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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1757/2001
of 6 September 2001
establishing the standard import values for determining the entry price of certain fruit and
vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1498/98 ⁽²⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 September 2001.

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

Done at Brussels, 6 September 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 6 September 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	80,8
	999	80,8
0805 30 10	388	72,6
	524	69,0
	528	66,9
	999	69,5
0806 10 10	052	68,6
	999	68,6
0808 10 20, 0808 10 50, 0808 10 90	388	92,5
	400	77,8
	512	66,4
	528	60,4
	804	105,2
	999	80,5
	999	105,8
0808 20 50	052	105,8
	999	105,8
0809 30 10, 0809 30 90	052	106,6
	999	106,6
0809 40 05	052	81,6
	060	55,9
	064	54,3
	066	61,2
	068	49,3
	094	52,9
	999	59,2

⁽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 1758/2001**of 6 September 2001****fixing the maximum export refund for white sugar for the sixth 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 sixth 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 sixth 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 42,055 EUR/100 kg.

Article 2

This Regulation shall enter into force on 7 September 2001.

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

Done at Brussels, 6 September 2001.

For the Commission

Franz FISCHLER

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 1759/2001**of 6 September 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 7 September 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, 6 September 2001.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 6 September 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⁾	12,93	—	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 1760/2001**of 6 September 2001****fixing the export refunds on white sugar and raw sugar exported in its unaltered 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 second subparagraph of Article 27(5) thereof,

Whereas:

(1) Article 27 of Regulation (EC) No 1260/2001 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(a) of that Regulation and prices for those products within the Community may be covered by an export refund.

(2) Regulation (EC) No 1260/2001 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 28 of that Regulation. The same Article provides that the economic aspect of the proposed exports should also be taken into account.

(3) The refund on raw sugar must be fixed in respect of the standard quality. The latter is defined in Annex I, point II, to Regulation (EC) No 1260/2001. Furthermore, this refund should be fixed in accordance with Article 28(4) of Regulation (EC) No 1260/2001. Candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector ⁽²⁾. The refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content.

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

(5) In special cases, the amount of the refund may be fixed by other legal instruments.

(6) The refund must be fixed every two weeks. It may be altered in the intervening period.

(7) It follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should be as set out in the Annex hereto.

(8) Regulation (EC) No 1260/2001 does not make provision to continue the compensation system for storage costs from 1 July 2001. This should accordingly be taken into account when fixing the refunds granted when the export occurs after 30 September 2001.

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

Where an export licence for which the refund amount was fixed in accordance with the first paragraph is used after 30 September 2001, the refund in question shall be reduced by EUR 2/100 kg net white sugar equivalent.

Article 2

This Regulation shall enter into force on 7 September 2001.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 214, 8.9.1995, p. 16.

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

Done at Brussels, 6 September 2001.

For the Commission
 Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 6 September 2001 fixing 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	37,90 ⁽¹⁾
1701 11 90 9910	A00	EUR/100 kg	35,19 ⁽¹⁾
1701 11 90 9950	A00	EUR/100 kg	⁽²⁾
1701 12 90 9100	A00	EUR/100 kg	37,90 ⁽¹⁾
1701 12 90 9910	A00	EUR/100 kg	35,19 ⁽¹⁾
1701 12 90 9950	A00	EUR/100 kg	⁽²⁾
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,4120
1701 99 10 9100	A00	EUR/100 kg	41,20
1701 99 10 9910	A00	EUR/100 kg	41,04
1701 99 10 9950	A00	EUR/100 kg	41,04
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,4120

⁽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 1761/2001
of 6 September 2001
prohibiting fishing for haddock by vessels flying the flag of Sweden

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, as last amended by Regulation (EC) No 2846/98 ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2848/2000 of 15 December 2000 fixing for 2001 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required ⁽³⁾, as amended by Commission Regulation (EC) No 1666/2001 ⁽⁴⁾, lays down quotas for haddock for 2001.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of haddock in the waters of ICES divisions IIIa, IIIb, c, d (EC waters) by vessels flying the flag of

Sweden or registered in Sweden have exhausted the quota allocated for 2001. Sweden has prohibited fishing for this stock from 11 August 2001. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of haddock in the waters of ICES divisions IIIa, IIIb, c, d (EC waters) by vessels flying the flag of Sweden or registered in Sweden are hereby deemed to have exhausted the quota allocated to Sweden for 2001.

Fishing for haddock in the waters of ICES divisions IIIa, IIIb, c, d by vessels flying the flag of Sweden or registered in Sweden is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 11 August 2001.

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

Done at Brussels, 6 September 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 358, 31.12.1998, p. 5.

⁽³⁾ OJ L 334, 30.12.2000, p. 1.

⁽⁴⁾ OJ L 223, 18.8.2001, p. 4.

COMMISSION REGULATION (EC) No 1762/2001
of 6 September 2001
prohibiting fishing for industrial species by vessels flying the flag of Sweden

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, as last amended by Regulation (EC) No 2846/98 ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2848/2000 of 15 December 2000 fixing for 2001 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required ⁽³⁾, as amended by Commission Regulation (EC) No 1666/2001 ⁽⁴⁾, lays down quotas for industrial species for 2001.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of industrial species in the waters of ICES division IV (Norwegian waters) by vessels flying the flag

of Sweden or registered in Sweden have exhausted the quota allocated for 2001. Sweden has prohibited fishing for this stock from 4 August 2001. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of industrial species in the waters of ICES division IV (Norwegian waters) by vessels flying the flag of Sweden or registered in Sweden are hereby deemed to have exhausted the quota allocated to Sweden for 2001.

Fishing for industrial species in the waters of ICES division IV (Norwegian waters) by vessels flying the flag of Sweden or registered in Sweden is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 4 August 2001.

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

Done at Brussels, 6 September 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 358, 31.12.1998, p. 5.

⁽³⁾ OJ L 334, 30.12.2000, p. 1.

⁽⁴⁾ OJ L 223, 18.8.2001, p. 4.

