

Official Journal

of the European Communities

ISSN 0378-6978

L 344

Volume 44

28 December 2001

English edition

Legislation

Contents

I Acts whose publication is obligatory

- ★ **Regulation (EC) No 2558/2001 of the European Parliament and of the Council of 3 December 2001 amending Council Regulation (EC) No 2223/96 as regards the reclassification of settlements under swaps arrangements and under forward rate agreements ⁽¹⁾** 1
- ★ **Council Regulation (EC) No 2559/2001 of 17 December 2001 amending Regulation (EC) No 2505/96 opening and providing for the administration of autonomous Community tariff quotas for certain agricultural and industrial products** 5
- ★ **Regulation (EC) No 2560/2001 of the European Parliament and of the Council of 19 December 2001 on cross-border payments in euro** 13
- ★ **Council Regulation (EC) No 2561/2001 of 17 December 2001 aiming to promote the conversion of fishing vessels and of fishermen that were, up to 1999, dependent on the fishing agreement with Morocco** 17
- ★ **Council Regulation (EC) No 2562/2001 of 17 December 2001 on the conclusion of a Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the government of the Democratic Republic of Madagascar on fishing off Madagascar for the period from 21 May 2001 to 20 May 2004** 21
- ★ **Council Regulation (EC) No 2563/2001 of 19 December 2001 fixing for the 2002 fishing year the guide prices for the fishery products listed in Annexes I and II and the Community producer price for the fishery products listed in Annex III to Regulation (EC) No 104/2000** 26
- Commission Regulation (EC) No 2564/2001 of 27 December 2001 amending Regulation (EC) No 1280/2001 establishing a forecast balance for the supply to the Canary Islands of milk and milk products 29
- ★ **Commission Regulation (EC) No 2565/2001 of 27 December 2001 opening Community tariff quotas for 2002 for sheep, goats, sheepmeat and goatmeat and derogating from Regulation (EC) No 1439/95** 31

Price: EUR 19,50

⁽¹⁾ Text with EEA relevance

(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 2566/2001 of 21 December 2001 opening and providing for the administration of a Community tariff quota for 2002 for products falling within CN codes 0714 10 10, 0714 10 91 and 0714 10 99 originating in Thailand	35
★ Commission Regulation (EC) No 2567/2001 of 21 December 2001 prohibiting fishing for herring by vessels flying the flag of the Netherlands	40
★ Commission Regulation (EC) No 2568/2001 of 21 December 2001 prohibiting fishing for herring by vessels flying the flag of the Netherlands	41
★ Commission Regulation (EC) No 2569/2001 of 20 December 2001 fixing the standard values to be used in calculating the financial compensation and the advance pertaining thereto in respect of fishery products withdrawn from the market during the 2002 fishing year	42
★ Commission Regulation (EC) No 2570/2001 of 20 December 2001 fixing the amount of private storage aid for certain fishery products in the 2002 fishing year	44
★ Commission Regulation (EC) No 2571/2001 of 20 December 2001 fixing the amount of the carry-over aid and the flat-rate aid for certain fishery products for the 2002 fishing year	45
★ Commission Regulation (EC) No 2572/2001 of 20 December 2001 fixing the withdrawal and selling prices for the fishery products listed in Annex I to Council Regulation (EC) No 104/2000 for the fishing year 2002	47
★ Commission Regulation (EC) No 2573/2001 of 20 December 2001 fixing the selling prices for the fishery products listed in Annex II to Council Regulation (EC) No 104/2000 for the fishing year 2002	55
★ Commission Regulation (EC) No 2574/2001 of 20 December 2001 fixing the reference prices for a number of fishery products for the fishing year 2002	57
★ Commission Regulation (EC) No 2575/2001 of 27 December 2001 prohibiting fishing for Norway lobster by vessels flying the flag of the Netherlands	60
Commission Regulation (EC) No 2576/2001 of 27 December 2001 establishing the standard import values for determining the entry price of certain fruit and vegetables	61
Commission Regulation (EC) No 2577/2001 of 27 December 2001 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty	63
Commission Regulation (EC) No 2578/2001 of 27 December 2001 fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty	66
★ Commission Regulation (EC) No 2579/2001 of 27 December 2001 amending for the third time Regulation (EC) No 1209/2001 derogating from Regulation (EC) No 562/2000 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 as regards the buying-in of beef	68
★ Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism	70

★ Directive 2001/97/EC of the European Parliament and of the Council of 4 December 2001 amending Council Directive 91/308/EEC on prevention of the use of the financial system for the purpose of money laundering	76
Commission Declaration	82

II Acts whose publication is not obligatory

Council

2001/927/EC:

★ Council Decision of 27 December 2001 establishing the list provided for in Article 2(3) of Council Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism	83
--	----

Commission

2001/928/Euratom:

★ Commission Recommendation of 20 December 2001 on the protection of the public against exposure to radon in drinking water supplies (<i>notified under document number C(2001) 4580</i>)	85
--	----

European Central Bank

2001/929/EC:

★ Decision of the European Central Bank of 20 December 2001 on the approval of the volume of coin issuance in 2002 (ECB/2001/19)	89
---	----

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

2001/930/CFSP:

★ Council Common Position of 27 December 2001 on combating terrorism	90
---	----

2001/931/CFSP:

★ Council Common Position of 27 December 2001 on the application of specific measures to combat terrorism	93
--	----

I

(Acts whose publication is obligatory)

**REGULATION (EC) No 2558/2001 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 3 December 2001
amending Council Regulation (EC) No 2223/96 as regards the reclassification of settlements under
swaps arrangements and under forward rate agreements
(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE
EUROPEAN UNION,

Having regard to the Treaty establishing the European
Community, and in particular Article 285(1) thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Central Bank ⁽²⁾,

Acting in accordance with the procedure laid down in Article
251 of the Treaty ⁽³⁾,

Whereas:

(1) Council Regulation (EC) No 2223/96 of 25 June 1996
on the European System of national and regional
accounts in the Community ⁽⁴⁾ contains the reference
framework of common standards, definitions, classifica-
tions and accounting rules for drawing up the accounts
of the Member States for the statistical requirements of
the European Community, in order to obtain compar-
able results between Member States.

(2) In ESA 95, as in SNA 93, swaps are defined (5.67) as
'contractual arrangements between two parties who
agree to exchange, over time and according to predeter-
mined rules, streams of payments on the same amounts
of indebtedness' and it is specified that 'the two most
prevalent varieties are interest rate swaps and currency
swaps'.

(3) In original versions of ESA 95 and SNA 93, interest
flows exchanged between two counterparts under any
kinds of swaps and under forward rate agreements have
been considered as non-financial transactions, recorded
in property income, under the item interest.

(4) Problems have been raised by this statement and the
Commission thus considers that it is necessary to
exclude these interest flows from property income, in a
manner similar to revised SNA 93.

(5) It is therefore appropriate to record these flows in finan-
cial transactions under the item financial derivatives,
included in ESA 95 in F3 entitled 'Securities other than
shares'.

(6) A specific treatment of these flows should be defined for
the data transmitted under the excessive deficit proce-
dure.

(7) The Committee on the statistical programmes of the
European Communities, established by Decision 89/
382/EEC, Euratom ⁽⁵⁾, and the Committee on Monetary,
Financial and Balance of Payments Statistics, established
by Decision 91/115/EEC ⁽⁶⁾, have each been consulted in
accordance with Article 3 of the said Decisions,

HAVE ADOPTED THIS REGULATION:

Article 1

Annex A of Council Regulation (EC) No 2223/96 shall be
amended in accordance with the Annex to this Regulation.

⁽¹⁾ OJ C 116 E, 26.4.2000, p. 63.

⁽²⁾ OJ C 103, 3.4.2001, p. 8.

⁽³⁾ Opinion of the European Parliament of 15 March 2001 (not yet
published in the Official Journal) and Decision of the Council of 8
November 2001.

⁽⁴⁾ OJ L 310, 30.11.1996, p. 1. Regulation as last amended by
Commission Regulation (EC) No 995/2001 (OJ L 139, 23.5.2001,
p. 3).

⁽⁵⁾ OJ L 181, 28.6.1989, p. 47.

⁽⁶⁾ OJ L 59, 6.3.1991, p. 19. Decision as amended by Decision 96/
174/EC (OJ L 51, 1.3.1996, p. 48).

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, 3 December 2001.

For the European Parliament

The President

N. FONTAINE

For the Council

The President

F. VANDENBROUCKE

ANNEX

Annex A of Council Regulation (EC) No 2223/96 is amended as follows:

1. In Chapter 4, paragraph 4.47 is replaced by the following:

'4.47. No payment resulting from any kind of swap arrangement is to be considered as interest and recorded under property income. (See paragraphs 5.67(d) and 5.139(c) relative to financial derivatives).

Similarly, transactions under forward rate agreements are not to be recorded as property income. (See paragraph 5.67(e)).'

2. In Chapter 5:

(a) in paragraph 5.67, points (d) and (e) are replaced by the following:

'(d) swaps, but only if they have a market value because they are tradable or can be offset. Swaps are contractual arrangements between two parties who agree to exchange, over time and according to predetermined rules, streams of payment of the same amount of indebtedness. The most prevalent varieties are interest rate swaps, foreign exchange swaps and currency swaps (also named cross-currency interest swaps). Interest rate swaps involve an exchange of interest payments of different character, such as fixed rate for floating rate, two different floating rates, fixed rate in one currency and floating rate in another, etc. Foreign exchange swaps (including all forward contracts) are transactions in foreign currencies at a rate of exchange stated in advance. Currency swaps involve an exchange of specified amounts of two different currencies with subsequent repayments, which include both interest and repayment flows, over time according to predetermined rules. None of the resulting payments is considered as property income in the system and all settlements are to be recorded in the financial account;

(e) forward rate agreements (FRAs), but only if they have a market value because they are tradable or can be offset. FRAs are contractual arrangements in which two parties, in order to protect themselves against interest rate changes, agree on an interest to be paid, at a settlement date, based on a notional amount of principal that is never exchanged. The payments are related to the difference between the agreement rate and the prevailing market rate at the time of settlement. These payments are not considered as property income in the system but are to be recorded under the item financial derivatives.'

(b) in paragraph 5.139, points (c) and (d) are replaced by the following:

'(c) any explicit commissions paid or received from brokers or intermediaries for arranging options, futures, swaps, and other derivatives contracts are treated as payments for services in the appropriate accounts. The parties to a swap are not considered to be providing a service to each other, but any payment to a third party for arranging the swap should be treated as payment for a service. Under a swap arrangement, where principal amounts are exchanged the corresponding flows are to be recorded as transactions in the underlying instrument; streams of other payments (excluding commissions) are to be recorded under the item financial derivatives (F.34). While the premium paid to the seller of an option can conceptually be considered to include a service charge, in practice it is usually not possible to distinguish the service element. Therefore, the full price is to be recorded as acquisition of a financial asset by the buyer and as incidence of a liability by the seller;

(d) where swap contracts involve an exchange of principal amounts, for example as occurs with currency swaps, the initial exchange is to be recorded as a transaction in the underlying instrument exchanged and not a transaction in financial derivatives (F.34). Where contracts do not involve an exchange of principal, no transaction is recorded at inception. In both cases, implicitly, a financial derivative with zero initial value is created at that point. Subsequently, the value of a swap will be equal to:

1. for principal amounts, the current market value of the difference between the expected future market values of the amounts to be re-exchanged and the amounts specified in the contract;

2. for other payments, the current market value of the future streams specified in the contract.

Changes in the value of the derivative over time should be recorded in the revaluation account.

Subsequent re-exchanges of principal will be governed by the terms and conditions of the swap contract and may imply financial assets being exchanged at a price different from the prevailing market price of such assets. The counterpart payment between the parties to the swap contract will be that specified within the contract. The difference between the market price and the contract price is then equal to the liquidation value of the asset/liability as it applies on the due date and should be recorded as a transaction in financial derivatives (F.34). On the contrary, other flows under a swap arrangement are recorded as a transaction in financial derivatives for the amounts effectively exchanged. All transactions in financial derivatives must match the total revaluation gain or loss throughout the duration of the swap contract. This treatment is analogous to that set out with respect to options, which proceed to delivery (see point (a)).

For an institutional unit, a swap or a forward rate agreement is recorded under the item financial derivatives on the assets side where it has a net asset value, positive net payments increasing the net value (and conversely). Where the swap has a net liability value, it is recorded on the liabilities side, negative net payments increasing the net value (and conversely).'

3. The following Annex is added:

‘ANNEX V

DEFINITION OF GOVERNMENT DEFICIT FOR THE PURPOSE OF THE EXCESSIVE DEFICIT PROCEDURE

For the purpose of the Member States' reports to the Commission under the excessive deficit procedure laid down in Council Regulation (EC) No 3605/93 ⁽¹⁾, “Government deficit” is the balancing item “net borrowing/net lending” of General Government, including streams of interest payments resulting from swaps arrangements and forward rate agreements. This balancing item is codified as EDPB9. For this purpose, interest includes the abovementioned flows and is codified as EDPD41.

⁽¹⁾ OJ L 332, 31.12.1993, p. 7. Regulation as last amended by Regulation (EC) No 475/2000 (OJ L 58, 3.3.2000, p. 1).'

**COUNCIL REGULATION (EC) No 2559/2001
of 17 December 2001**

amending Regulation (EC) No 2505/96 opening and providing for the administration of autonomous Community tariff quotas for certain agricultural and 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) By virtue of Regulation (EC) No 2505/96 ⁽¹⁾, the Council opened Community tariff quotas for certain agricultural and industrial products Community demand for the products in question should be met under the most favourable conditions. Community tariff quotas should therefore be opened at reduced or zero rates of duty for appropriate volumes, and extended in the case of certain existing tariff quotas, while avoiding any disturbance to the markets for these products.
- (2) It is no longer in the Community's interest to maintain a Community tariff quota on some of the products covered by the above Regulation, and those products should therefore be removed from the table in Annex I.
- (3) In view of the large number of amendments coming into effect on 1 January 2002 and in order to clarify matters for the user, the table in Annex I to the said Regulation

should be replaced by the table in the Annex to this Regulation.

- (4) Having regard to the economic importance of this Regulation the grounds of urgency should be invoked provided for in point 1.3 of the Protocol annexed to the Treaty on European Union and to the Treaties establishing the European Communities on the role of national parliaments in the European Union.
- (5) Regulation (EC) No 2505/96 should therefore be amended,

HAS ADOPTED THIS REGULATION:

Article 1

The table in Annex I to Regulation (EC) No 2505/96 is hereby replaced by the table set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day following that 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, 17 December 2001.

For the Council

The President

A. NEYTS-UYTTEBROECK

⁽¹⁾ OJ L 345, 31.12.1996, p. 1. Regulation as last amended by Regulation (EC) No 1142/2001 (OJ L 155, 12.6.2001, p. 1).

ANNEX

ANNEX I

Order No	CN code	TARIC code	Description	Amount of quota	Quota duty (en %)	Quota period
09.2602	ex 2921 51 19	10	o-phenylenediamine	1 800 tonnes	0	1.1.-31.12
09.2603	ex 2931 00 95	15	Bis(3-triethoxysilylpropyl) tetrasulfide	2 000 tonnes	0	1.1.-31.12
09.2604	ex 3905 30 00	10	Poly(vinyl alcohol), partially acetalised with 5-(4-azido-2-sulfobenzylidene)-3-(formyl-propyl)-rhodanine, sodium salt	100 tonnes	0	1.1.-31.12
09.2605	ex 3824 90 99	78	Silver and palladium based chemical dispersion of a kind used for screen coatings, having a content of (not less than 0,1 and not exceeding 0,4 % by weight of silver and palladium each	80 000 litres	0	1.1.-31.12
09.2606	ex 3824 90 99	79	Silica sol for use as polishing agent in the manufacture of products falling within subheading 8542 21 01 ^(a)	1 200 tonnes	0	1.1.-31.12
09.2607	ex 2922 50 00	60	Fesoterodine (INN) hydrogen fumarte	30 kg	0	1.1.-31.12
09.2608	ex 2932 29 80	65	Epsilon-caprolactone	1 500 tonnes	0	1.1.-30.6.2002
09.2609	ex 2811 22 00	20	Fumed silica for use as a polish agent in the manufacture of products falling within subheading 8542 21 01 ^(a)	1 000 tonnes	0	1.1.-31.12
09.2703	ex 2825 30 00	10	Vanadium oxides and hydroxides, only for the production of alloys ^(a)	13 000 tonnes	0	1.1.-31.12
09.2711	ex 7202 41 10 ex 7202 41 91 ex 7202 41 99	10 10 10	Ferro-chromium containing by weight more than 4 % of carbon for the manufacture or as additive of iron or steel of Chapter 72 or for the manufacture of nickel alloys of Chapter 75 of Combined Nomenclature ^(a)	250 000 tonnes	0	1.1.-31.12
09.2713	ex 2008 60 19 ex 2008 60 39	10 11/19	Sweet cherries, marinated in alcohol, of a diameter not exceeding 19,9 mm, stoned, intended for the manufacture of chocolate products ^(a) : — with a sugar content exceeding 9 % by weight — with a sugar content not exceeding 9 % by weight	2 000 tonnes	10 ^(l) 10	1.1.-31.12

Order No	CN code	TARIC code	Description	Amount of quota	Quota duty (en %)	Quota period
09.2719	ex 2008 60 19 ex 2008 60 39	20 20	Sour cherries (<i>Prunus cerasus</i>), marinated in alcohol, of a diameter not exceeding 19,9 mm, intended for the manufacture of chocolate products ^(a) : — with a sugar content not exceeding 9 % by weight — with a sugar content not exceeding 9 % by weight	2 000 tonnes	10 ⁽¹⁾ 10	1.1.-31.12
09.2727	ex 3902 90 90	93	Synthetic poly-alpha-olefin having a viscosity of not less than $38 \times 10^{-6} \text{ m}^2 \text{ s}^{-1}$ (38 centistokes) à 100 °C, measured using the ASTM D 445 method	10 000 tonnes	0	1.1.-31.12
09.2729	ex 0811 90 95	10	Boysenberries, preserved by freezing, not containing added sugar, for the processing industry ^(a)	1 500 tonnes	0	1.1.-30.6.2002
09.2799	ex 7202 49 90	10	Ferro-chromium containing 1,5 % or more but not more than 4 % by weight of carbon and not more than 70 % by weight of chromium	40 000 tonnes	0	1.1.-31.12
09.2809	ex 3802 90 00	10	Acid-activated montmorillonite for the manufacture of self-copy paper ^(a)	10 000 tonnes	0	1.1.-31.12
09.2829	ex 3824 90 99	19	Solid extract of the residual insoluble in aliphatic solvents obtained during the extraction of resin from wood, having the following characteristics: — a resin acid content not exceeding 30 % by weight — an acid number not exceeding 110, and — melting point of not less than 100°C	1 600 tonnes	0	1.1.-31.12
09.2837	ex 2903 49 80	10	Bromochloromethane	400 tonnes	0	1.1.-31.12
09.2841	ex 2712 90 99	10	Blend of 1-alkenes containing 80 % by weight or more of 1-alkenes of a chain-length of 20 and 22 carbon atoms	10 000 tonnes	0	1.1.-31.12
09.2849	ex 0710 80 69	10	Mushrooms of the species <i>Auricularia polytricha</i> (uncooked or cooked by steaming or boiling), frozen, for the manufacture of prepared meals ^(a) ^(b)	700 tonnes	0	1.1.-31.12
09.2851	ex 2907 12 00	10	<i>o</i> -Cresol having a purity of not less than 98,5 % by weight	20 000 tonnes	0	1.1.-31.12
09.2853	ex 2930 90 70	35	Glutathione	15 tonnes	0	1.1.-31.12

Order No	CN code	TARIC code	Description	Amount of quota	Quota duty (en %)	Quota period
09.2859	ex 2909 49 90	10	2,2'-[Isopropylidene-bis(p-phenyleneoxy)] diethanol, in solid form	1 300 tonnes	0	1.1.-31.12
09.2867	ex 3207 40 80	10	Glass granulate, containing by weight: — 73 % or more but not more than 77 % of silicon dioxide, — 12 % or more but not more than 18 % of diboron trioxide and — 4 % or more but not more than 8 % of polyethylene glycol	300 tonnes	0	1.1.-31.12
09.2881	ex 3901 90 90	92	Chlorosulphonated polyethylene	6 000 tonnes	0	1.1.-31.12
09.2889	3805 10 90	—	Sulphate turpentine	20 000 tonnes	0	1.1.-31.12
09.2913	ex 2401 10 41 ex 2401 10 49 ex 2401 10 50 ex 2401 10 70 ex 2401 10 90 ex 2401 20 41 ex 2401 20 49 ex 2401 20 50 ex 2401 20 70 ex 2401 20 90	10 10 10 10 10 10 10 10 10 10	Natural unmanufactured tobacco, whether or not cut in regular size, having a custom value of not less than EUR 450 per 100 kg net weight, for use as binder or wrapper for the manufacture of products falling within subheading 2402 10 00 ^(*)	6 000 tonnes	0	1.1.-31.12
09.2914	ex 3824 90 99	26	Aqueous solution containing by weight not less than 40 % of dry betaine-extract and 5 % or more but not more than 30 % by weight of organic or inorganic salts	38 000 tonnes	0	1.1.-31.12
09.2915	ex 3824 90 99	27	Silicon dioxide having a purity of 99 % or more by weight, in the form of spherical particles dispersed in monoethylene glycol	60 tonnes	0	1.1.-31.12
09.2917	2930 90 14	—	Cystine	600 tonnes	0	1.1.-31.12
09.2918	ex 2910 90 00	50	1,2-Epoxybutan	500 tonnes	0	1.1.-31.12
09.2919	ex 8708 29 90	10	Folding bellows for the manufacture of articulated buses ^(*)	2 600 units	0	1.1.-31.12
09.2933	ex 2903 69 90	30	1,3-Dichlorobenzene	60 000 tonnes	0	1.1.-31.12

Order No	CN code	TARIC code	Description	Amount of quota	Quota duty (en %)	Quota period
09.2935	3806 10 10	—	Rosin and resin acids, obtained from fresh oleoresins	60 000 tonnes	0	1.1.-30.6
09.2935	3806 10 10	—	Rosin and resin acids, obtained from fresh oleoresins	50 000 tonnes	0	1.7.-31.12
09.2939	ex 8543 89 95	43	Voltage controlled oscillator (VCO), other than temperature compensated oscillators, consisting of active and passive elements mounted on a printed circuit, contained in a housing bearing: — an identification marking consisting of or including one of the following alpha-numeric combinations: 1012TDK, 1019TDK, EK304, MQC403, MQC404, MQE001, MQE041, MQE042, MQE051, MQE201, MQE411, MQE501, URAE8X956A, URAB8, URAE8X960A, VD2S40, VD2S41, VD5S07 or — other identification markings relating to devices complying with the above-mentioned description	130 000 000 units	0	1.1.-30.6.2002
09.2945	ex 2940 00 90	10	D-Xylose	400 tonnes	0	1.1.-31.12
09.2947	ex 3904 69 90	95	Poly(vinylidene fluoride), in powder form, for the preparation of paint or varnish for coating metal ^(*)	1 300 tonnes	0	1.1.-31.12
09.2949	ex 8543 89 95	44	Temperature compensated oscillator, comprising a printed circuit on which are mounted at least a piezo-electric crystal and an adjustable capacitor, contained in a housing bearing: — an identification marking consisting of or including one of the following alphanumeric combinations: 3211A-ANF50, 5111B-ANL51, TCXO-111, TXO2603 or — other identification markings relating to devices complying with the above-mentioned description	8 000 000 units	0	1.1.-30.6.2002
09.2950	ex 2905 59 10	10	2-Chloroethanol, for the manufacture of liquid thioplasts of subheading 4002 99 90 ^(*)	5 000 tonnes	0	1.1.-31.12
09.2954	ex 2926 90 95	55	3-[Trifluoromethyl] phenylacetonitrile	100 tonnes	0	1.1.-31.12

Order No	CN code	TARIC code	Description	Amount of quota	Quota duty (en %)	Quota period
09.2955	ex 2932 19 00	60	Flurtamone (ISO)	300 tonnes	0	1.1.-31.12
09.2957	ex 8507 90 98	10	Stamped cylindrical can, in non-alloy steel, post-nickel-plated, for an accumulator, of a diameter of 13 mm or more but not exceeding 17 mm, and of a height of 27 mm or more but not exceeding 70 mm	70 000 000 units	0	1.1.-31.12
09.2959	ex 4804 41 91 ex 4804 41 99 ex 4804 51 90	10 10 10	Kraft paper and paperboard, weighing more than 150 g/m ² , only consisting of unbleached virgin fibres obtained by the chemical sulphate process, for the manufacture of products falling within heading 3921 ^(a)	65 000 tonnes	0	1.1.-31.12
09.2964	ex 5502 00 80	20	Filament tow of cellulose produced by organic solvent spinning (Lyocell), for use in the paper industry ^(a)	1 200 tonnes	0	1.1.-31.12
09.2966	ex 2839 19 00	20	Crystalline disodium disilicate, containing by weight: — 59 % or more of silicon-dioxide and — 30 % or more of disodium oxide	12 000 tonnes	0	1.1.-31.12
09.2975	ex 2918 30 00	10	Benzophenone-3,3':4,4'-tetracarboxylic dianhydride	500 tonnes	0	1.1.-31.12
09.2978	ex 4804 52 90	10	Kraft paper and paperboard, bleached uniformly throughout the mass, weighing 250 g/m ² or more, for use in the manufacture of liquid food containers ^(a)	48 000 tonnes	0	1.1.-31.12
09.2979	ex 7011 20 00	15	Glass face-plate with a diagonal measurement from the outer edge to the outer edge of 80,9 cm (± 0,2 cm) and having a light transmission of 80 % (± 3 %) by a reference thickness of the glass of 11,43 mm	600 000 units	0	1.1.-31.12
09.2980	ex 4810 32 10 ex 4810 32 90	10 10	Kraft paper and paperboard, in rolls, bleached uniformly throughout the mass, coated on one side with kaolin and/or calcium carbonate, weighing more than 150 g/m ² but less than 400 g/m ² , for use in the manufacture of liquid food containers ^(a)	52 000 tonnes	0	1.1.-31.12

Order No	CN code	TARIC code	Description	Amount of quota	Quota duty (en %)	Quota period
09.2981	ex 8407 33 90 ex 8407 90 80 ex 8407 90 90	10 10 10	Spark-ignition reciprocating or rotary internal combustion piston engines, having a cylinder capacity of not less than 300 cc and a power of not less than 6 but not exceeding 15,5 kW, for the manufacture of: — self-propelled lawn mowers, with a seat of subheading 8433 11 51 — tractors of subheading 8501 90 11, having the main function of a lawn mower or — four stroke mowers with motor of a nominal cylinder capacity of 480 cm ³ of subheading 8433 20 10 ⁽⁶⁾	210 000 units	0	1.1.-31.12
09.2985	ex 8540 91 00	33	Flat masks of a length of 691,6 mm ($\pm$ 0,2 mm) and a height of 407,7 mm ($\pm$ 0,2 mm), with a width of the slots at the end of the central vertical axe of 155 micrometer ($\pm$ 8 micrometer)	400 000 units	0	1.1.-31.12
09.2986	ex 3824 90 99	76	Mixture of tertiary amines containing: — 60 % by weight of dodecyldimethylamine, or more — 20 % by weight of dimethyl(tetradecyl)amine, or more — 0,5 % by weight of hexadecyldimethylamine, or more	14 000 tonnes	0	1.1.-31.12
09.2987	ex 3905 91 00	93	Copolymer of ethylene and vinyl alcohol (EVOH)	4 000 tonnes	0	1.1.-31.12
09.2988	ex 4804 31 51 ex 4804 31 90 ex 4805 91 99 ex 4805 92 99 ex 4823 90 50 ex 4823 90 90	10 10 10 10 30 13	Paper of a kind used for the production of electrolytic capacitors (condensator paper), made up from materials other than made up exclusively from esparto, containing not more than 5 mg/kg of sulphate and not more than 1 mg/kg of chlorine, having a thickness of 25 μ m or more but not exceeding 100 μ m and a width of not more than 800 mm	1 500 tonnes	0	1.1.-31.12
09.2991	ex 2846 90 00	20	Rare earth chloride, containing by weight 57 % or more of lanthanum trichloride heptahydrate, in solid form	5 300 tonnes	0	1.1.-31.12

Order No	CN code	TARIC code	Description	Amount of quota	Quota duty (en %)	Quota period
09.2992	ex 3902 30 00	93	Propylene-butylene copolymer, containing by weight not less than 60 % but not more than 68 % of propylene and not less than 32 % but not more than 40 % of butylene, of a melt viscosity not exceeding 3 000 mPa at 190 °C, as determined by the ASTM D 3236 method, for use as an adhesive in the manufacture of products falling within sub-heading 4818 18 40 ^(a)	1 000 tonnes	0	1.1.-31.12
09.2993	ex 3920 10 28	93	Polyethylene film with a thickness of not more than 23 µm but not exceeding 273 µm, with a weight of not more than 32 g/m ² but not exceeding 42 g/m ² and with a water vapour permeability of not less than 900 g/m ² per day	120 000 000 m ²	0	1.1.-31.12
09.2995	ex 8536 90 85 ex 8538 90 99	95 93	Keypads, — comprising a layer of silicone and polycarbonate keytops or — wholly of silicone or wholly of polycarbonate, including printed keys, for the manufacture or repair of mobile radio-telephones of subheading 8525 20 91 ^(a)	10 000 000 units	0	1.1.-30.6.2002
09.2996	ex 8407 90 10	20	Two-stroke internal combustion engines, having a cylinder capacity not exceeding 125 cc, for the manufacture of lawnmowers of sub-heading 8433 11 ^(a)	10 000 units	0	1.1.-31.12.
09.2998	ex 2924 29 95	80	5'-Chloro-3-hydroxy-2',4'-dimethoxy-2-naphthanilide	6 tonnes	0	1.1.-30.6.2002
09.2999	ex 7011 20 00	10	Glass face-plate with a diagonal measurement from the outer edge to the outer edge of 70,8 cm (± 0,2 cm) or 72,4 cm (± 0,2 cm) and having a light transmission of 80 % (± 3 %) by a reference thickness of the glass of 11,43 mm	1 200 000 units	0	1.1.-31.12

^(a) Control of the use for this special purpose shall be carried out pursuant to the relevant Community provisions.

