

Official Journal

of the European Communities

ISSN 0378-6978

L 329

Volume 44

14 December 2001

English edition

Legislation

Contents

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

2001/887/JHA:

- ★ **Council Decision of 6 December 2001 on the protection of the euro against counterfeiting** 1

2001/888/JHA:

- ★ **Council Framework Decision of 6 December 2001 amending Framework Decision 2000/383/JHA on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro** 3

I *Acts whose publication is obligatory*

- ★ **Council Regulation (EC) No 2433/2001 of 6 December 2001 amending Regulation (EEC) No 2658/87 as regards suspension on an autonomous basis of the common customs tariff duties on certain industrial products** 4

Commission Regulation (EC) No 2434/2001 of 13 December 2001 establishing the standard import values for determining the entry price of certain fruit and vegetables 6

Commission Regulation (EC) No 2435/2001 of 13 December 2001 fixing the maximum export refund for white sugar for the 20th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1430/2001 8

Commission Regulation (EC) No 2436/2001 of 13 December 2001 fixing the representative prices and the additional import duties for molasses in the sugar sector 9

Commission Regulation (EC) No 2437/2001 of 13 December 2001 fixing the export refunds on white sugar and raw sugar exported in its unaltered state 11

Price: EUR 19,50

(Continued overleaf)

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

Commission Regulation (EC) No 2438/2001 of 13 December 2001 repealing Regulation (EC) No 1490/2000 relating to the issuing of a standing invitation to tender for the export of rye held by the German intervention agency	13
★ Commission Regulation (EC) No 2439/2001 of 13 December 2001 prohibiting fishing for redfish by vessels flying the flag of Spain	14
Commission Regulation (EC) No 2440/2001 of 13 December 2001 opening a standing invitation to tender for the export to third countries, with the exception of the countries in zone VII, of rye from harvests prior to 2001 held by the German intervention agency	15
Commission Regulation (EC) No 2441/2001 of 13 December 2001 opening a standing invitation to tender for the export to zone VII of rye from the 2001 harvest held by the German intervention agency	20
★ Commission Regulation (EC) No 2442/2001 of 13 December 2001 laying down the revised production estimate for unginned cotton for the 2001/02 marketing year and the resulting new provisional reduction in the guide price	25
★ Commission Decision No 2443/2001/ECSC of 13 December 2001 amending the Annex to Decision No 244/2001/ECSC on administering certain restrictions on imports of certain steel products from the Russian Federation	26
Commission Regulation (EC) No 2444/2001 of 13 December 2001 on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia	28
Commission Regulation (EC) No 2445/2001 of 13 December 2001 fixing the rates of the refunds applicable to certain cereal and rice-products exported in the form of goods not covered by Annex I to the Treaty	30
Commission Regulation (EC) No 2446/2001 of 13 December 2001 fixing the export refunds on milk and milk products	34
Commission Regulation (EC) No 2447/2001 of 13 December 2001 amending Regulation (EEC) No 2219/92 laying down detailed rules for the application of the specific supply arrangements for Madeira relating to milk products regarding the amounts of aid	41
Commission Regulation (EC) No 2448/2001 of 13 December 2001 amending Regulation (EC) No 2993/94 fixing the aid for the supply of milk products to the Canary Islands under the arrangements provided for in Articles 2 to 4 of Council Regulation (EEC) No 1601/92	47
Commission Regulation (EC) No 2449/2001 of 13 December 2001 fixing the export refunds on products processed from cereals and rice	55
Commission Regulation (EC) No 2450/2001 of 13 December 2001 fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 943/2001	58
Commission Regulation (EC) No 2451/2001 of 13 December 2001 concerning tenders notified in response to the invitation to tender for the export of barley issued in Regulation (EC) No 1558/2001	59
Commission Regulation (EC) No 2452/2001 of 13 December 2001 fixing the maximum export refund on rye in connection with the invitation to tender issued in Regulation (EC) No 1005/2001	60

Commission Regulation (EC) No 2453/2001 of 13 December 2001 amending the rates of the refunds applicable to certain products from the milk sector exported in the form of goods not covered by Annex I to the Treaty	61
Commission Regulation (EC) No 2454/2001 of 13 December 2001 amending Regulation (EC) No 2805/95 fixing the export refunds in the wine sector	63

II Acts whose publication is not obligatory

Council

★ Information on the entry into force of the Agreement on Mutual Recognition between the European Community and Japan	67
--	----

Commission

2001/889/EC:

★ Commission Decision of 12 December 2001 excluding from Community financing certain expenditure incurred by Italy under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) (notified under document number C(2001) 4008)	68
--	----

2001/890/EC:

★ Commission Decision of 13 December 2001 on the recognition of the 'Hellenic Register of Shipping' in accordance with Article 4(3) of Council Directive 94/57/EC ⁽¹⁾ (notified under document number C(2001) 4218)	72
---	----

Administrative Commission of the European Communities on Social Security for Migrant Workers

2001/891/EC:

★ Decision No 181 of 13 December 2000 concerning the interpretation of Articles 14(1), 14a(1) and 14b(1) and (2) of Council Regulation (EEC) No 1408/71 on the legislation applicable to posted workers and self-employed workers temporarily working outside the competent State ⁽¹⁾	73
---	----

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

COUNCIL DECISION
of 6 December 2001
on the protection of the euro against counterfeiting
(2001/887/JHA)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty on European Union, and in particular Article 31 and Article 34(2)(c) thereof,

Article 1

Having regard to the initiative by the French Republic ⁽¹⁾,

Definitions

Having regard to the opinion of the European Parliament ⁽²⁾,

For the purposes of this Decision:

Whereas:

- (1) Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro ⁽³⁾ lays down that currency denominated in euro shall start to be put into circulation as from 1 January 2002 and obliges the participating Member States to ensure adequate sanctions against counterfeiting and falsification of euro banknotes and coins.
- (2) The measures to protect the euro put in place by previous instruments should be supplemented and strengthened by provisions ensuring close cooperation between the competent authorities of the Member States, the European Central Bank, the national central banks, Europol and Eurojust to suppress offences involving counterfeiting of the euro.
- (3) On 29 May 2000 the Council adopted Framework Decision 2000/383/JHA on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro ⁽⁴⁾.
- (4) On 28 June 2001 the Council adopted Regulation (EC) No 1338/2001 laying down measures necessary for the protection of the euro against counterfeiting ⁽⁵⁾ and Regulation (EC) No 1339/2001 extending the effects of Regulation (EC) No 1338/2001 laying down measures necessary for the protection of the euro against counterfeiting to those Member States which have not adopted the euro as their single currency ⁽⁶⁾.

- (a) 'counterfeit notes' and 'counterfeit coins' mean notes and coins defined as such by Article 2 of Regulation (EC) No 1338/2001;
- (b) 'counterfeiting and offences related to counterfeiting of the euro' means the conduct, in relation to the euro, described in Articles 3 to 5 of Council Framework Decision 2000/383/JHA;
- (c) 'competent authorities' means the authorities designated by the Member States to centralise information, in particular the national central offices, and to detect, investigate or punish counterfeiting and offences related to counterfeiting of the euro;
- (d) 'Geneva Convention' means the International Convention for the Suppression of Counterfeiting Currency, signed at Geneva on 20 April 1929 and its Protocol;
- (e) 'Europol Convention' means the Convention of 26 July 1995 on the establishment of a European police office ⁽⁷⁾.

Article 2

Expert analysis of notes and coins

Member States shall ensure that in the context of investigations into counterfeiting and offences related to counterfeiting of the euro:

- (a) the necessary expert analyses of suspected counterfeit notes are carried out by a National Analysis Centre (NAC) designated or established pursuant to Article 4(1) of Regulation (EC) No 1338/2001; and
- (b) the necessary expert analyses of suspected counterfeit coins are carried out by a Coin National Analysis Centre (CNAC) designated or established pursuant to Article 5(1) of Regulation (EC) No 1338/2001.

⁽¹⁾ OJ C 75, 7.3.2001, p. 1.

⁽²⁾ Opinion delivered on 23 October 2001 (not yet published in the Official Journal).

⁽³⁾ OJ L 139, 11.5.1998, p. 1.

⁽⁴⁾ OJ L 140, 14.6.2000, p. 1.

⁽⁵⁾ OJ L 181, 4.7.2001, p. 6.

⁽⁶⁾ OJ L 181, 4.7.2001, p. 11.

⁽⁷⁾ OJ C 316, 27.11.1995, p. 2. Convention as last amended by Protocol of 30 November 2000 (OJ C 358, 13.12.2000, p. 2).

*Article 3***Forwarding of the results of expert analyses**

Member States shall ensure that the results of the analyses carried out by the NAC and the NCAC in accordance with Article 2 are communicated to Europol in accordance with the Europol Convention.

*Article 4***Obligation to communicate information**

1. Member States shall ensure that the national central offices referred to in Article 12 of the Geneva Convention communicate to Europol, in accordance with the Europol Convention, centralised information on investigations into counterfeiting and offences related to counterfeiting of the euro, including information obtained from third countries. The Member States and Europol shall cooperate with a view to determining which information is to be communicated. The information shall, at least, include the particulars of the persons involved, the particulars of the offences, the circumstances in which the offences were discovered, the context of the seizure and links with other cases.

2. The competent authorities of the Member States shall, where appropriate, in investigations into counterfeiting and offences related to the counterfeiting of the euro make use of the facilities offered by the Provisional Judicial Cooperation Unit and, subsequently, the facilities for cooperation offered by Eurojust once it has been established, in accordance with the provisions laid down in the instruments establishing the Provisional Judicial Cooperation Unit and Eurojust.

*Article 5***Entry into force**

This Decision shall enter into force on the day of its publication in the Official Journal.

Done at Brussels, 6 December 2001.

For the Council

The President

M. VERWILGHEN

COUNCIL FRAMEWORK DECISION**of 6 December 2001****amending Framework Decision 2000/383/JHA on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro**

(2001/888/JHA)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 31(e) and Article 34(2)(b) thereof,

Having regard to the initiative of the Kingdom of Sweden ⁽¹⁾,

Having regard to the Opinion of the European Parliament,

Whereas:

- (1) The Council adopted on 29 May 2000 Framework Decision 2000/383/JHA on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro ⁽²⁾.
- (2) The measures in Framework Decision 2000/383/JHA should be supplemented by a provision on the recognition of previous convictions regarding offences referred to in that Framework Decision,

HAS ADOPTED THIS FRAMEWORK DECISION:

Article 1

The following Article shall be inserted after Article 9 of Framework Decision 2000/383/JHA:

*'Article 9a***Recognition of previous convictions**

Every Member State shall recognise the principle of the recognition of previous convictions under the conditions prevailing under its domestic law and, under those same

conditions, shall recognise for the purpose of establishing habitual criminality final sentences handed down in another Member State for the offences referred to in Articles 3 to 5 of this Framework Decision, or the offences referred to in Article 3 of the Convention, irrespective of the currency counterfeited.'

*Article 2***Implementation**

1. Member States shall take the necessary measures to comply with this Framework Decision by 31 December 2002.
2. By 31 December 2002, the Member States shall transmit to the General Secretariat of the Council, the Commission and the European Central Bank the text of the provisions transposing into their national law the obligations imposed on them under this Framework Decision.

*Article 3***Entry into force**This Framework Decision shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

Done at Brussels, 6 December 2001.

*For the Council**The President*

M. VERWILGHEN

⁽¹⁾ OJ C 225, 10.8.2001, p. 9.⁽²⁾ OJ L 140, 14.6.2000, p. 1.

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2433/2001**of 6 December 2001****amending Regulation (EEC) No 2658/87 as regards suspension on an autonomous basis of the common customs tariff duties on certain industrial products**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 26 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽¹⁾ established a nomenclature of goods, hereafter referred to as 'the Combined Nomenclature'.
- (2) Gel preparations designed to be used in human or veterinary medicine as a lubricant for parts of the body for surgical operations or physical examinations or as a coupling agent between the body and medical instruments are classifiable, until 31 December 2001, under code 3824 of the Harmonised System and as such subject to a customs duty of 6,5 %. Such products will be classifiable, from 1 January 2002, in Chapter 30 of the Combined Nomenclature, following the entry into force of the amendments to the nomenclature appended as an annex to the International Convention on the Harmonised Commodity Description and Coding System and accepted pursuant to the Recommendation of 25 June 1999. As an outcome of the Uruguay Round negotiations on pharmaceutical products, Chapter 30 of the Combined Nomenclature is free of customs duties. The Contracting Parties to the Agreement on trade in pharmaceutical products have reached an understanding according to which they will provide, on an autonomous basis, duty free treatment for these gel preparations. It is in the interest of the Community autonomously to extend this exemption from customs duties to these products.
- (3) Unwrought lead for refining, containing 0,02 % or more by weight of silver ('bullion lead') falling within CN code 7801 99 10 is subject to a duty rate of 'free' provided

that certain conditions laid down in 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 ⁽²⁾ are met. The Customs Code Committee set up by Article 247 of Regulation (EEC) No 2913/92 ⁽³⁾ has determined that 'bullion lead' containing by weight antimony as the principal other element is classified within CN code 7801 91 00 resulting in the application of a duty rate of 2,5 %. It is in the commercial interest of the Community to provide, under the same conditions, the tariff treatment envisaged under CN code 7801 99 10 for both types of 'bullion lead'.

- (4) The Contracting Parties to the Agreement on trade in civil aircraft have reached an understanding according to which they will provide, on an autonomous basis, duty free treatment for aircraft ground maintenance simulators falling within CN code 9023 00 80.
- (5) Having regard to the economic importance of this Regulation, the grounds of urgency should be invoked that are provided for in point 1.3 of the Protocol on the role of national parliaments in the European Union annexed to the Treaty on European Union and to the Treaties establishing the European Community, the European Coal and Steel Community and the European Atomic Energy Community.
- (6) The measures provided for in this Regulation should be accompanied by end-use provisions if necessary. Regulation (EEC) No 2658/87 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I, Part Two (Schedule of Customs Duties) to Regulation (EEC) No 2658/87 is hereby amended as follows:

⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 2031/2001 (OJ L 279, 23.10.2001, p. 1).

⁽²⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 993/2001 (OJ L 141, 28.5.2001, p. 1).

⁽³⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council (OJ L 311, 12.12.2000, p. 17).

1. In Chapter 30, footnote 1 shall be inserted in column 3 for CN code 3006 70 00, and the following footnote text shall be inserted at the bottom of the page:

‘⁽¹⁾ Customs duty autonomously suspended for an indefinite period.’

2. In Chapter 78:

— Footnote 1 shall be inserted in column 3 for CN code 7801 91 00 and the following footnote text shall be inserted at the bottom of the page:

‘⁽¹⁾ Customs duty autonomously suspended, for an indefinite period, for lead for refining, containing 0,02 % or more by weight of silver (bullion lead) (TARIC code 7801 91 00 10).

Entry under this subheading is subject to conditions laid down in the relevant Community provisions [see Articles 291 to 300 of Commission Regulation (EEC) No 2454/93 (OJ L 253, 11.10.1993, p. 1) and subsequent amendments].’

— Current footnote 1 becomes footnote 2;

3. In Chapter 90:

— Footnote 1 shall be inserted in column 3 for CN code 9023 00 80 and the following footnote text shall be inserted at the bottom of the page:

‘⁽¹⁾ Customs duty autonomously suspended, for an indefinite period, for “aircraft ground maintenance simulators, for civil use” (TARIC code 9023 00 80 10).

Entry under this subheading is subject to conditions laid down in the relevant Community provisions [see Articles 291 to 300 of Commission Regulation (EEC) No 2454/93 (OJ L 253, 11.10.1993, p. 1) and subsequent amendments].’

— Current footnote 1 becomes footnote 2.

Article 2

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

It shall apply from 1 January 2002.

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

Done at Brussels, 6 December 2001.

For the Council

The President

R. DAEMS

COMMISSION REGULATION (EC) No 2434/2001
of 13 December 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 14 December 2001.

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

Done at Brussels, 13 December 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 13 December 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	66,1
	204	79,5
	212	110,1
	999	85,2
0707 00 05	052	156,9
	628	169,6
	999	163,3
0709 90 70	052	147,6
	204	153,9
	999	150,8
0805 10 10, 0805 10 30, 0805 10 50	052	51,1
	204	60,3
	388	25,0
	508	26,3
	528	31,0
	999	38,7
0805 20 10	052	84,0
	204	67,6
	999	75,8
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	66,0
	204	44,3
	464	141,1
	999	83,8
0805 30 10	052	57,7
	388	58,7
	600	51,5
	999	56,0
0808 10 20, 0808 10 50, 0808 10 90	060	38,5
	400	91,2
	404	89,9
	720	123,6
	728	116,3
	999	91,9
0808 20 50	052	103,1
	064	69,0
	400	103,2
	720	131,1
	999	101,6

⁽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 2435/2001
of 13 December 2001**

**fixing the maximum export refund for white sugar for the 20th partial invitation to tender issued
within the framework of the standing invitation to tender provided for in Regulation (EC) No
1430/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

(3) Following an examination of the tenders submitted in response to the 20th partial invitation to tender, the provisions set out in Article 1 should be adopted.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 20th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1430/2001 the maximum amount of the export refund is fixed at 42,160 EUR/100 kg.

Article 2

This Regulation shall enter into force on 14 December 2001.

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

Done at Brussels, 13 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 192, 14.7.2001, p. 3.

COMMISSION REGULATION (EC) No 2436/2001**of 13 December 2001****fixing the representative prices and the additional import duties for molasses in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 14 December 2001.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 141, 24.6.1995, p. 12.

