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Legislation

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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1708/2001
of 30 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 31 August 2001.

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

Done at Brussels, 30 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 30 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
0709 90 70	052	85,5
	999	85,5
0805 30 10	388	85,4
	524	56,4
	528	62,8
	977	71,7
	999	69,1
0806 10 10	052	74,4
	400	174,6
	999	124,5
	999	124,5
0808 10 20, 0808 10 50, 0808 10 90	388	90,2
	400	99,6
	512	67,2
	528	63,6
	800	171,8
	804	105,4
	999	99,6
	999	99,6
0808 20 50	052	103,9
	388	81,3
	999	92,6
0809 30 10, 0809 30 90	052	110,0
	999	110,0
0809 40 05	052	66,3
	064	58,2
	066	63,4
	068	48,8
	094	41,0
	999	55,5
	999	55,5

⁽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 1709/2001**of 30 August 2001****fixing the maximum export refund for white sugar for the fifth partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1430/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Regulation (EC) No 1430/2001 of 13 July 2001 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽²⁾ requires partial invitations to tender to be issued for the export of this sugar.
- (2) Pursuant to Article 9(1) of Regulation (EC) No 1430/2001 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question.

(3) Following an examination of the tenders submitted in response to the fifth partial invitation to tender, the provisions set out in Article 1 should be adopted.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the fifth partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1430/2001 the maximum amount of the export refund is fixed at 42,217 EUR/100 kg.

Article 2

This Regulation shall enter into force on 31 August 2001.

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

Done at Brussels, 30 August 2001.

For the Commission

Viviane REDING

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 192, 14.7.2001, p. 3.

COMMISSION REGULATION (EC) No 1710/2001**of 30 August 2001****fixing the representative prices and the additional import duties for molasses in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the market in sugar ⁽¹⁾,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 31 August 2001.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 141, 24.6.1995, p. 12.

⁽³⁾ OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 30 August 2001.

For the Commission
Viviane REDING
Member of the Commission

ANNEX

to the Commission Regulation of 30 August 2001 fixing the representative prices and additional import duties to imports of molasses in the sugar sector

(in EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	9,25	—	0
1703 90 00 ⁽¹⁾	12,61	—	0

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

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

COMMISSION REGULATION (EC) No 1711/2001
of 30 August 2001
altering the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) The refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 1686/2001 ⁽²⁾.
- (2) It follows from applying the detailed rules contained in Regulation (EC) No 1686/2001 to the information known to the Commission that the export refunds at

present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 1686/2001 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 31 August 2001.

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

Done at Brussels, 30 August 2001.

For the Commission
Viviane REDING
Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.
⁽²⁾ OJ L 228, 24.8.2001, p. 6.

ANNEX

to the Commission Regulation of 30 August 2001 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	A00	EUR/100 kg	37,14 ⁽¹⁾
1701 11 90 9910	A00	EUR/100 kg	35,44 ⁽¹⁾
1701 11 90 9950	A00	EUR/100 kg	⁽²⁾
1701 12 90 9100	A00	EUR/100 kg	37,14 ⁽¹⁾
1701 12 90 9910	A00	EUR/100 kg	35,44 ⁽¹⁾
1701 12 90 9950	A00	EUR/100 kg	⁽²⁾
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,4037
1701 99 10 9100	A00	EUR/100 kg	40,37
1701 99 10 9910	A00	EUR/100 kg	41,20
1701 99 10 9950	A00	EUR/100 kg	41,20
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,4037

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

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

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

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

COMMISSION REGULATION (EC) No 1712/2001**of 30 August 2001****fixing the export refunds on products processed from cereals and rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 193, 29.7.2000, p. 3.

⁽⁵⁾ OJ L 147, 30.6.1995, p. 55.

⁽⁶⁾ OJ L 312, 23.12.1995, p. 25.

Article 2

This Regulation shall enter into force on 31 August 2001.

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

Done at Brussels, 30 August 2001.

For the Commission

Viviane REDING

Member of the Commission

ANNEX

to the Commission Regulation of 30 August 2001 fixing the export refunds on products processed from cereals and rice

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 ⁽¹⁾	C01	EUR/t	37,07	1104 23 10 9100	A00	EUR/t	39,72
1102 20 10 9400 ⁽¹⁾	C01	EUR/t	31,78	1104 23 10 9300	A00	EUR/t	30,45
1102 20 90 9200 ⁽¹⁾	C01	EUR/t	31,78	1104 29 11 9000	A00	EUR/t	0,00
1102 90 10 9100	C01	EUR/t	0,00	1104 29 51 9000	A00	EUR/t	0,00
1102 90 10 9900	C01	EUR/t	0,00	1104 29 55 9000	A00	EUR/t	0,00
1102 90 30 9100	C01	EUR/t	0,00	1104 30 10 9000	A00	EUR/t	0,00
1103 12 00 9100	A00	EUR/t	0,00	1104 30 90 9000	A00	EUR/t	6,62
1103 13 10 9100 ⁽¹⁾	A00	EUR/t	47,66	1107 10 11 9000	A00	EUR/t	0,00
1103 13 10 9300 ⁽¹⁾	A00	EUR/t	37,07	1107 10 91 9000	A00	EUR/t	0,00
1103 13 10 9500 ⁽¹⁾	A00	EUR/t	31,78	1108 11 00 9200	A00	EUR/t	0,00
1103 13 90 9100 ⁽¹⁾	A00	EUR/t	31,78	1108 11 00 9300	A00	EUR/t	0,00
1103 19 10 9000	A00	EUR/t	22,59	1108 12 00 9200	A00	EUR/t	42,37
1103 19 30 9100	A00	EUR/t	0,00	1108 12 00 9300	A00	EUR/t	42,37
1103 21 00 9000	A00	EUR/t	0,00	1108 13 00 9200	A00	EUR/t	42,37
1103 29 20 9000	A00	EUR/t	0,00	1108 13 00 9300	A00	EUR/t	42,37
1104 11 90 9100	A00	EUR/t	0,00	1108 19 10 9200	A00	EUR/t	74,48
1104 12 90 9100	A00	EUR/t	0,00	1108 19 10 9300	A00	EUR/t	74,48
1104 12 90 9300	A00	EUR/t	0,00	1109 00 00 9100	A00	EUR/t	0,00
1104 19 10 9000	A00	EUR/t	0,00	1702 30 51 9000 ⁽²⁾	A00	EUR/t	41,51
1104 19 50 9110	A00	EUR/t	42,37	1702 30 59 9000 ⁽²⁾	A00	EUR/t	31,78
1104 19 50 9130	A00	EUR/t	34,42	1702 30 91 9000	A00	EUR/t	41,51
1104 21 10 9100	A00	EUR/t	0,00	1702 30 99 9000	A00	EUR/t	31,78
1104 21 30 9100	A00	EUR/t	0,00	1702 40 90 9000	A00	EUR/t	31,78
1104 21 50 9100	A00	EUR/t	0,00	1702 90 50 9100	A00	EUR/t	41,51
1104 21 50 9300	A00	EUR/t	0,00	1702 90 50 9900	A00	EUR/t	31,78
1104 22 20 9100	A00	EUR/t	0,00	1702 90 75 9000	A00	EUR/t	43,49
1104 22 30 9100	A00	EUR/t	0,00	1702 90 79 9000	A00	EUR/t	30,19
				2106 90 55 9000	A00	EUR/t	31,78

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

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

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

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

C01: All destinations except Poland.

COMMISSION REGULATION (EC) No 1713/2001
of 30 August 2001
fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 31 August 2001.

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

Done at Brussels, 30 August 2001.

For the Commission

Viviane REDING

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 51.

ANNEX

to the Commission Regulation of 30 August 2001 fixing the export refunds on cereal-based compound feedingstuffs

Product codes benefiting from export refund:

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

Cereal products	Destination	Unit of measurement	Amount of refunds
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	A00	EUR/t	26,48
Cereal products excluding maize and maize products	A00	EUR/t	0,00

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

**COMMISSION REGULATION (EC) No 1714/2001
of 30 August 2001
fixing production refunds on cereals and rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The refund referred to in Article 3(2) of Regulation (EEC) No 1722/93, expressed per tonne of starch extracted from maize, wheat, barley, oats, potatoes, rice or broken rice, shall be EUR 4,89/t.

Article 2

This Regulation shall enter into force on 31 August 2001.

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

Done at Brussels, 30 August 2001.

For the Commission

Viviane REDING

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 193, 29.7.2000, p. 3.

⁽⁵⁾ OJ L 159, 1.7.1993, p. 112.

⁽⁶⁾ OJ L 9, 15.1.1999, p. 8.

COMMISSION REGULATION (EC) No 1715/2001
of 30 August 2001
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

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

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

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

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

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

(6) In accordance with Article 16 of Commission Regulation (EC) No 174/1999 of 26 January 1999 on specific detailed rules for the application of Council Regulation (EC) No 804/68 as regards export licences and export refunds on milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 1681/2001 ⁽⁴⁾; the refund granted for milk products containing added sugar is equal to the sum of the two components; one is intended to take account of the quantity of milk products and is calculated by multiplying the basic amount by the milk products content in the product concerned; the other is intended to take account of the quantity of added sucrose and is calculated by multiplying the sucrose content of the entire product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1(1)(d) of Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽⁵⁾, however, this second component is applied only if the added sucrose has been produced using sugar beet or cane harvested in the Community.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 20, 27.1.1999, p. 8.

⁽⁴⁾ OJ L 227, 23.8.2001, p. 36.

⁽⁵⁾ OJ L 178, 30.6.2001, p. 1.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 31 August 2001.

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

Done at Brussels, 30 August 2001.

For the Commission
Viviane REDING
Member of the Commission

⁽¹⁾ OJ L 91, 1.4.1984, p. 71.
⁽²⁾ OJ L 28, 1.2.1988, p. 1.

ANNEX

to the Commission Regulation of 30 August 2001 fixing the export refunds on milk and milk products

