

English edition

Legislation

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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 2256/2001
of 21 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 22 November 2001.

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

Done at Brussels, 21 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 21 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	49,4
	096	12,7
	204	48,5
	999	36,9
0707 00 05	052	92,8
	999	92,8
0709 90 70	052	108,5
	999	108,5
0805 20 10	204	77,4
	999	77,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	60,4
	204	79,0
	464	170,9
	999	103,4
0805 30 10	052	45,8
	388	64,2
	524	12,5
	528	52,9
	600	58,8
	999	46,8
0808 10 20, 0808 10 50, 0808 10 90	052	29,6
	060	33,3
	096	10,2
	400	82,6
	404	80,4
	720	130,7
	999	61,1
0808 20 50	052	95,8
	400	113,9
	999	104,8

⁽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 2257/2001
of 21 November 2001
establishing unit values for the determination of the customs value of certain perishable goods

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾, as last amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council ⁽²⁾,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾, as last amended by Regulation (EC) No 993/2001 ⁽⁴⁾, and in particular Article 173(1) thereof,

Whereas:

- (1) Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation.

- (2) The result of applying the rules and criteria laid down in the abovementioned Articles to the elements communicated to the Commission in accordance with Article 173(2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 173(1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 November 2001.

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

Done at Brussels, 21 November 2001.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

⁽²⁾ OJ L 311, 12.12.2000, p. 17.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁴⁾ OJ L 141, 28.5.2001, p. 1.

ANNEX

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.10	New potatoes 0701 90 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
1.30	Onions (other than seed) 0703 10 19	a) b) c)	15,99 95,06 149,92	220,00 104,88 644,96	31,27 12,59 9,87	118,97 30 957,28	5 447,95 35,23	2 660,20 3 205,33
1.40	Garlic 0703 20 00	a) b) c)	158,70 943,57 1 488,10	2 183,72 1 040,98 6 401,82	310,38 124,98 98,00	1 180,88 307 280,24	54 076,00 349,72	26 404,96 31 815,89
1.50	Leeks ex 0703 90 00	a) b) c)	49,54 294,55 464,53	681,68 324,96 1 998,43	96,89 39,02 30,59	368,63 95 922,43	16 880,69 109,17	8 242,73 9 931,84
1.60	Cauliflowers 0704 10 00	a) b) c)	55,28 328,68 518,36	760,67 362,61 2 229,99	108,12 43,54 34,14	411,34 107 037,01	18 836,66 121,82	9 197,82 11 082,64
1.80	White cabbages and red cabbages 0704 90 10	a) b) c)	19,59 116,49 183,72	269,60 128,52 790,37	38,32 15,43 12,10	145,79 37 936,76	6 676,21 43,18	3 259,95 3 927,98
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> <i>L. convar. botrytis</i> (L.) Alef var. <i>italica</i> Plenck) ex 0704 90 90	a) b) c)	74,29 441,71 696,62	1 022,25 487,31 2 996,85	145,30 58,51 45,87	552,80 143 845,50	25 314,32 163,71	12 360,82 14 893,81
1.100	Chinese cabbage ex 0704 90 90	a) b) c)	56,49 335,86 529,68	777,28 370,53 2 278,70	110,48 44,49 34,88	420,33 109 375,05	19 248,12 124,48	9 398,73 11 324,73
1.110	Cabbage lettuce (head lettuce) 0705 11 00	a) b) c)	90,36 537,26 847,31	1 243,38 592,72 3 645,11	176,73 71,16 55,80	672,38 174 961,36	30 790,17 199,13	15 034,64 18 115,55
1.130	Carrots ex 0706 10 00	a) b) c)	56,00 332,96 525,11	770,58 367,34 2 259,03	109,53 44,10 34,58	416,70 108 431,12	19 082,00 123,41	9 317,62 11 226,99
1.140	Radishes ex 0706 90 90	a) b) c)	138,63 824,26 1 299,93	1 907,59 909,35 5 592,32	271,14 109,18 85,60	1 031,56 268 425,11	47 238,17 305,50	23 066,09 27 792,82
1.160	Peas (<i>Pisum sativum</i>) 0708 10 00	a) b) c)	403,22 2 397,41 3 780,95	5 548,36 2 644,92 16 265,66	788,62 317,56 248,99	3 000,36 780 733,30	137 395,55 888,57	67 089,35 80 837,37

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.170	Beans:							
1.170.1	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 00	a) b) c)	84,58 502,89 793,11	1 163,85 554,81 3 411,96	165,42 66,61 52,23	629,37 163 770,30	28 820,74 186,39	14 072,98 16 956,83
1.170.2	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 00	a) b) c)	120,76 718,01 1 132,37	1 661,69 792,13 4 871,45	236,19 95,11 74,57	898,59 233 823,97	41 148,97 266,12	20 092,77 24 210,21
1.180	Broad beans ex 0708 90 00	a) b) c)	157,74 937,88 1 479,13	2 170,55 1 034,71 6 363,22	308,51 124,23 97,40	1 173,76 305 427,23	53 749,91 347,61	26 245,73 31 624,03
1.190	Globe artichokes 0709 10 00	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
1.200	Asparagus:							
1.200.1	— green ex 0709 20 00	a) b) c)	398,25 2 367,89 3 734,40	5 480,05 2 612,36 16 065,41	778,91 313,65 245,92	2 963,43 771 121,66	135 704,06 877,63	66 263,41 79 842,18
1.200.2	— other ex 0709 20 00	a) b) c)	299,39 1 780,11 2 807,40	4 119,73 1 963,89 12 077,47	585,56 235,79 184,87	2 227,81 579 704,91	102 018,03 659,77	49 814,74 60 022,83
1.210	Aubergines (eggplants) 0709 30 00	a) b) c)	92,65 550,87 868,77	1 274,88 607,74 3 737,47	181,21 72,97 57,21	689,41 179 394,45	31 570,32 204,17	15 415,58 18 574,56
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	a) b) c)	135,14 803,51 1 267,21	1 859,57 886,46 5 451,53	264,31 106,43 83,45	1 005,59 261 667,53	46 048,95 297,81	22 485,40 27 093,14
1.230	Chantarelles 0709 51 30	a) b) c)	744,83 4 428,56 6 984,27	10 249,08 4 885,76 30 046,37	1 456,76 586,60 459,93	5 542,35 1 442 191,98	253 800,82 1 641,39	123 929,28 149 325,01
1.240	Sweet peppers 0709 60 10	a) b) c)	126,26 750,72 1 183,97	1 737,41 828,23 5 093,43	246,95 99,44 77,97	939,53 244 478,87	43 024,05 278,25	21 008,36 25 313,42
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	a) b) c)	69,51 413,30 651,82	956,51 455,97 2 804,13	135,95 54,75 42,92	517,25 134 595,16	23 686,42 153,19	11 565,92 13 936,03
2.10	Chestnuts (<i>Castanea</i> spp.), fresh ex 0802 40 00	a) b) c)	176,48 1 049,30 1 654,85	2 428,42 1 157,63 7 119,19	345,16 138,99 108,98	1 313,21 341 712,93	60 135,56 388,91	29 363,80 35 381,06
2.30	Pineapples, fresh ex 0804 30 00	a) b) c)	58,51 347,90 548,68	805,16 383,82 2 360,42	114,44 46,08 36,13	435,40 113 297,55	19 938,41 128,95	9 735,79 11 730,86

