following a sudden and massive influx exceeds the reception capacity referred to in paragraph 1, the Council shall, as a matter of urgency, examine the situation and take appropriate action, including recommending additional support for Member States affected.

Article 26

1. For the duration of the temporary protection, the Member States shall cooperate with each other with regard to transferral of the residence of persons enjoying temporary protection from one Member State to another, subject to the consent of the persons concerned to such transferral.

2. A Member State shall communicate requests for transfers to the other Member States and notify the Commission and UNHCR. The Member States shall inform the requesting Member State of their capacity for receiving transferees.

3. A Member State shall, at the request of another Member State, provide information, as set out in Annex II, on a person enjoying temporary protection which is needed to process a matter under this Article.

4. Where a transfer is made from one Member State to another, the residence permit in the Member State of departure shall expire and the obligations towards the persons concerned relating to temporary protection in the Member State of departure shall come to an end. The new host Member State shall grant temporary protection to the persons concerned.

5. The Member States shall use the model pass set out in Annex I for transfers between Member States of persons enjoying temporary protection.

CHAPTER VII

Administrative cooperation

Article 27

1. For the purposes of the administrative cooperation required to implement temporary protection, the Member States shall each appoint a national contact point, whose address they shall communicate to each other and to the Commission. The Member States shall, in liaison with the Commission, take all the appropriate measures to establish direct cooperation and an exchange of information between the competent authorities.

2. The Member States shall, regularly and as quickly as possible, communicate data concerning the number of persons enjoying temporary protection and full information on the national laws, regulations and administrative provisions relating to the implementation of temporary protection.

CHAPTER VIII

Special provisions*Article 28*

1. The Member States may exclude a person from temporary protection if:

- (a) there are serious reasons for considering that:
 - (i) he or she has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;
 - (ii) he or she has committed a serious non-political crime outside the Member State of reception prior to his or her admission to that Member State as a person enjoying temporary protection. The severity of the expected persecution is to be weighed against the nature of the criminal offence of which the person concerned is suspected. Particularly cruel actions, even if committed with an allegedly political objective, may be classified as serious non-political crimes. This applies both to the participants in the crime and to its instigators;
 - (iii) he or she has been guilty of acts contrary to the purposes and principles of the United Nations;
- (b) there are reasonable grounds for regarding him or her as a danger to the security of the host Member State or, having been convicted by a final judgment of a particularly serious crime, he or she is a danger to the community of the host Member State.

2. The grounds for exclusion referred to in paragraph 1 shall be based solely on the personal conduct of the person concerned. Exclusion decisions or measures shall be based on the principle of proportionality.

CHAPTER IX

Final provisions*Article 29*

Persons who have been excluded from the benefit of temporary protection or family reunification by a Member State shall be entitled to mount a legal challenge in the Member State concerned.

Article 30

The Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

Article 31

1. Not later than two years after the date specified in Article 32, the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States and shall propose any amendments that are necessary. The Member States shall send the Commission all the information that is appropriate for drawing up this report.

2. After presenting the report referred to at paragraph 1, the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States at least every five years.

Article 32

1. The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 2002 at the latest. They shall forthwith inform the Commission thereof.

2. When the Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

Article 33

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

Article 34

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

Done at Brussels, 20 July 2001.

For the Council

The President

J. VANDE LANOTTE

ANNEX I

Model pass for the transfer of persons enjoying temporary protection**PASS**

Name of the Member State delivering the pass:

Reference number (*):

Issued under Article 26 of Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of effort between Member States in receiving such persons and bearing the consequences thereof.

Valid only for the transfer from (1) to (2).

The person in question must present himself/herself at (3) by (4).

Issued at:

SURNAME:

FORENAMES:

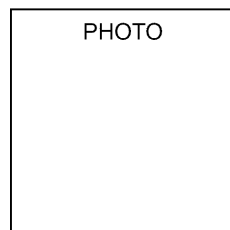
PLACE AND DATE OF BIRTH:

In case of a minor, name(s) of responsible adult:

SEX:

NATIONALITY:

Date issued:



SEAL

Signature of the beneficiary: For the competent authorities:

The pass-holder has been identified by the authorities (5) (6)

The identity of the pass-holder has not been established

This document is issued pursuant to Article 26 of Directive 2001/55/EC only and in no way constitutes a document which can be equated to a travel document authorising the crossing of the external border or a document proving the individual's identity.

(*) The reference number is allocated by the country from which the transfer to another Member State is made.

(1) Member State from which the transfer is being made.

(2) Member State to which the transfer is being made.

(3) Place where the person must present himself/herself on arrival in the second Member State.

(4) Deadline by which the person must present himself/herself on arrival in the second Member State.

(5) On the basis of the following travel or identity documents, presented to the authorities.

(6) On the basis of documents other than a travel or identity document.

ANNEX II

The information referred to in Articles 10, 15 and 26 of the Directive includes to the extent necessary one or more of the following documents or data:

- (a) personal data on the person concerned (name, nationality, date and place of birth, marital status, family relationship);
- (b) identity documents and travel documents of the person concerned;
- (c) documents concerning evidence of family ties (marriage certificate, birth certificate, certificate of adoption);
- (d) other information essential to establish the person's identity or family relationship;
- (e) residence permits, visas or residence permit refusal decisions issued to the person concerned by the Member State, and documents forming the basis of decisions;
- (f) residence permit and visa applications lodged by the person concerned and pending in the Member State, and the stage reached in the processing of these.

The providing Member State shall notify any corrected information to the requesting Member State.

COMMISSION DIRECTIVE 2001/58/EC**of 27 July 2001****amending for the second time Directive 91/155/EEC defining and laying down the detailed arrangements for the system of specific information relating to dangerous preparations in implementation of Article 14 of European Parliament and Council Directive 1999/45/EC and relating to dangerous substances in implementation of Article 27 of Council Directive 67/548/EEC (safety data sheets)****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations ⁽¹⁾, and in particular Article 14 thereof,

Having regard to Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances ⁽²⁾, as last amended by Commission Directive 2000/33/EC ⁽³⁾, and in particular Article 27 thereof,

Whereas:

- (1) Article 14 of Directive 1999/45/EC provides that the person responsible for placing on the market certain specified preparations must provide a safety data sheet.
- (2) Article 27 of Directive 67/548/EEC provides that the person responsible for placing dangerous substances on the market must also provide a safety data sheet.
- (3) Safety data sheet information is principally intended for use by professional users and must enable them to take the necessary measures as regards the protection of health, safety and the environment at the place of work.
- (4) Safety data sheets for dangerous substances and certain preparations, and their supply must comply with the provisions of Commission Directive 91/155/EEC ⁽⁴⁾, as amended by Directive 93/112/EC ⁽⁵⁾.
- (5) Article 14(2.1)(b) of Directive 1999/45/EC introduces a new requirement for persons responsible for placing preparations on the market to provide on the request of professional users a safety data sheet containing proportionate information for preparations not classified as dangerous within the meaning of Articles 5, 6 and 7 of Directive 1999/45/EC, but which contain in an indi-

vidual concentration of $\geq 1\%$ by weight for non-gaseous preparations and $\geq 0,2\%$ by volume for gaseous preparations at least one substance posing health or environmental hazards, or one substance for which there are Community workplace exposure limits.