⁽³⁾ OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 13 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 13 December 2001 fixing the representative prices and additional import duties to imports of molasses in the sugar sector

(in EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	9,25	—	0
1703 90 00 ⁽¹⁾	13,38	—	0

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

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

COMMISSION REGULATION (EC) No 2437/2001**of 13 December 2001****fixing the export refunds on white sugar and raw sugar exported in its unaltered state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 14 December 2001.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 214, 8.9.1995, p. 16.

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

Done at Brussels, 13 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 13 December 2001 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	A00	EUR/100 kg	34,69 ⁽¹⁾
1701 11 90 9910	A00	EUR/100 kg	35,97 ⁽¹⁾
1701 11 90 9950	A00	EUR/100 kg	⁽²⁾
1701 12 90 9100	A00	EUR/100 kg	34,69 ⁽¹⁾
1701 12 90 9910	A00	EUR/100 kg	35,97 ⁽¹⁾
1701 12 90 9950	A00	EUR/100 kg	⁽²⁾
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,3771
1701 99 10 9100	A00	EUR/100 kg	37,71
1701 99 10 9910	A00	EUR/100 kg	39,10
1701 99 10 9950	A00	EUR/100 kg	39,10
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,3771

⁽¹⁾ Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 28(4) of Council Regulation (EC) No 1260/2001.

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

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

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

COMMISSION REGULATION (EC) No 2438/2001
of 13 December 2001
repealing Regulation (EC) No 1490/2000 relating to the issuing of a standing invitation to tender
for the export of rye held by the German intervention agency

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 procedures and conditions for the disposal of cereals held by the intervention agencies.
- (2) For economical reasons, it is appropriate to repeal the invitation to tender under Commission Regulation (EC)

No 1490/2000⁽⁵⁾, as last amended by Regulation (EC) No 1665/2000⁽⁶⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1490/2000 is hereby repealed.

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, 13 December 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 168, 8.7.2000, p. 5.

⁽⁶⁾ OJ L 223, 18.8.2001, p. 3.

COMMISSION REGULATION (EC) No 2439/2001
of 13 December 2001
prohibiting fishing for redfish by vessels flying the flag of Spain

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 1965/2001 ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

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

vessels flying the flag of Spain or registered in Spain have exhausted the quota allocated for 2001. Spain has prohibited fishing for this stock from 22 October 2001. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of redfish in the waters of ICES divisions V, XII and XIV (Community fishing waters and areas beyond the fisheries jurisdiction of the coastal States) by vessels flying the flag of Spain or registered in Spain are hereby deemed to have exhausted the quota allocated to Spain for 2001.

Fishing for redfish in the waters of ICES divisions V, XII and XIV (Community fishing waters and areas beyond the fisheries jurisdiction of the coastal States) by vessels flying the flag of Spain or registered in Spain is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 22 October 2001.

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

Done at Brussels, 13 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 268, 9.10.2001, p. 23.

⁽³⁾ OJ L 334, 30.12.2000, p. 1.

⁽⁴⁾ OJ L 223, 18.8.2001, p. 4.

**COMMISSION REGULATION (EC) No 2440/2001
of 13 December 2001**

opening a standing invitation to tender for the export to third countries, with the exception of the countries in zone VII, of rye from harvests prior to 2001 held by the German intervention agency

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 intervention agencies.
- (2) Given the current market situation, a standing invitation to tender should be opened for the export to third countries, with the exception of the countries in zone VII as defined in the Annex to Commission Regulation (EEC) No 2145/92 ⁽⁵⁾, as amended by Regulation (EC) No 3304/94 ⁽⁶⁾, of 299 975 tonnes of rye from harvests prior to 2001 held by the German intervention agency.
- (3) Special procedures must be laid down to ensure that the operations and their monitoring are properly effected. To that end, provision should be made for a security lodgement scheme which ensures that aims are met while avoiding excessive costs for the operators. Derogations should accordingly be made to certain rules, in particular those laid down in Regulation (EEC) No 2131/93.
- (4) Where removal of the rye is delayed by more than five days or the release of one of the securities required is delayed for reasons imputable to the intervention agency, the Member State concerned must pay compensation.
- (5) Measures provided for in this Regulation, are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

Subject to the provisions of this Regulation, the German intervention agency issues a standing invitation to tender for the

export of rye held by it in accordance with Regulation (EEC) No 2131/93.

Article 2

1. The invitation to tender shall cover a maximum of 299 975 tonnes of rye from harvests prior to 2001 for export to third countries, with the exception of the countries in zone VII as defined in the Annex to Regulation (EEC) No 2145/92.
2. The regions in which the 299 975 tonnes of rye from harvests prior to 2001 are stored are set out in Annex I.

Article 3

1. Notwithstanding the third paragraph of Article 16 of Regulation (EEC) No 2131/93, the price to be paid for the export shall be that quoted in the tender.
2. No export refund or tax or monthly increase shall be granted on exports carried out pursuant to this Regulation.
3. Article 8(2) of Regulation (EEC) No 2131/93 shall not apply.

Article 4

1. The export licences shall be valid from their date of issue within the meaning of Article 9 of Regulation (EEC) No 2131/93 until the end of the fourth month thereafter.
2. Tenders submitted in response to this invitation to tender may not be accompanied by export licence applications submitted pursuant to Article 49 of Commission Regulation (EC) No 1291/2000 ⁽⁷⁾.

Article 5

1. Notwithstanding Article 7(1) of Regulation (EEC) No 2131/93, the time limit for submission of tenders in respect of the first partial invitation to tender shall be 9 a.m. (Brussels time) on 20 December 2001.
2. The time limit for submission of tenders in respect of subsequent partial invitations to tender shall be 9 a.m. (Brussels time) each Thursday thereafter.
3. The last partial invitation to tender shall be 9 a.m. (Brussels time) on 23 May 2002.
4. Tenders shall be lodged with the German intervention agency.

⁽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 214, 30.7.1992, p. 20.

⁽⁶⁾ OJ L 341, 30.12.1994, p. 48.

⁽⁷⁾ OJ L 152, 24.6.2000, p. 1.

Article 6

1. The intervention agency, the storer and the successful tenderer shall, at the request of the latter and by common agreement, either before or at the time of removal from storage as the successful tenderer chooses, take reference samples for counter-analysis at the rate of at least one sample for every 500 tonnes and shall analyse the samples. The intervention agency may be represented by a proxy, provided this is not the storer.

The analysis results shall be forwarded to the Commission in the event of a dispute.

Reference samples for counter-analysis shall be taken and analysed within seven working days of the date of the successful tenderer's request or within three working days if the samples are taken on removal from storage. Where the final result of sample analyses indicates a quality:

- (a) higher than that specified in the notice of invitation to tender, the successful tenderer must accept the lot as established;
- (b) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, providing that the differences having regard to those criteria do not exceed the following limits:
 - one kilogram per hectolitre as regards specific weight, which must not, however, be less than 68 kg/hl,
 - one percentage point as regards moisture content,
 - half a percentage point as regards impurities as specified in points B.2 and B.4 of the Annex to Commission Regulation (EC) No 824/2000 ⁽¹⁾, and
 - half a percentage point as regards impurities as specified in point B.5 of the Annex to Regulation (EC) No 824/2000, the percentages admissible for noxious grains and ergot, however, remaining unchanged,

the successful tenderer must accept the lot as established;

- (c) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, and a difference exceeding the limits set out in point (b), the successful tenderer may:
 - accept the lot as established, or
 - refuse to take over the lot in question. The successful tenderer shall be discharged of all his obligations relating to the lot in question and the securities shall be released only once he has informed the Commission and the intervention agency forthwith in accordance with Annex II; however, if he requests the intervention agency to supply him with another lot of intervention rye of the quality laid down at no additional charge, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall notify the

Commission immediately thereof in accordance with Annex II;

- (d) below the minimum characteristics laid down for intervention, the successful tenderer may not remove the lot in question. He shall be discharged of all his obligations relating to the lot in question and the securities shall be released only once he has informed the Commission and the intervention agency forthwith in accordance with Annex II; however, he may request the intervention agency to supply him with another lot of intervention rye of the quality laid down at no additional charge. In that case, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof in accordance with Annex II.

2. However, if the rye is removed before the results of the analyses are known, all risks shall be borne by the successful tenderer from the time the lot is removed, without prejudice to any means of redress of which he may avail himself against the storer.

3. If, as a result of successive replacements, the successful tenderer has not received a replacement lot of the quality laid down within one month of the date of his request for a replacement, he shall be discharged of all his obligations and the securities shall be released once he has informed the Commission and the intervention agency forthwith in accordance with Annex II.

4. Except where the final results of analyses indicate a quality below the minimum characteristics laid down for intervention, the costs of taking the samples and conducting the analyses provided for in paragraph 1 but not of inter-bin transfers shall be borne by the European Agricultural Guidance and Guarantee Fund (EAGGF) in respect of up to one analysis per 500 tonnes. The costs of inter-bin transfers and any additional analyses requested by the successful tenderer shall be borne by him.

Article 7

By derogation from Article 12 of Commission Regulation (EEC) No 3002/92 ⁽²⁾, the documents relating to the sale of rye in accordance with this Regulation, and in particular the export licence, the removal order referred to in Article 3(1)(b) of Regulation (EEC) No 3002/92, the export declaration and, where necessary, the T5 copy shall carry the entry:

- Centeno de intervención sin aplicación de restitución ni gravamen, Reglamento (CE) nº 2440/2001
- Rug fra intervention uden restitutionsydelse eller -afgift, forordning (EF) nr. 2440/2001
- Interventionsroggen ohne Anwendung von Ausfuhrerstattungen oder Ausfuhrabgaben, Verordnung (EG) Nr. 2440/2001
- Σικαλη παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 2440/2001

⁽¹⁾ OJ L 100, 20.4.2000, p. 31.

⁽²⁾ OJ L 301, 17.10.1992, p. 17.

- Intervention rye without application of refund or tax, Regulation (EC) No 2440/2001
- Seigle d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) n° 2440/2001
- Segala d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 2440/2001
- Rogge uit interventie, zonder toepassing van restitutie of belasting, Verordening (EG) nr. 2440/2001
- Centeio de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n.º 2440/2001
- Interventioruista, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 2440/2001
- Interventionsråg, utan tillämpning av bidrag eller avgift, förordning (EG) nr 2440/2001.

Article 8

1. The security lodgement pursuant to Article 13(4) of Regulation (EEC) No 2131/93 must be released once the export licences have been issued to the successful tenderers.

2. Notwithstanding Article 17 of Regulation (EEC) No 2131/93, the obligation to export shall be covered by a security equal to the difference between the intervention price applying on the day of the award and the price awarded but not less than EUR 70 per tonne. Half of the security shall be lodged when the licence is issued and the balance shall be lodged before the cereals are removed.

Notwithstanding Article 15(2) of Regulation (EEC) No 3002/92, the part of the security lodged when the licence is issued must be released within 20 working days of the date on which

the successful tenderer provides proof that the cereals removed have left the customs territory of the Community.

Notwithstanding Article 17(3) of Regulation (EEC) No 2131/93, the remainder must be released within 15 working days of the date on which the successful tenderer provides the proof referred to in Article 16 of Commission Regulation (EC) No 800/1999 ⁽¹⁾.

3. Except in duly substantiated exceptional cases, in particular the opening of an administrative enquiry, any release of the securities provided for in this Article after the time limits specified in this same Article shall confer an entitlement to compensation from the Member State amounting to EUR 0,015 per 10 tonnes for each day's delay.

This compensation shall not be charged to the EAGGF.

Article 9

Within two hours of the expiry of the time limit for the submission of tenders, the German intervention agency shall notify the Commission of tenders received. Such notification shall be made using the model set out in Annex III and the fax numbers set out in Annex IV.

Article 10

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, 13 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 102, 17.4.1999, p. 11.

ANNEX I

(tonnes)	
Place of storage	Quantity
Bayern	486
Brandenburg	155 564
Sachsen	84 581
Sachsen-Anhalt	59 344

ANNEX II

Communication of refusal of lots under the standing invitation to tender for the export to third countries, with the exception of the countries in zone VII, of rye from harvests prior to 2001 held by the German intervention agency

(Article 6(1) of Regulation (EC) No 2440/2001)

— Name of successful tenderer:

— Date of award contract:

— Date of refusal of lot by successful tenderer:

Lot No	Quantity (tonnes)	Address of silo	Reason for refusal to take over
			— Specific weight (kg/hl) — % sprouted grains — % miscellaneous impurities (Schwarzbesatz) — % of matter which is not basic cereal of unimpaired quality — Other

ANNEX III

**Standing invitation to tender for the export to third countries, with the exception of the countries in zone VII,
of rye from harvests prior to 2001 held by the German intervention agency**

(Regulation (EC) No 2440/2001)

1	2	3	4	5	6	7
Tender No	Consignment No	Quantity (tonnes)	Offer price ⁽¹⁾ (EUR/tonne)	Price increases (+) or reductions (-) (EUR/tonne) p.m.	Commercial costs (EUR/tonne)	Destination
1						
2						
3						
etc.						

⁽¹⁾ This price includes the increases or reductions relating to the lot to which the tender refers.

ANNEX IV

The only numbers to use to call Brussels are (DG AGRI C-1):

— fax: 296 49 56,
295 25 15.

**COMMISSION REGULATION (EC) No 2441/2001
of 13 December 2001**

**opening a standing invitation to tender for the export to zone VII of rye from the 2001 harvest
held by the German intervention agency**

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 intervention agencies.
- (2) Given the current market situation, a standing invitation to tender should be opened for the export to the countries in zone VII as defined in the Annex to Commission Regulation (EEC) No 2145/92 ⁽⁵⁾, as amended by Regulation (EC) No 3304/94 ⁽⁶⁾, 700 000 tonnes of rye from the 2001 harvest held by the German intervention agency.
- (3) Special procedures must be laid down to ensure that the operations and their monitoring are properly effected. To that end, provision should be made for a security lodgement scheme which ensures that aims are met while avoiding excessive costs for the operators. Derogations should accordingly be made to certain rules, in particular those laid down in Regulation (EEC) No 2131/93.
- (4) Where removal of the rye is delayed by more than five days or the release of one of the securities required is delayed for reasons imputable to the intervention agency, the Member State concerned must pay compensation.
- (5) Measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

Subject to the provisions of this Regulation, the German intervention agency issues a standing invitation to tender for the

export of rye held by it in accordance with Regulation (EEC) No 2131/93.

Article 2

1. The invitation to tender shall cover a maximum 700 000 tonnes of rye from the 2001 harvest for export to the countries in zone VII as defined in the Annex to Regulation (EEC) No 2145/92.
2. The regions in which the 700 000 tonnes of rye from the 2001 harvest are stored are set out in Annex I.

Article 3

1. Notwithstanding the third paragraph of Article 16 of Regulation (EEC) No 2131/93, the price to be paid for the export shall be that quoted in the tender.
2. No export refund or tax or monthly increase shall be granted on exports carried out pursuant to this Regulation.
3. Article 8(2) of Regulation (EEC) No 2131/93 shall not apply.

Article 4

1. The export licences shall be valid from their date of issue within the meaning of Article 9 of Regulation (EEC) No 2131/93 until the end of the fourth month thereafter.
2. Tenders submitted in response to this invitation to tender may not be accompanied by export licence applications submitted pursuant to Article 49 of Commission Regulation (EC) No 1291/2000 ⁽⁷⁾.

Article 5

1. Notwithstanding Article 7(1) of Regulation (EEC) No 2131/93, the time limit for submission of tenders in respect of the first partial invitation to tender shall be 9 a.m. (Brussels time) on 20 December 2001.
2. The time limit for submission of tenders in respect of subsequent partial invitations to tender shall be 9 a.m. (Brussels time) each Thursday thereafter.
3. The last partial invitation to tender shall be 9 a.m. (Brussels time) on 23 May 2002.
4. Tenders shall be lodged with the German intervention agency.

⁽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 214, 30.7.1992, p. 20.

⁽⁶⁾ OJ L 341, 30.12.1994, p. 48.

⁽⁷⁾ OJ L 152, 24.6.2000, p. 1.

Article 6

1. The intervention agency, the storer and the successful tenderer shall, at the request of the latter and by common agreement, either before or at the time of removal from storage as the successful tenderer chooses, take reference samples for counter-analysis at the rate of at least one sample for every 500 tonnes and shall analyse the samples. The intervention agency may be represented by a proxy, provided this is not the storer.

The analysis results shall be forwarded to the Commission in the event of a dispute.

Reference samples for counter-analysis shall be taken and analysed within seven working days of the date of the successful tenderer's request or within three working days if the samples are taken on removal from storage. Where the final result of sample analyses indicates a quality:

- (a) higher than that specified in the notice of invitation to tender, the successful tenderer must accept the lot as established;
- (b) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, providing that the differences having regard to those criteria do not exceed the following limits:
 - one kilogram per hectolitre as regards specific weight, which must not, however, be less than 68 kg/hl,
 - one percentage point as regards moisture content,
 - half a percentage point as regards impurities as specified in points B.2 and B.4 of the Annex to Commission Regulation (EC) No 824/2000 ⁽¹⁾, and
 - half a percentage point as regards impurities as specified in point B.5 of the Annex to Regulation (EC) No 824/2000, the percentages admissible for noxious grains and ergot, however, remaining unchanged,

the successful tenderer must accept the lot as established;

- (c) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, and a difference exceeding the limits set out in point (b), the successful tenderer may:
 - accept the lot as established, or
 - refuse to take over the lot in question. The successful tenderer shall be discharged of all his obligations relating to the lot in question and the securities shall be released only once he has informed the Commission and the intervention agency forthwith in accordance with Annex II; however, if he requests the intervention agency to supply him with another lot of intervention rye of the quality laid down at no additional charge, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall notify the Commission immediately thereof in accordance with Annex II;

- (d) below the minimum characteristics laid down for intervention, the successful tenderer may not remove the lot in question. He shall be discharged of all his obligations relating to the lot in question and the securities shall be released only once he has informed the Commission and the intervention agency forthwith in accordance with Annex II; however, he may request the intervention agency to supply him with another lot of intervention rye of the quality laid down at no additional charge. In that case, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof in accordance with Annex II.