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.40	Avocados, fresh ex 0804 40 00	a) b) c)	129,17 768,01 1 211,23	1 777,42 847,30 5 210,72	252,64 101,73 79,76	961,17 250 108,77	44 014,81 284,65	21 492,15 25 896,34
2.50	Guavas and mangoes, fresh ex 0804 50 00	a) b) c)	91,08 541,53 854,05	1 253,27 597,44 3 674,11	178,13 71,73 56,24	677,73 176 353,34	31 035,14 200,71	15 154,25 18 259,68
2.60	Sweet oranges, fresh:							
2.60.1	— Sanguines and semi-sanguines 0805 10 10	a) b) c)	57,00 338,91 534,49	784,34 373,90 2 299,37	111,48 44,89 35,20	424,14 110 367,39	19 422,75 125,61	9 484,00 11 427,47
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins 0805 10 30	a) b) c)	33,25 197,69 311,77	457,51 218,09 1 341,23	65,03 26,19 20,53	247,40 64 377,69	11 329,36 73,27	5 532,05 6 665,69
2.60.3	— Others 0805 10 50	a) b) c)	35,79 212,77 335,56	492,41 234,73 1 443,57	69,99 28,18 22,10	266,28 69 289,62	12 193,77 78,86	5 954,14 7 174,27
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:							
2.70.1	— Clementines ex 0805 20 10	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70.2	— Monreales and satsumas ex 0805 20 30	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70.3	— Mandarines and wilkings ex 0805 20 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.85	Limes (<i>Citrus aurantifolia</i> , <i>Citrus latifolia</i>), fresh ex 0805 30 90 ex 0805 90 00	a) b) c)	122,81 730,22 1 151,63	1 689,96 805,61 4 954,32	240,20 96,72 75,84	913,87 237 801,84	41 849,01 270,65	20 434,60 24 622,08
2.90	Grapefruit, fresh:							
2.90.1	— white ex 0805 40 00	a) b) c)	61,61 366,30 577,69	847,73 404,12 2 485,22	120,49 48,52 38,04	458,42 119 287,79	20 992,59 135,76	10 250,54 12 351,09
2.90.2	— pink ex 0805 40 00	a) b) c)	68,00 404,31 637,64	935,71 446,05 2 743,13	133,00 53,55 41,99	506,00 131 667,33	23 171,17 149,85	11 314,33 13 632,88
2.100	Table grapes 0806 10 10	a) b) c)	236,49 1 406,08 2 217,53	3 254,12 1 551,25 9 539,81	462,53 186,25 146,03	1 759,71 457 900,36	80 582,54 521,15	39 347,93 47 411,15

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.110	Water melons 0807 11 00	a) b) c)	92,85 552,08 870,68	1 277,68 609,07 3 745,66	181,60 73,13 57,34	690,92 179 787,51	31 639,49 204,62	15 449,36 18 615,25
2.120	Melons (other than water melons):							
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onteniente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	a) b) c)	42,03 249,91 394,13	578,36 275,71 1 695,53	82,21 33,10 25,95	312,76 81 383,75	14 322,13 92,62	6 993,40 8 426,50
2.120.2	— other ex 0807 19 00	a) b) c)	117,45 698,30 1 101,29	1 616,09 770,40 4 737,76	229,70 92,50 72,52	873,93 227 407,17	40 019,72 258,82	19 541,37 23 545,81
2.140	Pears							
2.140.1	Pears — nashi (<i>Pyrus pyrifolia</i>), Pears — Ya (<i>Pyrus bretschneideri</i>) ex 0808 20 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.140.2	Other ex 0808 20 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.150	Apricots 0809 10 00	a) b) c)	56,75 337,42 532,14	780,90 372,26 2 289,29	110,99 44,69 35,04	422,28 109 883,32	19 337,56 125,06	9 442,41 11 377,35
2.160	Cherries 0809 20 95 0809 20 05	a) b) c)	1 038,87 6 176,82 9 741,45	14 295,11 6 814,52 41 907,77	2 031,85 818,17 641,50	7 730,31 2 011 525,84	353 993,73 2 289,36	172 852,82 208 274,01
2.170	Peaches 0809 30 90	a) b) c)	453,52 2 696,52 4 252,68	6 240,60 2 974,91 18 295,04	887,01 357,18 280,05	3 374,70 878 141,62	154 537,72 999,43	75 459,76 90 923,06
2.180	Nectarines ex 0809 30 10	a) b) c)	522,35 3 105,74 4 898,06	7 187,67 3 426,38 21 071,47	1 021,62 411,38 322,55	3 886,85 1 011 407,15	177 990,15 1 151,10	86 911,43 104 721,41
2.190	Plums 0809 40 05	a) b) c)	145,45 864,82 1 363,90	2 001,46 954,10 5 867,52	284,48 114,55 89,82	1 082,32 281 634,54	49 562,80 320,53	24 201,19 29 160,53
2.200	Strawberries 0810 10 00	a) b) c)	678,40 4 033,56 6 361,33	9 334,94 4 449,99 27 366,46	1 326,83 534,28 418,91	5 048,02 1 313 559,37	231 163,71 1 494,99	112 875,73 136 006,35
2.205	Raspberries 0810 20 10	a) b) c)	438,35 2 606,31 4 110,41	6 031,83 2 875,39 17 683,00	857,34 345,23 270,68	3 261,81 848 763,95	149 367,76 966,00	72 935,30 87 881,28
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	a) b) c)	2 145,22 12 754,90 20 115,73	29 518,87 14 071,72 86 537,96	4 195,69 1 689,50 1 324,67	15 962,80 4 153 725,13	730 983,71 4 727,44	356 934,57 430 078,00
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 00	a) b) c)	131,77 783,48 1 235,63	1 813,23 864,37 5 315,68	257,72 103,78 81,37	980,53 255 146,75	44 901,41 290,39	21 925,07 26 417,97

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.230	Pomegranates ex 0810 90 85	a) b) c)	143,44 852,84 1 345,01	1 973,74 940,89 5 786,24	280,54 112,97 88,57	1 067,33 277 732,95	48 876,19 316,09	23 865,93 28 756,56
2.240	Khakis (including sharon fruit) ex 0810 90 85	a) b) c)	478,85 2 847,11 4 490,18	6 589,12 3 141,05 19 316,76	936,55 377,13 295,69	3 563,17 927 182,89	163 168,14 1 055,25	79 673,94 96 000,81
2.250	Lychees ex 0810 90 30	a) b) c)	978,93 5 820,47 9 179,45	13 470,41 6 421,38 39 490,04	1 914,63 770,97 604,49	7 284,34 1 895 477,83	333 571,28 2 157,28	162 880,68 196 258,37

COMMISSION REGULATION (EC) No 2258/2001**of 21 November 2001****opening an invitation to tender for the reduction in the duty on maize imported into Spain from third countries**

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 12(1) thereof,

Whereas:

- (1) Pursuant to the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations, the Community has undertaken to import a certain quantity of maize into Spain.
- (2) Commission Regulation (EC) No 1839/95 of 26 July 1995 laying down detailed rules for the application of tariff quotas for imports of maize and sorghum into Spain and imports of maize into Portugal ⁽³⁾, as last amended by Regulation (EC) No 2235/2000 ⁽⁴⁾, lays down the rules governing the administration of those special arrangements. This Regulation lays down the special additional detailed rules necessary for implementing the invitation to tender, in particular those relating to the lodging and release of the security to be lodged by operators to ensure compliance with their obligations and, in particular, the obligation to process or use the imported product on the Spanish market.
- (3) In the light of current market needs in Spain, an invitation to tender for the reduction in the duty on imports

of maize should be opened in the framework of these special arrangements for imports.

- (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

1. An invitation to tender is hereby opened for the reduction in the import duty referred to in Article 10(2) of Regulation (EEC) No 1766/92 on maize to be imported into Spain.
2. The invitation to tender shall be open until 20 December 2001. During that period, weekly invitations shall be issued with quantities and closing dates as shown in the notice of invitation to tender.
3. Regulation (EC) No 1839/95 shall apply save as otherwise provided for in this Regulation.

Article 2

Import licences issued under these invitations to tender shall be valid 50 days from the date they are issued within the meaning of Article 10(4) of Regulation (EC) No 1839/95.

Article 3

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, 21 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 177, 28.7.1995, p. 4.