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

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

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 30 39 9500	L02	EUR/100 kg	—	0406 90 23 9900	L04	EUR/100 kg	87,47
	L03	EUR/100 kg	—		400	EUR/100 kg	28,48
	A24	EUR/100 kg	18,09		A01	EUR/100 kg	99,91
	L04	EUR/100 kg	9,64		L02	EUR/100 kg	—
	400	EUR/100 kg	—		L03	EUR/100 kg	—
0406 30 39 9700	A01	EUR/100 kg	18,09	0406 90 25 9900	A24	EUR/100 kg	88,33
	L02	EUR/100 kg	—		L04	EUR/100 kg	76,81
	L03	EUR/100 kg	—		400	EUR/100 kg	—
	A24	EUR/100 kg	26,31		A01	EUR/100 kg	88,33
	L04	EUR/100 kg	14,03		L02	EUR/100 kg	—
0406 30 39 9930	400	EUR/100 kg	—	0406 90 27 9900	L03	EUR/100 kg	—
	A01	EUR/100 kg	26,31		A24	EUR/100 kg	87,38
	L02	EUR/100 kg	—		L04	EUR/100 kg	76,30
	L03	EUR/100 kg	—		400	EUR/100 kg	—
	A24	EUR/100 kg	26,31		A01	EUR/100 kg	87,38
0406 30 39 9950	L04	EUR/100 kg	14,03	0406 90 31 9119	L02	EUR/100 kg	—
	400	EUR/100 kg	—		L03	EUR/100 kg	—
	A01	EUR/100 kg	26,31		A24	EUR/100 kg	79,14
	L02	EUR/100 kg	—		L04	EUR/100 kg	69,11
	L03	EUR/100 kg	—		400	EUR/100 kg	—
0406 30 90 9000	A24	EUR/100 kg	29,75	0406 90 33 9119	A01	EUR/100 kg	79,14
	L04	EUR/100 kg	15,87		L02	EUR/100 kg	—
	400	EUR/100 kg	—		L03	EUR/100 kg	—
	A01	EUR/100 kg	29,75		A24	EUR/100 kg	72,85
	L02	EUR/100 kg	—		L04	EUR/100 kg	63,51
0406 40 50 9000	L03	EUR/100 kg	—	0406 90 33 9919	400	EUR/100 kg	16,32
	A24	EUR/100 kg	31,21		A01	EUR/100 kg	72,85
	L04	EUR/100 kg	16,64		L02	EUR/100 kg	—
	400	EUR/100 kg	—		L03	EUR/100 kg	—
	A01	EUR/100 kg	31,21		A24	EUR/100 kg	72,85
0406 40 90 9000	L04	EUR/100 kg	76,50	0406 90 33 9951	L04	EUR/100 kg	63,51
	L03	EUR/100 kg	—		400	EUR/100 kg	16,32
	A24	EUR/100 kg	76,50		A01	EUR/100 kg	72,85
	400	EUR/100 kg	—		L02	EUR/100 kg	—
	A01	EUR/100 kg	76,50		L03	EUR/100 kg	—
0406 90 13 9000	L02	EUR/100 kg	—	0406 90 35 9190	A24	EUR/100 kg	66,81
	L03	EUR/100 kg	—		L04	EUR/100 kg	58,05
	A24	EUR/100 kg	78,56		400	EUR/100 kg	—
	L04	EUR/100 kg	78,56		A01	EUR/100 kg	66,81
	400	EUR/100 kg	—		L02	EUR/100 kg	—
0406 90 15 9100	A01	EUR/100 kg	78,56	0406 90 35 9990	L03	EUR/100 kg	—
	L02	EUR/100 kg	—		A24	EUR/100 kg	66,86
	L03	EUR/100 kg	—		L04	EUR/100 kg	58,63
	A24	EUR/100 kg	98,91		400	EUR/100 kg	—
	L04	EUR/100 kg	86,38		A01	EUR/100 kg	66,86
0406 90 17 9100	400	EUR/100 kg	38,51	0406 90 37 9000	L02	EUR/100 kg	28,30
	A01	EUR/100 kg	98,91		L03	EUR/100 kg	—
	L02	EUR/100 kg	—		A24	EUR/100 kg	103,33
	L03	EUR/100 kg	—		L04	EUR/100 kg	89,85
	A24	EUR/100 kg	102,21		400	EUR/100 kg	39,27
0406 90 21 9900	L04	EUR/100 kg	89,26		A01	EUR/100 kg	103,33
	400	EUR/100 kg	39,70		L02	EUR/100 kg	—
	A01	EUR/100 kg	102,21		L03	EUR/100 kg	—
	L02	EUR/100 kg	—		A24	EUR/100 kg	103,33
	L03	EUR/100 kg	—		L04	EUR/100 kg	89,85
	A24	EUR/100 kg	102,21		400	EUR/100 kg	25,67
	L04	EUR/100 kg	89,26		A01	EUR/100 kg	103,33
	400	EUR/100 kg	39,70		L02	EUR/100 kg	—
	A01	EUR/100 kg	102,21		L03	EUR/100 kg	—
	L02	EUR/100 kg	—		A24	EUR/100 kg	98,91
	L03	EUR/100 kg	—		L04	EUR/100 kg	86,38
	A24	EUR/100 kg	99,91		400	EUR/100 kg	38,51
	L04	EUR/100 kg	—		A01	EUR/100 kg	98,91
	400	EUR/100 kg	—		L02	EUR/100 kg	—
	A01	EUR/100 kg	—		L03	EUR/100 kg	—

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 61 9000	L02	EUR/100 kg	39,96	0406 90 78 9500	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		A24	EUR/100 kg	90,08
	A24	EUR/100 kg	110,19		L04	EUR/100 kg	78,86
	L04	EUR/100 kg	95,20		400	EUR/100 kg	—
	400	EUR/100 kg	36,55		A01	EUR/100 kg	90,08
	A01	EUR/100 kg	110,19	0406 90 79 9900	L02	EUR/100 kg	—
0406 90 63 9100	L02	EUR/100 kg	36,41		L03	EUR/100 kg	—
	L03	EUR/100 kg	—		A24	EUR/100 kg	88,70
	A24	EUR/100 kg	109,27		L04	EUR/100 kg	78,12
	L04	EUR/100 kg	94,70		400	EUR/100 kg	—
	400	EUR/100 kg	40,89		A01	EUR/100 kg	88,70
0406 90 63 9900	A01	EUR/100 kg	109,27	0406 90 81 9900	L02	EUR/100 kg	—
	L02	EUR/100 kg	29,09		L03	EUR/100 kg	—
	L03	EUR/100 kg	—		A24	EUR/100 kg	92,33
	A24	EUR/100 kg	105,55		L04	EUR/100 kg	80,62
	L04	EUR/100 kg	91,04		400	EUR/100 kg	30,43
	400	EUR/100 kg	31,28	0406 90 85 9930	A01	EUR/100 kg	92,33
0406 90 69 9100	A01	EUR/100 kg	105,55		L02	EUR/100 kg	—
	A00	EUR/100 kg	—		L03	EUR/100 kg	—
0406 90 69 9910	L02	EUR/100 kg	—		A24	EUR/100 kg	100,22
	L03	EUR/100 kg	—		L04	EUR/100 kg	87,07
	A24	EUR/100 kg	105,55		400	EUR/100 kg	37,91
	L04	EUR/100 kg	91,04	0406 90 85 9970	A01	EUR/100 kg	100,22
	400	EUR/100 kg	31,28		L02	EUR/100 kg	—
	A01	EUR/100 kg	105,55		L03	EUR/100 kg	—
0406 90 73 9900	L02	EUR/100 kg	—		A24	EUR/100 kg	91,86
	L03	EUR/100 kg	—		L04	EUR/100 kg	79,82
	A24	EUR/100 kg	90,87		400	EUR/100 kg	33,17
	L04	EUR/100 kg	79,29	0406 90 85 9999	A01	EUR/100 kg	91,86
	400	EUR/100 kg	33,66		A00	EUR/100 kg	—
	A01	EUR/100 kg	90,87	0406 90 86 9100	A00	EUR/100 kg	—
0406 90 75 9900	L02	EUR/100 kg	—		L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	91,86		A24	EUR/100 kg	86,90
	L04	EUR/100 kg	79,82		L04	EUR/100 kg	73,24
	400	EUR/100 kg	14,20		400	EUR/100 kg	17,68
	A01	EUR/100 kg	91,86	0406 90 86 9200	A01	EUR/100 kg	86,90
0406 90 76 9300	L02	EUR/100 kg	—		L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	82,43		A24	EUR/100 kg	87,82
	L04	EUR/100 kg	71,98		L04	EUR/100 kg	74,30
	400	EUR/100 kg	—		400	EUR/100 kg	19,38
	A01	EUR/100 kg	82,43	0406 90 86 9300	A01	EUR/100 kg	87,82
0406 90 76 9400	L02	EUR/100 kg	—		L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	92,33		A24	EUR/100 kg	92,33
	L04	EUR/100 kg	80,62		L04	EUR/100 kg	78,94
	400	EUR/100 kg	14,79		400	EUR/100 kg	21,93
	A01	EUR/100 kg	92,33	0406 90 86 9400	A01	EUR/100 kg	92,33
0406 90 76 9500	L02	EUR/100 kg	—		L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	87,08		A24	EUR/100 kg	100,22
	L04	EUR/100 kg	76,70		L04	EUR/100 kg	87,07
	400	EUR/100 kg	14,79		400	EUR/100 kg	25,67
	A01	EUR/100 kg	87,08	0406 90 86 9900	A01	EUR/100 kg	100,22
0406 90 78 9100	L02	EUR/100 kg	—		L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	86,92		A24	EUR/100 kg	100,22
	L04	EUR/100 kg	74,38		L04	EUR/100 kg	87,07
	400	EUR/100 kg	—		400	EUR/100 kg	25,67
	A01	EUR/100 kg	86,92		A01	EUR/100 kg	100,22
0406 90 78 9300	L02	EUR/100 kg	—				

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

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

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

The other destinations are defined as follows:

L02 Switzerland, Liechtenstein,

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

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

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

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

COMMISSION REGULATION (EC) No 1716/2001**of 30 August 2001****concerning tenders notified in response to the invitation to tender for the export of common wheat issued in Regulation (EC) No 943/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

and on the basis of the tenders notified, to make no award.

- (3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 a maximum refund should not be fixed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 24 to 30 August 2001 in response to the invitation to tender for the refund for the export of common wheat issued in Regulation (EC) No 943/2001.

Article 2

This Regulation shall enter into force on 31 August 2001.

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

Done at Brussels, 30 August 2001.

For the Commission

Viviane REDING

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 89, 29.3.2001, p. 16.

⁽⁵⁾ OJ L 133, 16.5.2001, p. 3.

COMMISSION REGULATION (EC) No 1717/2001
of 30 August 2001
concerning tenders notified in response to the invitation to tender for the export of rye issued in
Regulation (EC) No 1005/2001

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

and on the basis of the tenders notified, to make no award.

- (3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 a maximum refund should not be fixed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for cereals,

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 24 to 30 August 2001 in response to the invitation to tender for the refund for the export of rye issued in Regulation (EC) No 1005/2001.

Article 2

This Regulation shall enter into force on 31 August 2001.

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

Done at Brussels, 30 August 2001.

For the Commission

Viviane REDING

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 89, 29.3.2001, p. 16.

⁽⁵⁾ OJ L 140, 24.5.2001, p. 10.

COMMISSION REGULATION (EC) No 1718/2001
of 30 August 2001
concerning tenders notified in response to the invitation to tender for the export of barley issued
in Regulation (EC) No 1558/2001

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) An invitation to tender for the refund for the export of barley to all third countries except the United States of America and Canada was opened pursuant to Commission Regulation (EC) No 1558/2001 ⁽⁵⁾.
- (2) Article 7 of Regulation (EC) No 1501/95, allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92

and on the basis of the tenders notified, to make no award.

- (3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 a maximum refund should not be fixed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 24 to 30 August 2001 in response to the invitation to tender for the refund for the export of barley issued in Regulation (EC) No 1558/2001.

Article 2

This Regulation shall enter into force on 31 August 2001.

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

Done at Brussels, 30 August 2001.

For the Commission

Viviane REDING

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 89, 29.3.2001, p. 16.

⁽⁵⁾ OJ L 205, 31.7.2001, p. 33.

**COMMISSION REGULATION (EC) No 1719/2001
of 30 August 2001
fixing the export refunds on olive oil**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EC) No 1513/2001 ⁽²⁾, and in particular Article 3(3) thereof,

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 31 August 2001.

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

Done at Brussels, 30 August 2001.

For the Commission

Viviane REDING

Member of the Commission

⁽¹⁾ OJ L 72, 30.9.1966, p. 3025/66.

⁽²⁾ OJ L 201, 26.7.2001, p. 4.

⁽³⁾ OJ L 78, 31.3.1972, p. 1.

⁽⁴⁾ OJ L 348, 30.12.1977, p. 53.

ANNEX

to the Commission Regulation of 30 August 2001 fixing the export refunds on olive oil

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

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

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

COMMISSION REGULATION (EC) No 1720/2001**of 30 August 2001****fixing the rates of the refunds applicable to certain cereal and rice-products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 31 August 2001.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 193, 29.7.2000, p. 3.

⁽⁵⁾ OJ L 177, 15.7.2000, p. 1.

⁽⁶⁾ OJ L 276, 28.10.2000, p. 3.

⁽⁷⁾ OJ L 275, 29.9.1987, p. 36.

⁽⁸⁾ OJ L 159, 1.7.1993, p. 112.