- (6) Directive 1999/45/EC also introduces a requirement for preparations to be classified and labelled for their effects on the environment.
- (7) It is therefore necessary to amend Directive 91/155/EEC accordingly, as specified in Article 14(2.3) of Directive 1999/45/EC, before 30 July 2002.
- (8) Article 4 of Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risk related to chemical agents at work (fourteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) ⁽⁶⁾ requires employers to determine whether any hazardous chemical agents are present at the workplace, and to assess any risk to the health and safety of workers arising from the presence of those chemical agents, taking into consideration the information provided by the supplier via safety data sheets; it is therefore opportune to amend the Annex to Directive 91/155/EEC accordingly.
- (9) It is known from recent enforcement activities and studies in the Member States that many safety data sheets are of poor quality and do not provide adequate information for the user; one way of improving the quality of safety data sheets is to improve the guidance given to compilers of safety data sheets set out in the Annex to Directive 91/155/EEC; it is therefore opportune to amend the Annex to Directive 91/155/EEC accordingly; the Commission and the Member States will consider other means by which the quality of safety data sheets can be improved further in future.
- (10) The measures provided for in this Directive are in accordance with the opinion of the Committee for the adaptation to technical progress of the Directives on the removal of technical barriers to trade in dangerous substances and preparations established under Article 20 of Directive 1999/45/EC,

⁽¹⁾ OJ L 200, 30.7.1999, p. 1.

⁽²⁾ OJ 196, 16.8.1967, p. 1.

⁽³⁾ OJ L 136, 8.6.2000, p. 90.

⁽⁴⁾ OJ L 76, 22.3.1991, p. 35.

⁽⁵⁾ OJ L 314, 16.12.1993, p. 38.

⁽⁶⁾ OJ L 131, 5.5.1998, p. 11.

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 91/155/EEC is amended as follows:

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

- '1. (a) The person who is responsible for placing a chemical substance or preparation on the market, whether the manufacturer, importer or distributor, shall supply the recipient, who is a professional user of the substance or preparation, with a safety data sheet containing the information set out in Article 3 and the Annex to this Directive, if the substance or preparation is classified as dangerous according to Directive 67/548/EEC or European Parliament and Council Directive 1999/45/EC (*).
- (b) Any person who is responsible for placing a preparation on the market, whether the manufacturer, importer or distributor, shall supply, on request of a professional user, a safety data sheet providing proportionate information as set out in Article 3 and the Annex to this Directive, if the preparation is not classified as dangerous according to Articles 5, 6 and 7 of Directive 1999/45/EC, but the preparation contains in an individual concentration of $\geq 1\%$ by weight for non-gaseous preparations and $\geq 0,2\%$ by volume for gaseous preparations at least one substance posing health or environmental hazards, or one substance for which there are Community workplace exposure limits.

(*) OJ L 200, 30.7.1999, p. 1.'

2. The Annex referred to in Article 3 is replaced by the Annex to this Directive.

Article 2

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

2. Member States shall apply the laws, regulations and administrative provisions referred to in paragraph 1:

- (a) to preparations not within the scope of Council Directive 91/414/EEC ⁽¹⁾ on the placing of plant protection products on the market, or Council Directive 98/8/EC ⁽²⁾ on the placing of biocidal products on the market as from 30 July 2002;
- (b) and to preparations within the scope of Directive 91/414/EEC or Directive 98/8/EC as from 30 July 2004.

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 27 July 2001.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 123, 24.4.1998, p. 1.

ANNEX

'ANNEX

GUIDE TO THE COMPILATION OF SAFETY DATA SHEETS

The purpose of this Annex is to ensure consistency and accuracy in the content of each of the mandatory headings listed in Article 3, so that the resulting safety data sheets will enable professional users to take the necessary measures relating to protection of health and safety at the workplace, and protection of the environment.

The information provided by safety data sheets should meet the requirements set out in Council Directive 98/24/EC ⁽¹⁾ on the protection of the health and safety of workers from the risks related to chemical agents at work. In particular, the safety data sheet should enable the employer to determine whether any hazardous chemical agents are present in the workplace, and to assess any risk to the health and safety of workers arising from their use.

The information must be written in a clear and concise manner. The safety data sheet should be prepared by a competent person who should take into account the specific needs of the user audience, as far as it is known. Persons placing substances and preparations on the market should ensure that competent persons have received appropriate training, including refresher training.

For preparations not classified as dangerous, but for which a safety data sheet is required according to Article 14(2.1)(b) of Directive 1999/45/EC, proportionate information should be provided under each heading.

Additional information may be necessary in some cases in view of the wide range of properties of the substances and preparations. If in other cases it emerges that information on certain properties is of no significance or that it is technically impossible to provide, the reasons for this must be clearly stated under each heading. Information must be provided for each hazardous property. If it is stated that a particular hazard does not apply, clearly differentiate between cases where no information is available to the classifier, and cases where negative test results are available.

Give the date of issue of the safety data sheet on the first page.

When a safety data sheet has been revised, the changes should be brought to the attention of the recipient.

Note

Safety data sheets are also required for certain special substances and preparations (e.g. metals in massive form, alloys, compressed gases etc.) listed in chapters 8 and 9 of Annex VI to Directive 67/548/EEC, for which there are labelling derogations.

1. IDENTIFICATION OF THE SUBSTANCE/PREPARATION AND OF THE COMPANY/UNDERTAKING**1.1. Identification of the substance or preparation**

The term used for identification must be identical to that provided on the label as set out in, Annex VI to Directive 67/548/EEC.

Other means of identification available may also be indicated.

1.2. Use of the substance/preparation

Indicate the intended or recommended uses of the substance or preparation as far as they are known. Where there are many possible uses, only the most important or common uses need be listed. This should include a brief description of what it actually does, e.g. flame retardant, anti-oxidant, etc.

1.3. Company/undertaking identification

Identify the person responsible for placing the substance or preparation on the market within the Community, whether it be the manufacturer, importer or distributor. Give the full address and telephone number of this person.

In addition, where this person is not located in the Member State where the substance or preparation is placed on the market, give a full address and telephone number for the person responsible in that Member State, if possible.

⁽¹⁾ OJ L 131, 5.5.1998, p. 11.

1.4. Emergency telephone

In addition to the abovementioned information, supply the emergency telephone number of the company and/or relevant official advisory body (this may be the body responsible for receiving information relating to health, which is referred to in Article 17 of Directive 1999/45/EC).

2. COMPOSITION/INFORMATION ON INGREDIENTS

The information given should enable the recipient to identify readily the hazards of the components of the preparation. The hazards of the preparation itself should be given under heading 3.

2.1. It is not necessary to give the full composition (nature of the ingredients and their concentration), although a general description of the components and their concentrations can be helpful.

2.2. For a preparation classified as dangerous according to Directive 1999/45/EC, the following substances shall be indicated, together with their concentration or concentration range:

(i) substances presenting a health or environmental hazard within the meaning of Directive 67/548/EEC, if they are present in concentrations equal to or greater than those laid down in the table set out in Article 3(3) of Directive 1999/45/EC (unless lower limits are given in Annex I to Directive 67/548/EEC or in Annexes II, III or V to Directive 1999/45/EC);

(ii) and substances for which there are Community workplace exposure limits, which are not already included under (i).

2.3. For a preparation not classified as dangerous according to Directive 1999/45/EC, the following substances shall be indicated, together with their concentration or concentration range, if they are present in an individual concentration of $\geq 1\%$ by weight for non-gaseous preparations and $\geq 0,2\%$ by volume for gaseous preparations:

— substances presenting a health or environmental hazard within the meaning of Directive 67/548/EEC⁽¹⁾;

— and substances for which there are Community workplace exposure limits.

