

English edition

Legislation

Contents

Acts adopted pursuant to Title V of the Treaty on European Union

2001/796/CFSP:

- ★ **Council Decision of 15 November 2001 extending and amending Decision 1999/730/CFSP concerning a European Union contribution to combating the destabilising accumulation and spread of small arms and light weapons in Cambodia** 1
- I *Acts whose publication is obligatory*
 - Commission Regulation (EC) No 2223/2001 of 16 November 2001 establishing the standard import values for determining the entry price of certain fruit and vegetables 3
 - Commission Regulation (EC) No 2224/2001 of 16 November 2001 fixing the maximum aid for concentrated butter for the 258th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90 5
 - Commission Regulation (EC) No 2225/2001 of 16 November 2001 fixing the maximum purchasing price for butter for the 39th invitation to tender carried out under the standing invitation to tender governed by Regulation (EC) No 2771/1999 6
 - Commission Regulation (EC) No 2226/2001 of 16 November 2001 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 86th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97 7
 - Commission Regulation (EC) No 2227/2001 of 16 November 2001 suspending the buying-in of butter in certain Member States 9
 - ★ **Commission Regulation (EC) No 2228/2001 of 16 November 2001 fixing, for 2002, the reduction percentages to be applied to applications for an allocation by non-traditional operators under the tariff quotas for imports of bananas** 10

Commission Regulation (EC) No 2229/2001 of 16 November 2001 amending Regulation (EC) No 1801/2001 and increasing to 518 267 tonnes the amount of barley held by the Spanish intervention agency for which a standing invitation to tender for resale on the internal market has been opened	11
★ Commission Regulation (EC) No 2230/2001 of 16 November 2001 amending Regulation (EC) No 1666/2001 adapting certain fish quotas for 2001 pursuant to Council Regulation (EC) No 847/96	12
★ Commission Regulation (EC) No 2231/2001 of 16 November 2001 amending, for the second time, Council Regulation (EC) No 1705/98 concerning the interruption of certain economic relations with Angola in order to induce the 'União Nacional para a Independência Total de Angola' (UNITA) to fulfil its obligations in the peace process, and repealing Regulation (EC) No 2229/97	17
Commission Regulation (EC) No 2232/2001 of 16 November 2001 fixing the maximum export refund on wholly milled round grain rice in connection with the invitation to tender issued in Regulation (EC) No 2007/2001	23
Commission Regulation (EC) No 2233/2001 of 16 November 2001 fixing the maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain European third countries, in connection with the invitation to tender issued in Regulation (EC) No 2008/2001	24
Commission Regulation (EC) No 2234/2001 of 16 November 2001 fixing the maximum export refund on wholly milled round grain, medium grain and long grain A rice to be exported to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 2009/2001	25
Commission Regulation (EC) No 2235/2001 of 16 November 2001 concerning tenders submitted in response to the invitation to tender for the export to certain third countries of wholly milled long grain rice issued in Regulation (EC) No 2010/2001	26
Commission Regulation (EC) No 2236/2001 of 16 November 2001 concerning tenders submitted in response to the invitation to tender for the export of husked long grain rice to the island of Réunion referred to in Regulation (EC) No 2011/2001	27
Commission Regulation (EC) No 2237/2001 of 16 November 2001 on the issuing of A1 export licences for fruit and vegetables	28
Commission Regulation (EC) No 2238/2001 of 16 November 2001 fixing the maximum buying-in price and the quantities of beef to be bought in under the 278th partial invitation to tender as a general intervention measure pursuant to Regulation (EEC) No 1627/89	29
Commission Regulation (EC) No 2239/2001 of 16 November 2001 fixing the maximum purchase price for beef under the 14th partial invitation to tender pursuant to Regulation (EC) No 690/2001	31
Commission Regulation (EC) No 2240/2001 of 16 November 2001 amending the import duties in the cereals sector	32

Council

2001/797/EC:

- ★ **Council Decision of 23 July 2001 concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Estonia terminating Protocol 1 on trade in textile and clothing products to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Estonia, of the other part** 35

Agreement in the form of an Exchange of Letters between the European Community and the Republic of Estonia terminating Protocol 1 on trade in textile and clothing products to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Estonia, of the other part 36

Commission

2001/798/EC:

- ★ **Commission Decision of 13 December 2000 on the State aid implemented by Germany for SKET Walzwerkstechnik GmbH (aid C 70/97 (ex NN 123/97)) ⁽¹⁾ (notified under document number C(2000) 4189)** 37

Corrigenda

- ★ **Corrigendum to Council Regulation (EC) No 1078/2001 of 31 May 2001 amending Regulation (EC) No 2160/96 imposing a definitive anti-dumping duty on imports of polyester textured filament yarn originating, *inter alia*, in Thailand (OJ L 149 of 2.6.2001)** 47

(Acts adopted pursuant to Title V of the Treaty on European Union)

**COUNCIL DECISION
of 15 November 2001
extending and amending Decision 1999/730/CFSP concerning a European Union contribution to
combating the destabilising accumulation and spread of small arms and light weapons in Cambodia**

(2001/796/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 23(2) thereof,

Having regard to Joint Action 1999/34/CFSP of 17 December 1998 on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons ⁽¹⁾, and in particular Article 6 thereof,

Whereas:

- (1) On 15 November 1999 the Council adopted Decision 1999/730/CFSP concerning a European Union contribution to combating the destabilising accumulation and spread of small arms and light weapons in Cambodia ⁽²⁾, which was aimed at implementing Joint Action 1999/34/CFSP.
- (2) Some objectives could not be fulfilled by 15 November 2001, the date on which Decision 1999/730/CFSP expired, and others should be consolidated and expanded after that date.
- (3) The European Union's continued contribution is part of the follow-up to the Programme of Action to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects adopted by the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in all its Aspects (New York, 9 to 20 July 2001). This should encourage other donors to support the drive to reduce and control small arms and light weapons and, where appropriate, allow the implementation of joint projects with other donors.

- (4) Decision 1999/730/CFSP should therefore be extended and amended,

HAS DECIDED AS FOLLOWS:

Article 1

Decision 1999/730/CFSP is hereby amended as follows:

- (a) in Article 3(1), the financial reference amount shall be replaced by EUR 1 768 200;
- (b) in the second subparagraph of Article 4, '15 November 2001' shall be replaced by '15 November 2002';
- (c) the Annex shall be replaced by the Annex to this Decision.

Article 2

This Decision shall take effect on 16 November 2001.

Article 3

This Decision shall be published in the Official Journal.

Done at Brussels, 15 November 2001.

For the Council

The President

M. AELVOET

⁽¹⁾ OJ L 9, 15.1.1999, p. 1.

⁽²⁾ OJ L 294, 16.11.1999, p. 5. Decision extended and amended by Decision 2000/724/CFSP (OJ L 292, 21.11.2000, p. 3).

ANNEX

TERMS OF REFERENCE FOR THE PROJECT MANAGER

1. For the purposes of Article 1(2)(a), the Project Manager, with the support of relevant experts, will continue to work for the development of appropriate laws and regulations. To that end, the Project Manager will assist the Government and Parliament in the process leading up to the adoption of a draft law on the subject and will help in its application, in particular through the development of secondary laws and regulations. He will also support public information and awareness programmes connected with that law.
2. For the purposes of Article 1(2)(b), the Project Manager, in cooperation with the Cambodian armed forces, will continue the work relating to record-keeping and the management and security of weapons stocks and to developing policies, guidelines and practices in this area. To that end, the Project Manager will monitor the project being conducted in Kampong Cham Province (Military District 1), organise a project in a further military district and continue, at national level, the efforts regarding training, systems development and the recording of arms. He will ensure that the relevant authorities are closely involved in defining and carrying through the new project.

For the same purposes, but in relation to the police, the Project Manager, with the support of a relevant expert, will carry out a feasibility study on record-keeping, stockpile management and the security of weapons stocks. That project will comprise the development of training systems and record-keeping.

3. For the purposes of Article 1(2)(c), the Project Manager, with the support of relevant experts, will continue to assist and promote the Government's national programme of public ceremonies for the destruction of collected weapons and, where appropriate, of surplus weapons held by the army and the police and security forces (in particular in the context of demobilisation and reintegration programmes). The Project Manager may, if necessary and to a limited extent, lend support for capacity-building of the National Commission for Weapons Reform and Management. The Project Manager will continue to supervise and monitor implementation of 'Arms versus development' pilot projects in Kracheh and Pursat. He may expand those projects to local administrative areas in neighbouring districts.
 4. For the purposes of Article 1(2)(d), the Project Manager will allocate financial aid to support activities by non-governmental organisations in Cambodia, including the coalition 'Working Group for Weapons Reduction in Cambodia', such as awareness raising, information sharing and education and training programmes. These activities may take place in selected regions in Cambodia, as agreed between the Project Manager and the relevant organisations. Particular attention will be paid to strengthening the coordination and budgetary cooperation among such organisations.
 5. The Project Manager will ensure that appropriate procedures are established for effective monitoring and evaluation of activities. To this end, he will seek full cooperation from the Government of Cambodia and the police and security forces.
 6. The Project Manager will encourage and assist other donors to support efforts to reduce and control small arms and light weapons and will stand ready, as appropriate, to carry out joint projects with other donors within the limits of his powers under these terms of reference. Bearing in mind the European Union's vanguard position in this domain, he will ensure that he plays a pivotal role in international efforts and, where appropriate, will contribute to the management and implementation of projects supported by other donors.
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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 2223/2001
of 16 November 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 17 November 2001.

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

Done at Brussels, 16 November 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 16 November 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	91,1
	070	17,0
	096	12,7
	204	32,7
	999	38,4
0707 00 05	052	140,7
	999	140,7
0709 90 70	052	94,5
	999	94,5
0805 20 10	204	72,3
	999	72,3
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	51,5
	204	76,2
	464	174,2
	999	100,6
0805 30 10	052	48,1
	388	30,5
	524	51,2
	528	33,6
	600	58,3
	999	44,3
0806 10 10	052	118,2
	064	89,0
	400	321,5
	508	409,7
	999	234,6
0808 10 20, 0808 10 50, 0808 10 90	060	34,9
	400	78,3
	404	114,6
	800	199,4
	999	106,8
0808 20 50	052	107,0
	400	127,6
	720	52,2
	999	95,6

⁽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 2224/2001**of 16 November 2001****fixing the maximum aid for concentrated butter for the 258th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Commission Regulation (EEC) No 429/90 of 20 February 1990 on the granting by invitation to tender of an aid for concentrated butter intended for direct consumption in the Community ⁽³⁾, as last amended by Regulation (EC) No 124/1999 ⁽⁴⁾, the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter; Article 6 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 % or a decision is to be taken to make no award; the end-use security must be fixed accordingly.