⁽⁹⁾ OJ L 9, 15.1.1999, p. 8.

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

Done at Brussels, 30 August 2001.

For the Commission
Viviane REDING
Member of the Commission

ANNEX

to the Commission Regulation of 30 August 2001 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product (EUR/100 kg)	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in other cases	— —	— —
1001 90 99	Common wheat and meslin: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in other cases: – – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where goods falling within subheading 2208 ⁽³⁾ are exported – – in other cases	— — — — —	— — — — —
1002 00 00	Rye	2,259	2,259
1003 00 90	Barley – where goods falling within subheading 2208 ⁽³⁾ are exported – in other cases	— —	— —
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of: – starch: – – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where goods falling within subheading 2208 ⁽³⁾ are exported – – in other cases – glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽⁴⁾ : – – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where goods falling within subheading 2208 ⁽³⁾ are exported – – in other cases – where goods falling within subheading 2208 ⁽³⁾ are exported – other (including unprocessed) Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize: – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where goods falling within subheading 2208 ⁽³⁾ are exported – in other cases	2,045 0,806 2,648 1,383 0,605 1,986 0,806 2,648 2,045 0,806 2,648	2,045 0,806 2,648 1,383 0,605 1,986 0,806 2,648 2,045 0,806 2,648

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

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

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

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

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

COMMISSION REGULATION (EC) No 1721/2001**of 30 August 2001****fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the market in sugar ⁽¹⁾, and in particular Article 27(5)(a) and (15),

Whereas:

(1) Article 27(1) and (2) of Regulation (EEC) No 1260/2001 provides that the differences between the prices in international trade for the products listed in Article 1(1)(a), (c), (d), (f), (g) and (h) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in the Annex to that Regulation. Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty and the criteria for fixing the amount of such refunds ⁽²⁾, as amended by Regulation (EC) No 2390/2000 ⁽³⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex I to Regulation (EC) No 1260/2001.

(2) In accordance with Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.

(3) Article 27(3) of Regulation (EC) No 1260/2001 and Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lay down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing.

(4) The refunds fixed under this Regulation may be fixed in advance as the market situation over the next few months cannot be established at the moment.

(5) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardized by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

(6) Council Regulation (EC) No 1260/2001 does not provide for the compensation system for storage costs to be extended after 1 July 2001. This should therefore be taken into account when fixing the amounts of refunds, in particular with regard to the advance-fixing options.

(7) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.

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

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed in Article 1(1) and (2) of Regulation (EC) No 1260/2001, exported in the form of goods listed in Annex V to Regulation (EC) No 1260/2001, are fixed as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 September 2001.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 177, 15.7.2000, p. 1.

⁽³⁾ OJ L 276, 28.10.2000, p. 3.

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

Done at Brussels, 30 August 2001.

For the Commission
Viviane REDING
Member of the Commission

ANNEX

to the Commission Regulation of 30 August 2001 fixing the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex I to the Treaty

Product	Rate of refund in EUR/100 kg		
	In case of advance fixing of refunds and export from 1 October 2001	In case of advance fixing of refunds and export up to 30 September 2001	Other
White sugar:	39,20	41,20	41,20

COMMISSION REGULATION (EC) No 1722/2001**of 30 August 2001****fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 15 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 31(3) thereof,

Whereas:

(1) Article 31(1) of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1 (a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund. Whereas Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and criteria for fixing the amount of such refunds ⁽³⁾, as amended by Regulation (EC) No 2390/2000 ⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EC) No 1255/1999.

(2) In accordance with the first subparagraph of Article 4 (1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.

(3) Article 4(3) of Regulation (EC) No 1520/2000 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organisation of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products.

(4) Article 11(1) of Regulation (EC) No 1255/1999 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions.

(5) Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽⁵⁾, as last amended by Regulation (EC) No 635/2000 ⁽⁶⁾, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods.

(6) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed in Article 1 of Regulation (EC) No 1255/1999, exported in the form of goods listed in the Annex to Regulation (EC) No 1255/1999, are hereby fixed as shown in the Annex to this Regulation.

2. No rates of refund are fixed for any of the products referred to in the preceding paragraph which are not listed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 September 2001.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 177, 15.7.2000, p. 1.

⁽⁴⁾ OJ L 276, 28.10.2000, p. 3.

⁽⁵⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁶⁾ OJ L 76, 25.3.2000, p. 9.

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

Done at Brussels, 30 August 2001.

For the Commission
Viviane REDING
Member of the Commission

ANNEX

to the Commission Regulation of 30 August 2001 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty

(EUR/100 kg)

CN code	Description	Rate of refund
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):	
	(a) On exportation of goods of CN code 3501	—
	(b) On exportation of other goods	0,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):	
	(a) Where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 2571/97 are exported	20,61
	(b) On exportation of other goods	50,00
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):	
	(a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 2571/97 are exported	65,00
	(b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	157,25
	(c) On exportation of other goods	150,00

COMMISSION REGULATION (EC) No 1723/2001
of 30 August 2001
amending representative prices and additional duties for the import of certain products in the
sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽²⁾, as last amended by Regulation (EC) No 624/98 ⁽³⁾, and in particular the second subparagraph of Article 1(2), and Article 3(1) thereof,

Whereas:

- (1) The amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation

(EC) No 1309/2001 ⁽⁴⁾, as last amended by Regulation (EC) No 1643/2001 ⁽⁵⁾.

- (2) It follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 31 August 2001.

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

Done at Brussels, 30 August 2001.

For the Commission

Viviane REDING

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 141, 24.6.1995, p. 16.

⁽³⁾ OJ L 85, 20.3.1998, p. 5.

⁽⁴⁾ OJ L 177, 30.6.2001, p. 21.

⁽⁵⁾ OJ L 217, 11.8.2001, p. 7.

ANNEX

to the Commission Regulation of 30 August 2001 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(EUR)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	22,83	4,89
1701 11 90 ⁽¹⁾	22,83	10,12
1701 12 10 ⁽¹⁾	22,83	4,70
1701 12 90 ⁽¹⁾	22,83	9,69
1701 91 00 ⁽²⁾	28,99	10,74
1701 99 10 ⁽²⁾	28,99	6,22
1701 99 90 ⁽²⁾	28,99	6,22
1702 90 99 ⁽³⁾	0,29	0,36

⁽¹⁾ For the standard quality as defined in Article 1 of amended Council Regulation (EEC) No 431/68 (OJ L 89, 10.4.1968, p. 3).

⁽²⁾ For the standard quality as defined in Article 1 of Council Regulation (EEC) No 793/72 (OJ L 94, 21.4.1972, p. 1).

⁽³⁾ By 1 % sucrose content.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 15 June 2001

relating to a proceeding under Article 81 of the EC Treaty and Article 53 of the EEA Agreement

(COMP/34.950 — Eco-Emballages)

(notified under document number C(2001) 1611)

(Only the French version is authentic)

(Text with EEA relevance)

(2001/663/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement on the European Economic Area,

Having regard to Council Regulation No 17 of 6 February 1962, first Regulation implementing Articles 85 and 86 of the Treaty ⁽¹⁾, as last amended by Regulation (EC) No 1216/1999 ⁽²⁾, and in particular Article 2 thereof,

Having regard to the application for negative clearance and the notification for exemption, submitted pursuant to Articles 2 and 4 of Regulation No 17 on 17 December 1993,

Having regard to the summary of the application and notification published ⁽³⁾ pursuant to Article 19(3) of Regulation No 17,

After consulting the Advisory Committee on Restrictive Practices and Dominant Positions,

Whereas:

A. INTRODUCTION

- (1) Eco-Emballages SA (hereinafter 'Eco-Emballages') organises on French territory a system of selective collection and recovery of household packaging waste. The system is designed to meet the requirements laid down by the French Packaging Decree. The notification relates to the agreements governing the system's operation. This

Decision covers the notified contracts as they currently stand, i.e. incorporating the amendments made during the proceeding and effected by Eco-Emballages at the Commission's request, as explained below.

B. REGULATORY FRAMEWORK IN FRANCE

- (2) Decree No 92-377 (hereinafter 'the Decree') implementing, with regard to packaging waste, Law No 75-633 of 15 July 1975 on waste disposal and recovery, as amended, was adopted on 1 April 1992 and has been in force since 1 January 1993. Member States also have obligations in this matter arising from European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste ⁽⁴⁾.
- (3) Article 1 of the Decree stipulates that it applies to all packaging held by households as end-users. According to the definitions in Article 2, a 'producer' means anyone who packages products or has products packaged with a view to placing them on the market and 'packaging' means any form of container or the like intended to contain a product and to facilitate its transport or presentation for sale.
- (4) Article 4 of the Decree stipulates that any producer or importer whose products are marketed in packaging or, if the producer or the importer cannot be identified, the person first responsible for placing the products on the market is required 'to contribute to or organise the disposal of all of its packaging waste' (hereinafter, the

⁽¹⁾ OJ L 13, 21.2.1962, p. 204/62.

⁽²⁾ OJ L 148, 15.6.1999, p. 5.

⁽³⁾ OJ C 227, 9.8.2000, p. 6.

⁽⁴⁾ OJ L 365, 31.12.1994, p. 10.

term 'producer' includes any person covered by this requirement). It also stipulates that the producer may either apply to a body or firm (hereinafter a 'body') when referring to a collective system) approved by the authorities to carry out its disposal operations or recover the packaging itself by establishing a deposit system or organising collection points specifically for that purpose (individual system).

(5) The second paragraph of Article 4 of the Decree requires producers belonging to a body to identify their products. According to that provision, 'it shall identify the packaging the handling of which it has entrusted to a body [...] under the arrangements they determine as provided for in Article 5 below'. Article 5 stipulates that persons [...] who have recourse, for the disposal of their packaging waste, to the services of a body [...] shall enter into a contract stipulating in particular the nature of the identification of the packaging, the estimated volume of waste to be taken back each year [...]. Article 10 provides that producers that choose to establish a deposit system must show this clearly on their packaging and that producers organising specifically designated packaging collection points must have the arrangements for monitoring their system approved by the competent authorities. On 21 December 1999 the obligation to show the establishment of an individual system on the packaging was deleted from Article 10 of the Decree.

(6) Article 6 of the Decree provides that bodies may obtain approval to carry out such operations from the competent ministers (in the first instance, the Ministry of the Environment). Approval is valid for a maximum of six years. The body in question should negotiate agreements with producers and with waste collection/recovery firms and local authorities. An application for approval must be accompanied by specifications indicating the method of calculating the financial contribution required from producers to allow the body to supply packaging with zero or positive value sorted by type of material. Likewise, the specifications must indicate the method of calculating the payments which the approved body makes to ensure that local authorities are reimbursed the extra costs which they may incur in sorting waste.

(7) Under Article 8 of the Decree, the approved body is required each year to submit to certain authorities an activity report and the results of its recovery and salvage operations.

(8) The Order of 23 July 1992 on the approval provided for by the Decree set up an advisory approval committee comprising 33 members: five representatives of central government, six of the local authorities, seven of trade organisations representing industries producing packaged goods, five of trade organisations representing the packaging and packaging-materials industries, two of

trade organisations representing the distributive sector, two of trade organisations representing waste-disposal and material-recovery firms, three of environmental protection associations, and three of consumer organisations. The committee is consulted among other things on applications for approval and is informed of the activity reports of approved bodies.

(9) When a body submits a set of specifications relating to its system for approval by the competent ministers, the authorities check compliance with a number of predetermined general criteria and may still impose conditions over and above those for the approval application or decide not to take up the proposals put forward in the application.