2.4. The classification (deriving either from Articles 4 and 6 or from Annex I to Directive 67/548/EEC) of the above substances shall be given, including the symbol letters and R phrases which are assigned in accordance with their physicochemical, health and environmental hazards. The R phrases do not need to be written out in full here: reference should be made to heading 16, where the full text of each relevant R phrase shall be listed.

2.5. The name and the EINECS or ELINCS number of the above substances should be given in accordance with Directive 67/548/EEC. The CAS number and IUPAC name (if available) may also be helpful. For substances listed by a generic name, according to Article 15 of Directive 1999/45/EC or the footnote to point 2.3 of this Annex, a precise chemical identifier is not necessary.

2.6. If, in accordance with the provisions of Article 15 of Directive 1999/45/EC or the footnote to point 2.3 of this Annex, the identity of certain substances is to be kept confidential, their chemical nature shall be described in order to ensure safe handling. The name used must be the same as that which derives from the above procedures.

3. HAZARDS IDENTIFICATION

Give here the classification of the substance or preparation which arises from application of the classification rules in Directives 67/548/EEC or 1999/45/EC. Indicate clearly and briefly the hazards the substance or preparation presents to man and the environment.

Distinguish clearly between preparations which are classified as dangerous and preparations which are not classified as dangerous according to Directive 1999/45/EC.

Describe the most important adverse physicochemical, human health and environmental effects and symptoms relating to the uses and possible misuses of the substance or preparation that can reasonably be foreseen.

It may be necessary to mention other hazards, such as dustiness, suffocation, freezing or environmental effects such as hazards to soil-dwelling organisms, etc., which do not result in classification but which may contribute to the overall hazards of the material.

The information shown on the label should be given under heading 15.

⁽¹⁾ Where the person responsible for placing the preparation on the market can demonstrate that the disclosure in the safety data sheet of the chemical identity of a substance which is exclusively classified as:

— irritant with the exception of those assigned R41 or irritant in combination with one or more of the properties mentioned in point 2.3.4 of Article 10 of Directive 1999/45/EC,
— or harmful in combination with one or more of the properties mentioned in point 2.3.4 of Article 10 of Directive 1999/45/EC presenting acute lethal effects alone,

will put at risk the confidential nature of his intellectual property, he may, in accordance with the provisions of Part B of Annex VI to Directive 1999/45/EC, refer to that substance either by means of a name that identifies the most important functional chemical groups, or by means of an alternative name.

4. FIRST AID MEASURES

Describe the first-aid measures.

Specify first whether immediate medical attention is required.

The information on first aid must be brief and easy to understand by the victim, bystanders and first-aiders. The symptoms and effects should be briefly summarised. The instructions should indicate what is to be done on the spot in the case of an accident and whether delayed effects can be expected after exposure.

Subdivide the information according to the different routes of exposure, i.e. inhalation, skin and eye contact and ingestion, under different subheadings.

Indicate whether professional assistance by a doctor is needed or advisable.

For some substances or preparations it may be important to emphasise that special means to provide specific and immediate treatment must be available at the workplace.

5. FIRE-FIGHTING MEASURES

Refer to requirements for fighting a fire caused by the substance or preparation, or arising in its vicinity by indicating:

- suitable extinguishing media,
- extinguishing media which must not be used for safety reasons,
- special exposure hazards arising from the substance or preparation itself, combustion products, resulting gases,
- special protective equipment for fire-fighters.

6. ACCIDENTAL RELEASE MEASURES

Depending on the substance or preparation involved, information may be needed on:

- *personal precautions such as:*
removal of ignition sources, provision for sufficient ventilation/respiratory protection, control of dust, prevention of skin and eye contact,
- *environmental precautions such as:*
keeping away from drains, surface- and ground-water and soil, possible need to alert the neighbourhood,
- *methods for cleaning up such as:*
use of absorbent material (e.g. sand, diatomaceous earth, acid binder, universal binder, sawdust, etc.),
reduction of gases/fumes with water, dilution.

Also consider the need for indications such as: "never use, neutralise with ...".

Note

If appropriate refer to headings 8 and 13.

7. HANDLING AND STORAGE

Note

Information in this section should relate to the protection of health, safety and the environment. It should assist the employer in devising suitable working procedures and organisational measures according to Article 5 of Directive 98/24/EC.

7.1. Handling

Specify precautions for safe handling including advice on technical measures such as: containment, local and general ventilation, measures to prevent aerosol and dust generation and fire, measures required to protect the environment (e.g. use of filters or scrubbers on exhaust ventilation, use in a bunded area, measures for collection and disposal of spillages, etc.) and any specific requirements or rules relating to the substance or preparation (e.g. procedures or equipment which are prohibited or recommended) and if possible give a brief description.

7.2. Storage

Specify the conditions for safe storage such as: specific design for storage rooms or vessels (including retention walls and ventilation), incompatible materials, conditions of storage (temperature and humidity limit/range, light, inert gas, etc.) special electrical equipment and prevention of static electricity.

Give advice if relevant on quantity limits under storage conditions. In particular indicate any special requirements such as the type of material used in the packaging/containers of the substance or preparation.

7.3. Specific use(s)

For end products designed for specific use(s), recommendations should refer to the intended use(s) and be detailed and operational. If possible, reference should be made to industry — or sector — specific approved guidance.

8. EXPOSURE CONTROLS/PERSONAL PROTECTION**8.1. Exposure limit values**

Specify currently applicable specific control parameters including occupational exposure limit values and/or biological limit values. Values should be given for the Member State where the substance or preparation is placed on the market. Give information on currently recommended monitoring procedures.

For preparations, it is useful to provide values for those constituent substances which are required to be listed in the safety data sheet according to heading 2.

8.2. Exposure controls

For the purposes of this document exposure control means the full range of specific protection and prevention measures to be taken during use in order to minimise worker and environmental exposure.

8.2.1. Occupational exposure controls

This information will be taken into account by the employer in carrying out an assessment of risk to the health and safety of workers for the substance or preparation under Article 4 of Directive 98/24/EC, which requires the design of appropriate work processes and engineering controls, the use of adequate equipment and materials, the application of collective protection measures at source, and finally the use of individual protection measures, such as personal protection equipment. Therefore provide suitable and adequate information on these measures to enable a proper risk assessment to be carried out under Article 4 of Directive 98/24/EC. This information should complement that already given under heading 7.1.

Where personal protection is needed, specify in detail which equipment will provide adequate and suitable protection. Take into account Council Directive 89/686/EEC ⁽¹⁾ and make reference to the appropriate CEN standards:

8.2.1.1. Respiratory protection

For dangerous gases, vapours or dust, specify the type of protective equipment to be used, such as self contained breathing apparatus, adequate masks and filters.

8.2.1.2. Hand protection

Specify clearly the type of gloves to be worn when handling the substance or preparation, including:

- the type of material,
- the breakthrough time of the glove material, with regard to the amount and duration of dermal exposure.

If necessary indicate any additional hand protection measures.

⁽¹⁾ OJ L 399, 30.12.1989, p. 18.

8.2.1.3. Eye protection

Specify the type of eye protection equipment required such as: safety glasses, safety goggles, face shield.