- (2) In the light of the tenders received, the maximum aid should be fixed at the level specified below and the end-use security determined accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 258th special invitation to tender under the standing invitation to tender opened by Regulation (EEC) No 429/90, the maximum aid and the amount of the end-use security shall be as follows:

- | | |
|---------------------|-----------------|
| — maximum aid: | EUR 105/100 kg, |
| — end-use security: | EUR 116/100 kg. |

Article 2

This Regulation shall enter into force on 17 November 2001.

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

Done at Brussels, 16 November 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 45, 21.2.1990, p. 8.

⁽⁴⁾ OJ L 16, 21.1.1999, p. 19.

**COMMISSION REGULATION (EC) No 2225/2001
of 16 November 2001**

**fixing the maximum purchasing price for butter for the 39th invitation to tender carried out under
the standing invitation to tender governed by Regulation (EC) No 2771/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Commission Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) Article 13 of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽³⁾, as last amended by Regulation (EC) No 1614/2001 ⁽⁴⁾, provides that, in the light of the tenders received for each invitation to tender, a maximum buying-in price is to be fixed in relation to the interven-

tion price applicable and that it may also be decided not to proceed with the invitation to tender.

- (2) As a result of the tenders received, the maximum buying-in price should be fixed as set out below.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 39th invitation to tender issued under Regulation (EC) No 2771/1999, for which tenders had to be submitted not later than 13 November 2001, the maximum buying-in price is fixed at 295,38 EUR/100 kg.

Article 2

This Regulation shall enter into force on 17 November 2001.

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

Done at Brussels, 16 November 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 333, 24.12.1999, p. 11.

⁽⁴⁾ OJ L 214, 8.8.2001, p. 20.

**COMMISSION REGULATION (EC) No 2226/2001
of 16 November 2001**

fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 86th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) The intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽³⁾, as last amended by Regulation (EC) No 635/2000 ⁽⁴⁾, to sell by invitation to tender certain quantities of butter that they hold and to grant aid for cream, butter and concentrated butter. Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further stipulated that the price

or aid may vary according to the intended use of the butter, its fat content and the incorporation procedure, and that a decision may also be taken to make no award in response to the tenders submitted. The amount(s) of the processing securities must be fixed accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices and the maximum aid and processing securities applying for the 86th individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 November 2001.

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

Done at Brussels, 16 November 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁴⁾ OJ L 76, 25.3.2000, p. 9.

ANNEX

to the Commission Regulation of 16 November 2001 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 86th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter ≥ 82 %	Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Processing security		Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Maximum aid	Butter ≥ 82 %		85	81	—	81
	Butter < 82 %		83	79	—	79
	Concentrated butter		105	101	105	101
	Cream		—	—	36	34
Processing security	Butter		94	—	—	—
	Concentrated butter		116	—	116	—
	Cream		—	—	40	—

**COMMISSION REGULATION (EC) No 2227/2001
of 16 November 2001
suspending the buying-in of butter in certain Member States**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽³⁾, as last amended by Regulation (EC) No 1614/2001 ⁽⁴⁾, and in particular Article 2 thereof,

Whereas:

- (1) Article 2 of Regulation (EC) No 2771/1999 lays down that buying-in by invitation to tender is to be opened or suspended by the Commission in a Member State, as appropriate, once it is observed that, for two weeks in succession, the market price in that Member State is below or equal to or above 92 % of the intervention price.

- (2) Commission Regulation (EC) No 2178/2001 suspending the buying-in of butter in certain Member States ⁽⁵⁾ establishes the most recent list of Member States in which intervention is suspended. This list must be adjusted as a result of the market prices communicated by Portugal and Sweden under Article 8 of Regulation (EC) No 2771/1999. In the interests of clarity, the list in question should be replaced and Regulation (EC) No 2178/2001 should be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Buying-in of butter by invitation to tender as provided for in Article 6(1) of Regulation (EC) No 1255/1999 is hereby suspended in Belgium, Luxembourg, Denmark, Germany, France, Greece, Austria and Finland.

Article 2

Regulation (EC) No 2178/2001 is hereby repealed.

Article 3

This Regulation shall enter into force on 17 November 2001.

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

Done at Brussels, 16 November 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 333, 24.12.1999, p. 11.

⁽⁴⁾ OJ L 214, 8.8.2001, p. 20.

⁽⁵⁾ OJ L 293, 10.11.2001, p. 3.

**COMMISSION REGULATION (EC) No 2228/2001
of 16 November 2001**

**fixing, for 2002, the reduction percentages to be applied to applications for an allocation by
non-traditional operators under the tariff quotas for imports of bananas**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 216/2001 ⁽²⁾,

Having regard to Commission Regulation (EC) No 896/2001 of 7 May 2001 laying down detailed rules for applying Council Regulation (EEC) No 404/93 as regards the arrangements for importing bananas into the Community ⁽³⁾, as amended by Regulation (EC) No 1613/2001 ⁽⁴⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Pursuant to Article 9(2) of Regulation (EC) No 896/2001, the Commission is to determine, on the basis of the quantities available under the tariff quotas and of Member States' notifications of total allocations requested, the quantities for which allocations for non-traditional operators are granted.
- (2) Member States' notifications under Article 9(1) of that Regulation indicate that the sum of allocations applied for is 11 388 324,983 tonnes for all non-traditional operators A/B and 389 015,100 tonnes for all non-traditional operators C.

- (3) The percentages to be applied for determining the allocations for non-traditional operators under the tariff quotas A/B and C should therefore be fixed.
- (4) This Regulation must enter into force without delay, before the start of the period for the submission of licence applications for the first quarter of 2002.
- (5) The provisions of this Regulation must not prejudice any measures to be adopted in the future, either by the Council or by the Commission, in particular in view of the proposed amendment of Regulation (EEC) No 404/93, and cannot be pleaded by operators as a basis for legitimate expectations,

HAS ADOPTED THIS REGULATION:

Article 1

For the tariff quotas A/B and C provided for in Article 18 of Regulation (EEC) No 404/93, pursuant to Article 9(2) of Regulation (EC) No 896/2001, the allocation to be granted to each non-traditional operator shall be the following percentage of the allocation applied for:

- | | |
|--|------------|
| — for each non-traditional operator A/B: | 3,81100 % |
| — for each non-traditional operator C: | 37,14508 % |

Article 2

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

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

Done at Brussels, 16 November 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 47, 25.2.1993, p. 1.

⁽²⁾ OJ L 31, 2.2.2001, p. 2.

⁽³⁾ OJ L 126, 8.5.2001, p. 6.

⁽⁴⁾ OJ L 214, 8.8.2001, p. 19.

**COMMISSION REGULATION (EC) No 2229/2001
of 16 November 2001**

amending Regulation (EC) No 1801/2001 and increasing to 518 267 tonnes the amount of barley held by the Spanish intervention agency for which a standing invitation to tender for resale on the internal market has been opened

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 5 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 ⁽³⁾, as last amended by Regulation (EC) No 1630/2000 ⁽⁴⁾, lays down the procedure and conditions for the disposal of cereals held by the intervention agencies.
- (2) Commission Regulation (EC) No 1801/2001 ⁽⁵⁾, as amended by Regulation (EC) No 2068/2001 ⁽⁶⁾, opened a standing invitation to tender for the resale on the internal market of 450 000 tonnes of barley held by the Spanish intervention agency.

(3) In the present situation on the market the quantities of barley held by the Spanish intervention agency put up for sale on the internal market of the Community should be increased to 518 267 tonnes.

(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

In Article 1 of Regulation (EC) No 1801/2001, '450 000 tonnes' is replaced by '518 267 tonnes'.

Article 2

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

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

Done at Brussels, 16 November 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 191, 31.7.1993, p. 76.

⁽⁴⁾ OJ L 187, 26.7.2000, p. 24.

⁽⁵⁾ OJ L 244, 14.9.2001, p. 20.

⁽⁶⁾ OJ L 278, 23.10.2001, p. 27.

COMMISSION REGULATION (EC) No 2230/2001
of 16 November 2001
amending Regulation (EC) No 1666/2001 adapting certain fish quotas for 2001 pursuant to Council
Regulation (EC) No 847/96

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 23(1) thereof,

Having regard to Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas ⁽³⁾, as amended by Commission Regulation (EC) No 1957/98 ⁽⁴⁾, and in particular Article 4(2) thereof,

Whereas:

- (1) Following adjustments by Member States of data about landings and exchanges of fishing opportunities, some figures which constitute the basis for the Annex to Commission Regulation (EC) No 1666/2001 of 17 August 2001 adapting certain fish quotas for 2001 pursuant to Council Regulation (EC) No 847/96 introducing additional conditions for year-to-year manage-

ment of TACs and quotas ⁽⁵⁾ should be revised. Therefore that Annex should be amended accordingly.

- (2) In order to allow continuation of fishing activities, the amended quotas set out by this Regulation should apply as soon as possible.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1666/2001 is replaced by the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 16 November 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 115, 9.5.1996, p. 3.

⁽⁴⁾ OJ L 254, 16.9.1998, p. 3.

⁽⁵⁾ OJ L 223, 18.8.2001, p. 4.

