

Official Journal

of the European Communities

ISSN 0378-6978

L 276

Volume 44

19 October 2001

English edition

Legislation

Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 2038/2001 of 18 October 2001 establishing the standard import values for determining the entry price of certain fruit and vegetables	1
Commission Regulation (EC) No 2039/2001 of 18 October 2001 fixing the maximum export refund for white sugar for the 12th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1430/2001	3
Commission Regulation (EC) No 2040/2001 of 18 October 2001 fixing the representative prices and the additional import duties for molasses in the sugar sector	4
Commission Regulation (EC) No 2041/2001 of 18 October 2001 fixing the export refunds on white sugar and raw sugar exported in its unaltered state	6
★ Commission Regulation (EC) No 2042/2001 of 18 October 2001 amending Regulation (EEC) No 2568/91 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis and the Additional Note in Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff	8
Commission Regulation (EC) No 2043/2001 of 18 October 2001 amending the import duties in the cereals sector	9
Commission Regulation (EC) No 2044/2001 of 18 October 2001 fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 943/2001	12
Commission Regulation (EC) No 2045/2001 of 18 October 2001 fixing the maximum export refund on barley in connection with the invitation to tender issued in Regulation (EC) No 1558/2001	13
Commission Regulation (EC) No 2046/2001 of 18 October 2001 concerning tenders notified in response to the invitation to tender for the export of rye issued in Regulation (EC) No 1005/2001	14

★ Commission Regulation (EC) No 2047/2001 of 18 October 2001 amending Regulation (EC) No 1623/2000 laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms	15
★ Commission Directive 2001/87/EC of 12 October 2001 amending Annex I to Council Directive 91/414/EEC concerning the placing of plant protection products on the market to include acibenzolar-s-methyl, cyclanilide, ferric phosphate, pymetrozine and pyraflufen-ethyl as active substances	17

II Acts whose publication is not obligatory

European Central Bank

2001/737/EC:

★ Guideline of the European Central Bank of 27 September 2001 for participating Member States' transactions with their foreign exchange working balances pursuant to Article 31.3 of the Statute of the European system of central banks and of the European Central Bank (ECB/2001/9)	21
--	----

I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 2038/2001
of 18 October 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 19 October 2001.

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

Done at Brussels, 18 October 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 18 October 2001 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	69,9
	999	69,9
0707 00 05	052	91,8
	999	91,8
0709 90 70	052	81,9
	999	81,9
0805 30 10	052	63,6
	388	67,0
	454	84,8
	524	45,4
	528	47,9
	999	61,7
0806 10 10	052	90,8
	064	96,5
	400	204,1
	512	74,3
	999	116,4
0808 10 20, 0808 10 50, 0808 10 90	060	35,9
	066	28,5
	388	104,9
	400	59,1
	404	71,0
	800	202,6
	804	94,1
	999	85,2
0808 20 50	052	103,8
	720	47,1
	999	75,5

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2032/2000 (OJ L 243, 28.9.2000, p. 14). Code '999' stands for 'of other origin'.

**COMMISSION REGULATION (EC) No 2039/2001
of 18 October 2001**

**fixing the maximum export refund for white sugar for the 12th 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 12th 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 12th 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 43,845 EUR/100 kg.

Article 2

This Regulation shall enter into force on 19 October 2001.

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

Done at Brussels, 18 October 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 2040/2001
of 18 October 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 19 October 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, 18 October 2001.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 18 October 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⁾	13,30	—	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 2041/2001**of 18 October 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.

Article 2

This Regulation shall enter into force on 19 October 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, 18 October 2001.

For the Commission
 Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 18 October 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	39,06 ⁽¹⁾
1701 11 90 9910	A00	EUR/100 kg	37,52 ⁽¹⁾
1701 11 90 9950	A00	EUR/100 kg	⁽²⁾
1701 12 90 9100	A00	EUR/100 kg	39,06 ⁽¹⁾
1701 12 90 9910	A00	EUR/100 kg	37,52 ⁽¹⁾
1701 12 90 9950	A00	EUR/100 kg	⁽²⁾
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,4246
1701 99 10 9100	A00	EUR/100 kg	42,46
1701 99 10 9910	A00	EUR/100 kg	40,79
1701 99 10 9950	A00	EUR/100 kg	40,79
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,4246