8.2.1.4. Skin protection

If it is necessary to protect a part of the body other than the hands, specify the type and quality of protection equipment required, such as: apron, boots and full protective suit. If necessary, indicate any additional skin protection measures and specific hygiene measures.

8.2.2. Environmental exposure controls

Specify the information required by the employer to fulfil his commitments under Community environmental protection legislation.

9. PHYSICAL AND CHEMICAL PROPERTIES

To enable proper control measures to be taken, provide all relevant information on the substance or preparation, particularly the information listed under heading 9.2.

9.1. General information

Appearance

Indicate the physical state (solid, liquid, gas) and the colour of the substance or preparation as supplied.

Odour

If odour is perceptible, give a brief description of it.

9.2. Important health, safety and environmental information

pH

Indicate the pH of the substance or preparation as supplied or of an aqueous solution; in the latter case, indicate the concentration.

Boiling point/boiling range:

Flash point:

Flammability (solid, gas):

Explosive properties:

Oxidising properties:

Vapour pressure:

Relative density:

Solubility:

— *water solubility:*

— *fat solubility (solvent - oil to be specified):*

Partition coefficient: n-octanol/water:

Viscosity:

Vapour density:

Evaporation rate:

9.3. Other information

Indicate other important safety parameters, such as, miscibility, conductivity, melting point/melting range, gas group (useful for European Parliament and Council Directive 94/9/EC ⁽¹⁾), auto-ignition temperature etc.

⁽¹⁾ OJ L 100, 19.4.1994, p. 1.

Note 1

The above properties should be determined in accordance with the specifications of Part A of Annex V to Directive 67/548/EEC or any other comparable method.

Note 2

For preparations, information should normally be given on the properties of the preparation itself. However, if it is stated that a particular hazard does not apply, clearly differentiate between cases where no information is available to the classifier, and cases where negative test results are available. If it is considered necessary to give information about the properties of individual components, please indicate clearly what the data refers to.

10. STABILITY AND REACTIVITY

State the stability of the substance or preparation and the possibility of hazardous reactions occurring under certain conditions of use and also if released into the environment.

10.1. Conditions to avoid

List those conditions such as temperature, pressure, light, shock, etc., which may cause a dangerous reaction and if possible give a brief description.

10.2. Materials to avoid

List materials such as water, air, acids, bases, oxidising agents or any other specific substance which may cause a dangerous reaction and if possible give a brief description.

10.3. Hazardous decomposition products

List hazardous materials produced in dangerous amounts upon decomposition.

Note

Address specifically:

- the need for and the presence of stabilisers,
- the possibility of a hazardous exothermic reaction,
- safety significance, if any, of a change in physical appearance of the substance or preparation,
- hazardous decomposition products, if any, formed upon contact with water,
- possibility of degradation to unstable products.

11. TOXICOLOGICAL INFORMATION

This section deals with the need for a concise but complete and comprehensible description of the various toxicological (health) effects which can arise if the user comes into contact with the substance or preparation.

Include dangerous-to-health effects from exposure to the substance or preparation, based on both experiences and conclusions from scientific experiments. Include information on the different routes of exposure (inhalation, ingestion, skin and eye contact), and describe the symptoms related to the physical, chemical and toxicological characteristics.

Include known delayed and immediate effects and also chronic effects from short- and long-term exposure: for example sensitisation, narcosis, carcinogenicity, mutagenicity and reproductive toxicity (developmental toxicity and fertility).

Taking account of the information already provided under heading 2, composition/information on ingredients, it may be necessary to make reference to specific health effects of certain components in preparations.

12. ECOLOGICAL INFORMATION

Describe the possible effects, behaviour and environmental fate of the substance or preparation in air, water and/or soil. Where available, give relevant test data (e.g. LC50 fish $\leq$ 1 mg/l).

Describe the most important characteristics likely to have an effect on the environment owing to the nature of the substance or preparation and likely methods of use. Information of the same kind shall be supplied for dangerous products arising from the degradation of substances and preparations. This may include the following:

12.1. Ecotoxicity

This should include relevant available data on aquatic toxicity, both acute and chronic for fish, daphnia, algae and other aquatic plant. In addition, toxicity data on soil micro- and macro-organisms and other environmentally relevant organisms, such as birds, bees and plants, should be included when available. Where the substance or preparation has inhibitory effects on the activity of micro-organisms, the possible impact on sewage treatment plants should be mentioned.

12.2. Mobility

The potential of the substance or the appropriate constituents of a preparation ⁽¹⁾, if released to the environment, to transport to groundwater or far from the site of release.

Relevant data might include:

- known or predicted distribution to environmental compartments,
- surface tension,
- absorption/desorption.

For other physicochemical properties see heading 9.

12.3. Persistence and degradability

The potential of the substance or the appropriate constituents of a preparation ⁽¹⁾ to degrade in relevant environmental media, either through biodegradation or other processes such as oxidation or hydrolysis. Degradation half lives should be quoted where available. The potential of the substance or appropriate constituents of a preparation ⁽¹⁾ to degrade in sewage treatment plants should also be mentioned.

12.4. Bioaccumulative potential

The potential of the substance or the appropriate constituents of a preparation ⁽¹⁾ to accumulate in biota and pass through the food chain, with reference to the K_{ow} and BCF, if available.

12.5. Other adverse effects

If available, include information on any other adverse effects on the environment, e.g. ozone depletion potential, photochemical ozone creation potential and/or global warming potential.

Remarks

Ensure that information relevant to the environment is provided under other headings of the safety data sheet, especially advice for controlled release, accidental release measures, transport and disposal considerations under headings 6, 7, 13, 14 and 15.

⁽¹⁾ This information cannot be given for the preparation because it is substance specific. It should therefore be given, where available and appropriate, for each constituent substance in the preparation which is required to be listed in the safety data sheet according to the rules under heading 2 of this Annex.

13. DISPOSAL CONSIDERATIONS

If the disposal of the substance or preparation (surplus or waste resulting from the foreseeable use) presents a danger, a description of these residues and information on their safe handling shall be given.

Specify the appropriate methods of disposal of both the substance or preparation and any contaminated packaging (incineration, recycling, landfilling, etc.)

Note

Refer to any relevant Community provisions relating to waste. In their absence, it is useful to remind the user that national or regional provisions may be in force.

14. TRANSPORT INFORMATION

Indicate any special precautions which a user needs to be aware of or needs to comply with in connection with transport or conveyance either within or outside his premises.

Where relevant, provide information on the transport classification for each of the modal regulations: IMDG (sea), ADR (road, Council Directive 94/55/EC ⁽¹⁾), RID (rail, Council Directive 96/49/EC ⁽²⁾), ICAO/IATA (air). This might include *inter alia*:

- UN number,
- class,
- proper shipping name,
- packing group,
- marine pollutant,
- other applicable information.

15. REGULATORY INFORMATION

Give the health, safety and environmental information shown on the label according to Directives 67/548/EEC and 1999/45/EC.

If the substance or preparation covered by this safety data sheet is the subject of specific provisions in relation to protection of man or the environment at Community level (e.g. restrictions on marketing and use set out in Council Directive 76/769/EEC ⁽³⁾) these provisions should, as far as is possible, be stated.

Also mention, where possible, the national laws which implement these provisions and any other national measures that may be relevant.

