

Official Journal

of the European Communities

ISSN 0378-6978

L 231

Volume 44

29 August 2001

English edition

Legislation

Contents

I Acts whose publication is obligatory

- Commission Regulation (EC) No 1698/2001 of 28 August 2001 establishing the standard import values for determining the entry price of certain fruit and vegetables 1
- ★ **Commission Decision No 1699/2001/ECSC of 28 August 2001 initiating a 'new exporter' review of Decision No 283/2000/ECSC imposing a definitive anti-dumping duty on imports of certain flat rolled products of iron or non-alloy steel, of a width of 600 mm or more, not clad, plated or coated, in coils, not further worked than hot-rolled, originating, *inter alia*, in India, repealing the duty with regard to imports from one exporter in this country and making these imports subject to registration 3**
- ★ **Commission Regulation (EC) No 1700/2001 of 28 August 2001 on the suspension and opening of tariff quotas applicable to the importation into the European Community of certain processed agricultural products originating in Estonia, and amending Regulation (EC) No 1477/2000 6**
- Commission Regulation (EC) No 1701/2001 of 28 August 2001 fixing the production refund for olive oil used in the manufacture of certain preserved foods 10

II Acts whose publication is not obligatory

Commission

2001/656/EC:

- ★ **Commission Decision of 3 August 2001 laying down provisional measures for imports into Portugal and Finland of special raw cane sugar for refining at the start of the 2001/02 marketing year (notified under document number C(2001) 2479) 11**

2001/657/EC:

★ Commission Decision of 6 August 2001 derogating from the definition of the concept of ‘originating products’ to take account of the special situation of Saint Pierre and Miquelon with regard to frozen fillets of cod, redfish, plaice and halibut of CN code 0304 20 ⁽¹⁾ (notified under document number C(2001) 2462)	13
--	----

2001/658/EC:

★ Commission Decision of 10 August 2001 on the granting of aid for the production of table olives in Italy (notified under document number C(2001) 2492)	16
--	----

Corrigenda

★ Corrigendum to Council Directive 91/497/EEC of 29 July 1991 amending and updating Directive 64/433/EEC on health problems affecting intra-Community trade in fresh meat to extend it to the production and marketing of fresh meat and amending Directive 72/462/EEC (OJ L 268 of 24.9.1991)	20
--	----

⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1698/2001
of 28 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 29 August 2001.

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

Done at Brussels, 28 August 2001.

For the Commission

Viviane REDING

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 28 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	102,8
	999	102,8
0709 90 70	052	80,8
	999	80,8
0805 30 10	388	56,4
	524	47,3
	528	61,6
	999	55,1
0806 10 10	052	76,3
	400	174,6
	999	125,4
	388	71,6
0808 10 20, 0808 10 50, 0808 10 90	400	99,6
	512	78,3
	528	41,9
	800	171,8
	804	103,0
	999	94,4
	052	105,5
	388	81,3
0808 20 50	528	50,8
	999	79,2
0809 30 10, 0809 30 90	052	117,5
	999	117,5
0809 40 05	052	66,0
	064	53,3
	066	63,8
	094	41,0
	999	56,0

⁽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 DECISION No 1699/2001/ECSC

of 28 August 2001

initiating a 'new exporter' review of Decision No 283/2000/ECSC imposing a definitive anti-dumping duty on imports of certain flat rolled products of iron or non-alloy steel, of a width of 600 mm or more, not clad, plated or coated, in coils, not further worked than hot-rolled, originating, *inter alia*, in India, repealing the duty with regard to imports from one exporter in this country and making these imports subject to registration

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 2277/96/ECSC of 28 November 1996 on protection against dumped imports from countries not members of the European Coal and Steel Community ⁽¹⁾ ('the Basic Decision'), as last amended by Commission Decision No 435/2001/ECSC ⁽²⁾, and in particular Article 11(4) thereof,

After consulting the Advisory Committee,

Whereas:

A. Request for a review

- (1) The Commission has received an application for a 'new exporter' review pursuant to Article 11(4) of the Basic Decision. The application was lodged by Jindal Vijayanagar Steel Ltd ('the applicant'), an exporting producer in India ('the country concerned').

B. Product

- (2) The product under investigation is certain flat rolled products of iron or non-alloy steel, of a width of 600 mm or more, not clad, plated or coated, in coils, not further worked than hot-rolled ('hot-rolled coils') originating in India ('the product concerned'). It is currently classifiable within CN codes 7208 10 00, 7208 25 00, 7208 26 00, 7208 27 00, 7208 36 00, 7208 37 10, 7208 37 90, 7208 38 10, 7208 38 90, 7208 39 10 and 7208 39 90. These CN codes are only given for information.

C. Existing measures

- (3) The measures currently in force are a definitive anti-dumping duty imposed by Commission Decision No 283/2000/ECSC ⁽³⁾, as last amended by Decision No 1357/2001/ECSC ⁽⁴⁾, under which imports into the Community of the product concerned and produced by the applicant are subject to a definitive anti-dumping duty of 9 %, with the exception of imports from several

companies specifically mentioned, which are subject to individual duty rates.