⁽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 2042/2001
of 18 October 2001**

amending Regulation (EEC) No 2568/91 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis and the Additional Note in Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EC) No 1513/2001 ⁽²⁾, and in particular Article 35(a) thereof,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽³⁾, as last amended by Commission Regulation (EC) No 1783/2001 ⁽⁴⁾, and in particular Article 9 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2568/91 of 11 July 1991 on the characteristics of olive oils and olive-residue oils and on the relevant methods of analysis ⁽⁵⁾, as last amended by Regulation (EC) No 455/2001 ⁽⁶⁾, defines the physical, chemical and organoleptic characteristics of olive oils and olive-residue oils and the methods for evaluating these characteristics.
- (2) The olive varieties and conditions under which they are harvested in Morocco may produce virgin olive oils with a linolenic acid content above the 0,9 % limit laid down in Community legislation.
- (3) Article 1(8) of Regulation (EC) No 2568/91 and Table I in Additional Note 2 in Chapter 15 of the Combined Nomenclature contained in Annex I to Regulation (EEC) No 2658/87 provide for a maximum linolenic acid

content of 1,0 % in the case of virgin oils from Morocco falling within subheadings 1509 10 10 and 1509 10 90 for the 1998/1999 to 2000/2001 marketing years.

- (4) Pending a review of the characteristics and methods of analysis that must be conducted in order to apply the new names and definitions provided for in Regulation (EEC) No 136/66/CEE and applicable from 1 November 2003, the existing arrangements should be extended by amending Regulations (EEC) Nos 2568/91 and 2658/87.
- (5) The Management Committee for Oils and Fats has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1(8) of Regulation (EEC) No 2568/91 the words '1998/1999 to 2000/01 marketing years' are replaced by '1998/1999 to 2002/03 marketing years'.

Article 2

The date '31 October 2001' in Table 1 in Additional Note 2 to Chapter 15 of the Combined Nomenclature contained in Annex I to Regulation (EEC) No 2658/87 is replaced by '31 October 2003'.

Article 3

This Regulation shall enter into force on 1 November 2001.

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

Done at Brussels, 18 October 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 172, 30.9.1966, p. 3025/66.

⁽²⁾ OJ L 201, 26.7.2001, p. 4.

⁽³⁾ OJ L 256, 7.9.1987, p. 1.

⁽⁴⁾ OJ L 241, 11.9.2001, p. 7.

⁽⁵⁾ OJ L 248, 5.9.1991, p. 1.

⁽⁶⁾ OJ L 65, 6.3.2001, p. 9.

**COMMISSION REGULATION (EC) No 2043/2001
of 18 October 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 2023/2001 ⁽⁵⁾, as amended by Regulation (EC) No 2037/2001 ⁽⁶⁾.

- (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 2023/2001,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 2023/2001 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 19 October 2001.

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

Done at Brussels, 18 October 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 273, 16.10.2001, p. 18.

⁽⁶⁾ OJ L 275, 18.10.2001, p. 11.

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	7,39	0,00
	low quality	19,04	9,04
1002 00 00	Rye	20,84	10,84
1003 00 10	Barley, seed	20,84	10,84
1003 00 90	Barley, other ⁽³⁾	20,84	10,84
1005 10 90	Maize seed other than hybrid	52,33	42,33
1005 90 00	Maize other than seed ⁽³⁾	52,33	42,33
1007 00 90	Grain sorghum other than hybrids for sowing	20,84	10,84

⁽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 15 October to 17 October 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)	122,53	116,95	111,60	91,29	195,04 (**)	185,04 (**)	115,74 (**)
Gulf premium (EUR/t)	—	22,82	16,55	4,60	—	—	—
Great Lakes premium (EUR/t)	22,33	—	—	—	—	—	—

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

(**) Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: 19,87 EUR/t; Great Lakes — Rotterdam: 30,45 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 2044/2001
of 18 October 2001**

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 12 to 18 October 2001, pursuant to the invitation to tender issued in Regulation (EC) No 943/2001, the maximum refund on exportation of common wheat shall be EUR 0,00/t.

Article 2

This Regulation shall enter into force on 19 October 2001.

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

Done at Brussels, 18 October 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 2045/2001
of 18 October 2001
fixing the maximum export refund on barley in connection with the invitation to tender 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 for 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 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 12 to 18 October 2001, pursuant to the invitation to tender issued in Regulation (EC) No 1558/2001, the maximum refund on exportation of barley shall be EUR 0,00/t.

Article 2

This Regulation shall enter into force on 19 October 2001.

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

Done at Brussels, 18 October 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 2046/2001
of 18 October 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 12 to 18 October 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 19 October 2001.