COMMISSION REGULATION (EC) No 1763/2001**of 6 September 2001****amending Regulation (EC) No 1750/1999 laying down detailed rules for the application of Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

flexibility where compliance with the condition on the age of the young farmer is concerned.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations ⁽¹⁾, and in particular Articles 34 and 50 thereof,

Whereas:

- (1) In the first year in which the provisions on rural development applied it was found that some provisions of Commission Regulation (EC) No 1750/1999 ⁽²⁾, as last amended by Regulation (EC) No 672/2001 ⁽³⁾, did not cover all the situations which can arise.
- (2) Article 8 of Regulation (EC) No 1257/1999 provides for aid to help young farmers to set up in farming. If this aid is to constitute a real incentive to young people to take over an agricultural holding the decision to grant the aid must be taken close to when the young farmer takes over the holding. To enable the Member States to implement this new requirement it should not apply until 1 January 2002.
- (3) Some Member States' programming documents approved by the Commission provide for setting-up aid to be granted to young farmers who have set up in farming several years before the grant decision. In view of the new deadline for individual decisions from 1 January 2002, those Member States which wish to provide support in such cases before the new condition applies must take the necessary steps before the end of 2002.
- (4) Furthermore, for budget or administrative reasons due to the end of the old programming period and the start of the new one, some young farmers who set up in 1999, 2000 or 2001 have not yet received setting-up aid. Member States should be authorised to take the necessary steps to grant such support before the end of 2001 or, as appropriate, not more than 12 months after the young farmers have set up, and to provide for some

- (5) Article 16 of Regulation (EC) No 1257/1999 provides for farmers to receive support to offset the costs and loss of income resulting, in areas where there are environmental constraints, from the imposition of restrictions based on Community provisions to protect the environment. Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources ⁽⁴⁾ is intended to reduce the pollution of waters by nitrates from agriculture and to prevent it spreading. In line with the 'polluter pays' principle in Article 174(2) of the Treaty, there should be no compensation for the costs and income losses resulting from the application of the restrictions imposed by that Directive, which should therefore be excluded from the scope of Article 16 of Regulation (EC) No 1257/1999.
- (6) Under Article 39(1) of Regulation (EC) No 1750/1999, for each Member State, expenditure declared for any given financial year is financed up to the limit of the amounts notified to the Commission under Article 37(1)(b) which are covered by the appropriations entered in the budget for the financial year in question. Where the total of the expenditure forecasts notified under Article 37 exceeds the appropriations entered in the budget for the financial year in question it is necessary to lay down a method for determining the maximum amounts which can be financed by the appropriations available for each Member State, based on the amount of the annual allocation as defined in Commission Decision 1999/659/EC ⁽⁵⁾, as amended by Decision 2000/426/EC ⁽⁶⁾.
- (7) Some rural development measures, in particular agri-environmental measures, are multiannual. In the interest of sound management and for control purposes, it is necessary to specify that the beneficiary must apply for support each year, unless the Member State provides for another procedure for verifying the conditions for the grant of aid.

⁽¹⁾ OJ L 160, 26.6.1999, p. 80.

⁽²⁾ OJ L 214, 13.8.1999, p. 31.

⁽³⁾ OJ L 93, 3.4.2001, p. 28.

⁽⁴⁾ OJ L 375, 31.12.1991, p. 1.

⁽⁵⁾ OJ L 259, 6.10.1999, p. 27.

⁽⁶⁾ OJ L 165, 6.7.2000, p. 33.

- (8) Article 48 of Regulation (EC) No 1750/1999 refers, as regards support granted on the basis of areas and on the basis of livestock, to Article 14 of Commission Regulation (EEC) No 3887/92 of 23 December 1992 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes ⁽¹⁾, as last amended by Regulation (EC) No 2721/2000 ⁽²⁾, which, in the event of undue payments, makes it compulsory to reimburse the amounts involved, plus interest. For the sake of consistency, this procedure should be made compulsory in the case of all rural development support measures financed by the EAGGF Guarantee Section.
- (9) Article 55(4) of Regulation (EC) No 1257/1999 lays down that the Directives adopting or amending lists of less-favoured areas are to remain in force unless further amended in the framework of programmes. Point 9 of the Annex to Regulation (EC) No 1750/1999 specifies the descriptive information, broken down into main features and other elements, which must be given for each measure in the programming document. The amendments made to the lists of less-favoured areas adopted by the Council and the Commission, and the list of areas with environmental constraints, must appear under 'other elements'.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Agricultural Structures and Rural Development,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1750/1999 is amended as follows:

1. Article 5 is amended as follows:

- (a) The following paragraphs are inserted before the first paragraph:

'The individual decision to grant aid for the setting-up of young farmers under Article 8 of Regulation (EC) No 1257/1999 must be taken no later than 12 months after they have set up as defined by the provisions in force in the Member States.

Where young farmers have set up before the date from which the above paragraph applies and could receive support more than 12 months after setting up under the arrangements in the programming document approved by the Commission, Member States may take the indi-

vidual decision to grant support no later than 31 December 2002.

Where young farmers have set up in 1999, 2000 or 2001 and have not yet received support for budget or administrative reasons, Member States may take the individual decision to grant support no later than 31 December 2001 or within not more than twelve months after the farmers have set up.;

- (b) The second sentence in the first paragraph is replaced by the following:

'In the case of applications lodged no later than 31 December 2001 for farmers who have set up as described in the third paragraph, the condition laid down in the first indent of Article 8(1) of Regulation (EC) No 1257/1999 must be met when the farmer sets up.;

2. the following Article is added to Section 5 of Chapter II:

'Article 11a

The support provided for in Article 16 of Regulation (EC) No 1257/1999 cannot offset the costs and loss of income resulting from the implementation of restrictions based on Council Directive 91/676/EEC (*) concerning the protection of waters against pollution caused by nitrates from agricultural sources.

(*) OJ L 375, 31.12.1991, p. 1.;

3. Article 39 is amended as follows:

- (a) The following paragraph 1(a) is inserted:

'1(a) Where the total amount of the forecasts notified under Article 37(1)(b) exceeds the total of the appropriations entered in the budget for the financial year in question the maximum amount of expenditure to be financed by each Member State shall be limited based on the allocation formula used to establish the amount of the corresponding annual allocation as defined in Commission Decision 1999/659/EC (*).

If, after this reduction, appropriations remain available because some Member States have made forecasts which are below their annual allocation the surplus amount shall be distributed in proportion to their respective annual allocations while ensuring that the amount forecast for each Member State in the first paragraph is not exceeded. The Commission shall notify the forecasts thus adjusted to the Member States in the month following the adoption of the budget for the financial year in question.

⁽¹⁾ OJ L 391, 31.12.1992, p. 36.

⁽²⁾ OJ L 314, 14.12.2000, p. 8.

(*) OJ L 259, 6.10.1999, p. 27.;

(b) Article 39(2) is replaced by the following:

'2. Where expenditure actually incurred by a Member State in any given financial year exceeds the amounts notified in accordance with Article 37(1)(b) or the amounts resulting from the application of paragraph 1(a), the overruns on expenditure in that financial year shall be entered in the accounts on a *pro rata* basis, up to the limit of the appropriations remaining available after reimbursing the expenditure incurred by the other Member States.'