D. Grounds for the review

- (4) The applicant alleges that it did not export the product concerned to the Community during the period of investigation on which the anti-dumping measures were based, i.e. the period from 1 January 1998 to 31 December 1998 ('the original investigation period').

The applicant further alleges that it has begun exporting the product concerned to the Community after the end of the original investigation period, and that it is not related to any of the exporting producers of the product concerned which are subject to the abovementioned anti-dumping measures.

E. Procedure

- (5) Community producers known to be concerned have been informed of the above application and have been given an opportunity to comment. No comments have been received.
- (6) Having examined the evidence available, the Commission concludes that there is sufficient evidence to justify the initiation of a review pursuant to Article 11(4) of the Basic Decision with a view to determining the applicant's individual margin of dumping and, should the dumping be found, the level of duty to which its imports of the product concerned into the Community should be subject.

(a) Questionnaires

In order to obtain the information it deems necessary for its investigation the Commission will send a questionnaire to the applicant;

(b) Collection of information and hearings

All interested parties are hereby invited to make their views known in writing and to provide supporting evidence. Furthermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

⁽¹⁾ OJ L 308, 29.11.1996, p. 11.

⁽²⁾ OJ L 63, 3.3.2001, p. 14.

⁽³⁾ OJ L 31, 5.2.2000, p. 15.

⁽⁴⁾ OJ L 182, 5.7.2001, p. 27.

F. Repeal of the duty in force and registration of imports

- (7) Pursuant to Article 11(4) of the Basic Decision, the anti-dumping duty in force should be repealed with regard to imports of the product concerned which are produced and sold for export to the Community by the applicant. At the same time, such imports should be made subject to registration in accordance with Article 14(5) of that Decision, in order to ensure that, should the review result in a finding of dumping in respect of the applicant, anti-dumping duties can be levied retroactively from the date of the initiation of this review. The amount of the applicant's possible future liabilities cannot be estimated at this stage of the proceeding.

G. Time limits

- (8) In the interest of sound administration, time limits should be stated within which:
- interested parties may make themselves known to the Commission, present their views in writing and submit the replies to the questionnaire mentioned in recital 6(a) of this Decision or any other information to be taken into account during the investigation,
 - interested parties may make a written request to be heard by the Commission.

H. Non-cooperation

- (9) In cases in which any interested party refuses access to, or otherwise does not provide, necessary information within the relevant time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made in accordance with Article 18 of the Basic Decision, on the basis of the facts available.
- (10) Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made of the facts available,

HAS ADOPTED THIS DECISION:

Article 1

A review of Decision No 283/2000/ECSC is hereby initiated pursuant to Article 11(4) of Decision No 2277/96/ECSC, in order to determine if, and to what extent, imports of hot-rolled coils falling within CN codes 7208 10 00, 7208 25 00, 7208 26 00, 7208 27 00, 7208 36 00, 7208 37 10, 7208 37 90, 7208 38 10, 7208 38 90, 7208 39 10 and 7208 39 90, originating in India, produced and sold for export

to the Community by Jindal Vijayanagar Steel Ltd (TARIC additional code A270), India, should be subject to the anti-dumping duty imposed by Decision No 283/2000/ECSC.

Article 2

The anti-dumping duty imposed by Decision No 283/2000/ECSC is hereby repealed with regard to imports of the product identified in Article 1 of this Decision.

Article 3

The customs authorities are hereby directed, pursuant to Article 14(5) of Decision No 2277/96/ECSC, to take the appropriate steps to register the imports identified in Article 1 of this Decision. Registration shall expire nine months following the date of entry into force of this Decision.

Article 4

Interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views in writing and submit the replies to the questionnaire mentioned in recital 6(a) of this Decision or any other information, unless otherwise specified, within 40 days from the date of entry into force of this Decision. Interested parties may also apply in writing to be heard by the Commission within the same 40-day time limit. This time limit applies to all interested parties, including parties not named in the application, and it is consequently in the interest of these parties to contact the Commission without delay.

All submissions and requests made by interested parties must be made in writing (not in electronic format, unless otherwise specified), and must indicate the name, address, e-mail address, telephone and fax, and/or telex numbers of the interested party.

Any information relating to the matter and any request for a hearing should be sent to the following address:

European Commission
Trade Directorate-General
TERV-0/13
Rue de la Loi/Wetstraat 200
B-1049 Brussels
Fax (32-2) 295 65 05
Telex COMEU B 21877.

Article 5

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

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

Done at Brussels, 28 August 2001.