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

Done at Brussels, 18 October 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 2047/2001
of 18 October 2001**

amending Regulation (EC) No 1623/2000 laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 2826/2000 ⁽²⁾, and in particular Article 33 thereof,

Whereas:

- (1) In order that the distillation measure laid down in Article 29 of Regulation (EC) No 1493/1999 can apply to as many growers as possible, a decision has been taken to postpone the opening of the measure from 1 September to 16 October 2001. To make the measure more effective, distillers who need alcohol quickly and who therefore wish to begin distillation operations as quickly as possible should be allowed to do so by the rapid approval of distillation contracts up to a certain percentage. That amendment must apply from the date on which the distillation measure opens.
- (2) Article 93 of Commission Regulation (EC) No 1623/2000 ⁽³⁾, as last amended by Regulation (EC) No 1660/2001 ⁽⁴⁾, lays down the detailed rules for the public sale of vinous alcohol for disposal with a view to its use as bioethanol in the Community. Given experience to date, certain rules should be amended, including those concerning the volume of the lots put up for sale and the deadline for removal of the alcohol.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1623/2000 is amended as follows:

1. In Article 63, the following paragraph is added:

‘5a. By derogation from paragraph 5, Member States may approve contracts signed during the period 16 October 2001 to 31 October 2001 immediately after their presenta-

tion in respect of a quantity not exceeding 20 % of the quantity to which the contracts relate.’

2. Article 93 is amended as follows:

- (a) Paragraph 2 is replaced by the following:

‘2. The volume of alcohol put up for sale shall split into lots. The Commission shall decide on the composition of the lots. Unless the Commission decides otherwise in accordance with the procedure laid down in Article 75 of Regulation (EC) No 1493/1999, a lot shall be made for each firm on the approved list and each firm on the list shall be allocated a lot. Should a firm not accept the alcohol offered for sale, it must notify the Commission and the intervention agency thereof no more than 30 days after the date of publication of the notice of public sale of alcohol. Alcohol which has not been accepted shall be released from the prohibition on physical movement under Article 95(2) of this Regulation from the date on which the refusal was notified and may be sold during a subsequent sale.’

- (b) Paragraph 5 is replaced by the following:

‘5. Except where they have lodged a standing security, prior to any removal of alcohol and no later than the date of issue of the removal order, purchasing firms shall lodge a performance guarantee with the intervention agency concerned to ensure that the alcohol is used as bio-ethanol in the fuel sector.’

- (c) Paragraph 6 is replaced with the following:

‘6. All the alcohol must be removed no more than six months after the date of notification of the Commission's decision to award the sale.’

Article 2

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

It shall apply from 16 October 2001.

⁽¹⁾ OJ L 179, 14.7.1999, p. 1.

⁽²⁾ OJ L 328, 23.12.2000, p. 2.

⁽³⁾ OJ L 194, 31.7.2000, p. 45.

⁽⁴⁾ OJ L 221, 17.8.2001, p. 8.

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

Done at Brussels, 18 October 2001.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION DIRECTIVE 2001/87/EC**of 12 October 2001****amending Annex I to Council Directive 91/414/EEC concerning the placing of plant protection products on the market to include acibenzolar-s-methyl, cyclanilide, ferric phosphate, pymetrozine and pyraflufen-ethyl as active substances**

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⁾, and in particular Article 6(1) thereof,

Whereas:

- (1) In accordance with Article 6(2) of Directive 91/414/EEC (hereinafter referred to as 'the Directive') France received on 15 October 1996 an application from Novartis (now Syngenta) for the inclusion of the active substance acibenzolar-s-methyl (CGA 245704) in Annex I to the Directive. By Commission Decision 97/865/EC ⁽³⁾ it was confirmed that the dossier was 'complete' i.e. it could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to the Directive.
- (2) Greece received a similar application on 27 March 1996 from Rhône Poulenc Agrochimie SA (now Aventis CropScience), concerning cyclanilide (RPA 090946). This application was declared complete by Commission Decision 97/137/EC ⁽⁴⁾.
- (3) On 27 August 1998, Germany received an application from W. Neudorff GmbH KG, concerning ferric phosphate. This application was declared complete by Commission Decision 1999/43/EC ⁽⁵⁾.
- (4) Germany also received on 4 September 1996 an application from Novartis concerning pymetrozine (CGA 215944). By Commission Decision 97/865/EC this application was declared complete.
- (5) On 16 June 1997, Belgium received an application from Nihon Nohyaku Co. Ltd, concerning pyraflufen-ethyl. This application was declared complete by Commission Decision 98/242/EC ⁽⁶⁾.
- (6) For these five active substances, the effects on human health and the environment have been assessed, in accordance with the provisions of Article 6(2) and (4) of

the Directive, for the uses proposed by the respective applicant. The nominated rapporteur Member States, submitted draft assessment reports concerning the substances to the Commission on 17 December 1998 (acibenzolar-s-methyl), 11 February 1998 (cyclanilide), 30 July 1999 (ferric phosphate), 28 May 1998 (pymetrozine) and 8 July 1999 (pyraflufen-ethyl), respectively.