(c) Article 39(3) is replaced by the following:

'3. Where expenditure actually incurred by a Member State in a given financial year is less than 75 % of the amounts referred to in paragraph 1, the expenditure to be recognised for the following financial year shall be reduced by a third of the difference between this threshold, or the amounts resulting from the application of paragraph 1(a) if they are below it, and the actual expenditure incurred during the financial year in question.

This reduction shall not be taken into account when establishing actual expenditure in the financial year following that in which the reduction was made.'

4. the following paragraph 5 is added to Article 46:

'5. Where the support is multiannual, payments subsequent to that made in the first year an application was

submitted shall be made on the basis of an annual application for payment, except where a procedure for effective annual verification as referred to in Article 47(1) of this Regulation has been introduced by the Member State.'

5. Article 48(1) is amended as follows:

(a) The second subparagraph is replaced by the following:

'In addition, Article 11(1a) of Regulation (EEC) No 3887/92 shall apply to such support.'

(b) The following subparagraph is added:

'In the event of undue payment, the individual beneficiary of a rural development measure shall be obliged to repay the amount in accordance with Article 14 of Regulation (EEC) No 3887/92.'

6. the following indent is added to point 9.3.V.B of the Annex:

'— amendments to the lists of less-favoured areas adopted or amended by Council and Commission Directives, and the list of areas with environmental constraints.'

Article 2

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

The first paragraph of Article 1(1)(a) shall apply from 1 January 2002.

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

Done at Brussels, 6 September 2001.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1764/2001
of 6 September 2001
amending Regulation (EC) No 713/2001 on the purchase of beef under Regulation (EC) No 690/2001

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 1512/2001 ⁽²⁾,

Having regard to Commission Regulation (EC) No 690/2001 of 3 April 2001 on special market support measures in the beef sector ⁽³⁾, as amended by Regulation (EC) No 1648/2001 ⁽⁴⁾, and in particular Article 2(2),

Whereas:

- (1) Regulation (EC) No 690/2001 provides in its Article 2(2) in particular for the opening or the suspension of tendering for purchase of beef depending on the average market prices for the reference class during the two most recent weeks with price quotations preceding the tender.

- (2) The application of Article 2 referred to above results in the opening of purchase by tender in a number of Member States. Commission Regulation (EC) No 713/2001 ⁽⁵⁾, as last amended by Regulation (EC) No 1688/2001 ⁽⁶⁾, on the purchase of beef under Regulation (EC) No 690/2001 should be amended accordingly.

- (3) Since this Regulation should be applied immediately it is necessary to provide for its entry into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 713/2001 is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 7 September 2001.

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

Done at Brussels, 6 September 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 201, 26.7.2001, p. 1.

⁽³⁾ OJ L 95, 5.4.2001, p. 5.

⁽⁴⁾ OJ L 219, 14.8.2001, p. 21.

⁽⁵⁾ OJ L 100, 11.4.2001, p. 3.

⁽⁶⁾ OJ L 228, 24.8.2001, p. 17.

ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO —
LIITE — BILAGA

Estado miembro

Medlemsstat

Mitgliedstaat

Κράτος μέλος

Member State

État membre

Stati membri

Lidstaat

Estado-Membro

Jäsenvaltiot

Medlemsstat

Belgique/België

Deutschland

Luxembourg

Nederland

Ireland

España

France

COMMISSION REGULATION (EC) No 1765/2001
of 6 September 2001
amending Regulation (EEC) No 1627/89 on the buying in of beef by invitation to tender

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 1512/2001 ⁽²⁾, and in particular Article 47(8) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender ⁽³⁾, as last amended by Regulation (EC) No 1689/2001 ⁽⁴⁾, opened buying in by invitation to tender in certain Member States or regions of a Member State for certain quality groups.
- (2) The application of Article 47(3), (4) and (5) of Regulation (EC) No 1254/1999 and the need to limit intervention to buying in the quantities necessary to ensure

reasonable support for the market result, on the basis of the prices of which the Commission is aware, in an amendment, in accordance with the Annex hereto, to the list of Member States or regions of a Member State where buying in is open by invitation to tender, and the list of the quality groups which may be bought in,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 1627/89 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 8 September 2001.

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

Done at Brussels, 6 September 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 201, 26.7.2001, p. 1.

⁽³⁾ OJ L 159, 10.6.1989, p. 36.

⁽⁴⁾ OJ L 230, 28.8.2001, p. 24.

ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO —
LIITE — BILAGA

Estados miembros o regiones de Estados miembros y grupos de calidades previstos en el apartado 1 del artículo 1 del Reglamento (CEE) n° 1627/89

Medlemsstater eller regioner og kvalitetsgrupper, jf. artikel 1, stk. 1, i forordning (EØF) nr. 1627/89
Mitgliedstaaten oder Gebiete eines Mitgliedstaats sowie die in Artikel 1 Absatz 1 der Verordnung (EWG) Nr. 1627/89 genannten Qualitätsgruppen

Κράτη μέλη ή περιοχές κρατών μελών και ομάδες ποιότητας που αναφέρονται στο άρθρο 1 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 1627/89

Member States or regions of a Member State and quality groups referred to in Article 1 (1) of Regulation (EEC) No 1627/89

États membres ou régions d'États membres et groupes de qualités visés à l'article 1^{er} paragraphe 1 du règlement (CEE) n° 1627/89

Stati membri o regioni di Stati membri e gruppi di qualità di cui all'articolo 1, paragrafo 1 del regolamento (CEE) n. 1627/89

In artikel 1, lid 1, van Verordening (EEG) nr. 1627/89 bedoelde lidstaten of gebieden van een lidstaat en kwaliteitsgroepen

Estados-Membros ou regiões de Estados-Membros e grupos de qualidades referidos no n.º 1 do artigo 1.º do Regulamento (CEE) n.º 1627/89

Jäsenvaltiot tai alueet ja asetuksen (ETY) N:o 1627/89 1 artiklan 1 kohdan tarkoittamat laaturyhmät
Medlemsstater eller regioner och kvalitetsgrupper som avses i artikel 1.1 i förordning (EEG) nr 1627/89

Estados miembros o regiones de Estados miembros	Categoría A			Categoría C		
Medlemsstat eller region	Kategori A			Kategori C		
Mitgliedstaaten oder Gebiete eines Mitgliedstaats	Kategorie A			Kategorie C		
Κράτος μέλος ή περιοχή κράτους μέλους	Κατηγορία Α			Κατηγορία Γ		
Member States or regions of a Member State	Category A			Category C		
États membres ou régions d'États membres	Catégorie A			Catégorie C		
Stati membri o regioni di Stati membri	Categoria A			Categoria C		
Lidstaat of gebied van een lidstaat	Categorie A			Categorie C		
Estados-Membros ou regiões de Estados-Membros	Categoria A			Categoria C		
Jäsenvaltiot tai alueet	Luokka A			Luokka C		
Medlemsstater eller regioner	Kategori A			Kategori C		
	U	R	O	U	R	O
Belgique/België	×	×	×			
Danmark		×				
Deutschland	×	×	×			
France	×	×	×			×
Ireland						×
Italia			×			
Nederland		×	×			

**COMMISSION REGULATION (EC) No 1766/2001
of 6 September 2001
amending the import duties in the cereals sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ⁽³⁾, as last amended by Regulation (EC) No 2235/2000 ⁽⁴⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) The import duties in the cereals sector are fixed by Commission Regulation (EC) No 1734/2001 ⁽⁵⁾.