For the Commission

Pascal LAMY

Member of the Commission

COMMISSION REGULATION (EC) No 1700/2001**of 28 August 2001****on the suspension and opening of tariff quotas applicable to the importation into the European Community of certain processed agricultural products originating in Estonia, and amending Regulation (EC) No 1477/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 2580/2000 ⁽²⁾, and in particular Article 7(2) thereof,

Having regard to Protocol 2 to the Agreement establishing an association between the European Communities and their Member States, acting within the framework of the European Union, of the one part, and the Republic of Estonia, of the other part ⁽³⁾, as amended by the Protocol adjusting trade aspects of the Europe Agreement ⁽⁴⁾, and in particular Articles 1 and 2 thereof,

Whereas:

- (1) Commission Regulation (EC) No 2906/2000 ⁽⁵⁾ opened, for the year 2001, the tariff quotas applicable to Community imports of products originating in Estonia.
- (2) Commission Regulation (EC) No 1477/2000 ⁽⁶⁾ lays down the reduced agricultural components and additional duties applicable as from 1 July 2000 to the importation into the Community of goods covered by Regulation (EC) No 3448/93 under Europe Agreements.
- (3) Decision No 6/2001 of the EU-Estonia Association Council of 18 July 2001 ⁽⁷⁾ amended Protocol 2 to the Europe Agreement. The said Decision amends the volume of tariff quotas and the system for calculating the reduced agricultural components and additional duties. The Decision enters into force on 1 September 2001.
- (4) It is appropriate to suspend the application of quotas opened by Regulation (EC) No 2906/2000 and to open the new annual quotas provided for in Annex I to Protocol 2. As these annual quotas cannot be opened before 1 September 2001, it is appropriate to reduce them, for the year 2001, in proportion to the period which has already elapsed. At the same time, it is appropriate to abolish the reduced agricultural components

and additional duties laid down by Regulation (EC) No 1477/2000.

- (5) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽⁸⁾, as last amended by Regulation (EC) No 993/2001 ⁽⁹⁾, codifies the management of tariff quotas intended to be used in the chronological order of the dates of acceptance of declarations for release for free circulation.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed agricultural products not listed in Annex I,

HAS ADOPTED THIS REGULATION:

Article 1

The application of tariff quotas opened by Annex I to Regulation (EC) No 2906/2000 shall be suspended as from 1 September 2001.

The Community tariff quotas for goods originating in Estonia, set out in the Annex to this Regulation, shall be opened annually from 1 January to 31 December. For the year 2001, they shall be opened from 1 September 2001 to 31 December 2001.

Article 2

The sixth paragraph of Article 2 of Regulation (EC) No 1477/2000 and Annexes XIII and XIV thereto are deleted.

Article 3

The Community tariff quotas referred to in Article 1 shall be managed by the Commission in accordance with the provisions of Articles 308a to 308c of Regulation (EEC) No 2454/93.

Article 4

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

It shall apply from 1 September 2001.

⁽¹⁾ OJ L 318, 20.12.1993, p. 18.

⁽²⁾ OJ L 298, 25.11.2000, p. 5.

⁽³⁾ OJ L 68, 9.3.1998, p. 3.

⁽⁴⁾ OJ L 29, 3.2.1999, p. 11.

⁽⁵⁾ OJ L 336, 30.12.2000, p. 54.

⁽⁶⁾ OJ L 171, 11.7.2000, p. 44.

⁽⁷⁾ Not yet published in the Official Journal.

⁽⁸⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁹⁾ OJ L 141, 28.5.2001, p. 1.

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

Done at Brussels, 28 August 2001.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

Preferential tariff quotas for Community imports of goods originating in Estonia

Rate of duty applicable within the limits of the quota: 0 %.

Order number	CN code	Description	Quota volume, per annum (tonnes)		
			2001	2002	2003
(1)	(2)	(3)	(4)	(5)	(6)
09.6551	0403 10 51 to 0403 10 99	Yoghurts, flavoured or containing added fruit, nuts or cocoa	67	200	200
09.6552	1518 00 1518 00 91 1518 00 95 to 1518 00 99	Animal or vegetable fats and oils and their fractions, boiled, oxidised, dehydrated, sulphurised, blown, polymerised or otherwise chemically modified, but not including those of heading No 1516; non-food mixes or preparations of animal or vegetable fats or oils or the fractions of various fats or oils included in this chapter, not elsewhere specified or included: – Other: – – Animal or vegetable fats or oils and their fractions, boiled, oxidised, dehydrated, sulphurised, blown, polymerised or otherwise chemically modified, but not including those of heading No 1516 – – Other	200	600	600
09.6553	1704	Sugar confectionery (including white chocolate) not containing cocoa:	140	640	860
09.6517	ex 1806	Chocolate and other food preparations containing cocoa, but not including CN code 1806 10 15	267	900	1 000
	1901	Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of headings Nos 0401 to 0404, not containing cocoa or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included:			
09.6554	1901 20 00	– Mixes and doughs for the preparation of baker's wares of heading No 1905	50	150	150
09.6555	1901 90	– Other food preparations	167	500	500
09.6519	1905	Bread, pastry, cakes, biscuits and other baker's wares, whether or not containing cocoa, communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	100	450	600
09.6556	2102 2102 10 2102 30 00	Yeasts (active or inactive); other single-cell micro-organisms, dead (but not including vaccines of heading No 3002); prepared baking powders: – Active yeasts – Prepared baking powders	217	950	1 250
	2103	Sauces and preparations therefor; mixed condiments and mixed seasonings; mustard flower and meals and prepared mustard:			
09.6557	2103 20 00	– Tomato ketchup and other tomato sauces	167	600	700