^(b) However, the tariff quota is not allowed where processing is carried out by retail or catering undertakings.

^(c) The specific additional duty is applicable.'

**REGULATION (EC) No 2560/2001 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 19 December 2001
on cross-border payments in euro**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95(1) thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Having regard to the opinion of the European Central Bank ⁽³⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽⁴⁾,

Whereas:

- (1) Directive 97/5/EC of the European Parliament and of the Council of 27 January 1997 on cross-border credit transfers ⁽⁵⁾ sought to improve cross-border credit transfer services and notably their efficiency. The aim was to enable in particular consumers and small and medium-sized enterprises to make credit transfers rapidly, reliably and cheaply from one part of the Community to another. Such credit transfers and cross-border payments in general are still extremely expensive compared to payments at national level. It emerges from the findings of a study undertaken by the Commission and released on 20 September 2001 that consumers are given insufficient or no information on the cost of transfers, and that the average cost of cross-border credit transfers has hardly changed since 1993 when a comparable study was carried out.
- (2) The Commission's Communication to the European Parliament and the Council of 31 January 2000 on Retail Payments in the Internal Market, together with the European Parliament Resolutions of 26 October 2000 on the Commission Communication and of 4 July 2001 on means to assist economic actors in switching to the euro, and the reports of the European Central Bank of September 1999 and September 2000 on improving cross-border payment services have each underlined the urgent need for effective improvements in this field.
- (3) The Commission's Communication to the European Parliament, the Council, the Economic and Social Committee, the Committee of the Regions and the Euro-

pean Central Bank of 3 April 2001 on the preparations for the introduction of euro notes and coins announced that the Commission would consider using all the instruments at its disposal and would take all the steps necessary to ensure that the costs of cross-border transactions were brought more closely into line with the costs of domestic transactions, thus making the concept of the euro zone as a 'domestic payment area' tangible and transparently clear to citizens.

- (4) Compared with the objective that was reaffirmed when euro bank money was introduced, namely to achieve an, if not uniform, at least similar charge structure for the euro, there have been no significant results in terms of reducing the cost of cross-border payments compared to internal payments.
- (5) The volume of cross-border payments is growing steadily as completion of the internal market takes place. In this area without borders, payments have been further facilitated by the introduction of the euro.
- (6) The fact that the level of charges for cross-border payments continues to remain higher than the level of charges for internal payments is hampering cross-border trade and therefore constitutes an obstacle to the proper functioning of the internal market. This is also likely to affect confidence in the euro. Therefore, in order to facilitate the functioning of the internal market, it is necessary to ensure that charges for cross-border payments in euro are the same as charges for payments made in euro within a Member State, which will also bolster confidence in the euro.
- (7) For cross-border electronic payment transactions in euro, the principle of equal charges should apply, taking account of the adjustment periods and the institutions' extra workload relating to the transition to the euro, as from 1 July 2002. In order to allow the implementation of the necessary infrastructure and conditions, a transitional period for cross-border credit transfers should apply until 1 July 2003.
- (8) At present, it is not advisable to apply the principle of uniform charges for paper cheques as by nature they cannot be processed as efficiently as the other means of payment, in particular electronic payments. However, the principle of transparent charges should also apply to cheques.

⁽¹⁾ OJ C 270 E, 25.9.2001, p. 270.

⁽²⁾ Opinion delivered on 10 December 2001 (not yet published in the Official Journal).

⁽³⁾ OJ C 308, 1.11.2001, p. 17.

⁽⁴⁾ Opinion of the European Parliament of 15 November 2001 (not yet published in the Official Journal), Council Common Position of 7 December 2001 (OJ C 363, 19.12.2001, p. 1) and Decision of the European Parliament of 13 December 2001.

⁽⁵⁾ OJ L 43, 14.2.1997, p. 25.

- (9) In order to allow a customer to assess the cost of a cross-border payment, it is necessary that he be informed of the charges applied and any modification to them. The same holds for the case that a currency other than the euro is involved in the cross-border euro-payment transaction.
- (10) This Regulation does not affect the possibility for institutions to offer an all-inclusive fee for different payment services, provided that this does not discriminate between cross-border and national payments.
- (11) It is also important to provide for improvements to facilitate the execution of cross-border payments by payment institutions. In this respect, standardisation should be promoted as regards, in particular, the use of the International Bank Account Number (IBAN) ⁽¹⁾ and the Bank Identifier Code (BIC) ⁽²⁾ necessary for automated processing of cross-border credit transfers. The widest use of these codes is considered to be essential. In addition, other measures which entail extra costs should be removed in order to lower the charges to customers for cross-border payments.
- (12) To lighten the burden on institutions that carry out cross-border payments, it is necessary to gradually remove the obligations concerning regular national declarations for the purposes of balance-of-payments statistics.
- (13) In order to ensure that this Regulation is observed, the Member States should ensure that there are adequate and effective procedures for lodging complaints or appeals for settling any disputes between the originator and his institution or between the beneficiary and his institution, where applicable using existing procedures.
- (14) It is desirable that not later than 1 July 2004 the Commission should present a report on the application of this Regulation.
- (15) Provision should be made for a procedure whereby this Regulation can also be applied to cross-border payments made in a currency of another Member State where that Member State so decides,

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

This Regulation lays down rules on cross-border payments in euro in order to ensure that charges for those payments are the same as those for payments in euro within a Member State.

⁽¹⁾ ISO Standard No 13613.

⁽²⁾ ISO Standard No 9362.

It shall apply to cross-border payments in euro up to EUR 50 000 within the Community.

This Regulation shall not apply to cross-border payments made between institutions for their own account.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (a) 'cross-border payments' means:
- (i) 'cross-border credit transfers' being transactions carried out on the initiative of an originator via an institution or its branch in one Member State, with a view to making an amount of money available to a beneficiary at an institution or its branch in another Member State; the originator and the beneficiary may be one and the same person,
 - (ii) 'cross-border electronic payment transactions' being:
 - the cross-border transfers of funds effected by means of an electronic payment instrument, other than those ordered and executed by institutions,
 - cross-border cash withdrawals by means of an electronic payment instrument and the loading (and unloading) of an electronic money instrument at cash dispensing machines and automated teller machines at the premises of the issuer or an institution under contract to accept the payment instrument,
 - (iii) 'cross-border cheques' being those paper cheques defined in the Geneva Convention providing uniform laws for cheques of 19 March 1931 drawn on an institution located within the Community and used for cross-border transactions within the Community;
- (b) 'electronic payment instrument' means a remote access payment instrument and electronic money instrument that enables its holder to effect one or more electronic payment transactions;
- (c) 'remote access payment instrument' means an instrument enabling a holder to access funds held on his/her account at an institution, whereby payment may be made to a payee and normally requires a personal identification code and/or any other similar proof of identity. The remote access payment instrument includes in particular payment cards (whether credit, debit, deferred debit or charge cards) and cards having phone- and home-banking applications. This definition does not include cross-border credit transfers;

- (d) 'electronic money instrument' means a reloadable payment instrument, whether a stored-value card or a computer memory, on which value units are stored electronically;
- (e) 'institution' means any natural or legal person which, by way of business, executes cross-border payments;
- (f) 'charges levied' means any charge levied by an institution and directly linked to a cross-border payment transaction in euro.

Article 3

Charges for cross-border electronic payment transactions and credit transfers

1. With effect from 1 July 2002, charges levied by an institution in respect of cross-border electronic payment transactions in euro up to EUR 12 500 shall be the same as the charges levied by the same institution in respect of corresponding payments in euro transacted within the Member State in which the establishment of that institution executing the cross-border electronic payment transaction is located.
2. With effect from 1 July 2003 at the latest, charges levied by an institution in respect of cross-border credit transfers in euro up to EUR 12 500 shall be the same as the charges levied by the same institution in respect of corresponding credit transfers in euro transacted within the Member State in which the establishment of that institution executing the cross-border transfer is located.
3. With effect from 1 January 2006 the amount EUR 12 500 shall be raised to EUR 50 000.

Article 4

Transparency of charges

1. An institution shall make available to its customers in a readily comprehensible form, in writing, including, where appropriate, in accordance with national rules, by electronic means, prior information on the charges levied for cross-border payments and for payments effected within the Member State in which its establishment is located.

Member States may stipulate that a statement warning consumers of the charges relating to the cross-border use of cheques must appear on cheque books.

2. Any modification of the charges shall be communicated in the same way as indicated in paragraph 1 in advance of the date of application.
3. Where institutions levy charges for exchanging currencies into and from euro, institutions shall provide their customers with:
 - (a) prior information on all the exchange charges which they propose to apply; and

- (b) specific information on the various exchange charges which have been applied.

Article 5

Measures for facilitating cross-border transfers

1. An institution shall, where applicable, communicate to each customer upon request his International Bank Account Number (IBAN) and that institution's Bank Identifier Code (BIC).
2. The customer shall, upon request, communicate to the institution carrying out the transfer the IBAN of the beneficiary and the BIC of the beneficiary's institution. If the customer does not communicate the above information, additional charges may be levied on him by the institution. In this case, the institution must provide customers with information on the additional charges in accordance with Article 4.
3. With effect from 1 July 2003, institutions shall indicate on statements of account of each customer, or in an annex thereto, his IBAN and the institution's BIC.
4. For all cross-border invoicing of goods and services in the Community, a supplier who accepts payment by transfer shall communicate his IBAN and the BIC of his institution to his customers.

Article 6

Obligations of the Member States

1. Member States shall remove with effect from 1 July 2002 at the latest any national reporting obligations for cross-border payments up to EUR 12 500 for balance-of-payment statistics.
2. Member States shall remove with effect from 1 July 2002 at the latest any national obligations as to the minimum information to be provided concerning the beneficiary which prevent automation of payment execution.

Article 7

Compliance with this Regulation

Compliance with this Regulation shall be guaranteed by effective, proportionate and deterrent sanctions.

Article 8

Review clause

Not later than 1 July 2004, the Commission shall submit to the European Parliament and to the Council a report on the application of this Regulation, in particular on:

- changes in cross-border payment system infrastructures,
- the advisability of improving consumer services by strengthening the conditions of competition in the provision of cross-border payment services,

- the impact of the application of this Regulation on charges levied for payments made within a Member State,
- the advisability of increasing the amount provided for in Article 6(1) to EUR 50 000 as from 1 January 2006, taking into account any consequences for undertakings.

This report shall be accompanied, where appropriate, by proposals for amendments.

Article 9

Entry into force

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

This Regulation shall also apply to cross-border payments made in the currency of another Member State when the latter notifies the Commission of its decision to extend the Regulation's application to its currency. The notification shall be published in the Official Journal by the Commission. The extension shall take effect 14 days after the said publication.

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

Done at Brussels, 19 December 2001.

For the European Parliament

The President

N. FONTAINE

For the Council

The President

A. NEYTS-UYTTEBROECK

COUNCIL REGULATION (EC) No 2561/2001

of 17 December 2001

aiming to promote the conversion of fishing vessels and of fishermen that were, up to 1999, dependent on the fishing agreement with Morocco

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 36 and 37 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

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

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas:

- (1) The Agreement on the relations as regards sea fishing between the European Community and the Kingdom of Morocco (hereinafter referred to as 'the fisheries agreement with Morocco'), became null and void on 30 November 1999. Consequently, a significant number of Community vessels that operated within this framework were forced to stop their fishing activities at that date.
- (2) The fishermen and owners of the vessels concerned benefited in this connection from the allowances provided for in Article 16(1)(b) of Regulation (EC) No 2792/1999 ⁽⁴⁾ with the assistance of the Financial Instrument for Fisheries Guidance (FIFG), under the derogation conditions laid down by Regulation (EC) No 1227/2001 ⁽⁵⁾.
- (3) It is justified to encourage, by appropriate measures at the Community level, the implementation of the conversion plans of the fleets concerned as approved by the Commission on 18 October 2000.
- (4) It is necessary to facilitate the permanent cessation activity of the vessels, whether by demolition or by transfer to a third country, including within the framework of joint enterprises. It is also appropriate to facilitate the replacement of fishing gear for the permanent conversion towards other fishing activities, whatever the

age of the vessel and even if it were the subject of public aid for construction.

- (5) Consequently, there is a need for derogations from certain provisions of Regulation (EC) No 2792/1999.
- (6) Moreover, in the spirit of the conclusions of the European Council of Nice, the European Union should signal its solidarity with the Member States concerned, by means of an additional financial effort, over and above the amounts made available inside heading 2 of the financial perspectives for the budget of the European Union, as fixed at the European Council of Berlin on 25 March 1999.
- (7) Consequently, a specific measure of the Community should be instituted to execute the appropriations in question in order to implement part of the conversion plans, on the understanding that the other parts of the aforementioned plans will have to be carried out with the assistance of FIFG appropriations.
- (8) The complementary appropriations available should be devoted to the specific measure, on the one hand to the restructuring of the fleet, and on the other hand to the fishermen's early retirement or retraining, away from sea fishing, under individual or collective social plans.
- (9) The specific measure must be consistent with the general principles of the structural policy in the fisheries sector. In particular, distortions must be avoided with the provisions in force for the implementation of the FIFG appropriations. An operational mechanism of management must also be envisaged as close as possible to that in force for the Community Structural Funds, as fixed by Regulation (EC) No 1260/1999 ⁽⁶⁾.
- (10) The vessels due to operate in international waters or in waters of third countries must fully respect international law with regard to the conservation of fishing resources and in particular the United Nations Convention on the Law of Seas as well as the Code of Conduct of the Food and Agriculture Organisation of the United Nations.

⁽¹⁾ OJ C 270 E, 25.9.2001, p. 266.

⁽²⁾ Opinion delivered on 15 November 2001 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 18 October 2001 (not yet published in the Official Journal).

⁽⁴⁾ Council Regulation (EC) No 2792/1999 of 17 December 1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector (OJ L 337, 30.12.1999, p. 10). Regulation as last amended by Regulation (EC) No 1451/2001 (OJ L 198, 21.7.2001, p. 9).

⁽⁵⁾ Regulation (EC) No 1227/2001 of 18 June 2001 derogating from certain provisions of Regulation (EC) No 2792/1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector (OJ L 168, 23. 6.2001, p. 1).

⁽⁶⁾ Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds (OJ L 161, 26.6.1999, p. 1). Regulation as last amended by Regulation (EC) No 1447/2001 (OJ L 198, 21.7.2001, p. 1).

- (11) The socio-economic diversification of the coastal areas dependent on fishing naturally fits into the context of the integrated operational regional development programmes and multi-regional programmes arising from the Community support frameworks of the Objective 1 of the Structural Funds for Spain and for Portugal, with the financial assistance of the European Regional Development Fund, of the European Social Fund and of the European Agriculture Guidance and Guarantee Fund, Guidance Section. Under these conditions, it is not justified to envisage a specific intervention devoted to this diversification,

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL

Article 1

1. The fishermen and the vessel owners to whom, during 2000 and 2001, compensation was granted under Article 16(1)(b) of Regulation (EC) No 2792/1999, owing to the non-renewal of the fishing agreement with Morocco, for at least a six-month cumulative period of temporary cessation of activity, can benefit from exceptional supporting measures, under the conditions and within the limits envisaged by this Regulation.

2. At the latest three months after the entry into force of this Regulation, Member States shall communicate to the Commission the list of vessels, indicating their internal numbers, as well as the list of names of the fishermen meeting the conditions referred to in paragraph 1 of the Regulation.

CHAPTER II

DEROGATION MEASURES

Article 2

1. By derogation from the provisions referred to below of Regulation (EC) No 2792/1999, public aid to the owners of the vessels and the fishermen referred to in Article 1(1) shall be granted according to the following rules:

- (a) where public aid is granted for the demolition of a vessel:
 - (i) the scales referred to in Article 7(5)(a) shall be increased by 20 %;
 - (ii) the provisions of Article 10(3)(b)(ii) and those of Annex III, point 1.1(a) shall not be applicable;
- (b) where a premium is granted for the permanent transfer of a vessel to a third country, including in the case of a joint enterprise:
 - (i) the scales referred to in Article 7(5)(a) shall be increased by 20 %;

- (ii) the provisions of Article 10(3)(b)(ii) as well as those of Annex III, point 1.1(a), shall not be applicable;
- (iii) the minimum age of the vessels referred to in Article 7(2) shall be reduced to five years; for 5 to 9-year-old vessels, however, the reference premium, as referred to in Article 7(5)(a), shall be that applicable to vessels of 10 to 15 years old. This premium shall be reduced by part of the amount previously received in cases of aid granted for construction and/or modernisation; this part shall be calculated *pro rata temporis* of the 10-year period (in the case of aid for construction) or 5-year period (in the case of aid for modernisation) preceding the permanent transfer;

- (c) in the event of permanent conversion of a vessel to another fishing activity requiring the change of fishing technique, the replacement of the fishing gear may be the subject of public aid as a modernisation of the vessel, under the following derogation conditions:

- (i) the last subparagraph of Annex III, point 1.4, shall not be applicable;
- (ii) the scales referred to in Article 9(4)(b) shall be increased by 30 %;
- (iii) the provisions of Article 10(3)(a) shall not be applicable;

- (d) in the case of an individual lump sum payment to a fisherman, the maximum eligible cost referred to in Article 12(3)(b) and (c) shall be increased by 20 %.

2. The derogation rules mentioned in paragraph 1 shall apply only to premiums and public aid that have been granted under an administrative decision by the Authorities referred to in Article 6, taken between 1 July 2001 and 30 June 2003.

3. The vessel owners shall no longer be eligible for the compensation for temporary cessation of activity mentioned in Article 1 as from the date of the administrative decision granting a premium for the permanent cessation of activity or a public aid for the modernisation of the vessel concerned, which has been taken pursuant to the modalities provided for in paragraph 1.

In the case of advance payment of this compensation, any amount overpaid will be deducted from the premium for permanent cessation or from the public aid for modernisation, granted for the boat concerned.

CHAPTER III

SPECIFIC MEASURE

Article 3

1. A specific action of the Community is hereby instituted (hereafter named 'this action') aiming to supplement actions taken in the context of the interventions of the Structural Funds in the Member States concerned due to the non-renewal of the fisheries agreement with Morocco.

2. This action:
- (a) shall be exclusively reserved for the vessel owners and for the fishermen referred to in Article 1(1);
 - (b) covers respectively:
 - (i) measures of permanent cessation of vessels' fishing activities within the meaning of Article 7(3) of Regulation (EC) No 2792/1999;
 - (ii) measures of modernisation of vessels within the meaning of Article 9(1) of the same Regulation; and
 - (iii) measures of a socio-economic nature, within the meaning of Article 12(3)(a), (b) and (c), of the same Regulation;
 - (c) shall be subject to the conditions referred to in Article 12 of Regulation (EC) No 1260/1999.

3. The amount of the Community assistance allocated to the various measures of this action shall be as follows, expressed as a percentage of the global amount referred to in Article 5(1):

- (a) scrapping of vessels and permanent reassignment of vessels for purposes other than fishing: minimum of 40 % of the global amount;
- (b) permanent transfer of vessels to a third country, including within the framework of a joint enterprise, and modernisation of vessels: maximum of 28 % of the global amount;
- (c) socio-economic measures: minimum of 32 % of the global amount.

Article 4

1. *Mutatis mutandis*, the provisions of Regulation (EC) No 2792/1999 shall apply for the implementation of this action, under the provisions and the derogation conditions laid down in Chapter II of this Regulation, in particular with regard to:

- (a) the date limit of the administrative decision to grant the assistance;
- (b) the notification of the aid schemes;
- (c) the criteria of eligibility of the fishermen and of the vessels;
- (d) the maximum amount of the premium for a fisherman or for a given vessel;
- (e) the maximum amount of expenditure eligible for the granting of public aid for the modernisation of a given vessel;
- (f) the limits of the financial contribution of the Community and of all the public financial contributions (national, regional and other) of the Member State concerned.

2. However, in case of the granting of a premium for the creation of a joint enterprise within the framework of this action, the management authority shall pay the whole

premium to the applicant when the vessel is transferred to the joint enterprise, after the applicant has provided proof that a bank guarantee for an amount equal to 40 % of the premium has been lodged.

3. The premiums for permanent cessation of fishing activities and the public aids for the modernisation of vessels, paid under this action, shall be regarded as public aid within the meaning of Article 6(1) of Regulation (EC) No 2792/1999.

The fishing capacity withdrawn pursuant to this measure shall contribute to the adjustment of the fishing effort of the Member States concerned, within the meaning of Article 7 of Regulation (EC) No 2792/1999.

Public aid for the modernisation of vessels, paid under this action, is subject to Article 9 of Regulation (EC) No 2792/1999.

For the purposes of the implementation of this action, the compensation referred to in Article 1 is intended to have the same end result as the socio-economic measures referred to in Article 12(3)(a), (b) and (c) of Regulation (EC) No 2792/1999.

4. Premiums or public aid granted under this action may not be cumulated with another premium or public aid having the same purpose, and in particular that granted, in the context of the Structural Funds, in the Member States concerned.

The Member States concerned shall take all the measures necessary to conform to this paragraph, and at the latest three months after the entry into force of this Regulation, they shall communicate them to the Commission.

Article 5

1. The amount of the Community participation allocated to this action shall be EUR 197 million, distributed according to the following percentages:

- (a) Spain: 94,6 %;
- (b) Portugal: 5,4 %.

2. The payment of the Community participation referred to in paragraph 1 shall be carried out by the Commission in accordance with the budgetary commitments and shall be addressed to the payment authority referred to in Article 6.

As from 1 January 2002, the Commission shall carry out the commitment of the appropriations entered in the 2002 budget, at the latest three months after the adoption of this Regulation.

The commitment of the appropriations entered in the 2003 Budget shall in principle be undertaken before 30 April 2003.

3. Subject to the budgetary resources, the Commission shall carry out the payments as follows:

- (a) an instalment, representing at most 20 % of the amounts referred to in paragraph 1, shall be paid at the time of the commitment referred to in paragraph 2, second paragraph;
- (b) the intermediate payments shall be carried out at the request of the Member State to refund the expenditure actually paid and certified by the payment authority referred to in Article 6.

The cumulated total of the payments referred to in point (a) and the present point shall amount at most to 80 % of the amounts referred to in paragraph 1.

- (c) The payment of the balance shall be carried out at the request of the Member State, after completion of this measure, if;
 - (i) the payment authority has submitted to the Commission a certified statement of expenditure actually incurred;
 - (ii) the final implementation report has been submitted to the Commission and has been approved by it;
 - (iii) the Member State has sent to the Commission the statement referred to in Article 38(1)(f) of Regulation (EC) No 1260/1999.

4. Eligible for the Community participation under this action shall be the expenses actually paid by the final beneficiary from 1 July 2001. The deadline for eligibility of the expenditure is fixed at 31 December 2003.

The last date for submission to the Commission of the request for payment of the balance shall be fixed at 30 June 2004.

5. The requests for intermediate payments and for payment of the balance have to be drawn up in accordance with the model appearing in Annex II to Regulation (EC) No 438/2001 ⁽¹⁾.

They have to be supported by the production of progress reports, in electronic form, in accordance with the model appearing in Annex I to Regulation (EC) No 366/2001 ⁽²⁾.

Article 6

For the purposes of implementation of this action, the management authorities and the payment authorities operating in the context of structural funds interventions in favour of fisheries in Spain and in Portugal during the period 2000 to 2006 shall fulfil the functions attributed to them by the relevant provisions of Regulation (EC) No 1260/1999.