(10) Price scales, both upstream (i.e. contributions by producers belonging to the selective collection and recovery systems) and downstream (i.e. financial support for local authorities), are currently determined in identical fashion by the authorities for approved bodies performing the same role. The most recent proposal for the price scales of each body is based on one and the same independent study (by the market research institute Sofres) of the costs of selective collection of household waste and system management. To the costs thus estimated for each material, but without any differentiation by local authority, are added the body's structural costs. The French authorities argue that different price scales downstream would prompt local authorities to move towards the highest prices, and this might result in higher prices upstream and hence higher consumer prices. Conversely, the existence of different scales upstream would prompt producers to deal with bodies offering the lowest prices. The French authorities thus claim that the existence of different scales would be harmful to a system's economic and financial balance, proper implementation and sustainability. They argue that the existence of two or more approved bodies performing the same activities thus leads to uniform price scales, although this does not rule out the possibility of differences regarding, for example, the quality of service and back-up provided to local authorities or the possibility of outbidding as bodies propose more efficient services or innovative solutions when approvals are being renegotiated.

C. THE NOTIFYING PARTY AND ITS ACTIVITIES

(11) Eco-Emballages is a private limited-liability company set up in 1992 and located in Levallois-Perret, France. Its shareholders are the Compagnie pour le financement d'Eco-Emballages (Ecopar), which is made up of producers and their trade associations (70 % of the capital), the five sectoral networks concerned, i.e. steel, aluminium, paperboard/paper, plastic and glass (each with 4 % of the capital), distributive firms and their trade bodies and, as required by its articles of association, its directors.

(12) It was approved by the competent ministers to take charge of packaging waste in respect of which producers or importers of products consumed or used by households have entered into a contract with it. The first approval was issued on 12 November 1992, to run for six years from 1 January 1993. It was renewed on 30 August 1996 for a further six years from 1 July 1996 and again on 11 June 1999 for six years from 1 January 1999.

(13) It has concluded and concludes contracts with:

- the company Pro Europe for the use of the Green Dot logo and trademark (hereinafter 'the Green Dot mark'),
- producers that do not wish to organise waste disposal themselves. By joining Eco-Emballages, the producer meets its obligation under the Decree. Eco-Emballages is financed out of contributions paid by the producers which participate in the system,
- local authorities, i.e. individual municipalities or groupings of them, which are required under French law to dispose of household waste. It is the local authorities, either on their own or with the help of a subcontractor, which look after refuse collection. By concluding a contract with Eco-Emballages, they receive financial support for that task from it,
- industrial firms, referred to as 'sectoral undertakings', which undertake to process the recovered raw materials. Once sorted, domestic packaging is passed on to the take-back firm(s) for recovery. Eco-Emballages regularly receives reports from the local authorities indicating that recovery has actually taken place.

It has also drawn up a standard 'operational take-back' contract, to be concluded between designated take-back firms and local authorities, and a standard 'research and development' contract.

(14) In 1997 Eco-Emballages had a net turnover of FRF 565,6 million (from producer contributions) and, after it drew on provisions to cover future costs, its total operating income was FRF 1 463 million. In 1998 net turnover was FRF 504,5 million and total operating income FRF 790,5 million. In 1999 the corresponding figures were FRF 600 million and FRF 1 042 million. The firm generated turnover of FRF 1 120 million in 2000.

D. THE NOTIFIED AGREEMENTS

(15) The notification covers the articles of association of Eco-Emballages, the contract governing use of the Green Dot mark, the standard producer contract, the standard local authority contract, the sectoral contracts, the standard operational take-back contract (annexed to the sectoral contracts) and the standard research and development contract.

(16) During the proceeding Eco-Emballages updated or replaced some of the notified contracts. With its agreement, this Decision relates to the notified contracts as they currently stand.

1. Articles of association

(17) According to its articles of association, the purpose of Eco-Emballages is, *inter alia* to organise systems for waste disposal and the recovery of materials and, more particularly, to take charge of the packaging of firms subject to the obligations arising out of the abovementioned Law No 75-633 and the decrees implementing it.

2. Contract governing use of the Green Dot mark

(18) The Green Dot mark is used in the Eco-Emballages system to identify the products of producers which belong to the system, as required by the Decree.

(19) Since 10 December 1996 it has been the contract concluded by Eco-Emballages with the Packaging Recovery Organisation Europe or Pro Europe SPRL (Pro Europe) that grants the former its exclusive principal licence to use the Green Dot mark and to grant sublicences to members in France⁽¹⁾. Eco-Emballages is, moreover, required to inform its members that use of the Green Dot mark outside France is subject to authorisation from the competent party.

(20) Since 4 December 1998 Eco-Emballages has also been required by a third supplementary agreement concluded with Pro Europe to grant sublicences to regional systems and/or systems dealing with specific materials in France, provided that the latter comply with the requirements on the collection and recovery of packaging waste arising from Directive 94/62/EC and with certain predetermined conditions. It has in fact granted the company Adelphe SA (hereinafter 'Adelphe') a non-exclusive sublicense for the use of its Green Dot system on French territory up to 31 December 2002. Adelphe is required to pay to Eco-Emballages an amount corresponding to its share of the costs claimed by Pro Europe.

⁽¹⁾ The licence was formerly granted to Eco-Emballages by a contract with Der Grüne Punkt-Duales System Deutschland AG (DSD).

3. Producer contracts

- (21) Eco-Emballages offers producers either a standard membership contract or a simplified contract designed for small individual contributors or for syndicates or federations of contributors with an annual pre-tax turnover on packaged products intended for households on French territory of less than FRF 2 million.
- (22) The producer acquires the right to affix the Green Dot mark to its packaging (it is actually an obligation because the products covered by the system must, in accordance with the contract, be so identified). According to Article 3(1) of the standard contract, this right extends to all the products manufactured, imported, marketed and/or placed on the market by the co-contractor. In return for payment of the contribution, Eco-Emballages relieves the producer of its packaging waste disposal, sorting and recovery obligations.
- (23) It is up to the producer to complete a posteriori a declaration on the basis of which its contribution is calculated. This has to include packaging bearing the Green Dot mark which it places on the market in France.
- (24) The producer's financial contribution is determined according to a price scale. Since January 1999 the price scale has been composed of a flat-rate amount and a contribution determined according to weight and specified for each material. The weight-based contribution takes account of the financial needs specific to each material and incorporates a portion for non-attributable costs.
- (25) The contract stipulates that the price scale will change over the contract period. Eco-Emballages may decide to adjust the amount of the contribution, although not more than once a year and subject to the agreement of the price committee (made up of shareholders) and the price management committee (comprising representatives of producers, sectoral undertakings and Eco-Emballages) set up in the context of approval. These proposals are then submitted to the board of Eco-Emballages and finally to the authorities for approval. Under the terms of the 1996 and 1999 approvals, the adjustment is carried out according to the extent by which Eco-Emballages' activities with local authorities increase and according to an assessment of the financial needs for each material, as defined by Article 6 of the Decree and based on economic, technical and ecological assessments, as well as with a view to reducing the quantities (weight and volume) of packaging waste at source. The price scale must not 'introduce unjustified discrimination between packaging materials'. The funds raised by applying the price scale are intended to ensure that the system remains in balance economically and financially and does not give rise to operating surpluses at the end of the financial year. All of the financial support paid for each material, including the portion for non-attributable costs, should be covered by the contributions received for the material in question. The funds raised must also ensure a progressive and significant increase in the extent of collections, without any threshold being imposed and with medium-term transparency for producers.
- (26) The specifications proposed by Eco-Emballages and annexed to the 1999 renewed approval also contain the following 'principles': The price scale for producers is common to all approved companies: it is calculated according to those companies' overall share. Financial transfers may be organised between approved companies to take account of the specific characteristics of their share in terms of contributing materials. The activity forecasts of approved companies take these financial transfers into account, with the objective of achieving a zero balance for the transfers to be carried out in each financial year⁽¹⁾.
- (27) According to the standard contract originally notified, membership contracts ran for three years and were renewable by tacit agreement for further periods of one year unless notice of termination was submitted six months before the expiry of one of the one-year periods of tacit renewal. Approximately 75 % of the contracts in force at the end of 1998, accounting for some 94 % of contributions, were of this type. Under the 1996 renewed approval, the contract term was increased to six years, renewable by tacit agreement for three years. Early termination is possible under Article 13 of the standard contract in the event of default by one of the parties.
- (28) The July 2000 version stipulates that interest on arrears — at the legal interest rate plus two percentage points — is to be applied for the late payment of contributions to any members joining after 31 December 1993 'so as to avoid causing discrimination between members'.
- (29) Lastly, the producer contract stipulates that Eco-Emballages must guarantee total confidentiality with regard to all financial or commercial information communicated to it by producers or to which it might become privy during the contract period.

⁽¹⁾ According to Eco-Emballages, such transfers are as of now non-existent. If there were any, they served as the consideration for the take-back service. In effect, only a few of Adelphe's obligations relating to materials other than glass were in the past transferred to Eco-Emballages and it received corresponding financial compensation.

4. Local authority contracts

- (30) The contributions paid by producers are redistributed to local authorities on the basis of several types of contract. While in the past Eco-Emballages has entered into 'single-material', 'relay' and 'pilot-site' contracts, it now concludes only 'long-term programme' (programme de durée) contracts for establishing multi-material collection. The standard contract states that its purpose is 'to regulate the relationship between Eco-Emballages and the local authority, which undertakes to develop a project for the selective collection of the five materials'.
- (31) Under the terms of its approval, Eco-Emballages is required to enter into a contract with any local authority which so requests, to the extent of the quantities of packaging equivalent to those for which producers have themselves entered into a contract with it. The contract must comply with the requirements of the General Local Authorities Code (legislative part) and the Municipalities Code (regulatory part).
- (32) The long-term programme contract, in its version of 8 July 1994, is concluded for a six-year period. Under Article 12 of the contract, Eco-Emballages must, on each occasion its approval is renewed, offer local authorities a supplementary agreement renewing the contract for a period to be determined between the parties but which may not exceed the duration of the new approval. According to Eco-Emballages, the six-year period meets the wishes of local authorities, which, in view of the substantial investment involved, seek a degree of durability in their relationship with Eco-Emballages. Termination is possible under Article 14 of the contract in the event of default by one of the parties.
- (33) Under a long-term programme contract, Eco-Emballages offers local authorities the guarantee that household packaging waste collected and appropriately sorted by them (i.e. in accordance with minimum technical requirements (the MTR) will be taken back from them for the purposes of recovery. Local authorities remain free not to opt for the guarantee with regard to some or all materials.
- (34) When an authority does opt to accept the take-back guarantee, the contract stipulates that, for the contract period, it must supply the entire tonnage of materials collected and sorted in accordance with the MTR to the designated take-back firm(s). According to Eco-Emballages, this requirement was adopted to allow its support to be calculated and to permit verification that all packaging had indeed been recycled.
- (35) Nevertheless, in cases where the local authority identifies a new and innovative means of recovery during the contract period, an exception may be made to the principle of take-back by the designated take-back firm. Application of such an exception has to be approved by the sectoral undertaking which would normally carry out recovery.
- (36) When the local authority does not opt for the take-back guarantee in respect of one or more or all materials, the contract stipulates that it must ensure that the take-back firms selected by it do take back all of the packaging sorted in accordance with the MTR and proceed to recycle this packaging using technological processes which permit effective recovery and that those firms inform both the local authority and Eco-Emballages accordingly every three months. The name of each of the take-back firms selected by the local authority must be specified in the long-term programme contract.
- (37) Under the terms of the long-term programme contract and the latest approval, Eco-Emballages must pay the following support to the local authority, irrespective of whether or not the latter has opted for the take-back guarantee:
- an amount per tonne sorted in accordance with the MTR, with the amount varying according to the material concerned,
 - a financial contribution towards energy recovery,
 - support for local communication,
 - temporary support corresponding to the specific situation: start-up, high-rise housing and dispersed rural communities, 'sorting ambassadors' in the context of youth employment schemes, etc.,
 - aid for the provision of bottle banks for use by the public.
- (38) The amount of support under each item is calculated in accordance with the price scale approved by the public authorities and is stipulated in the contracts. It takes account, *inter alia* of the population actually covered by selective collection.
- (39) The minimum take-back price paid by the designated take-back firm to the local authority is laid down in the long-term programme contract. Under the terms of both the initial approval and the subsequent renewals, this price is, subject to certain restrictions, positive for steel, aluminium and glass and zero for paper/paperboard and plastic.
- (40) If the local authority has not opted for the take-back guarantee and enters into a contract with a take-back firm of its choice, it must, as Eco-Emballages' 1996 approval application stated, sell the products on market terms.