2. However, if the rye is removed before the results of the analyses are known, all risks shall be borne by the successful tenderer from the time the lot is removed, without prejudice to any means of redress of which he may avail himself against the storer.

3. If, as a result of successive replacements, the successful tenderer has not received a replacement lot of the quality laid down within one month of the date of his request for a replacement, he shall be discharged of all his obligations and the securities shall be released once he has informed the Commission and the intervention agency forthwith in accordance with Annex II.

4. Except where the final results of analyses indicate a quality below the minimum characteristics laid down for intervention, the costs of taking the samples and conducting the analyses provided for in paragraph 1 but not of inter-bin transfers shall be borne by the European Agricultural Guidance and Guarantee Fund (EAGGF) in respect of up to one analysis per 500 tonnes. The costs of inter-bin transfers and any additional analyses requested by the successful tenderer shall be borne by him.

Article 7

By derogation from Article 12 of Commission Regulation (EEC) No 3002/92 ⁽²⁾ the documents relating to the sale of rye in accordance with this Regulation, and in particular the export licence, the removal order referred to in Article 3(1)(b) of Regulation (EEC) No 3002/92, the export declaration and, where necessary, the T5 copy shall carry the entry:

- Centeno de intervención sin aplicación de restitución ni gravamen, Reglamento (CE) nº 2441/2001
- Rug fra intervention uden restitutionsydelse eller -afgift, forordning (EF) nr. 2441/2001
- Interventionsroggen ohne Anwendung von Ausfuhrerstattungen oder Ausfuhrabgaben, Verordnung (EG) Nr. 2441/2001
- Σικαλη παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 2441/2001
- Intervention rye without application of refund or tax, Regulation (EC) No 2441/2001

⁽¹⁾ OJ L 100, 20.4.2000, p. 31.

⁽²⁾ OJ L 301, 17.10.1992, p. 17.

- Seigle d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) n° 2441/2001
- Segala d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 2441/2001
- Rogge uit interventie, zonder toepassing van restitutie of belasting, Verordening (EG) nr. 2441/2001
- Centeio de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n.º 2441/2001
- Interventioruista, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 2441/2001
- Interventionsråg, utan tillämpning av bidrag eller avgift, förordning (EG) nr 2441/2001.

Article 8

1. The security lodgement pursuant to Article 13(4) of Regulation (EEC) No 2131/93 must be released once the export licences have been issued to the successful tenderers.

2. Notwithstanding Article 17 of Regulation (EEC) No 2131/93, the obligation to export shall be covered by a security equal to the difference between the intervention price applying on the day of the award and the price awarded but not less than EUR 70 per tonne. Half of the security shall be lodged when the licence is issued and the balance shall be lodged before the cereals are removed.

Notwithstanding Article 15(2) of Regulation (EEC) No 3002/92, the part of the security lodged when the licence is issued must be released within 20 working days of the date on which

the successful tenderer provides proof that the cereals removed have left the customs territory of the Community.

Notwithstanding Article 17(3) of Regulation (EEC) No 2131/93, the remainder must be released within 15 working days of the date on which the successful tenderer provides the proof referred to in Article 16 of Commission Regulation (EC) No 800/1999 ⁽¹⁾.

3. Except in duly substantiated exceptional cases, in particular the opening of an administrative enquiry, any release of the securities provided for in this Article after the time limits specified in this same Article shall confer an entitlement to compensation from the Member State amounting to EUR 0,015 per 10 tonnes for each day's delay.

This compensation shall not be charged to the EAGGF.

Article 9

Within two hours of the expiry of the time limit for the submission of tenders, the German intervention agency shall notify the Commission of tenders received. Such notification shall be made using the model set out in Annex III and the fax numbers set out in Annex IV.

Article 10

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, 13 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 102, 17.4.1999, p. 11.

ANNEX I

(tonnes)	
Place of storage	Quantity
Schleswig-Holstein/Hamburg/Niedersachsen/ Mecklenburg-Vorpommern	78 000
Bremen/Nordrhein-Westfalen/Hessen/Rheinland- Pfalz/Saarland/Baden-Württemberg/Bayern	5 500
Berlin/Brandenburg/Sachsen-Anhalt/Sachsen/ Thüringen	616 500

ANNEX II

**Communication of refusal of lots under the standing invitation to tender for the export to zone VII of rye from
the 2001 harvest held by the German intervention agency**

(Article 6(1) of Regulation (EC) No 2441/2001)

- Name of successful tenderer:
 — Date of award contract:
 — Date of refusal of lot by successful tenderer:

Lot No	Quantity (tonnes)	Address of silo	Reason for refusal to take over
			— Specific weight (kg/hl) — % sprouted grains — % miscellaneous impurities (Schwarzbesatz) — % of matter which is not basic cereal of unimpaired quality — Other

ANNEX III

Standing invitation to tender for the export to zone VII of rye from the 2001 harvest held by the German intervention agency

(Regulation (EC) No 2441/2001)

1	2	3	4	5	6	7
Tender No	Consignment No	Quantity (tonnes)	Offer price ⁽¹⁾ (EUR/tonne)	Price increases (+) or reductions (-) (EUR/tonne) p.m.	Commercial costs (EUR/tonne)	Destination
1						
2						
3						
etc.						

⁽¹⁾ This price includes the increases or reductions relating to the lot to which the tender refers.

ANNEX IV

The only numbers to use to call Brussels are (DG AGRI C-1):

— fax: 296 49 56,
295 25 15.

COMMISSION REGULATION (EC) No 2442/2001**of 13 December 2001****laying down the revised production estimate for unginned cotton for the 2001/02 marketing year
and the resulting new provisional reduction in the guide price**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Greece, and in particular Protocol 4 on cotton, as last amended by Council Regulation (EC) No 1050/2001 ⁽¹⁾,

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton ⁽²⁾, and in particular Article 19(2) thereof,

Whereas:

- (1) Article 16(2) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 laying down detailed rules for applying the cotton aid scheme ⁽³⁾ provides that the revised production estimate for unginned cotton referred to in the second subparagraph of Article 14(3) of Regulation (EC) No 1051/2001 and the resulting new provisional reduction in the guide price are to be established before 1 December of the marketing year concerned.
- (2) Article 19(2) of Regulation (EC) No 1051/2001 provides that the revised production estimate is to be established by taking account of the progress of the harvest. On the basis of data available for the 2001/02 marketing year, that revised estimate should be as set out below.
- (3) The second subparagraph of Article 14(3) of Regulation (EC) No 1051/2001 provides that from 16 December following the start of the marketing year, the amount of the advance is to be determined based on the revised production estimate, plus at least 7,5 %. In view of the most recent figures for the 2001/02 marketing year on quantities placed in supervised storage notified by the Member States in accordance with Article 15(4)(c) of Regulation (EC) No 1591/2001 and the uncertainty on

the Greek market, as a safety margin, a percentage increase of 11 % for Greece and 7,5 % for Spain and Portugal should be applied.

- (4) The new provisional reduction in the guide price is calculated in accordance with Article 7 of Regulation (EC) No 1051/2001, but by replacing actual production by the revised production estimate plus at least 7,5 %. That reduction should therefore be as set out below.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Natural Fibres,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 2001/02 marketing year, the revised production estimate for unginned cotton shall be:

- 1 146 787 tonnes for Greece,
- 325 000 tonnes for Spain,
- 756 tonnes for Portugal.

2. For the 2001/02 marketing year, the new provisional reduction in the guide price shall be:

- EUR 45,390/100 kg for Greece,
- EUR 21,473/100 kg for Spain,
- EUR 0/100 kg for Portugal.

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, 13 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 1.6.2001, p. 1.

⁽²⁾ OJ L 148, 1.6.2001, p. 3.

⁽³⁾ OJ L 210, 3.8.2001, p. 10.

COMMISSION DECISION No 2443/2001/ECSC**of 13 December 2001****amending the Annex to Decision No 244/2001/ECSC on administering certain restrictions on imports of certain steel products from the Russian Federation**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular the first paragraph of Article 95 thereof,

Having regard to Commission Decision No 2136/97/ECSC of 12 September 1997 on administering certain restrictions on imports of certain steel products from the Russian Federation ⁽¹⁾, as last amended by Decision No 244/2001/ECSC ⁽²⁾, and in particular Article 8 in connection with Article 7 thereof,

After consulting the Consultative Committee and obtaining the unanimous agreement of the Council,

Whereas:

- (1) The Russian Federation has requested under Article 3(4) of the agreement on trade in certain steel products ⁽³⁾ that certain quantities be transferred from category SB2 (wire rod) to category SB3 (other long products), and the European Coal and Steel Community has agreed to this request.

- (2) The Annex to Decision No 244/2001/ECSC should therefore be amended to take account of the change to the quantitative limits.

- (3) The measures provided for in this Decision are in accordance with the opinion delivered by the Committee set up under Article 7 of Decision No 2136/97/ECSC,

HAS DECIDED AS FOLLOWS:

Article 1

The Annex to Decision No 244/2001/ECSC is hereby replaced by the text of the Annex to this Decision.

Article 2

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

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

Done at Brussels, 13 December 2001.

For the Commission

Pascal LAMY

Member of the Commission

⁽¹⁾ OJ L 300, 4.11.1997, p. 15.

⁽²⁾ OJ L 35, 6.2.2001, p. 16.

⁽³⁾ OJ L 300, 4.11.1997, p. 52.

ANNEX

QUANTITATIVE LIMITS

Russian Federation

		(tonnes)
Product		2001
SA. Flat products		
SA1. Coils		206 459
SA1a. Hot-rolled coils for re-rolling		407 495
SA2. Heavy plate		30 961
SA3. Other flat products		28 125
SB. Long products		
SB1. Beams		11 941
SB2. Wire rod		25 912
SB3. Other long products		105 790

**COMMISSION REGULATION (EC) No 2444/2001
of 13 December 2001**

**on import licences in respect of beef and veal products originating in Botswana, Kenya,
Madagascar, Swaziland, Zimbabwe and Namibia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1706/98 of 20 July 1998 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EEC) No 715/90 ⁽¹⁾, and in particular Article 30 thereof,

Having regard to Commission Regulation (EC) No 1918/98 of 9 September 1998 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EC) No 1706/98 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States and repealing Regulation (EC) No 589/96 ⁽²⁾, and in particular Article 4 thereof,

Whereas:

(1) Article 1 of Regulation (EC) No 1918/98 provides for the possibility of issuing import licences for beef and veal products. However, imports must take place within the limits of the quantities specified for each of these exporting non-member countries.

(2) The applications for import licences submitted between 1 and 10 December 2001, expressed in terms of boned meat, in accordance with Regulation (EC) No 1918/98, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from those States. It is therefore possible to issue import licences in respect of the quantities applied for.

(3) The quantities in respect of which licences may be applied for from 1 January 2002 should be fixed within the scope of the total quantity of 52 100 tonnes.

(4) This Regulation is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries ⁽³⁾, as last amended by Regulation (EC) No 1452/2001 ⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The following Member States shall issue on 21 December 2001 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

United Kingdom:

- 426 tonnes originating in Botswana,
- 140 tonnes originating in Namibia,
- 132 tonnes originating in Swaziland.

Article 2

Licence applications may be submitted, pursuant to Article 3(2) of Regulation (EC) No 1918/98, during the first 10 days of January 2002 for the following quantities of boned beef and veal:

Botswana:	18 916 tonnes,
Kenya:	142 tonnes,
Madagascar:	7 579 tonnes,
Swaziland:	3 363 tonnes,
Zimbabwe:	9 100 tonnes,
Namibia:	13 000 tonnes.

Article 3

This Regulation shall enter into force on 21 December 2001.

⁽¹⁾ OJ L 215, 1.8.1998, p. 12.

⁽²⁾ OJ L 250, 10.9.1998, p. 16.

⁽³⁾ OJ L 302, 31.12.1972, p. 28.

⁽⁴⁾ OJ L 198, 21.7.2001, p. 11.

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

Done at Brussels, 13 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

**COMMISSION REGULATION (EC) No 2445/2001
of 13 December 2001**

**fixing the rates of the refunds applicable to certain cereal and rice-products exported in the form of
goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽³⁾, as last amended by Regulation (EC) No 1987/2001 ⁽⁴⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13(1) of Regulation (EEC) No 1766/92 and Article 13(1) of Regulation (EC) No 3072/95 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽⁵⁾, as last amended by Regulation (EC) No 1563/2001 ⁽⁶⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 as appropriate.
- (3) In accordance with the first subparagraph of Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.
- (4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. Whereas it is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. Whereas the fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

- (5) Now that a settlement has been reached between the European Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC ⁽⁷⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.
- (6) Pursuant to Article 4(3) and (5) of Regulation (EC) No 1520/2000 provides that a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Council Regulation (EEC) No 1722/93 ⁽⁸⁾, as last amended by Commission Regulation (EC) No 1786/2001 ⁽⁹⁾, for the basic product in question, used during the assumed period of manufacture of the goods.
- (7) Spirituous beverages are considered less sensitive to the price of the cereals used in their manufacture. However, Protocol 19 of the Act of Accession of the United Kingdom, Ireland and Denmark stipulates that the necessary measures must be decided to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals. Accordingly, it is necessary to adapt the refund rate applying to cereals exported in the form of spirituous beverages.
- (8) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 14 December 2001.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 271, 12.10.2001, p. 5.

⁽⁵⁾ OJ L 177, 15.7.2000, p. 1.

⁽⁶⁾ OJ L 208, 1.8.2001, p. 8.

⁽⁷⁾ OJ L 275, 29.9.1987, p. 36.

⁽⁸⁾ OJ L 159, 1.7.1993, p. 112.

⁽⁹⁾ OJ L 242, 12.9.2001, p. 3.

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

Done at Brussels, 13 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 13 December 2001 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty

		(EUR/100 kg)	
CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in other cases	— —	— —
1001 90 99	Common wheat and meslin: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in other cases: – – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where goods falling within subheading 2208 ⁽³⁾ are exported – – in other cases	— — — — —	— — — — —
1002 00 00	Rye	1,642	1,642
1003 00 90	Barley – where goods falling within subheading 2208 ⁽³⁾ are exported – in other cases	— —	— —
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of: – starch: – – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where goods falling within subheading 2208 ⁽³⁾ are exported – – in other cases – glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽⁴⁾ : – – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where goods falling within subheading 2208 ⁽³⁾ are exported – – in other cases – where goods falling within subheading 2208 ⁽³⁾ are exported – other (including unprocessed) Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize: – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where goods falling within subheading 2208 ⁽³⁾ are exported – in other cases	1,997 — 1,997 1,498 — 1,498 — 1,997 1,997 — 1,997	1,997 — 1,997 1,498 — 1,498 — 1,997 1,997 — 1,997

(EUR/100 kg)			
CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly-milled rice:		
	– round grain	18,600	18,600
	– medium grain	18,600	18,600
	– long grain	18,600	18,600
1006 40 00	Broken rice	4,300	4,300
1007 00 90	Sorghum	—	—

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

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

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

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

COMMISSION REGULATION (EC) No 2446/2001
of 13 December 2001
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

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

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

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

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

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

(6) In accordance with Article 16 of Commission Regulation (EC) No 174/1999 of 26 January 1999 on specific detailed rules for the application of Council Regulation (EC) No 804/68 as regards export licences and export refunds on milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 2298/2001 ⁽⁴⁾; the refund granted for milk products containing added sugar is equal to the sum of the two components; one is intended to take account of the quantity of milk products and is calculated by multiplying the basic amount by the milk products content in the product concerned; the other is intended to take account of the quantity of added sucrose and is calculated by multiplying the sucrose content of the entire product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1(1)(d) of Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽⁵⁾, however, this second component is applied only if the added sucrose has been produced using sugar beet or cane harvested in the Community.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 20, 27.1.1999, p. 8.

⁽⁴⁾ OJ L 308, 27.11.2001, p. 16.

⁽⁵⁾ OJ L 178, 30.6.2001, p. 1.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 14 December 2001.

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

Done at Brussels, 13 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 91, 1.4.1984, p. 71.

⁽²⁾ OJ L 28, 1.2.1988, p. 1.