Except in the case of contrary provisions arising from this Regulation, the provisions of Articles 31 and 33 to 39 of Regulation (EC) No 1260/1999, and derived legislation, shall apply.

Article 7

If necessary, the detailed rules for the application of this title shall be adopted by the Commission according to the procedure referred to in Article 23(2) of Regulation (EC) No 2792/1999.

For this purpose the Commission is assisted by the committee on structures for fisheries and aquaculture established by Article 51 of Regulation (EC) No 1260/1999.

CHAPTER IV

FINAL PROVISIONS

Article 8

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

It shall apply as from 1 July 2001.

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

Done at Brussels, 17 December 2001.

For the Council

The President

A. NEYTS-UYTTEBROECK

⁽¹⁾ Commission Regulation (EC) No 438/2001 of 2 March 2001 laying down detailed rules for the implementation of Council Regulation (EC) No 1260/1999 as regards the management and control systems for assistance granted under the Structural Funds (OJ L 63, 3.3.2001, p. 21).

⁽²⁾ Commission Regulation (EC) No 366/2001 of 21 February 2001 laying down detailed rules for implementing the measures provided for in Council Regulation (EC) No 2792/1999 (OJ L 55 of 24.2.2001, p. 3)

COUNCIL REGULATION (EC) No 2562/2001

of 17 December 2001

on the conclusion of a Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the government of the Democratic Republic of Madagascar on fishing off Madagascar for the period from 21 May 2001 to 20 May 2004

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 in conjunction with Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) Under the Agreement between the European Economic Community and the government of the Democratic Republic of Madagascar on fishing off Madagascar ⁽²⁾, the two Parties conducted negotiations to determine the amendments or additions to be made to the Agreement at the end of the period of application of the Protocol to the Agreement.
- (2) As a result of these negotiations, a new Protocol setting out the fishing opportunities and financial contribution provided for in the said Agreement for the period from 21 May 2001 to 20 May 2004 was initialled on 12 March 2001.
- (3) The Protocol stipulates that Community vessels fishing under the Agreement will be monitored by satellite under conditions agreed by the Parties. For that purpose, on 17 May 2001, both Parties adopted provisions establishing the method of sending data on satellite monitoring of the position of Community vessels fishing under the Agreement, which entered into force on 21 May 2001.
- (4) It is in the Community's interest to approve the said Protocol.
- (5) The method of allocating the fishing opportunities among the Member States should be defined on the basis of the traditional allocation of fishing opportunities under the said Agreement,

HAS ADOPTED THIS REGULATION:

Article 1

The Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the government of the Demo-

cratic Republic of Madagascar on fishing off Madagascar for the period from 21 May 2001 to 20 May 2004 is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation ⁽³⁾.

The provisions concerning the vessel monitoring system (VMS) are set out in the Annex to this Regulation.

Article 2

The fishing opportunities set out in the Protocol shall be allocated among the Member States as follows:

(a) tuna seiners:	Spain:	18 vessels
	France:	20 vessels
	Italy:	2 vessels
(b) surface longliners:	Spain:	23 vessels
	France:	10 vessels
	Portugal:	7 vessels.

If licence applications from these Member States do not cover all the fishing opportunities fixed by the Protocol, the Commission may take into consideration licence applications from any other Member State.

Article 3

The Member States whose vessels are fishing under this Protocol are obliged to notify the Commission of the quantities of each stock taken in the Malagasy fishing zone in accordance with the arrangements laid down in Commission Regulation (EC) No 500/2001 of 14 March 2001 laying down detailed rules for the application of Council Regulation (EEC) No 2847/93 on the monitoring of catches taken by Community fishing vessels in third country waters and on the high seas ⁽⁴⁾.

Article 4

The President of the Council is hereby authorised to designate the persons empowered to sign the Protocol in order to bind the Community.

⁽¹⁾ Opinion delivered on 25 October 2001 (not yet published in the Official Journal).

⁽²⁾ OJ L 73, 18.3.1986, p. 26.

⁽³⁾ For the text of the Protocol, see OJ L 296, 14.11.2001, p. 10.

⁽⁴⁾ OJ L 73, 15.3.2001, p. 8.

Article 5

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, 17 December 2001.

For the Council

The President

A. NEYTS-UYTTEBROECK

ANNEX

PROVISIONS SPECIFYING HOW DATA IN CONNECTION WITH THE SATELLITE-BASED POSITION MONITORING OF COMMUNITY FISHING VESSELS OPERATING UNDER THE AGREEMENT BETWEEN THE EUROPEAN ECONOMIC COMMUNITY AND THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF MADAGASCAR ON FISHING OFF MADAGASCAR IS TO BE TRANSMITTED

In view of the fact that the Republic of Madagascar has implemented a vessel monitoring system (VMS) applicable to its national fleet and intends to extend this system on a non-discriminatory basis to all vessels operating in its fishing zone, and that Community vessels have been subject to satellite monitoring wherever they operate since 1 January 2000 under Community legislation, it is recommended that the national authorities of the flag States and of the Republic of Madagascar should monitor by satellite as follows vessels operating under the Agreement between the European Economic Community and the Democratic Republic of Madagascar on fishing off Madagascar (hereinafter referred to as the 'Agreement'):

1. for the purposes of satellite-based monitoring, the Malagasy authorities have communicated to the Community the coordinates (latitudes and longitudes) of Madagascar's fishing zone (attached in Appendix I).
The Malagasy authorities shall transmit this information in electronic form, expressed in decimal degrees, to the WGS-84 datum system;
2. the parties shall exchange information on X.25 addresses and the specifications for electronic data transmission between their control centres in accordance with points 4 and 6. Such information shall include the following where they exist: names, telephone, telex and fax numbers, and e-mail addresses (Internet or X.400) which may be used for general communications between control centres;
3. the position of vessels shall be determined with a margin of error of less than 500 metres and a confidence interval of 99 %;
4. when a vessel which is fishing under the Agreement and is the subject of satellite-based monitoring pursuant to Community legislation enters a fishing zone of the Republic of Madagascar, the subsequent position reports shall immediately be transmitted by the control centre of the flag State to the Malagasy fisheries monitoring centre (FMC) at intervals of no more than two hours. The messages concerned will be identified as position reports;
5. the messages specified at point 4 shall be transmitted electronically in X.25 format, without any further protocol. They shall be communicated in real time in the format set out in Appendix II;
6. where the continuous satellite monitoring equipment installed on board a fishing vessel develops a technical fault or breaks down, the skipper of the vessel shall transmit the information specified at point 4 to the control centre of the flag State in good time. In such circumstances, it will be necessary to send a position report every 12 hours while the vessel is in a fishing zone of the Republic of Madagascar. The control centre of the flag State or the fishing vessel shall send these messages immediately to the FMC. The defective equipment shall be repaired or replaced as soon as the vessel completes its fishing trip or within one month at the latest. After this deadline, the vessel in question may not undertake any further fishing trips until the equipment has been repaired or replaced;
7. the control centres of the flag States shall monitor the movements of their vessels in Malagasy waters at two-hourly intervals. If the vessels are not being monitored in accordance with the conditions laid down, the FMC shall be informed immediately and the procedure laid down at point 6 shall be applicable;
8. if the FMC establishes that the flag State is not transmitting the information specified at point 4, the other party shall be informed immediately;
9. the monitoring data communicated to the other party in accordance with these provisions is intended solely for the purposes of the Malagasy authorities in controlling and monitoring the Community fleet fishing under the Agreement. Such data may not under any circumstances be communicated to other parties;
10. the parties agree to take all necessary steps to meet the message requirements laid down in points 4 and 6 as soon as possible, and in no case later than six months after these provisions enter into force;
11. the parties agree to exchange upon request information on the equipment used for satellite monitoring, in order to ensure that each piece of equipment is fully compatible with the requirements of the other party for the purposes of these provisions;
12. any dispute over the interpretation or application of these provisions shall be the subject of consultation between the parties within the Joint Committee referred to in Article 9 of the Agreement.

These provisions shall enter into force on 21 May 2001.

Appendix I

Coordinates (latitudes and longitudes) of the Madagascar fishing zone

Ref	Coordinates in decimal degrees		Coordinates in degrees and minutes	
	X	Y	X	Y
A	49,40	- 10,3	49° 24'	- 10° 18'
B	51	- 11,8	51° 0'	- 11° 48'
C	53,3	- 12,7	53° 18'	- 12° 42'
D	52,2	- 16,3	52° 12'	- 16° 18'
E	52,8	- 18,8	52° 48'	- 18° 48'
F	52	- 20,4	52° 0'	- 20° 24'
G	51,8	- 21,9	51° 48'	- 21° 54'
H	50,4	- 26,2	50° 24'	- 26° 12'
I	48,3	- 28,2	48° 18'	- 28° 12'
J	45,4	- 28,7	45° 24'	- 28° 42'
K	41,9	- 27,8	41° 54'	- 27° 48'
L	40,6	- 26	40° 36'	- 26° 0'
M	41,8	- 24,3	41° 48'	- 24° 18'
N	41,6	- 20,8	41° 36'	- 20° 48'
O	41,4	- 19,3	41° 24'	- 19° 18'
P	43,2	- 17,8	43° 12'	- 17° 48'
Q	43,4	- 16,9	43° 24'	- 16° 54'
R	42,55	- 15,6	42° 33'	- 15° 36'
S	43,15	- 14,35	43° 9'	- 14° 21'
T	45	- 14,5	45° 0'	- 14° 30'
U	46,8	- 13,4	46° 48'	- 13° 24'
V	48,4	- 11,2	48° 24'	- 11° 12'

Appendix II

Communication of VMS messages to Madagascar

POSITION REPORT

Piece of data	Code	Mandatory/ Optional	Comments
Start record	SR	M	System detail; indicates start of record
Address	AD	M	Message detail; destination Party Alfa-3 ISO country code
From	FS	M	Message detail; the transmitting Party Alfa-3 ISO country code
Type of message	TM	M	Message detail; message type, 'POS'
Radio call sign	RC	M	Vessel detail; international radio call sign of the vessel
Internal reference number	IR	O	Vessel detail; Unique Party vessel number as Alfa-3 ISO flag country code followed by number
External registration number	XR	O	Vessel detail; the side number of the vessel
Latitude	LA	M	Position detail; position of the vessel in degrees and minutes N/SDDMM (WG-84)
Longitude	LO	M	Position detail; position of the vessel in degrees and minutes E/W DDDMM (Wgs-84)
Date	DA	M	Position detail; UTC date of position (YYYYMMDD)
Time	TI	M	Position detail; UTC time of position (HHMM)
End of record	ER	M	System detail; indicates end of record

Character set. ISO 8859,1

A data transfer is structured in the following way:

- a double oblique bar (//) and a code mark the beginning of the transmission,
- a simple oblique bar (/) marks a separation between the code and the piece of data.

The optional data has to be inserted between the beginning and the end of the recording.

**COUNCIL REGULATION (EC) No 2563/2001
of 19 December 2001**

**fixing for the 2002 fishing year the guide prices for the fishery products listed in Annexes I and II
and the Community producer price for the fishery products listed in Annex III to Regulation (EC)
No 104/2000**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products⁽¹⁾, and in particular Articles 18(3) and 26(1) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Article 18(1) of Regulation (EC) No 104/2000 requires a guide price to be fixed for each fishing year for each of the products and groups of products listed in Annexes I and II to that Regulation.
- (2) On the basis of the data currently available on the prices for the products concerned and the criteria referred to in Article 18(2) of Regulation (EC) No 104/2000, those prices should be increased, maintained or reduced for the 2002 fishing year depending on the species.
- (3) Article 26(1) of Regulation (EC) No 104/2000 requires a Community producer price to be fixed for each of the products listed in Annex III to that Regulation.
- (4) Commission Regulation (EEC) No 3510/82⁽²⁾ fixes the conversion factors applicable to different species of tuna. It is therefore not necessary for Community producer prices to be fixed for all species of tuna listed in Annex III to Regulation (EC) No 104/2000, but only for yellow-fin tuna (*Thunnus albacares*).

- (5) On the basis of the criteria laid down in the first and second indents of Article 18(2) and in Article 26(1) of Regulation (EC) No 104/2000, the Community producer price for the 2002 fishing year should be maintained,

HAS ADOPTED THIS REGULATION:

Article 1

The guide prices for the fishing year from 1 January to 31 December 2002 for the products listed in Annexes I and II to Regulation (EC) No 104/2000 and for the presentations and commercial categories to which they relate shall be as set out in the Annex hereto.

Article 2

The Community producer price for yellow-fin tuna (*Thunnus albacares*) for the fishing year from 1 January to 31 December 2002 is hereby fixed as follows:

Species	Commercial specifications	Community producer price (EUR/tonne)
Yellow-fin tuna (<i>Thunnus albacares</i>)	Whole, weighing more than 10 kg each	1 172

Article 3

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, 19 December 2001.

For the Council

The President

A. NEYTS-UYTTEBROECK

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

⁽²⁾ OJ L 368, 28.12.1982, p. 27. Regulation last amended by Regulation (EEC) No 3899/92 (OJ L 392, 31.12.1992, p. 24).

ANNEX

Annexes	Species Products listed in Annexes I and II to Regulation (EC) No 104/2000	Commercial presentation	Guide price (EUR/tonne)
I	1. Herring of the species <i>Clupea harengus</i>	Whole fish	260
	2. Sardines of the species <i>Sardina pilchardus</i>	Whole fish	561
	3. Dogfish (<i>Squalus acanthias</i>)	Whole fish or gutted fish with head	1 101
	4. Spotted dogfish (<i>Scyliorhinus spp.</i>)	Whole fish or gutted fish with head	790
	5. Redfish (<i>Sebastes spp.</i>)	Whole fish or gutted fish with head	1 171
	6. Cod of the species <i>Gadus morhua</i>	Whole fish or gutted fish with head	1 591
	7. Saithe (<i>Pollachius virens</i>)	Whole fish or gutted fish with head	790
	8. Haddock (<i>Melanogrammus aeglefinus</i>)	Whole fish or gutted fish with head	1 073
	9. Whiting (<i>Merlangius merlangus</i>)	Whole fish or gutted fish with head	929
	10. Ling (<i>Molva spp.</i>)	Whole fish or gutted fish with head	1 214
	11. Mackerel of the species <i>Scomber scombrus</i>	Whole fish	294
	12. Mackerel of the species <i>Scomber japonicus</i>	Whole fish	315
	13. Anchovy (<i>Engraulis spp.</i>)	Whole fish	1 209
	14. Plaice (<i>Pleuronectes platessa</i>)	Whole fish or gutted fish with head from 1.1.2002 to 30.4.2002	1 063
		Whole fish or gutted fish with head from 1.5.2002 to 31.12.2002	1 462
	15. Hake of the species <i>Merluccius merluccius</i>	Whole fish or gutted fish with head	3 695
	16. Megrim (<i>Lepidorhombus spp.</i>)	Whole fish or gutted fish with head	2 382
	17. Dab (<i>Limanda limanda</i>)	Whole fish or gutted fish with head	937
	18. Common flounder (<i>Platichthys flesus</i>)	Whole fish or gutted fish with head	552
	19. Albacore or longfinned tunas (<i>Thunnus alalunga</i>)	Whole fish	2 188
		Gutted fish with head	2 477
	20. Cuttlefish (<i>Sepia officinalis</i> and <i>Rossia macrosoma</i>)	Whole	1 613
	21. Monkfish (<i>Lophius spp.</i>)	Whole fish or gutted fish with head	2 868
		Without head	5 928
	22. Shrimp of the species <i>Crangon crangon</i>	Simply boiled in water	2 478
	23. Northern prawn (<i>Pandalus borealis</i>)	Simply boiled in water	6 612
		Fresh or chilled	1 707
	24. Edible crab (<i>Cancer pagurus</i>)	Whole	1 784
	25. Norway lobster (<i>Nephrops norvegicus</i>)	Whole	5 337
		Tails	4 323
	26. Sole (<i>Solea spp.</i>)	Whole fish or gutted fish with head	6 648

Annexes	Species Products listed in Annexes I and II to Regulation (EC) No 104/2000	Commercial presentation	Guide price (EUR/tonne)
II	1. Greenland halibut (<i>Reinhardtius hippoglossoides</i>)	Frozen, in original packages containing the same products	1 976
	2. Hake of the genus <i>Merluccius</i> spp.	Frozen, whole, in original packages containing the same products	1 277
		Frozen, filleted, in original packages containing the same products	1 530
	3. Sea bream (<i>Dentex dentex</i> and <i>Pagellus</i> spp.)	Frozen, in lots or in original packages containing the same products	1 587
	4. Swordfish (<i>Xiphias gladius</i>)	Frozen, whole, in original packages containing the same products	4 080
	5. Cuttlefish (<i>Sepia officinalis</i>) (<i>Rossia macrosoma</i>) (<i>Sepiola rondeletti</i>)	Frozen, in original packages containing the same products	1 928
	6. Octopus (<i>Octopus</i> spp.)	Frozen, in original packages containing the same products	1 987
	7. Squid (<i>Octopus</i> spp.)	Frozen, in original packages containing the same products	1 156
	8. Squid (<i>Ommastrephes sagittatus</i>)	Frozen, in original packages containing the same products	961
	9. <i>Illex argentinus</i>	Frozen, in original packages containing the same products	831
	10. Prawn of the family <i>Penaeidae</i> — Prawn of the species <i>Parapenaeus longirostris</i> — Other species of the family <i>Penaeidae</i>	Frozen, in original packages containing the same products	4 119
		Frozen, in original packages containing the same products	7 982

COMMISSION REGULATION (EC) No 2564/2001
of 27 December 2001
amending Regulation (EC) No 1280/2001 establishing a forecast balance for the supply to the
Canary Islands of 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 1454/2001 of 28 June 2001 introducing specific measures for certain agricultural products for the Canary Islands and repealing Regulation (EEC) No 1601/92 (Poseican)⁽¹⁾, and in particular Article 3(6) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2790/94⁽²⁾, as last amended by Regulation (EC) No 1620/1999⁽³⁾, lays down in particular 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 1280/2001⁽⁴⁾ establishes a supply balance for milk products for the Canary Islands. That supply balance may be revised where this proves necessary, and the quantities of products adjusted during the year within the overall quantity fixed in line with the region's requirements. In order to meet the

Canary Islands' milk-product requirements, the estimated quantities of such products in the forecast supply balance must be adjusted. The Annex to Regulation (EC) No 1280/2001 should therefore be amended.

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1280/2001 is replaced by the Annex to this Regulation.

Article 2

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

It shall apply from 1 July 2001.

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

Done at Brussels, 27 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 198, 21.7.2001, p. 45.

⁽²⁾ OJ L 296, 17.11.1994, p. 23.

⁽³⁾ OJ L 192, 27.7.1999, p. 19.

⁽⁴⁾ OJ L 176, 27.6.2001, p. 10.

ANNEX

'ANNEX

Forecast supply balance for milk products for the Canary Islands for the period 1 July to 31 December 2001

(tonnes)		
CN code	Description	Quantity
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter	53 125 ⁽¹⁾
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter	13 200 ⁽²⁾
0405	Butter and other fats and oils derived from milk; dairy spreads	2 000
0406	Cheese	} 8 000
0406 30		
0406 90 23		
0406 90 25		
0406 90 27		
0406 90 76		
0406 90 78		
0406 90 79		
0406 90 81		
0406 90 86		
0406 90 87		} 900
0406 90 88		
1901 90 99	Milk-based preparations containing no fats	2 500 ⁽³⁾
2106 90 92	Milk-based preparations for infants containing no milk fats, etc.	100

⁽¹⁾ Of which 625 tonnes are for the processing and/or packaging sector.

⁽²⁾ To be allocated as follows:

- 4 990 tonnes falling within CN codes 0402 91 and/or 0402 99 for direct consumption,
- 1 210 tonnes falling within CN codes 0402 91 and/or 0402 99 for the processing and/or packaging sector,
- 7 000 tonnes falling within CN codes 0402 10 and/or 0402 21 for the processing and/or packaging sector.

⁽³⁾ The entire amount is for the processing and/or packaging sector.'

COMMISSION REGULATION (EC) No 2565/2001**of 27 December 2001****opening Community tariff quotas for 2002 for sheep, goats, sheepmeat and goatmeat and derogating from Regulation (EC) No 1439/95**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2467/98 of 3 November 1998 on the common organisation of the market in sheepmeat and goatmeat ⁽¹⁾, as amended by Regulation (EC) No 1669/2000 ⁽²⁾, and in particular Article 17(1) thereof,

Having regard to Council Regulation (EC) No 1349/2000 of 19 June 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Estonia ⁽³⁾, as amended by Regulation (EC) No 2677/2000 ⁽⁴⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 1727/2000 of 31 July 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Hungary ⁽⁵⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2290/2000 of 9 October 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Bulgaria ⁽⁶⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2433/2000 of 17 October 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with the Czech Republic ⁽⁷⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2434/2000 of 17 October 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with the Slovak Republic ⁽⁸⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2435/2000 of 17 October 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and

providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Romania ⁽⁹⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2341/2000 of 17 October 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Latvia ⁽¹⁰⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2766/2000 of 14 December 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Lithuania ⁽¹¹⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2851/2000 of 22 December 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with the Republic of Poland and repealing Regulation (EC) No 3066/95 ⁽¹²⁾, and in particular Article 1(4) thereof,

Whereas:

- (1) The quantities of certain agricultural products that may be imported from certain countries with a total exemption from customs duty subject to tariff quotas, ceilings or reference quantities are laid down in Regulations (EC) No 1349/2000, (EC) No 1727/2000, (EC) No 2290/2000, (EC) No 2433/2000, (EC) No 2434/2000, (EC) No 2435/2000, (EC) No 2341/2000 and (EC) No 2766/2000 from 1 July 2000 and in Annex A(b) of Regulation (EC) No 2851/2000 from 1 January 2001.
- (2) The Commission must open tariff quotas for sheepmeat and goatmeat for 2002. Those quotas must subsequently be managed in accordance with the rules laid down in Commission Regulation (EC) No 1439/95 of 26 June 1995 laying down detailed rules for the application of Council Regulation (EEC) No 3013/89 as regards the import and export of products in the sheepmeat and goatmeat sector ⁽¹³⁾, as last amended by Regulation (EC) No 272/2001 ⁽¹⁴⁾.

⁽¹⁾ OJ L 312, 20.11.1998, p. 1.

⁽²⁾ OJ L 193, 29.7.2000, p. 8.

⁽³⁾ OJ L 155, 28.6.2000, p. 1.

⁽⁴⁾ OJ L 308, 8.12.2000, p. 7.

⁽⁵⁾ OJ L 198, 4.8.2000, p. 6.

⁽⁶⁾ OJ L 262, 17.10.2000, p. 1.

⁽⁷⁾ OJ L 280, 4.11.2000, p. 1.

⁽⁸⁾ OJ L 280, 4.11.2000, p. 9.

⁽⁹⁾ OJ L 280, 4.11.2000, p. 17.

⁽¹⁰⁾ OJ L 271, 24.10.2000, p. 7.

⁽¹¹⁾ OJ L 321, 19.12.2000, p. 8.

⁽¹²⁾ OJ L 332, 28.12.2000, p. 7.

⁽¹³⁾ OJ L 143, 27.6.1995, p. 7.

⁽¹⁴⁾ OJ L 41, 10.2.2001, p. 3.

- (3) A carcass-weight equivalent needs to be fixed in order to ensure a proper functioning of the tariff quotas. Furthermore, since certain tariff quotas provide the option of importing either the live animals or their meat, a conversion factor is required.
- (4) Since imports are managed on a calendar-year basis, the quantities fixed for 2002 are the sum of half of the quantity for the period 1 July 2001 to 30 June 2002 and half of the quantity for the period 1 July 2002 to 30 June 2003.
- (5) Accordingly it is necessary to prepare this Commission Regulation establishing Community tariff quotas for 2002 for sheep, goats, sheepmeat and goatmeat falling within CN codes 0104 10 30, 0104 10 80, 0104 20 90 and 0204.
- (6) Following difficulties in the sheep sector in Uruguay due to an outbreak of foot-and-mouth disease and in order to avoid a disruption in the supplies of this country to the European Community, provision should be made to derogate from Article 11(1) and Article 13(1) of Regulation (EC) No 1439/95 and to allow, on an exceptional basis, the extension of the validity until 25 January 2002 for the documents of origin and the import licences issued pursuant to Commission Regulation (EC) No 2808/2000 of 21 December 2000 opening Community tariff quotas for 2001 for sheep, goats, sheepmeat and goatmeat falling within CN codes 0104 10 30, 0104 10 80, 0104 20 10, 0104 20 90 and 0204 and derogating from Regulation (EC) No 1439/95 laying down detailed rules for the application of Council Regulation (EEC) No 3013/89 as regards the import and export of products in the sheepmeat and goatmeat sector ⁽¹⁾, as amended by Regulation (EC) No 272/2001.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sheepmeat and Goatmeat,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation opens Community tariff quotas for the sheepmeat and goatmeat sectors for the period 1 January to 31 December 2002.

Article 2

The customs duties applicable to imports into the Community of sheep, goats, sheepmeat and goatmeat falling within CN codes 0104 10 30, 0104 10 80, 0104 20 90 and 0204 originating in the countries indicated in the Annex shall be

suspended or reduced in accordance with the provisions laid down in this Regulation.

Article 3

1. The quantities of meat, expressed in carcass-weight equivalent, falling within CN code 0204 and for which the customs duty, applicable to imports originating in specific supplying countries, is suspended for the period between 1 January 2002 and 31 December 2002, shall be those laid down in Part 1 of the Annex.

2. The quantities of live animals and meat expressed as carcass-weight equivalent, falling within CN codes 0104 10 30, 0104 10 80, 0104 20 90 and 0204 and for which the customs duty, applicable to imports originating in specific supplying countries, is reduced to zero for the period between 1 January 2002 and 31 December 2002, shall be those laid down in Part 2 of the Annex.

3. The quantities of live animals, expressed in live weight, falling within CN codes 0104 10 30, 0104 10 80 and 0104 20 90 and for which the customs duty, applicable to imports, is reduced to 10 % *ad valorem* for the period between 1 January 2002 and 31 December 2002, shall be those laid down in Part 3 of the Annex.

4. The quantities of meat, expressed in carcass-weight equivalent, falling within CN code 0204 and for which the customs duty, applicable to imports, is suspended for the period between 1 January 2002 and 31 December 2002, shall be those laid down in Part 4 of the Annex.

Article 4

1. The tariff quotas provided for in Article 3(1) and (2) shall be managed in accordance with the rules laid down in Title II A of Regulation (EC) No 1439/95.

2. The tariff quotas provided for in Article 3(3) and (4) shall be managed in accordance with the rules laid down in Title II B of Regulation (EC) No 1439/95.