ANNEX

ANNEX

Species	Zone	Member State	Withheld quantities ⁽¹⁾	Catch in excess of permitted landings in 2000	Deductions ⁽²⁾	Weighted deductions ⁽³⁾	Additional deductions ⁽⁴⁾	2001 quota	Revised value of 2001 quota
Herring	Vb (Community waters), VIaN, VIb	DE	0	25	0	25	n.a.	3 990	3 965
Herring	VIIe, f	FR	25	0	0	0	n.a.	500	525
Herring	VIIg, h, j, k	FR	130	0	0	0	n.a.	1 230	1 360
Cod	I, II (Norwegian waters)	PT	0	5	5	0	n.a.	2 205	2 200
Cod	IIIbcd (Community waters)	SV	0	128	0	128	n.a.	22 083	21 955
Cod	Kattegatt	SV	0	0	0	0	n.a.	2 300	2 300
Megrim	VII	BE	48	0	0	0	n.a.	410	458
Megrim	VII	ES	538	0	0	0	n.a.	4 500	5 038
Megrim	VII	FR	326	0	0	0	n.a.	5 460	5 786
Megrim	VII	UK	257	0	0	0	n.a.	2 150	2 407
Megrim	VII	IRL	297	0	0	0	n.a.	2 480	2 777
Megrim	VIIIabde	ES	115	0	0	0	n.a.	1 000	1 115
Megrim	VIIIabde	FR	93	0	0	0	n.a.	800	893
Megrim	VIIIc, IX, X, CECAF 34.1.1 (Community waters)	ES	462	0	0	0	n.a.	4 620	5 082
Anglerfish	VII	BE	213	0	0	0	n.a.	2 010	2 223
Anglerfish	VII	ES	84	0	0	0	n.a.	800	884
Anglerfish	VII	FR	1 363	0	0	0	n.a.	12 870	14 233
Anglerfish	VII	UK	414	0	0	0	n.a.	3 900	4 314
Anglerfish	VII	NL	28	0	0	0	n.a.	260	288

Species	Zone	Member State	Withheld quantities ⁽¹⁾	Catch in excess of permitted landings in 2000	Deductions ⁽²⁾	Weighted deductions ⁽³⁾	Additional deductions ⁽⁴⁾	2001 quota	Revised value of 2001 quota
Anglerfish	VIIIabde	ES	100	0	0	0	n.a.	900	1 000
Anglerfish	VIIIabde	FR	278	0	0	0	n.a.	5 000	5 278
Anglerfish	VIIIc, IX, X, CECAF 34.1.1 (Community waters)	ES	566	0	0	0	n.a.	5 000	5 566
Hake	Vb (Community waters), VI, VII, XII, XIV	FR	0	138	0	138	n.a.	6 340	6 202
Blue whiting	Ila (Community waters), North Sea (Community waters)	DK	4 855	0	0	0	n.a.	48 550	53 405
Blue whiting	Ila (Community waters), North Sea (Community waters)	UK	107	0	0	0	n.a.	1 070	1 177
Blue whiting	Ila (Community waters), North Sea (Community waters)	NL	14,5	0	0	0	n.a.	145	160
Blue whiting	Vb (Community waters), VI, VII, XII, XIV	DE	1 304	0	0	0	n.a.	15 550	16 854
Blue whiting	Vb (Community waters), VI, VII, XII, XIV	DK	204	0	0	0	n.a.	4 020	4 224
Blue whiting	Vb (Community waters), VI, VII, XII, XIV	ES	2 173	0	0	0	n.a.	25 910	28 083
Blue whiting	Vb (Community waters), VI, VII, XII, XIV	FR	1 815	0	0	0	n.a.	21 640	23 455
Blue whiting	Vb (Community waters), VI, VII, XII, XIV	NL	3 514	0	0	0	n.a.	48 850	52 364
Blue whiting	Vb (Community waters), VI, VII, XII, XIV	UK	2 329	0	0	0	n.a.	45 350	47 679
Blue whiting	VIIIabde	ES	1 000	0	0	0	n.a.	10 000	11 000
Blue whiting	VIIIc, IX, X, CECAF 34.1.1 (Community waters)	ES	4 400	0	0	0	n.a.	44 000	48 400
Plaice	VIIa	BE	8,5	0	0	0	n.a.	60	69
Plaice	VIIa	UK	88,5	0	0	0	n.a.	610	699
Plaice	VIIa	IRL	136,5	0	0	0	n.a.	1 285	1 422
Plaice	VIIa	NL	3	0	0	0	n.a.	20	23
Plaice	VIIIf, g	IRL	0	4	0	4	n.a.	50	46
Plaice	VIIIf, g	BE	0	1	0	1	n.a.	190	189

Species	Zone	Member State	Withheld quantities ⁽¹⁾	Catch in excess of permitted landings in 2000	Deductions ⁽²⁾	Weighted deductions ⁽³⁾	Additional deductions ⁽⁴⁾	2001 quota	Revised value of 2001 quota
Saithe	I, II (Norwegian waters)	DE	0	6	6	0	n.a.	2 592	2 586
Saithe	Ila (Community waters), Skagerrak and Kattegat, IIIbcd (Community waters), North Sea	DE	0	8	0	8	n.a.	9 110	9 102
Saithe	Ila (Community waters), Skagerrak and Kattegat, IIIbcd (Community waters), North Sea	DK	0	56	0	56	n.a.	3 610	3 554
Saithe	Ila (Community waters), Skagerrak and Kattegat, IIIbcd (Community waters), North Sea	UK	0	93	0	93	n.a.	6 980	6 887
Saithe	Ila (Community waters), Skagerrak and Kattegat, IIIbcd (Community waters), North Sea	SV	0	54	0	54	n.a.	1 380	1 326
Saithe	Vb (Community waters), VI, XII, XIV	IRL	0	32	32	0	n.a.	420	388
Saithe	Vb (Community waters), VI, XII, XIV	FR	0	3	0	3	n.a.	4 835	4 832
Mackerel	Ila (Community waters), Skagerrak and Kattegat, IIbcd (Community waters), North Sea	DK	0	767	767	0	n.a.	14 180	13 413
Mackerel	Ila (non-Community waters), Vb (Community waters), VI, VII, VIIIabde, XII, XIV	IRL	0	333	333	0	n.a.	72 020	71 687
Redfish	V, XII, XIV (Community waters and waters beyond fisheries jurisdiction of other coastal States)	PT	0	149	149	0	n.a.	1 966	1 817
Common sole	II, North Sea	BE	107	0	0	0	n.a.	1 585	1 692
Common sole	II, North Sea	DE	146	0	0	0	n.a.	1 265	1 411
Common sole	II, North Sea	UK	80	0	0	0	n.a.	815	895
Common sole	II, North Sea	NL	985	0	0	0	n.a.	14 295	15 280
Common sole	Skagerrak and Kattegat, IIIbcd (Community waters)	DK	80	0	0	0	n.a.	585	665
Common sole	VIIa	BE	53,5	0	0	0	n.a.	545	599
Common sole	VIIa	UK	24	0	0	0	n.a.	245	269

Species	Zone	Member State	Withheld quantities ⁽¹⁾	Catch in excess of permitted landings in 2000	Deductions ⁽²⁾	Weighted deductions ⁽³⁾	Additional deductions ⁽⁴⁾	2001 quota	Revised value of 2001 quota
Common sole	VIIa	NL	17	0	0	0	n.a.	170	187
Common sole	VIIId	BE	110,5	0	0	0	n.a.	1 240	1 351
Common sole	VIIId	UK	79	0	0	0	n.a.	885	964
Common sole	VIIIfg	BE	59	0	0	0	n.a.	640	699
Common sole	VIIIfg	UK	32,7	0	0	0	n.a.	285	318
Common sole	VIIIab	BE	7	0	0	0	n.a.	70	77
Common sole	VIIIab	FR	507	0	0	0	n.a.	5 315	5 822
Horse mackerel	Vb (Community waters), VI, VII, VIIIabde, XII, XIV	DE	1 690	0	0	0	n.a.	16 900	18 590
Horse mackerel	Vb (Community waters), VI, VII, VIIIabde, XII, XIV	DK	2 114	0	0	0	n.a.	21 140	23 254
Horse mackerel	Vb (Community waters), VI, VII, VIIIabde, XII, XIV	ES	1 500	0	0	0	n.a.	23 080	24 580
Horse mackerel	Vb (Community waters), VI, VII, VIIIabde, XII, XIV	FR	1 117	0	0	0	n.a.	11 170	12 287
Horse mackerel	Vb (Community waters), VI, VII, VIIIabde, XII, XIV	UK	2 285	0	0	0	n.a.	22 850	25 135
Horse mackerel	Vb (Community waters), VI, VII, VIIIabde, XII, XIV	NL	8 062	0	0	0	n.a.	80 620	88 682
Horse mackerel	VIIIc, IX	ES	3 658	0	0	0	n.a.	36 580	40 238
Other species	Vb (Faroese waters)	FR	0	11	11	0	n.a.	275	264

n.a. Not applicable

⁽¹⁾ In accordance with Article 4(2) of Regulation (EC) No 847/96.

⁽²⁾ In accordance with Article 5(1) of Regulation (EC) No 847/96.

⁽³⁾ In accordance with Article 5(2) of Regulation (EC) No 847/96.

⁽⁴⁾ Due to relapse, in accordance with Article 5(2) of Regulation (EC) No 847/96.

**COMMISSION REGULATION (EC) No 2231/2001
of 16 November 2001**

amending, for the second time, Council Regulation (EC) No 1705/98 concerning the interruption of certain economic relations with Angola in order to induce the 'União Nacional para a Independência Total de Angola' (UNITA) to fulfil its obligations in the peace process, and repealing Regulation (EC) No 2229/97

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1705/98 of 28 July 1998 concerning the interruption of certain economic relations with Angola in order to induce the 'União Nacional para a Independência Total de Angola' (UNITA) to fulfil its obligations in the peace process, and repealing Regulation (EC) No 2229/97 ⁽¹⁾, as amended by Commission Regulation (EC) No 753/1999 ⁽²⁾, and in particular Article 9 thereof,

Whereas:

- (1) Article 9 of Regulation (EC) No 1705/98 empowers the Commission to amend the annexes of the Regulation on the basis of determinations by either the competent authorities of the United Nations or the Government of Unity and National Reconciliation of Angola.
- (2) Annex I to Regulation (EC) No 1705/98 lists the petroleum products referred to in Article 1(2). Annex IV lists the points of entry referred to in Article 1 and Annex VII, as last amended, lists the persons covered by the freeze of funds under that Regulation.
- (3) By letter of 11 October 2001 the Chairman of the Angola Sanctions Committee informed the Commission that the Committee had determined to issue a consol-

idated version of the list of persons and entities to whom the freeze of funds shall apply and therefore Annex VII should be replaced by the consolidated list. On 19 October the Committee determined to issue a consolidated version of the list of points of entry into Angolan territory, therefore Annex IV should be replaced by the consolidated list. In addition one CN code should be updated in Annex 1,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1705/98 is amended as follows:

- In Annex I, CN code 3823 90 10 is replaced by 3824 90 10.
- Annex IV is replaced by Annex I to this Regulation.
- Annex VII is replaced by Annex II to this Regulation.

Article 2

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

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

Done at Brussels, 16 November 2001.

For the Commission

Christopher PATTEN

Member of the Commission

⁽¹⁾ OJ L 215, 1.8.1998, p. 1.

⁽²⁾ OJ L 98, 13.4.1999, p. 3.