⁽⁴⁾ OJ L 256, 10.10.2000, p. 13.

COMMISSION REGULATION (EC) No 2259/2001**of 21 November 2001****on the issuing of system A3 export licences in the fruit and vegetables sector**

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 laying down detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽¹⁾, and in particular Article 4(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2102/2001 ⁽²⁾ opens an invitation to tender setting the indicative refund rates and indicative quantities for system A3 export licences other than those tendered for as part of food aid.
- (2) In the light of the tenders submitted, the maximum refund rates and the percentages for reducing the quantities awarded for tenders quoting those maximum rates should be set.

- (3) In the case of lemons and apples, the maximum rate necessary to award licences for the indicative quantity up to the quantities tendered for is not more than one-and-a-half times the indicative refund rate,

HAS ADOPTED THIS REGULATION:

Article 1

In the case of lemons and apples, the maximum refund rates and the percentages for reducing the quantities awarded under the invitation to tender opened by Regulation (EC) No 2102/2001 shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 22 November 2001.

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

Done at Brussels, 21 November 2001.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Product	Maximum refund rate (EUR/t net)	Percentage awarded of quantities tendered for quoting the maximum refund rate
Lemons	45	24 %
Apples	20	11 %

⁽¹⁾ OJ L 268, 9.10.2001, p. 8.

⁽²⁾ OJ L 283, 27.10.2001, p. 3.

COMMISSION REGULATION (EC) No 2260/2001
of 21 November 2001
amending Regulation (EC) No 1371/95 laying down detailed rules for implementing the system of
export licences in the egg sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EC) No 1516/96 ⁽²⁾, and in particular Article 3(2), Article 8(13) and Article 15 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1371/95 ⁽³⁾, as last amended by Regulation (EC) No 2336/1999 ⁽⁴⁾, lays down detailed rules for implementing the system of export licences in the egg sector.
- (2) The security rates fixed in Annex I must be adjusted to take account of recent amendments to refund amounts.
- (3) An error has been found in the product codes of the agricultural product nomenclature for export refunds

indicated in Annex I. That Annex should therefore be corrected.

- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1371/95 is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the third 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, 21 November 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 49.

⁽²⁾ OJ L 189, 30.7.1996, p. 99.

⁽³⁾ OJ L 133, 17.6.1995, p. 16.

⁽⁴⁾ OJ L 281, 4.11.1999, p. 16.

ANNEX

ANNEX I

Product code of the agricultural product nomenclature for export refunds ⁽¹⁾	Category	Rate of the security (EUR/100 kg net weight)
0407 00 11 9000	1	—
0407 00 19 9000	2	—
0407 00 30 9000	3	3 ⁽²⁾ 2 ⁽³⁾
0408 11 80 9100	4	10
0408 19 81 9100 0408 19 89 9100	5	5
0408 91 80 9100	6	15
0408 99 80 9100	7	4

⁽¹⁾ Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), part 8.

⁽²⁾ For destinations shown in Annex III.

⁽³⁾ Other destinations.

COMMISSION REGULATION (EC) No 2261/2001
of 21 November 2001
fixing the export refunds on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 22 November 2001.

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

Done at Brussels, 21 November 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ 172, 30.9.1966, p. 3025/66.

⁽²⁾ OJ L 201, 26.7.2001, p. 4.

⁽³⁾ OJ L 78, 31.3.1972, p. 1.

⁽⁴⁾ OJ L 348, 30.12.1977, p. 53.

ANNEX

to the Commission Regulation of 21 November 2001 fixing the export refunds on olive oil

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

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

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

**COMMISSION REGULATION (EC) No 2262/2001
of 21 November 2001
fixing the import duties in the rice sector**

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⁾,

Having regard to Commission Regulation (EC) No 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector ⁽³⁾, as last amended by Regulation (EC) No 2831/98 ⁽⁴⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Article 11 of Regulation (EC) No 3072/95 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties.
- (2) Pursuant to Article 12(3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market or on the Community import market for the product.

- (3) Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice sector.
- (4) The import duties are applicable until new duties are fixed and enter into force. They also remain in force in cases where no quotation is available from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing.
- (5) In order to allow the import duty system to function normally, the market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1503/96 results in import duties being fixed as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the rice sector referred to in Article 11(1) and (2) of Regulation (EC) No 3072/95 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 22 November 2001.

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

Done at Brussels, 21 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 189, 30.7.1996, p. 71.

⁽⁴⁾ OJ L 351, 29.12.1998, p. 25.

ANNEX I

Import duties on rice and broken rice

(EUR/t)

CN code	Duties ⁽¹⁾				
	Third countries (except ACP and Bangladesh) ⁽²⁾	ACP ⁽¹⁾ ⁽²⁾ ⁽³⁾	Bangladesh ⁽⁴⁾	Basmati India and Pakistan ⁽⁵⁾	Egypt ⁽⁶⁾
1006 10 21	(7)	69,51	101,16		158,25
1006 10 23	(7)	69,51	101,16		158,25
1006 10 25	(7)	69,51	101,16		158,25
1006 10 27	(7)	69,51	101,16		158,25
1006 10 92	(7)	69,51	101,16		158,25
1006 10 94	(7)	69,51	101,16		158,25
1006 10 96	(7)	69,51	101,16		158,25
1006 10 98	(7)	69,51	101,16		158,25
1006 20 11	243,58	80,91	117,45		182,69
1006 20 13	243,58	80,91	117,45		182,69
1006 20 15	243,58	80,91	117,45		182,69
1006 20 17	264,00	88,06	127,66	14,00	198,00
1006 20 92	243,58	80,91	117,45		182,69
1006 20 94	243,58	80,91	117,45		182,69
1006 20 96	243,58	80,91	117,45		182,69
1006 20 98	264,00	88,06	127,66	14,00	198,00
1006 30 21	(7)	133,21	193,09		312,00
1006 30 23	(7)	133,21	193,09		312,00
1006 30 25	(7)	133,21	193,09		312,00
1006 30 27	(7)	133,21	193,09		312,00
1006 30 42	(7)	133,21	193,09		312,00
1006 30 44	(7)	133,21	193,09		312,00
1006 30 46	(7)	133,21	193,09		312,00
1006 30 48	(7)	133,21	193,09		312,00
1006 30 61	(7)	133,21	193,09		312,00
1006 30 63	(7)	133,21	193,09		312,00
1006 30 65	(7)	133,21	193,09		312,00
1006 30 67	(7)	133,21	193,09		312,00
1006 30 92	(7)	133,21	193,09		312,00
1006 30 94	(7)	133,21	193,09		312,00
1006 30 96	(7)	133,21	193,09		312,00
1006 30 98	(7)	133,21	193,09		312,00
1006 40 00	(7)	41,18	(7)		96,00

⁽¹⁾ The duty on imports of rice originating in the ACP States is applicable, under the arrangements laid down in Council Regulation (EC) No 1706/98 (OJ L 215, 1.8.1998, p. 12) and amended Commission Regulation (EC) No 2603/97 (OJ L 351, 23.12.1997, p. 22).

⁽²⁾ In accordance with Regulation (EC) No 1706/98, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

⁽³⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11(3) of Regulation (EC) No 3072/95.

⁽⁴⁾ The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ L 337, 4.12.1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ L 88, 9.4.1991, p. 7).

⁽⁵⁾ No import duty applies to products originating in the OCT pursuant to Article 101(1) of amended Council Decision 91/482/EEC (OJ L 263, 19.9.1991, p. 1).

⁽⁶⁾ For husked rice of the Basmati variety originating in India and Pakistan, a reduction of EUR/t 250 applies (Article 4a of amended Regulation (EC) No 1503/96).

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

⁽⁸⁾ The duty on imports of rice originating in and coming from Egypt is applicable under the arrangements laid down in Council Regulation (EC) No 2184/96 (OJ L 292, 15.11.1996, p. 1) and Commission Regulation (EC) No 196/97 (OJ L 31, 1.2.1997, p. 53).