Article 5

1. The term 'carcass-weight equivalent' referred to in Article 3 shall be taken to mean the weight of bone-in meat presented as such, and also boned meat converted by a coefficient into bone-in weight. For this purpose 55 kilograms of boned mutton or goatmeat other than kid corresponds to 100 kilograms of bone-in mutton or goatmeat other than kid and 60 kilograms of boned lamb or kid corresponds to 100 kilograms of bone-in lamb or kid.

2. Where the option is available, under the Association Agreements between the Community and certain supplier countries, of allowing imports in the form of live animals or as meat, 100 kilograms of live animals shall be considered to be equivalent to 47 kilograms of meat.

⁽¹⁾ OJ L 326, 22.12.2000, p. 12.

Article 6

Notwithstanding Article 11(1) and Article 13(1) of Regulation (EC) No 1439/95 the documents of origin and import licences issued pursuant to Regulation (EC) No 2808/2000 for quantities imported from Uruguay, which have not yet expired at the date of entry into force of this Regulation shall be valid until 25 January 2002.

Article 7

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

It shall apply from 1 January to 31 December 2002. However, Article 6 shall apply from the date of entry into force of this Regulation.

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

Done at Brussels, 27 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

SHEEPMET AND GOATMEAT TARIFF QUOTAS FOR 2002**PART 1 — QUANTITIES FOR 2002 REFERRED TO IN ARTICLE 3(1) — ORDER No 09.4033**

Sheepmeat and goatmeat (tonnes carcass weight equivalent) at zero duty

CN code		
0204	Argentina	23 000
	Australia	18 650
	Chile	3 000
	New Zealand	226 700
	Uruguay	5 800
	Iceland	1 350
	Slovenia	50

PART 2 — QUANTITIES FOR 2002 REFERRED TO IN ARTICLE 3(2) — ORDER No 09.4575

Sheep and goats, live animals and/or meat (tonnes carcass weight equivalent) at zero duty

CN code		
0104 10 30	Poland	9 200
0104 10 80	Romania ⁽¹⁾	8 050
0104 20 90	Hungary ⁽²⁾	16 247,5
0204	Bulgaria	7 000
	Czech Republic	2 150
	Slovakia	4 300

⁽¹⁾ Pro memory annual increase = 700 tonnes (Regulation (EC) No 2435/2000).⁽²⁾ Pro memory annual increase = 1 415 tonnes (Regulation (EC) No 1727/2000).**PART 3 — QUANTITIES FOR 2002 REFERRED TO IN ARTICLE 3(3) — ORDER No 09.4036**

Live sheep and goats (tonnes carcass weight equivalent) at duty rate 10 %

CN code		
0104 10 30 0104 10 80 0104 20 90	Others	49,35 ⁽¹⁾

⁽¹⁾ The former amount of 105 tonnes live weight has been converted into carcass weight.**PART 4 — QUANTITIES FOR 2002 REFERRED TO IN ARTICLE 3(4) — ORDER No 09.4037**

Sheepmeat and goatmeat (tonnes carcass weight equivalent) at zero duty

CN code		
0204	Others (of which Greenland 100 tonnes, Faeroes 20 tonnes, Baltic States ⁽¹⁾ — Estonia, Latvia and Lithuania — 132,5 tonnes, Turkey 200 tonnes and others ⁽²⁾ 200 tonnes).	652,5

⁽¹⁾ This is a global amount for those three countries. Pro memory annual increase = 5 tonnes (Regulations (EC) No 2341/2000, (EC) No 2677/2000 and (EC) No 2766/2000).⁽²⁾ 'Others' stands here for all origins excluding the countries mentioned in the current table.

COMMISSION REGULATION (EC) No 2566/2001

of 21 December 2001

opening and providing for the administration of a Community tariff quota for 2002 for products falling within CN codes 0714 10 10, 0714 10 91 and 0714 10 99 originating in Thailand

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations ⁽¹⁾, and in particular Article 1(1) thereof,

Whereas:

(1) During the World Trade Organisation multilateral trade negotiations, the Community undertook to open a tariff quota restricted to 21 million tonnes of products falling within CN codes 0714 10 10, 0714 10 91 and 0714 10 99 originating in Thailand per four-year period, with customs duty reduced to 6 %. This quota must be opened and administered by the Commission.

(2) It is necessary to keep an administration system which ensures that only products originating in Thailand may be imported under the quota. The issue of an import licence should therefore continue to be subject to the presentation of an export certificate issued by the Thai authorities, a specimen of which has been notified to the Commission.

(3) Since imports to the Community market of the products concerned have traditionally been administered on the basis of a calendar year this system should be retained. It is therefore necessary to open a quota for 2002.

(4) The import of products covered by CN codes 0714 10 10, 0714 10 91 and 0714 10 99 is subject to the presentation of an import licence for which the common detailed rules of application are laid down in Commission Regulation (EC) No 1291/2000 ⁽²⁾, as amended by Regulation (EC) No 2299/2001 ⁽³⁾. Commission Regulation (EC) No 1162/95 ⁽⁴⁾, as last amended by Regulation (EC) No 2298/2001 ⁽⁵⁾, lays down the special detailed rules for the application of the system of licences for cereals and rice.

(5) In light of past experience and taking into account that the Community concession provides for an overall quantity for four years with an annual maximum of 5 500 000 tonnes, it is advisable to maintain measures

which, under certain conditions, either facilitate the release for free circulation of quantities of products exceeding those given in the import licences, or allow the difference between the figure given in the import licences and the smaller figure actually imported to be carried forward.

(6) In order to ensure the correct application of the agreement, it is necessary to establish a system of strict and systematic controls that take account of the information given on the Thai export certificates and the Thai authorities' procedures for issuing export certificates.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. An import tariff quota for 5 500 000 tonnes of products falling within CN codes 0714 10 10, 0714 10 91 and 0714 10 99 originating in Thailand is hereby opened for the period 1 January to 31 December 2002. The customs duty applicable is hereby fixed at 6 % *ad valorem*. The serial number of the quota shall be 09.4008.

2. The above products shall benefit from the arrangements provided for in this Regulation if imported under import licences:

(a) which are issued subject to the submission of a certificate for export to the European Community issued by the Department of Foreign Trade, Ministry of Commerce, Government of Thailand, hereinafter referred to as an 'export certificate', which meets the requirements laid down in Title I;

(b) which meet the requirements laid down in Title II.

TITLE I**EXPORT CERTIFICATES***Article 2*

1. There shall be one original and at least one copy of the export certificate, to be made out on a form of which a specimen is given in the Annex.

⁽¹⁾ OJ L 146, 20.6.1996, p. 1.

⁽²⁾ OJ L 152, 24.6.2000, p. 1.

⁽³⁾ OJ L 308, 27.11.2001, p. 19.

⁽⁴⁾ OJ L 117, 24.5.1995, p. 2.

⁽⁵⁾ OJ L 308, 27.11.2001, p. 16.

The size of the form shall be approximately 210 × 297 millimetres. The original shall be made out on white paper having a printed yellow guilloche pattern background so as to reveal any falsification by mechanical or chemical means.

2. The forms shall be printed and completed in English.
3. The original and the copies shall be completed in type-script or in handwriting. In the latter case, they must be completed in ink and in block capitals.
4. Each export certificate shall bear a pre-printed serial number; in the upper section it shall also bear a certificate number. The copies shall bear the same numbers as the original.

Article 3

1. Export certificates issued from 1 January to 31 December 2002 shall be valid for 120 days from the date of issue. The date of issue of the certificate shall be counted as part of the period of validity of the certificate.

For the certificate to be valid, the boxes on it must be properly completed and it must be authenticated, as stipulated in the instructions indicated thereon. The shipped weight must be written out in full and also given in figures.

2. The export certificate shall be duly authenticated when it indicates the date of issue and bears the stamp of the issuing body and the signature of the person or persons authorised to sign it.

TITLE II

IMPORT LICENCES

Article 4

1. Applications for an import licence for products falling within CN codes 0714 10 10, 0714 10 91 and 0714 10 99 originating in Thailand shall be submitted to the competent authorities in the Member States accompanied by the original of the export certificate. The original of the said export certificate shall be retained by the body which issues the import licence. However, where the application for an import licence relates to only a part of the quantity indicated on the export certificate, the issuing body shall indicate on the original the quantity for which the original was used and, after affixing its stamp, shall return the original to the party concerned.

Only the quantity indicated under 'shipped weight' on the export certificate shall be taken into consideration for the issue of the import licence.

2. Where it is found that the quantities actually unloaded in a given consignment are greater than the total figuring on the import licence or licences issued for this consignment, the competent authorities who issued the import licence or licences concerned shall, at the request of the importer, communicate to the Commission by telex or fax, case by case and as soon as possible, the number or numbers of the Thai export certificates, the number or numbers of the import

licences, the excess quantity concerned and the name of the cargo vessel.

The Commission shall contact the Thai authorities so that new export certificates may be drawn up. Until the new certificates have been drawn up, the excess quantities may not be released for free circulation under the conditions laid down in this Regulation as long as new import licences for the quantities in question cannot be presented. New import licences shall be issued under the conditions laid down in Article 7.

3. However, by way of derogation from paragraph 2, where it is found that the quantities actually unloaded in the case of a given delivery do not exceed by more than 2 % the quantities covered by the import licence or licences presented, the competent authorities of the Member State of release for free circulation shall, at the importer's request, authorise the release for free circulation of the surplus quantities in return for payment of a customs duty with a ceiling of 6 % *ad valorem* and the lodging by the importer of a security of an amount equal to the difference between the duty laid down in the Common Customs Tariff and the duty paid.

When the Commission receives the information referred to in the first subparagraph of paragraph 2, it shall contact the Thai authorities so that new export certificates may be drawn up.

The security shall be released upon presentation to the competent authorities of the Member State of release for free circulation of an additional import licence for the quantities concerned. Application for that licence does not entail an obligation to lodge the security for a licence referred to in Article 15(2) of Regulation (EC) No 1291/2000 or Article 5 of this Regulation. The licence shall be issued under the conditions laid down in Article 7 and upon presentation of one or more new export certificates issued by the Thai authorities. The additional import licence shall contain in box 20 one of the following entries:

- Certificado complementario, apartado 3 del artículo 4 del Reglamento (CE) n° 2566/2001
- Supplerende licens, forordning (EF) nr. 2566/2001, artikel 4, stk. 3
- Zusätzliche Lizenz — Artikel 4 Absatz 3 der Verordnung (EG) Nr. 2566/2001
- Συμπληρωματικό πιστοποιητικό — Άρθρο 4 παράγραφος 3 του κανονισμού (ΕΚ) αριθ. 2566/2001
- Licence for additional quantity, Article 4(3) of Regulation (EC) No 2566/2001
- Certificat complémentaire, règlement (CE) n° 2566/2001 article 4 paragraphe 3
- Titolo complementare, regolamento (CE) n. 2566/2001 articolo 4, paragrafo 3
- Aanvullend certificaat — artikel 4, lid 3, van Verordening (EG) nr. 2566/2001
- Certificado complementar, n.º 3 do artigo 4.º do Regulamento (CE) n.º 2566/2001
- Lisätodistus, asetus (EY) N:o 2566/2001, 4 artiklan 3 kohta
- Kompletterande licens, artikel 4.3 i förordning (EG) nr 2566/2001.

Except in cases of *force majeure*, the security shall be forfeit for quantities for which an additional import licence is not presented within a period of four months from the date of acceptance of the declaration of release for free circulation referred to in the first subparagraph. It shall be forfeit in particular for quantities for which the additional import licence has not been issued pursuant to Article 7(1).

After the competent authority has entered the quantity on the additional import licence and authenticated the entry, and the security provided for in the first subparagraph is released, the licence shall be sent to the issuing body as soon as possible.

4. Applications for licences may be submitted in all Member States and licences issued shall be valid throughout the Community.

The fourth indent of Article 5(1) of Regulation (EC) No 1291/2000 shall not apply to imports carried out under this Regulation.

Article 5

By way of derogation from Article 10 of Regulation (EC) No 1162/95, the security relating to the import licences provided for in this Title shall be EUR 5 per tonne.

Article 6

1. Applications for an import licence and the licence itself shall be marked 'Thailand' in box 8.

2. The licence shall bear the following indications in one of the language versions given below:

(a) in box 24:

- Derechos de aduana limitados al 6 % *ad valorem* [Reglamento (CE) n° 2566/2001]
- Toldsatsen begrænses til 6 % af værdien (Forordning (EF) nr. 2566/2001)
- Beschränkung des Zolls auf 6 % des Zollwerts (Verordnung (EG) Nr. 2566/2001)
- Τελωνειακός δασμός κατ' ανώτατο όριο 6 % κατ' αξία [κανονισμός (ΕΚ) αριθ. 2566/2001]
- Customs duties limited to 6 % *ad valorem* (Regulation (EC) No 2566/2001)
- Droits de douane limités à 6 % *ad valorem* [règlement (CE) n° 2566/2001]
- Dazi doganali limitati al 6 % *ad valorem* [regolamento (CE) n. 2566/2001]
- Douanerechten beperkt tot 6 % *ad valorem* [Verordening (EG) nr. 2566/2001]
- Direitos aduaneiros limitados a 6 % *ad valorem* [Regulamento (CE) n.º 2566/2001]
- Arvotulli rajoitettu 6 prosenttiin (asetus (EY) N:o 2566/2001)

— Tullsatsen begränsad till 6 % av värdet (Förordning (EG) nr 2566/2001);

(b) in box 20:

- Nombre del barco (indicar el nombre del barco que figura en el certificado de exportación tailandés)
- Skibets navn (skibsnavn, der er anført i det thailandske eksportcertifikat)
- Name des Schiffes (Angabe des in der thailändischen Ausfuhrbescheinigung eingetragenen Schiffsnamens)
- Ονομασία του πλοίου (σημειώστε την ονομασία του πλοίου που αναγράφεται στο ταϊλανδικό πιστοποιητικό εξαγωγής)
- Name of the cargo vessel (state the name of the vessel given on the Thai export certificate)
- Nom du bateau (indiquer le nom du bateau figurant sur le certificat d'exportation thaïlandais)
- Nome della nave (indicare il nome della nave che figura sul titolo di esportazione thailandese)
- Naam van het schip (zoals aangegeven in het Thaise uitvoercertificaat)
- Nome do navio (indicar o nome do navio que consta do certificado de exportação tailandês)
- Laivan nimi (nimi, joka on thaimaalaisessa vientitodistuksessa)
- Fartygets navn (namnet på det fartyg som anges i den thailändska exportlicensen)

- Número y fecha del certificado de exportación tailandés
- Det thailandske eksportcertifikats nummer og dato
- Nummer und Datum der thailändischen Ausfuhrbescheinigung
- Αριθμός και ημερομηνία του ταϊλανδικού πιστοποιητικού εξαγωγής
- Serial number and date of the Thai export certificate
- Numéro et date du certificat d'exportation thaïlandais
- Numero e data del titolo di esportazione thailandese
- Nummer en datum van het Thaise uitvoercertificaat
- Número e data do certificado de exportação tailandês
- Thaimaalaisen vientitodistuksen numero ja päivämäärä
- Den thailändska exportlicensens nummer och datum.

3. A licence shall be accepted in support of a declaration of release for free circulation only if, notably in the light of a copy of the bill of lading presented by the party concerned, it is shown that the products for which release for free circulation is requested have been transported to the Community by the vessel referred to in the import licence.

4. Subject to application of Article 4(3) and notwithstanding Article 8(4) of Regulation (EC) No 1291/2000, the quantity released for free circulation may not exceed that shown in boxes 17 and 18 of the import licence. The figure 0 shall be entered to that effect in box 19 of the said licence

Article 7

1. The import licence shall be issued on the fifth working day following the day on which the application is lodged, except where the Commission informs the competent authorities of the Member State by fax that the conditions laid down in this Regulation have not been fulfilled.

Where the conditions governing the issue of the licence have not been complied with, the Commission may, where necessary, and following consultation with the Thai authorities, adopt appropriate measures.

2. At the request of the party concerned, and following communication of the Commission's agreement by fax, the import licence may be issued within a shorter period.

Article 8

By way of derogation from Article 6 of Regulation (EC) No 1162/95, the last day of the period of validity of the import licence shall correspond to the last day of the period of validity of the export certificate plus 30 days.

Article 9

1. The Member States shall communicate to the Commission each day by fax the following information concerning each application for a licence:

- the quantity for which each import licence is requested, with the indication, where appropriate, 'additional import licence',
- the name of the applicant for the import licence,
- the number of the export certificate submitted, as indicated in the upper section of the certificate,
- the date of issue of the export certificate,
- the total quantity for which the export certificate was issued,
- the name of the exporter indicated on the export certificate.

2. At the end of the first half of 2003, at the latest, the authorities responsible for issuing import licences shall communicate to the Commission by fax a complete list of quantities not taken up as endorsed on the back of the import licences, the name of the cargo vessel and the numbers of the export certificates in question.

TITLE III**FINAL PROVISIONS***Article 10*

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, 21 December 2001.

For the Commission

Pascal LAMY

Member of the Commission

SERIAL No

**ORIGINAL****DEPARTMENT OF FOREIGN TRADE**
**MINISTRY OF COMMERCE
GOVERNMENT OF THAILAND**
EXPORT CERTIFICATE SUBJECT TO REGULATION (EC) No 2566/2001

SPECIAL FORM FOR PRODUCTS FALLING WITHIN CN CODES 0714 10 10, 0714 10 91, 0714 10 99

EXPORT CERTIFICATE No	
EXPORT PERMIT No	

1. EXPORTER (NAME, ADDRESS AND COUNTRY)		2. FIRST CONSIGNEE (NAME, ADDRESS AND COUNTRY)	
NAME		NAME	
ADDRESS		ADDRESS	
COUNTRY		COUNTRY	
3. SHIPPED PER		4. COUNTRY/COUNTRIES OF DESTINATION IN EU	
5. TYPE OF MANIOC PRODUCTS	6. WEIGHT (TONNES)	7. PACKING	
☐ CN CODE 0714 10 10 ☐ CN CODE 0714 10 91 ☐ CN CODE 0714 10 99	SHIPPED WEIGHT	☐ IN BULK ☐ BAGS ☐ OTHERS	
	ESTIMATED NET WEIGHT		

WE HEREBY CERTIFY THAT THE ABOVEMENTIONED PRODUCTS ARE PRODUCED IN AND ARE EXPORTED FROM THAILAND

DEPARTMENT OF FOREIGN TRADE

DATE

.....
NAME AND SIGNATURE OF AUTHORISED OFFICIAL AND STAMP

THIS CERTIFICATE IS VALID FOR 120 DAYS FROM THE DATE OF ISSUE

FOR USE BY EU AUTHORITIES:

**COMMISSION REGULATION (EC) No 2567/2001
of 21 December 2001
prohibiting fishing for herring by vessels flying the flag of the Netherlands**

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 Commission 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 Regulation (EC) No 2425/2001 ⁽⁴⁾, lays down quotas for herring 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 herring in the waters of ICES divisions Vb (EC waters), VIa North and VIb, by vessels flying the

flag of the Netherlands or registered in the Netherlands have exhausted the quota allocated for 2001. The Netherlands have prohibited fishing for this stock from 16 November 2001. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of herring in the waters of ICES divisions Vb (EC waters), VIa North and VIb, by vessels flying the flag of the Netherlands or registered in the Netherlands are hereby deemed to have exhausted the quota allocated to the Netherlands for 2001.

Fishing for herring in the waters of ICES divisions Vb (EC waters), VIa North and VIb, by vessels flying the flag of the Netherlands or registered in the Netherlands 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 16 November 2001.

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

Done at Brussels, 21 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 328, 13.12.2001, p. 7.

**COMMISSION REGULATION (EC) No 2568/2001
of 21 December 2001
prohibiting fishing for herring by vessels flying the flag of the Netherlands**

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 Commission 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 Regulation (EC) No 2425/2001 ⁽⁴⁾, lays down quotas for herring 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 herring in the waters of ICES divisions I and II, by vessels flying the flag of the Netherlands or

registered in the Netherlands have exhausted the quota allocated for 2001. The Netherlands have prohibited fishing for this stock from 16 November 2001. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of herring in the waters of ICES divisions I and II, by vessels flying the flag of the Netherlands or registered in the Netherlands are hereby deemed to have exhausted the quota allocated to the Netherlands for 2001.

Fishing for herring in the waters of ICES divisions I and II, by vessels flying the flag of the Netherlands or registered in the Netherlands 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 16 November 2001.

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

Done at Brussels, 21 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 328, 13.12.2001, p. 7.

**COMMISSION REGULATION (EC) No 2569/2001
of 20 December 2001**

**fixing the standard values to be used in calculating the financial compensation and the advance
pertaining thereto in respect of fishery products withdrawn from the market during the 2002
fishing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products⁽¹⁾, as amended by Commission Regulation (EC) No 939/2001⁽²⁾, and in particular Article 21(5) and (8) thereof,

Whereas:

- (1) Regulation (EC) No 104/2000 provides for financial compensation to be paid to producer organisations which withdraw, on certain conditions, the products listed in Annex I(A) and (B) to that Regulation. The amount of such financial compensation should be reduced by standard values in the case of products intended for purposes other than human consumption.
- (2) Commission Regulation (EEC) No 1501/83 of 9 June 1983 on the disposal of certain fishery products which have been withdrawn from the market⁽³⁾ specifies the ways of disposing of the products withdrawn. The value of such products should be fixed at a standard level for each of these modes of disposal, taking into account the average revenues which may be obtained from such disposal in the various Member States.
- (3) Under Article 7 of Commission Regulation (EC) No 2509/2000 of 15 November 2000 setting detailed rules for the application of Council Regulation (EC) No 104/2000 as regards financial compensation on certain fishery products⁽⁴⁾, special rules provide that, where a producer organisation or one of its members puts its products up for sale in a Member State other than the country in which it is recognised, the body responsible

for granting the financial compensation must be informed. This body is the one in the Member State in which the producer organisation is recognised. The standard value deductible should therefore be the value applied in that Member State.

- (4) The same method of calculation should be applied to advances on financial compensation as provided for in Article 6 of Regulation (EC) No 2509/2000.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 2002 fishing year, the standard values to be used in calculating financial compensation and associated advances for products withdrawn from the market by producer organisations, intended for purposes other than human consumption, are hereby fixed as set out in the Annex hereto for each of the uses shown.

Article 2

The standard value to be deducted from financial compensation and associated advances shall be that applied in the Member State in which the producer organisation is recognised.

Article 3

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, 20 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

⁽²⁾ OJ L 132, 15.5.2001, p. 10.

⁽³⁾ OJ L 152, 10.6.1983, p. 22.

⁽⁴⁾ OJ L 289, 16.11.2000, p. 11.

ANNEX

Use of products withdrawn from the market	EUR/tonne
1. Use following processing into meal (animal feed):	
(a) herring of the species <i>Clupea harengus</i> and mackerel of the species <i>Scomber scombrus</i> and <i>Scomber japonicus</i> :	
— Denmark and Sweden	70
— United Kingdom	50
— other Member States	18
— France	0
(b) Shrimps of the species <i>Crangon crangon</i> and deep-water prawns (<i>Pandalus borealis</i>):	
— Denmark and Sweden	0
— other Member States	25
(c) Other products:	
— Denmark	40
— Sweden, Portugal and Ireland	17
— United Kingdom	25
— other Member States	0
2. Use, fresh or preserved (animal feed)	
(a) Sardines of the species <i>Sardina pilchardus</i> and anchovies (<i>Engraulis</i> spp.)	
— all Member States	5
(b) Other products:	
— Sweden	58
— France	20
— other Member States	38
3. Use as bait:	
— France	50
— other Member States	10
4. Use for purposes other than animal feed	0

**COMMISSION REGULATION (EC) No 2570/2001
of 20 December 2001**

fixing the amount of private storage aid for certain fishery products in the 2002 fishing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products ⁽¹⁾, as amended by Commission Regulation (EC) No 939/2001 ⁽²⁾,

Having regard to Commission Regulation (EC) No 2813/2000 of 21 December 2000 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards the grant of private storage aid for certain fishery products ⁽³⁾, and in particular Article 1 thereof,

Whereas:

- (1) The aid must not exceed the sum of technical and financial costs recorded in the Community during the fishing year preceding the year in question.

- (2) To discourage long-term storage, to shorten payment times and to reduce the burden of controls, private storage aid should be paid in one instalment only.

- (3) The measures provided for in this Regulation are in accordance with the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 2002 fishing year the amount of private storage aid for the products listed in Annex II to Regulation (EC) No 104/2000 shall be as follows:

- first month: EUR 175/tonne,
- second month: EUR 0/tonne.

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, 20 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

⁽²⁾ OJ L 132, 15.5.2001, p. 10.

⁽³⁾ OJ L 326, 22.12.2000, p. 30.

COMMISSION REGULATION (EC) No 2571/2001**of 20 December 2001****fixing the amount of the carry-over aid and the flat-rate aid for certain fishery products for the 2002 fishing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products ⁽¹⁾, as amended by Commission Regulation (EC) No 939/2001,

Having regard to Commission Regulation (EC) No 2814/2000 of 21 December 2000 laying down detailed rules for applying Council Regulation (EC) No 104/2000 relating to the grant of carry-over aid for certain fishery products ⁽²⁾, and in particular Article 5 thereof,

Having regard to Commission Regulation (EC) No 939/2001 of 14 May 2001 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 relating to the grant of flat-rate aid for certain fishery products ⁽³⁾, and in particular Article 5 thereof,

Whereas:

- (1) Regulation (EC) No 104/2000 provides that aid may be granted for quantities of certain fresh products withdrawn from the market and either processed to stabilise them and stored or preserved.
- (2) The purpose of this aid is to give suitable encouragement to producers' organisations to process or preserve

products withdrawn from the market so that their destruction can be avoided.

- (3) The aid level should not be such as will disturb the balance of the market for the products in question or distort competition.
- (4) The aid level must not exceed the technical and financial costs associated with the operations essential to stabilising and storage recorded in the Community during the fishing year preceding the year in question.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 2002 fishing year, the carry-over aid referred to in Article 23 of Regulation (EC) No 104/2000 and the flat-rate aid referred to in Article 24(4) of that Regulation shall be as indicated in 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, 20 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

⁽²⁾ OJ L 132, 15.5.2001, p. 10.

⁽³⁾ OJ L 326, 22.12.2000, p. 34.