- (2) Article 2(1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by EUR 5 per tonne from the duty fixed, a corresponding adjustment is to be made. Such a difference has arisen. It is therefore necessary to adjust the import duties fixed in Regulation (EC) No 1734/2001,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 1734/2001 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 7 September 2001.

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

Done at Brussels, 6 September 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 256, 10.10.2000, p. 13.

⁽⁵⁾ OJ L 234, 1.9.2001, p. 25.

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (EUR/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00	0,00
	medium quality ⁽¹⁾	0,00	0,00
1001 90 91	Common wheat seed	0,00	0,00
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	0,00	0,00
	medium quality	5,77	0,00
	low quality	27,76	17,76
1002 00 00	Rye	26,79	16,79
1003 00 10	Barley, seed	26,79	16,79
1003 00 90	Barley, other ⁽³⁾	26,79	16,79
1005 10 90	Maize seed other than hybrid	70,93	60,93
1005 90 00	Maize other than seed ⁽³⁾	70,93	60,93
1007 00 90	Grain sorghum other than hybrids for sowing	51,50	41,50

⁽¹⁾ In the case of durum wheat not meeting the minimum quality requirements for durum wheat of medium quality, referred to in Annex I to Regulation (EC) No 1249/96, the duty applicable is that fixed for low-quality common wheat.

⁽²⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— EUR 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

— EUR 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic Coasts of the Iberian Peninsula.

⁽³⁾ The importer may benefit from a flat-rate reduction of EUR 24 or 8 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

(period from 31 August to 5 September 2001)

1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Kansas City	Chicago	Chicago	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	Medium quality (*)	US barley 2
Quotation (EUR/t)	124,78	126,41	109,30	93,30	194,25 (**)	184,25 (**)	109,82 (**)
Gulf premium (EUR/t)	—	16,80	11,66	9,20	—	—	—
Great Lakes premium (EUR/t)	20,70	—	—	—	—	—	—

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

(**) Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: 18,05 EUR/t; Great Lakes — Rotterdam: 30,43 EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: 0,00 EUR/t (HRW2)
0,00 EUR/t (SRW2).

COMMISSION REGULATION (EC) No 1767/2001**of 6 September 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 7 September 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, 6 September 2001.

For the Commission

Erkki LIIKANEN

Member of the Commission

ANNEX

**to the Commission Regulation of 6 September 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⁾	(EUR/100 kg) Rate of refund per 100 kg of basic product	
		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	2,194 0,806 2,648 1,532 0,605 1,986 0,806 2,648 2,194 0,806 2,648	2,194 0,806 2,648 1,532 0,605 1,986 0,806 2,648 2,194 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	18,100	18,100
	– medium grain	18,100	18,100
	– long grain	18,100	18,100
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 1768/2001
of 6 September 2001
providing for the rejection of applications for export licences in relation to rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 1667/2000 ⁽²⁾,

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

Whereas:

The quantity covered by applications for advance fixing of refunds on rice and broken rice is of great importance and could give rise to speculation. It has therefore been decided to reject all applications for export licences of such products made on 4, 5 and 6 September 2001,

HAS ADOPTED THIS REGULATION:

Article 1

In accordance with Article 7(3) of Regulation (EC) No 1162/95, applications for export licences with advance fixing of refunds for products falling within CN codes 1006 20 11 9000, 1006 20 13 9000, 1006 20 15 9000, 1006 20 17 9000, 1006 20 92 9000, 1006 20 94 9000, 1006 20 96 9000, 1006 20 98 9000, 1006 30 21 9000, 1006 30 23 9000, 1006 30 25 9000, 1006 30 27 9000, 1006 30 42 9000, 1006 30 44 9000, 1006 30 46 9000, 1006 30 48 9000, 1006 30 61 9100, 1006 30 61 9900, 1006 30 63 9100 and 1006 30 63 9900 made on 4, 5 and 6 September 2001 shall be rejected.

Article 2

This Regulation shall enter into force on 7 September 2001.

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

Done at Brussels, 6 September 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 193, 29.7.2000, p. 3.

⁽³⁾ OJ L 117, 24.5.1995, p. 2.

⁽⁴⁾ OJ L 60, 1.3.2001, p. 27.

COMMISSION REGULATION (EC) No 1769/2001
of 6 September 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 31 August to 6 September 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 7 September 2001.

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

Done at Brussels, 6 September 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 89, 29.3.2001, p. 16.

⁽⁵⁾ OJ L 205, 31.7.2001, p. 33.

COMMISSION REGULATION (EC) No 1770/2001**of 6 September 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 31 August to 6 September 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 7 September 2001.

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

Done at Brussels, 6 September 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 89, 29.3.2001, p. 16.

⁽⁵⁾ OJ L 133, 16.5.2001, p. 3.

COMMISSION REGULATION (EC) No 1771/2001
of 6 September 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 31 August to 6 September 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 7 September 2001.

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

Done at Brussels, 6 September 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 89, 29.3.2001, p. 16.

⁽⁵⁾ OJ L 140, 24.5.2001, p. 10.

COMMISSION REGULATION (EC) No 1772/2001**of 6 September 2001****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

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(2) 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 in the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under 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⁾.
- (3) As far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture. These quantities were fixed in Regulation (EC) No 1501/95.

- (4) 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.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (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 products listed in Article 1(a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 September 2001.

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

Done at Brussels, 6 September 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 89, 29.3.2001, p. 16.