Order number	CN code	Description	Quota volume, per annum (tonnes)		
			2001	2002	2003
(1)	(2)	(3)	(4)	(5)	(6)
09.6558	2103 90 90	-- Other	50	200	250
09.6559	2104	Soups and broths and preparations therefor; homogenised composite food preparations	50	150	150
09.6523	2105 00	Ice cream and other edible ice, whether or not containing cocoa	33	150	200
	2106	Food preparations not elsewhere specified or included:			
09.6560	2106 10	-- Protein concentrates and textured protein substances	3	15	25
09.6561	2106 90 2106 90 20 2106 90 92 2106 90 98	-- Other: -- Compound alcoholic preparations, other than those based on odoriferous substances, of a kind used for the manufacture of beverages -- Other: --- containing no milk fats, sucrose, isoglucose, glucose or starch or containing less than 1,5 % milk fat by weight, 5 % sucrose or isoglucose, 5 % glucose or starch --- Other	200	600	600
09.6541	2202 90 91 to 2202 90 99	Other non-alcoholic beverages, not including fruit or vegetable juices of heading No 2009, containing fats or oils derived from products of headings Nos 0401 to 0404	267	800	800
09.6562	2402 20 2402 20 10 2402 20 90	-- Cigarettes containing tobacco: -- containing cloves -- Other	33	100	100

COMMISSION REGULATION (EC) No 1701/2001**of 28 August 2001****fixing the production refund for olive oil used in the manufacture of certain preserved foods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EC) No 1513/2001 ⁽²⁾, and in particular Article 20a thereof,

Whereas:

- (1) Article 20a of Regulation No 136/66/EEC provides for the granting of a production refund for olive oil used in the preserving industry. Under paragraph 6 of that Article, and without prejudice to paragraph 3 thereof, the Commission shall fix this refund every two months.
- (2) By virtue of Article 20a(2) of the abovementioned Regulation, the production refund must be fixed on the basis of the gap between prices on the world market and on the Community market, taking account of the import

charge applicable to olive oil falling within CN subheading 1509 90 00 and the factors used for fixing the export refunds for those olive oils during the reference period. It is appropriate to take as a reference period the two-month period preceding the beginning of the term of validity of the production refund.

- (3) The application of the above criteria results in the refund being fixed as shown below,

HAS ADOPTED THIS REGULATION:

Article 1

For the months of September and October 2001, the amount of the production refund referred to in Article 20a(2) of Regulation No 136/66/EEC shall be EUR 44,00/100 kg.

Article 2

This Regulation shall enter into force on 1 September 2001.

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

Done at Brussels, 28 August 2001.

For the Commission

Viviane REDING

Member of the Commission

⁽¹⁾ OJ 172, 30.9.1966, p. 3025/66.

⁽²⁾ OJ L 201, 26.7.2001, p. 4.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 3 August 2001

laying down provisional measures for imports into Portugal and Finland of special raw cane sugar for refining at the start of the 2001/02 marketing year

(notified under document number C(2001) 2479)

(Only the Finnish, Portuguese and Swedish texts are authentic)

(2001/656/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular Article 39(6) thereof,

Whereas:

- (1) With a view to supplying Community refineries, Article 39(1) of Regulation (EC) No 1260/2001 provides for imports of raw cane sugar at a reduced rate of duty in accordance with the agreements concluded with certain supplier countries and subject to the conditions laid down therein. These sugars are called 'special preferential sugar'.
- (2) The quantities imported under these conditions are intended to cover the Member States' presumed maximum supply needs, as fixed in Article 39(2), that cannot be met by alternative supplies of raw sugar for refining.
- (3) A forecast supply balance for the 2001/02 marketing year indicates such a need that is not covered. This supply shortfall is being felt notably in the Member States listed in the said Article 39(2) and in which sugar refinery activity depends to a great extent on imports of these special preferential sugars. In view of the staggered

production of other available sugars and the fixing of contracts relating thereto, an alternative source of supply is not feasible. In the absence of an agreement with the ACP countries, a break in supply to these Member States is thus inevitable.