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	(¹)	264,00	416,00	243,58	416,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	269,46	254,05	317,32	296,33	—
(b) fob price (EUR/tonne)	—	—	—	283,32	262,33	—
(c) Sea freight (EUR/tonne)	—	—	—	34,00	34,00	—
(d) Source	—	USDA and operators	USDA and operators	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 2263/2001
of 21 November 2001
on the issuing of system B 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 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 298/2000 ⁽²⁾, and in particular Article 5(6) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1705/2001 ⁽³⁾ fixed the indicative quantities laid down for the issue of export licences other than those requested in the context of food aid.
- (2) In the light of information now available to the Commission, the indicative quantities have been exceeded in the case of tomatoes, oranges, table grapes and apples.
- (3) Those overruns are without prejudice to compliance with the limits resulting from the agreements concluded in accordance with Article 300 of the Treaty. The rate of

refund for all products covered by licences applied for under system B from 17 September to 15 November 2001 should be the indicative rate,

HAS ADOPTED THIS REGULATION:

Article 1

The percentages for the issuing of system B export licences, as referred to in Article 5 of Regulation (EC) No 2190/96, and applied for between 17 September and 15 November 2001, by which the quantities applied for and the rates of refund applicable must be multiplied, are as fixed in the Annex hereto.

The above subparagraph does not apply to licences applied for in connection with food-aid operations as provided for in Article 10(4) of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations.

Article 2

This Regulation shall enter into force on 22 November 2001.

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

Done at Brussels, 21 November 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 292, 15.11.1996, p. 12.

⁽²⁾ OJ L 34, 9.2.2000, p. 16.

⁽³⁾ OJ L 232, 30.8.2001, p. 10.

ANNEX

to Commission Regulation of 21 November 2001 on the issuing of system B export licences for fruit and vegetables

Percentages for the issuing of licences and rates of refund applicable to system B licences applied for between 17 September and 15 November 2001

Product	Percentage for the issuing of licences	Rate of refund (EUR/t net)
Tomatoes	100 %	20,0
Oranges	100 %	45,0
Lemons	100 %	35,0
Table grapes	100 %	23,0
Apples	100 %	20,0

**COUNCIL REGULATION (EC) No 2264/2001
of 21 November 2001**

**introducing certain temporary autonomous concessions in the form of Community tariff quotas
applicable to imports into the Community of tomatoes originating in the Kingdom of Morocco**

THE COUNCIL OF THE EUROPEAN UNION,

tonnes for the period from 1 October 2001 to 31 May 2002.

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (4) Council Regulation (EC) No 747/2001 of 9 April 2001 providing for the management of Community tariff quotas and of reference quantities for products eligible for preferences by virtue of agreements with certain Mediterranean countries ⁽²⁾ opened the tariff quotas for imports into the Community of fresh and chilled tomatoes originating in Morocco provided for in the context of the Euro-Mediterranean Agreement and lays down detailed rules for managing the tariff quotas,

- (1) Consultations on imports into the Community of fresh and chilled tomatoes originating in Morocco were held in Rabat on 10 September 2001 under Article 2(6) of Protocol 1 to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part ⁽¹⁾, hereinafter referred to as the 'Euro-Mediterranean Agreement'.

HAS ADOPTED THIS REGULATION:

Article 1

- (2) Following these consultations, the purpose of which was to allow Morocco's traditional exports of tomatoes to the Community to continue without disturbing the Community market, an autonomous tariff preference should be granted for 18 081 tonnes, to be staggered over November and December 2001 and April and May 2002.
- (3) The tariff quotas for April and May 2002 should be opened only if total imports into the Community of tomatoes originating in Morocco between 1 October 2001 and 31 March 2002 do not exceed 156 676 tonnes. Morocco has undertaken to ensure that its total exports do not exceed the agreed quantity of 168 757

1. For the period from 1 November 2001 to 31 March 2002, Community tariff quota with order No 09.1190, applicable to imports into the Community of fresh or chilled tomatoes falling within CN code 0702 00 00 originating in Morocco, opened under Regulation (EC) No 747/2001, is hereby autonomously increased by 6 000 tonnes.

2. Provided total imports into the Community of tomatoes originating in Morocco do not exceed 156 676 tonnes during the period from 1 October 2001 to 31 March 2002, the following autonomous tariff quota shall be opened by the Commission:

Order No	CN code	Description	Quota period	Quota volume (tonnes)	Tariff quota duty
09.1191	0702 00 00	Tomatoes, fresh or chilled	from 1.4.2002 to 31.5.2002	12 081	⁽¹⁾ ⁽²⁾

⁽¹⁾ Under this tariff quota, the specific duty provided for in the list of Community concessions to the World Trade Organisation (WTO) shall be reduced to zero if the entry price is EUR 461 or more per tonne, this being the entry price agreed between the European Community and Morocco. If the entry price of a particular consignment is 2 %, 4 %, 6 % or 8 % below the agreed entry price, the specific customs duty under the quota shall be 2 %, 4 %, 6 % or 8 % of the agreed entry price, as appropriate. If the entry price of a particular consignment is below 92 % of the agreed entry price, the specific customs duty bound in the WTO shall apply.

⁽²⁾ Also exemption from *ad valorem* duty within the tariff quota of order No 09.1116 set out in Annex II to Regulation (EC) No 747/2001.

3. The tariff quota referred to in this Regulation shall be managed by the Commission in accordance with Article 4 of Regulation (EC) No 747/2001.

4. This Regulation shall apply subject to Protocol 4 to the Euro-Mediterranean Agreement concerning the definition of originating products and methods of administrative cooperation.

⁽¹⁾ OJ L 70, 18.3.2000, p. 2.

⁽²⁾ OJ L 109, 19.4.2001, p. 2.

Article 2

The conditions set out in Articles 2 and 3 of Protocol 1 to the Euro-Mediterranean Agreement on the arrangements applying to imports into the Community of agricultural products originating in Morocco shall apply *mutatis mutandis* to the autonomous additional quantities and tariff quota referred to in Article 1 of this Regulation. The monthly breakdown of quantities shall be as follows:

November 2001:	4 000 tonnes
December 2001:	2 000 tonnes
April 2002:	7 500 tonnes
May 2002:	4 581 tonnes.

Article 3

This Regulation shall enter into force on the day following that 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, 21 November 2001.

For the Council

The President

J. VANDE LANOTTE

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 29 November 2000

on the aid scheme 'Subsidieregeling weegapparatuur en geautomatiseerde bemonsteringsapparatuur' which the Netherlands is planning to implement for small and medium-sized manure transport companies

(notified under document number C(2000) 3935)

(Only the Dutch text is authentic)

(Text with EEA relevance)

(2001/806/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 ⁽¹⁾ and having regard to their comments,

Whereas:

(4) The Commission received comments from interested parties. It forwarded them to the Netherlands, which was given the opportunity to react; its comments were received by letter dated 27 September 2000, registered as received on 2 October 2000 (A/38015).

(5) By letters dated 10 August 2000, registered as received on 14 August 2000 (A/36761), and 16 August 2000, registered as received on 21 August 2000 (A/36855), the Dutch Government submitted a modified aid scheme on which the Commission asked for further information by letters of 22 August (D/54357) and 31 August 2000 (D/54472). The Dutch Government replied on 27 September 2000, registered as received on 2 October 2000 (A/38015).

I. PROCEDURE

- (1) By letter dated 27 July 1999, registered as received on 31 August 1999 (A/36575), the Netherlands notified the Commission of the aid scheme 'Subsidieregeling weegapparatuur en geautomatiseerde bemonsteringsapparatuur' (hereinafter SWB).
- (2) By letter dated 17 April 2000 (SG (2000)/D 103197), the Commission informed the Netherlands that it had decided to initiate the procedure laid down in Article 88(2) of the EC Treaty in respect of the aid scheme.
- (3) The Commission decision to initiate the procedure was published in the *Official Journal of the European Communities* ⁽²⁾. The Commission invited interested parties to submit their comments.