- (7) The draft assessment reports have been reviewed by the Member States and the Commission within the Standing Committee on Plant Health. The reviews were finalised on 29 June 2001 in the format of the individual Commission review reports for acibenzolar-s-methyl, cyclanilide, ferric phosphate, pymetrozine and pyraflufen-ethyl.
- (8) The dossier and the information from each of the reviews were submitted to the Scientific Committee for Plants. As regards acibenzolar-s-methyl and ferric phosphate, no specific questions were addressed to the Committee. The Committee considered that there were no issues that it wished to raise regarding the active substances in the context of a possible inclusion in Annex I to the Directive ⁽⁷⁾. The Committee noted that absence of comment should only be interpreted as an indication of no obvious reasons necessitating comment.
- (9) In its opinion ⁽⁸⁾ concerning cyclanilide the Committee provided its interpretation of certain effects observed in mice and rabbits and recommended a reassessment of the degradation of the soil metabolite 2,4-dichloraniline. The recommendations of the Committee have been taken into consideration.
- (10) In its opinion ⁽⁹⁾ on pymetrozine the Committee assessed certain effects in the context of deriving an acceptable daily intake and an acute reference dose for consumers.
- (11) In its opinion ⁽¹⁰⁾ on pyraflufen-ethyl the Committee concluded that there is generally negligible risk of groundwater contamination for the parent compound and its breakdown products. However, under extreme conditions the fate of certain breakdown products should be assessed carefully.

⁽⁷⁾ Minutes of the plenary meeting of the Scientific Committee for Plants from 7 March 2001 (acibenzolar-s-methyl).

Minutes of the plenary meeting of the Scientific Committee for Plants from 4 June 2001 (ferric phosphate).

⁽⁸⁾ Opinion of the Scientific Committee for Plants regarding the evaluation of cyclanilide in the context of Directive 91/414/EEC concerning the placing of plant protection products on the market. SCP/CYCLAN/002-final dated 11 December 2000.

⁽⁹⁾ Opinion of the Scientific Committee for Plants regarding the evaluation of pymetrozine in the context of Directive 91/414/EEC concerning the placing of plant protection products on the market. SCP/PYMETR/002-final dated 31 January 2001.

⁽¹⁰⁾ Opinion of the Scientific Committee for Plants regarding the evaluation of pyraflufen-ethyl in the context of Directive 91/414/EEC concerning the placing of plant protection products on the market. SCP/PYRA/-final dated 7 March 2001.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 176, 29.6.2001, p. 61.

⁽³⁾ OJ L 351, 23.12.1997, p. 67.

⁽⁴⁾ OJ L 52, 22.2.1997, p. 20.

⁽⁵⁾ OJ L 14, 19.1.1999, p. 30.

⁽⁶⁾ OJ L 96, 28.3.1998, p. 45.

- (12) It has appeared from the various examinations made that plant protection products containing any of the active substances concerned may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a), (b) and (3) of the Directive, in particular with regard to the uses which were examined and detailed in the respective Commission review reports. It is therefore appropriate to include these active substances in Annex I, in order to ensure that in all Member States the authorisations of plant protection products containing the active substances concerned can be granted in accordance with the provisions of the said Directive.
- (13) After inclusion, a reasonable period is necessary to permit Member States to implement the provisions of the Directive on plant protection products containing acibenzolar-s-methyl, cyclanilide, ferric phosphate, pymetrozine or pyraflufen-ethyl and in particular to review, within this period, existing provisional authorisations or to grant, by the end of this period at the latest, new authorisations in accordance with the provisions of the Directive. A longer period may also be required for plant protection products containing any of the active substances concerned and other active substances included in Annex I.
- (14) The review report is required for the proper implementation by the Member States, of several sections of the uniform principles laid down in Annex VI to the Directive, where those principles refer to the evaluation of the data which were submitted for the purpose of the inclusion of the active substance in Annex I to the Directive. It is, therefore, appropriate to provide that the finalised review reports (except for confidential information in the meaning of Article 14 of the Directive) are kept available or made available by the Member States for consultation by any interested parties. If a review report has to be updated to take account of technical and scientific developments, the conditions for the inclusion of the active substance concerned in Annex I to the Directive should also be amended in accordance with the Directive.
- (15) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The table in Annex I to Directive 91/414/EEC shall be amended as set out in the Annex hereto.