- (4) The agreements on imports of special preferential cane sugar, applicable in the 1995/96 to 2000/01 marketing years, expired on 30 June 2001. Negotiation of the agreements to cover the period referred to in Article 38(1) of Regulation (EC) No 1260/2001 has not yet begun. In order to avoid a break in supply to refineries in certain Community regions, in accordance with the Council invitation and having consulted the supplier countries concerned, imports of cane sugar should be authorised under the conditions applying until 30 June 2001 in those Community regions where a supply need has been noted in the forecast supply balance. This measure should cover the supply needs of Portugal and Finland for three months. So as not to prejudice the negotiations mentioned above, provision should currently be made only for sugar of ACP origin.
- (5) Commission Regulation (EC) No 407/2001 of 28 February 2001 opening a preferential tariff quota in respect of imports of raw cane sugar originating in the ACP States for supply to refineries in the period 1 March to 30 June 2001 ⁽²⁾ should apply for the purposes of fixing the import duty and the minimum purchase price.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 60, 1.3.2001, p. 22.

- (6) The rules laid down in Commission Regulation (EC) No 1916/95 of 2 August 1995 laying down detailed rules for application for the importation under preferential agreements on tariff quotas of raw cane sugar for refining ⁽¹⁾ should apply to the tariff quota opened by this Decision.
- (7) This measure adopted by this Decision applies irrespective of any decisions taken subsequently by the Council as regards the agreements covering the period 2001-06, including any adjustments applicable from 1 July 2001.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Management Committee for Sugar,

HAS DECIDED AS FOLLOWS:

Article 1

1. Portugal and Finland are hereby authorised to import respectively 60 000 and 30 000 tonnes of raw cane sugar originating in the ACP States listed in Annex VI to Regulation

(EC) No 1260/2001 in the first three months of the 2001/02 marketing year.

This tariff quota shall bear the serial number 09.4097.

2. The import duty and the minimum purchase price applicable under the tariff quota referred to in paragraph 1 shall be those laid down in Regulation (EC) No 407/2001. The relevant provisions of Commission Regulation (EC) No 1916/95 shall apply.

Article 2

This Decision is addressed to the Republic of Portugal and the Republic of Finland.

Done at Brussels, 3 August 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 184, 3.8.1995, p. 18.

COMMISSION DECISION

of 6 August 2001

derogating from the definition of the concept of 'originating products' to take account of the special situation of Saint Pierre and Miquelon with regard to frozen fillets of cod, redfish, plaice and halibut of CN code 0304 20

(notified under document number C(2001) 2462)

(Text with EEA relevance)

(2001/657/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community ⁽¹⁾, as last amended by Decision 2001/161/EC ⁽²⁾, and in particular Article 30(8)(a) of Annex II thereof,

Whereas:

- (1) Article 30 of Annex II to Decision 91/482/EEC concerning the definition of the concept of 'originating products' and methods of administrative cooperation provides that derogations from the rules of origin may be adopted where the development of existing industries or the creation of new industries in a country or territory justifies them.
- (2) On 18 May 2001 the French Government has requested a derogation from the rule of origin in the Annex II to Decision 91/482/EEC, in respect of an annual quantity of 1 100 tonnes of frozen fillets of cod, 60 tonnes of frozen fillets of redfish, 11 tonnes of frozen fillets of plaice and 119 tonnes of frozen fillets of halibut, exported from Saint Pierre and Miquelon during a period of five years.
- (3) The French Government has based its request on the current shortfall in the sources of supply of other originating fish.
- (4) The requested derogation is justified under the terms of the provisions concerned in Article 30 of Annex II to Decision 91/482/EEC, notably with regard to the substantial nature of the processing carried out in Saint Pierre and Miquelon, because the derogation is essential for the preservation of the processing plant in question which employs large numbers and because there would be no serious injury to an established Community industry, provided that certain conditions relating to quantities, surveillance and duration are respected.
- (5) Since the validity of Decision 91/482/EEC was extended until 1 December 2001 by Decision 2001/161/EC, an appropriate provision should be included to ensure the

validity of the derogation beyond 1 December 2001, in case a new decision on the association of the overseas countries and territories with the Community is adopted before that date or in case the validity of Decision 91/482/EEC is further extended.

- (6) The measures provided for in this Decision are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from the provisions of Annex II to Decision 91/482/EEC, frozen fillets of cod, redfish, plaice and halibut falling within CN code ex 0304 20 processed in Saint Pierre and Miquelon from non-originating fish shall be regarded as originating in Saint Pierre and Miquelon in accordance with the terms of this Decision.

Article 2

The derogation provided for in Article 1 shall apply to the quantities shown in the Annex to this Decision which are imported into the Community from Saint Pierre and Miquelon during the period of 1 September 2001 to 31 August 2006.

Article 3

The quantities referred to in the Annex shall be managed by the Commission, which shall take all administrative action it deems advisable for their efficient management.

Where an importer presents, in a Member State, a declaration of entry for free circulation, including an application for the benefit of this Decision, the Member State shall, if the declaration has been accepted by the customs authorities, notify the Commission of its wish to draw the amount corresponding to its requirements.

Applications to draw, showing the date of acceptance of declarations, shall be transmitted to the Commission without delay.

⁽¹⁾ OJ L 263, 19.9.1991, p. 1.

⁽²⁾ OJ L 58, 28.2.2001, p. 21.