ANNEX

to the Commission Regulation of 6 September 2001 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

Product code	Destination	Unit of measurement	Amount of refunds	Product code	Destination	Unit of measurement	Amount of refunds
1001 10 00 9200	—	EUR/t	—	1101 00 11 9000	—	EUR/t	—
1001 10 00 9400	—	EUR/t	—	1101 00 15 9100	C01	EUR/t	0
1001 90 91 9000	—	EUR/t	—	1101 00 15 9130	C01	EUR/t	0
1001 90 99 9000	C01	EUR/t	—	1101 00 15 9150	C01	EUR/t	0
1002 00 00 9000	A00	EUR/t	—	1101 00 15 9170	C01	EUR/t	0
1003 00 10 9000	—	EUR/t	—	1101 00 15 9180	C01	EUR/t	0
1003 00 90 9000	A00	EUR/t	—	1101 00 15 9190	—	EUR/t	—
1004 00 00 9200	—	EUR/t	—	1101 00 90 9000	—	EUR/t	—
1004 00 00 9400	—	EUR/t	0	1102 10 00 9500	C01	EUR/t	33,50
1005 10 90 9000	—	EUR/t	—	1102 10 00 9700	C01	EUR/t	26,50
1005 90 00 9000	A00	EUR/t	0	1102 10 00 9900	—	EUR/t	—
1007 00 90 9000	—	EUR/t	—	1103 11 10 9200	A00	EUR/t	0 ⁽¹⁾
1008 20 00 9000	—	EUR/t	—	1103 11 10 9400	A00	EUR/t	0 ⁽¹⁾
				1103 11 10 9900	—	EUR/t	—
				1103 11 90 9200	A00	EUR/t	0 ⁽¹⁾
				1103 11 90 9800	—	EUR/t	—

⁽¹⁾ No refund is granted when this product contains compressed meal.

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 other destinations are as follows:

C01 All destinations except for Poland.

COMMISSION REGULATION (EC) No 1773/2001**of 6 September 2001****fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

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 Commission Regulation (EC) No 1666/2000 ⁽²⁾, and in particular the third subparagraph of Article 13(2) 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 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid ⁽⁵⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section.
- (2) In order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid

actions, the level of the refunds granted for these actions should be determined.

- (3) The general and implementing rules provided for in Article 13 of Regulation (EEC) No 1766/92 and in Article 13 of Regulation (EC) No 3072/95 on export refunds are applicable *mutatis mutandis* to the abovementioned operations.
- (4) The specific criteria to be used for calculating the export refund on rice are set out in Article 13 of Regulation (EC) No 3072/95.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 7 September 2001.

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

Done at Brussels, 6 September 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 193, 29.7.2000, p. 3.

⁽⁵⁾ OJ L 288, 25.10.1974, p. 1.

ANNEX

to the Commission Regulation of 6 September 2001 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

(EUR/t)

Product code	Refund
1001 10 00 9400	0,00
1001 90 99 9000	0,00
1002 00 00 9000	28,50
1003 00 90 9000	0,00
1005 90 00 9000	26,50
1006 30 92 9100	191,00
1006 30 92 9900	191,00
1006 30 94 9100	191,00
1006 30 94 9900	191,00
1006 30 96 9100	191,00
1006 30 96 9900	191,00
1006 30 98 9100	191,00
1006 30 98 9900	191,00
1006 30 65 9900	191,00
1007 00 90 9000	26,50
1101 00 15 9100	0,00
1101 00 15 9130	0,00
1102 10 00 9500	42,50
1102 20 10 9200	37,07
1102 20 10 9400	31,78
1103 11 10 9200	0,00
1103 13 10 9100	47,66
1104 12 90 9100	0,00

NB: The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), amended.

COMMISSION REGULATION (EC) No 1774/2001**of 6 September 2001****fixing the export refunds on rice and broken rice and suspending the issue of export licences**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1667/2000 ⁽²⁾, and in particular the second subparagraph of Article 13(3) and (15) thereof,

Whereas:

(1) Article 13 of Regulation (EC) No 3072/95 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) Article 13(4) 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 rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other. The same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market with limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

(3) Commission Regulation (EEC) No 1361/76 ⁽³⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum.

(4) Export possibilities exist for a quantity of 20 770 tonnes of rice to certain destinations. The procedure laid down in Article 7(4) of Commission Regulation (EC) No 1162/95 ⁽⁴⁾, as last amended by Regulation (EC) No 409/2001 ⁽⁵⁾ should be used. Account should be taken of this when the refunds are fixed.

(5) Article 13(5) of Regulation (EC) No 3072/95 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated.

(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) A separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets.

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

(9) It follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto.

(10) For the purposes of administering the volume restrictions resulting from Community commitments in the context of the WTO, the issue of export licences with advance fixing of the refund should be restricted.

(11) 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 of Regulation (EC) No 3072/95 with the exception of those listed in paragraph 1(c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

With the exception of the quantity of 20 770 tonnes provided for in the Annex, the issue of export licences with advance fixing of the refund is suspended.

Article 3

This Regulation shall enter into force on 7 September 2001.

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 193, 29.7.2000, p. 3.

⁽³⁾ OJ L 154, 15.6.1976, p. 11.

⁽⁴⁾ OJ L 117, 24.5.1995, p. 2.

⁽⁵⁾ OJ L 60, 1.3.2001, p. 27.

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

Done at Brussels, 6 September 2001.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 6 September 2001 fixing the export refunds on rice and broken rice and suspending the issue of export licences