ANNEX

to the Commission Regulation of 13 December 2001 fixing the export refunds on milk and milk products

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0401 10 10 9000	970	EUR/100 kg	2,048	0402 29 91 9000	A02	EUR/kg	0,6845
0401 10 90 9000	970	EUR/100 kg	2,048	0402 29 99 9100	A02	EUR/kg	0,6845
0401 20 11 9100	970	EUR/100 kg	2,048	0402 29 99 9500	A02	EUR/kg	0,7446
0401 20 11 9500	970	EUR/100 kg	3,165	0402 91 11 9370	A02	EUR/100 kg	5,67
0401 20 19 9100	970	EUR/100 kg	2,048	0402 91 19 9370	A02	EUR/100 kg	5,67
0401 20 19 9500	970	EUR/100 kg	3,165	0402 91 31 9300	A02	EUR/100 kg	6,715
0401 20 91 9000	970	EUR/100 kg	4,005	0402 91 39 9300	A02	EUR/100 kg	6,715
0401 20 99 9000	970	EUR/100 kg	4,005	0402 91 99 9000	A02	EUR/100 kg	36,61
0401 30 11 9400	970	EUR/100 kg	9,24	0402 99 11 9350	A02	EUR/kg	0,1445
0401 30 11 9700	970	EUR/100 kg	13,88	0402 99 19 9350	A02	EUR/kg	0,1445
0401 30 19 9700	970	EUR/100 kg	13,88	0402 99 31 9150	A02	EUR/kg	0,1513
0401 30 31 9100	A02	EUR/100 kg	33,72	0402 99 31 9300	A02	EUR/kg	0,2191
0401 30 31 9400	A02	EUR/100 kg	52,67	0402 99 31 9500	A02	EUR/kg	0,3775
0401 30 31 9700	A02	EUR/100 kg	58,08	0402 99 39 9150	A02	EUR/kg	0,1513
0401 30 39 9100	A02	EUR/100 kg	33,72	0403 90 11 9000	A02	EUR/100 kg	19,72
0401 30 39 9400	A02	EUR/100 kg	52,67	0403 90 13 9200	A02	EUR/100 kg	19,72
0401 30 39 9700	A02	EUR/100 kg	58,08	0403 90 13 9300	A02	EUR/100 kg	59,48
0401 30 91 9100	A02	EUR/100 kg	66,19	0403 90 13 9500	A02	EUR/100 kg	62,56
0401 30 91 9500	A02	EUR/100 kg	97,28	0403 90 13 9900	A02	EUR/100 kg	67,39
0401 30 99 9100	A02	EUR/100 kg	66,19	0403 90 19 9000	A02	EUR/100 kg	67,75
0401 30 99 9500	A02	EUR/100 kg	97,28	0403 90 33 9400	A02	EUR/kg	0,5948
0402 10 11 9000	A02	EUR/100 kg	20	0403 90 33 9900	A02	EUR/kg	0,6739
0402 10 19 9000	A02	EUR/100 kg	20	0403 90 51 9100	970	EUR/100 kg	2,048
0402 10 91 9000	A02	EUR/kg	0,2	0403 90 59 9170	970	EUR/100 kg	13,88
0402 10 99 9000	A02	EUR/kg	0,2	0403 90 59 9310	A02	EUR/100 kg	33,72
0402 21 11 9200	A02	EUR/100 kg	20,00	0403 90 59 9340	A02	EUR/100 kg	52,1
0402 21 11 9300	A02	EUR/100 kg	59,84	0403 90 59 9370	A02	EUR/100 kg	52,1
0402 21 11 9500	A02	EUR/100 kg	63,17	0403 90 59 9510	A02	EUR/100 kg	52,1
0402 21 11 9900	A02	EUR/100 kg	68	0404 90 21 9120	A02	EUR/100 kg	17,06
0402 21 17 9000	A02	EUR/100 kg	20	0404 90 21 9160	A02	EUR/100 kg	20
0402 21 19 9300	A02	EUR/100 kg	59,84	0404 90 23 9120	A02	EUR/100 kg	20
0402 21 19 9500	A02	EUR/100 kg	63,17	0404 90 23 9130	A02	EUR/100 kg	59,84
0402 21 19 9900	A02	EUR/100 kg	68	0404 90 23 9140	A02	EUR/100 kg	63,17
0402 21 91 9100	A02	EUR/100 kg	68,45	0404 90 23 9150	A02	EUR/100 kg	68
0402 21 91 9200	A02	EUR/100 kg	69,01	0404 90 29 9110	A02	EUR/100 kg	68,49
0402 21 91 9350	A02	EUR/100 kg	69,68	0404 90 29 9115	A02	EUR/100 kg	69
0402 21 91 9500	A02	EUR/100 kg	76,24	0404 90 29 9125	A02	EUR/100 kg	69,72
0402 21 99 9100	A02	EUR/100 kg	68,45	0404 90 29 9140	A02	EUR/100 kg	76,28
0402 21 99 9200	A02	EUR/100 kg	69,01	0404 90 81 9100	A02	EUR/kg	0,2
0402 21 99 9300	A02	EUR/100 kg	69,68	0404 90 83 9110	A02	EUR/kg	0,2
0402 21 99 9400	A02	EUR/100 kg	74,46	0404 90 83 9130	A02	EUR/kg	0,5984
0402 21 99 9500	A02	EUR/100 kg	76,24	0404 90 83 9150	A02	EUR/kg	0,6317
0402 21 99 9600	A02	EUR/100 kg	82,71	0404 90 83 9170	A02	EUR/kg	0,68
0402 21 99 9700	A02	EUR/100 kg	86,29	0404 90 83 9936	A02	EUR/kg	0,1445
0402 21 99 9900	A02	EUR/100 kg	90,51	0405 10 11 9500	L05	EUR/100 kg	156,1
0402 29 15 9200	A02	EUR/kg	0,2	0405 10 11 9700	L05	EUR/100 kg	160
0402 29 15 9300	A02	EUR/kg	0,5986	0405 10 19 9500	L05	EUR/100 kg	156,1
0402 29 15 9500	A02	EUR/kg	0,6319	0405 10 19 9700	L05	EUR/100 kg	160
0402 29 15 9900	A02	EUR/kg	0,68	0405 10 30 9100	L05	EUR/100 kg	156,1
0402 29 19 9300	A02	EUR/kg	0,5986	0405 10 30 9300	L05	EUR/100 kg	160
0402 29 19 9500	A02	EUR/kg	0,6319	0405 10 30 9700	L05	EUR/100 kg	160
0402 29 19 9900	A02	EUR/kg	0,68	0405 10 50 9300	L05	EUR/100 kg	160

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0405 10 50 9500	L05	EUR/100 kg	156,1		L03	EUR/100 kg	—
0405 10 50 9700	L05	EUR/100 kg	160		A24	EUR/100 kg	27,09
0405 10 90 9000	L05	EUR/100 kg	165,86		L04	EUR/100 kg	27,09
0405 20 90 9500	L05	EUR/100 kg	146,35		400	EUR/100 kg	—
0405 20 90 9700	L05	EUR/100 kg	152,2		A01	EUR/100 kg	27,09
0405 90 10 9000	L05	EUR/100 kg	203,3	0406 10 20 9870	A00	EUR/100 kg	—
0405 90 90 9000	L05	EUR/100 kg	160	0406 10 20 9900	A00	EUR/100 kg	—
0406 10 20 9100	A00	EUR/100 kg	—	0406 20 90 9100	A00	EUR/100 kg	—
0406 10 20 9230	L02	EUR/100 kg	—	0406 20 90 9913	L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	32,03		A24	EUR/100 kg	49,95
	L04	EUR/100 kg	32,03		L04	EUR/100 kg	49,95
	400	EUR/100 kg	—		400	EUR/100 kg	20,23
	A01	EUR/100 kg	32,03		A01	EUR/100 kg	49,95
0406 10 20 9290	L02	EUR/100 kg	—	0406 20 90 9915	L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	29,79		A24	EUR/100 kg	65,93
	L04	EUR/100 kg	29,79		L04	EUR/100 kg	65,93
	400	EUR/100 kg	—		400	EUR/100 kg	26,95
	A01	EUR/100 kg	29,79		A01	EUR/100 kg	65,93
0406 10 20 9300	L02	EUR/100 kg	—	0406 20 90 9917	L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	13,08		A24	EUR/100 kg	70,05
	L04	EUR/100 kg	13,08		L04	EUR/100 kg	70,05
	400	EUR/100 kg	—		400	EUR/100 kg	28,65
	A01	EUR/100 kg	13,08		A01	EUR/100 kg	70,05
0406 10 20 9610	L02	EUR/100 kg	—	0406 20 90 9919	L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	43,44		A24	EUR/100 kg	78,29
	L04	EUR/100 kg	43,44		L04	EUR/100 kg	78,29
	400	EUR/100 kg	—		400	EUR/100 kg	31,96
	A01	EUR/100 kg	43,44		A01	EUR/100 kg	78,29
0406 10 20 9620	L02	EUR/100 kg	—	0406 20 90 9990	A00	EUR/100 kg	—
	L03	EUR/100 kg	—	0406 30 31 9710	L02	EUR/100 kg	—
	A24	EUR/100 kg	44,06		L03	EUR/100 kg	—
	L04	EUR/100 kg	44,06		A24	EUR/100 kg	12,33
	400	EUR/100 kg	—		L04	EUR/100 kg	6,58
	A01	EUR/100 kg	44,06		400	EUR/100 kg	—
0406 10 20 9630	L02	EUR/100 kg	—		A01	EUR/100 kg	12,33
	L03	EUR/100 kg	—	0406 30 31 9730	L02	EUR/100 kg	—
	A24	EUR/100 kg	49,18		L03	EUR/100 kg	—
	L04	EUR/100 kg	49,18		A24	EUR/100 kg	18,09
	400	EUR/100 kg	—		L04	EUR/100 kg	9,64
	A01	EUR/100 kg	49,18		400	EUR/100 kg	—
0406 10 20 9640	L02	EUR/100 kg	—		A01	EUR/100 kg	18,09
	L03	EUR/100 kg	—	0406 30 31 9910	L02	EUR/100 kg	—
	A24	EUR/100 kg	72,28		L03	EUR/100 kg	—
	L04	EUR/100 kg	72,28		A24	EUR/100 kg	12,33
	400	EUR/100 kg	—		L04	EUR/100 kg	6,58
	A01	EUR/100 kg	72,28		400	EUR/100 kg	—
0406 10 20 9650	L02	EUR/100 kg	—	0406 30 31 9930	A01	EUR/100 kg	12,33
	L03	EUR/100 kg	—		L02	EUR/100 kg	—
	A24	EUR/100 kg	60,23		L03	EUR/100 kg	—
	L04	EUR/100 kg	60,23		A24	EUR/100 kg	18,09
	400	EUR/100 kg	—		L04	EUR/100 kg	9,64
	A01	EUR/100 kg	60,23		400	EUR/100 kg	—
0406 10 20 9660	A00	EUR/100 kg	—		A01	EUR/100 kg	18,09
0406 10 20 9830	L02	EUR/100 kg	—	0406 30 31 9950	L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	22,34		A24	EUR/100 kg	26,31
	L04	EUR/100 kg	22,34		L04	EUR/100 kg	14,03
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	22,34		A01	EUR/100 kg	26,31
0406 10 20 9850	L02	EUR/100 kg	—				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 30 39 9500	L02	EUR/100 kg	—	0406 90 23 9900	L04	EUR/100 kg	87,47
	L03	EUR/100 kg	—		400	EUR/100 kg	28,48
	A24	EUR/100 kg	18,09		A01	EUR/100 kg	99,91
	L04	EUR/100 kg	9,64		L02	EUR/100 kg	—
	400	EUR/100 kg	—		L03	EUR/100 kg	—
0406 30 39 9700	A01	EUR/100 kg	18,09	0406 90 25 9900	A24	EUR/100 kg	88,33
	L02	EUR/100 kg	—		L04	EUR/100 kg	76,81
	L03	EUR/100 kg	—		400	EUR/100 kg	—
	A24	EUR/100 kg	26,31		A01	EUR/100 kg	88,33
	L04	EUR/100 kg	14,03		L02	EUR/100 kg	—
0406 30 39 9930	400	EUR/100 kg	—	0406 90 27 9900	L03	EUR/100 kg	—
	A01	EUR/100 kg	26,31		A24	EUR/100 kg	87,38
	L02	EUR/100 kg	—		L04	EUR/100 kg	76,3
	L03	EUR/100 kg	—		400	EUR/100 kg	—
	A24	EUR/100 kg	26,31		A01	EUR/100 kg	87,38
0406 30 39 9950	L04	EUR/100 kg	14,03	0406 90 31 9119	L02	EUR/100 kg	—
	400	EUR/100 kg	—		L03	EUR/100 kg	—
	A01	EUR/100 kg	26,31		A24	EUR/100 kg	79,14
	L02	EUR/100 kg	—		L04	EUR/100 kg	69,11
	L03	EUR/100 kg	—		400	EUR/100 kg	—
0406 30 90 9000	A24	EUR/100 kg	29,75	0406 90 33 9119	A01	EUR/100 kg	79,14
	L04	EUR/100 kg	15,87		L02	EUR/100 kg	—
	400	EUR/100 kg	—		L03	EUR/100 kg	—
	A01	EUR/100 kg	29,75		A24	EUR/100 kg	72,85
	L02	EUR/100 kg	—		L04	EUR/100 kg	63,51
0406 40 50 9000	L03	EUR/100 kg	—	0406 90 33 9919	400	EUR/100 kg	16,32
	A24	EUR/100 kg	31,21		A01	EUR/100 kg	72,85
	L04	EUR/100 kg	16,64		L02	EUR/100 kg	—
	400	EUR/100 kg	—		L03	EUR/100 kg	—
	A01	EUR/100 kg	31,21		A24	EUR/100 kg	72,85
0406 40 90 9000	L04	EUR/100 kg	76,5	0406 90 33 9951	L04	EUR/100 kg	63,51
	L03	EUR/100 kg	—		400	EUR/100 kg	16,32
	A24	EUR/100 kg	76,5		A01	EUR/100 kg	72,85
	L04	EUR/100 kg	76,5		L02	EUR/100 kg	—
	400	EUR/100 kg	—		L03	EUR/100 kg	—
0406 90 13 9000	A01	EUR/100 kg	76,5	0406 90 35 9190	A24	EUR/100 kg	66,81
	L02	EUR/100 kg	—		L04	EUR/100 kg	58,05
	L03	EUR/100 kg	—		400	EUR/100 kg	—
	A24	EUR/100 kg	78,56		A01	EUR/100 kg	66,81
	L04	EUR/100 kg	78,56		L02	EUR/100 kg	—
0406 90 15 9100	400	EUR/100 kg	—	0406 90 35 9990	L03	EUR/100 kg	—
	A01	EUR/100 kg	78,56		A24	EUR/100 kg	66,86
	L02	EUR/100 kg	—		L04	EUR/100 kg	58,63
	L03	EUR/100 kg	—		400	EUR/100 kg	—
	A24	EUR/100 kg	98,91		A01	EUR/100 kg	66,86
0406 90 17 9100	L04	EUR/100 kg	86,38	0406 90 37 9000	L02	EUR/100 kg	28,3
	400	EUR/100 kg	38,51		L03	EUR/100 kg	—
	A01	EUR/100 kg	98,91		A24	EUR/100 kg	103,33
	L02	EUR/100 kg	—		L04	EUR/100 kg	89,85
	L03	EUR/100 kg	—		400	EUR/100 kg	39,27
0406 90 21 9900	A24	EUR/100 kg	102,21		A01	EUR/100 kg	103,33
	L04	EUR/100 kg	89,26		L02	EUR/100 kg	—
	400	EUR/100 kg	39,7		L03	EUR/100 kg	—
	A01	EUR/100 kg	102,21		A24	EUR/100 kg	103,33
	L02	EUR/100 kg	—		L04	EUR/100 kg	89,85
	L03	EUR/100 kg	—		400	EUR/100 kg	25,67
	A24	EUR/100 kg	102,21		A01	EUR/100 kg	103,33
	L04	EUR/100 kg	89,26		L02	EUR/100 kg	—
	400	EUR/100 kg	39,7		L03	EUR/100 kg	—
	A01	EUR/100 kg	102,21		A24	EUR/100 kg	98,91
	L02	EUR/100 kg	—		L04	EUR/100 kg	86,38
	L03	EUR/100 kg	—		400	EUR/100 kg	38,51
	A24	EUR/100 kg	99,91		A01	EUR/100 kg	98,91