Withdrawals shall be granted by the Commission in order of date of acceptance of declarations of entry for free circulation by the Member States' customs authorities, provided that the available balance permits.

If a Member State fails to use a withdrawal it shall return it, as soon as possible, to the appropriate quota.

If requests exceed the available balance of a given quota, quantities shall be allocated on a pro rata basis. The Commission shall inform the Member States of withdrawal on the quotas.

Each Member State shall ensure that importers have continuous and equal access to the amounts available as long as the balance permits.

Article 4

The customs authorities of Saint Pierre and Miquelon shall take the necessary steps to carry out quantitative checks on exports of the products referred to in Article 1. To that end, all the certificates they issue pursuant to this Decision shall bear a reference to it. The competent authorities of Saint Pierre and Miquelon shall forward to the Commission every three months a statement of the quantities in respect of which movement certificates EUR. 1 have been issued pursuant to this Decision and the serial numbers of those certificates.

Article 5

Box 7 of EUR. 1 certificates issued under this Decision shall contain one of the following phrases:

- Excepción — Decisión nº ...
- Undtagelse — afgørelse nr. ...
- Abweichung — Beschluss Nr ...
- Παρέκλιση — Απόφαση αριθ. ...
- Derogation — Decision No ...
- Dérogation — Décision nº ...
- Deroga — decisione n. ...
- Afwijking — Besluit nr. ...
- Derrogação — Decisão n.º ...
- Poikkeus — Päätös N:o ...
- Undantag — beslut nr. ...

indicating the number of this Decision.

Article 6

This Decision shall apply from 1 September to 30 November 2001.

However, if a new preferential regime replacing Decision 91/482/EEC beyond that date is adopted, this decision shall continue to apply until the date of expiry of such new regime, but in any case until 31 August 2006 at the latest.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 6 August 2001.

For the Commission

Frederik BOLKESTEIN

Member of the Commission

ANNEX

Saint Pierre and Miquelon

Order No	CN code	Description of goods	Period	Quantities (in tonnes)
09.1651	ex 0304 20	Fillets of cod, frozen	1.9.2001 to 31.8.2002	1 100
			1.9.2002 to 31.8.2003	1 100
			1.9.2003 to 31.8.2004	1 100
			1.9.2004 to 31.8.2005	1 100
			1.9.2005 to 31.8.2006	1 100
09.1652	ex 0304 20	Fillets of redfish, frozen	1.9.2001 to 31.8.2002	60
			1.9.2002 to 31.8.2003	60
			1.9.2003 to 31.8.2004	60
			1.9.2004 to 31.8.2005	60
			1.9.2005 to 31.8.2006	60
09.1656	ex 0304 20	Fillets of plaice, frozen	1.9.2001 to 31.8.2002	11
			1.9.2002 to 31.8.2003	11
			1.9.2003 to 31.8.2004	11
			1.9.2004 to 31.8.2005	11
			1.9.2005 to 31.8.2006	11
09.1659	ex 0304 20	Fillets of halibut, frozen	1.9.2001 to 31.8.2002	119
			1.9.2002 to 31.8.2003	119
			1.9.2003 to 31.8.2004	119
			1.9.2004 to 31.8.2005	119
			1.9.2005 to 31.8.2006	119

COMMISSION DECISION
of 10 August 2001
on the granting of aid for the production of table olives in Italy

(notified under document number C(2001) 2492)

(Only the Italian version is authentic)

(2001/658/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EC) No 1513/2001 ⁽²⁾, and in particular Article 5(4) thereof,

Whereas:

- (1) Article 5(4) of Regulation No 136/66/EEC grants the Member States the possibility of allocating part of their national guaranteed quantities and of their olive-oil production aid to support for table olives under conditions to be approved by the Commission in accordance with the procedure laid down in Article 38 of that Regulation.
- (2) Italy has presented a request in respect of the 2001/02, 2002/03 and 2003/04 marketing years and detailed rules should be laid down for the granting of the aid.
- (3) Provision should be made for the aid to be granted to growers of processed table olives from olive groves in Italy and the conditions governing the granting of the aid should be specified.
- (4) The processing period should be defined as running from 1 September to 31 August. Olives which have undergone initial treatment in brine lasting at least 15 days and have been removed from the brine definitively or failing that have undergone treatment making them fit for human consumption should be deemed to be processed olives.
- (5) The weight of processed table olives for which aid is payable and the equivalence between processed table olives and olive oil should be determined for the purposes of calculating the unit aid for table olives and of administering the national guaranteed quantities.
- (6) Undertakings processing table olives must be approved in accordance with conditions to be determined.
- (7) Provisions should be laid down for checks on aid for table olives. Those provisions must in particular cover crop declarations by table-olive growers, notifications by

processors of the quantities of olives delivered by growers and leaving the processing chain, and the obligations on paying agencies regarding checks. Provision should be made for penalties on table-olive growers where their declarations conflict with the results of checks.