ANNEX

1. Amount of the carry-over aid for products listed in Annex I(A) and (B) and for sole (*Solea spp.*) listed in Annex I(C) to Regulation (EC) No 104/2000

Processing methods listed in Article 23 of Regulation (EC) No 104/2000	Aid (EUR/tonne)
1	2
I. Freezing and storage of whole products, gutted and with head, or cut-up products — Sardines of the species <i>Sardina pilchardus</i> — Other species	300 240
II. Filleting, freezing and storage	320
III. Salting and/or drying and storage of whole products, gutted and with head, or cut-up or filleted products	280
IV. Marinating and storage	240

2. Amount of the carry-over aid for products listed in Annex I(C) to Regulation (EC) No 104/2000

Processing and/or preservation methods listed in Article 23 of Regulation (EC) No 104/2000	Products	Aid (EUR/tonne)
1	2	3
I. Freezing and storage	Norway lobster (<i>Nephrops norvegicus</i>) Norway lobster tails (<i>Nephrops norvegicus</i>)	270 200
II. Removing the head, freezing and storage	Norway lobster (<i>Nephrops norvegicus</i>)	250
III. Cooking, freezing and storage	Norway lobster (<i>Nephrops norvegicus</i>) Edible crabs (<i>Cancer pagurus</i>)	270 200
IV. Pasteurisation and storage	Edible crabs (<i>Cancer pagurus</i>)	280
V. Live storage in fixed tanks or cages	Edible crabs (<i>Cancer pagurus</i>)	200

3. Amount of the flat-rate aid for products listed in Annex IV to Regulation (EC) No 104/2000

Processing methods	Aid (EUR/tonne)
I. Freezing and storage of whole products, gutted and with head, or cut-up products	240
II. Filleting, freezing and storage	320

**COMMISSION REGULATION (EC) No 2572/2001
of 20 December 2001**

**fixing the withdrawal and selling prices for the fishery products listed in Annex I to Council
Regulation (EC) No 104/2000 for the fishing year 2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products ⁽¹⁾, as modified by Commission Regulation (EC) No 939/2001 ⁽²⁾, and in particular Article 20(3) and Article 22 thereof,

Whereas:

- (1) Regulation (EC) No 104/2000 provides that the Community withdrawal and selling prices for each of the products listed in Annex I thereto are to be fixed on the basis of the freshness, size or weight and presentation of the product by applying the conversion factor for the product category concerned to an amount not more than 90 % of the relevant guide price.
- (2) Regulation (EC) No 104/2000 provides that the withdrawal prices may be multiplied by adjustment factors in landing areas which are very distant from main centres of consumption in the Community.
- (3) The guide prices for the fishing year 2001 were fixed for all the products concerned by Council Regulation (EC) No 2563/2001 ⁽³⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

The conversion factors used for calculating the Community withdrawal and selling prices for the fishing year 2002 for the products listed in Annex I to Regulation (EC) No 104/2000 are set out in Annex I to this Regulation.

Article 2

The Community withdrawal and selling prices applicable for the fishing year 2002 and the products to which they relate are set out in Annex II.

Article 3

The withdrawal prices applicable for the fishing year 2002 in landing areas which are very distant from the main centres of consumption in the Community and the products to which those prices relate are set out in Annex III.

Article 4

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, 20 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

⁽²⁾ OJ L 132, 15.5.2001, p. 10.

⁽³⁾ See page 26 of this Official Journal.

ANNEX I

Conversion factors for the products listed in points A, B and C of Annex I to Regulation (EC) No 104/2000

Species	Size (l)	Conversion factors	
		Gutted fish, with head (l)	Whole fish (l)
		Extra, A (l)	Extra, A (l)
Herring of the species <i>Clupea harengus</i>	1	0,00	0,47
	2	0,00	0,72
	3	0,00	0,68
	4a	0,00	0,43
	4b	0,00	0,43
	4c	0,00	0,90
	5	0,00	0,80
	6	0,00	0,40
Sardines of the species <i>Sardina pilchardus</i>	1	0,00	0,51
	2	0,00	0,64
	3	0,00	0,72
	4	0,00	0,47
Dogfish (<i>Squalus acanthias</i>)	1	0,60	0,60
	2	0,51	0,51
	3	0,28	0,28
Dogfish (<i>Scyliorhinus</i> spp.)	1	0,64	0,60
	2	0,64	0,56
	3	0,44	0,36
Redfish (<i>Sebastes</i> spp.)	1	0,00	0,81
	2	0,00	0,81
	3	0,00	0,68
Cod of the species <i>Gadus morhua</i>	1	0,72	0,52
	2	0,72	0,52
	3	0,68	0,40
	4	0,54	0,30
	5	0,38	0,22
Coalfish (<i>Pollachius virens</i>)	1	0,72	0,56
	2	0,72	0,56
	3	0,71	0,55
	4	0,61	0,30
Haddock (<i>Melanogrammus aeglefinus</i>)	1	0,72	0,56
	2	0,72	0,56
	3	0,62	0,43
	4	0,52	0,36
Whiting (<i>Merlangius merlangus</i>)	1	0,66	0,50
	2	0,64	0,48
	3	0,60	0,44
	4	0,41	0,30
Ling (<i>Molva</i> spp.)	1	0,68	0,56
	2	0,66	0,54
	3	0,60	0,48
Mackerel of the species <i>Scomber scombrus</i>	1	0,00	0,72
	2	0,00	0,71
	3	0,00	0,69
Spanish mackerel of the species <i>Scomber japonicus</i>	1	0,00	0,77
	2	0,00	0,77
	3	0,00	0,63
	4	0,00	0,47

Species	Size (l)	Conversion factors	
		Gutted fish, with head (l)	Whole fish (l)
		Extra, A (l)	Extra, A (l)
Anchovies (<i>Engraulis</i> spp.)	1	0,00	0,68
	2	0,00	0,72
	3	0,00	0,60
	4	0,00	0,25
Plaice (<i>Pleuronectes platessa</i>)	1	0,75	0,41
	2	0,75	0,41
	3	0,72	0,41
	4	0,52	0,34
Hake of the species <i>Merluccius merluccius</i>	1	0,90	0,71
	2	0,68	0,53
	3	0,68	0,52
	4	0,56	0,43
	5	0,52	0,41
Megrims (<i>Lepidorhombus</i> spp.)	1	0,68	0,64
	2	0,60	0,56
	3	0,54	0,49
	4	0,34	0,29
Dab (<i>Limanda limanda</i>)	1	0,71	0,58
	2	0,54	0,42
Flounder (<i>Platichthys flesus</i>)	1	0,66	0,58
	2	0,50	0,42
Albacore or longfinned tuna (<i>Thunnus alalunga</i>)	1	0,90	0,81
	2	0,90	0,77
Cuttlefish (<i>Sepia officinalis</i> and <i>Rossia macrosoma</i>)	1	0,00	0,64
	2	0,00	0,64
	3	0,00	0,40
		Whole fish, or gutted with head (l)	Fish without head (l)
		Extra, A (l)	Extra, A (l)
Monkfish (<i>Lophius</i> spp.)	1	0,61	0,77
	2	0,78	0,72
	3	0,78	0,68
	4	0,65	0,60
	5	0,36	0,43
		All presentations	
		A (l)	
Shrimps of the species <i>Crangon crangon</i>	1	0,59	
	2	0,27	
		Cooked in water	Fresh or chilled
		Extra, A (l)	Extra, A (l)
Deep-water prawns (<i>Pandalus borealis</i>)	1	0,77	0,68
	2	0,27	—

Species	Size (1)	Conversion factors		
		Whole (1)		
Edible crabs (<i>Cancer pagurus</i>)	1	0,72		
	2	0,54		
		Whole (1)		Tails (1)
		E (1)	Extra, A (1)	Extra, A (1)
Norway lobster (<i>Nephrops norvegicus</i>)	1	0,86	0,86	0,81
	2	0,86	0,59	0,68
	3	0,77	0,59	0,50
	4	0,50	0,41	0,41
		Gutted fish, with head (1)		Whole fish (1)
		Extra, A (1)		Extra, A (1)
Sole (<i>Solea</i> spp.)	1	0,75		0,58
	2	0,75		0,58
	3	0,71		0,54
	4	0,58		0,42
	5	0,50		0,33

(1) The freshness categories, sizes and presentations are those defined pursuant to Article 2 of Regulation (EC) No 104/2000.

ANNEX II

Withdrawal and sale price in the Community of the products listed in points A, B and C of Annex I to Regulation (EC) No 104/2000

Species	Size (l)	Withdrawal price (EUR/t)	
		Gutted fish, with head (l)	Whole fish (l)
		Extra, A (l)	Extra, A (l)
Herring of the species <i>Clupea harengus</i>	1	0	122
	2	0	187
	3	0	177
	4a	0	112
	4b	0	112
	4c	0	234
	5	0	208
	6	0	104
Sardines of the species <i>Sardina pilchardus</i>	1	0	286
	2	0	359
	3	0	404
	4	0	264
Dogfish (<i>Squalus acanthias</i>)	1	661	661
	2	562	562
	3	308	308
Dogfish (<i>Scylliorhinus</i> spp.)	1	506	474
	2	506	442
	3	348	284
Redfish (<i>Sebastes</i> spp.)	1	0	949
	2	0	949
	3	0	796
Cod of the species <i>Gadus morhua</i>	1	1 146	827
	2	1 146	827
	3	1 082	636
	4	859	477
	5	605	350
Coalfish (<i>Pollachius virens</i>)	1	569	442
	2	569	442
	3	561	435
	4	482	237
Haddock (<i>Melanogrammus aeglefinus</i>)	1	773	601
	2	773	601
	3	665	461
	4	558	386
Whiting (<i>Merlangius merlangus</i>)	1	613	465
	2	595	446
	3	557	409
	4	381	279
Ling (<i>Molva</i> spp.)	1	826	680
	2	801	656
	3	728	583
Mackerel of the species <i>Scomber scombrus</i>	1	0	212
	2	0	209
	3	0	203
Spanish mackerel of the species <i>Scomber japonicus</i>	1	0	243
	2	0	243
	3	0	198
	4	0	148

Species	Size (l)	Withdrawal price (EUR/t)	
		Gutted fish, with head (l)	Whole fish (l)
		Extra, A (l)	Extra, A (l)
Anchovies (<i>Engraulis</i> spp.)	1 2 3 4	0 0 0 0	822 870 725 302
Plaice (<i>Pleuronectes platessa</i>) — 1 January to 30 April 2002	1 2 3 4	797 797 765 553	436 436 436 361
— 1 May to 31 December 2002	1 2 3 4	1 097 1 097 1 053 760	599 599 599 497
Hake of the species <i>Merluccius merluccius</i>	1 2 3 4 5	3 326 2 513 2 513 2 069 1 921	2 623 1 958 1 921 1 589 1 515
Megrim (<i>Lepidorhombus</i> spp.)	1 2 3 4	1 620 1 429 1 286 810	1 524 1 334 1 167 691
Dab (<i>Limanda limanda</i>)	1 2	665 506	543 394
Flounder (<i>Platichthys flesus</i>)	1 2	364 276	320 232
Albacore or longfinned tuna (<i>Thunnus alalunga</i>)	1 2	2 229 2 229	1 772 1 685
Cuttlefish (<i>Sepia officinalis</i> and <i>Rossia macrosoma</i>)	1 2 3	0 0 0	1 032 1 032 645
		Whole fish, gutted fish, with head (l)	Fish without head (l)
		Extra, A (l)	Extra, A (l)
Monkfish (<i>Lophius</i> spp.)	1 2 3 4 5	1 749 2 237 2 237 1 864 1 032	4 565 4 268 4 031 3 557 2 549
		All presentations	
		Extra, A (l)	
Shrimps of the species <i>Crangon crangon</i>	1 2	1 462 669	
		Cooked in water	Fresh or chilled
		Extra, A (l)	Extra, A (l)
Deep-water prawns (<i>Pandalus borealis</i>)	1 2	5 091 1 785	1 161 —

Species	Size (1)	Sale price (EUR/t)		
		Whole (1)		
Edible crabs (<i>Cancer pagurus</i>)	1	1 284		
	2	963		
		Whole (1)		Tails (1)
		E (1)	Extra, A (1)	Extra, A (1)
Norway lobster (<i>Nephrops norvegicus</i>)	1	4 590	4 590	3 502
	2	4 590	3 149	2 940
	3	4 109	3 149	2 162
	4	2 669	2 188	1 772
		Gutted fish, with head (1)		Whole fish (1)
		Extra, A (1)		Extra, A (1)
Sole (<i>Solea</i> spp.)	1	4 986		3 856
	2	4 986		3 856
	3	4 720		3 590
	4	3 856		2 792
	5	3 324		2 194

(1) The freshness categories, sizes and presentations are those defined pursuant to Article 2 of Regulation (EC) No 104/2000.

ANNEX III

Withdrawal prices in landing areas which are very distant from the main centres of consumption

Species	Landing area	Conversion factor	Size (l)	Withdrawal prices (EUR/tonne)	
				Gutted fish, with head (l)	Whole fish (l)
				Extra, A (l)	Extra, A (l)
Herring of the species <i>Clupea harengus</i>	Coastal regions and islands of Ireland	0,90	{ 1	0	110
			{ 2	0	168
			{ 3	0	159
			{ 4a	0	101
	Coastal regions of eastern England from Berwick to Dover Coastal regions of Scotland from Portpatrick to Eyemouth and the islands located west and north of these regions Coastal regions of County Down (Northern Ireland)	0,90	{ 1	0	110
			{ 2	0	168
			{ 3	0	159
			{ 4a	0	101
Mackerel of the species <i>Scomber scombrus</i>	Coastal regions and islands of Ireland	0,96	{ 1	0	203
			{ 2	0	200
			{ 3	0	195
	Coastal regions and islands of Cornwall and Devon in the United Kingdom	0,95	{ 1	0	201
			{ 2	0	198
			{ 3	0	193
	Coastal regions from Portpatrick in south-western Scotland to Wick in north-eastern Scotland and the islands west and north of those regions, Coastal regions of the islands of Northern Ireland	1,00	{ 1	0	212
			{ 2	0	209
			{ 3	0	203
Hake of the species <i>Merluccius merluccius</i>	Coastal regions from Troon (in south-western Scotland) to Wick (in north-eastern Scotland) and the Islands located west and north of those regions	0,75	{ 1	2 494	1 968
			{ 2	1 884	1 469
			{ 3	1 884	1 441
			{ 4	1 552	1 192
			{ 5	1 441	1 136
	Coastal regions and Islands of Ireland	1,00	{ 1	3 326	2 623
			{ 2	2 513	1 958
			{ 3	2 513	1 921
Albacore of longfinned tuna (<i>Thunnus alalunga</i>)	Islands of the Azores and Madeira	0,48	{ 1	1 070	851
			{ 2	1 070	809
Sardines of the species <i>Sardina pilchardus</i>	Canary Islands	0,48	{ 1	0	137
			{ 2	0	172
			{ 3	0	194
			{ 4	0	127
	Coastal regions and islands of Cornwall and Devon in the United Kingdom	0,74	{ 1	0	212
			{ 2	0	266
			{ 3	0	299
			{ 4	0	195
	Atlantic coastal regions of Portugal	0,93	2	0	334
		0,81	3	0	327
	Atlantic, Channel and the North Sea coastal regions of France	1,00	2	0	359

(l) The freshness categories, sizes and presentations are those defined pursuant to Article 2 of Regulation (EC) No 104/2000.

COMMISSION REGULATION (EC) No 2573/2001
of 20 December 2001
fixing the selling prices for the fishery products listed in Annex II to Council Regulation (EC) No
104/2000 for the fishing year 2002

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products ⁽¹⁾, as amended by Commission Regulation (EC) No 939/2001 ⁽²⁾, and in particular Article 25(1) and (6) thereof,

Whereas:

- (1) A Community selling price is to be fixed for each of the products listed in Annex II to Regulation (EC) No 104/2000 before the beginning of the fishing year, at a level at least equal to 70 % and not exceeding 90 % of the guide price.
- (2) Council Regulation (EC) No 2563/2001 ⁽³⁾ fixes the guide prices for the fishing year 2002 for all the products concerned.
- (3) Market prices vary considerably depending on the species and how the products are presented, particularly in the case of squid and hake.

(4) Conversion factors must therefore be fixed for the different species and presentations of frozen products landed in the Community in order to determine the price level that will trigger the intervention measure provided for in Article 25(2) of Regulation (EC) No 104/2000.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

The Community selling prices applicable during the fishing year 2002 for the products listed in Annex II to Regulation (EC) No 104/2000 and the presentations and conversion factors to which they relate are set out in the Annex hereto.

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, 20 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

⁽²⁾ OJ L 132, 15.5.2001, p. 10.

⁽³⁾ See page 26 of this Official Journal.

ANNEX

Species	Presentation	Conversion factor	Intervention level	Selling price (EUR/t)
Greenland halibut (<i>Reinhardtius hippoglossoides</i>)	Whole, with or without head	1,0	0,85	1 680
Hake (<i>Merluccius</i> spp.)	Whole, with or without head	1,0	0,85	1 085
	Individual fillets			
	— with skin	1,0	0,85	1 301
	— skinless	1,1	0,85	1 431
Sea bream (<i>Dentex dentex</i> and <i>Pagellus</i> spp.)	Whole, with or without head	1,0	0,85	1 349
Swordfish (<i>Xiphias gladius</i>)	Whole, with or without head	1,0	0,85	3 468
Shrimps and prawns <i>Penaeidae</i>	Frozen			
(a) <i>Parapenaeus Longirostris</i>		1,0	0,85	3 501
(b) Other <i>Penaeidae</i>		1,0	0,85	6 785
Cuttlefish (<i>Sepia officinalis</i> , <i>Rossia macrosoma</i> and <i>Sepiola rondeletti</i>)	Frozen	1,0	0,85	1 639
Squid (<i>Loligo</i> spp.)				
(a) <i>Loligo patagonica</i>	— Whole, not cleaned	1,00	0,85	983
	— Cleaned	1,20	0,85	1 179
(b) <i>Loligo vulgaris</i>	— Whole, not cleaned	2,50	0,85	2 457
	— Cleaned	2,90	0,85	2 850
Octopus (<i>Octopus</i> spp.)	Frozen	1,00	0,85	1 689
<i>Illex argentinus</i>	— Whole, not cleaned	1,00	0,80	665
	— Tube	1,70	0,80	1 130

Forms of commercial presentation:

- Whole, not cleaned: product which has not undergone any treatment,
- Cleaned: product which has at least been gutted,
- Tube: squid body which has at least been gutted and had the head removed.

COMMISSION REGULATION (EC) No 2574/2001**of 20 December 2001****fixing the reference prices for a number of fishery products for the fishing year 2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products ⁽¹⁾, as amended by Commission Regulation (EC) No 939/2001 ⁽²⁾, and in particular Article 29(1) and (5) thereof,

Whereas:

- (1) Regulation (EC) No 104/2000 provides that reference prices valid for the Community may be fixed each year, by product category, for products that are the subject of a tariff suspension under Article 28(1). The same holds for products which, by virtue of being either the subject of a binding tariff reduction under the WTO or some other preferential arrangements, must comply with a reference price.
- (2) For the products listed in its Annex I, Parts A and B of Regulation (EC) No 104/2000, the reference price is the same as the withdrawal price fixed in accordance with Article 20(1) of that Regulation.
- (3) The Community withdrawal and selling prices for the products concerned are fixed for the fishing year 2002 by Commission Regulation (EC) No 2572/2001 ⁽³⁾.

- (4) The reference price for products other than those listed in Annexes I and II to Regulation (EC) No 104/2000 is established on the basis of the weighted average of customs values recorded on the import markets or in the ports of import in the three years immediately preceding the date on which the reference price is fixed.
- (5) There is no need to fix reference prices for all the species covered by the criteria laid down in Article 29(1) of Regulation (EC) No 104/2000, and particularly not for those imported from third countries in insignificant volumes.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

The reference prices for the fishing year 2002 of fishery products listed in Article 29 of Regulation (EC) No 104/2000 shall be as laid down in the Annex hereto.

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, 20 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

⁽²⁾ OJ L 132, 15.5.2001, p. 10.

⁽³⁾ See page 47 of this Official Journal.

ANNEX (*)

1. Reference prices for products referred to in Article 29(3)(a) of Regulation (EC) No 104/2000

Species	Size ⁽¹⁾	Reference price (EUR/t)			
		Gutted with head ⁽¹⁾		Whole fish ⁽¹⁾	
		Additional TARIC code	Extra, A ⁽¹⁾	Additional TARIC code	Extra, A ⁽¹⁾
Herring of the species <i>Clupea harengus</i> ex 0302 40 00	1		—	F011	122
	2		—	F012	187
	3		—	F013	177
	4a		—	F016	112
	4b		—	F017	112
	4c		—	F018	234
	5		—	F015	208
	6		—	F019	104
Redfish (<i>Sebastes</i> spp.) ex 0302 69 31 and ex 0302 69 33	1		—	F067	949
	2		—	F068	949
	3		—	F069	796
Cod of the species <i>Gadus morhua</i> ex 0302 50 10	1	F073	1 146	F083	827
	2	F074	1 146	F084	827
	3	F075	1 082	F085	636
	4	F076	859	F086	477
	5	F077	605	F087	350
Deepwater prawns (<i>Pandalus borealis</i>) ex 0306 23 10	1	Boiled in water		Fresh or refrigerated	
		Additional TARIC code	Extra, A ⁽¹⁾	Additional TARIC code	Extra, A ⁽¹⁾
		F317	5 091	F321	1 161
	2	F318	1 785	—	—

⁽¹⁾ The freshness, size and presentation categories are those laid down under Article 2 of Regulation (EC) No 104/2000.

2. Reference prices for fishery products referred to in Article 29(3)(d) of Regulation (EC) No 104/2000

Product	Additional TARIC code	Presentation	Reference price (EUR/t)
1. Redfish (<i>Sebastes</i> spp.) ex 0303 79 35 ex 0303 79 37	F411	Whole: — with or without head	942
ex 0304 20 35 ex 0304 20 37	F412	Fillets: — with bones ('standard')	1 896
	F413	— without bones	2 140
	F414	— blocks in immediate packing weighing not more than 4 kg	2 263

(*) The additional code to be mentioned for all categories other than those explicitly referred to in points 1 and 2 of the Annex is 'F499: Other'.

Product	Additional TARIC code	Presentation	Reference price (EUR/t)
2. Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> and <i>Gadus macrocephalus</i>) and fish of the species <i>Boreogadus saida</i> ex 0303 60 11, ex 0303 60 19, ex 0303 60 90, ex 0303 79 41	F416	Whole, with or without head	1 095
ex 0304 20 29	F417	Fillets: — interleaved or in industrial blocks, with bones (‘standard’)	2 404
	F418	— interleaved or in industrial blocks, without bones	2 719
	F419	— individual or fully interleaved fillets, with skin	2 602
	F420	— individual or fully interleaved fillets, without skin	2 944
	F421	— blocks in immediate packing weighing not more than 4 kg	2 903
ex 0304 90 38	F422	Pieces and other meat, except minced blocks	1 406
3. Coalfish (<i>Pollachius virens</i>)	F424	Fillets: — interleaved or in industrial blocks, with bones (‘standard’)	1 503
ex 0304 20 31	F425	— interleaved or in industrial blocks, without bones	1 655
	F426	— individual or fully interleaved fillets, with skin	1 476
	F427	— individual or fully interleaved fillets, without skin	1 665
	F428	— blocks in immediate packing weighing not more than 4 kg	1 751
ex 0304 90 41	F429	Pieces and other meat, except minced blocks	987
4. Haddock (<i>Melanogrammus aeglefinus</i>)	F431	Fillets: — interleaved or in industrial blocks, with bones (‘standard’)	2 287
ex 0304 20 33	F432	— interleaved or in industrial blocks, without bones	2 659
	F433	— individual or fully interleaved fillets, with skin	2 537
	F434	— individual or fully interleaved fillets, without skin	2 822
	F435	— blocks in immediate packing weighing not more than 4 kg	2 960
5. Alaska pollack (<i>Theragra chalcogramma</i>) ex 0304 20 85	F441	Fillets: — interleaved or in industrial blocks, with bones (‘standard’)	1 137
	F442	— interleaved or in industrial blocks, without bones	1 311
6. Herring (<i>Clupea harengus</i> , <i>Clupea pallasii</i>) ex 0304 10 97 ex 0304 90 22	F450	Herring flaps: — exceeding 80 g a piece	500
	F450	— exceeding 80 g a piece	455

**COMMISSION REGULATION (EC) No 2575/2001
of 27 December 2001
prohibiting fishing for Norway lobster by vessels flying the flag of the Netherlands**

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 Commission 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 last amended by Regulation (EC) No 2425/2001 ⁽⁴⁾, lays down quotas for Norway lobster 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 Norway lobster in the waters of ICES divisions IIa (EC waters) and North Sea (EC waters) by

vessels flying the flag of the Netherlands or registered in the Netherlands have exhausted the quota allocated for 2001. The Netherlands have prohibited fishing for this stock from 16 November 2001. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of Norway lobster in the waters of IIa (EC waters) and North Sea (EC waters) by vessels flying the flag of the Netherlands or registered in the Netherlands are hereby deemed to have exhausted the quota allocated to the Netherlands for 2001.

Fishing for Norway lobster in the waters of ICES divisions IIa (EC waters) and North Sea (EC waters) by vessels flying the flag of the Netherlands or registered in the Netherlands 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 16 November 2001.

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

Done at Brussels, 27 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 328, 13.12.2001, p. 7.

**COMMISSION REGULATION (EC) No 2576/2001
of 27 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 28 December 2001.

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

Done at Brussels, 27 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 27 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	69,4
	204	73,8
	212	110,1
	999	84,4
0707 00 05	052	165,3
	628	207,8
	999	186,6
0709 90 70	052	178,0
	204	211,2
	999	194,6
0805 10 10, 0805 10 30, 0805 10 50	052	55,3
	204	59,4
	388	23,9
	508	18,6
	999	39,3
0805 20 10	052	86,4
	204	67,1
	999	76,8
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	67,2
	204	66,0
	999	66,6
0805 30 10	052	48,0
	600	47,7
	999	47,9
0808 10 20, 0808 10 50, 0808 10 90	039	104,3
	052	75,0
	060	38,5
	400	99,4
	404	91,9
	720	115,8
	999	87,5
0808 20 50	052	97,2
	064	64,8
	400	99,5
	720	126,7
	999	97,0

⁽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 2577/2001**of 27 December 2001****fixing the rates of the refunds applicable to certain milk 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 (EC) No 1255/1999 of 15 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(1) of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1 (a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund. Whereas 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 criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EC) No 1563/2001 ⁽⁴⁾, 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 the Annex to Regulation (EC) No 1255/1999.

(2) 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.

(3) Article 4(3) of Regulation (EC) No 1520/2000 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organisation of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products.

(4) Article 11(1) of Regulation (EC) No 1255/1999 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions.

(5) Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽⁵⁾, as last amended by Regulation (EC) No 635/2000 ⁽⁶⁾, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods.

(6) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.

(7) 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

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed in Article 1 of Regulation (EC) No 1255/1999, exported in the form of goods listed in the Annex to Regulation (EC) No 1255/1999, are hereby fixed as shown in the Annex to this Regulation.