Product code	Destination	Unit of measurement	Amount of refunds (1)	Product code	Destination	Unit of measurement	Amount of refunds (1)
1006 20 11 9000	R01	EUR/t	140,00	1006 30 65 9100	R01	EUR/t	175,00
1006 20 13 9000	R01	EUR/t	140,00		R02	EUR/t	181,00
1006 20 15 9000	R01	EUR/t	140,00		R03	EUR/t	186,00
1006 20 17 9000	—	EUR/t	—		064	EUR/t	126,00
1006 20 92 9000	R01	EUR/t	140,00		A97	EUR/t	181,00
1006 20 94 9000	R01	EUR/t	140,00		021 and 023	EUR/t	181,00
1006 20 96 9000	R01	EUR/t	140,00	1006 30 65 9900	R01	EUR/t	175,00
1006 20 98 9000	—	EUR/t	—		064	EUR/t	126,00
1006 30 21 9000	R01	EUR/t	140,00		A97	EUR/t	181,00
1006 30 23 9000	R01	EUR/t	140,00	1006 30 67 9100	021 and 023	EUR/t	181,00
1006 30 25 9000	R01	EUR/t	140,00		064	EUR/t	126,00
1006 30 27 9000	—	EUR/t	—	1006 30 67 9900	064	EUR/t	126,00
1006 30 42 9000	R01	EUR/t	140,00	1006 30 92 9100	R01	EUR/t	175,00
1006 30 44 9000	R01	EUR/t	140,00		R02	EUR/t	181,00
1006 30 46 9000	R01	EUR/t	140,00		R03	EUR/t	186,00
1006 30 48 9000	—	EUR/t	—		064	EUR/t	126,00
1006 30 61 9100	R01	EUR/t	175,00		A97	EUR/t	181,00
	R02	EUR/t	181,00		064	EUR/t	126,00
	R03	EUR/t	186,00	1006 30 94 9100	R01	EUR/t	175,00
	064	EUR/t	126,00		R02	EUR/t	181,00
	A97	EUR/t	181,00		R03	EUR/t	186,00
	021 and 023	EUR/t	181,00		064	EUR/t	126,00
1006 30 61 9900	R01	EUR/t	175,00		A97	EUR/t	181,00
	A97	EUR/t	181,00		021 and 023	EUR/t	181,00
	064	EUR/t	126,00	1006 30 94 9900	R01	EUR/t	175,00
1006 30 63 9100	R01	EUR/t	175,00		A97	EUR/t	181,00
	R02	EUR/t	181,00		064	EUR/t	126,00
	R03	EUR/t	186,00	1006 30 96 9100	R01	EUR/t	175,00
	064	EUR/t	126,00		R02	EUR/t	181,00
	A97	EUR/t	181,00		R03	EUR/t	186,00
	021 and 023	EUR/t	181,00		064	EUR/t	126,00
1006 30 63 9900	R01	EUR/t	175,00		A97	EUR/t	181,00
	064	EUR/t	126,00		021 and 023	EUR/t	181,00
	A97	EUR/t	181,00	1006 30 96 9900	R01	EUR/t	175,00
					A97	EUR/t	181,00
					064	EUR/t	126,00
				1006 30 98 9100	021 and 023	EUR/t	181,00
				1006 30 98 9900	—	EUR/t	—
				1006 40 00 9000	—	EUR/t	—

(1) The procedure laid down in Article 7(4) of Regulation (EC) No 1162/95 applies to licences applied for under that Regulation for quantities according to the destination:
 destination R01: 4 704 t,
 all destinations R02 and R03: 4 766 t,
 destinations 021 and 023: 1 000 t,
 destination 064: 10 000 t,
 destination A97: 300 t.

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:

R01 Switzerland, Liechtenstein, communes of Livigno and Campione d'Italia.

R02 Morocco, Algeria, Tunisia, Malta, Egypt, Israel, Lebanon, Libya, Syria, Ex-Spanish Sahara, Cyprus, Jordan, Iraq, Iran, Yemen, Kuwait, United Arab Emirates, Oman, Bahrain, Qatar, Saudi Arabia, Eritrea, West Bank/Gaza Strip, Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovenia, Slovakia, Norway, Faroe Islands, Iceland, Russia, Belarus, Bosnia and Herzegovina, Croatia, Yugoslavia, Former Yugoslav Republic of Macedonia, Albania, Romania, Bulgaria, Georgia, Armenia, Azerbaijan, Moldova, Ukraine, Kazakstan, Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan.

R03 Colombia, Ecuador, Peru, Bolivia, Chile, Argentina, Uruguay, Paraguay, Brazil, Venezuela, Canada, Mexico, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, Cuba, Bermuda, South Africa, Australia, New Zealand, Hong Kong SAR, Singapore, A40, A11 except Suriname, Guyana, Madagascar.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 23 May 2001

authorising France to grant aid to the coal industry for 2001

(notified under document number C(2001) 1481)

(Only the French text is authentic)

(Text with EEA relevance)

(2001/678/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Commission Decision No 3632/93/ECSC of 28 December 1993 establishing Community rules for State aid to the coal industry ⁽¹⁾, and in particular Article 9(4) thereof,

Whereas:

I

(1) By letter of 6 March 2001, France notified the Commission, in accordance with Article 9(1) of Decision No 3632/93/ECSC, of the financial aid it proposes to grant to the coal industry for 2001.

(2) In accordance with Decision No 3632/93/ECSC and having regard to the information sent by France, the Commission is required to take a decision on the following financial aid:

- aid for the reduction of activity amounting to FRF 2 090 million to cover operating losses for 2001,
- aid for the reduction of activity amounting to FRF 210 million. This aid is intended to cover the interest due for 2001 on the part of the loan issue floated by Charbonnages de France in 1997, 1998 and 1999 to cover the balance of the losses for those years which are not covered by direct subsidies and capital injections,

— aid to cover exceptional losses for 2001 amounting to FRF 4 213 million.

(3) The financial measures envisaged by France for its coal industry are covered by Article 1 of Decision No 3632/93/ECSC and must therefore be approved by the Commission in accordance with Article 9(4), which refers in particular to the general objectives and criteria laid down in Article 2 and the specific criteria set out in Articles 4 and 5 of the Decision. In its assessment, the Commission checks, in accordance with Article 9(6) of the Decision, whether the measures are in conformity with the plans for the reduction of activity which were approved by the Commission in its Decision 95/465/ECSC ⁽²⁾.

II

(4) The sum of FRF 2 090 million which France is proposing to grant to the coal industry under Article 4 of Decision No 3632/93/ECSC is intended to cover the difference between the production cost and the selling price of coal freely agreed between the Contracting Parties in the light of the prevailing conditions on the world market for coal of similar quality from third countries.

(5) This aid forms part of the plan for the reduction of activity by the company, which plans to cease all mining activities by 2005. Coal production was cut from 4,9

⁽¹⁾ OJ L 329, 30.12.1993, p. 12.

⁽²⁾ OJ L 267, 9.11.1995, p. 46.

million tce⁽¹⁾ in 1997 to 2,9 million tce in 2000 and should be cut further to around 2 million tce in 2001, a new reduction of about 30 % in one year. As regards personnel employed, the number of miners employed was reduced from 5 000 in 1997 to 3 400 in 2000, and should decrease to 2 800 during 2001. Having regard to the exceptional social and regional consequences derived from the reduction of activity in the coal industry, the French Government has decided, in agreement with the social partners, to stagger the closures up until 2005.