Article 2

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

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

2. However, with regard to evaluation and decision-making pursuant to the uniform principles provided for in Annex VI to Directive 91/414/EEC, on the basis of a dossier satisfying the requirements of Annex III thereto, the period laid down in the first paragraph is extended for existing provisional authorisations of plant protection products containing acibenzolar-s-methyl, cyclanilide, ferric phosphate, pymetrozine or pyraflufen-ethyl to 31 March 2003.

3. However for plant protection products containing acibenzolar-s-methyl, cyclanilide, ferric phosphate, pymetrozine or pyraflufen-ethyl together with another active substance which is in Annex I to Directive 91/414/EEC, the period referred to in paragraph 1 is extended to the extent that a longer implementation period is provided for by the provisions laid down in the Directive amending Annex I to Directive 91/414/EEC to include the substance in the Annex.

4. Member States shall keep available the review reports for acibenzolar-s-methyl, cyclanilide, ferric phosphate, pymetrozine and pyraflufen-ethyl (except for confidential information within the meaning of Article 14 of the Directive) for consultation by any interested parties or shall make it available to them on specific request.

Article 3

This Directive shall enter into force on 1 November 2001.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 12 October 2001.

For the Commission

David BYRNE

Member of the Commission

ANNEX

ENTRIES TO BE INSERTED IN THE TABLE IN ANNEX I TO DIRECTIVE 91/414/EEC

No	Common name, identification numbers	IUPAC name	Purity (!)	Entry into force	Expiration of inclusion	Specific provisions
20	Acibenzolar-s-methyl CAS No 135158-54-2 CIPAC No 597	Benzo[1,2,3]thiadiazole-7-carbothioic acid S-methyl ester	970 g/kg	1 November 2001	31 October 2011	Only uses as a plant activator may be authorised. Date of Standing Committee on Plant Health at which the review report was finalised: 29 June 2001.
21	Cyclanilide CAS No 113136-77-9 CIPAC No 586	Not available	960 g/kg	1 November 2001	31 October 2011	Only uses as a plant growth regulator may be authorised. The maximum content of the impurity 2,4-dichloroaniline (2,4-DCA) in the active substance as manufactured should be 1 g/kg. Date of Standing Committee on Plant Health at which the review report was finalised: 29 June 2001.
22	Ferric phosphate CAS No 10045-86-0 CIPAC No 629	Ferric phosphate	990 g/kg	1 November 2001	31 October 2011	Only uses as a molluscicide may be authorised. Date of Standing Committee on Plant Health at which the review report was finalised: 29 June 2001
23	Pymetrozine CAS No 123312-89-0 CIPAC No 593	(E)-6-methyl-4-[(pyridin-3-ylmethylene)amino]-4,5-dihydro-2H-[1,2,4]-triazin-3 one	950 g/kg	1 November 2001	31 October 2011	Only uses as an insecticide may be authorised. In decision-making according to the uniform principles Member States must pay particular attention to the protection of aquatic organisms. Date of Standing Committee on Plant Health at which the review report was finalised: 29 June 2001.

No	Common name, identification numbers	IUPAC name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
24	Pyraflufen-ethyl CAS No 129630-19-9 CIPAC No 605	Ethyl-2-chloro-5-(4-chloro-5-difluoromethoxy-1-mhypprazol-3-yl)-4-fluorophenoxyacetate	956 g/kg	1 November 2001	31 October 2011	Only uses as a herbicide may be authorised. In decision-making according to the uniform principles Member States must pay particular attention to the protection of algae and aquatic plants and should apply, where appropriate, risk mitigation measures. Date of Standing Committee on Plant Health at which the review report was finalised: 29 June 2001.

⁽¹⁾ Further details on identity and specification of active substances are provided in the review report.'