II. DETAILED DESCRIPTION OF THE AID

- (6) The SWB scheme was introduced to encourage the purchase of weighing facilities and automated test equipment for controlling exactly the weight and composition of manure to ensure compliance with Council Directive 91/676/EEC of 12 December 1991 (Nitrate Directive) concerning the protection of waters against pollution caused by nitrates from agricultural sources. The Dutch legal basis for conforming with this Directive is the 'Meststoffenwet' (Manure Law) of 4 December 1997, as amended on 16 March 1999. It stipulates that, from 1 January 2000 onwards, manure transport companies will be obliged to use automated test and weighing machinery; previously, they were allowed to estimate the weight and composition of manure.

⁽¹⁾ OJ C 175, 24.6.2000, p. 6.

⁽²⁾ See footnote 1.

- (7) By the proposed aid measure, the Dutch Government intends to provide manure transport companies with an incentive to install the equipment in question before it becomes mandatory under the 'Meststoffenwet'. The original scheme, announced on 27 July 1999, provided for subsidies with an aid intensity equivalent to 35 % of the acquisition cost. The aid was available to any company, regardless of size, which applied for it. Under the modified scheme, aid recipients will be small or medium-sized enterprises which meet the conditions set out in point 3.2 of the Community guidelines on state aid for small and medium-sized enterprises ⁽³⁾ (SME guidelines).
- (8) To qualify for a subsidy under the SWB scheme, the machinery must have been installed before 15 September 1999. The application was to be submitted between 6 April and 29 April 1999. The subsidy would be paid out not later than 1 March 2000. Under the terms of the SWB-scheme, the payment of the aid would be effected only after approval by the Commission.
- (9) The Dutch Government set aside a budget of NLG 2 800 000 (EUR 1 270 585), which would provide subsidies for about 200 facilities. Under the modified SWB scheme, the aid intensity is 7,5 % in the case of medium-sized enterprises and 15 % in the case of small enterprises. The eligible costs are defined as the costs for the purchase of the weighing and automated test equipment. The cost of installing the equipment is borne by the transport companies.
- (10) Following notification of the initial aid scheme, the Commission initiated the procedure under Article 88(2) of the EC Treaty as it had serious doubts as to whether the SWB scheme qualified for the derogations set out in Article 87(2) and (3) of the EC Treaty since none of them seemed to apply. In the case of the first derogation, set out in Article 87(3)(c), the Commission deemed that none of the conditions of the Community guidelines on state aid for environmental protection ⁽⁴⁾ (hereinafter the environmental guidelines) applied. No evidence was provided that the investment aid allowed a significantly higher level of environmental protection than the mandatory environmental standards as the 'Meststoffenwet' was adopted specifically to transpose the Nitrate Directive into national law. In addition, the proposed intensities of aid exceeded the thresholds laid down in the environmental guidelines. The SME guidelines seemed not to be applicable either, since the incentive effect of the aid seemed to be an artificial one, the aid was not limited to small and medium-sized enter-

prises and the maximum intensities exceeded the ceilings stipulated in the guidelines.

III. COMMENTS FROM INTERESTED PARTIES

- (11) The German Government stressed that it agreed with the Commission as regards the distortive effect of the SWB scheme. The obligation laid down in the Dutch Manure Law corresponded to the terms of the Nitrate Directive, which all Member States had to transpose into national law. The German Government pointed out that North Rhine-Westphalia and Lower Saxony, which border on the Netherlands, are two Lander carrying on intensive animal husbandry. As Dutch companies in Germany transported manure, they competed with German companies. By relieving them of some of the investment costs imposed on them under the Nitrate Directive, the Dutch measure distorted competition between Germany and the Netherlands. Furthermore, the German Government observed that the administrative practice of the Dutch authorities was such that aid was granted only to companies registered in the Netherlands. Moreover, given the very limited application period, companies from outside the Netherlands were automatically excluded from the possibility of receiving subsidies, and this constituted discrimination against competitors from other Member States.

IV. COMMENTS FROM THE NETHERLANDS

- (12) The Dutch Government gave notification of a modified scheme whereby the intensity of aid was limited to 7,5 % in the case of medium-sized companies and to 15 % in the case of small companies. It stressed that the incentive effect lay in the fact that the subsidy was designed to encourage manure transport companies to buy automated test and weighing equipment some months prior to the entry into force of the mandatory standards in order to provide for proper transposal and implementation of the Nitrate Directive in the Netherlands. Otherwise, these companies would be reluctant to install the equipment or would do so too late, resulting in a shortage of properly adapted manure transport vehicles. The Dutch authorities also pointed out that the subsidy cannot exceed 15 %, that the distance over which manure is transported tends to be rather limited and that the adverse effect on trade between Germany and the Netherlands would be negligible. Moreover, the scheme in question is not limited to companies registered in the Netherlands. It is open to any company offering manure transport services in the Netherlands. Lastly, they stressed that one German enterprise and three Belgian companies operate in the Netherlands and none of them had applied for subsidies under the scheme.

⁽³⁾ OJ C 213, 23.7.1996, p. 4.

⁽⁴⁾ OJ C 72, 10.3.1994, p. 3.

V. ASSESSMENT OF THE MEASURE

- (13) The investment aid planned by the Dutch Government subsidises the purchase of weighing and testing equipment in order to comply with the provisions of the Nitrate Directive. It thus favours the companies involved. By strengthening their financial position, this financial incentive threatens to distort competition on the EU internal market as the manure transport service provided by Dutch companies competes with the service offered by companies registered in other Member States which are not eligible for subsidies designed to promote compliance with mandatory standards imposed by Community or national legislation as no such aid scheme exists in other Member States. Consequently, the aid is likely to have an adverse effect on trade between Member States in this sector and constitutes state aid within the meaning of Article 87(1) of the EC Treaty.
- (14) Following the publication of the Commission decision to initiate proceedings, the Dutch authorities submitted a modified SWB scheme in which it is stipulated that state aid may be granted only to small and medium-sized enterprises as defined in the SME guidelines.
- (15) Accordingly, the Commission based its assessment on the fact that the SWB scheme is designed primarily to encourage the purchase of weighing facilities and automated test equipment by small and medium-sized enterprises for controlling exactly the weight and composition of manure in order to comply with the Nitrate Directive. Manure, a by-product of livestock farming, is not included in the list of agricultural products in Annex I to the EC Treaty, and the Community guidelines for state aid in the agriculture sector ⁽⁵⁾ do not therefore apply.
- (16) The planned aid can be regarded as being compatible with the common market only if one of the derogations in Article 87(2) and (3)(a), (b), (c) and (d) of the Treaty applies to it.
- (17) The aid does not have a social character, it is not granted to individual consumers, it does not serve to make good the damage caused by natural disasters or exceptional occurrences, and it is not granted to the economy of certain areas of the Federal Republic of Germany affected by the division of Germany. The derogation in Article 87(3)(a) of the EC Treaty does not apply to the present case either because the aid was not designed to promote the economic development of an area where the standard of living is abnormally low or where there is serious underemployment. As far as the derogation in Article 87(3)(b) of the EC Treaty is concerned, the

Commission holds that the aid was clearly not intended to promote an important project of common European interest nor to remedy a serious disturbance in the economy of a Member State. The regional aspect of the derogation in Article 87(3)(c) of the EC Treaty does not apply since the companies are not located in assisted areas, and the scheme does not promote culture and heritage conservation as mentioned in Article 87(3)(d) of the EC Treaty. The Dutch authorities did not attempt to justify the aid on any of these grounds.