- (6) The Commission considers that the sum of aid which settled at FRF 806 per tce in 2000, should amount to FRF 1 033 per tce in 2001. Following significant reductions in production during the last few years, this very reduced volume of production makes it no longer possible to optimise production costs which rose from FRF 1 103 per tce in 2000 to FRF 1 361 per tce in 2001.
- (7) In accordance with Article 3(1), first indent, of Decision No 3632/93/ECSC, the Commission checked that the aid notified per tonne does not exceed the difference between production costs and foreseeable revenue for 2001.
- (8) In accordance with Article 2(1), second indent, of the Decision, this aid helps to resolve the social and regional problems created by total or partial reductions in the activity of production units. Furthermore, the Commission has checked that the aid meets the requirement of Article 4(2) of Decision No 3632/93/ECSC.
- (9) On the basis of the information provided by France, it seems that, in accordance with Article 3(1), third indent, of Decision No 3632/93/ECSC, the amount of operating aid per tonne may not cause delivered prices for Community coal to be lower than those of coal of a similar quality from third countries.
- (10) Except for the sum of FRF 10 million, on the basis of the information provided by France, the aid proposed for 2001 is compatible with the objectives of Decision No 3632/93/ECSC and the proper functioning of the common market. The Commission will decide on the balance of FRF 10 million at a later date, in particular in the light of France's replies to the questions in the Commission's letter of formal notice of 9 February 1999, in the context of complaint No 97/4717 of 26 August 1997 against Charbonnages de France, which had been lodged by five French companies, including Thion et Cie.

- (11) This Decision is also without prejudice to the Decision which the Commission will be required to take following consideration of the complaints against Charbonnages de France, in particular Cokes de Drocourt SA, in the context of the coke market.

III

- (12) The sum of FRF 210 million which France is planning to grant to the coal industry under Article 4 of Decision No 3632/93/ECSC is intended to cover the interest due for 2001 on the part of the loan issue floated by Charbonnages de France in 1997, 1998 and 1999, to cover the balance of the operating losses for those years not covered by direct subsidies and capital injections.
- (13) In its Decision 2001/85/ECSC⁽²⁾ authorising France to grant aid to the coal industry for 1997, 1998 and 1999, the Commission considered that the part of the loans covering the balance of the operating losses for those years was aid within the meaning of Article 1 of Decision No 3632/93/ECSC. The interest due for 2001 is accessory to the part of the loans covering the balance of the operating losses for 1997, 1998 and 1999; it must therefore be regarded as aid under Article 1 of Decision No 3632/93/ECSC in the same way as the principal sum.
- (14) This aid forms part of the plan for the reduction of activity by the company, which plans to cease all mining activity by 2005. The Commission has checked that the aid notified does not exceed the costs for 2001 for the part of the loans covering the balance of the operating costs for 1997, 1998 and 1999. The Commission therefore believes that the aid notified fulfils the requirements laid down in Article 3(1) of Decision No 3632/93/ECSC.
- (15) In accordance with Article 2(1), second indent, this aid helps to solve the social and regional problems created by total or partial reductions in the activity of production units.
- (16) In the light of the above and on the basis of information provided by France, the aid proposed for the year 2001 is compatible with the objectives of Decision No 3632/93/ECSC and with the proper functioning of the common market.

IV

- (17) The aid amounting to FRF 4 213 million that France proposes to grant to its coal industry is intended to cover the exceptional costs due to modernisation, rationalisation and restructuring of the coal industry which are not related to the current production (inherited liabilities).

⁽¹⁾ tce = tonne coal equivalent.

⁽²⁾ OJ L 29, 31.1.2001, p. 45.

(18) In accordance with Article 5 of Decision No 3632/93/ECSC, this aid covers costs which are expressly referred to in the Annex to the Decision, namely:

- FRF 1 021 million towards the cost of paying social welfare benefits resulting from the pensioning-off of workers before they reach statutory retirement age,
- FRF 91 million as other exceptional expenditure on workers losing their jobs as a result of restructuring and rationalisation,
- FRF 84 million towards residual costs resulting from administrative, legal or tax provisions,
- FRF 382 million towards additional work resulting from restructuring,
- FRF 10 million towards mining damage attributable to pits previously in service,
- FRF 1 million towards exceptional intrinsic depreciation resulting from the restructuring of the industry,
- FRF 2 624 million towards the increase in contributions, outside the statutory system, to cover social security costs as a result of the drop, following restructuring, in the number of contributors. This aid mainly covers benefits for former miners, and in particular benefits granted in addition to statutory retirements. Due to the continuous drop in coal mining in France, the number of miners receiving these benefits tends to remain stable, meaning that the sum of these benefits has also remained stable in relation to previous years.

(19) In accordance with Article 5(1) of Decision No 3632/93/ECSC, this aid may be regarded as compatible with the common market if the sum does not exceed the costs arising from or having arisen from the modernisation, rationalisation and restructuring of the coal industry which are not related to current production. Having checked the data communicated, the Commission concludes that this requirement has been fulfilled. In the light of the above and on the basis of information provided by France, the aid proposed for the year 2001 is compatible with the objectives of Decision No 3632/93/ECSC and the proper functioning of the common market.

V

(20) In accordance with Article 3(1), second indent, and Article 9(2) and (3) of Decision No 3632/93/ECSC, the Commission has to check that the aid authorised for the current production is only for the purposes stipulated in Article 4 of the Decision. To this end, France shall

communicate the amounts of aid effectively paid during 2001 and shall declare any corrections made to the amounts originally notified, no later than 30 September 2002. Any information required to check that the criteria laid down in Article 4 have been respected shall be provided along with this annual breakdown.

(21) In accordance with Article 2(2) of Decision No 3632/93/ECSC, the aid must be entered by France in the national, regional or local public budgets or channelled through strictly equivalent mechanisms.

(22) France will take care to ensure that aid does not distort competition or produce discrimination between coal producers or between coal buyers and users in the Community,

HAS ADOPTED THIS DECISION:

Article 1

France is authorised to apply the following measures in favour of its coal industry for 2001:

- (a) aid for the reduction of activity, amounting to FRF 2 080 million, intended to cover operating losses for 2001. The Commission will take a decision on a balance of FRF 10 million at a later date;
- (b) aid for the reduction of activity, amounting to FRF 210 million, intended to cover the interest due for 2001 on the part of the loan issue floated by Charbonnages de France in 1997, 1998 and 1999 to cover the balance of operating losses for those years not covered by direct subsidies and capital injections;
- (c) aid to cover exceptional costs for 2001, amounting to FRF 4 213 million.

Article 2

France will ensure that the aid granted is only used for the purposes stipulated in the Article and that any unused, overestimated or misused expenditure in relation to any items referred to in this Decision is repaid to France.

Article 3

France shall communicate the amounts of aid actually paid during 2001, without prejudice to its obligations under Article 9(1), (2) and (3) of Decision No 3632/93/ECSC, no later than 30 September 2002.

Article 4

The Decision is addressed to the French Republic.

Done at Brussels, 23 May 2001.