ANNEX I

'ANNEX IV

Points of entry referred to in Article 1(2), (5), (7) and (8)*Airports:*

Luanda

Katumbela, Benguela Province

Ports:

Cabinda, Cabinda Province

Luanda

Lobito, Benguala Province

Namibe, Namibe Province

Soyo, Zaire Province'

ANNEX II

'ANNEX VII

List of senior UNITA officials and immediate Adult Family members referred to in Article 1 as listed by the Angola Sanctions Committee on 2 October 2001

- Abreu Geraldo; alias "Kamorteiro"; Title: Chief of Staff
- Adalberto Da Costa, Jr; Italy; title: Representative passports: Portugal and Côte d'Ivoire
- Apolo Pedro; title: General
- Arlindo alias "Mindo"; title: Colonel
- Baptista João; alias "Zaboba"; Togo; title: Colonel
- Bikingui Aleluia
- Cambica Estevão; Namibia
- Chali Eduardo; Zambia
- Chicala Odeth Ludivna; title: President Women's Wing Lima; date of birth: 5.8.1959; place of birth: Bela Vista; Prov. Huambo
- Chimuco Vaso Mbundi Inacio; title: General
- Chinjamba André; title: Colonel
- Chiquele Chaves; title: Brigadier
- Chissende Ezequias; alias "Buffalo Bill"; title: Brigadier
- Chissuaka Augusto; alias "Kibidy"; title: General; date of birth: 1957; place of birth. Bie
- Chisuku Enriques; Namibia; title: Coordinator
- Chiteculo Adélio; Belgium/France; title: Assistant Representative
- Chiteculo Amadeu; title: General
- Chiulio António; Alias "Chilyolo", "Cheya"; title: General
- Chivela Lino; Namibia; title: Finance
- Chivula João; Spain
- Chiwale José Samuel; title: General
- Contreiras Manuel; Belgium
- Dachala Dekas; status: "Karrica's" brother
- Dachala Marcelo Moinse; alias "Karrica"; Burkina Faso; title: Procurement and Diamond Trade
- Dachala Marcial Adriano; title: Secretary Information; date of birth: 11.8.1956; place of birth: Bela Vista; Prov. Huambo
- De Bala Assobio; title: Colonel
- Dembo Amandio João; Togo; title: student; date of birth: 12.10.1980
- Dembo António Sebastião; Togo; title: student; date of birth: 25.11.1980
- Dembo António; title: Vice-President; date of birth: 25.8.1944; place of birth: Nambuangongo; Prov. Luanda
- Deolindo Jonas; title: Colonel
- Dias Leon; Ireland; title: Representative
- Dinis Raul; Portugal; title: Commerce
- Ecolelo Eliote; title: Brigadier
- Epalanga Arcádio; title: Brigadier
- Epalanga Leonardo; alias: "NATO"; title: Colonel
- Epalanga Samuel Martins; title: General
- Fernandes Alzira Maria; Burkina Faso; date of birth: 25.8.1965
- Fernandes António; Germany

- Ferraz Orlando; Germany
- Fontoura Carlos; Portugal; title: Oliveira (Finance)
- Franca Joaquim Rufino; title: Brigadier
- Francisco Carlos; Germany; title: Assistant Representative
- Furtado Jaime; Morocco
- Gerson José António; alias “Catrukaz”; title: Colonel
- Guerra Cristo António; Germany
- Jeremias Dekas Denis; Togo; date of birth: 3.5.1972
- Junjuvivi Arkindo; alias “Zaboza”; title: Brigadier
- Justino Joffre; Portugal; title: Political activities
- Kaganje Azevedo de Oliveira; Belgium; title: Representative
- Kachivango Diniz; alias “Dekas”; Togo
- Kakumba Jorge Marques; Côte d'Ivoire; title: Representative to subregion
- Kaley Alexandre
- Kalipe Rafael da Silva; title: Brigadier
- Kaluassi Oseias; title: Colonel
- Kalufefe José Dias; Togo; title: student date of birth: 28.12.1980
- Kalunda Alfonso Figueiredo Pinto; title: Colonel
- Kalungulungo Terêncio; title: Brigadier
- Kamalata Abilio; alias “Numa”
- Kamalata Francisco
- Kamalata Sebastião Dembo; alias “Man Sebas”; Togo
- Kamanha André; title: Brigadier
- Kanhanga Alberto; title: Brigadier
- Kanjungo Fernando Ngueve; alias “Sheltox”, “Silviondela”
- Katumbele Feliz; Togo
- Kanvualuku Julian; Burkina Faso; title: Commander
- Kapingala J. Maria; title: Colonel
- Kapule Domino; Togo
- Kassesse Estevão; alias “Rhino”; title: General
- Kassene Pedro; Togo
- Katata D. “Veneno”; title: Brigadier
- Katchiungo José Pedro; Portugal; title: Central Intelligence and Security
- Katende João; Burkina Faso; title: Diamond dealer
- Kokelo David; Côte d'Ivoire; title: Representative
- Kulunga Francesco; title: General
- Liahuka Tony; title: Brigadier
- Londoimbali Nganga; title: Colonel
- Lumay Mbalau; title: General
- Lusadissu António; Germany
- Machado Sabino; title: Colonel
- Makeisse Eduardo; Belgium
- Manuel Mbala; Germany
- Martinho Vindes Martinho; Togo; date of birth: 9.1.1979

- Matos Abelardo Benjamin; title: Brigadier
- Mbule José Major; title: Brigadier
- Mendonca António; Namibia
- Miguel Alberto Mário Vasco; alias “Vatuvu”; title: General
- Morgado Carlos; Portugal; title: Representative
- Muekalia Domingos Jardo; USA, Washington; title: Representative; passport No travel document No: PS AE/6774 94; passport: Côte d'Ivoire; date of birth: 20.9.1959; place of birth: Mungo
- Mulato Joaquim Ernesto; Togo; title: Representative
- Mulato Helena Mbundu; Togo; date of birth: 19.11.1980
- Mundombe Heider; alias “Boris”; Burkina Faso; title: Lieutenant
- Mundombe João; Togo
- Mundombe Marlene Dachala; Togo
- Nhany Franco Marcolino; Portugal; title: Assistant Representative
- Oliveira José; Portugal
- Passile Dina; Namibia; title: Officer of Lima
- Paulo Anicelo Lucas (Gato); title: Brigadier
- Paulo Armindo Lucas; alias “Lucamba”; title: Secretary General
- Paulo Luísa Lusinga (Gato); Portugal; title: daughter of A. Paulo
- Paulo Pedro (Gato); Togo
- Pedro Elian Bravo da Rosa Mahungo; alias “Kalias”
- Pelembe Florindo; title: Brigadier
- Pena Esteves; alias “Camy”; title: Brigadier
- Pena Edna Kassandali; date of birth: 21.3.1982; Prov. Bie
- Pena Lizette Satumbo; Togo; date of birth: 26.8.1958
- Perestrelo Bartolomeu; title: Brigadier
- Pindi André; title: Provincial Secretary
- Prata Jorge; title: Director/Diamond Dealing
- Roma Daniel; USA
- Sachiambo Aida Elídio Paulo; title: Brigadier
- Sachiambo Aninhas; title: Colonel
- Sachiambo Tony; title: Colonel
- Sakaita Aleluia Chofeka Cilala; alias “Feka”; France; title: Savimbi's son
- Sakaita Almendo; France; title: Savimbi's son
- Sakaita Ângela Nassova; Côte d'Ivoire; title: Savimbi's daughter
- Sakaita Celila Navimibi; Togo; title: Savimbi's daughter; date of birth: 19.2.1979
- Sakaita Dorio de Rolao Prelo Sakatu; France; title: Savimbi's son
- Sakaita Durão de Montenegro Ceya; France; title: Savimbi's son
- Sakaita Eloi Sassandaly; Côte d'Ivoire; title: Savimbi's son; date of birth: 10.4.1982
- Sakaita Helena Mbundu; France; title: Savimbi's daughter
- Sakaita José Chavala; alias “Joss”; Côte d'Ivoire; title: Savimbi's son
- Sakaita Kassy; Burkina Faso; title: Savimbi's daughter
- Sakaita Luís Chilombo; Côte d'Ivoire; title: Savimbi's daughter

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- Sakaita Pedro Sachiambo; Benin; title: Savimbi's son; date of birth: 18.9.1979
 - Sakaita Rafael Massanga; Côte d'Ivoire; title: Savimbi's daughter
 - Sakaita Rosa Chikumbo; Burkina Faso; title: Savimbi's daughter; date of birth: 10.12.1977
 - Sakaita Tao Kanganjo; Benin; title: Savimbi's son
 - Sakaita Victoria Kassandaly; Côte d'Ivoire
 - Sakaita Alcides; title: Secretary Foreign Relations
 - Sally Mohamed; Belgium, title: Secretary
 - Samakuva Isaías; France
 - Samakuva Virgílio; Spain
 - Sanguende Davi Jorge Marcelino; France
 - Sapalalo Allino; alias "Bock"; title: General
 - Sapalalo Catarina; alias "Tiny"; Côte d'Ivoire, title: daughter of General "Bock"
 - Sapalalo V. Motoso Salumbo; Togo
 - Sapalalo António; USA
 - Sassamba Adolfo; Namibia
 - Satumbo Esperança Dachala; Togo
 - Savimbi Jonas; title: President
 - Segunda Domingos; Namibia
 - Sequeira José; Portugal
 - Silva Rui; Portugal
 - Soe, Ferdando; title: Brigadier
 - Tadeu Mines; South Africa
 - Tchindandi João Baptista; alias "Black Power"; title: General
 - Teca Rogeiro; Belgium; title: Finance and Diamonds
 - Urbano António Manuel; alias "Chassano"; Portugal
 - Vaekeni João; Switzerland; title: Representative
 - Venancio Rui; Portugal
 - Vianana Artur; title: General
 - Viera Antero Morais; title: Brigadier
 - Vindes Augusto; Togo; title: Student; date of birth: 17.2.1980
 - Vindes João Baptiste Rodrigues; Burkina Faso; title: Representative
 - Wambembe Issac; Portugal; title: Representative
 - Yembe Aneiro Kufuna; title: General
 - Zinga Manuel; Belgium'
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COMMISSION REGULATION (EC) No 2232/2001**of 16 November 2001****fixing the maximum export refund on wholly milled round grain rice in connection with the invitation to tender issued in Regulation (EC) No 2007/2001**

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 1987/2001 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2007/2001 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice 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

The maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2007/2001 is hereby fixed on the basis of the tenders submitted from 9 to 15 November 2001 at 189,00 EUR/t.

Article 2

This Regulation shall enter into force on 17 November 2001.

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

Done at Brussels, 16 November 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 271, 12.10.2001, p. 5.

⁽³⁾ OJ L 272, 13.10.2001, p. 13.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

**COMMISSION REGULATION (EC) No 2233/2001
of 16 November 2001**

**fixing the maximum export refund on wholly milled medium grain and long grain A rice to be
exported to certain European third countries, in connection with the invitation to tender issued in
Regulation (EC) No 2008/2001**

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 organization of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1987/2001 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2008/2001 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice 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

The maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain European third countries pursuant to the invitation to tender issued in Regulation (EC) No 2008/2001 is hereby fixed on the basis of the tenders submitted from 9 to 15 November 2001 at 220,00 EUR/t.