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 61 9000	L02	EUR/100 kg	39,96	0406 90 78 9500	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		A24	EUR/100 kg	90,08
	A24	EUR/100 kg	110,19		L04	EUR/100 kg	78,86
	L04	EUR/100 kg	95,2		400	EUR/100 kg	—
	400	EUR/100 kg	36,55		A01	EUR/100 kg	90,08
	A01	EUR/100 kg	110,19		L02	EUR/100 kg	—
0406 90 63 9100	L02	EUR/100 kg	36,41		L03	EUR/100 kg	—
	L03	EUR/100 kg	—		A24	EUR/100 kg	88,7
	A24	EUR/100 kg	109,27		L04	EUR/100 kg	78,12
	L04	EUR/100 kg	94,7		400	EUR/100 kg	—
	400	EUR/100 kg	40,89		A01	EUR/100 kg	88,7
	A01	EUR/100 kg	109,27	0406 90 79 9900	L02	EUR/100 kg	—
0406 90 63 9900	L02	EUR/100 kg	29,09		L03	EUR/100 kg	—
	L03	EUR/100 kg	—		A24	EUR/100 kg	73,33
	A24	EUR/100 kg	105,55		L04	EUR/100 kg	63,77
	L04	EUR/100 kg	91,04		400	EUR/100 kg	—
	400	EUR/100 kg	31,28		A01	EUR/100 kg	73,33
0406 90 69 9100	A01	EUR/100 kg	105,55	0406 90 81 9900	L02	EUR/100 kg	—
	A00	EUR/100 kg	—		L03	EUR/100 kg	—
0406 90 69 9910	L02	EUR/100 kg	—		A24	EUR/100 kg	92,33
	L03	EUR/100 kg	—		L04	EUR/100 kg	80,62
	A24	EUR/100 kg	105,55		400	EUR/100 kg	30,43
	L04	EUR/100 kg	91,04		A01	EUR/100 kg	92,33
	400	EUR/100 kg	31,28	0406 90 85 9930	L02	EUR/100 kg	—
	A01	EUR/100 kg	105,55		L03	EUR/100 kg	—
0406 90 73 9900	L02	EUR/100 kg	—		A24	EUR/100 kg	100,22
	L03	EUR/100 kg	—		L04	EUR/100 kg	87,07
	A24	EUR/100 kg	90,87		400	EUR/100 kg	37,91
	L04	EUR/100 kg	79,29		A01	EUR/100 kg	100,22
	400	EUR/100 kg	33,66	0406 90 85 9970	L02	EUR/100 kg	—
	A01	EUR/100 kg	90,87		L03	EUR/100 kg	—
0406 90 75 9900	L02	EUR/100 kg	—		A24	EUR/100 kg	91,86
	L03	EUR/100 kg	—		L04	EUR/100 kg	79,82
	A24	EUR/100 kg	91,86		400	EUR/100 kg	33,17
	L04	EUR/100 kg	79,82		A01	EUR/100 kg	91,86
	400	EUR/100 kg	14,2	0406 90 85 9999	A00	EUR/100 kg	—
	A01	EUR/100 kg	91,86		A00	EUR/100 kg	—
0406 90 76 9300	L02	EUR/100 kg	—	0406 90 86 9100	L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	82,43		A24	EUR/100 kg	86,9
	L04	EUR/100 kg	71,98		L04	EUR/100 kg	73,24
	400	EUR/100 kg	—		400	EUR/100 kg	17,68
	A01	EUR/100 kg	82,43		A01	EUR/100 kg	86,9
0406 90 76 9400	L02	EUR/100 kg	—	0406 90 86 9300	L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	92,33		A24	EUR/100 kg	87,82
	L04	EUR/100 kg	80,62		L04	EUR/100 kg	74,3
	400	EUR/100 kg	14,79		400	EUR/100 kg	19,38
	A01	EUR/100 kg	92,33		A01	EUR/100 kg	87,82
0406 90 76 9500	L02	EUR/100 kg	—	0406 90 86 9400	L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	87,08		A24	EUR/100 kg	92,33
	L04	EUR/100 kg	76,7		L04	EUR/100 kg	78,94
	400	EUR/100 kg	14,79		400	EUR/100 kg	21,93
	A01	EUR/100 kg	87,08		A01	EUR/100 kg	92,33
0406 90 78 9100	L02	EUR/100 kg	—	0406 90 86 9900	L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	86,92		A24	EUR/100 kg	100,22
	L04	EUR/100 kg	74,38		L04	EUR/100 kg	87,07
	400	EUR/100 kg	—		400	EUR/100 kg	25,67
	A01	EUR/100 kg	86,92		A01	EUR/100 kg	100,22
0406 90 78 9300	L02	EUR/100 kg	—				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 87 9100	A00	EUR/100 kg	—		400	EUR/100 kg	—
0406 90 87 9200	L02	EUR/100 kg	—		A01	EUR/100 kg	38,79
	L03	EUR/100 kg	—	0406 90 87 9973	L02	EUR/100 kg	—
	A24	EUR/100 kg	72,41		L03	EUR/100 kg	—
	L04	EUR/100 kg	61,04		A24	EUR/100 kg	89,03
	400	EUR/100 kg	15,81		L04	EUR/100 kg	77,74
	A01	EUR/100 kg	72,41		400	EUR/100 kg	15,39
0406 90 87 9300	L02	EUR/100 kg	—		A01	EUR/100 kg	89,03
	L03	EUR/100 kg	—	0406 90 87 9974	L02	EUR/100 kg	—
	A24	EUR/100 kg	80,66		L03	EUR/100 kg	—
	L04	EUR/100 kg	68,23		A24	EUR/100 kg	96,21
	400	EUR/100 kg	17,85		L04	EUR/100 kg	84,37
	A01	EUR/100 kg	80,66		400	EUR/100 kg	15,39
0406 90 87 9400	L02	EUR/100 kg	—		A01	EUR/100 kg	96,21
	L03	EUR/100 kg	—	0406 90 87 9975	L02	EUR/100 kg	—
	A24	EUR/100 kg	81,88		L03	EUR/100 kg	—
	L04	EUR/100 kg	70,01		A24	EUR/100 kg	97,28
	400	EUR/100 kg	19,55		L04	EUR/100 kg	86,06
	A01	EUR/100 kg	81,88		400	EUR/100 kg	20,4
0406 90 87 9951	L02	EUR/100 kg	—		A01	EUR/100 kg	97,28
	L03	EUR/100 kg	—	0406 90 87 9979	L02	EUR/100 kg	—
	A24	EUR/100 kg	90,68		L03	EUR/100 kg	—
	L04	EUR/100 kg	79,18		A24	EUR/100 kg	88,33
	400	EUR/100 kg	27,03		L04	EUR/100 kg	76,81
	A01	EUR/100 kg	90,68		400	EUR/100 kg	15,39
0406 90 87 9971	L02	EUR/100 kg	—		A01	EUR/100 kg	88,33
	L03	EUR/100 kg	—	0406 90 88 9100	A00	EUR/100 kg	—
	A24	EUR/100 kg	90,68	0406 90 88 9300	L02	EUR/100 kg	—
	L04	EUR/100 kg	79,18		L03	EUR/100 kg	—
	400	EUR/100 kg	21,93		A24	EUR/100 kg	70,98
	A01	EUR/100 kg	90,68		L04	EUR/100 kg	60,27
0406 90 87 9972	A24	EUR/100 kg	38,79		400	EUR/100 kg	19,38
	L03	EUR/100 kg	—		A01	EUR/100 kg	70,98
	L04	EUR/100 kg	33,73				

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

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

The other destinations are defined as follows:

L02 Switzerland, Liechtenstein,

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

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

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

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

**COMMISSION REGULATION (EC) No 2447/2001
of 13 December 2001**

**amending Regulation (EEC) No 2219/92 laying down detailed rules for the application of the
specific supply arrangements for Madeira relating to milk products regarding the amounts of aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira relating to certain agricultural products⁽¹⁾, as last amended by Regulation (EC) No 1449/2001⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 1696/92⁽³⁾, as last amended by Regulation (EEC) No 2596/93⁽⁴⁾, lays down in particular the detailed rules for the application of the specific arrangements for the supply of certain agricultural products to the Azores and Madeira.
- (2) Annex II to Regulation (EEC) No 2219/92 of 30 July 1992 laying down detailed rules for the application of the specific supply arrangements for Madeira relating to milk products and establishing the forecast supply

balance⁽⁵⁾, as last amended by Regulation (EC) No 2214/2001⁽⁶⁾, fixes the aid for milk products.

- (3) Commission Regulation (EC) No 2446/2001 of 13 December 2001 fixing the export refunds on milk and milk products⁽⁷⁾ fixes the refunds on those products. Annex II to Regulation (EEC) No 2219/92 should be adapted to take account of those adjustments.
- (4) 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

Annex II to Regulation (EEC) No 2219/92 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 14 December 2001.

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

Done at Brussels, 13 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27.6.1992, p. 1.

⁽²⁾ OJ L 198, 21.7.2001, p. 5.

⁽³⁾ OJ L 179, 1.7.1992, p. 6.

⁽⁴⁾ OJ L 238, 23.9.1993, p. 24.

⁽⁵⁾ OJ L 218, 1.8.1992, p. 75.

⁽⁶⁾ OJ L 300, 16.11.2001, p. 16.

⁽⁷⁾ See page 34 of this Official Journal.

ANNEX

ANNEX II

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter:			
0401 10	– Of a fat content, by weight, not exceeding 1 %:			
0401 10 10	– – In immediate packings of a net content not exceeding 2 litres	0401 10 10 9000		2,048
0401 10 90	– – Other	0401 10 90 9000		2,048
0401 20	– Of a fat content, by weight, exceeding 1 % but not exceeding 6 %:			
	– – Not exceeding 3 %:			
0401 20 11	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 11 9100		2,048
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 11 9500		3,165
0401 20 19	– – – Other:			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 19 9100		2,048
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 19 9500		3,165
	– – Exceeding 3 %:			
0401 20 91	– – – In immediate packings of a net content not exceeding 2 litres	0401 20 91 9000		4,005
0401 20 99	– – – Other	0401 20 99 9000		4,005
0401 30	– Of a fat content, by weight, exceeding 6 %:			
	– – Not exceeding 21 %:			
0401 30 11	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight:			
	– Exceeding 10 % but not exceeding 17 %	0401 30 11 9400		9,24
	– Exceeding 17 %	0401 30 11 9700		13,88
0401 30 19	– – – Other:			
	– Of a fat content, by weight:			
	– Exceeding 17 %	0401 30 19 9700		13,88
	– – Exceeding 21 % but not exceeding 45 %:			

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0401 30 31	--- In immediate packings of a net content not exceeding 2 litres: - Of a fat content, by weight: - Not exceeding 35 % - Exceeding 35 % but not exceeding 39 % - Exceeding 39 %	0401 30 31 9100 0401 30 31 9400 0401 30 31 9700		33,72 52,67 58,08
0401 30 39	--- Other: - Of a fat content, by weight: - Not exceeding 35 % - Exceeding 35 % but not exceeding 39 % - Exceeding 39 % -- Exceeding 45 %:	0401 30 39 9100 0401 30 39 9400 0401 30 39 9700		33,72 52,67 58,08
0401 30 91	--- In immediate packings of a net content not exceeding 2 litres: - Of a fat content, by weight: - Not exceeding 68 % - Exceeding 68 %	0401 30 91 9100 0401 30 91 9500		66,19 97,28
0401 30 99	--- Other: - Of a fat content, by weight: - Not exceeding 68 % - Exceeding 68 %	0401 30 99 9100 0401 30 99 9500		66,19 97,28
ex 0402	Skimmed-milk powder of a fat content, by weight, not exceeding 1,5 %	0402 10 11 9000 0402 10 19 9000	(¹³)	20,00
ex 0402	Whole milk powder of a fat content, by weight, not exceeding 27 %	0402 21 11 9900 0402 21 19 9900	(¹³)	68,00
0402 21 11	---- In immediate packings of a net content not exceeding 2,5 kg: - Of a fat content, by weight: - Not exceeding 11 % - Exceeding 11 % but not exceeding 17 % - Exceeding 17 % but not exceeding 25 % - Exceeding 25 %	0402 21 11 9200 0402 21 11 9300 0402 21 11 9500 0402 21 11 9900	(¹³) (¹³) (¹³) (¹³)	20,00 59,84 63,17 68,00
0402 21 19	---- Other: ----- Of a fat content, by weight, exceeding 11 % but not exceeding 27 %: - Not exceeding 17 % - Exceeding 17 % but not exceeding 25 % - Exceeding 25 %	0402 21 19 9300 0402 21 19 9500 0402 21 19 9900	(¹³) (¹³) (¹³)	59,84 63,17 68,00

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
ex 0405	Butter and other fats and oils derived from milk; dairy spreads:			
0405 10	– Butter:			
	– – Of a fat content, by weight, not exceeding 85 %:			
	– – – Natural butter:			
0405 10 11	– – – – In immediate packings of a net content not exceeding 1 kg:			
	– – – – – Of a fat content by weight:			
	– – – – – – Of 80 % or more but less than 82 %	0405 10 11 9500		156,10
	– – – – – – Of 82 % or more	0405 10 11 9700		160,00
0405 10 19	– – – – Other:			
	– – – – – Of a fat content by weight:			
	– – – – – – Of 80 % or more but less than 82 %	0405 10 19 9500		156,10
	– – – – – – Of 82 % or more	0405 10 19 9700		160,00
0405 10 30	– – – Recombined butter:			
	– – – – In immediate packings of a net content not exceeding 1 kg:			
	– – – – – Of a fat content by weight:			
	– – – – – – Of 80 % or more but less than 82 %	0405 10 30 9100		156,10
	– – – – – – Of 82 % or more	0405 10 30 9300		160,00
	– – – – Other:			
	– – – – – Of a fat content by weight:			
	– – – – – – Of 82 % or more	0405 10 30 9700		160,00
0405 10 50	– – – Whey butter:			
	– – – – In immediate packings of a net content not exceeding 1 kg:			
	– – – – – Of a fat content by weight:			
	– – – – – – Of 82 % or more	0405 10 50 9300		160,00
	– – – – Other:			
	– – – – – Of a fat content by weight:			
	– – – – – – Of 80 % or more but less than 82 %	0405 10 50 9500		156,10
	– – – – – – Of 82 % or more	0405 10 50 9700		160,00
0405 10 90	– – Other	0405 10 90 9000		165,86
ex 0405 20	– Dairy spreads:			
0405 20 90	– – Of a fat content by weight of more than 75 % but less than 80 %:			
	– – – Of a fat content by weight:			
	– – – – Of more than 75 % but less than 78 %	0405 20 90 9500		146,35
	– – – – Of 78 % or more	0405 20 90 9700		152,20
0405 90	– Other:			
0405 90 10	– – Of a fat content by weight of 99,3 % or more and of a water content by weight not exceeding 0,5 %:	0405 90 10 9000		203,30
0405 90 90	– – Other	0405 90 90 9000		160,00

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406	Cheese and curd ⁽³⁾ :					
ex 0406 90 23	--- Edam	47	40	0406 90 23 9900	⁽³⁾	88,33
ex 0406 90 25	--- Tilsit	47	45	0406 90 25 9900	⁽³⁾	87,38
ex 0406 90 76	----- Danbo, Fontal, Fontina, Fynbo, Havarti, Maribo, Samsøe:					
	----- Of a fat content, by weight, in the dry matter of 45 % or more but less than 55 %:					
	----- Of a dry matter content, by weight, of 50 % or more but less than 56 %	50	45	0406 90 76 9300	⁽³⁾	82,43
	----- Of a dry matter content, by weight, of 56 % or more	44	45	0406 90 76 9400	⁽³⁾	92,33
	----- Of a fat content, by weight, in the dry matter of 55 % or more	46	55	0406 90 76 9500	⁽³⁾	87,08
ex 0406 90 78	----- Gouda:					
	----- Of a fat content, by weight, in the dry matter of less than 48 %	50	20	0406 90 78 9100	⁽³⁾	86,92
	----- Of a fat content by weight, in the dry matter of 48 % or more but less than 55 %	45	48	0406 90 78 9300	⁽³⁾	90,08
	----- Other	45	55	0406 90 78 9500	⁽³⁾	88,70
ex 0406 90 79	----- Esrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio	56	40	0406 90 79 9900	⁽³⁾	73,33
ex 0406 90 81	----- Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby, Monterey	44	44	0406 90 81 9900	⁽³⁾	92,33
ex 0406 90 86	----- Exceeding 47 % but not exceeding 52 %:					
	----- cheeses produced from whey			0406 90 86 9100		—
	----- Other, of a fat content, by weight, in the dry matter:					
	----- Of less than 5 %	52		0406 90 86 9200	⁽³⁾	86,90
	----- Of 5 % or more but less than 19 %	51	5	0406 90 86 9300	⁽³⁾	87,82
	----- Of 19 % or more but less than 39 %	47	19	0406 90 86 9400	⁽³⁾	92,33
	----- Of 39 % or more	40	39	0406 90 86 9900	⁽³⁾	100,22
ex 0406 90 87	----- Exceeding 52 % but not exceeding 62 %:					
	----- cheeses produced from whey, except for Manouri			0406 90 87 9100		—
	----- Other, of a fat content, by weight, in the dry matter:					
	----- Of less than 5 %	60		0406 90 87 9200	⁽³⁾	72,41
	----- Of 5 % or more but less than 19 %	55	5	0406 90 87 9300	⁽³⁾	80,66
	----- Of 19 % or more but less than 40 %	53	19	0406 90 87 9400	⁽³⁾	81,88

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406 90 87 (cont'd.)	----- Of 40 % or more:					
	----- Idiazabal, Manchego and Roncal manufactured exclusively from sheep's milk	45	45	0406 90 87 9951	(³)	90,68
	----- Maasdam	45	45	0406 90 87 9971	(³)	90,68
	----- Manouri	43	53	0406 90 87 9972	(³)	38,79
	----- Hushallsost	46	45	0406 90 87 9973	(³)	89,03
	----- Murukoloinen	41	50	0406 90 87 9974	(³)	96,21
	----- Other:	47	40	0406 90 87 9979	(³)	88,33
ex 0406 90 88	----- Exceeding 62 % but not exceeding 72 %:					
	----- cheese produced from whey			0406 90 88 9100		—
	----- Other:					
	----- Other:					
	----- Of a fat content, by weight, in the dry matter:					
	----- Of 10 % or more but less than 19 %	60	10	0406 90 88 9300	(³)	70,98

(³) In the case of cheese presented in containers which also contain conserving liquid, in particular brine, the aid is granted on the net weight, the weight of the liquid being deducted.

(¹³) Where the product contains non-lactic matter, the non-lactic matter is not to be taken into account for the purposes of calculating the aid.

When completing customs formalities, the applicant must state on the declaration provided for that purpose whether or not non-lactic matter has been added and, where this is the case, the maximum content by weight of the non-lactic matter added per 100 kilograms of finished product.'

**COMMISSION REGULATION (EC) No 2448/2001
of 13 December 2001**

amending Regulation (EC) No 2993/94 fixing the aid for the supply of milk products to the Canary Islands under the arrangements provided for in Articles 2 to 4 of Council Regulation (EEC) No 1601/92

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 1450/2001 ⁽²⁾, and in particular Article 3(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2790/94 ⁽³⁾, as last amended by Regulation (EC) No 1620/1999 ⁽⁴⁾, lays down in particular the detailed rules for the application of the specific arrangements for the supply of certain agricultural products to the Canary Islands.
- (2) Commission Regulation (EC) No 2993/94 ⁽⁵⁾, as last amended by Regulation (EC) No 2215/2001 ⁽⁶⁾, fixed the amount of aid for milk products.

- (3) Commission Regulation (EC) No 2446/2001 of 13 December 2001 fixing the export refunds on milk and milk products ⁽⁷⁾, fixes the refunds on those products; whereas the Annex to Regulation (EC) No 2993/94 should be adapted to take account of those adjustments.

- (4) 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 Annex to Regulation (EC) No 2993/94 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 14 December 2001.

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

Done at Brussels, 13 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27.6.1992, p. 13.

⁽²⁾ OJ L 198, 21.7.2001, p. 7.

⁽³⁾ OJ L 296, 17.11.1994, p. 23.

⁽⁴⁾ OJ L 192, 24.7.1999, p. 19.

⁽⁵⁾ OJ L 316, 9.12.1994, p. 11.

⁽⁶⁾ OJ L 300, 16.11.2001, p. 22.