II

(Acts whose publication is not obligatory)

EUROPEAN CENTRAL BANK

GUIDELINE OF THE EUROPEAN CENTRAL BANK

of 27 September 2001

for participating Member States' transactions with their foreign exchange working balances pursuant to Article 31.3 of the Statute of the European system of central banks and of the European Central Bank

(ECB/2001/9)

(2001/737/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

HAS ADOPTED THIS GUIDELINE:

Article 1

Having regard to the Statute of the European System of Central Banks and of the European Central Bank (hereinafter referred to as the 'Statute') and in particular to Articles 31.2, 31.3 and 43.1 thereof,

Definitions

Whereas:

- (1) The transactions of participating Member States with their foreign exchange working balances shall, above a certain limit to be established within the framework of Article 31.3 of the Statute, be subject to approval by the European Central Bank (ECB) in order to ensure consistency with the exchange rate and monetary policies of the Community.
- (2) Pursuant to Article 31.3 of the Statute, the Governing Council shall issue guidelines with a view to facilitating such operations.
- (3) Transactions carried out by national central banks as agents on behalf of participating Member States and not recorded in national central banks' financial accounts are covered by this guideline whereas transactions by national central banks in their own name and at their own risk are covered by the guideline on national central banks' operations pursuant to Article 31.3 of the Statute,

For the purposes of this guideline:

- 'participating Member States' shall mean all Member States which have adopted the single currency in accordance with the Treaty establishing the European Community,
- 'national central banks' shall mean national central banks of participating Member States,
- 'transactions' shall mean all transactions listed in the second and third indents of Article 23 of the Statute, carried out in the market and involving exchange of non-euro assets for euro or for any other non-euro assets by participating Member States, including without limitation transactions carried out by national central banks on behalf of participating Member States and not recorded in the national central banks' financial accounts,
- 'foreign exchange working balances' shall mean holdings of assets denominated in any unit of account or currency other than the euro that are maintained by participating Member States' public authorities directly or through their agents,
- 'non-euro assets' include securities and all other assets in the currency of any country outside the euro area or units of account in whatever form held,
- 'off-market' shall mean foreign exchange operations where neither contractual party is a participant in the interbank market for foreign exchange. This interbank market consists exclusively of commercial financial institutions. Central banks, international organisations, commercial non-financial organisations, participating Member States and the European Commission are deemed not to be part of the interbank market.

Article 2

Scope of application

This guideline shall apply to the modalities of transactions carried out by all public authorities of participating Member States with their foreign exchange working balances. The procedures established for *ex ante* and *ex post* reporting by central governments differ from those established for other public authorities.

Article 3

Thresholds for prior notification

1. The thresholds at or below which participating Member States' public authorities may conduct transactions on any given trade day with their foreign exchange working balances without prior notification being given to the ECB, and above which various types of transactions on any given trade day with their foreign exchange working balances may not be conducted without prior notification to the ECB, are set out in Annex I.

2. The following foreign exchange transactions shall not be subject to the prior notification procedure:

- any transactions involving on both sides foreign exchange assets denominated in the same currency (for example substitution of a USD Treasury note for a USD Treasury bill),
- foreign exchange swaps,
- any transactions carried out with national central banks of participating Member States.

Article 4

Organisational issues

1. Participating Member States shall put appropriate arrangements in place in order to ensure that transactions with foreign exchange working balances conducted by all participating Member States' public authorities, including those transactions carried out through national central banks acting as agents on behalf of participating Member States, which are above the threshold levels set out in Annex I, are communicated to the ECB in accordance with the procedures set out in this guideline.

2. Participating Member States' central governments shall provide the ECB on a monthly basis with estimates of all forthcoming transactions with foreign exchange working balances to be carried out by participating Member States' central governments, including those transactions carried out through national central banks acting as agents on behalf of participating Member States. The standard format to be used for reporting such estimates is set out in Annex II.

3. All other public authorities shall provide the ECB with estimates of all forthcoming transactions, including those transactions carried out through national central banks acting as agents on behalf of participating Member States, with foreign exchange working balances above the threshold levels established by the ECB, as set out in Annex III.

4. Responsibility for the reporting requirements set out in Articles 4 and 6 lies with the participating Member States, which shall collect all relevant data and provide such data to the ECB through their respective national central banks.

Article 5

Prior notification procedure and the ECB's approval of the way in which transactions are conducted

1. Participating Member States' public authorities, including national central banks acting as agents on behalf of Member States, shall notify the ECB as far in advance as possible of all transactions with their foreign exchange working balances above the threshold levels set out in Article 3. The ECB shall receive such notifications no later than 11 a.m. ECB time on the trade date. The standard format to be used for any such notification is set out in Annex IV and shall be supplied to the ECB through the participating Member States' respective national central banks.