2. No rates of refund are fixed for any of the products referred to in the preceding paragraph which are not listed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 2002.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 177, 15.7.2000, p. 1.

⁽⁴⁾ OJ L 208, 1.8.2001, p. 8.

⁽⁵⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁶⁾ OJ L 76, 25.3.2000, p. 9.

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

Done at Brussels, 27 December 2001.

For the Commission
Erkki LIIKANEN
Member of the Commission

ANNEX

to the Commission Regulation of 27 December 2001 fixing 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 2578/2001**of 27 December 2001****fixing the rates of refunds applicable to certain products from the sugar 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 1260/2001 of 19 June 2001 on the common organisation of the market in sugar ⁽¹⁾, and in particular Article 27(5)(a) and (15),

Whereas:

- (1) Article 27(1) and (2) of Regulation (EEC) No 1260/2001 provides that the differences between the prices in international trade for the products listed in Article 1(1)(a), (c), (d), (f), (g) and (h) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in the Annex to that Regulation. 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 ⁽²⁾, as last amended by Regulation (EC) No 1563/2001 ⁽³⁾, 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 I to Regulation (EC) No 1260/2001.
- (2) In accordance with 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.
- (3) Article 27(3) of Regulation (EC) No 1260/2001 and Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lay down that the export refund for a product contained in a good may not

exceed the refund applicable to that product when exported without further processing.

- (4) The refunds fixed under this Regulation may be fixed in advance as the market situation over the next few months cannot be established at the moment.
- (5) 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 jeopardized by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.
- (6) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.
- (7) 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 rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed in Article 1(1) and (2) of Regulation (EC) No 1260/2001, exported in the form of goods listed in Annex V to Regulation (EC) No 1260/2001, are fixed as shown in the Annex hereto.

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, 27 December 2001.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 177, 15.7.2000, p. 1.

⁽³⁾ OJ L 208, 1.8.2001, p. 8.

ANNEX

to the Commission Regulation of 27 December 2001 fixing the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex I to the Treaty

Product	Rate of refund in EUR/100 kg	
	In case of advance fixing of refunds	Other
White sugar:	39,93	39,93

**COMMISSION REGULATION (EC) No 2579/2001
of 27 December 2001**

amending for the third time Regulation (EC) No 1209/2001 derogating from Regulation (EC) No 562/2000 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 as regards the buying-in of beef

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Commission Regulation (EC) No 2345/2001 ⁽²⁾, and in particular Articles 38(2) and 47(8) thereof,

Regulation (EC) No 1209/2001 is amended as follows:

1. Article 1 is amended as follows:

(a) paragraph 3 is replaced by the following:

‘3. Notwithstanding Article 4(2) of Regulation (EC) No 562/2000, the maximum weight of the carcasses referred to therein shall be:

- 380 kg for the first three tendering procedures in the first quarter of 2002, and
- 370 kg for the last two tendering procedures in the first quarter of 2002.

However, carcasses of a greater weight may be bought in. In that case, the buying-in price paid shall not be more than the price for that maximum weight or, in the case of forequarters, the buying-in price paid shall not be more than 40 % of the price for the maximum weight authorised.’

(b) paragraph 4 is replaced by the following:

‘4. Notwithstanding Article 16(2) of Regulation (EC) No 562/2000:

- the delivery period for the second and fifth tendering procedures in the first quarter of 2002 shall be 24 calendar days.’

(c) the figure ‘68’ in the second sentence of the third indent of paragraph 7 is replaced by ‘75’.

2. The second paragraph of Article 2 is replaced by the following:

‘It shall apply to tendering procedures opened during the first quarter of 2002.’

Article 2

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

It shall apply from 1 January 2002.

Whereas:

- (1) Commission Regulation (EC) No 1209/2001 ⁽³⁾, as amended by Regulation (EC) No 1922/2001 ⁽⁴⁾, introduces a number of derogations from Commission Regulation (EC) No 562/2000 ⁽⁵⁾, as last amended by Regulation (EC) No 1564/2001 ⁽⁶⁾, in order to deal with the exceptional situation on the market caused by events linked to bovine spongiform encephalopathy (BSE) and the subsequent outbreak of foot-and-mouth disease.
- (2) The market is still disrupted and prices have fallen significantly. Furthermore, an increase in production planned for the first quarter of 2002, resulting in postponement of slaughter of animals currently held on farms, could also lead to a further fall in prices for certain categories of bovine animals. The derogations provided for in Regulation (EC) No 1209/2001 should therefore be extended to the first quarter of 2002 and, at the same time, certain adjustments should be made.
- (3) The special premium referred to in Article 4 of Regulation (EC) No 1254/1999 will increase for steers from EUR 136 to EUR 150 for 2002. As a result, that figure should also be reflected in the price reduction (per half carcass) for store cattle (weanlings).
- (4) Regulation (EC) No 1209/2001 should consequently be amended.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 315, 1.12.2001, p. 29.

⁽³⁾ OJ L 165, 21.6.2001, p. 15.

⁽⁴⁾ OJ L 261, 29.9.2001, p. 52.

⁽⁵⁾ OJ L 68, 16.3.2000, p. 22.

⁽⁶⁾ OJ L 208, 1.8.2001, p. 14.

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

Done at Brussels, 27 December 2001.

For the Commission

Franz FISCHLER

Member of the Commission

COUNCIL REGULATION (EC) No 2580/2001**of 27 December 2001****on specific restrictive measures directed against certain persons and entities with a view to combating terrorism**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 60, 301 and 308 thereof,

Having regard to Common Position 2001/931/CFSP on the application of specific measures to combat terrorism ⁽¹⁾, adopted by the Council on 27 December 2001,

Having regard to the proposal from the Commission,

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

Whereas:

- (1) At its extraordinary meeting on 21 September 2001, the European Council declared that terrorism is a real challenge to the world and to Europe and that the fight against terrorism will be a priority objective of the European Union.
- (2) The European Council declared that combating the funding of terrorism is a decisive aspect of the fight against terrorism and called upon the Council to take the necessary measures to combat any form of financing for terrorist activities.
- (3) In its Resolution 1373(2001), the United Nations Security Council decided on 28 September 2001 that all States should implement a freezing of funds and other financial assets or economic resources as against persons who commit, or attempt to commit, terrorist acts or who participate in or facilitate the commission of such acts.
- (4) In addition, the Security Council decided that measures should be taken to prohibit funds and other financial assets or economic resources from being made available for the benefit of such persons, and to prohibit financial or other related services from being rendered for the benefit of such persons.
- (5) Action by the Community is necessary in order to implement the CFSP aspects of Common Position 2001/931/CFSP.
- (6) This Regulation is a measure needed at Community level and complementary to administrative and judicial

procedures regarding terrorist organisations in the European Union and third countries.

- (7) Community territory is deemed to encompass, for the purposes of this Regulation, all the territories of the Member States to which the Treaty is applicable, under the conditions laid down in that Treaty.
- (8) With a view to protecting the interests of the Community, certain exceptions may be granted.
- (9) As regards the procedure for establishing and amending the list referred to in Article 2(3) of this Regulation, the Council should exercise the corresponding implementing powers itself in view of the specific means available to its members for that purpose.
- (10) Circumvention of this Regulation should be prevented by an adequate system of information and, where appropriate, remedial measures, including additional Community legislation.
- (11) The competent authorities of the Member States should, where necessary, be empowered to ensure compliance with the provisions of this Regulation.
- (12) Member States should lay down rules on sanctions applicable to infringements of the provisions of this Regulation and ensure that they are implemented. Those sanctions must be effective, proportionate and dissuasive.
- (13) The Commission and the Member States should inform each other of the measures taken under this Regulation and of other relevant information at their disposal in connection with this Regulation.
- (14) The list referred to in Article 2(3) of this Regulation may include persons and entities linked or related to third countries as well as those who otherwise are the focus of the CFSP aspects of Common Position 2001/931/CFSP. For the adoption of provisions in this Regulation concerning the latter, the Treaty does not provide powers other than those under Article 308.
- (15) The European Community has already implemented UNSCR 1267(1999) and 1333(2000) by adopting Regulation (EC) No 467/2001 ⁽³⁾ freezing the assets of certain persons and groups and therefore those persons and groups are not covered by this Regulation,

⁽¹⁾ See page 93 of this Official Journal.

⁽²⁾ Opinion delivered on 13 December 2001 (not yet published in the Official Journal).

⁽³⁾ OJ L 67, 9.3.2001, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

For the purpose of this Regulation, the following definitions shall apply:

1. 'Funds, other financial assets and economic resources' means assets of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including, but not limited to, bank credits, travellers' cheques, bank cheques, money orders, shares, securities, bonds, drafts and letters of credit.
2. 'Freezing of funds, other financial assets and economic resources' means the prevention of any move, transfer, alteration, use of or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character, destination or other change that would enable the funds to be used, including portfolio management.
3. 'Financial services' means any service of a financial nature, including all insurance and insurance-related services, and all banking and other financial services (excluding insurance) as follows:

Insurance and insurance-related services

- (i) Direct insurance (including co-insurance):
 - (A) life assurance;
 - (B) non-life;
- (ii) Reinsurance and retrocession;
- (iii) Insurance intermediation, such as brokerage and agency;
- (iv) Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services.

Banking and other financial services (excluding insurance)

- (v) Acceptance of deposits and other repayable funds;
- (vi) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction;
- (vii) Financial leasing;
- (viii) All payment and money transmission services, including credit, charge and debit cards, travellers' cheques and bankers' drafts;
- (ix) Guarantees and commitments;
- (x) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:

- (A) money market instruments (including cheques, bills, certificates of deposits);
- (B) foreign exchange;
- (C) derivative products including, but not limited to, futures and options;
- (D) exchange rate and interest rate instruments, including products such as swaps and forward rate agreements;
- (E) transferable securities;
- (F) other negotiable instruments and financial assets, including bullion;
- (xi) Participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues;
- (xii) Money brokering;
- (xiii) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services;
- (xiv) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments;
- (xv) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services;
- (xvi) Advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (v) to (xv), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.

4. For the purposes of this Regulation, the definition of 'terrorist act' shall be the one contained in Article 1(3) of Common Position 2001/931/CFSP.
5. 'Owning a legal person, group or entity' means being in possession of 50 % or more of the proprietary rights of a legal person, group or entity, or having a majority interest therein.
6. 'Controlling a legal person, group or entity' means any of the following:
 - (a) having the right to appoint or remove a majority of the members of the administrative, management or supervisory body of such legal person, group or entity;
 - (b) having appointed solely as a result of the exercise of one's voting rights a majority of the members of the administrative, management or supervisory bodies of a legal person, group or entity who have held office during the present and previous financial year;

- (c) controlling alone, pursuant to an agreement with other shareholders in or members of a legal person, group or entity, a majority of shareholders' or members' voting rights in that legal person, group or entity;
- (d) having the right to exercise a dominant influence over a legal person, group or entity, pursuant to an agreement entered into with that legal person, group or entity, or to a provision in its Memorandum or Articles of Association, where the law governing that legal person, group or entity permits its being subject to such agreement or provision;
- (e) having the power to exercise the right to exercise a dominant influence referred to in point (d), without being the holder of that right;
- (f) having the right to use all or part of the assets of a legal person, group or entity;
- (g) managing the business of a legal person, group or entity on a unified basis, while publishing consolidated accounts;
- (h) sharing jointly and severally the financial liabilities of a legal person, group or entity, or guaranteeing them.

Article 2

1. Except as permitted under Articles 5 and 6:
 - (a) all funds, other financial assets and economic resources belonging to, or owned or held by, a natural or legal person, group or entity included in the list referred to in paragraph 3 shall be frozen;
 - (b) no funds, other financial assets and economic resources shall be made available, directly or indirectly, to, or for the benefit of, a natural or legal person, group or entity included in the list referred to in paragraph 3.
2. Except as permitted under Articles 5 and 6, it shall be prohibited to provide financial services to, or for the benefit of, a natural or legal person, group or entity included in the list referred to in paragraph 3.
3. The Council, acting by unanimity, shall establish, review and amend the list of persons, groups and entities to which this Regulation applies, in accordance with the provisions laid down in Article 1(4), (5) and (6) of Common Position 2001/931/CFSP; such list shall consist of:
 - (i) natural persons committing, or attempting to commit, participating in or facilitating the commission of any act of terrorism;
 - (ii) legal persons, groups or entities committing, or attempting to commit, participating in or facilitating the commission of any act of terrorism;
 - (iii) legal persons, groups or entities owned or controlled by one or more natural or legal persons, groups or entities referred to in points (i) and (ii); or

- (iv) natural legal persons, groups or entities acting on behalf of or at the direction of one or more natural or legal persons, groups or entities referred to in points (i) and (ii).

Article 3

1. The participation, knowingly and intentionally, in activities, the object or effect of which is, directly or indirectly, to circumvent Article 2 shall be prohibited.
2. Any information that the provisions of this Regulation are being, or have been, circumvented shall be notified to the competent authorities of the Member States listed in the Annex and to the Commission.

Article 4

1. Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy and to the provisions of Article 284 of the Treaty, banks, other financial institutions, insurance companies, and other bodies and persons shall:
 - provide immediately any information which would facilitate compliance with this Regulation, such as accounts and amounts frozen in accordance with Article 2 and transactions executed pursuant to Articles 5 and 6:
 - to the competent authorities of the Member States listed in the Annex where they are resident or located, and
 - through these competent authorities, to the Commission,
 - cooperate with the competent authorities listed in the Annex in any verification of this information.
2. Any information provided or received in accordance with this Article shall be used only for the purposes for which it was provided or received.
3. Any information directly received by the Commission shall be made available to the competent authorities of the Member States concerned and to the Council.

Article 5

1. Article 2(1)(b) shall not apply to the addition to frozen accounts of interest due on those accounts. Such interest shall also be frozen.
2. The competent authorities of the Member States listed in the Annex may grant specific authorisations, under such conditions as they deem appropriate, in order to prevent the financing of acts of terrorism, for
 1. the use of frozen funds for essential human needs of a natural person included in the list referred to in Article 2(3) or a member of his family, including in particular payments for foodstuffs, medicines, the rent or mortgage for the family residence and fees and charges concerning medical treatment of members of that family, to be fulfilled within the Community;

2. payments from frozen accounts for the following purposes:
 - (a) payment of taxes, compulsory insurance premiums and fees for public utility services such as gas, water, electricity and telecommunications to be paid in the Community; and
 - (b) payment of charges due to a financial institution in the Community for the maintenance of accounts;
3. payments to a person, entity or body person included in the list referred to in Article 2(3), due under contracts, agreements or obligations which were concluded or arose before the entry into force of this Regulation provided that those payments are made into a frozen account within the Community.
3. Requests for authorisations shall be made to the competent authority of the Member State in whose territory the funds, other financial assets or other economic resources have been frozen.

Article 6

1. Notwithstanding the provisions of Article 2 and with a view to the protection of the interests of the Community, which include the interests of its citizens and residents, the competent authorities of a Member State may grant specific authorisations:

- to unfreeze funds, other financial assets or other economic resources,
 - to make funds, other financial assets or other economic resources available to a person, entity or body included in the list referred to in Article 2(3), or
 - to render financial services to such person, entity or body,
- after consultation with the other Member States, the Council and the Commission in accordance with paragraph 2.

2. A competent authority which receives a request for an authorisation referred to in paragraph 1 shall notify the competent authorities of the other Member States, the Council and the Commission, as listed in the Annex, of the grounds on which it intends to either reject the request or grant a specific authorisation, informing them of the conditions that it considers necessary in order to prevent the financing of acts of terrorism.

The competent authority which intends to grant a specific authorisation shall take due account of comments made within

two weeks by other Member States, the Council and the Commission.

Article 7

The Commission shall be empowered, on the basis of information supplied by Member States, to amend the Annex.

Article 8

The Member States, the Council and the Commission shall inform each other of the measures taken under this Regulation and supply each other with the relevant information at their disposal in connection with this Regulation, notably information received in accordance with Articles 3 and 4, and in respect of violation and enforcement problems or judgments handed down by national courts.

Article 9

Each Member State shall determine the sanctions to be imposed where the provisions of this Regulation are infringed. Such sanctions shall be effective, proportionate and dissuasive.

Article 10

This Regulation shall apply:

1. within the territory of the Community, including its airspace,
2. on board any aircraft or any vessel under the jurisdiction of a Member State,
3. to any person elsewhere who is a national of a Member State,
4. to any legal person, group or entity incorporated or constituted under the law of a Member State,
5. to any legal person, group or entity doing business within the Community.

Article 11

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

2. Within a period of one year from the entry into force of this Regulation, the Commission shall present a report on the impact of this Regulation and, if necessary, make proposals to amend it.

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

Done at Brussels, 27 December 2001.

For the Council
The President
L. MICHEL

ANNEX

LIST OF COMPETENT AUTHORITIES REFERRED TO IN ARTICLES 3, 4 AND 5

BELGIUM

Ministère des finances
Trésorerie
avenue des Arts 30
B-1040 Bruxelles
Fax (32-2) 233 75 18

DENMARK

Erhvervsfremmestyrelsen
Dahlerups Pakhus
Langelinie Alle 17
DK-2100 København Ø
Tel. (45) 35 46 60 00
Fax (45) 35 46 60 01

GERMANY

— *concerning freeze of funds:*

Deutsche Bundesbank
Wilhelm Eppsteinstr. 14
D-60431 Frankfurt/Main
Tel. (00-49-69) 95 66

— *concerning insurances:*

Bundesaufsichtsamt für das Versicherungswesen (BAV)
Graurheindorfer Str. 108
D-53117 Bonn
Tel. (00-49-228) 42 28

GREECE

Ministry of National Economy
General Directorate of Economic Policy
5 Nikis str.
GR-105 63 Athens
Tel. (00-30-1) 333 27 81-2
Fax (00-30-1) 333 27 93

Υπουργείο Εθνικής Οικονομίας
Γενική Διεύθυνση Οικονομικής Πολιτικής
Νίκης 5, 10562 ΑΘΗΝΑ
Τηλ.: (00-30-1) 333 27 81-2
Φαξ: (00-30-1) 333 27 93

SPAIN

Dirección General de Comercio e Inversiones
Subdirección General de Inversores Exteriores
Ministerio de Economía
Paseo de la Castellana, 162
E-28046 Madrid
Tel. (00-34) 91 349 39 83
Fax (00-34) 91 349 35 62

Dirección General del Tesoro y Política Financiera
Subdirección General de Inspección y Control de Movimientos de Capitales
Ministerio de Economía
Paseo del Prado, 6
E-28014 Madrid
Tel. (00-34) 91 209 95 11
Fax (00-34) 91 209 96 56

FRANCE

Ministère de l'économie, des finances et de l'industrie
Direction du Trésor
Service des affaires européennes et internationales
Sous-direction E
139, rue du Bercy
F-75572 Paris Cedex 12
Tel. (33-1) 44 87 17 17
Fax (33-1) 53 18 36 15

IRELAND

Central Bank of Ireland
Financial Markets Department
PO Box 559
Dame Street
Dublin 2
Tel. (353-1) 671 66 66

Department of Foreign Affairs
Bilateral Economic Relations Division
76-78 Harcourt Street
Dublin 2
Tel. (353-1) 408 24 92

ITALY

Ministero dell'Economia e delle Finanze
...

LUXEMBOURG

Ministère des affaires étrangères, du commerce extérieur, de la coopération, de l'action humanitaire et de la défense
Direction des relations économiques internationales
BP 1602
L-1016 Luxembourg
Tel. (352) 478-1 ou 478-2350
Fax (352) 22 20 48

Ministère des Finances
3 rue de la Congrégation
L-1352 Luxembourg
Tel. (352) 478-2712
Fax (352) 47 52 41

NETHERLANDS

Ministerie van Financiën
Directie Wetgeving, Juridische en Bestuurlijke Zaken
Postbus 20201
2500 EE Den Haag
Nederland
Tel. (31-70) 342 82 27
Fax (31-70) 342 79 05

AUSTRIA

— *Article 3*

Bundesministerium für Inneres — Bundeskriminalamt
A-1090 Wien
Josef-Holaubek-Platz 1
Tel. (+ 431) 313 45-0
Fax (+ 431) 313 45-85 290

— *Article 4*

Oesterreichische Nationalbank
A-1090 Wien
Otto-Wagner-Platz 3
Tel. + 431) 404 20-0
Fax (+ 431) 404 20-73 99

Bundesministerium für Inneres — Bundeskriminalamt
A-1090 Wien
Josef-Holaubek-Platz 1
Tel. (+ 431) 313 45-0
Fax (+ 431) 313 45-85 290

— *Article 5*

Oesterreichische Nationalbank
A-1090 Wien
Otto-Wagner-Platz 3
Tel. + 431) 404 20-0
Fax (+ 431) 404 20-73 99

PORTUGAL

Ministério das Finanças
Direcção Geral dos Assuntos Europeus e Relações Internacionais
Avenida Infante D. Henrique, n.º 1, C 2.º
P-1100 Lisboa
Tel.: (351-1) 882 32 40/47
Fax: (351-1) 882 32 49

Ministério dos Negócios Estrangeiros
Direcção Geral dos Assuntos Multilaterais/Direcção dos Serviços das
Organizações Políticas Internacionais
Largo do Rilvas
P-1350-179 Lisboa
Tel.: (351 21) 394 60 72
Fax: (351 21) 394 60 73

FINLAND

Ulkoasiainministeriö/Utrikesministeriet
PL 176
SF-00161 Helsinki
Tel. (358-9) 13 41 51
Fax. (358-9) 13 41 57 07 and (358-9) 62 98 40

SWEDEN

— *Article 3*
Rikspolisstyrelsen (RPS)
Box 12256
102 26 Stockholm
tfn 08-401 90 00
fax 08-401 99 00

— *Articles 4 and 6*
Finanzinspektionen
Box 7831
103 98 Stockholm

tfn 08-787 80 00
fax 08-24 13 35

— *Article 5*

Riksförsäkringsverket (RFV)
103 51 Stockholm
tfn 08-786 90 00
fax 08-411 27 89

UNITED KINGDOM

HM Treasury
International Financial Services Team
19 Allington Towers
London SW1E 5EB
United Kingdom
Tel: (44-207) 270 55 50
Fax: (44-207) 270 43 65

Bank of England
Financial Sanctions Unit
Threadneedle Street
London EC2R 8AH
United Kingdom
Tel. (44-207) 601 46 07
Fax (44-207) 601 43 09

EUROPEAN COMMUNITY

Commission of the European Communities
Directorate-General for External Relations
Directorate CFSP
Unit A.2/Mr A. de Vries
Rue de la Loi/Wetstraat 200
B-1049 Bruxelles/Brussel
Tel.: (32-2) 295 68 80
Fax: (32-2) 296 75 63
E-mail: anthonius-de-vries@cec.eu.int

DIRECTIVE 2001/97/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 4 December 2001****amending Council Directive 91/308/EEC on prevention of the use of the financial system for the purpose of money laundering**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 47(2), first and third sentences, and Article 95 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾, in the light of the joint text approved by the Conciliation Committee on 18 September 2001,

Whereas:

- (1) It is appropriate that Directive 91/308/EEC ⁽⁴⁾, herein-after referred to as 'the Directive', as one of the main international instruments in the fight against money laundering, should be updated in line with the conclusions of the Commission and the wishes expressed by the European Parliament and the Member States. In this way the Directive should not only reflect best international practice in this area but should also continue to set a high standard in protecting the financial sector and other vulnerable activities from the harmful effects of the proceeds of crime.
- (2) The General Agreement on Trade in Services (GATS) allows Members to adopt measures necessary to protect public morals and to adopt measures for prudential reasons, including for ensuring the stability and integrity of the financial system. Such measures should not impose restrictions that go beyond what is necessary to achieve those objectives.
- (3) The Directive does not establish clearly which Member State's authorities should receive suspicious transaction reports from branches of credit and financial institutions having their head office in another Member State nor which Member State's authorities are responsible for ensuring that such branches comply with the Directive. The authorities of the Member States in which the branch is located should receive such reports and exercise the above responsibilities.
- (4) This allocation of responsibilities should be set out clearly in the Directive by means of an amendment to the definition of 'credit institution' and 'financial institution'.
- (5) The European Parliament has expressed concerns that the activities of currency exchange offices ('bureaux de change') and money transmitters (money remittance offices) are vulnerable to money laundering. These activities should already fall within the scope of the Directive. In order to dispel any doubt in this matter the Directive should clearly confirm that these activities are covered.
- (6) To ensure the fullest possible coverage of the financial sector it should also be made clear that the Directive applies to the activities of investment firms as defined in Council Directive 93/22/EEC of 10 May 1993 on investment services in the securities field ⁽⁵⁾.
- (7) The Directive obliges Member States only to combat the laundering of the proceeds of drugs offences. There has been a trend in recent years towards a much wider definition of money laundering based on a broader range of predicate or underlying offences, as reflected for example in the 1996 revision of the 40 Recommendations of the Financial Action Task Force (FATF), the leading international body devoted to the fight against money laundering.
- (8) A wider range of predicate offences facilitates suspicious transaction reporting and international cooperation in this area. Therefore, the Directive should be brought up to date in this respect.
- (9) In Joint Action 98/699/JHA of 3 December 1998 adopted by the Council on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds from crime ⁽⁶⁾, the Member States agreed to make all serious offences, as defined in the Joint Action, predicate offences for the purpose of the criminalisation of money laundering.
- (10) The suppression of organised crime in particular is closely linked to measures to combat money laundering. The list of predicate offences should therefore be adapted accordingly.

⁽¹⁾ OJ C 177 E, 27.6.2000, p. 14.

⁽²⁾ OJ C 75, 15.3.2000, p. 22.

⁽³⁾ Opinion of the European Parliament of 5 July 2000 (OJ C 121, 24.4.2001, p. 133), Council Common Position of 30 November 2000 (OJ C 36, 2.2.2001, p. 24) and Decision of the European Parliament of 5 April 2001 (not yet published in the Official Journal). Decision of the European Parliament of 13 November 2001 and Decision of the Council of 19 November 2001.

⁽⁴⁾ OJ L 166, 28.6.1991, p. 77.

⁽⁵⁾ OJ L 141, 11.6.1993, p. 27. Directive as last amended by Directive 97/9/EC of the European Parliament and of the Council (OJ L 84, 26.3.1997, p. 22).

⁽⁶⁾ OJ L 333, 9.12.1998, p. 1.