⁽⁷⁾ See page 34 of this Official Journal.

ANNEX

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter:			
0401 10	– Of a fat content, by weight, not exceeding 1 %:			
0401 10 10	– – In immediate packings of a net content not exceeding 2 litres	0401 10 10 9000		2,048
0401 10 90	– – Other	0401 10 90 9000		2,048
0401 20	– Of a fat content, by weight, exceeding 1 % but not exceeding 6 %:			
	– – Not exceeding 3 %:			
0401 20 11	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 11 9100		2,048
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 11 9500		3,165
0401 20 19	– – – Other:			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 19 9100		2,048
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 19 9500		3,165
	– – Exceeding 3 %:			
0401 20 91	– – – In immediate packings of a net content not exceeding 2 litres	0401 20 91 9000		4,005
0401 20 99	– – – Other	0401 20 99 9000		4,005
0401 30	– Of a fat content, by weight, exceeding 6 %:			
	– – Not exceeding 21 %:			
0401 30 11	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight:			
	– Exceeding 10 % but not exceeding 17 %	0401 30 11 9400		9,24
	– Exceeding 17 %	0401 30 11 9700		13,88
0401 30 19	– – – Other:			
	– Of a fat content, by weight:			
	– Exceeding 17 %	0401 30 19 9700		13,88
	– – Exceeding 21 % but not exceeding 45 %:			
0401 30 31	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight:			
	– Not exceeding 35 %	0401 30 31 9100		33,72
	– Exceeding 35 % but not exceeding 39 %	0401 30 31 9400		52,67
	– Exceeding 39 %	0401 30 31 9700		58,08
0401 30 39	– – – Other:			
	– Of a fat content, by weight:			
	– Not exceeding 35 %	0401 30 39 9100		33,72
	– Exceeding 35 % but not exceeding 39 %	0401 30 39 9400		52,67
	– Exceeding 39 %	0401 30 39 9700		58,08
	– – Exceeding 45 %:			
0401 30 91	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight:			
	– Not exceeding 68 %	0401 30 91 9100		66,19
	– Exceeding 68 %	0401 30 91 9500		97,28
0401 30 99	– – – Other:			
	– Of a fat content, by weight:			
	– Not exceeding 68 %	0401 30 99 9100		66,19
	– Exceeding 68 %	0401 30 99 9500		97,28
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter:			

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0402 10	– In powder, granules or other solid forms, of a fat content, by weight, not exceeding 1,5 % (?):			
	– – Not containing added sugar or other sweetening matter:			
0402 10 11	– – – In immediate packings of a net content not exceeding 2,5 kg	0402 10 11 9000	(¹³)	20,00
0402 10 19	– – – Other	0402 10 19 9000	(¹³)	20,00
	– – Other:			
0402 10 91	– – – In immediate packings of a net content not exceeding 2,5 kg	0402 10 91 9000	(¹⁴)	0,2000
0402 10 99	– – – Other	0402 10 99 9000	(¹⁴)	0,2000
	– In powder, granules or other solid forms, of a fat content, by weight, exceeding 1,5 % (?):			
0402 21	– – Not containing added sugar or other sweetening matter:			
	– – – Of a fat content, by weight, not exceeding 27 %:			
0402 21 11	– – – – In immediate packings of a net content not exceeding 2,5 kg:			
	– Of a fat content, by weight:			
	– Not exceeding 11 %	0402 21 11 9200	(¹³)	20,00
	– Exceeding 11 % but not exceeding 17 %	0402 21 11 9300	(¹³)	59,84
	– Exceeding 17 % but not exceeding 25 %	0402 21 11 9500	(¹³)	63,17
	– Exceeding 25 %	0402 21 11 9900	(¹³)	68,00
	– – – – Other:			
0402 21 17	– – – – – Of a fat content, by weight, not exceeding 11 %	0402 21 17 9000	(¹³)	20,00
0402 21 19	– – – – – Of a fat content, by weight, exceeding 11 % but not exceeding 27 %:			
	– Not exceeding 17 %	0402 21 19 9300	(¹³)	59,84
	– Exceeding 17 % but not exceeding 25 %	0402 21 19 9500	(¹³)	63,17
	– Exceeding 25 %	0402 21 19 9900	(¹³)	68,00
	– – – Of a fat content, by weight, exceeding 27 %:			
0402 21 91	– – – – In immediate packings of a net content not exceeding 2,5 kg:			
	– Of a fat content, by weight:			
	– Not exceeding 28 %	0402 21 91 9100	(¹³)	68,45
	– Exceeding 28 % but not exceeding 29 %	0402 21 91 9200	(¹³)	69,01
	– Exceeding 29 % but not exceeding 45 %	0402 21 91 9350	(¹³)	69,68
	– Exceeding 45 %	0402 21 91 9500	(¹³)	76,24
0402 21 99	– – – – Other:			
	– Of a fat content, by weight:			
	– Not exceeding 28 %	0402 21 99 9100	(¹³)	68,45
	– Exceeding 28 % but not exceeding 29 %	0402 21 99 9200	(¹³)	69,01
	– Exceeding 29 % but not exceeding 41 %	0402 21 99 9300	(¹³)	69,68
	– Exceeding 41 % but not exceeding 45 %	0402 21 99 9400	(¹³)	74,46
	– Exceeding 45 % but not exceeding 59 %	0402 21 99 9500	(¹³)	76,24
	– Exceeding 59 % but not exceeding 69 %	0402 21 99 9600	(¹³)	82,71
	– Exceeding 69 % but not exceeding 79 %	0402 21 99 9700	(¹³)	86,29
	– Exceeding 79 %	0402 21 99 9900	(¹³)	90,51
ex 0402 29	– – Other:			
	– – – Of a fat content, by weight, not exceeding 27 %:			
	– – – – Other:			
0402 29 15	– – – – – In immediate packings of a net content not exceeding 2,5 kg:			
	– Of a fat content, by weight:			
	– Not exceeding 11 %	0402 29 15 9200	(¹⁴)	0,2000
	– Exceeding 11 % but not exceeding 17 %	0402 29 15 9300	(¹⁴)	0,5986

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0402 29 19	– Exceeding 17 % but not exceeding 25 %	0402 29 15 9500	(¹⁴)	0,6319
	– Exceeding 25 %	0402 29 15 9900	(¹⁴)	0,6800
	----- Other:			
	– Of a fat content, by weight:			
	– Exceeding 11 % but not exceeding 17 %	0402 29 19 9300	(¹⁴)	0,5986
0402 29 91	– Exceeding 17 % but not exceeding 25 %	0402 29 19 9500	(¹⁴)	0,6319
	– Exceeding 25 %	0402 29 19 9900	(¹⁴)	0,6800
0402 29 91	--- Of a fat content, by weight, exceeding 27 %:			
	---- In immediate packings of a net content not exceeding 2,5 kg	0402 29 91 9000	(¹⁴)	0,6845
0402 29 99	---- Other:			
	– Of a fat content, by weight:			
	– Not exceeding 41 %	0402 29 99 9100	(¹⁴)	0,6845
	– Exceeding 41 %	0402 29 99 9500	(¹⁴)	0,7446
0402 91	– Other:			
	-- Not containing added sugar or other sweetening matter:			
0402 91 11	--- Of a fat content, by weight, not exceeding 8 %:			
	---- In immediate packings of a net content not exceeding 2,5 kg:			
0402 91 19	– Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight exceeding 7,4 %	0402 91 11 9370	(¹³)	6,670
	---- Other:			
0402 91 31	– Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight exceeding 7,4 %	0402 91 19 9370	(¹³)	6,670
	--- Of a fat content, by weight, exceeding 8 % but not exceeding 10 %			
0402 91 39	---- In immediate packings of a net content not exceeding 2,5 kg:			
	– Of a non-fat lactic dry matter content of 15 % or more	0402 91 31 9300	(¹³)	7,9000
0402 91 99	---- Other:			
	– Of a non-fat lactic dry matter content of 15 % or more	0402 91 39 9300	(¹³)	7,9000
0402 91 99	--- Of a fat content, by weight, exceeding 10 % but not exceeding 45 %:			
	---- Other	0402 91 99 9000	(¹³)	36,61
0402 99 11	-- Other:			
	--- Of a fat content, by weight, not exceeding 9,5 %:			
0402 99 19	---- In immediate packings of a net content not exceeding 2,5 kg:			
	----- Of a sucrose content of 40 % or more by weight, of a non-fat lactic dry matter content of 15 % or more and of a content, by weight, exceeding 6,9 %	0402 99 11 9350	(¹⁴)	0,1700
0402 99 31	---- Other:			
	----- Of a sucrose content of 40 % or more by weight, of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight, exceeding 6,9 %	0402 99 19 9350	(¹⁴)	0,1700
0402 99 31	--- Of a fat content, by weight exceeding 9,5 % but not exceeding 45 %:			
	---- In immediate packings not exceeding 2,5 kg:			
0402 99 31	----- Of a fat content, by weight, not exceeding 21 %:			
	----- Of a sucrose content of 40 % or more by weight and of a non-fat lactic dry matter content, by weight, of 15 % or more	0402 99 31 9150	(¹⁴)	0,1780

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0402 99 39	----- Of a fat content, by weight, exceeding 21 % but not exceeding 39 %	0402 99 31 9300	(¹⁴)	0,2191
	----- Of a fat content, by weight, exceeding 39 %	0402 99 31 9500	(¹⁴)	0,3775
	---- Other:			
ex 0405	----- Of a fat content, by weight, not exceeding 21 %, of a sucrose content of 40 % or more by weight and of a non-fat lactic dry matter content, by weight, of 15 % or more	0402 99 39 9150	(¹⁴)	0,1780
	Butter and other fats and oils derived from milk; dairy spreads:			
	-- Butter:			
0405 10	-- Of a fat content, by weight, not exceeding 85 %:			
	--- Natural butter:			
	---- In immediate packings of a net content not exceeding 1 kg:			
0405 10 11	----- Of a fat content by weight:			
	----- Of 80 % or more but less than 82 %	0405 10 11 9500		156,10
	----- Of 82 % or more	0405 10 11 9700		160,00
0405 10 19	---- Other:			
	----- Of a fat content by weight:			
	----- Of 80 % or more but less than 82 %	0405 10 19 9500		156,10
0405 10 30	----- Of 82 % or more	0405 10 19 9700		160,00
	--- Recombined butter:			
	---- In immediate packings of a net content not exceeding 1 kg:			
0405 10 50	----- Of a fat content by weight:			
	----- Of 80 % or more but less than 82 %	0405 10 30 9100		156,10
	----- Of 82 % or more	0405 10 30 9300		160,00
0405 10 90	---- Other:			
	----- Of a fat content by weight:			
	----- Of 82 % or more	0405 10 30 9700		160,00
ex 0405 20	--- Whey butter:			
	---- In immediate packings of a net content not exceeding 1 kg:			
	----- Of a fat content by weight:			
0405 20 90	----- Of 82 % or more	0405 10 50 9300		160,00
	---- Other:			
	----- Of a fat content by weight:			
0405 90	----- Of 80 % or more but less than 82 %	0405 10 50 9500		156,10
	----- Of 82 % or more	0405 10 50 9700		160,00
	-- Other	0405 10 90 9000		165,86
ex 0405 90	-- Dairy spreads:			
	-- Of a fat content by weight of more than 75 % but less than 80 %:			
	--- Of a fat content by weight:			
0405 90 10	---- Of more than 75 % but less than 78 %	0405 20 90 9500		146,35
	---- Of 78 % or more	0405 20 90 9700		152,20
	-- Other:			
0405 90 90	-- Of a fat content by weight of 99,3 % or more and of a water content by weight not exceeding 0,5 %:	0405 90 10 9000		203,30
	-- Other	0405 90 90 9000		160,00

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406	Cheese and curd ⁽⁵⁾ :					
ex 0406 30	– Processed cheese, not grated or powdered ⁽⁶⁾ :					
	– – Other:					
	– – – Of a fat content, by weight, not exceeding 36 % and of a fat content, by weight, in the dry matter:					
ex 0406 30 31	– – – – Not exceeding 48 %:					
	– – – – – Of a dry matter content, by weight:					
	– – – – – – Of 40 % or more but less than 43 %, and of a fat content, by weight, in the dry matter:					
	– – – – – – – Of less than 20 %	60		0406 30 31 9710	⁽⁵⁾	12,33
	– – – – – – – Of 20 % or more	60	20	0406 30 31 9730	⁽⁵⁾	18,09
	– – – – – – – Of 43 % or more and with a fat content, by weight, in the dry matter:					
	– – – – – – – – Of less than 20 %	57		0406 30 31 9910	⁽⁵⁾	12,33
	– – – – – – – – Of 20 % or more but less than 40 %	57	20	0406 30 31 9930	⁽⁵⁾	18,09
	– – – – – – – – Of 40 % or more	57	40	0406 30 31 9950	⁽⁵⁾	26,31
ex 0406 30 39	– – – – Exceeding 48 %:					
	– – – – – Of a dry matter, content, by weight:					
	– – – – – – Of 40 % or more but less than 43 %	60	48	0406 30 39 9500	⁽⁵⁾	18,09
	– – – – – – Of 43 % or more but less than 46 %	57	48	0406 30 39 9700	⁽⁵⁾	26,31
	– – – – – – – Of 46 % or more and with a fat content, by weight, in the dry matter:					
	– – – – – – – – Of less than 55 %	54	48	0406 30 39 9930	⁽⁵⁾	26,31
	– – – – – – – – Of 55 % or more	54	55	0406 30 39 9950	⁽⁵⁾	29,75
ex 0406 30 90	– – – – Of a list content exceeding 36 %	54	79	0406 30 90 9000	⁽⁵⁾	31,21
ex 0406 90 23	– – – – Edam	47	40	0406 90 23 9900	⁽⁵⁾	88,33
ex 0406 90 25	– – – – Tilsit	47	45	0406 90 25 9900	⁽⁵⁾	87,38
ex 0406 90 27	– – – – Butterkäse	52	45	0406 90 27 9900	⁽⁵⁾	79,14
ex 0406 90 76	– – – – – – Danbo, Fontal, Fontina, Fynbo, Havarti, Maribo, Samsøe:					
	– – – – – – – Of a fat content, by weight, in the dry matter of 45 % or more but less than 55 %:					
	– – – – – – – – Of a dry matter content, by weight, of 50 % or more but less than 56 %	50	45	0406 90 76 9300	⁽⁵⁾	82,43
	– – – – – – – – Of a dry matter content, by weight, of 56 % or more	46	55	0406 90 76 9400	⁽⁵⁾	92,33
	– – – – – – – – Of a fat content, by weight, in the dry matter of 55 % or more	46	55	0406 90 76 9500	⁽⁵⁾	87,08

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406 90 78	----- Gouda:					
	----- Of a fat content, by weight, in the dry matter of less than 48 %	50	20	0406 90 78 9100	(⁵)	86,92
	----- Of a fat content by weight, in the dry matter of 48 % or more but less 55 %	45	48	0406 90 78 9300	(⁵)	90,08
	----- Other	45	55	0406 90 78 9500	(⁵)	88,70
ex 0406 90 79	----- Esrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio	56	40	0406 90 79 9900	(⁵)	73,33
ex 0406 90 81	----- Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby, Monterey	44	45	0406 90 81 9900	(⁵)	92,33
ex 0406 90 86	----- Exceeding 47 % but not exceeding 52 %:					
	----- cheeses produced from whey			0406 90 86 9100		—
	----- Other, of a fat content, by weight, in the dry matter:					
	----- Of less than 5 %	52		0406 90 86 9200	(⁵)	86,90
	----- Of 5 % or more but less than 19 %	51	5	0406 90 86 9300	(⁵)	87,82
	----- Of 19 % or more but less than 39 %	47	19	0406 90 86 9400	(⁵)	92,33
	----- Of 39 % or more	40	39	0406 90 86 9900	(⁵)	100,22
ex 0406 90 87	----- Exceeding 52 % but not exceeding 62 %:					
	----- cheeses produced from whey, except for Manouri			0406 90 87 9100		—
	----- Other, of a fat content, by weight, in the dry matter:					
	----- Of less than 5 %	60		0406 90 87 9200	(⁵)	72,41
	----- Of 5 % or more but less than 19 %	55	5	0406 90 87 9300	(⁵)	80,66
	----- Of 19 % or more but less than 40 %	53	19	0406 90 87 9400	(⁵)	81,88
	----- Of 40 % or more:					
	----- Idiazabal, Manchego and Roncal manufactured exclusively from sheep's milk	45	45	0406 90 87 9951	(⁵)	90,68
	----- Maasdam	45	45	0406 90 87 9971	(⁵)	90,68
	----- Manouri	43	53	0406 90 87 9972	(⁵)	38,79
	----- Hushallsost	46	45	0406 90 87 9973	(⁵)	89,03
	----- Murukoloinen	41	50	0406 90 87 9974	(⁵)	96,21
	----- Other	47	40	0406 90 87 9979	(⁵)	88,33

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406 90 88	----- Exceeding 62 % but not exceeding 72 %: ----- cheeses produced from whey ----- Other: ----- Other: ----- Of a fat content, by weight, in the dry matter: ----- Of 10 % or more but less than 19 %	60	10	0406 90 88 9100 0406 90 88 9300	 (⁵)	— 70,98

(⁵) In the case of cheeses presented in containers which also contain conserving liquid, in particular brine, the aid is granted on the net weight, the weight of the liquid being deducted.

(⁶) Where the product contains non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate and/or products falling within CN code 3504, the part corresponding to the added non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate and/or products falling within CN code 3504 will not be taken into account for the purpose of calculating the aid.

When completing customs formalities, the party concerned is to state, on the declaration provided for the purpose, whether or not non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate and/or products falling within CN code 3504 have been added and, if so, the maximum content by weight of added non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate and/or products falling within CN code 3504 per 100 kilograms of finished product.