16. OTHER INFORMATION

Indicate any other information which the supplier assesses as being of importance for the health and safety of the user and for the protection of the environment, for example:

- list of relevant R phrases. Write out the full text of any R phrases referred to under headings 2 and 3 of the safety data sheet,
- training advice,
- recommended restrictions on use (i.e. non-statutory recommendations by supplier),
- further information (written references and/or technical contact point),
- sources of key data used to compile the data sheet,
- for a revised safety data sheet, indicate clearly the information which has been added, deleted or revised (unless this has been indicated elsewhere).'

⁽¹⁾ OJ L 319, 12.12.1994, p. 7.

⁽²⁾ OJ L 235, 17.9.1996, p. 25.

⁽³⁾ OJ L 262, 27.9.1976, p. 201.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 26 July 2000

on the aid scheme implemented by Spain for the purchase of commercial vehicles via the Cooperation Agreement of 26 February 1997 between the Ministry of Industry and Energy and the Official Credit Institute

(notified under document number C(2000) 2465)

(Only the Spanish text is authentic)

(Text with EEA relevance)

(2001/605/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 88(2) thereof,

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof,

Having given notice to the parties concerned to submit their comments pursuant to the abovementioned Articles ⁽¹⁾,

Whereas:

I. PROCEDURE

- (1) By letter dated 26 February 1997, registered at the Secretariat-General on 12 March 1997, Spain notified the Commission of the Cooperation Agreement (hereinafter the Agreement) dated 26 February 1997 between the Ministry of Industry and Energy and the Official Credit Institute (Instituto de Crédito Oficial, hereinafter the ICO). The notification concerned a special credit line for the purchase of commercial vehicles and was registered under N 171/97.
- (2) However, the notification was submitted to the Commission on the day the Agreement entered into force. Moreover, the Agreement applied retroactively as from 1 January 1997. Consequently, the Commission was only able to examine a measure already in force. Accordingly, the aid scheme in question was deemed unnotified and thus re-registered under NN 115/98.
- (3) A request for further information was addressed to Spain on 3 April 1997. By letters of 30 April, 3 June, 3 July, 10 September and 9 October 1997, the Spanish authorities asked the Commission for additional time to forward the information requested. After the final deadline expired on 10 November 1997, no other communication was received from Spain. Consequently, the Commission began a preliminary investigation on the compatibility of the Agreement with the common market on the basis of the information available to it.

⁽¹⁾ OJ C 29, 4.2.1999, p. 14.

- (4) By letter dated 20 November 1997, the Commission informed Spain of its decision to initiate the procedure laid down in Article 88(2) of the Treaty in respect of the aid.
- (5) The Commission's decision to initiate the procedure was published in the *Official Journal of the European Communities* ⁽²⁾. The Commission invited interested parties to submit their comments on the scheme.
- (6) The Spanish Government provided the Commission with its comments and observations on the opening of the formal investigation procedure by letter dated 22 February 1999. The Commission has, however, not received any comments from interested third parties.

II. DETAILED DESCRIPTION OF THE AID SCHEME

- (7) The Agreement concluded on 26 February 1997 between the Spanish Ministry of Industry and Energy and the ICO establishes an aid scheme for the purchase of commercial vehicles. The scheme is intended to encourage self-employed individuals and SMEs to replace their older commercial vehicles with new ones. Accordingly, and in line with the earlier Spanish 'Plan Renove Industrial' aid scheme, the main purpose of the current scheme is to support the renewal of the commercial vehicle fleet in Spain.
- (8) For this purpose, the ICO will open a credit line of ESP 35 billion (EUR 210 million) for the funding of loans for the purchase of new vehicles. The Ministry of Industry and Energy will in turn compensate the ICO, up to a maximum of 4,5 percentage points, for the difference between the interest rate applied to these loans and the rate normally applied for financial transactions. The overall amount of State intervention involved is estimated at ESP 3 billion (EUR 18 million). Under the Agreement, the aid scheme will be implemented by way of mediation contracts between the ICO and public and private financial bodies. The latter will then grant loans to the beneficiaries of the scheme with resources supplied by ICO. In addition, the Agreement allows ICO to enter into agreements with other financial bodies for granting loans on the same conditions as described above, but without providing any resources to the lenders other than compensation for the difference in interest rates. In their letter of 22 January 1999, the Spanish authorities clarified that 'other financial bodies' refers to financing arrangements with vehicle makers.
- (9) Reimbursement of the principal, payment of interest and guarantees will be negotiated for each loan between the borrowers and the financial body concerned. However, the Agreement itself sets a standard duration for the loans of four years without any grace period and a maximum coverage of 70 % of the eligible costs. In this light, the Agreement estimated the State subsidy for each loan at ESP 85 000 (EUR 511) per ESP million lent (EUR 6 010).
- (10) Beneficiaries of the aid scheme are natural persons registered for Spanish tax on economic activities and companies meeting the Community definition of SMEs which purchase a new commercial vehicle or lease it with the intention to purchase. Potential beneficiaries must in addition present a document issued by the Directorate-General for Traffic certifying that another commercial vehicle, registered at least ten years (seven years for tractor units) before the application for subsidy under the scheme, has been irrevocably withdrawn for scrapping. In addition, the vehicle to be purchased has to replace a vehicle of equal or higher loading capacity.
- (11) To this end, the Agreement distinguishes between six categories of vehicles: (A) tractor units and lorries with a maximum authorised weight of over 30 tonnes; (B) lorries with a maximum authorised weight between 12 and 30 tonnes; (C) lorries with a maximum authorised weight between 3,5 and 12 tonnes; (D) car-based vehicles, vans and lorries with a maximum authorised weight of up to 3,5 tonnes; (E) buses and coaches; (F) trailers and semi-trailers. The following table shows the link between vehicles purchased and withdrawn:

⁽²⁾ See footnote 1.

Type of vehicle purchased	Type of vehicle to be withdrawn from the market
A: Tractor units and lorries with a maximum authorised weight of over 30 tonnes	A
B: Lorries with a maximum authorised weight between 12 and 30 tonnes	A or B
C: Lorries with a maximum authorised weight between 3,5 and 12 tonnes	A, B or C
D: Car-based vehicles, vans and lorries with a maximum authorised weight of up to 3,5 tonnes	A, B, C or D
E: Buses and coaches	E
F: Trailers and semi-trailers	F

Related cases

- (12) In Commission Decision 98/693/EC of 1 July 1998 concerning the Spanish 'Plan Renove Industrial' system of aid for the purchase of commercial vehicles (August 1994 to December 1996) ⁽³⁾, the Commission examined an aid scheme substantially identical to the scheme now under examination. In that Decision, the Commission concluded, *inter alia*, that aid granted to natural persons or SMEs engaged in a business other than transport on a solely local or regional level for the purchase of Category D commercial vehicles did not constitute State aid within the meaning of Article 87(1) of the Treaty whereas all other aid under the scheme was deemed illegal and incompatible with the common market.