- (11) The Directive imposes obligations regarding in particular the reporting of suspicious transactions. It would be more appropriate and in line with the philosophy of the Action Plan to Combat Organised Crime⁽¹⁾ for the prohibition of money laundering under the Directive to be extended.
- (12) On 21 December 1998 the Council adopted Joint Action 98/733/JHA on making it a criminal offence to participate in a criminal organisation in the Member States of the European Union⁽²⁾. This Joint Action reflects the Member States' agreement on the need for a common approach in this area.
- (13) As required by the Directive, suspicious transaction reports are being made by the financial sector, and particularly by the credit institutions, in every Member State. There is evidence that the tightening of controls in the financial sector has prompted money launderers to seek alternative methods for concealing the origin of the proceeds of crime.
- (14) There is a trend towards the increased use by money launderers of non-financial businesses. This is confirmed by the work of the FATF on money laundering techniques and typologies.
- (15) The obligations of the Directive concerning customer identification, record keeping and the reporting of suspicious transactions should be extended to a limited number of activities and professions which have been shown to be vulnerable to money laundering.
- (16) Notaries and independent legal professionals, as defined by the Member States, should be made subject to the provisions of the Directive when participating in financial or corporate transactions, including providing tax advice, where there is the greatest risk of the services of those legal professionals being misused for the purpose of laundering the proceeds of criminal activity.
- (17) However, where independent members of professions providing legal advice which are legally recognised and controlled, such as lawyers, are ascertaining the legal position of a client or representing a client in legal proceedings, it would not be appropriate under the Directive to put these legal professionals in respect of these activities under an obligation to report suspicions of money laundering. There must be exemptions from any obligation to report information obtained either before, during or after judicial proceedings, or in the course of ascertaining the legal position for a client. Thus, legal advice remains subject to the obligation of professional secrecy unless the legal counsellor is taking part in money laundering activities, the legal advice is provided for money laundering purposes, or the lawyer knows that the client is seeking legal advice for money laundering purposes.
- (18) Directly comparable services need to be treated in the same manner when practised by any of the professionals covered by the Directive. In order to preserve the rights laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and the Treaty of the European Union, in the case of auditors, external accountants and tax advisors who, in some Member States, may defend or represent a client in the context of judicial proceedings or ascertain a client's legal position, the information they obtain in the performance of these tasks should not be subject to the reporting obligations in accordance with the Directive.
- (19) The Directive makes reference to 'the authorities responsible for combating money laundering' to which reports of suspicious operations must be made on the one hand, and to authorities empowered by law or regulation to supervise the activity of any of the institutions or persons subject to this Directive ('competent authorities') on the other hand. It is understood that the Directive does not oblige Member States to create such 'competent authorities' where they do not exist, and that bar associations and other self-regulatory bodies for independent professionals do not fall under the term 'competent authorities'.
- (20) In the case of notaries and independent legal professionals, Member States should be allowed, in order to take proper account of these professionals' duty of discretion owed to their clients, to nominate the bar association or other self-regulatory bodies for independent professionals as the body to which reports on possible money laundering cases may be addressed by these professionals. The rules governing the treatment of such reports and their possible onward transmission to the 'authorities responsible for combating money laundering' and in general the appropriate forms of cooperation between the bar associations or professional bodies and these authorities should be determined by the Member States,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 91/308/EEC is hereby amended as follows:

- Article 1 shall be replaced by the following:

'Article 1

For the purpose of this Directive:

- (A) Credit institution means a credit institution, as defined in Article 1(1) first subparagraph of Directive 2000/12/EC (*) and includes branches within the meaning of Article 1(3) of that Directive and located in the Community, of credit institutions having their head offices inside or outside the Community;

⁽¹⁾ OJ C 251, 15.8.1997, p. 1.

⁽²⁾ OJ L 351, 29.12.1998, p. 1.

(B) "Financial institution" means:

1. an undertaking other than a credit institution whose principal activity is to carry out one or more of the operations included in numbers 2 to 12 and number 14 of the list set out in Annex I to Directive 2000/12/EC; these include the activities of currency exchange offices (bureaux de change) and of money transmission/remittance offices;
2. an insurance company duly authorised in accordance with Directive 79/267/EEC (**), insofar as it carries out activities covered by that Directive;
3. an investment firm as defined in Article 1(2) of Directive 93/22/EEC (***);
4. a collective investment undertaking marketing its units or shares.

This definition of financial institution includes branches located in the Community of financial institutions, whose head offices are inside or outside the Community,

(C) "Money laundering" means the following conduct when committed intentionally:

- the conversion or transfer of property, knowing that such property is derived from criminal activity or from an act of participation in such activity, for the purpose of concealing or disguising the illicit origin of the property or of assisting any person who is involved in the commission of such activity to evade the legal consequences of his action;
- the concealment or disguise of the true nature, source, location, disposition, movement, rights with respect to, or ownership of property, knowing that such property is derived from criminal activity or from an act of participation in such activity;
- the acquisition, possession or use of property, knowing, at the time of receipt, that such property was derived from criminal activity or from an act of participation in such activity;
- participation in, association to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the actions mentioned in the foregoing indents.

Knowledge, intent or purpose required as an element of the abovementioned activities may be inferred from objective factual circumstances.

Money laundering shall be regarded as such even where the activities which generated the property to be laundered were carried out in the territory of another Member State or in that of a third country.

(D) "Property" means assets of every kind, whether corporeal or incorporeal, movable or immovable, tangible or intangible, and legal documents or instruments evidencing title to or interests in such assets.

(E) "Criminal activity" means any kind of criminal involvement in the commission of a serious crime.

Serious crimes are, at least:

- any of the offences defined in Article 3(1)(a) of the Vienna Convention;
- the activities of criminal organisations as defined in Article 1 of Joint Action 98/733/JHA (****);
- fraud, at least serious, as defined in Article 1(1) and Article 2 of the Convention on the protection of the European Communities' financial interests (*****);
- corruption;
- an offence which may generate substantial proceeds and which is punishable by a severe sentence of imprisonment in accordance with the penal law of the Member State.

Member States shall before 15 December 2004 amend the definition provided for in this indent in order to bring this definition into line with the definition of serious crime of Joint Action 98/699/JHA. The Council invites the Commission to present before 15 December 2004 a proposal for a Directive amending in that respect this Directive.

Member States may designate any other offence as a criminal activity for the purposes of this Directive.

(F) "Competent authorities" means the national authorities empowered by law or regulation to supervise the activity of any of the institutions or persons subject to this Directive.

(*) OJ L 126, 26.5.2000, p. 1. Directive as amended by Directive 2000/28/EC (OJ L 275, 27.10.2000, p. 37).

(**) OJ L 63, 13.3.1979, p. 1. Directive as last amended by Directive 95/26/EC of the European Parliament and of the Council (OJ L 168, 18.7.1995, p. 7).

(***) OJ L 141, 11.6.1993, p. 27. Directive as last amended by Directive 97/9/EC of the European Parliament and of the Council (OJ L 84, 26.3.1997, p. 22).

(****) OJ L 351, 29.12.1998, p. 1.

(*****) OJ C 316, 27.11.1995, p. 48.

2. The following Article shall be inserted:

'Article 2a

Member States shall ensure that the obligations laid down in this Directive are imposed on the following institutions:

1. credit institutions as defined in point A of Article 1;

2. financial institutions as defined in point B of Article 1;

and on the following legal or natural persons acting in the exercise of their professional activities:

3. auditors, external accountants and tax advisors;
4. real estate agents;
5. notaries and other independent legal professionals, when they participate, whether:
 - (a) by assisting in the planning or execution of transactions for their client concerning the
 - (i) buying and selling of real property or business entities;
 - (ii) managing of client money, securities or other assets;
 - (iii) opening or management of bank, savings or securities accounts;
 - (iv) organisation of contributions necessary for the creation, operation or management of companies;
 - (v) creation, operation or management of trusts, companies or similar structures;
 - (b) or by acting on behalf of and for their client in any financial or real estate transaction;
6. dealers in high-value goods, such as precious stones or metals, or works of art, auctioneers, whenever payment is made in cash, and in an amount of EUR 15 000 or more;
7. casinos.'

3. Article 3 shall be replaced by the following:

'Article 3

1. Member States shall ensure that the institutions and persons subject to this Directive require identification of their customers by means of supporting evidence when entering into business relations, particularly, in the case of the institutions, when opening an account or savings accounts, or when offering safe custody facilities.

2. The identification requirement shall also apply for any transaction with customers other than those referred to in paragraph 1, involving a sum amounting to EUR 15 000 or more, whether the transaction is carried out in a single operation or in several operations which seem to be linked. Where the sum is not known at the time when the transaction is undertaken, the institution or person concerned shall proceed with identification as soon as it or he is apprised of the sum and establishes that the threshold has been reached.

3. By way of derogation from the preceding paragraphs, the identification requirements with regard to insurance policies written by insurance undertakings within the meaning of Council Directive 92/96/EEC of 10 November 1992 on the coordination of laws, regula-

tions and administrative provisions relating to direct life assurance (third life assurance Directive) (*), where they perform activities which fall within the scope of that Directive shall not be required where the periodic premium amount or amounts to be paid in any given year does or do not exceed EUR 1 000 or where a single premium is paid amounting to EUR 2 500 or less. If the periodic premium amount or amounts to be paid in any given year is or are increased so as to exceed the EUR 1 000 threshold, identification shall be required.

4. Member States may provide that the identification requirement is not compulsory for insurance policies in respect of pension schemes taken out by virtue of a contract of employment or the insured's occupation, provided that such policies contain no surrender clause and may not be used as collateral for a loan.

5. By way of derogation from the preceding paragraphs, all casino customers shall be identified if they purchase or sell gambling chips with a value of EUR 1 000 or more.

6. Casinos subject to State supervision shall be deemed in any event to have complied with the identification requirement laid down in this Directive if they register and identify their customers immediately on entry, regardless of the number of gambling chips purchased.

7. In the event of doubt as to whether the customers referred to in the above paragraphs are acting on their own behalf, or where it is certain that they are not acting on their own behalf, the institutions and persons subject to this Directive shall take reasonable measures to obtain information as to the real identity of the persons on whose behalf those customers are acting.

8. The institutions and persons subject to this Directive shall carry out such identification, even where the amount of the transaction is lower than the threshold laid down, wherever there is suspicion of money laundering.

9. The institutions and persons subject to this Directive shall not be subject to the identification requirements provided for in this Article where the customer is a credit or financial institution covered by this Directive or a credit or financial institution situated in a third country which imposes, in the opinion of the relevant Member States, equivalent requirements to those laid down by this Directive.

10. Member States may provide that the identification requirements regarding transactions referred to in paragraphs 3 and 4 are fulfilled when it is established that the payment for the transaction is to be debited from an account opened in the customer's name with a credit institution subject to this Directive according to the requirements of paragraph 1.

11. Member States shall, in any case, ensure that the institutions and persons subject to this Directive take specific and adequate measures necessary to compensate for the greater risk of money laundering which arises when establishing business relations or entering into a transaction with a customer who has not been physically present for identification purposes ("non-face to face" operations). Such measures shall ensure that the customer's identity is established, for example, by requiring additional documentary evidence, or supplementary measures to verify or certify the documents supplied, or confirmatory certification by an institution subject to this Directive, or by requiring that the first payment of the operations is carried out through an account opened in the customer's name with a credit institution subject to this Directive. The internal control procedures laid down in Article 11(1) shall take specific account of these measures.

(*) OJ L 360, 9.12.1992, p. 1. Directive as last amended by Directive 2000/64/EC of the European Parliament and of the Council (OJ L 290, 17.11.2000, p. 27.)

4. In Articles 4, 5, 8 and 10 the terms 'credit and financial institutions' shall be replaced by 'the institutions and persons subject to this Directive'.

5. Article 6 shall be replaced by the following:

'Article 6

1. Member States shall ensure that the institutions and persons subject to this Directive and their directors and employees cooperate fully with the authorities responsible for combating money laundering:

(a) by informing those authorities, on their own initiative, of any fact which might be an indication of money laundering;

(b) by furnishing those authorities, at their request, with all necessary information, in accordance with the procedures established by the applicable legislation.

2. The information referred to in paragraph 1 shall be forwarded to the authorities responsible for combating money laundering of the Member State in whose territory the institution or person forwarding the information is situated. The person or persons designated by the institutions and persons in accordance with the procedures provided for in Article 11(1)(a) shall normally forward the information.

3. In the case of the notaries and independent legal professionals referred to in Article 2a(5), Member States may designate an appropriate self-regulatory body of the profession concerned as the authority to be informed of the facts referred to in paragraph 1(a) and in such case shall lay down the appropriate forms of cooperation between that body and the authorities responsible for combating money laundering.

Member States shall not be obliged to apply the obligations laid down in paragraph 1 to notaries, independent legal professionals, auditors, external accountants and tax advisors with regard to information they receive from or obtain on one of their clients, in the course of ascertaining the legal position for their client or performing their task of defending or representing that client in, or concerning judicial proceedings, including advice on instituting or avoiding proceedings, whether such information is received or obtained before, during or after such proceedings.'

6. Article 7 shall be replaced by the following:

'Article 7

Member States shall ensure that the institutions and persons subject to this Directive refrain from carrying out transactions which they know or suspect to be related to money laundering until they have apprised the authorities referred to in Article 6. Those authorities may, under conditions determined by their national legislation, give instructions not to execute the operation. Where such a transaction is suspected of giving rise to money laundering and where to refrain in such manner is impossible or is likely to frustrate efforts to pursue the beneficiaries of a suspected money-laundering operation, the institutions and persons concerned shall apprise the authorities immediately afterwards.'

7. The current text becomes paragraph 1 and the following shall be added to Article 8:

'2. Member States shall not be obliged under this Directive to apply the obligation laid down in paragraph 1 to the professions mentioned in the second paragraph of Article 6(3).'

8. Article 9 shall be replaced by the following:

'Article 9

The disclosure in good faith to the authorities responsible for combating money laundering by an institution or person subject to this Directive or by an employee or director of such an institution or person of the information referred to in Articles 6 and 7 shall not constitute a breach of any restriction on disclosure of information imposed by contract or by any legislative, regulatory or administrative provision, and shall not involve the institution or person or its directors or employees in liability of any kind.'

9. The following paragraph shall be added to Article 10

'Member States shall ensure that supervisory bodies empowered by law or regulation to oversee the stock, foreign exchange and financial derivatives markets inform the authorities responsible for combating money laundering if they discover facts that could constitute evidence of money laundering.'

10. Article 11 shall be replaced by the following:

'Article 11

1. Member States shall ensure that the institutions and persons subject to this Directive:

- (a) establish adequate procedures of internal control and communication in order to forestall and prevent operations related to money laundering;
- (b) take appropriate measures so that their employees are aware of the provisions contained in this Directive. These measures shall include participation of their relevant employees in special training programmes to help them recognise operations which may be related to money laundering as well as to instruct them as to how to proceed in such cases.

Where a natural person falling within any of Article 2a(3) to (7) undertakes his professional activities as an employee of a legal person, the obligations in this Article shall apply to that legal person rather than to the natural person.

2. Member States shall ensure that the institutions and persons subject to this Directive have access to up-to-date information on the practices of money launderers and on indications leading to the recognition of suspicious transactions.'

11. In Article 12 the words 'credit or financial institutions referred to in Article 1' shall be replaced by 'institutions and persons referred to in Article 2a.'

Article 2

Within three years of the entry into force of this Directive, the Commission shall carry out a particular examination, in the context of the report provided for in Article 17 of Directive 91/308/EEC, of aspects relating to the implementa-

tion of the fifth indent of Article 1(E), the specific treatment of lawyers and other independent legal professionals, the identification of clients in non-face to face transactions and possible implications for electronic commerce.

Article 3

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 15 June 2003 at the latest. They shall forthwith inform the Commission thereof.

Where Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

2. Member States shall communicate to the Commission the text of the main provisions of domestic law which they adopt in the field governed by this Directive.

Article 4

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

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 4 December 2001.

For the European Parliament

The President

N. FONTAINE

For the Council

The President

D. REYNERS

Commission Declaration

The Commission reiterates the commitment made in its work programme 2001 to launch a proposal before the end of this year for a Regulation of the European Parliament and of the Council establishing a cooperation mechanism between the competent national authorities of the Member States and the Commission in order to ensure the protection of the Communities' financial interests against illegal activities, including Value Added Tax (VAT) fraud and money laundering. This commitment has been confirmed in the Communication from the Commission concerning the Action Plan for 2001-2003 on protecting the Communities' financial interests — Fight against fraud — of 15 May 2001 ⁽¹⁾.

⁽¹⁾ COM(2001) 254 final: see paragraph 2.2.1.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 27 December 2001

establishing the list provided for in Article 2(3) of Council Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism

(2001/927/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism, and in particular Article 2(3) thereof,

Whereas it is desirable to adopt an initial list of persons, groups and entities to which the aforesaid Regulation applies; whereas the Council reserves the right to adopt additional lists in the future,

HAS DECIDED AS FOLLOWS:

Article 1

The list provided for in Article 2(3) of Regulation (EC) No 2580/2001 shall be as follows:

- AL-MUGHASSIL, Ahmad Ibrahim (alias ABU OMRAN; alias AL-MUGHASSIL, Ahmed Ibrahim) born on 26.6.1967 in Qatif-Bab al Shamal, Saudi Arabia; national of Saudi Arabia,
- AL-NASSER, Abdelkarim Hussein Mohamed, born in Al Ihsa, Saudi Arabia; national of Saudi Arabia,
- AL-YACOUB, Ibrahim Salih Mohammed, born on 16.10.1966 in Tarut, Saudi Arabia; national of Saudi Arabia,
- ATWA, Ali (alias BOUSLIM, Ammar Mansour; alias SALIM, Hassan Rostom), Lebanon, born in 1960 in Lebanon; national of Lebanon,
- EL-HOORIE, Ali Saed Bin Ali (alias AL-HOURI, Ali Saed Bin Ali; alias EL-HOURI, Ali Saed Bin Ali) born on 10.7.1965 alt. 11.7.1965 in El Dibabiya, Saudi Arabia; national of Saudi Arabia,
- IZZ-AL-DIN, Hasan (alias GARBAYA, AHMED; alias SA-ID; alias SALWWAN, Samir), Lebanon, born in 1963 in Lebanon; national of Lebanon,
- MOHAMMED, Khalid Shaikh (alias ALI, Salem; alias BIN KHALID, Fahd Bin Adballah; alias HENIN, Ashraf Refaat Nabith; alias WADOOD, Khalid Adbul) born on 14.4.1965 alt. 1.3.1964 in Kuwait; national of Kuwait,
- MUGHNIYAH, Imad Fa'iz (alias MUGHNIYAH, Imad Fayiz), Senior Intelligence Officer of HEZBOLLAH, born on 7.12.1962 in Tayr Dibba, Lebanon, passport No 432298 (Lebanon),
- Hamas-Izz al-Din al-Qassem (terrorist wing of Hamas),
- Palestinian Islamic Jihad (PIJ).

Article 2

This Decision shall be published in the Official Journal.

It shall take effect on the day of its publication.

Done at Brussels, 27 December 2001.

For the Council

The President

L. MICHEL

COMMISSION

COMMISSION RECOMMENDATION

of 20 December 2001

on the protection of the public against exposure to radon in drinking water supplies

(notified under document number C(2001) 4580)

(2001/928/Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

approach is in accordance with Article 6(3)(a) of Directive 96/29/Euratom.

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 30, the second paragraph of Article 33, the first paragraph of Article 38, and the second indent of Article 124 thereof,

- (3) The Group of Experts set up under Article 31 of the Euratom Treaty has provided technical guidance⁽²⁾ for the implementation of Title VII of Directive 96/29/Euratom⁽¹⁾. The guidance includes the protection of workers to inhaled radon in establishments where significant amounts of radon may be released from water into indoor air.

Having regard to the opinion of the Group of Experts appointed by the Scientific and Technical Committee pursuant to Article 31 of the Treaty,

- (4) Commission Recommendation 90/143/Euratom of 21 February 1990 on the protection of the public against indoor exposure to radon⁽³⁾ introduces reference and design levels for indoor radon. The reference level for consideration of remedial action is 400 Bq/m³ and the design level for future constructions is 200 Bq/m³.

Whereas:

- (5) Surveys in Member States have shown elevated concentrations of radon in some ground waters, particularly in regions with crystalline rocks. There are circumstances under which radon concentrations in drinking water are radiologically significant as they expose the population to enhanced doses and should not be disregarded from the radiation-protection point of view. High concentrations are often related to individual drilled wells, but sometimes also to waterworks utilising rock or soil aquifers.

- (1) Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation⁽¹⁾ lays down a framework for controlling exposures to natural radiation sources arising from work activities. Title VII of the Directive applies to work activities within which the presence of natural radiation sources leads to a significant increase in the exposure of workers or of members of the public. Member States are required to identify work activities which may be of concern.

- (6) In many Member States there is increasing awareness of the significance of exposure of the population to radon in drinking water. Several countries have already or are drawing up dose-control policies. In many cases the control policies are drawn up in accordance with the protection principles established by the Council Directives 96/29/Euratom and 98/83/EC of 3 November 1998 on the quality of water intended for human consumption⁽⁴⁾.

- (2) In view of the large geographical variability in the natural occurrence of radon and in the extent to which the population and water supplies are affected, a flexible approach is needed to allow Member States to apply the concept of optimisation, while ensuring protection of the most highly exposed part of the population. Such an

⁽²⁾ Radiation Protection 88. Recommendations for the implementation of Title VII of the European Basic Safety Standards Directive (BSS) concerning the significant increase in exposure due to natural radiation sources. European Commission, Luxembourg, 1997.

⁽³⁾ OJ L 80, 27.3.1990, p. 26.

⁽⁴⁾ OJ L 330, 5.12.1998, p. 32.

⁽¹⁾ OJ L 159, 29.6.1996, p. 1.

- (7) Radon is a naturally occurring radioactive noble gas, the most significant isotope of which is radon-222 with a half life of 3,82 days. This isotope is a member of the uranium-238 decay series and its presence in the environment is associated mainly with the trace amounts of its immediate parent, radium-226, in rocks and soil. Because radon is an inert gas, it can move rather freely through porous media such as soil or fragmented rock. Where the pores are saturated with water, as in soil and rock under the water table, radon is dissolved into the water and is then transported by it. Water-saturated soil with a porosity of 20 % and a radium concentration of 40 Bq/kg, which is the world-wide average in the earth's crust, causes at equilibrium a radon concentration in ground water of the order of 50 Bq/l.
- (8) Surveys in Member States have shown that radon concentrations in surface waters are very low, usually well below 1 Bq/l. Concentrations in ground water vary from 1 to 50 Bq/l for rock aquifers in sedimentary rocks, to 10 to 300 Bq/l for wells dug in soil, and to 100 Bq/l to 50 000 Bq/l in crystalline rocks. The highest concentrations are usually associated with high uranium concentrations in the bedrock. A characteristic of radon concentrations in rock aquifers are their variability; within a region with fairly uniform rock types some wells exhibit concentrations far above the average for that region. Significant seasonal variations in concentrations have also been observed.
- (9) Radon in domestic water supplies causes human exposure through ingestion and inhalation pathways. Radon can be ingested by direct consumption of tap or fresh bottled water. Radon is released from tap water into indoor air which causes exposure to radon by inhalation.
- (10) In its report of 1993, the United Nations Scientific Committee on the Effects of Atomic Radiation (UNSCEAR) ⁽⁵⁾ estimated that the committed effective dose from ingestion of radon in water is 10^{-8} Sv/Bq for an adult and somewhat higher for a child and an infant. In 1998, the National Research Council, a committee in the United States, presented a conversion factor of $0.35 \cdot 10^{-8}$ Sv/Bq ⁽⁶⁾. The committee did not find sufficient scientific evidence to introduce separate dose estimations for different age groups. In addition to the conversion factor, the ingestion dose depends also on the annual consumption of water. Estimates on the annual committed effective dose absorbed by an adult by the ingestion of water containing 1 000 Bq/l vary between 0,2 mSv and 1,8 mSv, depending on the annual water consumption and the range of conversion factors used.
- (11) The increase in indoor radon concentration caused by tap water depends on various parameters such as the total consumption of water in the house, the volume of the house and the ventilation rate. Both the UNSCEAR and the National Research Council estimate that 1 000 Bq/l of radon in tap water will on the average increase the indoor air radon concentration by 100 Bq/m³.
- (12) Radon in drinking water is controllable in the physical and engineering sense; effective methods for removing radon from drinking water have been developed ⁽⁷⁾ and are commercially available. Accordingly, an appropriate system needs to be established for reducing significant exposures. An important part of the system is the adoption of reference levels for consideration of remedial or preventive action.
- (13) The methods and equipment used for removing radon and long-lived radon decay products from water do not significantly differ in techniques or in costs between an existing water supply and a new supply planned for future use. Consequently, the same criteria, including the reference levels, may be used for remedial action on the existing water supplies and for setting preventive requirements for new water supplies.
- (14) For an individual water supply, whereby no water is supplied as part of a commercial or public activity, the exposure caused by radon in water is a phenomenon fairly similar to that of radon in dwellings. Accordingly, similar radiological protection criteria should be applied. Considering both the ingestion and inhalation pathways, the annual effective dose caused by water containing 1 000 Bq/l radon is, according to current knowledge, very comparable to that caused by an indoor radon concentration of 200 Bq/m³, the design level established in Recommendation 90/143/Euratom.
- (15) Where water is supplied as part of a commercial or public activity, such as through a waterworks, the consumer does not have the same opportunity to control the received dose as an owner of an individual supply. It follows that the consumer must be confident that the water does not pose any risk to human health. In addition, remedial action taken on that water affects a large number of people, which makes the action more cost-effective at lower radon concentrations than is the case with an individual supply. Consequently, it is justified to adopt a more stringent control policy, including a lower reference level, for water supplied as part of a commercial or public activity than for an individual supply. Small amounts of radon in water are ubiquitous

⁽⁵⁾ UNSCEAR 1993 report. Sources and effects of ionising radiation. United Nations Scientific Committee on the Effects of Atomic Radiation, New York, 1993.

⁽⁶⁾ Risk Assessment of Radon in Drinking Water. Committee on Risk Assessment of Exposure to Radon in Drinking Water, Board on Radiation Effects Research, Commission of Life Sciences, NRC (National Research Council). National Academy Press, Washington DC, 1999.

⁽⁷⁾ The Commission has funded and is funding several research projects on the risk of exposure to radon. The TENESA project (Treatment Techniques for Removing Natural Radionuclides from Drinking Water) carried out under the CEC contract No FI4PCT960054 has produced a significant amount of information on the removal techniques, including information on the possible radiological hazards caused by removal devices.

and therefore no remedial action should be required if the concentration is less than 100 Bq/l. National surveys might show that a higher reference level needs to be adopted for implementing a practical radon programme. However, it is unlikely that public or commercial distribution water with a radon concentration exceeding 1 000 Bq/l could be considered justifiable from the radiation protection point of view.

- (16) The radon concentration of water at the point of delivery is unlikely to be greater than that at the source, as in the case of a waterworks. Usually a measurement at the source is sufficient to demonstrate compliance with the reference concentration and no separate measurements are needed at the various points of use. However, the radioactive decay and possible aeration of radon during delivery may need to be taken into account, for example, in assessing the doses.