5. Sectoral contracts and operational take-back contracts

(41) Sectoral contracts (or take-back agreements) regulate the relationship between Eco-Emballages and the industrial firms which undertake to take back and recycle the packaging collected, provided that it complies with the MTR. There are five sectoral undertakings, namely:

- steel: initially Sollac SA, whose rights and obligations were transferred to Usinor-Packaging SA in 2000,
- aluminium: France Aluminium Recyclage SA,
- paper/paperboard: Revipac,
- plastic: Valorplast SA,
- glass: Chambre syndicale des verreries mécaniques de France (CSVMF).

(42) Eco-Emballages does not enter into contracts simultaneously with several firms or bodies for the same material.

(43) Following their renewal, the agreements will expire on either 30 June 2004 (steel) or 31 December 2004 (aluminium, paper/paperboard, plastic and glass). A decision on whether to extend them further will, in each case, be taken not later than three months before the corresponding expiry date.

(44) A management agreement is also annexed to the take-back agreements. It defines the terms of reference, organisation and functioning of the two committees set up between Eco-Emballages and the sectoral undertaking concerned and provides for the establishment of a materials account, which is the share of Eco-Emballages' net resources allocated to each material. In addition, there is a correction method involving the application of a weighting to take account, in particular in the allocation of non-attributable costs, of varying performances and different recovery rates for the various materials.

(45) In the context of a take-back guarantee, it is not the sectoral undertakings which actually take back packaging waste but rather firms designated by each of them. These are known as 'designated take-back firms'. Eco-Emballages claims not to have any influence on the choice of designated take-back firms. However, the contracts concluded between the designated take-back firms and the local authorities (operational take-back contracts) are based on standard contracts 'so as not to undermine the guarantee given by the sectoral undertakings'. A specimen model for each contract, except the one for plastic, was therefore proposed by Eco-Emballages.

(46) The different take-back contracts must stipulate that, if there is a take-back guarantee, the local authority must grant the sectoral undertaking or take-back firm an exclusive right to take back all the quantities sorted on

its territory for the duration of the contract between Eco-Emballages and the local authority concerned.

6. Research and development contracts

(47) Eco-Emballages' involvement in research and development is essentially financial. In return, its co-contractor undertakes to implement a given process industrially or to allow Eco-Emballages to do so. These contracts regulate matters of industrial property.

E. RELEVANT MARKETS

(48) The Commission has identified three relevant markets. The first market in which Eco-Emballages operates is that for services rendered to producers in the context of taking over their obligations to contribute to or organise the disposal of household packaging waste: this market could be called the 'market for collective systems for taking over the obligation to take back and recover household packaging' or the 'membership market'. Individual and collective systems could also be considered as belonging to the same market, which would then be the market in systems for taking back and recovering household waste. Nevertheless, this does not change the analysis which follows.

(49) The second relevant market is that for the selective collection and sorting of all types of household packaging by local authorities: the 'selective collection market'. In this market, approved bodies give support to local authorities in return for collection and sorting services or, conversely, local authorities contribute to the operation of the Eco-Emballages system in return for financial compensation.

(50) The third relevant market is that for the recovery of materials by take-back firms and sectoral undertakings: the 'recovery market'.

(51) It is not necessary in the case in point to define the relevant service markets more precisely since the contracts do not give rise to competition problems.

(52) The geographic market for the first two service markets above is France. Eco-Emballages has approved status and operates its system throughout French territory. Its rights with regard to the Green Dot mark are likewise limited to that territory. With regard to the third service market, it is not necessary in the case in point to determine with precision if it also corresponds to French territory or if it extends to neighbouring or nearby countries.

- (53) These definitions of the relevant product market (membership market) and geographic market (territory of the country concerned) are similar to those adopted in the Commission Decision of 20 April 2001 on the system operated by Der Grüne Punkt-Duales System Deutschland AG (DSD).

F. STRUCTURE OF THE MARKETS

- (54) Eco-Emballages' official recovery target is 75 % of its member producers' household packaging by June 2002. At present, more than 60 % is collected and recycled.
- (55) By the end of 1997 Eco-Emballages was contractually bound to 9 664 municipalities grouped into 281 local authorities, there being more than 36 000 municipalities and more than 2 000 local authorities in France. By the end of 1998 it was contractually bound to 533 local authorities representing 13 862 municipalities; by the end of 1999 the figure was 19 487 municipalities, and by the end of 2000 it was contractually bound to 1 114 local authorities representing 24 013 municipalities.
- (56) In 1997 the number of affiliated producers was 9 135, of which more than 700 were outside France; in 1998 there were 9 311. In 1999 the number was 9 419 and in 2000 there were 9 593.
- (57) Of the 4,845 million tonnes of domestic packaging placed on the market in France in 2000, 3,395 million tonnes came from members of the Eco-Emballages system. The figures are as follows for the various materials involved: 1,37 million of the 2,55 million tonnes of glass, 0,79 million of the 0,9 million tonnes of plastic, 0,88 million of the 1,0 million tonnes of paper/paperboard, and 0,355 million of the 0,395 million tonnes of metal ⁽¹⁾.
- (58) As regards competition from rival collective systems, Adelphe obtained approval on 5 February 1993 initially to collect and recycle packaging produced in the wines and spirits sector. Adelphe's approval was extended on 15 October 1996 so that it could 'enter into contracts with [producers] whose activity relates primarily to the wine and spirits sector for the purpose of recovering the household packaging in respect of which the contract has been entered into'. It was therefore permitted from that point onwards to receive packaging from such firms, irrespective of the material involved. At the end of 1997 almost 12 000 producers, including four outside France, were contributing to its system. The share of domestic packaging in the wine and spirits sector handled by Adelphe in 1997 was, according to its own statements, some 88 %. On 28 February 2000 its

approval was renewed for a further six-year period from 1 January 1999 and, since then, it has been able to enter into contracts with firms from all sectors in the same way as Eco-Emballages. Its contracts with local authorities are currently concentrated on largely rural *départements*.

- (59) The association Cyclamed has also been approved to operate an individual system for medicinal product packaging and the large retailer E. Leclerc has an arrangement for its shopping bags. These individual systems are not, however, required to achieve the same collection and recovery targets as the collective systems.

G. AMENDMENTS MADE AND UNDERTAKINGS GIVEN AT THE COMMISSION'S REQUEST

- (60) On 18 January 2000 the Commission departments informed Eco-Emballages of their view that certain clauses of the agreements were liable to fall within the scope of the ban in Article 81(1) of the EC Treaty and did not, as they stood, qualify for exemption under Article 81(3).
- (61) On 28 February 2000 Eco-Emballages offered to amend those clauses in order to respond to the Commission's comments, and subsequently further clarified those commitments and offered additional undertakings. With regard to the notified agreements, it has amended and/or added the following provisions and given the following undertakings:
- (a) Even if Eco-Emballages may require each of its member producers to fulfil its obligations under the Decree and consequently to contribute to or organise the disposal of all its packaging waste, only a member's products for which it declares its packaging to Eco-Emballages are covered by the system. Each producer is therefore required to declare to Eco-Emballages only the product household packaging in respect of which it has entered into a contract with the company. This means that the producer can enter into a contract with Eco-Emballages for certain types of material only and for some or all of the packaging using such material.
- (b) Since the Eco-Emballages system concerns packaging for products intended for the French market, if a producer has (mistakenly) declared to Eco-Emballages packaging for products that are exported, it may, provided it supplies adequate documentary evidence, request Eco-Emballages to regularise its situation.
- (c) Each producer now has the right to terminate its contract at the end of each twelve-month period subject to six months' notice.

⁽¹⁾ The figures for 1997 were as follows: 1,24 million of the 2,3 million tonnes of glass, 0,81 million of the 0,9 million tonnes of plastic, 0,89 million of the 1,0 million tonnes of paper/paperboard, and 0,36 million of the 0,4 million tonnes of metal.

- (d) Although Eco-Emballages may require each local authority to collect and sort all five materials, the latter may enter into a contract with Eco-Emballages for one or more materials only and with another body for the others.
 - (e) Each local authority may, at any time, unilaterally terminate its contract without being required to pay any compensation. Should it do so, at the local authority's request Eco-Emballages will provide it with any necessary information concerning its offer to enable the local authority to compare offers from different bodies in respect of each material.
 - (f) All operational take-back contracts between local authorities and designated take-back firms may be amended without requiring Eco-Emballages' agreement.
 - (g) As regards use of the Green Dot mark by systems, in accordance with the third supplementary agreement concluded with Pro Europe (see recital 20) Eco-Emballages considers itself under the obligation to grant any competing system, where appropriate, a sublicense with the same territorial and material scope as its principal licence.
 - (h) The framework contract between Eco-Emballages and Adelphe was amended on 16 February 2001 such that neither party may demand the other's list of members, but either party may request the other to confirm within a period of one week whether or not a given producer affixing the Green Dot mark to its products is a member.
 - (i) Eco-Emballages never receives from producers any amount other than consideration for taking over their obligation under the Decree.
 - (j) In the case of a hybrid system (the producer belongs to Eco-Emballages for some of its packaging and, for the remainder, there is an individual system approved by the authorities of which it is a member or which it has set up), if the packaging covered by the Eco-Emballages system accounts for most of the producer's packaging, the producer is allowed to affix the Green Dot mark to all its packaging, including that covered by its individual system. The producer must be able to provide, at Eco-Emballages' request and not systematically, a statement from its auditors attesting to the quantity of packaging covered by the individual system. If, on the other hand, the packaging covered by the individual system accounts for most of the producer's packaging, the producer must normally limit affixing of the Green Dot mark to not more than the quantity covered by the Eco-Emballages system, except where it does not consider this to be adequate and rational. In that eventuality, and as long as it can demonstrate that the individual system achieves recycling and recovery results equivalent to those required by the French authorities of French collective systems and it is able to provide, at Eco-Emballages' request and not systematically, a statement from its auditors attesting to the quantity of packaging covered by the individual system, the producer may affix the Green Dot mark to all its household packaging.
 - (k) Where the producer is authorised in France to have an individual system for all its packaging and the same types of packaging belong to a collective collection and recovery system using the Green Dot mark in another Member State of the European Economic Area, and as long as it can demonstrate that the individual system achieves recycling and recovery results equivalent to those required by the French authorities of French collective systems, Eco-Emballages will offer the producer a contract allowing it to distribute packaging bearing the Green Dot mark in French territory. It must nevertheless affix to the packaging, in the vicinity of the Green Dot mark, an indication enabling the French consumer to understand clearly that the packaging has not contributed to a French collective system. If the parties cannot agree on the nature of the indication within a period of three months, an expert is to be appointed by the magistrate presiding over the French commercial court with territorial jurisdiction, at the request of the earliest petitioner, under the emergency expertise procedure.
 - (l) The clause concerning interest on arrears for late membership has been supplemented with the clarification that such interest is due with effect from 31 December 1993 or from the date the activity subject to the Decree begins, where that is later, if the products in question have not been either covered by another recovery system or the subject of proceedings for non-compliance with the Decree.
- (62) The new version of the producer contract (recital 61, points (a), (b) and (c) has been in force since 21 June 2000. As regards the new version of the long-term programme contract with local authorities (points (d) and (e)), Eco-Emballages has informed the Commission that it was approved by the Association of French Mayors on 12 July 2000, that the amendments to existing contracts had been sent to the local authorities concerned and that new contracts subsequently signed also contained those provisions. The amendment referred to in point (f) above was confirmed by Eco-Emballages in a letter to the Commission dated 7 July 2000. The undertaking outlined in point (g) derives from the interpretation given by Eco-Emballages to the contract it concluded with Pro Europe on 4 December 1998. The amendment described in point (h) has been in force since 16 February 2001. Lastly, the undertakings referred to in points (i), (j), (k) and (l) were given on 14 March 2001.