III. COMMENTS FROM SPAIN

- (13) Following the Commission's decision to initiate the procedure laid down in Article 88(2) of the Treaty, the Spanish Government, by letter dated 22 January 1999, provided the Commission with its comments and observations. These can be summarised as follows.
- (14) The Agreement was notified before it entered into force. Although the Agreement states that it may cover credits granted from 1 January 1997, this possibility was included solely for the formal purpose of the Ministry of Industry and Energy's budget, which must cover the full financial year. No credits were or could have been granted before the Agreement was signed, since the financial mechanism of the scheme is based on the Agreement itself.
- (15) The sole purpose of the Agreement is to support the renewal of the commercial vehicle fleet, irrespective of the owner or the use of the vehicle purchased. A fundamental restriction imposed by the Agreement is that the vehicle to be scrapped must have a loading capacity equal to or greater than that of the vehicle purchased. Accordingly, the Agreement can be considered a financial support scheme to renew the commercial vehicle fleet without increasing capacity.
- (16) Moreover, it cannot be assumed, as the Commission does, that the beneficiaries will be undertakings providing professional transport services and that the Agreement would therefore only favour certain undertakings. The benefits conferred by the Agreement are open to all European Union citizens who deregister a vehicle. Although the Agreement requires the scrapping of a vehicle registered in Spain,

⁽³⁾ OJ L 329, 5.12.1998, p. 23.

there is no requirement that the vehicle submitted for scrapping be owned by the person purchasing the new vehicle. The scheme is not discriminatory, therefore, as it applies equally to all potential recipients. The Spanish Government thus asserts that the scheme introduced by the Agreement is not aimed at certain undertakings, but is a general measure open to natural persons and SMEs from all sectors.

- (17) The Spanish Government further contends that the aid scheme neither distorts competition nor affects trade between Member States to a substantial degree. Around 40 % of the vehicles renewed under the scheme are in the low tonnage range (up to 3,5 tonnes). This category includes vehicles that have no significant economic impact from a transport point of view.
- (18) The Spanish Government contests the view that it is only the purchase of Category D vehicles by persons or entities engaged in a business other than transport on a local or regional level that will have little economic significance while all other purchases will have an appreciable effect on competition. If a distinction has to be drawn, it should be between light vehicles and all other vehicles. Under Spanish licensing regulations, all haulage licenses for light vehicles (maximum authorised weight under 6 tonnes, or over 6 tons but with a payload of not more than 3,5 tonnes) are national. Consequently, the Commission's recognition that local own-account services with Category D vehicles are insignificant should be extended, at least, to all light vehicles granted only national licenses. These include all Category D vehicles and some Category C vehicles. In addition, vehicles replaced under the Agreement account for less than 2 % of the Spanish licensed fleet and approximately 0,03 % of the commercial fleet in the 12 Member States. Consequently, subsidised purchases under the scheme have a negligible impact on competition.
- (19) The Spanish Government claims that the Community's *de minimis* rule⁽⁴⁾ clearly applies to the Agreement, which means Article 87(1) does not apply. The measures under the Agreement are aimed not at undertakings providing professional transport services on their own account or for hire-or-reward, but at natural persons and SMEs from any sector. Moreover, and as the Commission has recognised, the maximum amount is ESP 85 000 per million loaned.
- (20) Finally, the Spanish Government claims that the aid in question may qualify for exemption under Article 87(3)(c) of the Treaty, since the measures under the Agreement facilitate commercial vehicle traffic without adversely affecting trading conditions to an extent contrary to the common interest. They encourage investment in new commercial vehicles with the objective of restructuring and modernising the fleet without increasing capacity. Assuming, therefore, that new vehicles are technologically superior to older vehicles in terms of both emission levels and safety, the measures will improve road safety and protect the environment.

IV. ASSESSMENT OF THE AID

Article 87(1)

- (21) Article 87(1) of the Treaty stipulates that any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods will, in so far as it affects trade between Member States, be incompatible with the common market.
- (22) The Commission considers, in the case under examination, that the aid for the purchase of commercial vehicles in accordance with the provisions laid down in the Agreement is granted from State resources since the subsidies come from the budget of the Spanish Ministry of Industry and Energy.

⁽⁴⁾ Commission notice on the *de minimis* rule for State aid (OJ C 68, 6.3.1996, p. 9). See also the Community Guidelines on State aid for small and medium-sized enterprises (OJ C 213, 19.8.1992, p. 2 and OJ C 213, 23.7.1996, p. 4).

- (23) The Spanish Government claims the aid scheme is not covered by Article 87(1) of the Treaty as it is a general measure and not aimed at certain undertakings. This position, however, cannot be accepted. It may be admitted that the aid scheme under examination formally applies regardless of the sector in which the potential recipients operate and that it applies equally to all undertakings or natural persons that can benefit from it. However, it is clear that the scheme applies only to the purchase of certain commercial vehicles identified by the Agreement, i.e. tractor units, lorries with a maximum authorised weight above 3,5 tonnes, car-based vehicles, vans and lorries with an authorised weight below 3,5 tonnes, buses, coaches, trailers and semi-trailers. Taking into account the character of the vehicles that may be subsidised under the Agreement, the Commission finds it reasonable to assume that the potential beneficiaries will *de facto* be natural persons and undertakings engaged in transport operations, either on own-account or for hire or reward. In any case, the aid scheme will only benefit undertakings or individuals that have one of the abovementioned vehicles.
- (24) Moreover, the aid in question takes the form of purchasing aid, which means it will benefit the purchasers of commercial vehicles by lowering the cost of such vehicles. It is intended to benefit natural persons and SMEs, reducing their normal business expenses and thus giving them an advantage over their competitors. The aid therefore strengthens the financial position of recipient undertakings, giving them greater scope for action and a competitive advantage in relation to large companies, which are not eligible for the aid scheme in question. Consequently, the Commission finds that the aid scheme under examination will, in practice, indeed favour certain undertakings.
- (25) The liberalisation of road transport ⁽⁵⁾ has led to intra-Community competition both in international transport and in the cabotage sector. Accordingly, recipients of the aid, whether transport is their main or auxiliary business, are liable to compete with transport companies from other Member States. It is thus reasonable to conclude that granting subsidies for purchasing commercial vehicles under the Agreement affects trade between Member States and distorts or threatens to distort competition between carriers established in Spain and those who operate in Spain but are established in another Member State ⁽⁶⁾. In any event, the aid scheme distorts or threatens to distort competition because it puts recipients of the subsidy in a privileged position compared with those not eligible for the aid.
- (26) The Spanish Government has argued also that the Community's *de minimis* rule applies to the scheme in question and that, consequently, the scheme falls outside the scope of Article 87(1). This assertion derives from the Spanish argument that the scheme is aimed not at undertakings providing transport services but at natural persons and SMEs from any sector.
- (27) Under the *de minimis* rule, certain amounts provided by Member States are, due to their low thresholds, considered not to threaten to distort competition and trade between Member States to a perceptible degree and, therefore, not to fall within the scope of Article 87(1). However, the transport sector is explicitly excluded from the scope of the *de minimis* rule, being a sector with a large number of small companies ⁽⁷⁾ in which even relatively small amounts can have an impact on competition and trade between Member States.

⁽⁵⁾ *Freight transport*; Council Regulation (EEC) No 881/92 of 26 March 1992 on access to the market in the carriage of goods by road within the Community to or from the territory of a Member State or passing across the territory of one or more Member States (OJ L 95, 9.4.1992, p. 1) and Council Regulation (EEC) No 3118/93 of 25 October 1993 laying down the conditions under which non-resident carriers may operate national road haulage services within a Member State (OJ L 279, 12.11.1993, p. 1).