- (18) As regards the first part of the derogation in Article 87(3)(c) of the EC Treaty, namely aid to facilitate the development of certain economic activities, the Commission based its assessment on the fact that, according to the Dutch Government, the SWB scheme was designed primarily to encourage the purchase of weighing facilities and automated test equipment by small and medium-sized enterprises for controlling exactly the weight and composition of manure in order to comply with the Nitrate Directive.

In this connection, it must be recalled that, by its decision of 11 March 1992 ⁽⁶⁾ concerning the establishment of a national manure bank, being a public foundation for the environmentally acceptable disposal of surplus manure, the Commission expressly prohibited operating aid for variable costs, such as transport, storage and delivery, for manure-processing projects. Moreover, in its decision on manure-processing projects ⁽⁷⁾, it confirmed its a priori negative attitude to further manure-related aid in the Netherlands.

- (19) The Commission first assessed the measure in the light of the SME guidelines. Applying the derogations in Article 87(3)(c) of the EC Treaty and in line with the requirements of the SME guidelines, the present project is deemed to be incompatible with the common market for the following reasons.
- (20) According to the general principles laid down in point 4.1 of the SME guidelines, for a state aid measure to qualify for exemption, it must in the first place be in the nature of an incentive; it must not therefore be operating aid and it must be necessary in order to achieve objectives which market forces alone would not secure. The Dutch Government pointed out that the aid scheme was designed to give an incentive to manure transport companies to buy automated test and weighing equipment some months prior to the entry into force of mandatory standards and thus to ensure proper transposal and implementation of the Nitrate Directive in the Netherlands. This has to be classified as an artificial

⁽⁵⁾ OJ C 28, 1.2.2000, p. 2.

⁽⁶⁾ OJ L 170, 25.6.1992, p. 34.

⁽⁷⁾ Aid measure C 17/90 (OJ C 82, 27.3.1991, p. 3).

incentive since any company wishing to offer manure transport services in this market sector would have to install new equipment according to the Dutch mandatory standards over virtually the same period as that laid down in the SWB scheme. Consequently, the measure cannot be considered to be necessary or to have an incentive effect within the meaning of the SME guidelines.

- (21) Moreover, the measure must be proportionate, with the positive effect outweighing the damaging effect which state aid has on competition and trade. The Dutch Government considers that the positive effect of the measure derives from the fact that it encourages manure transport companies to install the equipment necessary to comply with the 'Meststoffenwet'. Otherwise, these companies would be reluctant to install the equipment or would do so much too late, resulting in a shortage of properly adapted manure transport vehicles. The Commission also holds that the aid is not intended to alleviate the handicaps typically faced by small and medium-sized enterprises, such as difficulty of access to capital and credit stemming from a lack of information, the risk-averse nature of the financial markets and the limited guarantees that SMEs can offer. The measure has the sole effect of reducing the costs which Dutch enterprises would normally have to bear in order to comply with the mandatory standards based on harmonised Community law. The measure therefore favours manure transport companies in the Netherlands by relieving them of some of the investment costs of the new equipment, whereas their competitors that transport manure in other Member States must meet the entire cost of this equipment themselves. The Commission therefore takes the view that the aid cannot be regarded as proportionate since the damaging effects on competition and trade outweigh the positive effects, which are considered to be artificial because the aid scheme introduces standards with which manure transport companies would in any case have had to comply from 1 January 2000.

- (22) This means that the aid scheme cannot be approved on the basis of the SME guidelines.

- (23) The Commission then considered whether the measure complied with the environmental guidelines. As regards the doubts as to the applicability of the environmental guidelines expressed by it in its decision to initiate the procedure, it considers the incentive effect to be artificial (see point 20). Since the entry into force of the 'Meststoffenwet', manure transport companies are required to ensure that the weight and composition of the manure are accurately measured. The aim of the aid scheme is to encourage the purchase of the correct equipment to ensure the precise recording of manure data. This invest-

ment is thus intended for the purchase of new equipment and not the replacement of existing equipment. On the basis of section A in point 3.2.3 of the environmental guidelines, the Commission cannot therefore approve the aid relating to those investment costs that do not exceed the cost of adapting old equipment.

- (24) Finally, section B of point 3.2.3 of the environmental guidelines does not apply either because the aid for investment in new plant is not intended to encourage firms to improve on mandatory environmental standards but to subsidise investment costs in order to comply with mandatory standards.
- (25) Consequently, the aid scheme cannot be approved on the basis of the environmental guidelines.

VI. CONCLUSIONS

- (26) In the light of the foregoing considerations, the Commission concludes that none of the general principles set out in point 4.1 of the SME guidelines, namely the incentive effect, the necessity and the proportionality of the measure, is fulfilled. The measure does not constitute aid to investment as defined in the SME guidelines and is not aimed at encouraging firms to improve on mandatory standards as required by the environmental guidelines. As the measure in question does not comply with the SME guidelines on the environmental guidelines, it cannot be considered to contribute to the development of economic activities without affecting trade between Member States to an extent contrary to the common interest. Inasmuch as the derogation under Article 87(3)(c) of the EC Treaty is not relevant, the principle of prohibition stipulated in Article 87(1) of the EC Treaty is fully applicable,

HAS ADOPTED THIS DECISION:

Article 1

The state aid which the Kingdom of the Netherlands is planning to implement for small and medium-sized enterprises, amounting to EUR 1 270 585, is incompatible with the common market.

The aid may accordingly not be implemented.

Article 2

The Kingdom of the Netherlands shall inform the Commission, within two months of notification of this Decision, of the measures taken to comply with it.

Article 3

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 29 November 2000.

For the Commission

Mario MONTI

Member of the Commission

COMMISSION DECISION
of 25 July 2001
authorising the United Kingdom to grant aid to four coal production units for 2001

(notified under document number C(2001) 2434)

(Only the English text is authentic)

(Text with EEA relevance)

(2001/807/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

II

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

Having regard to Commission Decision 3632/93/ECSC of 28 December 1993 establishing Community rules for State aid to the coal industry ⁽¹⁾, and in particular Article 9(4) thereof,

Whereas:

I

(1) By letter of 15 May 2001, the United Kingdom notified the Commission, in accordance with Article 9(1) of Decision 3632/93/ECSC, of the financial aid which it proposed to grant to the coal industry for 2001.

(2) In the light of the information submitted by the United Kingdom, the Commission is required to take a decision on operating aid amounting to GBP 21 091 500 to cover operating losses, for the period from 1 January 2001 to 31 December 2001, in four product units.

(3) The financial measures are covered by Article 1 of Decision 3632/93/ECSC. The Commission must therefore take a decision on these measures pursuant to Article 9(4) of that Decision. Accordingly, the Commission's approval is subject to the general objectives and criteria laid down in Article 2 and the specific criteria set out in Article 3 of Decision 3632/93/ECSC and must, more generally, be compatible with the proper functioning of the common market. In addition, in its assessment the Commission is required to check, in accordance with article 9(6) of that Decision, whether the measures notified are in conformity with the plan for the modernisation, rationalisation and restructuring of the United Kingdom coal industry approved by the Commission by Decision 2001/114/ECSC ⁽²⁾, and by Decision 2001/597/ECSC of 11 April 2001 ⁽³⁾ (the restructuring plan).

(4) The sum of GBP 21 091 500 which the United Kingdom is proposing to grant to the coal industry under Article 3 of Decision 3632/93/ECSC is intended to cover the difference between the production cost and the selling price of coal freely agreed between the contracting parties in the light of the prevailing conditions on the world market for coal of similar quality from third countries.

(5) The aid is intended for the following four units:

(a) GBP 20 324 500 for Selby Complex production unit of RJB Mining plc;

(b) GBP 217 000 for the Blaentillery No 2 production unit of Ffynonau Duon Mines Ltd;

(c) GBP 264 000 for the Hay Royds Colliery production unit of J. Flack & Sons Ltd;

(d) GBP 286 000 for the Eckington Colliery production unit of Moorside Mining Company Ltd.