H. COMMENTS BY INTERESTED THIRD PARTIES

- (63) No formal complaint has been lodged against the notified system.

- (64) Following publication of the notice pursuant to Article 19(3) of Regulation No 17, the Commission received comments from two corporate interested third parties. Those comments related, in particular, to the terms under which sublicences are granted for use of the Green Dot mark by a competing system, the scope of producer contracts, the price scales for producers' contributions, and Eco-Emballages request that the exemption decision applied for be issued with retroactive effect.
- (65) After examining the comments in detail, the Commission considers that it has no grounds for departing from its provisionally favourable position, for the reasons set out below.
- (66) First, as already mentioned, examination of the terms on which sublicences are granted has led to an amendment whereby Eco-Emballages can no longer require a sublicensee to provide it with a list of its members.
- (67) The Commission does not comment in this Decision on the question of the existence of a principal licence for each country and of sublicences, which is being examined separately. It should therefore be stressed that this Decision does not comprise any assessment, either favourable or unfavourable, of the licensing principles established by Pro Europe.
- (68) Second, the Commission accepts that the price scales for producers' contributions are calculated having due regard for the 'polluter pays' principle. The independent study mentioned at recital 10 has made it possible to identify a cost per material according to the different methods of collection (bottle banks, etc. for use by the public, door-to-door collection) and types of collection area (rural, semi-urban, urban or other). A weighted average calculated in this manner constitutes the basis for the contribution per material (under the Decree, the local authorities are reimbursed any additional cost they incur as a result of sorting the waste). It would be disproportionate to require a more detailed differentiation, i.e., within the same material. Plastic is the only material that can be divided into different types, and consumers are unlikely to distinguish between them. When a packaged product is placed on the market, the abovementioned two calculation parameters are in any case not known. Furthermore, since the price scale is composed of a flat-rate amount per package, designed to combat the proliferation of small packages, and a weight-based contribution determined in this manner for each material, producers are encouraged to reduce packaging at source: the less they package their products, the less they contribute financially to the system.
- (69) Third, the approval by the authorities of identical price scales for systems serving the same purpose is the result of a measure taken by the State and does not constitute a restrictive practice⁽¹⁾. This situation has arisen from the authorities' desire to ensure the sustainability of the selective collection and recovery of household packaging on the French market. According to the French authorities, scales of support for local authorities that differ between approved firms might result in higher prices. The introduction of a single scale of support for local authorities would help to limit that trend, which could encourage an increase in spending. The French authorities have also explained that the costs of selective collection and sorting of household packaging waste are periodically analysed, in particular by Ademe (the Agency for the Environment and Management of Energy), and such analyses are taken into account when price scales are established. As long as the additional cost of selective collection and sorting, for which local authorities are to be compensated, is determined at national level for each type of collection and not for each local authority, it would, according to the French authorities, be difficult for the authorities to establish the price scales in any other way. Lastly, the authorities consult the Advisory Committee composed of all the partners involved, including consumers, before setting the price scales in accordance with public-interest criteria.
- I. ARTICLE 81(1) OF THE EC TREATY AND ARTICLE 53(1) OF THE EEA AGREEMENT**
- (a) Agreements between undertakings which may affect trade between Member States
- (70) The agreements between Eco-Emballages and producers and between Eco-Emballages and sectoral undertakings are agreements between undertakings since all these natural or legal persons carry on an economic activity. On the question whether the agreements concluded with local authorities are agreements between undertakings within the meaning of Article 81 of the EC Treaty, a distinction must be drawn between a situation where the State acts in the exercise of official authority and that where it carries on economic activities of an industrial or commercial nature by offering goods or services on the market⁽²⁾. By entering into contracts with Eco-Emballages with a view to both receiving financial support in return for establishing a household waste selective collection service and proof that the waste is

⁽¹⁾ See, for example, in this connection the judgment of the Court of Justice of the European Communities in Case C-38/97 *Autotrasporti Librandi* [1998] ECR I-5955, paragraph 37.

⁽²⁾ See, for example, in this connection the judgments of the Court of Justice in Cases 118/85 *Commission v Italy* [1985] ECR I-2599, paragraph 7, and C-343/95 *Diego Call & Figli* [1997] ECR I-1547, paragraph 16.

recovered, and also selling sorted household packaging to take-back firms which provide them with proof of recovery, the local authorities are carrying on an economic activity of an industrial and commercial nature within the meaning of the above. The fact that they do so under their statutory obligation to dispose of household waste is insufficient to enable them to be regarded as acting in the role of an official authority. In accordance with Article 86(2) of the EC Treaty, the agreements in question are therefore subject to the Community rules on competition in so far as the application of such rules does not obstruct the performance, in law or in fact, of the particular task of household waste disposal assigned to the municipalities and local authorities in the public interest.

- (71) Since a number of members are from other EU Member States, the producer contract is therefore liable to have effects on trade between Member States. The other agreements are aimed at redistributing the producers' contributions to local authorities, so that the latter collect the packaging and pass it on to the take-back firms for recovery. Any changes to the support for local authorities thus have repercussions on the producers' contributions. The system consequently operates as a whole and all the contracts therefore have appreciable actual or potential effects on trade between Member States.

(b) Articles of association

- (72) Eco-Emballages' articles of association do not contain any exclusive clause restricting the shareholders' freedom of action on the relevant markets and therefore do not contravene Article 81 of the EC Treaty.

(c) Duration and scope of the producer contracts

- (73) Now that all producers have the right to terminate their contract each year, the Commission takes the view that, in terms of the duration of contracts, producers' freedom of choice and action is not unduly restricted

and, furthermore, a competing system can enter the membership market, which is not foreclosed.

- (74) Likewise, since it has been expressly confirmed ⁽¹⁾ that a producer can opt to join the system in respect of certain types of material only and in respect of some or all of the packaging composed of each material, the Commission takes the same view as in recital 73 with regard to the scope of contracts.
- (75) The clause concerning interest on arrears for late payment of contributions applied to producers joining after 31 December 1993 does not create any barrier to entry to the membership market for competing systems, nor does it constitute a manifest abuse.

(d) Duration and scope of local authority contracts

- (76) Since it has been expressly confirmed ⁽²⁾ that local authorities have the right to terminate their contract at any time, the Commission takes the view that, in terms of the duration of contracts, local authorities' freedom of choice and action is not unduly restricted and, furthermore, a competing system can enter the selective collection market, which is not foreclosed.
- (77) Likewise, since it has been expressly confirmed ⁽³⁾ that a local authority can enter into a contract with Eco-Emballages in respect of one or more materials and with another body for the others, the Commission takes the same view as in recital 76 with regard to the scope of contracts.
- (78) The obligation on the local authority to enter into a contract with Eco-Emballages in respect of the entire sorted tonnage of a particular material does not constitute in the case in point a restriction of competition within the meaning of Article 81(1) of the EC Treaty because, as the local authority can terminate its contract whenever it wishes, this clause does not create any exclusive right that appreciably affects the competitive situation on the selective collection market.

(e) Duration of sectoral contracts

- (79) These contracts run for six years, and Eco-Emballages concludes only one sectoral contract for each material. Eco-Emballages is under the obligation to present to local authorities that opt for the take-back guarantee, for each material, the sectoral undertaking concerned as the designated take-back firm. This exclusivity is unilateral, and the contract does not prevent sectoral undertakings from working with any other systems. For two of the five materials (aluminium and steel) there is, according

⁽¹⁾ According to Eco-Emballages, this was already the case before the clause in question was amended.

⁽²⁾ According to Eco-Emballages, a local authority, as a legal person governed by public law, could in any event terminate its contracts at any time, as confirmed by well established case-law in France.

⁽³⁾ According to Eco-Emballages, which backed up its claim with an example of a contract, this was already the case before the clause in question was amended.

to the information available, in any case only one manufacturer on the French market and there is therefore no choice of sectoral undertaking. If the local authority does not opt for the take-back guarantee, it has a free choice of take-back firm, and any take-back firm can thus gain access to the market in the recovery of materials collected by the local authorities.

- (80) Since Eco-Emballages cannot itself provide local authorities with a take-back guarantee, it needs for that purpose a sectoral contract for each material covering the duration of its obligations. The Commission takes the view, on the basis of the information available, that access to the recovery market is not appreciably restricted by the sectoral contracts, as the take-back guarantee is optional for local authorities and the Eco-Emballages' system concerns only slightly more than one third of packaging waste on the French market (5,4 million tonnes of household packaging waste out of a total of 13 million tonnes of packaging waste in 1997). Glass is the only material most of which is handled by the Eco-Emballages or the Adelphe system, and since the sectoral undertaking is a trade association which introduced the system that was subsequently taken over by the collective systems, the Eco-Emballages system does not have appreciable effects on the recovery market. In these particular circumstances on the French market, the Commission takes the view that these contracts do not constitute a restriction of competition in breach of Article 81(1) of the EC Treaty.

(f) Involvement in contracts on the recovery market

- (81) The notified agreements contain provisions relating to the minimum take-back price paid by the take-back firm to the local authority, and consequently a relationship in which Eco-Emballages is not involved. The minimum take-back price is set in the local authority and sectoral contracts for a period of six years. Nevertheless, it is no more than a floor price and the price actually paid depends on the state of the market, provided that it is always either zero or positive. Eco-Emballages takes part in this price-setting process because the system is based on the sharing of costs between producers, local authorities and sectoral undertakings and it acts as the interface between those parties. Neither could it guarantee the payment of that price to the local authorities if it was not involved in setting it. Eco-Emballages' involvement in the terms on which the sectoral undertakings purchase waste collected by the local authorities is designed to avoid the latter having to run the risks of market fluctuations and to pay to have their packaging waste recycled, something which would be liable to deter them from joining the system. The existence of the minimum price enables local authorities to join the

system and have their sorted waste recycled. The price actually paid may always exceed the minimum price laid down. Eco-Emballages's profit is only indirect. For the above reasons, the existence and the results of its involvement do not contravene Article 81(1) of the EC Treaty.

(g) Use of the Green Dot mark

- (82) Provided that Eco-Emballages fulfils its undertaking to allow other collective systems to use the Green Dot mark in their system, in return for payment of a share of the amounts claimed by Pro Europe, the contract granting it the principal licence in France does not create an unjustifiable exclusive right and is not incompatible with Article 81(1) of the EC Treaty.
- (83) As regards the producers' right and obligation to affix the Green Dot mark to packaging, in its Decision on DSD, in a proceeding pursuant to Article 82 of the EC Treaty concerning the German market, the Commission found against the practice whereby the fee payable was linked not to the use of the service releasing the producer from its packaging take-back and recovery obligations but simply to the use of the Green Dot mark on packaging. In view of the undertakings given with regard to use of the Green Dot mark by producers taking part at the same time or entirely in an individual system or another collective system, the terms binding producers do not create any exclusive right for the benefit of Eco-Emballages and to the detriment of its actual and potential competitors. Furthermore, the problems which prompted the Commission to find that DSD had abused its dominant position do not currently arise on the French market,
- (84) Lastly, it should be recalled that, if a product bearing the Green Dot is exported and if proper proof is provided, no contribution can be claimed by Eco-Emballages for the use of the Green Dot on the packaging. Similarly, if a product bearing the Green Dot is handled in France by a competing system, no contribution is payable to Eco-Emballages.
- (85) Under these circumstances, the contracts and clauses applied by Eco-Emballages for the use of the Green Dot are not in breach of Article 81(1) of the EC Treaty.