2. The ECB shall respond to prior notifications provided pursuant to paragraph 1 as soon as possible, and in any case by no later than 1 p.m. ECB time on the envisaged trade date. In the event that, by such time, no response has been received from the ECB, the transaction shall be deemed to have been authorised according to the terms and conditions specified by the relevant participating Member State's public authority.

3. In the event that a notification is received by the ECB later than 11 a.m. ECB time, the consultation procedure described in paragraph 5 will apply.

4. The ECB shall consider prior notifications with a view to facilitating, as far as possible, transactions by participating Member States' public authorities. The ECB shall consider such transactions with a view to ensuring consistency with the monetary and exchange rate policies of the Community, having regard to the transactions' impact on the liquidity of the euro area banking system. In the light of these considerations, the ECB shall decide if a transaction may be performed within the time-frame and in the manner envisaged by the participating Member State involved.

5. In exceptional circumstances, either related to policy considerations, adverse market conditions, or late notification by participating Member States, the ECB may advise that the timing of a transaction, or the manner in which a transaction is to be performed, be modified. In such circumstances, the ECB shall initiate a consultation procedure with the parties involved, namely the national public authority concerned and the national central bank of the relevant participating Member State. The ECB may request that the transaction be performed off-market through the ESCB, in which case the ECB may request that the transaction be performed either with the national central bank concerned or with the ECB. The ECB may also request that the overall amount of any such transaction be divided into two or more transactions. The ECB may also request a combination of partial performance off-market through the ESCB as set out above and partial division of the transaction into two or more transactions, as also set out above.

6. In very exceptional circumstances, the ECB may request that a transaction be delayed, in which case the postponement of such transaction shall be prescribed for as short a period of time as possible which shall not, under any circumstances, either be indefinite or prevent fulfilment of the terms and conditions of maturing obligations.

Article 6

Reporting of working balances

1. In order to ensure that the ECB has an adequate overview of the level of participating Member States' foreign exchange working balances, participating Member States shall report their foreign exchange working balances on a monthly *ex post* basis.

2. The standard format to be used by participating Member States' central governments for *ex post* reporting of foreign exchange working balances to the ECB is set out in Annex V.

3. All other public authorities of the participating Member States shall report their foreign exchange working balances above a threshold level established by the ECB, as set out in Annex VI.

Article 7

Confidentiality

All the information and data exchanged in the context of the procedures set out in this guideline shall be treated confidentially.

Article 8

Repeal of Guideline ECB/1998/NP7

Guideline ECB/1998/NP7 is repealed.

Article 9

Final provisions

This guideline is addressed to the participating Member States.

This guideline shall enter into force on 1 November 2001.

This guideline shall be published in the *Official Journal of the European Communities*.

Done at Frankfurt am Main, 27 September 2001.

*On behalf of the Governing Council of the
ECB*

Willem F. DUISENBERG

ANNEX I

Thresholds for prior notification to the ECB of Member States' foreign exchange transactions pursuant to Article 3(1)

Types of transaction		Threshold applicable (reference: trade date)
Outright purchase or sales, spot and forward, of foreign exchange assets	Against the euro	EUR 500 million (gross aggregate transactions)
	Against other foreign exchange assets ('cross-currency transactions')	EUR 500 million equivalent (gross aggregate transactions per currency pair)

A gross aggregate transaction is defined as the total of purchases and the total of sales of foreign exchange assets on a given trade day.

These thresholds also apply to transactions carried out by national central banks as agents on behalf of participating Member States and not recorded in the national central banks' financial accounts.

ANNEX II

Standard format for *ex ante* reporting of estimated forthcoming foreign exchange transactions by participating Member States pursuant to Article 4(2) and (3)

Participating Member States' central governments shall provide the ECB with estimates of their forthcoming foreign exchange transactions on a monthly basis. These estimates shall cover all transactions carried out by central governments. All other public authorities shall report estimates of their forthcoming foreign exchange transactions above the thresholds set out in Annex III. The messages containing participating Member States' estimated forthcoming foreign exchange transactions should include the following data:

<i>Breakdown:</i>	By currency pairs.
<i>Periodicity:</i>	Monthly.
<i>Deadline:</i>	6 p.m. ECB time on the last business day of the preceding month.
<i>Interpretation:</i>	Total purchases and total sales in transactions against the euro or in cross-currency transactions. The currency to be purchased should be indicated in the first column/cell and the currency to be sold in the second column/cell. Trade and value dates should be specified for significant transactions.
<i>Valuation:</i>	The 2.15 p.m. reference rates of the reporting day should be used in determining the amount for the uncertain amount.
<i>Rounding:</i>	To the closest euro million equivalent.