Article 2

This Regulation shall enter into force on 17 November 2001.

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

Done at Brussels, 16 November 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 271, 12.10.2001, p. 5.

⁽³⁾ OJ L 272, 13.10.2001, p. 15.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

**COMMISSION REGULATION (EC) No 2234/2001
of 16 November 2001**

fixing the maximum export refund on wholly milled round grain, medium grain and long grain A rice to be exported to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 2009/2001

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 1987/2001 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2009/2001 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice 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

The maximum export refund on wholly milled grain, medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2009/2001 is hereby fixed on the basis of the tenders submitted from 9 to 15 November 2001 at 200,00 EUR/t.

Article 2

This Regulation shall enter into force on 17 November 2001.

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

Done at Brussels, 16 November 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 271, 12.10.2001, p. 5.

⁽³⁾ OJ L 272, 13.10.2001, p. 17.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 2235/2001**of 16 November 2001****concerning tenders submitted in response to the invitation to tender for the export to certain third countries of wholly milled long grain rice issued in Regulation (EC) No 2010/2001**

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 1987/2001 ⁽²⁾, and in particular Article 13 (3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued under Commission Regulation (EC) No 2010/2001 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award.

(3) On the basis of the criteria laid down in Article 13 of Regulation (EC) No 3072/95 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 submitted from 9 to 15 November 2001 in response to the invitation to tender for the export refund on wholly milled long grain rice to certain third countries issued in Regulation (EC) No 2010/2001.

Article 2

This Regulation shall enter into force on 17 November 2001.

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

Done at Brussels, 16 November 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 271, 12.10.2001, p. 5.

⁽³⁾ OJ L 272, 13.10.2001, p. 19.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 2236/2001**of 16 November 2001****concerning tenders submitted in response to the invitation to tender for the export of husked long grain rice to the island of Réunion referred to in Regulation (EC) No 2011/2001**

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 1987/2001 ⁽²⁾, and in particular Article 10(1) thereof,

Having regard to Commission Regulation (EEC) No 2692/89 of 6 September 1989 laying down detailed rules for exports of rice to Réunion ⁽³⁾, as amended by Regulation (EC) No 1453/1999 ⁽⁴⁾, and in particular Article 9 (1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2011/2001 ⁽⁵⁾ opens an invitation to tender for the subsidy on rice exported to Réunion.
- (2) Article 9 of Regulation (EEC) No 2692/89 allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95

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

- (3) On the basis of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89, a maximum subsidy 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 submitted from 12 to 15 November 2001 in response to the invitation to tender referred to in Regulation (EC) No 2011/2001 for the subsidy on exports to Réunion of husked long grain rice falling within CN code 1006 20 98.

Article 2

This Regulation shall enter into force on 17 November 2001.

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

Done at Brussels, 16 November 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 271, 12.10.2001, p. 5.

⁽³⁾ OJ L 261, 7.9.1989, p. 8.

⁽⁴⁾ OJ L 167, 2.7.1999, p. 19.

⁽⁵⁾ OJ L 272, 13.10.2001, p. 21.

COMMISSION REGULATION (EC) No 2237/2001
of 16 November 2001
on the issuing of A1 export licences for 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 1961/2001 of 8 October 2001 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽¹⁾, and in particular Article 2(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1184/2001 ⁽²⁾ sets the quantities for which A1 export licences, other than those requested in the context of food aid, may be issued.
- (2) Article 2 of Regulation (EC) No 1961/2001 sets the conditions under which special measures may be taken by the Commission with a view to avoiding an overrun of the quantities for which A1 licences may be issued.
- (3) The Commission has received information which indicates that those quantities, reduced or increased by the quantities referred to in Article 2(3) of Regulation (EC) No 1961/2001, would be exceeded if A1 licences were issued without restriction for shelled almonds in

response to applications submitted since 12 November 2001. Therefore, one percentage should be fixed for the issuing of licences for quantities applied for on 12 November 2001 and applications for A1 licences submitted later in that application period should be rejected,

HAS ADOPTED THIS REGULATION:

Article 1

A1 export licences for shelled almonds for which applications were submitted on 12 November 2001 pursuant to Article 1 of Regulation (EC) No 1184/2001 shall be issued for 91,8 % of the quantities applied for.

Applications for A1 export licences submitted after 12 November 2001 and before 8 January 2002 for this product shall be rejected.

Article 2

This Regulation shall enter into force on 17 November 2001.

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

Done at Brussels, 16 November 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 268, 9.10.2001, p. 8.

⁽²⁾ OJ L 161, 16.6.2001, p. 23.

**COMMISSION REGULATION (EC) No 2238/2001
of 16 November 2001**

**fixing the maximum buying-in price and the quantities of beef to be bought in under the 278th
partial invitation to tender as a general intervention measure pursuant to Regulation (EEC)
No 1627/89**

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 (EC) No 562/2000 of 15 March 2000 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 as regards the buying-in of beef ⁽³⁾, as last amended by Regulation (EC) No 1564/2001 ⁽⁴⁾, lays down buying standards. Pursuant to the above Regulation, an invitation to tender was opened under Article 1(1) of Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying-in of beef by invitation to tender ⁽⁵⁾, as last amended by Regulation (EC) No 2053/2001 ⁽⁶⁾.

(2) Article 13(1) of Regulation (EC) No 562/2000 lays down that a maximum buying-in price is to be fixed for quality R3, where appropriate, under each partial invitation to tender in the light of tenders received while Article 13(2) of that Regulation states that a decision may be taken to make no award. In accordance with Article 36 of that Regulation, only tenders quoting prices not exceeding the maximum buying-in price and not exceeding the average national or regional market price, plus the amount referred to in Article 1(6) of Commission Regulation (EC) No 1209/2001 of 20 June 2001 derogating from Regulation (EC) No 562/2000 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 as regards the buying-in of beef ⁽⁷⁾, as last amended by Regulation (EC) No 1922/2001 ⁽⁸⁾, are to be accepted.

(3) Once tenders submitted in respect of the 278th partial invitation to tender have been considered pursuant to Article 47(8) of Regulation (EC) No 1254/1999, and taking account of the requirements for reasonable

support of the market and the seasonal trend in slaughtering and prices, the maximum buying-in price and the quantities which may be bought in should be fixed.

- (4) Article 1(7) of Regulation (EC) No 1209/2001 also opens buying-in of carcasses and half-carcasses of store cattle and lays down special rules in addition to those laid down for the buying-in of other products.
- (5) In the light of developments, this Regulation should enter into force immediately.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

Under the 278th partial invitation to tender opened pursuant to Regulation (EEC) No 1627/89:

- (a) for category A:
 - the maximum buying-in price shall be EUR 215,50/100 kg of carcasses or half-carcasses of quality R3,
 - the maximum quantity of carcasses, half-carcasses and forequarters accepted shall be 1 957 t;
- (b) for category C:
 - the maximum buying-in price is fixed at EUR 218,90/100 kg of carcasses or half-carcasses of quality R3,
 - the maximum quantity of carcasses, half-carcasses and forequarters shall be 1 502 t.
- (c) for carcasses and half-carcasses of store cattle as referred to in Article 1(7) of Regulation (EC) No 1209/2001:
 - the maximum buying-in price shall be EUR 360,00/100 kg of carcasses or half-carcasses,
 - the maximum quantity of carcasses and half-carcasses shall be 130 t.

Article 2

This Regulation shall enter into force on 17 November 2001.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 201, 26.7.2001, p. 1.

⁽³⁾ OJ L 68, 16.3.2000, p. 22.

⁽⁴⁾ OJ L 208, 1.8.2001, p. 14.

⁽⁵⁾ OJ L 159, 10.6.1989, p. 36.

⁽⁶⁾ OJ L 277, 20.10.2001, p. 8.

⁽⁷⁾ OJ L 165, 21.6.2001, p. 15.

⁽⁸⁾ OJ L 261, 29.9.2001, p. 52.

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

Done at Brussels, 16 November 2001.

For the Commission
Franz FISCHLER
Member of the Commission

**COMMISSION REGULATION (EC) No 2239/2001
of 16 November 2001**

**fixing the maximum purchase price for beef under the 14th partial invitation to tender pursuant to
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 2155/2001 ⁽⁴⁾, and in particular Article 3(1) thereof,

Whereas:

- (1) In application of Article 2(2) of Regulation (EC) No 690/2001, Commission Regulation (EC) No 713/2001 of 10 April 2001 on the purchase of beef under Regulation (EC) No 690/2001 ⁽⁵⁾, as last amended by Regulation (EC) No 1764/2001 ⁽⁶⁾, establishes the list of Member States in which the tendering is open for the 13th partial invitation to tender on 22 October 2001.
- (2) In accordance with Article 3(1) of Regulation (EC) No 690/2001, where appropriate, a maximum purchase price for the reference class shall be fixed in the light of the tenders received, taking into account the provisions of Article 3(2) of that Regulation.
- (3) Because of the need to support the market for beef in a reasonable way a maximum purchase price should be fixed in the Member States concerned. In the light of the

different level of market prices in those Member States, different maximum purchase prices should be fixed.

- (4) Due to the urgency of the support measures, this Regulation should enter into force immediately.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

Under the 14th partial invitation to tender on 12 November 2001 opened under Regulation (EC) No 690/2001 the following maximum purchase prices shall be fixed:

- Germany: EUR 155,02/100 kg,
- Ireland: EUR 184,40/100 kg,
- Spain: EUR 153,85/100 kg,
- France: EUR 210,00/100 kg,
- Luxembourg: EUR 166,00/100 kg,
- Belgium: EUR 164,23/100 kg.

Article 2

This Regulation shall enter into force on 17 November 2001.

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

Done at Brussels, 16 November 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. 8.

⁽⁴⁾ OJ L 289, 6.11.2001, p. 4.

⁽⁵⁾ OJ L 100, 11.4.2001, p. 3.

⁽⁶⁾ OJ L 239, 7.9.2001, p. 13.

COMMISSION REGULATION (EC) No 2240/2001
of 16 November 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 2104/2001 ⁽⁴⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) The import duties in the cereals sector are fixed by Commission Regulation (EC) No 2217/2001 ⁽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 2217/2001,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 2217/2001 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 17 November 2001.

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

Done at Brussels, 16 November 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 283, 27.10.2001, p. 8.

⁽⁵⁾ OJ L 300, 16.11.2001, p. 32.