(h) Conclusion

- (86) To sum up, in view of the arguments set out above and provided that the undertakings given are carried out, the establishment and operation of the Eco-Emballages system in accordance with the texts and contracts hitherto in force are not caught by Article 81(1) of the EC Treaty,

HAS ADOPTED THIS DECISION:

Article 1

On the basis of the facts in its possession, and in particular in view of the undertakings listed in recital 61 of this Decision, the Commission has no grounds for action under Article 81(1) of the EC Treaty or Article 53(1) of the EEA Agreement in respect of the notified agreements concerning a system of selective collection and recovery of household packaging waste established by Eco-Emballages SA, as they currently stand.

Article 2

This Decision is addressed to:

Eco-Emballages SA
44 avenue Georges Pompidou
F-92302 Levallois-Perret Cedex.

Done at Brussels, 15 June 2001.

For the Commission

Mario MONTI

Member of the Commission

COMMISSION DECISION

of 16 August 2001

amending Decision 96/301/EC authorising Member States temporarily to take emergency measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as regards Egypt

(notified under document number C(2001) 2542)

(2001/664/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

3 April 1999 and the beginning of the 1999/2000 import season.

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ⁽¹⁾, as last amended by Directive 2001/33/EC ⁽²⁾, and in particular Article 16(3) thereof,

Whereas:

- (1) Where a Member State considers that there is an imminent danger of the introduction into its territory of *Pseudomonas solanacearum* (Smith) Smith, the cause of potato brown rot, from a non-member country, it should be able to take temporarily any additional measures necessary to protect itself from that danger.
- (2) In 1996, on the basis of continued interceptions of *Pseudomonas solanacearum* (Smith) Smith in potatoes originating in Egypt, several Member States (France, Finland, Spain and Denmark) adopted measures to implement a ban on potatoes originating in Egypt, with a view to ensuring more efficient protection against the introduction of *Pseudomonas solanacearum* (Smith) Smith from Egypt into their respective territories.
- (3) The Commission, by Decisions 96/301/EC ⁽³⁾, 98/105/EC ⁽⁴⁾ and 98/503/EC ⁽⁵⁾, required Member States to take additional measures temporarily against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as regards Egypt: the import into the Community of potatoes originating in Egypt was banned except where the potatoes originated in pest-free areas established in accordance with the FAO international standard for phytosanitary measures part 4: pest surveillance — requirements of the establishments of pest-free area.
- (4) Cases of *Pseudomonas solanacearum* (Smith) Smith continued to be found in imports of potatoes originating in Egypt during 1998/1999, and as a consequence the import into Community territory of tubers of *Solanum tuberosum* L. originating in Egypt was prohibited between

(5) The situation was then reassessed. The Commission considered it appropriate, by Decision 1999/842/EC ⁽⁶⁾ to remove the prohibition on the import of potatoes from officially approved 'pest-free areas' for the 1999/2000 import season.

(6) During the 1999/2000 season, the situation improved significantly and the Commission by Decision 2000/568/EC ⁽⁷⁾, again permitted for the 2000/2001 import season, the entry into Community territory of tubers of *Solanum tuberosum* L. which originate in pest-free areas approved in Egypt in accordance with the said FAO international standard.

(7) However, during the 2000/2001 season, a number of interception of *Pseudomonas solanacearum* (Smith) Smith were recorded and as a consequence of the provisions of Decision 2000/568/EC the import into Community territory of tubers of *Solanum tuberosum* L. originating in Egypt was prohibited between 5 May 2001 and the beginning of the 2001/2002 import season.

(8) The situation was again reassessed. Egypt informed the Commission that administrative measures had been strengthened to apply a strict control system to ensure and maintain freedom within 'approved pest-free areas' from the above pathogen and confirmed that measures were taken against exporters who violate Egyptian instructions on the export of potatoes destined for the European Union. Moreover Egypt submitted a detailed contingency plan explaining measures that are applied when brown rot is found within Egypt and/or in consignments of potatoes originating in Egypt on inspection at entry into the European Union and notified to Egypt.

(9) In the light of the Egyptian information, it should be possible to allow for the 2001/2002 import season, the entry into Community territory of *Solanum tuberosum* L. which originate in Egypt from pest-free areas which have been approved in Egypt in accordance with the aid FAO international standard.

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

⁽²⁾ OJ L 127, 9.5.2001, p. 42.

⁽³⁾ OJ L 115, 9.5.1996, p. 47.

⁽⁴⁾ OJ L 25, 31.1.1998, p. 101.

⁽⁵⁾ OJ L 225, 12.8.1998, p. 34.

⁽⁶⁾ OJ L 326, 18.12.1999, p. 68.

⁽⁷⁾ OJ L 238, 22.9.2000, p. 59.

- (10) The Commission should ensure that Egypt makes available all technical information in relation to surveying and monitoring necessary for the approval of such 'pest-free areas' in accordance with the said FAO international standard in order to enable the Commission to carry out the necessary assessment for its aforesaid action. Such technical information should be sufficiently detailed to give evidence that the specific risk factors both in the delta and in the desert region are sufficiently addressed while establishing the approved pest-free areas in Egypt.
- (11) The effects of the emergency measures should be assessed continually in the 2001/2002 import season. Possible consequences will be considered if it is established that the conditions laid down in this Decision have not been complied with.
- (12) It is necessary to clarify the provision of point 1(c), fifth indent, of the Annex to Decision 96/301/EC, in order to indicate that sampling refers to basin or village.
- (13) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

Decision 96/301/EC is hereby amended as follows:

1. In Article 1a, '2000/2001' is replaced by '2001/2002'.
2. In Article 1b, '2000/2001' is replaced by '2001/2002'.
3. In Article 2, '30 August 2001' is replaced by '31 August 2002'.

4. In Article 4, '30 September 2001' is replaced by '30 September 2002'.

5. The Annex is amended as follows:

- (a) in point 1(c), third indent, '2000/2001' is replaced by '2001/2002' and '1 December 2000' is replaced by '1 December 2001';
- (b) in point 1(c), fifth indent, 'at least one sample per area as defined in (a)' is replaced by 'at least one sample per basin or village';
- (c) in point 1(c), last indent, '1 December 2000' is replaced by '1 December 2001'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 16 August 2001.

For the Commission

David BYRNE

Member of the Commission

COMMISSION DECISION

of 21 August 2001

prolonging for the seventh time the validity of Decision 1999/815/EC concerning measures prohibiting the placing on the market of toys and childcare articles intended to be placed in the mouth by children under three years of age made of soft PVC containing certain phthalates

(notified under document number C(2001) 2567)

(Text with EEA relevance)

(2001/665/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/59/EEC of 29 June 1992 on general product safety ⁽¹⁾, and in particular Article 9 thereof,

Whereas:

- (1) On 7 December 1999, the Commission adopted Decision 1999/815/EC ⁽²⁾ based on Article 9 of Directive 92/59/EEC requiring the Member States to prohibit the placing on the market of toys and childcare articles intended to be placed in the mouth by children under three years of age, made of soft PVC containing one or more of the substances di-iso-nonyl phthalate (DINP), di(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), di-iso-decyl phthalate (DIDP), di-n-octyl phthalate (DNOP), and butylbenzyl phthalate (BBP).
- (2) The validity of Decision 1999/815/EC was limited to three months, in accordance with the provision of Article 11(2) of Directive 92/59/EEC, therefore, the validity of the Decision was to expire on 8 March 2000.
- (3) Article 11(2) of Directive 92/59/EEC states that the validity of the measures adopted on the basis of Article 9 of the said Directive is limited to three months, but may be prolonged under the same procedure foreseen for the adoption of these measures.
- (4) When adopting Decision 1999/815/EC it was foreseen to prolong its validity if necessary. The validity of the measures adopted under Decision 1999/815/EC on the basis of Article 9 of Directive 92/59/EEC was prolonged under Commission Decisions 2000/217/EC ⁽³⁾, 2000/381/EC ⁽⁴⁾, 2000/535/EC ⁽⁵⁾, 2000/769/EC ⁽⁶⁾, 2001/195/EC ⁽⁷⁾ and 2001/467/EC ⁽⁸⁾ for an additional period of three months each time, in accordance with the provision of Article 11(2) of the said Directive; therefore the validity of the Decision is to expire on 6 September 2001.

- (5) Some relevant developments have taken place recently concerning the validation of phthalates migration test methods. However, further work in this area is still necessary to try to solve some crucial outstanding difficulties.
- (6) The reasons which motivated Decision 1999/815/EC and its prolongation under Decisions 2000/217/EC, 2000/381/EC, 2000/535/EC, 2000/769/EC, 2001/195/EC and 2001/467/EC are still valid and it is therefore necessary to maintain the prohibition of the placing on the market of the products considered.
- (7) Certain Member States have implemented Decision 1999/815/EC as modified by Decisions 2000/217/EC, 2000/381/EC, 2000/535/EC, 2000/769/EC, 2001/195/EC and 2001/467/EC by measures applicable until 6 September 2001. Therefore it is necessary to ensure that the validity of these measures is prolonged.
- (8) It is therefore necessary to prolong the validity of Decision 1999/815/EC for a seventh time in order to ensure that all the Member States maintain the prohibition provided for by that Decision. According to Article 11(2) of Directive 92/59/EEC the validity may be prolonged for a period of three months.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Emergencies Committee,

HAS ADOPTED THIS DECISION:

Article 1

In Article 5 of Decision 1999/815/EC the words '6 September 2001' are replaced by the words '21 November 2001'.

Article 2

Member States shall take the measures necessary to comply with this Decision within less than 10 days of its notification. They shall forthwith inform the Commission thereof.

⁽¹⁾ OJ L 228, 11.8.1992, p. 24.

⁽²⁾ OJ L 315, 9.12.1999, p. 46.

⁽³⁾ OJ L 68, 16.3.2000, p. 62.

⁽⁴⁾ OJ L 139, 10.6.2000, p. 40.

⁽⁵⁾ OJ L 226, 6.9.2000, p. 27.

⁽⁶⁾ OJ L 306, 7.12.2000, p. 37.

⁽⁷⁾ OJ L 69, 10.3.2001, p. 37.

⁽⁸⁾ OJ L 163, 20.6.2001, p. 30.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 21 August 2001.

For the Commission

David BYRNE

Member of the Commission

COMMISSION DECISION

of 21 August 2001

fixing, for the 2001/02 marketing year and in respect of a certain number of hectares, an indicative allocation by Member State for the restructuring and conversion of vineyards under Council Regulation (EC) No 1493/1999

(notified under document number C(2001) 2577)

(2001/666/EC)

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 14 thereof,

Whereas:

- (1) The rules for the restructuring and conversion of vineyards are laid down in Regulation (EC) No 1493/1999 and Commission Regulation (EC) No 1227/2000 of 31 May 2000 laying down detailed rules for the application of Regulation (EC) No 1493/1999 on the common organisation of the market in wine ⁽³⁾, as last amended by Regulation (EC) No 1253/2001 ⁽⁴⁾, in particular on production potential.
- (2) The detailed rules on financial planning and participation in financing the restructuring and conversion scheme laid down in Regulation (EC) No 1227/2000 stipulate that the references to a given financial year refer to the payments actually made by the Member States between 16 October and the following 15 October.
- (3) In accordance with Article 14(1) of Regulation (EC) No 1493/1999, the Commission makes initial allocations to Member States per year on the basis of objective criteria, taking into account particular situations and needs, and efforts to be undertaken in the light of the objective of the scheme.
- (4) In accordance with Article 14(3) of Regulation (EC) No 1493/1999, the financial allocation between Member States must take due account of the proportion of the Community vineyard area in the Member State concerned.
- (5) For the purposes of implementing Article 14(4) of Regulation (EC) No 1493/1999, the financial allocations should be made in respect of a certain number of hectares.
- (6) Under Article 13(3) of Regulation (EC) No 1493/1999, the Community contribution to the costs of restructuring and conversion is higher in regions classified as

Objective 1 in accordance with Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds ⁽⁵⁾.