- (8) The information needed for calculating the aid to be granted to growers of processed table olives should be determined. An advance on the aid may be granted under certain conditions.
- (9) Italy must notify the Commission of the national measures adopted for the purposes of applying this Decision and of the information used for calculating the advance on the aid and the definitive aid.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Management Committee for Oils and Fats,

HAS ADOPTED THIS DECISION:

Article 1

For the 2001/02, 2002/03 and 2003/04 marketing years, Italy is authorised to grant aid for the production of table olives in accordance with this Decision.

Article 2

1. Aid for the production of table olives shall be granted to growers of olives which come from olive groves in Italy and are sent to approved processing undertakings for processing into table olives.
2. For each olive-oil marketing year, aid shall be granted for table olives processed between 1 September of the preceding marketing year and 31 August of the marketing year concerned.
3. Within the meaning of this Decision, 'processed table olives' means olives that have undergone at least 15 days' initial treatment in brine and have been removed from the brine definitively or failing that have undergone treatment making them fit for human consumption.

⁽¹⁾ OJ L 72, 30.9.1966, p. 3025/66.

⁽²⁾ OJ L 201, 26.7.2001, p. 4.

Article 3

1. For the purposes of calculating the unit aid for table olives and of administering the national guaranteed quantities of olive oil, 100 kg of processed table olives shall be deemed to be equivalent to 13 kg of olive oil eligible for production aid as provided for in Article 5 of Regulation No 136/66/EEC.

2. The weight of processed table olives to be taken into consideration shall be the drained net weight of whole olives after processing, possibly bruised but not stoned.

Article 4

1. Approval numbers shall be allocated to undertakings which:

- submit an application for approval by 30 September preceding the olive oil marketing year in question, accompanied by the information referred to in paragraph 2 and the commitments referred to in paragraph 3,
- market processed table olives, with or without additional preparation,
- have plant capable of processing at least 50 tonnes of olives per year.

2. Applications for approval shall include at least:

- a description of the processing plant and storage facilities, with details of their capacity,
- a description of the forms of table-olive preparations marketed, indicating the average weight of processed table olives required for 1 kg of each type of prepared product,
- details of stocks of table olives at various stages of preparation, by form of preparation, as at 1 September preceding the olive-oil marketing year in question.

3. For the purposes of approval, processors shall undertake:

- to keep table olives for which aid is payable separate from table olives originating in non-member countries and those for which aid is not payable when taking delivery of, processing and storing them,
- to keep stock records covering table olives, linked to the financial accounts and indicating, for each day:
 - (a) the quantities of olives entering the establishment, showing each consignment separately and identifying the grower of each;
 - (b) the quantities of olives sent for processing and the quantities of table olives processed within the meaning of Article 2(3);
 - (c) the quantities of table olives for which the process of preparation has been completed;
 - (d) the quantities of table olives leaving the undertaking, broken down by form of preparation and indicating the consignees,

- to provide the grower as referred to in Article 2(1) and the competent body with the documents and the information referred to in Article 6 in accordance with the conditions laid down therein,

- to submit to all checks provided for under this Decision.

4. Approval shall be refused or immediately withdrawn where undertakings:

- fail to comply or no longer comply with the conditions for approval, or
- are prosecuted by the competent authorities for irregularities in respect of the arrangements provided for in Regulation No 136/66/EEC, or
- have been penalised for an infringement of that Regulation within the past 24 months.

Article 5

For the purposes of granting the aid for the production of table olives, by 1 December of the current marketing year growers shall lodge a crop attestation, directly or indirectly, with the competent body confirming that the declaration laid down for olive oil production aid also covers table olives or, as appropriate, a new declaration containing the same information as the crop declaration for olive oil but referring to table olives.

Where the information concerned has already been furnished by a crop declaration for olive oil and has not been subject to modification, the supplementary declaration shall simply indicate the references to the crop declaration and the parcels concerned.

The declarations concerning table olives shall be included in the alphanumeric database provided for in connection with the aid scheme for olive oil production.

Article 6

1. During the month following delivery of the final consignment of olives and no later than 30 June, approved undertakings shall issue growers as referred to in Article 2(1) with a certificate of delivery showing the net weight of olives entering the undertaking.

The certificate must be supported by all the documentation relating to the weight of the consignments of olives delivered.

2. Approved undertakings shall notify the competent body and the control agency:

(a) before the 10 day of each month, of:

- the quantities of olives received, sent for processing and processed within the meaning of Article 2(3) in the course of the previous month,
- the quantities of olives prepared and sent out, broken down by form of preparation, in the course of the previous month,
- the aggregate quantities referred to in the first two indents and the stock situation at the end of the previous month;

- (b) before 1 July, of the names of growers as referred to in Article 2(1) for the processing period referred to in Article 2(2) and of the quantities covered by certificates issued to them in accordance with paragraph 1;
- (c) before 1 June of the following marketing year, of the total quantities delivered for the processing period referred to in Article 2(2) and of the corresponding total quantities processed.