ANNEX I

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

CN code	Description	Import duty ⁽²⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality ⁽¹⁾	0,00
1001 90 91	Common wheat seed	0,00
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	0,00
	medium quality	0,00
	low quality	4,45
1002 00 00	Rye	0,00
1003 00 10	Barley, seed	0,00
1003 00 90	Barley, other ⁽⁴⁾	0,00
1005 10 90	Maize seed other than hybrid	32,75
1005 90 00	Maize other than seed ⁽⁵⁾	32,75
1007 00 90	Grain sorghum other than hybrids for sowing	0,00

⁽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 14 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

⁽⁴⁾ The importer may benefit from a flat-rate reduction of EUR 8 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

⁽⁵⁾ The importer may benefit from a flat-rate reduction of EUR 24 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

(for 15 November 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)	128,00	119,21	116,62	93,69	202,28 (**)	192,28 (**)	150,14 (***)
Gulf premium (EUR/t)	—	24,97	17,75	12,49	—	—	—
Great Lakes premium (EUR/t)	28,13	—	—	—	—	—	—

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

(**) Fob Duluth.

(***) Fob PNW.

2. Freight/cost: Gulf of Mexico — Rotterdam: 19,55 EUR/t; Great Lakes — Rotterdam: 30,93 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).

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 23 July 2001

concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Estonia terminating Protocol 1 on trade in textile and clothing products to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Estonia, of the other part

(2001/797/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 133 in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) The Commission has negotiated on behalf of the Community a bilateral Agreement in the form of an Exchange of Letters to terminate the Protocol 1 on trade in textile and clothing products to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Estonia, of the other part ⁽¹⁾.

(2) The Agreement in the form of an Exchange of Letters should be approved on behalf of the Community,

Article 1

The Agreement in the form of an Exchange of Letters between the European Community and the Republic of Estonia terminating Protocol 1 on trade in textile and clothing products to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Estonia, of the other part, is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the persons empowered to sign the Agreement in the form of an Exchange of Letters in order to bind the Community.

Done at Brussels, 23 July 2001.

For the Council

The President

A. NEYTS-UYTTEBROECK

⁽¹⁾ OJ L 68, 9.3.1998, p. 3.

AGREEMENT

in the form of an Exchange of Letters between the European Community and the Republic of Estonia terminating Protocol 1 on trade in textile and clothing products to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Estonia, of the other part

A. Letter from the Community

Sir,

I have the honour to refer to Protocol 1 of the Europe Agreement on trade in textile and clothing products.

In view of Estonia's accession to the WTO and thus to the multilateral Agreement on Textiles and Clothing (ATC), the European Community considers that Protocol 1 of the Europe Agreement on trade in textile and clothing products should be terminated with effect from 1 January 2001.

I should be obliged if you could kindly confirm your Government's acceptance of the foregoing.

Please, accept, Sir, the assurance of my highest consideration.

For the European Community

B. Letter from the Republic of Estonia

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

'I have the honour to refer to Protocol 1 of the Europe Agreement on trade in textile and clothing products.

In view of Estonia's accession to the WTO and thus to the multilateral Agreement on Textiles and Clothing (ATC), the European Community considers that Protocol 1 of the Europe Agreement on trade in textile and clothing products should be terminated with effect from 1 January 2001.

I should be obliged if you could kindly confirm your Government's acceptance of the foregoing.'

I have the honour to confirm that my Government is in agreement with the content of your letter.

Please, accept, Sir, the assurance of my highest consideration.

For the Government of the Republic of Estonia

COMMISSION

COMMISSION DECISION

of 13 December 2000

on the State aid implemented by Germany for SKET Walzwerkstechnik GmbH (aid C 70/97 (ex NN 123/97))

(notified under document number C(2000) 4189)

(Only the German text is authentic)

(Text with EEA relevance)

(2001/798/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

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

Having called on interested parties to submit their comments pursuant to the provisions cited above and having regard to their comments,

Whereas:

call on Germany to submit all the information necessary to assess the case as it had doubts as to the compatibility of the aid with the common market.

- (3) The decision was communicated to Germany by letter dated 10 November 1997 ⁽¹⁾ and was published in the *Official Journal of the European Communities* ⁽²⁾. The Commission changed the case number accordingly to C 70/97. In addition, interested third parties were invited to submit comments within a month of publication.
- (4) On 6 February 1998, 27 May 1998, 19 January 1999, 1 February 1999, 11 March 1999, 24 June 1999, 19 July 1999, 9 September 1999, 20 October 1999, 17 January 2000 and 20 April 2000 Germany sent information in response to the initiation of proceedings. Moreover, two more meetings were held on 26 July 1999 and 21 October 1999 to give the German authorities the opportunity to discuss the case.

1. PROCEDURE

- (1) By letter dated 16 November 1996 Germany notified restructuring aid for SKET Walzwerkstechnik GmbH, Magdeburg, to the Commission pursuant to Article 93(3) (now Article 88(3)) of the EC Treaty. By letter dated 27 November 1996 the Commission requested additional information. Germany replied by letters dated 13 January, 30 January and 7 March 1997. A meeting between the Commission and the German authorities was held on 1 July 1997 to discuss the case. As part of the aid had already been paid out, the case was registered under number NN 123/97.

- (2) On the basis of the information submitted by Germany, the Commission decided to initiate proceedings under Article 93(2) (now Article 88(2)) of the EC Treaty and to

- (5) No third party submitted comments.

2. THE FACTS

- (6) SKET Walzwerkstechnik GmbH (SKET WT) is based in Magdeburg, Saxony-Anhalt, Germany. In 1998, it had a workforce of [...] ^(*) and a turnover of approximately [...] ^{*}. It designs and then arranges manufacture and installation of complete, custom-made steel rolling mills worldwide. It took over the engineering design activities of the failed conglomerate SKET SMM.

⁽¹⁾ Commission letter D(97) 9271.

⁽²⁾ OJ C 118, 17.4.1998, p. 5.

^(*) Business secret.

- (7) In April 1998, SKET WT was privatised to Münchmeyer Petersen GmbH & Co. KG (MPC) on the basis of an open and unconditional tender. The company cannot be considered to be an SME, as the criterion of independence is not met ⁽¹⁾. The current measures have to be seen in the context of the privatisation and are designed to support the restructuring of SKET WT.
- (8) Saxony-Anhalt is a region with a high level of unemployment. The region is eligible for regional aid pursuant to Article 87(3)(a) of the EC Treaty.
- (9) SKET WT belongs to the family of 'SKET companies' which originate from the collapse of the large industrial conglomerate SKET Schwermaschinenbau Magdeburg GmbH (SKET SMM). In March 1995, the Commission began a formal investigation into the restructuring aid for SKET SMM ⁽²⁾. SKET SMM was never privatised and filed for bankruptcy in October 1996 after the restructuring plan had failed. In November 1996 and January 1997, Germany informed the Commission that it intended to continue certain activities of the bankrupt SKET SMM through new legal persons which were set up taking over the assets and activities of the failed predecessor company. On 26 June 1997 the Commission adopted the negative final Decision 97/765/EC ⁽³⁾ with regard to the aid for SKET SMM.
- (10) In 1998 and 1999 the Commission approved aid for four of the SKET spin-off companies, the 'baby SKETs' ⁽⁴⁾. For that purpose, the Commission had accepted in all these 'baby SKET' cases that the successor companies to SKET SMM were new undertakings clearly distinct from the failed SKET SMM. Therefore there had been no question of making them liable for aid to SKET SMM. This also applies to SKET WT.

2.1. The investor

- (11) Under the privatisation contract of April 1998 the shares of SKET WT were transferred by the BvS to MPC. This company is active in several markets worldwide including [...] *. It has no manufacturing capacity, a worldwide workforce of [...] * (excluding SKET WT) and approximately DEM [...] * in turnover.

2.2. The privatisation

- (12) At the time of the privatisation of SKET WT, the investor was chosen following an international call for tender. The search for an investor was conducted by the West Merchant Bank, a subsidiary of the Westdeutsche Landesbank. Over a period of several months, the bank had contact with about 350 interested parties and started negotiations with three of them.
- (13) Finally the negotiations with MPC were successful and SKET WT was privatised to the MPC in April 1998 because the company offered the best know-how and the most convincing plan as regards guarantees of investment and employment. Specifically, MPC guaranteed employment of 100 persons in SKET WT until 31 December 2002 and promised an investment of DEM 12,2 million from its own resources, also until 31 December 2002. The employment guarantee is subject to a penalty of DEM 5 000/person and the investment obligation to a penalty of 100 % of the non-invested amount. The privatisation contract also prohibits the investor from withdrawing from the site before 31 December 2001. If this obligation is not fulfilled, it is penalised to the tune of DEM 3 000/person. Moreover, the investor committed itself not to withdraw profits from SKET WT until 2003. In addition, MPC was the only company which accepted to complete 'old contracts' taken over from SKET SMM totalling DEM 48,4 million. The other interested parties had asked for a bigger contribution from the BvS.
- (14) In the context of the privatisation, MPC paid a purchase price of DEM [...] * and provided a loan for an amount of DEM [...] *. Moreover, MPC undertook to make a cash contribution of DEM [...] * to finance the investments while it also took over a bank guarantee for an amount of DEM [...] *. To that must be added an amount of DEM [...] * to finance the costs of capacity reduction. As a result of this financial injection the initial investor contribution will amount to DEM 36,2 million. It has to be noted that, in addition to this amount, MPC will gradually take over from the State the responsibility on a phased basis for the financial guarantees up to 2003 totalling DEM 55 million.
- (15) The BvS undertook to waive a loan of DEM 26,5 million and to provide a grant of DEM 25 million. Moreover, it granted DEM 8,1 million to the bankruptcy administrator to enable him to preserve the rolling mill operation within SKET SMM prior to extraction and transfer to SKET WT. Additionally, it provided credit facilities totalling DEM 35 million. To that must be

⁽¹⁾ As MPC is a fairly large company and thus not an SME, it does not qualify as an SME within the meaning of the Community guidelines on State aid for small and medium-sized enterprises; see Commission recommendation of 3 April 1996 (OJ C 107, 30.4.1996, p. 4).

⁽²⁾ OJ C 215, 19.8.1995, p. 8 and OJ C 298, 9.10.1996, p. 2.

⁽³⁾ OJ L 314, 8.11.1997, p. 20.