The time-frame of these messages is one calendar month. The thresholds are day-specific, which means that if the thresholds are expected to be exceeded on one or more days during the coming month, an *ex ante* report must be sent before the last business day preceding this month. The monthly *ex ante* report should cover the daily period(s) during which the thresholds are expected to be exceeded.

ANNEX III

Thresholds for *ex ante* reporting by participating Member States' public authorities other than central government pursuant to Article 4(3)

Participating Member States' public authorities other than central governments shall provide the ECB with monthly estimates of all forthcoming transactions with their foreign exchange working balances above the following threshold levels:

Types of transaction		Threshold applicable (reference: trade date)
Outright purchase or sales, spot and forward, of foreign exchange assets	Against the euro	EUR 100 million (gross aggregate transactions)
	Against other foreign exchange assets ('cross-currency transactions')	EUR 500 million equivalent (gross aggregate transactions per currency pair)

A gross aggregate transaction is defined as the total of purchases and the total of sales of foreign exchange assets on a given trade day.

ANNEX IV

Prior notification requests by participating Member States⁽¹⁾ and the ECB's replies pursuant to Article 5(1)

Prior notification messages should contain the following information:

- participating Member State notifying transactions,
- public authority responsible for the transaction,
- date and time of the notifications,
- trade date,
- value date,
- size of the transactions (in millions of euro or millions of euro equivalent),
- currencies involved (ISO codes),
- operation category,
- maturing contractual obligation (Y/N).

The ECB's reply to the prior notifications also contains the following data:

- date, time and content of the ECB reply.

Note: Participating Member States are requested to channel their notifications to the ECB via their respective national central bank.

⁽¹⁾ It should be recalled that only transactions conducted by the Member States in the market, i.e. not with their respective national central bank as counterparty, are subject to prior notification. Member States' transactions conducted with their respective national central bank as counterparty are covered by prior approval and reporting procedures applicable to national central banks' operations.

ANNEX V

Standard format for *ex post* reporting to the ECB of foreign exchange working balances held by participating Member States pursuant to Article 6(2)

The participating Member States' central governments are required to report their outstanding foreign currency working balances on a monthly basis. Other public authorities have to report only if the highest of either their monthly average holdings or end-of-month holdings exceed the threshold set out in Annex VI.

<i>Breakdown:</i>	All foreign currency working balances, no breakdown by currency. Monthly average, high of the month, end of the month and low of the month.
<i>Periodicity:</i>	Monthly.
<i>Deadline:</i>	6 p.m. ECB time on the fifth business day following the reporting period.
<i>Interpretation:</i>	Participating Member States' total holdings of foreign currencies held outside the ESCB. Forward positions are also to be included in the data (i.e. forward positions should be added to the current holdings and only one figure per item should be reported). In addition, spot transactions which have been contracted but which have not yet been settled should be included in the data (i.e. the data should be compiled on a trade-date basis).
<i>Valuation:</i>	The 2.15 p.m. reference rates should be used by the national central banks to convert the information received from participating Member States into euro (i.e. if the participating Member States report foreign currencies actually held). Securities should be valued at market prices, but for practical reasons a single reference source for prices is not required. Since the bulk of working balances are likely to be held in the form of deposits, the impact of slightly different market sources used for valuing securities should be very limited.
<i>Rounding:</i>	To the closest euro million equivalent.

If should be noted that other public authorities are obliged to report only if the highest of either their monthly average holdings or end-of-month holdings exceeds the reporting threshold. However, if the reporting threshold is triggered, they should use the same data format as central governments (i.e. monthly average, high of the month, end of the month and low of the month).

The *ex post* reporting obligation contained in this Annex includes all foreign exchange transactions carried out by national central banks as agents on behalf of public authorities of participating Member States.

ANNEX VI

Threshold for *ex post* reporting by participating Member States' public authorities other than central government pursuant to Article 6(3)

Participating Member States' public authorities other than central governments shall report to the ECB their foreign exchange working balances above the following threshold levels:

Types of assets	Threshold applicable (reference: trade date)
Holdings of foreign exchange assets (total of all currencies, in millions of euro equivalent): the figure reported shall be the higher of the following ones: — average of the month, — end of the month.	EUR 50 million equivalent