Passenger transport; Council Regulation (EEC) No 684/92 of 16 March 1992 on common rules for the international carriage of passengers by coach and bus (OJ L 74, 20.3.1992, p. 1) and Council Regulation (EEC) No 12/98 of 11 December 1997 laying down conditions under which non-resident carriers may operate national road passenger transport within a Member State (OJ L 4, 8.1.1998, p. 10). It should be noted that the latter Regulation replaced Council Regulation (EEC) No 2454/92, which was annulled by the Court of Justice of the European Communities in its judgment of 1 June 1994 in Case C-388/92 Parliament v. Council (ECR 1994, I-2067). However, the provisions of Regulation No 2454/92 remained effective until the entry into force of Regulation No 12/98.

⁽⁶⁾ Available statistical data show that between 1990 and 1995 approximately 3 % of all Community cabotage was performed in Spain. It can thus be concluded that carriers established in Spain do in fact compete with non-resident transport operators. See the Report on the implementation of Regulation (EC) No 3118/93 (COM(98) 47 final of 4 February 1998).

⁽⁷⁾ The fragmented transport market structure in Spain is confirmed by statistical data (EU Transport in figures, Statistical Pocketbook, European Commission/Eurostat 1998).

- (28) As pointed out in recital 23, the Commission considers that the scheme is de facto aimed at undertakings providing transport services either on own-account or for hire or reward. Accordingly, the Spanish Government's argument that the de minimis rule is applicable to the scheme cannot be accepted.
- (29) However, as the Commission found in its Decision 98/693/EC ⁽⁸⁾, it can be assumed that where the recipient of the aid is engaged in business other than transport services at a solely local or regional level and is subsidised only for purchasing a small commercial vehicle (Category D), typically used for very short journeys in such an environment, such aid does not affect trade between Member States. Such business activities are considered only to affect the undertaking's respective local market. In addition, the effect of such own-account services on the transport service market is negligible because entrusting a transport company with the provision of the service in question is not a viable option in economic terms.
- (30) In this respect, Spain claims that, in addition, Category C vehicles (those with a maximum authorised weight under 6 tonnes, or over 6 tonnes but with a payload of not more than 3,5 tonnes), should also fall outside the scope of Article 87 since such vehicles are only granted national licenses under the Spanish licensing system.
- (31) The fact that some commercial vehicles are only authorised to operate at national level does not exclude the risk of competition being distorted. Furthermore, due to the liberalisation of access to cabotage, Spanish operators providing only national services are liable to compete with non-resident carriers performing cabotage in Spain, hence affecting trade between Member States. Under these circumstances, the Commission finds it reasonable to exclude such distorting effects only in own-account transport operations on a local or regional level, typically performed by Category D vehicles. The Commission therefore finds no reason, in this respect, to deviate from the conclusions it reached in Decision 98/693/EC.
- (32) Accordingly, the Commission considers that aid granted for the purchase of commercial vehicles by self-employed individuals or SMEs in accordance with the Agreement (except for purchases of Category D commercial vehicles by own-account operators providing services only on a local or regional level) constitutes aid within the meaning of Article 87(1) of the Treaty. Consequently, the aid is, in principle, incompatible with the common market unless it is considered to qualify for any of the exemptions provided for by the Treaty or by secondary legislation.

Article 87(3)(c)

- (33) Article 87(3)(c) of the Treaty stipulates that aid to facilitate the development of certain economic activities or of certain economic areas may be deemed compatible with the common market where such aid does not adversely affect trading conditions to an extent contrary to the common interest. Case-law requires, *inter alia*, that aid be restricted to those cases where it is necessary to achieve objectives which market forces alone cannot achieve (judgment of the Court of Justice of 17 September 1980 in Case 730/79, Philip Morris Holland BV v Commission ⁽⁹⁾). Moreover, Article 6 of the Treaty, read in conjunction with Article 3(g), requires that environmental protection requirements be integrated into the Commission's policy on competition, including State aid, in particular with a view to promoting sustainable development. Accordingly, competition policy and environment policy are not mutually antagonistic, but ought to complement each other so as to provide a high level of environmental protection.

⁽⁸⁾ See footnote 3.

⁽⁹⁾ ECR 1980, p. 2671.

- (34) The Spanish Government contends that the scheme in question encourages investment in new commercial vehicles with the objective of restructuring and modernising the fleet without increasing capacity. Assuming, therefore, that new vehicles are technologically superior to older vehicles in terms of both emission levels and safety, the measures will improve road safety and protect the environment. Consequently, the aid scheme in question will qualify for exemption under Article 87(3)(c).
- (35) The Commission acknowledges that financial incentives may help to withdraw from the market commercial vehicles with low technical standards in terms of safety or the environment. However, although the replacement of old vehicles with new ones may to some extent produce environmental and safety benefits, it should be recalled that, to qualify for exemption under Article 87(3)(c) on environmental or safety grounds, aid to purchase vehicles must be strictly confined to the extra investment costs necessary to meet standards higher than those already required by law or to comply with new mandatory environmental standards⁽¹⁰⁾.
- (36) In the present case, however, the Agreement contains no provisions to ensure that a higher environmental and safety performance will be attained. On the contrary, the aid system introduced by the Agreement provides a subsidy that is proportional only to the price of the new vehicle and is therefore intended simply to encourage the replacement of older commercial vehicles, without taking into account any environmental or safety objectives.
- (37) The fact that the subsidy is available only if a new vehicle of equal or smaller loading capacity is purchased implies that the scheme will not lead to an increase in overall capacity. However, it should be recalled that in a market with overcapacity, as in the road transport sector, aid for the purchase of tonnage is, in principle, contrary to the common interest even if its purpose is only to replace existing tonnage.
- (38) In addition, aid intended to relieve an undertaking of expenses it would normally have to bear under normal business conditions for its usual activities is not considered to serve the common interest and does not therefore fall within the scope of Article 87(3)(c)⁽¹¹⁾. As noted in recital 24, the Commission considers that the aid provided under the current scheme benefits natural persons and SMEs by reducing their normal business expenses.
- (39) In view of the above, the Commission finds that the exemption provided for in Article 87(3)(c) cannot be applied in this case. Furthermore, the Spanish authorities have neither argued nor shown that the aid in question qualifies for any of the cited exemptions provided for in the Treaty or in secondary legislation.
- (40) The Commission therefore finds that the aid to natural persons and SMEs for the purchase of commercial vehicles, except for the financing of purchases of Category D commercial vehicles by own-account operators providing services only on a local or regional level (which is not an aid within the meaning of Article 87), is incompatible with the common market in accordance with Article 87(1) of the Treaty.

Article 88(3)

- (41) Article 88(3) of the Treaty requires that the Commission be informed, in sufficient time to enable it to submit its comments, of any plans to grant or alter aid. It further stipulates that the Member State concerned must not put its proposed measures into effect until the procedure laid down in Article 88(2) has resulted in a final decision.

⁽¹⁰⁾ See Community Guidelines on State aid for environmental protection (OJ C 72, 10.3.1994, p. 3).

⁽¹¹⁾ Commission Decision 98/128/EC (OJ L 66, 6.3.1998, p. 18) and judgment of the Court of Justice of 8 June 1995 in Case T-459/93, *Siemens SA v Commission*, ECR 1995, p. II-1675.

- (42) The Commission was informed of the current aid scheme on the day it entered into force, namely 26 February 1997. Consequently, the Commission was not given sufficient time to examine the measure in question. It should also be noted that the Spanish authorities have, in breach of Article 88(3) of the Treaty, implemented the scheme without awaiting the relevant Commission decision.