⁽⁴⁾ SKET Maschinenbau-EDV GmbH (NN 126/97) approved in May 1998; SKET Verseilmaschinenbau GmbH © 72/97) approved in September 1998; Cimbria SKET GmbH (NN 125/97) approved in May 1999; SKET Maschinen- und Anlagenbau GmbH © 69/97) approved in July 1999.

added a bridging loan of DEM 25 million to prefinance financial measures of the Land on basis of the 'Rahmenrichtlinie des Landes Sachsen-Anhalt' ⁽¹⁾. SKET WT is also receiving DEM 48,4 million to complete 'old contracts' taken over from SKET SMM. In this respect the BvS had guaranteed the fulfilment of the SKET SMM contracts to third parties.

2.3. The restructuring plan

(16) The problems of SKET WT are those of the rolling mill operation of SKET SMM, from which SKET WT has derived its workforce, assets and a major part of its order book. The problems of the rolling mill operation of SKET SMM were primarily bad management and overstaffing. Additionally, the company depended on unstable and deteriorating geographic markets and neglected industrial property rights and know-how.

(17) The restructuring plan dates back to 1997, but was revised at the time of privatisation in April 1998. It related to the privatisation and foresees a number of measures to improve the performance of SKET WT on the market:

- (a) to extract the rolling mill operation from SKET SMM and to operate it as a purely engineering operation. Additionally it is planned to provide the company with capital and financial resources to allow trading activities;
- (b) to finance the development of its industrial property and know-how;
- (c) to reduce material costs by offering products on a modular basis;
- (d) to cut personnel costs by reducing staff levels continuously so that on completion of restructuring there will be a workforce of 95 employees left;

(e) to make use of the financial power and connections brought in by MPC, to allow SKET WT to penetrate new and more stable geographic markets. MPC's trading activities in related product markets areas [...] * mean that SKET WT, even where it remains in unstable markets, can enter into 'bartering agreements';

(f) to solve the quality problems the company was facing;

(g) to reinforce the sales department to improve the marketing strength of the company;

(h) to reinforce the R & D department and to reorganise the data-processing department;

(i) to acquire new machinery;

(j) to improve after-sales service.

(18) The restructuring period covers the time span 1997 to 2003. As a direct result of the implementation of the restructuring plan, the following synergy effects may be expected:

- (a) better buying conditions because of the integration of SKET WT into the MPC group and subsequently better terms and conditions in financing and assurance;
- (b) joint after-sales service network with MPC;
- (c) joint marketing with MPC;
- (d) extension of the product range offered by the group;
- (e) improvement of the quality level of the products of the company.

2.4. The financial measures

(19) The BvS and the Land of Saxony-Anhalt will take the following financial measures in the context of the privatisation:

Table: Public financial measures to assist SKET WT

(DEM million)			
Measure	Source	Amount	Total
Grant — capital	BvS	25,0	
Shareholder loan and waiver	BvS	26,5	
Grant to administrator of SKET SMM	BvS	8,1	
Credit facilities	BvS	35,0	
Bridging credit 'Rahmenrichtlinie des Landes Sachsen-Anhalt'	BvS + Land	25,0	

⁽¹⁾ cf. Programme approved by the Commission under N 413/91, amended in 1994 by Decision E 5/94, which adapted the scheme to the guidelines for rescue and restructuring.

(DEM million)

Measure	Source	Amount	Total
Completing of 'old contracts' of SKET SMM	BvS	48,4	
Less current purchase price paid by MPC	MPC	[...] *	
Lee guarantee taken over by MPC	MPC	[...] *	
Lee guarantee taken over by MPC	MPC	[...] *	
Total			143,5

- (20) The investor committed himself to the following financial measures in the context of the privatisation:

Table: Private financial measures to assist SKET WT

(DEM million)

Measure			
Private loan	MPC	[...] *	
Additional investment — future		[...] *	
Investment for capacity reduction		[...] *	
Purchase price paid by MPC	MPC	[...] *	
Guarantee taken over by MPC	MPC	[...] *	
Guarantee taken over by MPC	MPC	[...] *	
Total			36,2

- (21) To that must be added DEM 12,2 million cash flow of SKET WT, which is also to be considered as part of the restructuring costs. These costs therefore amount to a total of DEM 191,9 million ⁽¹⁾.

Table: The total costs of the restructuring

Restructuring step	Cost in DEM million
[...] *	[...] *
[...] *	[...] *
[...] *	[...] *
[...] *	[...] *
[...] *	[...] *
[...] *	[...] *
[...] *	[...] *
[...] *	[...] *
[...] *	[...] *
[...] *	[...] *
Total	191,9

⁽¹⁾ DEM 143,5 million + DEM 36,2 million investor contribution + DEM 12,2 million cash flow of the company.

- (22) SKET WT is also to receive DEM 48,4 million from the BvS for completing contracts taken over by SKET WT from SKET SMM ('old contracts') (already included in the above table). SKET SMM entered into contracts with various third parties to supply them with services and goods. The performance of these SKET SMM contracts was backed by guarantees given by the BvS to these third parties.
- (23) In its negative Decision 97/765/EC concerning SKET SMM, the Commission found that the company had been awarded incompatible aid, and it also found that a number of the SKET SMM contracts were distortive of competition. After SKET SMM went bankrupt, the third parties were left with the unfulfilled SKET SMM contracts and the BvS was left with its liabilities under the guarantee contracts.
- (24) The potential exposure of the BvS under the guarantee contracts was DEM 135,5 million. With the agreement of the third parties and administrator in bankruptcy, all of whom had an interest in minimising their losses after the collapse of SKET SMM, the BvS, in order to escape paying the full amount under the guarantee contracts, agreed to pay SKET WT DEM 48,4 million to finish the outstanding work under the SKET SMM contracts.
- (25) According to the arguments put forward by the German authorities, this was cheaper than getting other third parties to complete the SKET SMM contracts. They argued that the fulfilment of the guarantee contracts given by the BvS on behalf of SKET SMM to the third parties, whose purpose was to ensure that the third parties were covered by any failure by SKET SMM to perform the contracts, would result in higher expenditure than paying SKET WT to complete these contracts. The BvS payment to SKET WT for completing the remaining contracts was the cheapest option available. In January 2000, Germany submitted an expert's report to support this assertion that this sum covered SKET WT's costs of completing the old contracts. Therefore, according to the German authorities, the BvS behaved as a private investor would have and the payments to SKET WT should not be considered aid.

3. COMMISSION DECISION TO INITIATE PROCEEDINGS UNDER ARTICLE 88(2) OF THE EC TREATY

- (26) In its decision to initiate proceedings under Article 93(2) (now Article 88(2)) of the EC Treaty, the Commission expressed doubts as to the compatibility with the common market of the aid which was not notified and unlawfully disbursed before it had taken a decision. It enjoined Germany to submit all the information necessary to enable the Commission to assess the case.
- (27) The main reason for the initiation of the proceedings was the lack of information and the insufficient contribution of the private investor. Additionally, the Commission had doubts concerning the long-term viability of the company. Germany also submitted imprecise information about the aid measures, which made it impossible for the Commission to assess whether the aid was proportional to the costs and benefits of the restructuring and to what extent the aid for SKET WT would lead to a distortion of competition. Moreover, Germany was requested to clarify the taking over of the fulfilment of the old contracts of SKET SMM by SKET WT.

4. COMMENTS FROM INTERESTED PARTIES

- (28) The Commission received no comments from interested parties on the initiation of proceedings.

5. COMMENTS FROM GERMANY

- (29) In a number of answers in response to the proceedings of 21 October 1997, the German authorities provided information on the long-term viability of SKET WT, on the possible distortion of competition and clarified the investor contribution. Moreover, they commented on the fulfilment of the old contracts.

6. ASSESSMENT

- (30) SKET WT designs and arranges the production by third parties of steel rolling mills. SKET WT is mainly active on the European and world market, [...] *. The most important markets for SKET WT are [...] *. On these markets there is a trend towards greater investment in new or updated machines. There seems to be no overcapacity. SKET WT's direct competitors are four large groups and 12 to 15 small companies specialising in niche products. However, in initiating the proceedings, the Commission did not find that there was any excess capacity on the market. There is no reason to believe that this situation has changed ⁽¹⁾.
- (31) It can thereby be stated that intra-Community trade in the sector in question is considerable and that trade between Member States is likely to be affected by aid measures.
- (32) Consequently, the individual measures have to be examined under Article 87(1) of the EC Treaty, because the funds are derived from State resources and therefore threaten to distort competition, affect trade between Member States and confer an advantage on the investors who will not have to cover expenses they otherwise would have to bear themselves.
- (33) SKET WT is to receive in total DEM 143,5 million from State sources. The following financial measures are covered by programmes.
- (34) A bridging loan of DEM 25 million under the guarantee programme of the Land of Saxony-Anhalt ⁽²⁾. The aid measures comply with the conditions of these schemes and are therefore covered. Although the measures are not reassessed by the Commission, their amounts will be taken into account in assessing the proportionality of the aid measures (see recitals 51 to 57).
- (35) The following financial measures were not covered by programmes.
- (36) DEM 48,4 million relates to the old contracts awarded to the former SKET SMM. This sum is to be treated in its entirety as aid as SKET WT received it from the BvS to finance the completion of several contracts of SKET SMM. The argument put forward by Germany that the BvS behaved as private investor because the payment to SKET WT for completing the remaining contracts was the cheapest option available cannot be accepted. All of these contracts were concluded at unrealistic prices. SKET SMM was a company in difficulties and had received large amounts of State funds to finance these contracts. These contracts would never have existed without aid to SKET SMM, whose existence was entirely due to State aid. For this reason all the SKET SMM contracts distorted competition. These contracts remain distortive because other operators on this market, competitors of SKET WT, would have demanded higher prices for completing these orders. Therefore the payment of DEM 48,4 million to SKET WT should be considered to be aid and included in the assessment, even if the option to award the completion of the contracts to SKET WT was the cheapest for the BvS. However, the aid for these contracts can be accepted as part of the restructuring plan.
- (37) This amount and the balance of DEM 70,1 million fall to be assessed as ad hoc restructuring aid.
- (38) Consequently, the recipient benefits from aid measures in the context of the privatisation totalling DEM 143,5 million ⁽³⁾ awarded by the BvS and the Land of Saxony-Anhalt, of which DEM 118,5 million ⁽⁴⁾ are the subject of the Commission's present assessment.

It has to be examined whether the aid measures fall under the derogation provided for in Article 87(3) of the EC Treaty.

⁽¹⁾ See *Panorama for European Industry 1999*, which predicts moderate growth for the years ahead.

⁽²⁾ cf. Programme approved by the Commission under N 413/91, amended in 1994 by Decision E 5/94, which adapted the scheme to the guidelines for rescue and restructuring.

⁽³⁾ DEM 48,4 million + DEM 70,1 million + DEM 25 million.