(⁷) The aid on frozen condensed milk is the same as that on products falling within CN codes 0402 91 or 0402 99.

(¹³) Where the product contains non-lactic matter, the non-lactic matter is not to be taken into account for the purposes of calculating the aid.

When completing customs formalities, the applicant must state on the declaration provided for that purpose whether or not non-lactic matter has been added and, where this is the case, the maximum content by weight of the non-lactic matter added per 100 kilograms of finished product.

(¹⁴) Where the product contains non-lactic matter other than sucrose, the non-lactic matter other than sucrose is not to be taken into account for the purposes of calculating the aid.

The aid on 100 kilograms of product covered by this subheading is equal to the sum of the following components:

(a) the amount per kilogram shown, multiplied by the weight of the lactic matter per 100 kilograms of product;

(b) a component calculated in accordance with Article 12(3) of Commission Regulation (EC) No 1466/95 (OJ L 144, 28.6.1995, p. 22).

When completing customs formalities, the applicant must state on the declaration provided for that purpose the maximum content by weight of sucrose and/or other non-lactic matter added per 100 kilograms of finished product.

COMMISSION REGULATION (EC) No 2449/2001**of 13 December 2001****fixing the export refunds on products processed from cereals and rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽³⁾, as last amended by Regulation (EC) No 1987/2001 ⁽⁴⁾, and in particular Article 13(3) thereof,

Whereas:

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 271, 12.10.2001, p. 5.

⁽⁵⁾ OJ L 147, 30.6.1995, p. 55.

⁽⁶⁾ OJ L 312, 23.12.1995, p. 25.

Article 2

This Regulation shall enter into force on 14 December 2001.

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

Done at Brussels, 13 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 13 December 2001 fixing the export refunds on products processed from cereals and rice

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 ⁽¹⁾	C01	EUR/t	27,96	1104 23 10 9100	A00	EUR/t	29,96
1102 20 10 9400 ⁽¹⁾	C01	EUR/t	23,96	1104 23 10 9300	A00	EUR/t	22,97
1102 20 90 9200 ⁽¹⁾	C01	EUR/t	23,96	1104 29 11 9000	A00	EUR/t	0,00
1102 90 10 9100	C01	EUR/t	0,00	1104 29 51 9000	A00	EUR/t	0,00
1102 90 10 9900	C01	EUR/t	0,00	1104 29 55 9000	A00	EUR/t	0,00
1102 90 30 9100	C01	EUR/t	0,00	1104 30 10 9000	A00	EUR/t	0,00
1103 12 00 9100	A00	EUR/t	0,00	1104 30 90 9000	A00	EUR/t	4,99
1103 13 10 9100 ⁽¹⁾	A00	EUR/t	35,95	1107 10 11 9000	A00	EUR/t	0,00
1103 13 10 9300 ⁽¹⁾	A00	EUR/t	27,96	1107 10 91 9000	A00	EUR/t	0,00
1103 13 10 9500 ⁽¹⁾	A00	EUR/t	23,96	1108 11 00 9200	A00	EUR/t	0,00
1103 13 90 9100 ⁽¹⁾	A00	EUR/t	23,96	1108 11 00 9300	A00	EUR/t	0,00
1103 19 10 9000	A00	EUR/t	16,42	1108 12 00 9200	A00	EUR/t	31,95
1103 19 30 9100	A00	EUR/t	0,00	1108 12 00 9300	A00	EUR/t	31,95
1103 21 00 9000	A00	EUR/t	0,00	1108 13 00 9200	A00	EUR/t	31,95
1103 29 20 9000	A00	EUR/t	0,00	1108 13 00 9300	A00	EUR/t	31,95
1104 11 90 9100	A00	EUR/t	0,00	1108 19 10 9200	A00	EUR/t	65,36
1104 12 90 9100	A00	EUR/t	0,00	1108 19 10 9300	A00	EUR/t	65,36
1104 12 90 9300	A00	EUR/t	0,00	1109 00 00 9100	A00	EUR/t	0,00
1104 19 10 9000	A00	EUR/t	0,00	1702 30 51 9000 ⁽²⁾	A00	EUR/t	31,30
1104 19 50 9110	A00	EUR/t	31,95	1702 30 59 9000 ⁽²⁾	A00	EUR/t	23,96
1104 19 50 9130	A00	EUR/t	25,96	1702 30 91 9000	A00	EUR/t	31,30
1104 21 10 9100	A00	EUR/t	0,00	1702 30 99 9000	A00	EUR/t	23,96
1104 21 30 9100	A00	EUR/t	0,00	1702 40 90 9000	A00	EUR/t	23,96
1104 21 50 9100	A00	EUR/t	0,00	1702 90 50 9100	A00	EUR/t	31,30
1104 21 50 9300	A00	EUR/t	0,00	1702 90 50 9900	A00	EUR/t	23,96
1104 22 20 9100	A00	EUR/t	0,00	1702 90 75 9000	A00	EUR/t	32,80
1104 22 30 9100	A00	EUR/t	0,00	1702 90 79 9000	A00	EUR/t	22,77
				2106 90 55 9000	A00	EUR/t	23,96

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

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

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

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

C01: All destinations except Poland.

COMMISSION REGULATION (EC) No 2450/2001**of 13 December 2001****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 943/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 7 to 13 December 2001, pursuant to the invitation to tender issued in Regulation (EC) No 943/2001, the maximum refund on exportation of common wheat shall be EUR 0,00/t.

Article 2

This Regulation shall enter into force on 14 December 2001.

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

Done at Brussels, 13 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 89, 29.3.2001, p. 16.

⁽⁵⁾ OJ L 133, 16.5.2001, p. 3.

COMMISSION REGULATION (EC) No 2451/2001
of 13 December 2001
concerning tenders notified in response to the invitation to tender for the export of barley issued
in Regulation (EC) No 1558/2001

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 7 to 13 December 2001 in response to the invitation to tender for the refund for the export of barley issued in Regulation (EC) No 1558/2001.

Article 2

This Regulation shall enter into force on 14 December 2001.

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

Done at Brussels, 13 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 89, 29.3.2001, p. 16.

⁽⁵⁾ OJ L 205, 31.7.2001, p. 33.

COMMISSION REGULATION (EC) No 2452/2001**of 13 December 2001****fixing the maximum export refund on rye in connection with the invitation to tender issued in Regulation (EC) No 1005/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 7 to 13 December 2001, pursuant to the invitation to tender issued in Regulation (EC) No 1005/2001, the maximum refund on exportation of rye shall be EUR 26,13/t.

Article 2

This Regulation shall enter into force on 14 December 2001.

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

Done at Brussels, 13 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 89, 29.3.2001, p. 16.

⁽⁵⁾ OJ L 140, 24.5.2001, p. 10.

COMMISSION REGULATION (EC) No 2453/2001**of 13 December 2001****amending the rates of the refunds applicable to certain products from the milk sector exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) The rates of the refunds applicable from 1 December 2001 to the products listed in the Annex, exported in the form of goods not covered by Annex I to the Treaty, were fixed by Commission Regulation (EC) No 2346/2001 ⁽³⁾.

- (2) It follows from applying the rules and criteria contained in Regulation (EC) No 2346/2001 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EC) No 2346/2001 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 14 December 2001.

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

Done at Brussels, 13 December 2001.

For the Commission

Erkki LIIKANEN

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 315, 1.12.2001, p. 36.

ANNEX

to the Commission Regulation of 13 December 2001 altering the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty

(EUR/100 kg)

CN code	Description	Rate of refund
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):	
	(a) On exportation of goods of CN code 3501	—
	(b) On exportation of other goods	20,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):	
	(a) Where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 2571/97 are exported	38,58
	(b) On exportation of other goods	68,00
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):	
	(a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 2571/97 are exported	75,00
	(b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	167,25
	(c) On exportation of other goods	160,00

COMMISSION REGULATION (EC) No 2454/2001**of 13 December 2001****amending Regulation (EC) No 2805/95 fixing the export refunds in the wine sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 2826/2000 ⁽²⁾, and in particular Articles 63 and 64,

Whereas:

- (1) Pursuant to Article 63 of Regulation (EC) No 1493/1999 to the extent necessary to enable the products listed in Article 1(2)(a) and (b) of that Regulation to be exported on the basis of the prices for those products on the world market and within the limits of the Agreements concluded in accordance with Article 300 of the Treaty, the difference between those prices and the prices in the Community may be covered by an export refund.
- (2) Pursuant to Article 64(3) of Regulation (EC) No 1493/1999, refunds are to be fixed taking into account the situation and likely trends with regard to:
 - prices and availability of the products in question on the Community market,
 - world market prices for those products.
- (3) Account must also be taken of the other criteria and objectives referred to in Article 64(3) of Regulation (EC) No 1493/1999. In particular, consideration must be

given to the limits of the Agreements concluded in accordance with Article 300 of the Treaty, and in particular those resulting from the agreements concluded in the framework of the Uruguay Round of multilateral trade negotiations.

- (4) When applying the abovementioned rules to the current market situation, the refunds should be fixed in accordance with the Annex to this Regulation; whereas Commission Regulation (EC) No 2805/95 ⁽³⁾, as last amended by Regulation (EC) No 1802/2001 ⁽⁴⁾, should be amended accordingly and provision made to implement it immediately.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wines,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 2805/95 is hereby replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 2002.

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

Done at Brussels, 13 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 179, 14.7.1999, p. 1.

⁽²⁾ OJ L 328, 23.12.2000, p. 2.

⁽³⁾ OJ L 291, 6.12.1995, p. 10.

⁽⁴⁾ OJ L 244, 14.9.2001, p. 21.

ANNEX

**to the Commission Regulation of 13 December 2001 amending Regulation (EC) No 2805/95 fixing the export
refunds in the wine sector**

Product code	Destination	Unit of measurement	Amount of refund
2009 69 11 9100	W01	EUR/hl	39,023
2009 69 19 9100	W01	EUR/hl	39,023
2009 69 51 9100	W01	EUR/hl	39,023
2009 69 71 9100	W01	EUR/hl	39,023
2204 30 92 9100	W01	EUR/hl	39,023
2204 30 94 9100	W01	EUR/hl	10,339
2204 30 96 9100	W01	EUR/hl	39,023
2204 30 98 9100	W01	EUR/hl	10,339
2204 21 79 9100	W02	EUR/hl	7,419
2204 21 79 9100	W03	EUR/hl	6,455
2204 21 80 9100	W02	EUR/hl	8,963
2204 21 80 9100	W03	EUR/hl	7,799
2204 21 83 9100	W02	EUR/hl	10,132
2204 21 83 9100	W03	EUR/hl	8,816
2204 21 84 9100	W02	EUR/hl	12,242
2204 21 84 9100	W03	EUR/hl	10,653
2204 21 79 9200	W02	EUR/hl	8,685
2204 21 79 9200	W03	EUR/hl	7,556
2204 21 80 9200	W02	EUR/hl	10,494
2204 21 80 9200	W03	EUR/hl	9,130
2204 21 79 9910	W02 and W03	EUR/hl	4,543
2204 21 94 9910	W02 and W03	EUR/hl	14,250
2204 21 98 9910	W02 and W03	EUR/hl	14,250
2204 29 62 9100	W02	EUR/hl	7,419
2204 29 62 9100	W03	EUR/hl	6,455
2204 29 64 9100	W02	EUR/hl	7,419

Product code	Destination	Unit of measurement	Amount of refund
2204 29 64 9100	W03	EUR/hl	6,455
2204 29 65 9100	W02	EUR/hl	7,419
2204 29 65 9100	W03	EUR/hl	6,455
2204 29 71 9100	W02	EUR/hl	8,963
2204 29 71 9100	W03	EUR/hl	7,799
2204 29 72 9100	W02	EUR/hl	8,963
2204 29 72 9100	W03	EUR/hl	7,799
2204 29 75 9100	W02	EUR/hl	8,963
2204 29 75 9100	W03	EUR/hl	7,799
2204 29 62 9200	W02	EUR/hl	8,685
2204 29 62 9200	W03	EUR/hl	7,556
2204 29 64 9200	W02	EUR/hl	8,685
2204 29 64 9200	W03	EUR/hl	7,556
2204 29 65 9200	W02	EUR/hl	8,685
2204 29 65 9200	W03	EUR/hl	7,556
2204 29 71 9200	W02	EUR/hl	10,494
2204 29 71 9200	W03	EUR/hl	9,130
2204 29 72 9200	W02	EUR/hl	10,494
2204 29 72 9200	W03	EUR/hl	9,130
2204 29 75 9200	W02	EUR/hl	10,494
2204 29 75 9200	W03	EUR/hl	9,130
2204 29 83 9100	W02	EUR/hl	10,132
2204 29 83 9100	W03	EUR/hl	8,816
2204 29 84 9100	W02	EUR/hl	12,242
2204 29 84 9100	W03	EUR/hl	10,653
2204 29 62 9910	W02 and W03	EUR/hl	4,543
2204 29 64 9910	W02 and W03	EUR/hl	4,543
2204 29 65 9910	W02 and W03	EUR/hl	4,543

Product code	Destination	Unit of measurement	Amount of refund
2204 29 94 9910	W02 and W03	EUR/hl	14,250
2204 29 98 9910	W02 and W03	EUR/hl	14,250

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

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

The other destinations are defined as follows:

W01 Libya, Nigeria, Cameroon, Gabon, Saudi Arabia, United Arab Emirates, India, Thailand, Vietnam, Indonesia, Malaysia, Brunei, Singapore, Philippines, China, Hong Kong SAR, South Korea, Japan, Taiwan, Equatorial Guinea,

W02 all countries of the African continent with the exception of: Algeria, Morocco, Tunisia, South Africa,

W03 all destinations, with the exception of: Africa, America, Australia, Bosnia-Herzegovina, Croatia, Cyprus, Israel, The Republic of Serbia and Montenegro, Slovenia, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, Hungary, Bulgaria, Romania.

II

(Acts whose publication is not obligatory)

COUNCIL

Information on the entry into force of the Agreement on Mutual Recognition between the European Community and Japan ⁽¹⁾

The Agreement on Mutual Recognition between the European Community and Japan, which the Council decided to conclude on 27 September 2001, will enter into force on 1 January 2002, the procedures provided for in Article 14 of the Agreement having been completed on 28 November 2001.

⁽¹⁾ OJ L 284, 29.10.2001, p. 3.

COMMISSION

COMMISSION DECISION

of 12 December 2001

excluding from Community financing certain expenditure incurred by Italy under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF)

(notified under document number C(2001) 4008)

(Only the Italian text is authentic)

(2001/889/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽¹⁾, as last amended by Regulation (EC) No 1287/95 ⁽²⁾, and in particular Article 5(2)(c) thereof,

After consulting the Committee for the European Agricultural Guidance and Guarantee Fund,

Whereas:

(1) Article 5(2)(c) of Regulation (EEC) No 729/70 stipulates that the Commission is to exclude expenditure from Community financing where it finds that it has not been incurred in accordance with Community rules.

(2) The above Article of Regulation (EEC) No 729/70 and Article 8(1) and (2) of Commission Regulation (EC) No 1663/95 of 7 July 1995 laying down detailed rules for the application of Council Regulation (EEC) No 729/70 regarding the procedure for the clearance of the accounts of the EAGGF Guarantee Section ⁽³⁾, as last amended by Regulation (EC) No 2025/2001 ⁽⁴⁾, provide that the Commission is to carry out the necessary checks, forward its findings to the Member States, consider any comments from the latter, enter into bilateral discussions to reach an agreement with the Member States concerned and formally communicate its conclusions to them, referring to Commission Decision 94/

442/EC of 1 July 1994 setting up a conciliation procedure in the context of the clearance of the accounts of the European Agricultural Guidance and Guarantee Fund (EAGGF) Guarantee Section ⁽⁵⁾, as last amended by Decision 2001/535/EC ⁽⁶⁾.

(3) The Member States have had the opportunity to request that a conciliation procedure be initiated. That procedure has been applied and the report issued on the outcome has been considered by the Commission.

(4) Articles 2 and 3 of Regulation (EEC) No 729/70 provide that refunds on exports to third countries and intervention intended to stabilise agricultural markets may be financed only where they are, respectively, granted and undertaken in accordance with the Community rules governing the common organisation of the agricultural markets.

(5) The findings of checks performed, the results of bilateral discussions and the outcome of the conciliation procedures have shown that some expenditure declared by Italy does not meet those conditions and cannot therefore be financed under the EAGGF Guarantee Section.

(6) The Annex to this Decision sets out the amounts that are not recognised as being chargeable to the EAGGF Guarantee Section. Those amounts do not relate to expenditure incurred more than 24 months before the Commission's written notification of the results of the checks to Italy.

⁽¹⁾ OJ L 94, 28.4.1970, p. 13.

⁽²⁾ OJ L 125, 8.6.1995, p. 1.

⁽³⁾ OJ L 158, 8.7.1995, p. 6.

⁽⁴⁾ OJ L 274, 17.10.2001, p. 3.

⁽⁵⁾ OJ L 182, 16.7.1994, p. 45.

⁽⁶⁾ OJ L 193, 17.7.2001, p. 25.

- (7) As regards the cases covered by this Decision, the assessment of the amounts to be excluded on grounds of non-compliance with Community rules was notified by the Commission to Italy and is set out in a summary report on the subject.
- (8) This Decision is without prejudice to any financial conclusions that the Commission may draw from the judgments of the Court of Justice in cases pending on 1 November 2001 and relating to the subject thereof,

EAGGF Guarantee Section is hereby excluded from Community financing because it does not comply with Community rules.

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 12 December 2001.