V. CONCLUSION

- (43) The Commission finds that Spain has implemented the aid scheme unlawfully, in breach of Article 88(3), and that all aid which is deemed incompatible with the common market and which has been granted under the scheme must, in accordance with Article 14 of Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty ⁽¹²⁾, be recovered,

HAS ADOPTED THIS DECISION:

Article 1

Financial aid granted under the Cooperation Agreement of 26 February 1997 to natural persons registered for Spanish tax on economic activities or SMEs engaged in a business other than transport and operating on a solely local or regional level for the purchase of a commercial vehicle covered by Category D in the Agreement does not constitute aid within the meaning of Article 87(1) of the Treaty.

Article 2

All other financial aid granted under the Cooperation Agreement of 26 February 1997 to natural persons registered for Spanish tax on economic activities or to SMEs is incompatible with the common market.

Article 3

Spain shall confirm to the Commission that no aid has been granted under the scheme in question since its expiry on 31 December 1997 and that the aid measure has ceased to apply.

Article 4

1. Spain shall take all necessary measures to recover from the recipients the aid referred to in Article 2 made available to them unlawfully.
2. Recovery shall be effected without delay and in accordance with the procedures of national law, provided that these allow immediate and effective execution of this Decision. The aid to be recovered shall include interest from the date on which it was at the disposal of the beneficiaries until the date of its recovery. Interest shall be calculated at the reference rate used for calculating the grant-equivalent of regional aid.

Article 5

Spain shall inform the Commission, within two months of notification of this Decision, of the measures taken to comply with it.

Article 6

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 26 July 2000.

For the Commission
Loyola DE PALACIO
Vice-President

⁽¹²⁾ OJ L 83, 27.3.1999, p. 1.

COMMISSION DECISION
of 6 August 2001
on a Community financial contribution to emergency measures to control foot-and-mouth disease
in certain parts of south-east Europe

(notified under document number C(2001) 2470)

(Text with EEA relevance)

(2001/606/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Decision 2001/12/EC ⁽²⁾, and in particular Article 13 thereof,

Whereas:

- (1) Foot-and-mouth disease due to types A, O and ASIA 1 is endemic in Anatolia, Turkey. The presence of different types and subtypes of foot-and-mouth disease virus in Turkey constitutes a direct threat to the Community, notably Greece, and to Bulgaria.
- (2) In relation to outbreaks of foot-and-mouth disease type ASIA 1 in the western parts of Anatolia, the Commission provided Turkey with vaccine in July 2000 in accordance with the provisions of Decision 2000/494/EC ⁽³⁾. Following the completion of the vaccination campaign, a veterinary inspection mission was carried out jointly by the Food and Veterinary Office (FVO) and the European Commission for the Control of Foot-and-Mouth Disease (EUFMD) the Food and Agriculture Organisation (FAO) in October 2000. The mission made a number of recommendations for the improvement of Community supported vaccination campaigns carried out in Turkish Thrace.
- (3) On 29 June 2001 the competent authorities of Turkey, the Ministry of Agriculture and Rural Affairs, officially notified an outbreak of foot-and-mouth disease type O1 in the Tekirdag Province of Turkish Thrace, close to the border with Greece.
- (4) Furthermore, it was established by the World Reference Laboratory (WRL) for Foot-and-Mouth Disease in Pirbright, United Kingdom, through *in vitro* tests that the vaccine strain O1-Manisa used so far in Turkey shows limited cross protection to some of the O1-isolate circulating in Turkey and characterised by the WRL. However, the same tests showed that the vaccine strain O 1BFS available in the Community antigen reserves provides a better cross-protection.

(5) The epidemiological situation requires immediate Community assistance to Turkey to carry out the emergency vaccination against foot-and-mouth disease of all animals of susceptible species in Thrace. A request for such assistance has been addressed to the Commission by the competent authority in Turkey. It is also necessary to be prepared for an emergency vaccination in neighbouring countries should the epidemiological situation so require.

(6) In accordance with Commission Decision 2001/300/EC of 30 March 2001 on Community cooperation with the Food and Agriculture Organisation (FAO) with particular regard to activities carried out by the European Commission for the Control of Foot-and-Mouth Disease ⁽⁴⁾ the coordination of the control of foot-and-mouth disease in Turkish Thrace, including the organization and supervision of vaccination campaigns, is part of the implementing agreement.

(7) The competent authorities of Turkey have agreed to carry out the immediate vaccination of susceptible livestock in Turkish Thrace against foot-and-mouth disease virus of the serotypes O1, A and ASIA 1, within the framework of the Turkish foot-and-mouth disease control programme.

(8) It appears appropriate to authorise the Director General of the Health and Consumer Protection Directorate-General to make suitable arrangements by way of exchange of Letters between the European Commission and the FAO for the purchase and supply to Turkey of the necessary quantities of trivalent vaccine sufficiently effective against the serotypes of the foot-and-mouth disease virus currently circulating in Thrace. In addition the EUFMD shall organise an on-the-spot visit by European foot-and-mouth disease experts with a view to ensure that the vaccine provided is used efficiently taking into account the existing recommendations of the previous mission, and shall supervise in consultation with the experts of the Research Group of the EUFMD the organisation by the Turkish authorities of a serological surveillance to monitor the vaccination campaign.

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

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 3, 6.1.2001, p. 27.

⁽³⁾ OJ L 199, 5.8.2000, p. 85.

⁽⁴⁾ OJ L 102, 12.4.2001, p. 71.

HAS ADOPTED THIS DECISION:

Article 1

1. In accordance with Commission Decision 2001/300/EC, Trust Fund 911100/MTF/INT/003/EEC shall be used for the following actions:

- (a) the purchase of 1 500 000 doses of ALOH₃-adjuvated trivalent vaccine against foot-and-mouth disease virus of types O1, A-Iran 96 and ASIA 1 with a potency of 6 PD₅₀;
- (b) the delivery of 1 300 000 doses of the vaccine referred to in subparagraph (a) to the Pendik Institute in Turkey for emergency vaccination carried out in Turkish Thrace, notably the provinces of Edirne, Kırklareli, Tekirdag and the European parts of the provinces of Canakkale and Istanbul, in accordance with the vaccination programme submitted to the Commission by the Turkish competent authorities;
- (c) the storage at the manufacturer's premises of 200 000 doses of the vaccine referred to in subparagraph (a) for emergency vaccination where and when required by the epidemiological situation;

- (d) an on-the-spot inspection of the vaccination campaign by European experts, and
- (e) the organisation by the Turkish authorities of a serological surveillance to monitor the vaccination campaign and to substantiate the disease situation.

2. The Director-General of the Health and Consumer Protection Directorate-General shall be authorised to conclude with the European Commission for the Control of Foot-and-Mouth Disease (EUFMD) the Food and Agriculture Organisation (FAO) the necessary arrangements for the implementation of the measures provided for in paragraph 1.

Article 2

This Decision is addressed to all the Member States.

Done at Brussels, 6 August 2001.

For the Commission

David BYRNE

Member of the Commission

CORRIGENDA**Corrigendum to Council Decision 2001/382/EC of 14 May 2001 on a Community financial contribution towards certain expenditure to implement certain management measures on highly migratory fish**

(Official Journal of the European Communities L 137 of 19 May 2001)

On page 26, Article 2(3):

for: '... 1 April 2001 ...',

read: '... 1 September 2001 ...',

and in Article 2(4):

for: '... by 1 May 2001 at the latest.',

read: '... by 1 October 2001 at the latest.'