- (7) Account must be taken of the compensation for the loss of income incurred by the wine growers during the period when the vineyard is not yet in production.
- (8) In accordance with Article 17(4) of Regulation (EC) No 1227/2000, where expenditure actually incurred by a Member State in a given financial year is less than 75 % of the initial allocation, the expenditure to be recognised for the following financial year, and the corresponding total area, are to be reduced by a third of the difference between this threshold and the actual expenditure incurred during the financial year in question. This provision applies to France and Greece for the 2001/02 marketing year.
- (9) In accordance with Article 14(2) of Regulation (EC) No 1493/1999, the initial allocation is adapted in view of real expenditure and on the basis of revised expenditure forecasts submitted by the Member States taking account of the objective of the scheme and subject to the funds available,

HAS ADOPTED THIS DECISION:

Article 1

The financial allocations by Member State, in respect of a certain number of hectares, for the restructuring and conversion of vineyards under Regulation (EC) No 1493/1999 for the 2001/02 marketing year shall be as set out in the Annex hereto.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 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 143, 16.6.2000, p. 1.⁽⁴⁾ OJ L 173, 27.6.2001, p. 31.⁽⁵⁾ OJ L 161, 26.6.1999, p. 1.

ANNEX

Financial allocations by Member State, in respect of a number of hectares, for the restructuring and conversion of vineyards under Regulation (EC) No 1493/1999, for the 2001/02 marketing year

Member State	Area (ha)	Financial allocation (EUR)
Germany	1 776	13 785 000
Greece	1 028	7 323 000
Spain	23 192	154 160 000
France	12 827	93 019 000
Italy	15 910	116 571 000
Luxembourg	21	167 000
Austria	1 079	7 567 000
Portugal	4 391	29 408 000
Total	60 223	422 000 000

EUROPEAN CENTRAL BANK

DECISION OF THE EUROPEAN CENTRAL BANK

of 30 August 2001

on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes

(ECB/2001/7)

(2001/667/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty establishing the European Community (hereinafter referred to as the 'Treaty') and in particular to Article 106(1) thereof and to Article 16 of the Statute of the European System of Central Banks and of the European Central Bank (hereinafter referred to as the 'Statute').

Having regard to Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro ⁽¹⁾ and in particular to Articles 10 and 16 thereof,

Whereas:

- (1) The provisions of Article 106(1) of the Treaty, Article 16 of the Statute and Article 10 of Regulation (EC) No 974/98 require more precise details on the denominations and specifications of the euro banknotes.
- (2) Such details may be provided by means of a decision of the European Central Bank, published for general information in the *Official Journal of the European Communities*.
- (3) Council Regulation (EC) No 975/98 of 3 May 1998 on denominations and technical specifications of euro coins intended for circulation ⁽²⁾ stipulates that the denominations of the euro coins will range from 1 cent to EUR 2.
- (4) The denominations of the euro banknotes should take into account the denominations of the euro coins.
- (5) The present Decision takes into account the preparatory work carried out by the European Monetary Institute (EMI) and, in particular with regard to the banknote designs, the results of a Europe-wide competition between banknote designers.
- (6) Such preparatory work included consultations with European associations of several categories of banknote users in order to take into account their specific visual

and technical requirements and to facilitate the recognition and acceptance of the new banknote denominations and specifications by users.

- (7) The European Central Bank (ECB) is the recipient of the copyright on the designs of the euro banknotes, originally held by the EMI.
- (8) It is necessary to establish some common guiding principles according to which the reproduction of the designs of banknotes will be permitted.
- (9) A general authorisation should be given by virtue of the present Decision to all reproductions falling within certain criteria.
- (10) It is appropriate that the reproduction rules allow reproductions only if they are one-sided, in order to reduce the risk of the general public confusing reproductions of euro banknotes with genuine banknotes.
- (11) A common regime under which the NCBs of participating Member States are prepared to exchange mutilated or damaged euro banknotes needs to be established.
- (12) The need to establish a common regime also applies to the final withdrawal of banknotes when these are to be replaced by new banknotes.
- (13) The publication of announcements in the *Official Journal of the European Communities* may be accompanied by other means of publication that may facilitate due acknowledgement by the general public.
- (14) It is appropriate, for reasons of clarity and rationality, to consolidate Decision ECB/1998/6 of 7 July 1998 on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes ⁽³⁾, as amended by Decision ECB/1999/2 ⁽⁴⁾,

⁽¹⁾ OJ L 139, 11.5.1998, p. 1.

⁽²⁾ OJ L 139, 11.5.1998, p. 6.

⁽³⁾ OJ L 8, 14.1.1999, p. 36.

⁽⁴⁾ OJ L 258, 5.10.1999, p. 29.

HAS ADOPTED THIS DECISION:

Article 1

Denominations and specifications

1. The first series of euro banknotes shall include seven denominations in the range of EUR 5 to EUR 500, depicting the theme 'Ages and styles of Europe', with the following basic specifications.

Face value (EUR)	Dimensions	Dominant colour	Design
5	120 × 62 mm	Grey	Classical
10	127 × 67 mm	Red	Romanesque
20	133 × 72 mm	Blue	Gothic
50	140 × 77 mm	Orange	Renaissance
100	147 × 82 mm	Green	Baroque and rococo
200	153 × 82 mm	Yellow-brown	Iron and glass architecture
500	160 × 82 mm	Purple	Modern 20th century architecture

2. The seven denominations in the euro banknote series shall bear the representation of gateways and windows on the recto and bridges on the verso. All seven denominations shall be typical of the different European artistic periods referred to above. Other elements of the designs shall include: the symbol of the European Union; the name of the currency in the Roman and Greek alphabets; the initials of the ECB in their official language variants; the © symbol to indicate the copyright protection; and the signature of the President of the ECB.

Article 2

Reproduction

1. The copyright on the banknotes specified in Article 1 shall belong to the ECB.
2. The reproduction of all or part of a banknote specified in Article 1 shall be authorised in the following cases:
 - (a) for photographs, drawings, paintings, films, and generally for any type of image in which the focus is not the banknotes or reproductions themselves and which do not provide a close-up view of the banknote designs;
 - (b) for one-sided reproductions, provided these are more than 125 % or less than 75 % of both the length and the width of the respective banknote as specified in Article 1, irrespective of the material used for the reproduction.
3. General authorisation of reproductions under the above rules may be cancelled in the event of a conflict with the unalienable moral rights of the author of the banknote designs.

Article 3

Exchange of mutilated or damaged banknotes

1. NCBs of participating Member States shall, upon request, exchange mutilated or damaged legal tender euro banknotes in the following cases:
 - (a) when more than 50 % of the banknote is presented;
 - (b) when 50 % or less of the banknote is presented if the applicant proves that the missing parts have been destroyed.

2. The exchange of mutilated or damaged banknotes shall require:
 - (a) identification of the applicant in cases of doubt as to the applicant's legal title to the banknotes and the authenticity of the banknotes;
 - (b) upon reasonable suspicion that a criminal offence has been committed or that the banknote has been intentionally mutilated or damaged, written explanations with regard to the cause of the mutilation or damage and what has become of the missing parts of the banknote;
 - (c) written explanations of the kind of stain, contamination or impregnation when ink-stained, contaminated or impregnated banknotes are presented;
 - (d) a written statement on the cause and kind of neutralisation when banknotes are submitted by credit institutions if they have been discoloured by activated anti-theft devices;
 - (e) payment by the applicant of the fee that the ECB may establish in cases of labour-intensive analysis by NCBs.

Article 4

Withdrawal of banknotes

The withdrawal of a euro banknote type or series shall be regulated by a decision of the Governing Council published for general information in the *Official Journal of the European Communities* and other media. This Decision shall cover, as a minimum, the following points:

- the euro banknote type or series to be withdrawn from circulation,
- the duration of the exchange period,
- the date on which the euro banknote type or series will lose its legal tender status,
- the treatment of the euro banknotes presented once the withdrawal period is over and/or they have lost their legal tender status.

Article 5

Final provisions

1. Decisions ECB/1998/6 and ECB/1999/2 are hereby repealed.
2. References to the repealed Decisions shall be construed as references to this Decision.
3. Article 1(4) of Guideline ECB/1999/3 of 7 July 1998 on certain provisions regarding euro banknotes, as amended on 26 August 1999 ⁽¹⁾, is hereby repealed.
4. This Decision shall be published on the ECB website.
5. This Decision shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

Done at Frankfurt am Main, 30 August 2001.

The President of the ECB

Willem F. DUISENBERG

⁽¹⁾ OJ L 258, 5.10.1999, p. 32.

CORRIGENDA**Corrigendum to Council Regulation (EC) No 1142/2001 of 7 June 2001 amending Regulation (EC) No 2505/96 opening and providing for the administration of autonomous Community tariff quotas for certain agricultural and industrial products**

(Official Journal of the European Communities L 155 of 12 June 2001)

On page 3 in the Annex, against Order No 09.2601, in the column headed 'CN code':

for: 'ex 0807 90 10',

read: 'ex 8407 90 10';

and against Order No 09.2985, in the column headed 'TARIC code':

for: '32',

read: '33';

and in the column headed 'Description':

for: '(± 0,8 micrometer)',

read: '(± 8 micrometers)'.

Corrigendum to Council Regulation (EC) No 1260/2001 of 30 June 2001 on the common organisation of the markets in the sugar sector

(Official Journal of the European Communities L 178 of 30 June 2001)

Throughout the text:

for: 'insulin',

read: 'inulin';

on page 8 in Article 1(2)(b):

for: '(b) "raw sugars" means sugars, not flavoured or coloured or containing any other added substances, containing, in the dry state, 99,5 % by weight of sucrose, determined by the polarimetric method;'

read: '(b) "raw sugars" means sugars, not flavoured or coloured or containing any other added substances, containing, in the dry state, less than 99,5 % by weight of sucrose, determined by the polarimetric method;'

and page 30 in Article 46(4):

for: '4. Portugal shall be authorised to grant adjustment aid. Which may exceed EUR 3,11 per 100 kilogrammes of white sugar to sugar beet producers located in its mainland territory for the production of the corresponding quantity of sugar effected within the A and B quotas of each sugar-producing undertaking;'

read: '4. Portugal shall be authorised to grant adjustment aid. Which may not exceed EUR 3,11 per 100 kilograms of white sugar to sugar beet producers located in its mainland territory for the production of the corresponding quantity of sugar effected within the A and B quotas of each sugar-producing undertaking;'.

Corrigendum to Commission Regulation (EC) No 1681/2001 of 22 August 2001 amending Regulation (EC) No 174/1999 laying down special detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk products and Regulation (EC) No 1498/1999 laying down rules for the implementation of Council Regulation (EEC) No 804/68 as regards communication between the Member States and the Commission in the milk and milk products sector

(Official Journal of the European Communities L 227 of 23 August 2001)

On page 36, in Article 2, point 1(a)(ii) of the replacing text:

for: '... (IDES computer code 1);',

read: '... (IDES computer code 9);'.