⁽⁴⁾ DEM 48,4 million + DEM 70,1 million.

- (39) The aid measures provided by the BvS and the Land of Saxony-Anhalt were notified as restructuring aid given in order to restore the viability of an undertaking in difficulty. The Commission therefore gives particular attention to the derogation provided for in Article 87(3)(c) of the EC Treaty, 'aid to facilitate the development of certain economic activities, where such aid does not affect trading conditions to an extent contrary to the common interest', since the predominant objective of the aid is the restructuring of a firm in difficulty. Such aid may be considered compatible with the common market if the criteria in the guidelines on State aid for rescuing and restructuring firms in difficulty ⁽¹⁾ (guidelines) are met. The Commission also takes account of the fact that the new Länder in Germany belong to the assisted areas under Article 87(3)(a) of the EC Treaty, where the standard of living is abnormally low and where there is a high unemployment rate ⁽²⁾.
- (40) Restructuring aid demands first of all the implementation of a sound restructuring plan. The restructuring must restore the long-term viability of the companies in question and avoid undue distortions of competition. The restructuring programme should contribute to the overall improvement of the market situation and act as sufficient counterweight to the distortive effect of the aid awarded. The amount and intensity of the aid must be limited to a strict minimum during the restructuring phase and the costs to which the aid relates must not exceed the expected benefit.

6.1. Restructuring plan

- (41) The sine qua non of all restructuring plans is that they must restore the long-term viability and health of the firm within a reasonable timescale and on the basis of realistic assumptions as to its future operating conditions. In principle, no repetitive aid may be given ⁽³⁾.
- (42) The investor's restructuring plan anticipates offsetting the market collapse [...] * through access to new markets (Central and South America) in order to guarantee the long-term viability of SKET WT. The information on projected financial performance for the restructured SKET WT envisages a restoration of long-term profitability without State support in 2003.

Table: The financial situation of SKET WT will improve according to the following plan ⁽¹⁾:

(DEM million)

	1997 actual	1998 actual	1999 provisional	2000 plan	2001 plan	2002 plan	2003 plan
Turnover	[...] *	[...] *	[...] *	[...] *	[...] *	[...] *	[...] *
Material costs	[...] *	[...] *	[...] *	[...] *	[...] *	[...] *	[...] *
Personnel costs	[...] *	[...] *	[...] *	[...] *	[...] *	[...] *	[...] *
Operating result	[...] *	[...] *	[...] *	[...] *	[...] *	[...] *	[...] *
Annual result	[...] *	[...] *	[...] *	[...] *	[...] *	[...] *	[...] *

⁽¹⁾ This chart contains only a selection of key data and the columns are not arithmetically complete.

The trend of these figures is consistent with the expected completion of the old contracts. [...] *.

⁽¹⁾ OJ C 368, 23.12.1994, p. 12.

⁽²⁾ N 464/93, letter of 22 April 1994 SG(94) D/5633; N 613/96, letter of 23 January 1997 SG(97) D/488.

⁽³⁾ Point 3.2 of the 1994 guidelines. These guidelines remain applicable by virtue of point 101 of the 1999 guidelines on State aid for rescuing and restructuring of firms in difficulty (OJ C 288, 9.10.1999, p. 2).

- (43) The restructuring plan envisages a number of internal measures. Firstly the extraction of the rolling mill operation from SKET SMM and organising it as a pure engineering operation is likely to free SKET WT from the burden of the past. As the company will now be able to choose freely amongst different suppliers and will not be forced to use SKET SMM as provider, as in the past, it will be much more flexible on the market.
- (44) Additionally, the provision of the company with capital and financial resources will enable trading activities by making use of the financial power and connections brought in by MPC. These connections will also allow SKET WT to penetrate new and more stable geographic markets.
- (45) The reinforcement of the R & D department will be supported by the development of SKET WT's industrial property and know-how.
- (46) SKET WT has also taken effective measures to improve its product quality. The plan also entails the reinforcement of the sales department and the acquisition of new machinery. Moreover, the complete reorganisation of the company, including the reduction of material costs as well as personnel costs, will improve its competitiveness. All these measures included in the restructuring plan will enhance the company's presence on the market.

6.2. Adverse effects on competitors

- (47) A further condition of aid for restructuring is that measures are taken to offset as far as possible adverse effects on competitors. Otherwise aid would be contrary to the common interest and not eligible for exemption pursuant to Article 87(3)(c) of the EC Treaty.
- (48) SKET WT has a small share of some [...] * of the European and of the worldwide market. The guidelines require that a company which is operating in a sector with overcapacity has to cut its capacity in the relevant sector. As established in the market analysis, no structural overcapacity seems to exist in the sector. However, SKET WT as an engineering design operation is reducing its capacity up to the year 2003 in the framework of the restructuring by roughly [...] * in man-hours. Consequently, undue distortion of competition through the aid can be considered as being offset.
- (49) Finally, it should be noted that SKET WT remains a relatively small player in the market. Additionally, the company does not plan to increase its turnover substantially in the course of the restructuring.
- (50) The condition in the guidelines relating to possible adverse effects on competitors therefore seems to be met.

6.3. Limitation of the aid to the strict minimum

- (51) The amount and intensity of the aid must be limited to the strict minimum needed to enable restructuring to be undertaken and must be related to the benefits anticipated from the Community's point of view. Therefore, aid beneficiaries will normally be expected to make a significant contribution to the restructuring plan from their own resources.
- (52) As shown in the tables, SKET WT is receiving DEM 118,5 million in aid in the context of the privatisation (excluding aid from approved programmes). It is also necessary to include the DEM 25 million aid based on the guarantee programme of the Land of Saxony-Anhalt⁽¹⁾. All in all, DEM 143,5 million⁽²⁾ in aid has to be taken into account for the proportionality analysis.

⁽¹⁾ cf. Programme approved by the Commission under N 413/91, amended in 1994 by Decision E 5/94, which adapted the scheme to the guidelines for rescue and restructuring.

⁽²⁾ DEM 25 million + DEM 118,5 million.

- (53) The contribution of the investor amounts to DEM 36,2 million of its own funds for restructuring of SKET WT, which constitutes approximately 19 % of the total restructuring costs of DEM 191,9 million ⁽¹⁾. The investor is therefore covering a substantial part of investment expenses involved in the restructuring. This shows clearly its commitment and the fact that it is willing not only to take part but also to assume the risk of the restructuring. This commitment is also underlined by the employment and investment guarantees given by the investor. The analysis of the aid measures shows that they are proportional to the costs and advantages of restructuring. Given the quite specific purpose of the amount and the limitation of aid for the practical needs of the company, the aid will not be of such a nature that it gives the company a surplus of liquidities, allowing it to pursue an aggressive price policy on the market. The total amount of aid is restricted to the minimum necessary in order to ensure the restructuring and the return to long-term viability of the company.
- (54) As stated by the German authorities, the financing of the completion of the 'old contracts' will be monitored by an independent auditor to see that only the costs related to these are covered. This also will make sure that all payments of the BvS in this respect are only used for that purpose.
- (55) It should also be noted that the investor contribution will increase gradually. On completion of the restructuring in 2003, MPC will have taken over additional financial measures (guarantees) totalling DEM 55 million from the BvS.
- (56) However, in view of the above, the Commission can conclude that the condition as regards limiting the aid to the strict minimum appears to be fulfilled.
- (57) According to Germany the expected cash flow of DEM 12,2 million for the period [...] * should also be considered part of the investor contribution. However, as this cash flow is to be realised mainly on the basis of aid measures in the past and is not yet generated, it is still conditional. Although the expected cash flow will reduce the need for financing the restructuring of the company, the Commission cannot take 'cash flow' into account as an element of the investor contribution.

7. CONCLUSION

- (58) It must be noted that Germany did not comply with Article 88(3) of the EC Treaty in granting aid C 70/97 prior to the Commission's approval. However, the Commission takes account of the fact that the measures for SKET WT should restore the beneficiary's viability and do not unduly distort competition. The condition regarding a sufficient investor contribution can also be considered as being fulfilled. Moreover, the enterprise is situated in an area eligible for aid under Article 87(3)(a) of the EC Treaty.
- (59) In view of the information provided by Germany, the Commission is now able to conclude that the main questions on account of which the proceedings were initiated seem to be answered. As regards the viability of the company, the implementation of the measures included in the restructuring plan is likely to guarantee the return of the company to long-term viability. In addition, the distortion of competition is limited considering that the relevant market (rolling mills) seems not to suffer from overcapacity and that the beneficiary is reducing capacity. Moreover, the Commission has noted that the investor raised its contribution substantially, thereby showing its commitment to the restructuring of the company and reflecting its willingness to expose itself to entrepreneurial risk. The Commission can also accept the argument put forward by the German authorities that the fulfilment of the old contracts of SKET SMM by SKET WT has been the most economical solution for the State, but considers the measures to complete the contracts still to be aid.

⁽¹⁾ See table in recital 21.

- (60) Consequently, the problems on account of which the proceedings under Article 88(2) of the EC Treaty were initiated can be deemed to be solved. The Commission can therefore conclude that the aid measures to assist SKET WT now comply with the guidelines, provided that the restructuring plan is fully implemented. The execution of the plan will be monitored via annual reports communicated by Germany to the Commission.
- (61) The aid can therefore be exempted under Article 87(3)(c) of the EC Treaty and Article 61(3)(c) of the EEA Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The State aid which Germany has implemented for SKET Walzwerkstechnik GmbH, Magdeburg, amounting to EUR 70 million (DEM 143,5 million) is compatible with the common market within the meaning of Article 87(1) of the Treaty, subject to the conditions set out in Article 2.

Article 2

1. The restructuring plan must fully be implemented. All possible measures shall be taken to ensure that the plan is put into effect.
2. Germany shall submit an annual report to the Commission on the implementation of the restructuring plan.
3. If the conditions set out in paragraphs 1 and 2 are not fulfilled, the exemption can be withdrawn.

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 13 December 2000.

For the Commission

Mario MONTI

Member of the Commission

CORRIGENDA**Corrigendum to Council Regulation (EC) No 1078/2001 of 31 May 2001 amending Regulation (EC) No 2160/96 imposing a definitive anti-dumping duty on imports of polyester textured filament yarn originating, *inter alia*, in Thailand**

(Official Journal of the European Communities L 149 of 2 June 2001)

On page 7, Article 1, the paragraph below the table for Indonesia:

for: '... the Indonesian company PT Indo Rama Synthetics (TARIC additional code 8885).',

read: '... the Indonesian companies PT Indo Rama Synthetics (TARIC additional code 8885) and Polyfin Canggih (TARIC additional code 8885).'