Article 7

1. Before 1 July of the current marketing year, table-olive growers shall lodge aid applications, directly or indirectly, with the competent body, containing at least the following details:
- the name and address of the grower,
 - a reference to the relevant crop declaration,
 - the approved undertaking to which the olives were delivered.

Such applications shall be accompanied by certificates of delivery as referred to in Article 6(1).

Where applicable, applications may be accompanied by an application for an advance on the aid.

2. Applications lodged after the deadline shall incur a penalty consisting of a reduction of 1 % of the amount to which the grower would have been entitled had the application been lodged by the due date, for each working day of delay. Applications lodged more than 25 days late shall be refused.

Article 8

1. Before the definitive payment of the aid, the competent body shall carry out the controls required to check:
- the quantities of table olives covered by certificates of delivery,
 - the quantities of table olives processed, broken down by grower.

Controls shall involve:

- several physical inspections of goods in stock and a check of the accounts of approved undertakings,
- stricter checks of aid applications from olive growers applying for aid for both table olives and olive oil.

2. Italy shall see that all the necessary controls are in place to ensure that:

- entitlement to table-olive production aid is respected,
- olives entering an undertaking approved under this Decision are excluded from eligibility for olive-oil production aid,
- no more than one aid application is lodged for the same olives.

3. Without prejudice to the penalties laid down by Italy, no aid shall be granted to growers as referred to in Article 2(1) whose declarations as provided for in Article 5 or whose aid applications in accordance with Article 7 prove to conflict with the results of checks. However, Article 15 of Regulation (EC) No 2366/98 shall apply *mutatis mutandis*.

Article 9

1. Growers as referred to in Article 2(1) may receive an advance on the aid requested. The advance shall be equal to the unit amount referred to in Article 17a(1) of Regulation (EEC) No 2261/84, multiplied by the quantity of olive oil equivalent, in accordance with Article 3(1) of this Decision, to the relevant quantity of table olives processed.

For the purposes of granting advances to growers, the quantity of table olives processed shall be determined by applying a provisional processing coefficient to the quantity appearing in the certificate of delivery, as confirmed by the other information notified to the competent body. That coefficient shall be established by the competent body on the basis of the data available on the approved undertaking concerned. However, the quantity of table olives taken into consideration may not exceed 90 % of the quantity of table olives delivered.

2. Advances on the aid shall be paid from 16 October of the current marketing year to growers applying therefor in accordance with Article 7(1).

Article 10

1. Without prejudice to the reductions provided for in Article 20d of Regulation No 136/66/EEC, the aid shall be equal to the unit amount referred to in Article 17a(2) of Regulation (EEC) No 2261/84 multiplied by the quantity of olive oil equivalent, in accordance with Article 3(1) of this Decision, to the relevant quantity of table olives processed.

For the purposes of granting the aid to growers as referred to in Article 2(1), the quantity of table olives processed shall be determined by applying a processing coefficient for the undertaking concerned to the quantity appearing in the certificate of delivery, as confirmed by the other information notified to the competent body. That coefficient shall be equal to the ratio between the total quantity of table olives processed on the one hand, and the total quantity of table olives covered by certificates of delivery on the other hand, in respect of the olive oil marketing year concerned.

Where the quantity of processed olives corresponding to the quantity set out in the certificate of delivery cannot be established, the quantities of table olives processed for the growers concerned shall be calculated using the average coefficient for the other undertakings. However, without prejudice to any claims which the olive growers concerned might make against the undertaking, that quantity of processed olives may not exceed 75 % of the quantity shown in the certificate of delivery.

2. Once the controls referred to in Article 8 have been carried out, the aid or, where applicable, the balance of the aid shall be paid to the grower in full within 90 days of the Commission fixing the unit amount thereof.

Article 11

Italy shall notify the Commission:

- without delay, of the national measures taken pursuant to this Decision,
- before 1 August of each marketing year, of the quantities of olive oil equivalent to the estimated output of table olives processed and of the provisional processing coefficients for that estimate,
- before 16 June of each subsequent marketing year, of the quantities of olive oil equivalent to the actual output of table olives processed and of the processing coefficients adopted.

Article 12

This Decision shall apply from 1 September 2001.

Article 13

This Decision is addressed to the Italian Republic.

Done at Brussels, 10 August 2001.

For the Commission

Franz FISCHLER

Member of the Commission

CORRIGENDA

Corrigendum to Council Directive 91/497/EEC of 29 July 1991 amending and updating Directive 64/433/EEC on health problems affecting intra-Community trade in fresh meat to extend it to the production and marketing of fresh meat and amending Directive 72/462/EEC

(Official Journal of the European Communities L 268 of 24 September 1991)

On page 88, in Annex I, Chapter VII, point 34, second subparagraph of Directive 64/433/EEC:

for: '... the competent authority may authorize the submission for inspection of pig heads not split in half,'

read: '... the competent authority may authorise the submission for inspection of pig carcasses not split in half.'