(6) By Decision 2001/340/ECSC ⁽⁴⁾, the Commission has already authorised the United Kingdom to grant operating aid pursuant to Article 3 of Decision No 3632/93/ECSC for the period for 17 April 2000 to 31 December 2000, amounting to GBP 23 187 000 for Selby Complex. Similarly, by Decision 2001/597/ECSC it has authorised operating aid of GBP 113 000 for Blaentillery No 2, GBP 79 000 for Hay Royds Colliery and GBP 88 000 for Eckington Colliery. In accordance with Article 3(2) of Decision 3632/93/ECSC, the Commission was of the opinion that the aid which the United Kingdom proposed to grant for 2000 was intended to improve the economic viability of the production units concerned by reducing their production costs. The aid should, in accordance with the restructuring plan, help to make the production units viable, enabling them to continue their activities beyond 2002 without public subsidy.

⁽¹⁾ OJ L 329, 30.12.1993, p. 12.

⁽²⁾ OJ L 43, 14.2.2001, p. 27.

⁽³⁾ OJ L 210, 3.8.2001, p. 32.

⁽⁴⁾ OJ L 122, 3.5.2001, p. 23.

- (7) The information transmitted by the United Kingdom in its letter of 15 May 2001 notifying the aid for 2001 confirms the analysis and conclusions of the Decision 2001/597/ECSC with regard to aid for 2000. Production costs at the Selby Complex, Hay Royds Colliery and Eckington Colliery units must be reduced significantly and should not exceed the economic viability threshold of GBP 1,15/GJ set in the restructuring plan, or a very similar value, at 1999 prices ⁽¹⁾.
- (8) The level of production costs for the Hay Royds Colliery and Selby Complex units, which should be more than GBP [...] (*) GJ above the limit defined in recital 7 is in fact negligible and should not have any real impact in terms of competitiveness. As from 2003, production costs for both units are set at a level below the GBP 1,15/GJ threshold. Owing to temporary operating problems, the average production costs of Blaentillery No 2, for the whole of 2002, should reach GBP [...] /GJ. However, these temporary problems should be resolved in the course of 2002; as a result, the production costs should progressively decrease, to reach a level below GBP 1,15/GJ by the end of that year. Consequently, the level of the production costs of Blaentillery, estimated for the whole of 2002 at GBP [...] /GJ, is not enough to jeopardise the economic viability of this production unit. In addition, according to estimates made up to 2004, the above production units should continue to improve their economic viability by further reducing production costs.
- (9) In accordance with Article 3(2) of Decision 3632/93/ECSC, the aid which the United Kingdom proposes to grant for 2001 is therefore intended to improve the economic viability of the production units concerned by reducing their production costs.
- (10) In accordance with the first indent of Article 3(1) of Decision 3632/93/ECSC, the aid per tonne as notified does not exceed, for each production unit, the difference between production costs and foreseeable revenue for 2001.
- (11) The modernisation, rationalisation and restructuring measures implemented by each production unit, and in particular the temporary nature of the financial support necessary to achieve these measures, will allow the aid to be degressive, in accordance with the first indent of Article 2(1) of Decision 3632/93/ECSC.
- (12) In accordance with the restructuring plan approved by Decision 2001/114/ECSC, the amount of aid must be limited to the difference between the coal production costs and sales revenue, and must not exceed GBP 75 million for any one firm for the period 17 April 2000 to 23 July 2002. In this context, the British authorities have limited the amount which may be granted to the Selby Complex unit of RJB Mining plc to GBP 20 324 500. The Commission has already authorised, by Decision 2001/340/ECSC, GBP 54 676 000 in aid to four production units run by RJB Mining plc.
- (13) At the request of the United Kingdom authorities, a technical report was drawn up by an independent expert to assess whether the modernisation, rationalisation and restructuring measures envisaged for the various production units would enable them to improve their economic viability. In drawing up the report, the expert took account of the geological and technical conditions in which the units operate and the quality of the coal produced. The report concluded that the various measures envisaged are consistent and realistic to achieve a situation of economic viability.
- (14) The Commission notes that, for each production unit, an auditor has certified that the financial data notified by the United Kingdom are an accurate reflection of the company's accounts. The auditor also stated that the forecasts had been drawn up using the same accounting standards as were in use before the period covered by the restructuring plan.
- (15) In the light of the above and on the basis of the information provided by the United Kingdom, the aid proposed for 2001 for the production units listed in recital 5 is compatible with Decision 3632/93/ECSC, and in particular with Articles 2 and 3 thereof.

III

- (16) The United Kingdom is required to ensure that the aid does not cause any distortion of competition and does not discriminate between coal producers, buyers or consumers in the Community.
- (17) In accordance with the third indent of Article 3(1) of Decision 3632/93/ECSC and with the provisions of Decision 2001/114/ECSC relating thereto, the United Kingdom will take all necessary measures to ensure that the amount of the aid granted to each production unit does not cause delivered prices for Community coal to be lower than those for coal of a similar quality from third countries.
- (18) Moreover, in accordance with Article 2(2) of Decision 3632/93/ECSC, the aid must be entered in the United Kingdom's national, regional or local public budgets and must comply with strictly equivalent mechanisms.

⁽¹⁾ 1 tonne coal equivalent (tce) = 29,302 Gigajoules (GJ).

(*) Confidential information.

- (19) In accordance with the second indent of Article 3(1) and with Article 9(2) and (3) of Decision 3632/93/ECSC, the Commission has to check that the aid authorised is used only for the purposes stipulated in Article 3 of that Decision. At the latest by 30 September 2002, the United Kingdom shall send notification of the amount of aid actually paid during the course of 2001 and shall declare any changes made to the amounts originally notified. Any information required to ascertain that the criteria laid down in Article 3 of the Decision have been complied with shall be provided together with this annual breakdown.
- (20) The United Kingdom is required to justify any departures from the restructuring plan and from the economic and financial forecasts notified to the Commission on 15 May 2001. In particular, should it turn out that the conditions laid down in Article 3(2) of Decision 3632/93/ECSC cannot be met, the United Kingdom must itself propose to the Commission the corrective measures required,

HAS ADOPTED THIS DECISION:

Article 1

The United Kingdom is authorised, subject to the conditions set out in Article 3 of Decision 3632/93/ECSC, to grant operating aid of GBP 21 091 500 to the Selby Complex, Blaentillery No

2, Hay Royds Colliery and Eckington Colliery production units for 2001.

Article 2

The United Kingdom shall ensure that the authorised aid is used only for the purposes declared in its notification of 15 May 2001 and that any expenditure on items covered by this Decision which is cancelled, overestimated or misused is reimbursed.

Article 3

Without prejudice to the obligations laid down in Article 9(1), (2) and (3) of Decision 3632/93/ECSC, the United Kingdom shall, by 30 September 2002 at the latest, communicate the amounts of aid actually paid during the financial year 2001.

Article 4

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 25 July 2001.

For the Commission

Loyola DE PALACIO

Vice-President

COMMISSION DECISION

of 14 November 2001

amending Decision 2001/296/EC as regards the list of approved laboratories for checking the effectiveness of vaccination against rabies in certain domestic carnivores

(notified under document number C(2001) 3478)

(Text with EEA relevance)

(2001/808/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 2000/258/EC of 20 March 2000 designating a specific institute responsible for establishing the criteria necessary for standardising the serological tests to monitor the effectiveness of rabies vaccines ⁽¹⁾, and in particular Article 3 thereof,

Whereas:

- (1) Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC ⁽²⁾, as last amended by Commission Decision 2001/298/EC ⁽³⁾, provides for an alternative system to quarantine for the entry of certain domestic carnivores into the territory of certain Member States free from rabies. That system requires checks performed by officially approved laboratories on the effectiveness of the vaccination by titration of antibodies.
- (2) Pursuant to Decision 2000/258/EC the AFSSA Laboratory, Nancy, France, was designated as the institute responsible for the proficiency tests necessary to the approval of the laboratories willing to perform these checks.
- (3) Commission Decision 2001/296/EC of 29 March 2001 authorising laboratories to check the effectiveness of vaccination against rabies in certain domestic carnivores ⁽⁴⁾ established a list of approved laboratories in the Member States.