HAS ADOPTED THIS DECISION:

Article 1

The expenditure itemised in the Annex that has been incurred by Italy's accredited paying agency and declared under the

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Total corrections
(National currency)

Sector	Member State	Budget heading	Reason	Expenditure to be excluded from financing (national currency)	Already deducted (national currency)	Financial consequences of this decision (national currency)	Financial year
Milk and milk products	IT	2071-102	Additional levy due less amounts already declared and amounts subject to judicial review at national level	– 246 271 279 212,00	– 246 271 279 212,00 ⁽¹⁾	0,00	1996
Milk and milk products	IT	2071-122	Interest due for late payment	– 51 838 864 550,00	0,00	– 51 838 864 550,00	1996
Milk and milk products	IT	2071-103	Additional levy due less amounts already declared and amounts subject to judicial review at national level	– 187 104 014 608,00	– 151 107 377 003,00	– 35 996 637 605,00	1997
Milk and milk products	IT	2071-123	Interest due for late payment	– 26 277 651 252,00	0,00	– 26 277 651 252,00	1997
IT Total				– 511 491 809 622,00	– 397 378 656 215,00	– 114 113 153 407,00	

⁽¹⁾ This amount represents ITL 291 416 642 411 being the amount already deducted less ITL 45 145 363 199 to be held in reserve with regard to cases subject to judicial review at national level

Total corrections in euro

Sector	Member State	Budget heading	Reason	Expenditure to be excluded from financing (euro)	Already deducted (euro)	Financial consequences of this decision (euro)	Financial year
Milk and milk products	IT	2071-102	Additional levy due less amounts already declared and amounts subject to judicial review at national level	- 127 188 501,20	- 127 188 501,20 ⁽¹⁾	0,00	1996
Milk and milk products	IT	2071-122	Interest due for late payment	- 26 772 539,24	0,00	- 26 772 539,24	1996
Milk and milk products	IT	2071-103	Additional levy due less amounts already declared and amounts subject to judicial review at national level	- 96 631 159,19	- 78 040 447,36	- 18 590 711,84	1997
Milk and milk products	IT	2071-123	Interest due for late payment	- 13 571 274,28	0,00	- 13 571 274,28	1997
IT Total				- 264 163 473,91	- 205 228 948,55	- 58 934 525,35	

⁽¹⁾ This amount represents EUR 150 504 135,48 being the amount already deducted less EUR 23 315 634,29 to be held in reserve with regard to cases subject to judicial review at national level

COMMISSION DECISION
of 13 December 2001
on the recognition of the 'Hellenic Register of Shipping' in accordance with Article 4(3) of Council Directive 94/57/EC

(notified under document number C(2001) 4218)

(Only the Greek text is authentic)

(Text with EEA relevance)

(2001/890/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 94/57/EC of 22 November 1994 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administration ⁽¹⁾, as last amended by Commission Directive 97/58/EC ⁽²⁾, and in particular Article 4(3) thereof,

Having regard to the letters dated 3 and 30 August 2001 from the Greek Ministry of Mercantile Marine, requesting the recognition of the 'Hellenic Register of Shipping' (hereafter 'HRS') as per Article 4(3) (limited recognition),

Whereas:

- (1) The three year limited recognition under Article 4(3) of Directive 94/57/EC is a recognition granted to organisations (classification societies) which fulfil all criteria other than those set out under paragraphs 2 and 3 of the section 'General' of the Annex, but which is limited in time and scope in order for the organisations concerned to further gain experience.
- (2) With a view to recognition, the Commission's assessment of HRS was carried out between 4 and 6 September 2001 at the head office in Piraeus, on the basis of the evidence submitted by the Greek administration and HRS. The Commission assessment also took into consideration findings of other recent visits to HRS offices, namely between 26 and 30 March 2001 in Piraeus and on 2 April 2001 at the regional office in

Nicosia, Cyprus. On the basis of all the evidence gathered it was verified that HRS meets all the criteria of the Directive other than those set out under paragraphs 2 and 3 of the section 'General' of the Annex.

- (3) The measures provided for in this Decision are in accordance with the opinion of the Committee set up under Article 7 of Directive 94/57/EC,

HAS ADOPTED THIS DECISION:

Article 1

The 'Hellenic Register of Shipping' is recognised pursuant to Article 4(3) of Directive 94/57/EC for a period of three years as from the date of adoption of this Decision.

Article 2

The effects of this recognition are limited to Greece.

Article 3

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 13 December 2001.

For the Commission

Loyola DE PALACIO

Vice-President

⁽¹⁾ OJ L 319, 12.12.1994, p. 20.

⁽²⁾ OJ L 274, 7.10.1997, p. 8.

**ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON SOCIAL SECURITY
FOR MIGRANT WORKERS**

DECISION No 181

of 13 December 2000

concerning the interpretation of Articles 14(1), 14a(1) and 14b(1) and (2) of Council Regulation (EEC) No 1408/71 on the legislation applicable to posted workers and self-employed workers temporarily working outside the competent State

(Text with EEA relevance)

(2001/891/EC)

THE ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON SOCIAL SECURITY FOR MIGRANT WORKERS,

Having regard to Article 81(a) of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to the members of their families moving within the Community, under which it is made responsible for dealing with all administrative questions or questions of interpretation arising from the provisions of Regulation (EEC) No 1408/71 and subsequent Regulations,

Whereas:

- (1) Decision No 162 of 31 May 1996 should be brought up to date.
- (2) The provisions of Articles 14(1), 14a(1) and 14b(1) and (2) of Regulation (EEC) No 1408/71, which provide for an exception to the general rule laid down in Article 13(2)(a), (b) or (c) of the said Regulation, aim in particular to facilitate the freedom to provide services for the benefit of undertakings which post workers to Member States other than that in which they are established, as well as the freedom of workers to move to other Member States. These provisions also aim at overcoming the obstacles likely to impede freedom of movement of workers and at encouraging economic interpenetration whilst avoiding administrative complications, especially for workers and undertakings.
- (3) The purpose of these provisions is thus to avoid, for workers, employers and social security institutions, the administrative complications which would result from the application of the general rule laid down in Article 13(2)(a), (b) or (c) of the said Regulation where the period of employment is of short duration in a Member State or on a vessel flying the flag of a Member State other than the State in which the undertaking has its registered office or a place of business or the State in which the self-employed person normally pursues his activity.
- (4) The scope of Article 14a(1)(a) should be clarified, taking account of the case-law of the Court of Justice.
- (5) The provisions of Articles 14(1), 14a(1) and 14b(1) and (2) of Regulation (EEC) No 1408/71 provide for an exception to the general rule laid down in Article 13(2)(a), (b) and (c) of the said Regulation.

- (6) The scope of these same provisions should be delimited more precisely and to this end several specific cases that are likely to arise should be listed.
- (7) The scope of Articles 14(1) or 14b(1) of the said Regulation should for the sake of simplicity be extended to cover the case of a worker who is engaged in a Member State in which the undertaking has its registered office or place of business with a view to being posted to another Member State or to a vessel flying the flag of another Member State, in order to take account of the case-law of the Court of Justice.
- (8) To this end, the first decisive condition for the application of Articles 14(1) or 14b(1) of the said Regulation is the existence of a direct relationship between the undertaking and the worker it engages.
- (9) The protection of the worker and the legal security to which he and the institution with which he is insured are entitled require full guarantees that the direct relationship be maintained throughout the period of posting.
- (10) The second decisive condition for application of Articles 14(1) or 14b(1) of the said Regulation is the existence of ties between the undertaking and the Member State in which it is established. The possibility of posting should therefore be confined solely to undertakings normally carrying on their business in the territory of the Member State whose legislation remains applicable to the posted worker; assuming therefore that the above provisions apply only to undertakings which habitually carry on significant activities in the territory of the Member State in which they are established.
- (11) Any unwarranted extension of the period of posting due to repeated brief interruptions should be avoided.
- (12) There can no longer be any guarantee of maintaining the direct relationship if the posted worker is made available to a third undertaking.
- (13) The administrative complications which Article 14(1) seeks to avoid will at any rate arise if a worker engaged by an undertaking established in a Member State with a view to being posted to another Member State had previously been subject to the legislation of a third Member State or of a non-member country and, a fortiori, if he had previously been subject to the legislation of the Member State to which he is posted. The purpose of Article 14(1) would thus be disregarded. The same applies, *mutatis mutandis*, to Article 14b(1).
- (14) It is necessary to be able to carry out, throughout the period of posting, all the checks, in particular with regard to the payment of contributions and the maintenance of the direct relationship, required to prevent wrongful use of the abovementioned provisions, and to ensure that administrative bodies, employers and workers are suitably informed.
- (15) The worker and the employer must be duly informed of the conditions under which the posted worker is allowed to remain subject to the legislation of the country from which he has been posted.
- (16) The certificate (form E 101) may have retroactive effect, although it should preferably be issued in advance.
- (17) The legal effects of the said certificate referred to in Articles 11 and 11a of Council Regulation (EEC) No 574/72 and, consequently, the institutions' duty to cooperate need to be defined precisely.
- (18) The situation of undertakings and workers should be assessed and monitored by the social security institutions with the appropriate guarantees so as not to impede the freedom to provide services and the freedom of movement of workers.
- (19) The principle of sincere cooperation, laid down in Article 10 of the EC Treaty, places a number of obligations on the competent institutions for the purpose of implementing Articles 14(1), 14a(1) and 14b(1) and (2). The role of the Administrative Commission needs to be defined more precisely in order to facilitate the application of this principle.

- (20) The role of the Administrative Commission in the reconciliation of opposing views held by the institutions concerning the applicable legislation, and the procedure for referral to it, need to be defined precisely.

Acting in accordance with the provisions of Article 80(3) of Regulation (EEC) No 1408/71,

HAS DECIDED AS FOLLOWS:

1. The provisions of Articles 14(1) and 14b(1) of Regulation (EEC) No 1408/71 shall apply to a worker subject to the legislation of a Member State (sending State) by virtue of the pursuit of an activity in the employ of an undertaking and who is sent by that undertaking to another Member State (State of employment) in order to perform work there for the said undertaking.

The work shall be regarded as being performed for the undertaking of the sending State if it has been established that this work is being performed for that undertaking and that there continues to exist a direct relationship between the worker and the undertaking that posted him.

In order to establish whether such a direct relationship continues to exist, assuming therefore that the worker continues to be under the authority of the undertaking which posted him, a number of elements have to be taken into account, including responsibility for recruitment, employment contract, dismissal, the authority to determine the nature of the work.

2. Article 14a(1) requires the worker to have been self-employed in the territory of the sending State before performing work on the territory of the State of employment. It is therefore assumed that the worker has been pursuing significant activities for a certain length of time in the territory of the State where he is established before moving to another Member State to perform work in an employed or self-employed capacity, the content and duration of which are predefined and the existence of which must be proven by the relevant contracts.

Moreover, in the course of the period during which the worker performs such work, he must continue to fulfil in the sending State the conditions enabling him to pursue his activity when he returns. To this end, he must maintain the infrastructure he needs to pursue his activity in the State in which he is established, in accordance with the legal provisions in force in that State, such as having use of office space, paying social security contributions, paying taxes, having a professional card and a VAT number or being registered with chambers of commerce or professional bodies.

3. Pursuant to the provisions of paragraph 1 of this Decision, the abovementioned Articles 14(1) and 14b(1) shall continue to apply in particular under the following conditions:

- (a) posting of regular staff:

if the worker, posted by an undertaking in the sending State to an undertaking in the State of employment, is also posted to one or more other undertakings in the same State of employment, in so far, however, as the worker continues to carry out his work for the undertaking which posted him. This may be the case, in particular, if the undertaking posted the worker to a Member State in order to perform work there successively or simultaneously in two or more undertakings situated in the same Member State;

- (b) posting of staff engaged with a view to being posted:

if the worker subject to the legislation of a Member State in accordance with the provisions of Regulation (EEC) No 1408/71 is engaged in that Member State, in which the undertaking has its registered office or place of business, with a view to being posted on behalf of that undertaking either to another Member State or to a vessel flying the flag of another Member State, provided that:

- (i) a direct relationship still exists between that undertaking and the worker during his period of posting, and
- (ii) the undertaking normally carries out its activity in the territory of the first Member State, i.e. the undertaking habitually carries out significant activities in the territory of the first Member State.

In order, where necessary and in cases of doubt, to determine whether an undertaking habitually carries on significant activities in the territory of the Member State in which it is established, the competent institution in the latter is required to examine all the criteria characterising the activities carried on by that undertaking, including the place where the undertaking has its registered office and administration, the number of administrative staff working in the Member State in which it is established and in the other Member State, the place where posted workers are recruited and the place where the majority of contracts with clients are concluded, the law applicable to the contracts concluded by the undertaking with its workers, on the one hand, and with its clients, on the other hand, and the turnover during an appropriately typical period in each Member State concerned. This is not an exhaustive list, as the criteria should be adapted to each specific case and take account of the nature of the activities carried out by the undertaking in the State in which it is established.

In particular, an undertaking which is established in a Member State and which posts workers to the territory of another Member State and engages in purely internal management activities in the first Member State may not invoke the provisions of Article 14(1)(a) of Regulation (EEC) No 1408/71;

- (c) brief interruption of the worker's activities with the undertaking in the State of employment shall not constitute an interruption of the posting within the meaning of Articles 14(1) and 14b(1).
- 4. The provisions of the aforementioned Articles 14(1) and 14b(1) shall not apply or shall cease to apply in particular:
 - (a) if the undertaking to which the worker has been posted places him at the disposal of another undertaking in the Member State in which it is situated;
 - (b) if the worker posted to a Member State is placed at the disposal of an undertaking situated in another Member State;
 - (c) if the worker is recruited in a Member State in order to be sent by an undertaking situated in a second Member State to an undertaking in a third Member State.
- 5. (a) The competent institution of the Member State to whose legislation the person concerned remains subject pursuant to the aforementioned Articles 14(1) and 14b(1), in the cases provided for by this Decision, shall duly inform the employer and the worker concerned of the conditions under which the posted worker may continue to be subject to its legislation. The employer shall thus be informed of the possibility of checks throughout the period of posting so as to ascertain that this period has not come to an end. Such checks may relate, in particular, to the payment of contributions and the maintenance of the direct relationship.

The competent institution of the Member State in which the person concerned is established, to whose legislation the self-employed person remains subject pursuant to the aforementioned Articles 14a(1) and 14b(2), shall duly inform him of the conditions under which he may continue to be subject to its legislation. The person concerned shall thus be informed of the possibility of checks throughout the period during which he pursues a temporary activity in the State in which he is active, so as to ascertain that the conditions applying to that activity have not changed. Such checks may relate, in particular, to the payment of contributions and the maintenance of the infrastructure needed to pursue his activity in the State in which he is established.

- (b) Moreover, the posted worker and his employer shall inform the competent institution of the sending State of any change occurring during the period of posting, in particular:
 - if the posting applied for has in the end not taken place or if the extension of the posting applied for has in the end not taken place,
 - if the activity is interrupted in a case other than that provided for in paragraph 3(c) of this Decision,
 - if the posted worker has been assigned by his employer to another undertaking in the sending State, in particular in the event of merger or transfer of an undertaking.
- (c) The competent institution of the sending State shall, where appropriate and upon request, provide the institution of the State of employment with the information referred to in subparagraph (b).

- (d) The competent institutions of the sending State and of the State of employment shall cooperate in carrying out the abovementioned checks and where there is any doubt concerning the applicability of Article 14(1)(a) or (b), Article 14a(1) or Article 14b(1) or (2) of Regulation (EEC) No 1408/71.
6. Form E 101 should preferably be issued before the beginning of the period concerned; it may, however, be issued during this period or even after it has expired, in which case it may have retroactive effect.
7. The duty to cooperate referred to in point 5(d) of this Decision also requires:
- (a) that the competent institution in the sending State carry out a proper assessment of the facts relevant for the application of Articles 14(1), 14a(1) and 14b(1) and (2) of Regulation (EEC) No 1408/71 and Articles 11 and 11a of Regulation (EEC) No 574/72 and consequently guarantees that the information contained in form E 101 is complete;
 - (b) that the competent institution of the State of employment and of any other Member State regard themselves as bound by the E 101 form as long as it is not withdrawn or declared invalid by the competent institution of the sending State;
 - (c) that the competent institution in the sending State reconsider the grounds for the issue of this form and, if necessary, withdraw the certificate if the institution in the State of employment expresses doubts as to the correctness of the facts on which the form is based.
8. The social security institutions shall assess and monitor the situations covered by Articles 14(1), 14a(1) and 14b(1) and (2) of Regulation (EEC) No 1408/71 and provide undertakings and workers with all appropriate guarantees so as not to impede the freedom to provide services and the freedom of movement of workers. In particular, the criteria used for assessing whether an undertaking habitually pursues significant activities in the territory of a State, whether a direct relationship exists between the undertaking and the worker, or whether a self-employed worker maintains the infrastructure needed to pursue his activity in a State, must be defined objectively, notified to the interested parties and applied consistently and evenly in the same or similar situations.
9. Where the competent institutions fail to reach an agreement, they may submit to the Administrative Commission, through their government representative, a note which will be examined at the first meeting following the 20th day after its submission with a view to reconciling the opposing views on the legislation applicable to the case.
10. The Administrative Commission shall encourage cooperation between the competent authorities in the Member States for the purpose of implementing Articles 14(1), 14a(1) and 14b(1) and (2) and shall facilitate follow-up work and the exchange of information, experience and good practice when fixing and grading the criteria for assessing the situations of undertakings and workers, and in connection with the control measures put in place. To this end, it shall draw up in stages, for the benefit of administrative authorities, undertakings and workers, a code of good practice concerning the posting of workers and the pursuit by self-employed workers of a secondary activity outside the State in which they are established.
11. This Decision, which replaces Decision No 162 of 31 May 1996, shall apply from the first day of the month following its publication in the *Official Journal of the European Communities*.

Chairman of the Administrative Commission

Jean-Claude FILLON