For the Commission

Loyola DE PALACIO

Vice-President

COMMISSION DECISION
of 29 August 2001
concerning the decision on the possible inclusion of certain active substances into Annex I to
Directive 91/414/EEC

(notified under document number C(2001) 2495)

(Text with EEA relevance)

(2001/679/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant-protection products on the market ⁽¹⁾, as last amended by Commission Directive 2001/49/EC ⁽²⁾,

Having regard to Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC concerning the placing of plant-protection products on the market ⁽³⁾, as last amended by Regulation (EC) No 2266/2000 ⁽⁴⁾, and in particular Article 7(3A)(d) and (4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 933/94 of 27 April 1994 laying down the active substances of plant-protection products and designating the rapporteur Member States for the implementation of Regulation (EEC) No 3600/92 ⁽⁵⁾, as last amended by Regulation (EC) No 2230/95 ⁽⁶⁾, identified the rapporteur Member States and notifiers for each active substance.
- (2) Article 7 of Regulation (EEC) No 3600/92 provided that for each active substance for which it has been designated rapporteur, a Member State should examine the dossiers and submit to the Commission the report of its assessment of the information submitted by the notifiers in accordance with the provisions of Article 6(1) of that Regulation.
- (3) The rapporteur Member States have submitted such reports and identified further data requirements in them. On receipt of the reports on carbendazime and thiophanatemethyl the Commission circulated them to the Member States for information and undertook consultations with experts of the Member States as well as with the main notifiers as provided for in Article 7(3) of Regulation 3600/92. However it has not been possible

yet for the Commission to undertake consultations on the reports or in particular on the data requirements for the other active substances mentioned in Annex I to this Decision with experts of the Member States or with any notifier as permitted in Article 7(3) of Regulation (EEC) No 3600/92.

- (4) Article 7(4) of Regulation (EEC) No 3600/92 requires that all necessary data be submitted at the latest on 25 May 2002. It is the responsibility of the notifier to ensure that their dossiers are completed such that all data requirements of Annex II and Annex III to Directive 91/414/EEC are satisfied for a limited range of representative uses. However, in order to assist the notifiers of these substances when preparing the necessary studies to complete their dossiers, the Commission, after consulting the Standing Committee on Plant Health, has identified certain studies and information which would be necessary to assess the safety and efficacy of the substances.
- (5) The information thus far submitted is not sufficient to determine whether or not, under the proposed conditions of use, plant-protection products containing the active substances concerned would satisfy in general the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC. Therefore it is not possible to decide whether to include such active substances in Annex I to Directive 91/414/EEC.
- (6) Article 8(3) of Directive 91/414/EEC provides that Member States should apply the requirements of Article 4(1)(b)(i) to (v), and (1)(c) to (f) in accordance with national provisions concerning the data to be provided. The draft assessment reports referred to in recital 2 did not identify concerns which can not be mitigated by appropriate risk-management measures at Member State level. Therefore it is not appropriate at this stage to suspend plant-protection products containing these active substances before the additional required information has been submitted and evaluated. Therefore a decision should be taken to postpone a decision on the possible inclusion of such active substances into Annex I to Directive 91/414/EEC.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 176, 29.6.2001, p. 61.

⁽³⁾ OJ L 366, 15.12.1992, p. 10.

⁽⁴⁾ OJ L 259, 13.10.2000, p. 27.

⁽⁵⁾ OJ L 107, 28.4.1994, p. 8.

⁽⁶⁾ OJ L 225, 22.9.1995, p. 1.

- (7) Following discussions in the Standing Committee on Plant Health, and in accordance with the opinion of that Committee, the Commission has determined the further data required as a minimum to determine whether the substances mentioned in recital 4 satisfy the requirements of Article 5 of Directive 91/414/EEC. The rapporteur Member States should therefore inform the notifiers in detail about all additional studies and information which would be required to demonstrate that these requirements are satisfied.
- (8) To enable the Member States and the Commission to programme their work, an unconditional undertaking to submit the additional required information should be provided by the notifier wishing the rapporteur Member State and the Commission to continue the review process. To enable the Commission to complete its work on the programme established by Regulation (EEC) No 3600/92 within a reasonable time, a deadline should be established within which notifiers of these substances must complete their files. This deadline should be as short as possible taking into account the time needed to perform the necessary studies.
- (9) If, for a particular active substance, the requirements of the present Decision concerning submission of the necessary information are not satisfied, interested parties are not prevented from seeking inclusion of that substance in Annex I to Directive 91/414/EEC, in accordance with the procedures under Article 6(2) of that Directive at a later date.
- (10) This decision is without prejudice to any action the Commission may undertake at a later stage relating to these active substances within the framework of Council Directive 79/117/EEC of 21 December 1978 prohibiting the placing on the market and use of plant protection-products containing certain active substances⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

The decision on the possible inclusion of the active substances referred to in the Annex hereto in Annex I to Directive 91/

414/EEC is postponed, pending receipt of the information referred to in Article 2 of this Decision.

Article 2

The rapporteur Member States shall inform the notifiers in relation to each active substance listed in the Annex to this Decision that they must complete their dossiers such that all data requirements of Annex II and Annex III to Directive 91/414/EEC are satisfied for a limited range of representative uses. The rapporteur Member States shall inform the notifiers that, without prejudice to further requirements which may be identified later, particular additional studies and information identified by the Commission after consulting the Standing Committee on Plant Health are required.

Each rapporteur Member State shall inform each notifier concerned that, if it wishes the rapporteur and Commission to continue the review process with a view to including the substance in Annex I to Directive 91/414/EEC, it must communicate to the rapporteur and to the Commission within three months of the date of publication of this Decision an undertaking to ensure that its dossier will satisfy at the latest by the dates specified in the Annex to this Decision the requirements of Annexes II and III to Directive 91/414/EEC, and submit the studies and information referred to in the first paragraph as soon as possible and at the latest by the dates specified in the Annex to this Decision to the rapporteur.

Article 3

If for certain active substances the necessary information is not received by the dates specified in the Annex the rapporteur Member State shall inform the Commission as soon as possible and at the latest within two months.

Article 4

The rapporteur Member States shall immediately inform the notifiers for the active substances referred to in Article 1 about the present Decision.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 29 August 2001.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 33, 8.2.1979, p. 36.

ANNEX

	Latest date for the submission of studies	Latest date for the submission of specified long-term studies
Carbendazime	25.5.2002	
Desmedipham	25.5.2002	
Mancozeb	25.5.2002	31.12.2002
Maneb	25.5.2002	
Metiram	25.5.2002	30.4.2003
Phenmedipham	25.5.2002	
Procymidone	25.5.2002	
Thiophanate-methyl	25.5.2002	