- (4) Following the request of the United Kingdom and on the basis of the favourable result of the proficiency test performed by the AFSSA Laboratory, Nancy, it is appropriate to add a new laboratory to that list for the United Kingdom.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

In the Annex to Decision 2001/296/EC the list concerning the United Kingdom is amended as follows:

The present text becomes point 1 and the following point 2 is added:

‘2. Biobest
Pentland Science Park
Bush Loan
Penicuik
Midlothian
EH26OPZ
United Kingdom.’

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 14 November 2001.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 79, 30.3.2000, p. 40.

⁽²⁾ OJ L 268, 14.9.1992, p. 54.

⁽³⁾ OJ L 102, 12.4.2001, p. 63.

⁽⁴⁾ OJ L 102, 12.4.2001, p. 58.

COMMISSION DECISION

of 16 November 2001

granting Denmark a transitional period to bring its accounting systems into line with Regulation (EC) No 2516/2000 of the European Parliament and of the Council*(notified under document number C(2001) 3637)***(Only the Danish text is authentic)**

(2001/809/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2516/2000 of the European Parliament and of the Council of 7 November 2000 modifying the common principles of the European system of national and regional accounts in the Community (ESA 95) as concerns taxes and social contributions and amending Council Regulation (EC) No 2223/96 ⁽¹⁾, and in particular Article 7(2) thereof,

Having regard to the request made by Denmark on 9 August 2001,

Whereas:

- (1) Council Regulation (EC) No 2223/96 of 25 June 1996 on the European system of national and regional accounts in the Community (ESA 95) ⁽²⁾, as last amended by Regulation (EC) No 2516/2000, contains the reference framework of common standards, definitions, classifications and accounting rules for drawing up the accounts of the Member States for the statistical requirements of the Community, in order to obtain comparable results between Member States.
- (2) Regulation (EC) No 2516/2000 ensures better comparability and transparency among the Member States in the recording of taxes and social contributions in ESA 95 for the Excessive Deficit Procedure. It provides that net lending/net borrowing of general government is not to include amounts of taxes and social contributions unlikely to be collected.
- (3) Pursuant to Article 7 of Regulation (EC) No 2516/2000 Member States may ask the Commission for a transitional period of no more than two years in which to

bring their accounting systems into line with that Regulation.

- (4) By letter dated 9 August 2001, the Danish authorities have requested a transitional period of two years to bring their accounting systems into line with Regulation (EC) No 2516/2000.
- (5) Denmark has for many years based the recording of taxes and social contributions in its national accounts on assessment and declarations. It has provided to the Commission sufficient objective evidence of the need for Denmark to improve its knowledge of the receipt of those amounts in order to bring its accounting systems into line with Regulation (EC) No 2516/2000. Such an improvement requires the involvement of all the public national authorities concerned.
- (6) The request by Denmark should therefore be granted,

HAS ADOPTED THIS DECISION:

Article 1

Denmark is granted a transitional period in order to bring its accounting systems into line with Regulation (EC) No 2516/2000 no later than 7 December 2002.

Article 2

This Decision is addressed to the Kingdom of Denmark.

Done at Brussels, 16 November 2001.

For the Commission

Pedro SOLBES MIRA

Member of the Commission

⁽¹⁾ OJ L 290, 17.11.2000, p. 1.

⁽²⁾ OJ L 310, 30.11.1996, p. 1.

COMMISSION DECISION
of 21 November 2001
concerning the decision on the possible inclusion of certain active substances into Annex I to
Directive 91/414/EEC

(notified under document number C(2001) 3685)

(Text with EEA relevance)

(2001/810/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Commission Regulation (EC) No 933/94 of 27 April 1994 laying down the active substances of plant protection products and designating the rapporteur Member States for the implementation of Commission Regulation (EEC) No 3600/92 ⁽⁵⁾, as last amended by Regulation (EC) No 2230/95 ⁽⁶⁾, identified the rapporteur Member States and notifiers for each active substance.
- (2) Article 7 of Regulation (EC) No 3600/92 provided that for each active substance for which it has been designated rapporteur, a Member State should examine the dossiers and submit to the Commission the report of its assessment of the information submitted by the notifiers in accordance with the provisions of Article 6(1) of that Regulation.
- (3) The rapporteur Member States have submitted such reports and identified further data requirements in them. On receipt of the reports the Commission circulated them to the Member States for information and undertook consultations with experts of the Member States as well as with the main notifiers as provided for in Article 7(3) of Regulation 3600/92.

- (4) Article 7(4) of Regulation (EEC) No 3600/92 requires that all necessary data be submitted at the latest on 25 May 2002; in exceptional cases, where it was not possible for the rapporteur Member State and the Commission to identify such studies by 25 May 2001, an alternative date may be established. The setting of such an alternative, later date is justified, based on the duration and test conditions of the studies to be submitted, in relation to benalaxyl, chlorotoluron and dinocap and as regards long-term studies in relation to benomyl, cypermethrin and chlorotoluron. It is the responsibility of the notifier to ensure that their dossiers are completed such that all data requirements of Annex II and Annex III of Directive 91/414/EEC are satisfied for a limited range of representative uses. However, in order to assist the notifiers of these substances when preparing the necessary studies to complete their dossiers, the Commission, after consulting the Standing Committee on Plant Health, has identified certain studies and information which would be necessary to assess the safety and efficacy of the substances.

- (5) The information thus far submitted is not sufficient to determine whether or not, under the proposed conditions of use, plant protection products containing the active substances concerned would satisfy in general the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC. Therefore it is not presently possible to decide whether to include such active substances in Annex I to Directive 91/414/EEC.
- (6) Article 8(3) of Directive 91/414/EEC provides that Member States should apply the requirements of Article 4(1)(b)(i) to (v), and (c) to (f) in accordance with national provisions concerning the data to be provided. The draft assessment reports referred to in recital 2 did not identify concerns which can not be mitigated by appropriate risk management measures at Member State level. Therefore it is not appropriate at this stage to suspend plant protection products containing these active substances before the additional required information has been submitted and evaluated. Therefore a decision should be taken to postpone a decision on the possible inclusion of such active substances into Annex I of Directive 91/414/EEC.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 176, 29.6.2001, p. 61.

⁽³⁾ OJ L 366, 15.12.1992, p. 10.

⁽⁴⁾ OJ L 259, 13.10.2000, p. 27.

⁽⁵⁾ OJ L 107, 28.4.1994, p. 8.

⁽⁶⁾ OJ L 255, 22.9.1995, p. 1.

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

HAS ADOPTED THIS DECISION:

Article 1

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

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

Article 2

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

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

Article 3

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

Article 4

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

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 21 November 2001.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 33, 8.2.1979, p. 36.

ANNEX

	Latest date for the submission of studies	Latest date for the submission of specified long-term studies
Alachlor	25.5.2002	31.12.2002
Alpha-cypermethrin	25.5.2002	
Benalaxyl	31.1.2003	25.5.2003
Benomyl	25.5.2002	31.12.2003
Bromoxynil	25.5.2002	25.5.2003
Chlorothalonil	25.5.2002	25.5.2003
Chlorotoluron	30.11.2002	31.12.2003
Cypermethrin	25.5.2002	30.6.2003
Dinocap	31.12.2002	31.12.2003
Endosulfan	25.5.2002	31.5.2003
Ioxynil	25.5.2002	25.5.2003
Methamidophos	25.5.2002	25.5.2003