- (17) Directive 98/83/EC requires the Member States to monitor the concentrations of natural radionuclides in drinking water, but in addition to radon, radon decay products are also excluded from the scope of the Directive. There are circumstances under which polonium-210 and lead-210 (long-lived decay products of radon) in drinking water pose a comparable or a higher radiation risk than some natural radionuclides monitored in accordance with the Directive. Accordingly, polonium-210 and lead-210 should not be disregarded in monitoring and in taking action to reduce exposures caused by natural radionuclides in drinking water. Reference concentrations for polonium-210 and lead-210 should be established and they should be monitored according to the principles set for natural radionuclides by the Directive. The indicative dose of 0,1 mSv and the principles of dose calculation established in the Directive should be used for deriving the reference concentrations.

- (18) High radon concentrations indicate a potential presence of other radionuclides of the uranium decay series in the water, although the correlation is not always unambiguous. When remedial action is taken to reduce radon concentration, the presence of other natural radionuclides should be screened and, where appropriate, be analysed in more detail so that a suitable technique can be chosen to remove all the radiologically significant natural radionuclides from the water at the same time, in a cost effective way.

- (19) Specific guidance should be made available to the waterworks and to the owners of public water supplies on the different methods available for removing radon and long-lived radon decay products from water. The

guidance should include, in particular, instructions on the handling and disposal of accrued radioactive waste and on the ways of minimising possible exposure due to radon released from a removal device or by the increase in external gamma radiation in the vicinity of a removal device.

- (20) Simple metrological procedures should be established to ensure that measurements of radon and radon decay products in water yield data of the appropriate quality and reliability.
- (21) Owing to the special characteristics of the problem, adequate public information is an important element both in improving the controllability of exposure and in securing a positive public response.
- (22) The purpose of this Recommendation is to provide guidance to the Member States for setting controls on exposures caused by radon and radon decay products in drinking water,

HEREBY RECOMMENDS:

1. This Recommendation concerns the radiological quality of drinking water supplies regarding radon and long-lived radon decay products.
2. An appropriate system should be established for reducing exposures to radon and long-lived radon decay products in domestic drinking water supplies. Within this system adequate public information and response to public concern deserve particular attention. Under the system attention should concentrate on the highest exposures and on those areas where action is most likely to be effective.
3. For the purpose of this Recommendation, 'drinking water' shall mean:
 - (a) all water either in its original state or after treatment, intended for drinking, cooking, food preparation or other domestic purposes, regardless of its origin and whether it is supplied from a distribution network, from a tanker, or in bottles or containers,
 - (b) all water used in any food-production undertaking for the manufacture, processing, preservation or marketing of products or substances intended for human consumption unless the competent national authorities are satisfied that the quality of the water cannot affect the wholesomeness of the foodstuff in its finished form.

Natural mineral waters covered by Council Directive 80/777/EEC⁽⁸⁾ and waters which are medical products according to Council Directive 65/65/EEC⁽⁹⁾ are excluded from the scope of this Recommendation, since special rules for those types of water have been established.

⁽⁸⁾ OJ L 229, 30.8.1980, p. 1.

⁽⁹⁾ OJ Special Edition 1965-1966, p. 20.

4. Representative surveys should be undertaken to determine the scale and nature of exposures caused by radon and long-lived radon decay products in domestic drinking water supplies originating from different types of ground water sources and wells in different geological areas unless this information is already available. The surveys should be designed in such a way that underlying parameters, and especially the geology and hydrology of the area, radioactivity of rock or soil, and well type, can be identified and used later for directing further action on the highest exposures. The surveys should cover, in particular:
 - (a) drilled wells, especially those in crystalline rock areas,
 - (b) waterworks using rock or soil aquifers.
 5. For water supplied as part of a commercial or public activity, the following action should be taken:
 - (a) above a concentration of 100 Bq/l, Member States should set a reference level for radon to be used for consideration whether remedial action is needed to protect human health. A level higher than 100 Bq/l may be adopted if national surveys show that this is necessary for implementing a practical radon programme. For concentrations in excess of 1 000 Bq/l, remedial action is deemed to be justified on radiological protection grounds;
 - (b) measurements of radon concentration should be required if there is a specific reason to suspect, on the basis of the results of representative surveys or other reliable information, that the reference level might be exceeded;
 - (c) where significant concentrations of polonium-210 and lead-210 are suspected, on the basis of the results of representative surveys or other reliable information, monitoring of these nuclides should be arranged in conjunction with the monitoring of other natural radionuclides required by Directive 98/83/EC;
 - (d) above a reference concentration of 0,1 Bq/l for polonium-210 and 0,2 Bq/l for lead-210, consideration should be given to whether remedial action is needed to protect human health.
 6. For an individual water supply, from which no water is supplied as part of any commercial or public activity, the following action should be taken:
 - (a) a level of 1 000 Bq/l should be used for consideration of remedial action;
 - (b) the urgency of the remedial action should be commensurate with the extent to which the reference concentration is exceeded;
 - (c) where remedial action is considered necessary because of radon, the levels of other natural radionuclides should be screened and where appropriate as a result of the screening, other natural radionuclides should be analysed and removed from the drinking water with the same remedial action;
 - (d) where remedial action is considered necessary, the consumers concerned should be informed of the radon levels of the water and of the remedies available to reduce such levels.
 7. Where measurements indicate that the radon in tap water contributes significantly to exceeding the threshold set for indoor radon, remedial action on this source should be considered.
 8. Drinking water distributed in public premises such as residential homes, schools, and hospitals should comply with the principles of point 5.
 9. Measurements should be made with appropriate methods and equipment which have undergone approved calibration and quality assurance programmes.
 10. Member States should provide guidance on different methods available for removing radon and long-lived radon decay products from water. Member States should provide instructions on the handling and disposal of radioactive waste generated by the removal process and on ways to minimise possible exposure caused by radon released from a removal device or by the increase in external gamma radiation in the vicinity of a removal device.
 11. The exposure of workers to inhaled radon in establishments where significant amounts of radon may be released from water into indoor air, in particular in waterworks, spas and swimming pools, should be controlled according to Title VII of the Directive 96/29/Euratom and according to the Recommendations, 'Radiation Protection 88', made in 1997 for the implementation of that Title by the Group of Experts established under Article 31 of the Euratom Treaty.
 12. Member States should consider to what extent the intentional use of radon-bearing water for its prospective therapeutic effects is justified by its economic, social or other benefits when set against the health detriment it may cause.
- This Recommendation is addressed to the Member States.
- Done at Brussels, 20 December 2001.
- For the Commission*
Margot WALLSTRÖM
Member of the Commission

EUROPEAN CENTRAL BANK

DECISION OF THE EUROPEAN CENTRAL BANK of 20 December 2001 on the approval of the volume of coin issuance in 2002 (ECB/2001/19) (2001/929/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty establishing the European Community (hereinafter referred to as the 'Treaty') and in particular to Article 106(2) thereof,

Whereas:

- (1) The European Central Bank (ECB) has the exclusive right to approve the volume of coins issued by the Member States from 1 January 1999.
- (2) Member States have submitted to the ECB for approval their estimates of the volume of euro coins to be issued in 2002, supplemented by explanatory notes on the forecasting methodology,

HAS DECIDED AS FOLLOWS:

Article 1

Approval of the volume of euro coins to be issued in 2002

The ECB hereby approves the volume of coins to be issued by the participating Member States in 2002 as described in the following table:

	(million EUR)
	Issuance of coins intended for circulation and issuance of collector coins (not intended for circulation) in 2002
Belgium	854,5
Germany	7 513,0
Greece	726,6
Spain	1 757,5

(million EUR)

	Issuance of coins intended for circulation and issuance of collector coins (not intended for circulation) in 2002
France	2 521,7
Ireland	426,2
Italy	3 700,6
Luxembourg	100,0
Netherlands	1 280,0
Austria	964,5
Portugal	470,0
Finland	360,0

Article 2

Final provision

This Decision is addressed to the participating Member States.

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

Done at Frankfurt am Main, 20 December 2001.

The President of the ECB
Willem F. DUISENBERG

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

**COUNCIL COMMON POSITION
of 27 December 2001
on combating terrorism**

(2001/930/CFSP)

THE COUNCIL OF THE EUROPEAN UNION

HAS ADOPTED THIS COMMON POSITION:

Having regard to the Treaty on European Union, and in particular Articles 15 and 34 thereof,

Article 1

Whereas:

(1) At its extraordinary meeting on 21 September 2001, the European Council declared that terrorism is a real challenge to the world and to Europe and that the fight against terrorism will be a priority objective of the European Union.

The wilful provision or collection, by any means, directly or indirectly, of funds by citizens or within the territory of each of the Member States of the European Union with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts shall be criminalized.

(2) On 28 September 2001, the United Nations Security Council adopted resolution 1373(2001), reaffirming that terrorist acts constitute a threat to peace and security and setting out measures aimed at combating terrorism and in particular the fight against the financing of terrorism and the provision of safe havens for terrorists.

Article 2

Funds and other financial assets or economic resources of:

(3) On 8 October 2001, the Council reaffirmed the determination of the EU and its Member States to play their full part, in a coordinated manner, in the global coalition against terrorism, under the aegis of the United Nations. The Council also reiterated the Union's determination to attack the sources which fund terrorism, in close cooperation with the United States.

- persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts;
- entities owned or controlled, directly or indirectly, by such persons; and
- persons and entities acting on behalf of or under the direction of such persons and entities,

(4) On 19 October 2001, the European Council declared that it is determined to combat terrorism in every form throughout the world and that it will continue its efforts to strengthen the coalition of the international community to combat terrorism in every shape and form, for example by the increased cooperation between the operational services responsible for combating terrorism: Europol, Eurojust, the intelligence services, police forces and judicial authorities.

including funds derived or generated from property owned or controlled directly or indirectly by such persons and associated persons and entities, shall be frozen.

Article 3

(5) Action has already been taken to implement some of the measures listed below.

Funds, financial assets or economic resources or financial or other related services shall not be made available, directly or indirectly, for the benefit of:

(6) Under these extraordinary circumstances, action by the Community is needed in order to implement some of the measures listed below,

- persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts;
- entities owned or controlled, directly or indirectly, by such persons; and
- persons and entities acting on behalf of or under the direction of such persons.

Article 4

Measures shall be taken to suppress any form of support, active or passive, to entities or persons involved in terrorist acts, including measures aimed at suppressing the recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists.

Article 5

Steps shall be taken to prevent the commission of terrorist acts, including by the provision of early warning among Member States or between Member States and third States by exchange of information.

Article 6

Safe haven shall be denied to those who finance, plan, support, or commit terrorist acts, or provide safe havens.

Article 7

Persons who finance, plan, facilitate or commit terrorist acts shall be prevented from using the territories of the Member States of the European Union for those purposes against Member States or third States or their citizens.

Article 8

Persons who participate in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts shall be brought to justice; such terrorist acts shall be established as serious criminal offences in laws and regulations of Member States and the punishment shall duly reflect the seriousness of such terrorist acts.

Article 9

Member States shall afford one another, as well as third States, the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts in accordance with international and domestic law, including assistance in obtaining evidence in the possession of a Member State or a third State which is necessary for the proceedings.

Article 10

The movement of terrorists or terrorist groups shall be prevented by effective border controls and controls on the issuing of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents. The Council notes the Commission's intention to put forward proposals in this area, where appropriate.

Article 11

Steps shall be taken to intensify and accelerate the exchange of operational information, especially regarding actions or movements of terrorist persons or networks; forged or falsified travel

documents; traffic in arms, explosives or sensitive materials; use of communication technologies by terrorist groups; and the threat posed by the possession of weapons of mass destruction by terrorist groups.

Article 12

Information shall be exchanged among Member States or between Member States and third States in accordance with international and national law, and cooperation shall be enhanced among Member States or between Member States and third States on administrative and judicial matters to prevent the commission of terrorist acts.

Article 13

Cooperation among Member States or between Member States and third States, particularly through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist attacks and take action against perpetrators of terrorist acts shall be enhanced.

Article 14

Member States shall become parties as soon as possible to the relevant international conventions and protocols relating to terrorism listed in the Annex.

Article 15

Member States shall increase cooperation and fully implement the relevant international conventions and protocols relating to terrorism and United Nations Security Council Resolutions 1269(1999) and 1368(2001).

Article 16

Appropriate measures shall be taken in accordance with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts. The Council notes the Commission's intention to put forward proposals in this area, where appropriate.

Article 17

Steps shall be taken in accordance with international law to ensure that refugee status is not abused by the perpetrators, organisers or facilitators of terrorist acts and that claims of political motivation are not recognised as grounds for refusing requests for the extradition of alleged terrorists. The Council notes the Commission's intention to put forward proposals in this area, where appropriate.

Article 18

This Common Position shall take effect on the date of its adoption.

Article 19

This Common Position shall be published in the Official Journal.

Done at Brussels, 27 December 2001.

For the Council

The President

L. MICHEL

*ANNEX***List of international conventions and protocols relating to terrorism referred to in Article 14**

1. Convention on Offenses and Certain Other Offenses Committed on Board Aircraft — Tokyo 14.9.1963
 2. Convention for the Unlawful Seizure of Aircraft — The Hague 16.12.1970
 3. Convention for the Suppression of Unlawful Acts Against the Safety of Aircraft — Montreal 23.9.1971
 4. Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Personnel — New York 14.12.1973
 5. European Convention for the Suppression of Terrorism — Strasbourg 27.1.1977
 6. Convention Against the Taking of Hostages — New York 17.12.1979
 7. Convention on the Physical Protection of Nuclear Materials — Vienna 3.3.1980
 8. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Aviation, complementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Aircraft — Montreal 24.2.1988
 9. Convention for the Suppression of unlawful Acts Against the Safety of Maritime Navigation — Rome 10.3.1988
 10. Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms on the Continental Shelf — Rome 10.3.1988
 11. Convention on the Marking of Plastic Explosives for the Purpose of Detection — Montreal 1.3.1991
 12. UN Convention for the Suppression of Terrorist Bombings — New York 15.12.1997
 13. UN Convention for the Suppression of Financing of Terrorism — New York, 9.12.1999
-

COUNCIL COMMON POSITION
of 27 December 2001
on the application of specific measures to combat terrorism

(2001/931/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 15 and 34 thereof,

Whereas:

- (1) At its extraordinary meeting on 21 September 2001, the European Council declared that terrorism is a real challenge to the world and to Europe and that the fight against terrorism will be a priority objective of the European Union.
- (2) On 28 September 2001, the United Nations Security Council adopted Resolution 1373(2001) laying out wide-ranging strategies to combat terrorism and in particular the fight against the financing of terrorism.
- (3) On 8 October 2001, the Council reiterated the Union's determination to attack the sources which fund terrorism, in close cooperation with the United States.
- (4) On 26 February 2001, pursuant to UNSC Resolution 1333(2000), the Council adopted Common Position 2001/154/CFSP⁽¹⁾ which provides *inter alia* for the freezing of funds of Usama bin Laden and individuals and entities associated with him. Consequently, those persons, groups and entities are not covered by this Common Position.
- (5) The European Union should take additional measures in order to implement UNSC Resolution 1373(2001).
- (6) Member States have transmitted to the European Union the information necessary to implement some of those additional measures.
- (7) Action by the Community is necessary in order to implement some of those additional measures; action by the Member States is also necessary, in particular as far as the application of forms of police and judicial cooperation in criminal matters is concerned,

HAS ADOPTED THIS COMMON POSITION:

Article 1

1. This Common Position applies in accordance with the provisions of the following Articles to persons, groups and entities involved in terrorist acts and listed in the Annex.

2. For the purposes of this Common Position, 'persons, groups and entities involved in terrorist acts' shall mean:

- persons who commit, or attempt to commit, terrorist acts or who participate in, or facilitate, the commission of terrorist acts,
- groups and entities owned or controlled directly or indirectly by such persons; and persons, groups and entities acting on behalf of, or under the direction of, such persons, groups and entities, including funds derived or generated from property owned or controlled directly or indirectly by such persons and associated persons, groups and entities.

3. For the purposes of this Common Position, 'terrorist act' shall mean one of the following intentional acts, which, given its nature or its context, may seriously damage a country or an international organisation, as defined as an offence under national law, where committed with the aim of:

- (i) seriously intimidating a population, or
- (ii) unduly compelling a Government or an international organisation to perform or abstain from performing any act, or
- (iii) seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation:
 - (a) attacks upon a person's life which may cause death;
 - (b) attacks upon the physical integrity of a person;
 - (c) kidnapping or hostage taking;
 - (d) causing extensive destruction to a Government or public facility, a transport system, an infrastructure facility, including an information system, a fixed platform located on the continental shelf, a public place or private property, likely to endanger human life or result in major economic loss;
 - (e) seizure of aircraft, ships or other means of public or goods transport;
 - (f) manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of nuclear, biological or chemical weapons, as well as research into, and development of, biological and chemical weapons;
 - (g) release of dangerous substances, or causing fires, explosions or floods the effect of which is to endanger human life;

⁽¹⁾ OJ L 57, 27.2.2001, p. 1.

- (h) interfering with or disrupting the supply of water, power or any other fundamental natural resource, the effect of which is to endanger human life;
- (i) threatening to commit any of the acts listed under (a) to (h);
- (j) directing a terrorist group;
- (k) participating in the activities of a terrorist group, including by supplying information or material resources, or by funding its activities in any way, with knowledge of the fact that such participation will contribute to the criminal activities of the group.

For the purposes of this paragraph, 'terrorist group' shall mean a structured group of more than two persons, established over a period of time and acting in concert to commit terrorist acts. 'Structured group' means a group that is not randomly formed for the immediate commission of a terrorist act and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure.

4. The list in the Annex shall be drawn up on the basis of precise information or material in the relevant file which indicates that a decision has been taken by a competent authority in respect of the persons, groups and entities concerned, irrespective of whether it concerns the instigation of investigations or prosecution for a terrorist act, an attempt to perpetrate, participate in or facilitate such an act based on serious and credible evidence or clues, or condemnation for such deeds. Persons, groups and entities identified by the Security Council of the United Nations as being related to terrorism and against whom it has ordered sanctions may be included in the list.

For the purposes of this paragraph 'competent authority' shall mean a judicial authority, or, where judicial authorities have no competence in the area covered by this paragraph, an equivalent competent authority in that area.

5. The Council shall work to ensure that names of natural or legal persons, groups or entities listed in the Annex have sufficient particulars appended to permit effective identification of specific human beings, legal persons, entities or bodies, thus facilitating the exculpation of those bearing the same or similar names.

6. The names of persons and entities on the list in the Annex shall be reviewed at regular intervals and at least once every six months to ensure that there are grounds for keeping them on the list.

Article 2

The European Community, acting within the limits of the powers conferred on it by the Treaty establishing the European Community, shall order the freezing of the funds and other financial assets or economic resources of persons, groups and entities listed in the Annex.

Article 3

The European Community, acting within the limits of the powers conferred on it by the Treaty establishing the European Community, shall ensure that funds, financial assets or economic resources or financial or other related services will not be made available, directly or indirectly, for the benefit of persons, groups and entities listed in the Annex.

Article 4

Member States shall, through police and judicial cooperation in criminal matters within the framework of Title VI of the Treaty on European Union, afford each other the widest possible assistance in preventing and combating terrorist acts. To that end they shall, with respect to enquiries and proceedings conducted by their authorities in respect of any of the persons, groups and entities listed in the Annex, fully exploit, upon request, their existing powers in accordance with acts of the European Union and other international agreements, arrangements and conventions which are binding upon Member States.

Article 5

This Common Position shall take effect on the date of its adoption.

Article 6

This Common Position shall be kept under constant review.

Article 7

This Common Position shall be published in the Official Journal.

Done at Brussels, 27 December 2001.

For the Council

The President

L. MICHEL

ANNEX

First list of persons, groups and entities referred to in Article 1 ⁽¹⁾**1. PERSONS**

- *— ABAUNZA MARTINEZ, Javier (E.T.A. Activist) born 1.1.1965 in Guernica (Biscay), identity card No 78.865.882,
- *— ALBERDI URANGA, Itziar (E.T.A. Activist) born 7.10.1963 in Durango (Biscay), identity card No 78.865.693,
- *— ALBISU IRIARTE, Miguel (E.T.A. Activist; Member of Gestoras Pro-amnistía) born 7.6.1961 in San Sebastián (Guipúzcoa), identity card No 15.954.596,
- *— ALCALDE LINARES, Angel (E.T.A. Activist; Member of Herri Batasuna/E.H/Batasuna) born 2.5.1943 in Portugalete (Vizcaya), identity card 14.390.353,
- AL-MUGHASSIL, Ahmad Ibrahim (a.k.a. ABU OMRAN; a.k.a.AL-MUGHASSIL, Ahmed Ibrahim) born 26.6.1967 in Qatif-Bab al Shamal, Saudi Arabia; citizen Saudi Arabia,
- AL-NASSER, Abdelkarim Hussein Mohamed, born in Al Ihssa, Saudi Arabia; citizen Saudi Arabia,
- AL YACOUB, Ibrahim Salih Mohammed, born 16.10.1996 in Tarut, Saudi Arabia; citizen Saudi Arabia,
- *— ARZALLUS TAPIA, Eusebio (E.T.A. Activist) born 8.11.1957 in Regil (Guipúzcoa), identity card No 15.927.207,
- ATWA, Ali (a.k.a. BOUSLIM, Ammar Mansour; a.k.a. SALIM, Hassan Rostom), Lebanon, born 1960 in Lebanon; citizen Lebanon,
- *— ELCORO AYASTUY, Paulo (E.T.A. Activist; Member of Jarrai/Haika/Segi) born 22.10.1973 in Vergara (Guipúzcoa), identity card No 15.394.062,
- EL-HOORIE, Ali Saed Bin Ali (a.k.a. AL-HOURI, Ali Saed Bin Ali; a.k.a EL-HOURI, Ali Saed Bin Ali) born 10.7.1965 alt. 11.7.1965 in El Dibabiya, Saudi Arabia; citizen Saudi Arabia,
- *— FIGAL ARRANZ, Antonio Agustín (E.T.A. Activist; Member of Kas/Ekin) born 2.12.1972 in Baracaldo (Biscay), identity card No 20.172.692,
- *— GOGESCOECHEA ARRONATEGUI, Eneko (E.T.A. Activist), born 29.4.1967 in Guernica (Biscay), identity card No 44.556.097,
- *— GOIRICELAYA GONZALEZ, Cristina (E.T.A. Activist; Member of Herri Batasuna/E.H/Batasuna), born 23.12.1967 in Vergara (Guipúzcoa), identity card No 16.282.556,
- *— IPARRAGUIRRE GUENECHEA, M^a Soledad (E.T.A. Activist) born 25.4.1961 in Escoriaza (Navarre), identity card No 16.255.819,
- IZZ-AL-DIN, Hasan (a.k.a GARBAYA, AHMED; a.k.a. SA-ID; a.k.a. SALWWAN, Samir), Lebanon, born 1963 in Lebanon, citizen Lebanon,
- MOHAMMED, Khalid Shaikh (a.k.a. ALI, Saleem; a.k.a. BIN KHALID, Fahd Bin Adballah; a.k.a. HENIN, Ashraf Refaat Nabith; a.k.a. WADOOD, Khalid Adbul) born 14.4.1965 alt. 1.3.1964 in Kuwait; citizen Kuwait,
- *— MORCILLO TORRES, Gracia (E.T.A. Activist; Member of Kas/Ekin) born 15.3.1967 in San Sebastián (Guipúzcoa), identity card No 72.439.052,
- *— MÚGICA GOÑI, Ainhoa (E.T.A. Activist) born 27.6.1970 in San Sebastián (Guipúzcoa), identity card No 34.101.243,
- MUGHNIYAH, Imad Fa'iz (a.k.a. MUGHNIYAH, Imad Fayiz), Senior Intelligence Officer of HIZBALLAH, born 7.12.1962 in Tayr Dibba, Lebanon, passport No 432298 (Lebanon),
- *— MUÑO A ORDOZGOITI, Aloña (E.T.A. Activist; Member of Kas/Ekin) born 6.7.1976 in Segura (Guipúzcoa), identity card No 35.771.259,
- *— NARVÁEZ GOÑI, Juan Jesús (E.T.A. Activist) born 23.2.1961 in Pamplona (Navarra), identity card No 15.841.101,
- *— OLARRA GURIDI, Juan Antonio (E.T.A. Activist) born 11.9.1967 in San Sebastián (Guipúzcoa), identity card No 34.084.504,
- *— ORBE SEVILLANO, Zigor (E.T.A. Activist; Member of Jarrai/Haika/Segi) born 22.9.1975 in Basauri (Biscay), identity card No 45.622.851,
- *— OTEGUI UNANUE, Mikel (E.T.A. Activist; Member of Jarrai/Haika/Segi) born 8.10.1972 in Itsasondo (Guipúzcoa), identity card No 44.132.976,

⁽¹⁾ Persons marked with an * shall be the subject of Article 4 only.

- *— PEREZ ARAMBURU, Jon Iñaki (E.T.A. Activist; Member of Jarrai/Haika/Segi) born 18.9.1964 in San Sebastián (Guipúzcoa), identity card No 15.976.521,
- *— SAEZ DE EGUILAZ MURGUIONDO, Carlos (E.T.A. Activist; Member of Kas/Ekin) born 9.12.1963 in San Sebastián (Guipúzcoa), identity card No 15.962.687,
- *— URANGA ARTOLA, Kemen (E.T.A. Activist; Member of Herri Batasuna/E.H/Batasuna) born 25.5.1969 in Ondarroa (Biscay), identity card No 30.627.290,
- *— VILA MICHELENA, Fermín (E.T.A. Activist; Member of Kas/Ekin) born 12.3.1970 in Irún (Guipúzcoa), identity card No 15.254.214;

2. GROUPS AND ENTITIES

- *— Continuity Irish Republican Army (CIRA)
 - *— Euskadi Ta Askatasuna/Tierra Vasca y Libertad/Basque Fatherland and Liberty (E.T.A.)
(The following organisations are part of the terrorist group E.T.A.: K.a.s., Xaki, Ekin, Jarrai-Haika-Segi, Gestoras pro-amnistía.)
 - *— Grupos de Resistencia Antifascista Primero de Octubre/Antifascist Resistance Groups First of October (G.R.A.P.O.)
 - Hamas-Izz al-Din al-Qassem (terrorist wing of Hamas)
 - *— Loyalist Volunteer Force (LVF)
 - *— Orange Volunteers (OV)
 - Palestinian Islamic Jihad (PIJ)
 - *— Real IRA
 - *— Red Hand Defenders (RHD)
 - *— Revolutionary Nuclei/Epanastatiki Pirines
 - *— Revolutionary Organisation 17 November/Dekati Evdomi Noemvri
 - *— Revolutionary Popular Struggle/Epanastatikos Laikos Agonas (ELA)
 - *— Ulster Defence Association/Ulster Freedom Fighters (UDA/UFF)
-