

English edition

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 95/2001
of 18 January 2001
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1498/98 ⁽²⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 January 2001.

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

Done at Brussels, 18 January 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 18 January 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	100,9
	204	48,4
	624	165,6
	999	105,0
0707 00 05	052	120,7
	624	208,9
	628	150,8
	999	160,1
0709 90 70	052	111,6
	204	95,1
	999	103,3
0805 10 10, 0805 10 30, 0805 10 50	052	49,3
	204	58,8
	212	42,1
	220	41,9
	624	36,8
	999	45,8
	0805 20 10	052
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	204	97,3
	624	61,8
	999	68,8
	052	68,1
0805 30 10	204	73,7
	624	72,2
	999	71,3
	052	57,6
	600	74,9
0808 10 20, 0808 10 50, 0808 10 90	999	66,3
	039	86,7
	060	38,4
	400	86,7
	404	78,9
	720	110,8
	999	80,3
0808 20 50	052	189,0
	400	86,6
	720	57,9
	999	111,2

⁽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 96/2001**of 18 January 2001****applying a reduction coefficient to refund certificates for goods not covered by Annex I to the Treaty, as provided for by Article 8(5) of Regulation (EC) No 1520/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 2580/2000 ⁽²⁾,Having regard to Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common detailed rules for the application of the system of 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 ⁽³⁾, as amended by Regulation (EC) No 2390/2000 ⁽⁴⁾, and in particular Article 8(5),

Whereas:

- (1) The total amount of applications for refund certificates valid from 1 February 2001 exceeds the maximum

referred to in Article 8(4) of Regulation (EC) No 1520/2000.

- (2) A reduction coefficient shall be calculated on the basis of Article 8(3) and (4) of Regulation (EC) No 1520/2000. Such coefficient should therefore be applied to amounts requested in the form of refund certificates valid from 1 February 2001 as established in Article 8(6) of Regulation (EC) No 1520/2000,

HAS ADOPTED THIS REGULATION:

Article 1

The amounts for applications of refund certificates valid from 1 February 2001 are subject to a reduction coefficient of 0,05.

Article 2

This Regulation shall enter into force on 19 January 2001.

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

Done at Brussels, 18 January 2001.

For the Commission
Erkki LIIKANEN
Member of the Commission

⁽¹⁾ OJ L 318, 20.12.1993, p. 18.

⁽²⁾ OJ L 298, 25.11.2000, p. 5.

⁽³⁾ OJ L 177, 15.7.2000, p. 1.

⁽⁴⁾ OJ L 276, 28.10.2000, p. 3.

COMMISSION REGULATION (EC) No 97/2001
of 18 January 2001
fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽³⁾, as last amended by Regulation (EC) No 1667/2000 ⁽⁴⁾, and in particular Article 13(3) thereof,

Whereas:

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 193, 29.7.2000, p. 3.

⁽⁵⁾ OJ L 147, 30.6.1995, p. 55.

⁽⁶⁾ OJ L 312, 23.12.1995, p. 25.

Article 2

This Regulation shall enter into force on 19 January 2001.

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

Done at Brussels, 18 January 2001.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 18 January 2001 fixing the export refunds on products processed from cereals and rice

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 ⁽¹⁾	A00	EUR/t	32,96	1104 23 10 9100	A00	EUR/t	35,31
1102 20 10 9400 ⁽¹⁾	A00	EUR/t	28,25	1104 23 10 9300	A00	EUR/t	27,07
1102 20 90 9200 ⁽¹⁾	A00	EUR/t	28,25	1104 29 11 9000	A00	EUR/t	0,00
1102 90 10 9100	A00	EUR/t	0,00	1104 29 51 9000	A00	EUR/t	0,00
1102 90 10 9900	A00	EUR/t	0,00	1104 29 55 9000	A00	EUR/t	0,00
1102 90 30 9100	A00	EUR/t	66,92	1104 30 10 9000	A00	EUR/t	0,00
1103 12 00 9100	A00	EUR/t	66,92	1104 30 90 9000	A00	EUR/t	5,89
1103 13 10 9100 ⁽¹⁾	A00	EUR/t	42,37	1107 10 11 9000	A00	EUR/t	0,00
1103 13 10 9300 ⁽¹⁾	A00	EUR/t	32,96	1107 10 91 9000	A00	EUR/t	0,00
1103 13 10 9500 ⁽¹⁾	A00	EUR/t	28,25	1108 11 00 9200	A00	EUR/t	0,00
1103 13 90 9100 ⁽¹⁾	A00	EUR/t	28,25	1108 11 00 9300	A00	EUR/t	0,00
1103 19 10 9000	A00	EUR/t	31,42	1108 12 00 9200	A00	EUR/t	37,66
1103 19 30 9100	A00	EUR/t	0,00	1108 12 00 9300	A00	EUR/t	37,66
1103 21 00 9000	A00	EUR/t	0,00	1108 13 00 9200	A00	EUR/t	37,66
1103 29 20 9000	A00	EUR/t	0,00	1108 13 00 9300	A00	EUR/t	37,66
1104 11 90 9100	A00	EUR/t	0,00	1108 19 10 9200	A00	EUR/t	69,92
1104 12 90 9100	A00	EUR/t	74,36	1108 19 10 9300	A00	EUR/t	69,92
1104 12 90 9300	A00	EUR/t	59,49	1109 00 00 9100	A00	EUR/t	0,00
1104 19 10 9000	A00	EUR/t	0,00	1702 30 51 9000 ⁽²⁾	A00	EUR/t	36,90
1104 19 50 9110	A00	EUR/t	37,66	1702 30 59 9000 ⁽²⁾	A00	EUR/t	28,25
1104 19 50 9130	A00	EUR/t	30,60	1702 30 91 9000	A00	EUR/t	36,90
1104 21 10 9100	A00	EUR/t	0,00	1702 30 99 9000	A00	EUR/t	28,25
1104 21 30 9100	A00	EUR/t	0,00	1702 40 90 9000	A00	EUR/t	28,25
1104 21 50 9100	A00	EUR/t	0,00	1702 90 50 9100	A00	EUR/t	36,90
1104 21 50 9300	A00	EUR/t	0,00	1702 90 50 9900	A00	EUR/t	28,25
1104 22 20 9100	A00	EUR/t	59,49	1702 90 75 9000	A00	EUR/t	38,66
1104 22 30 9100	A00	EUR/t	63,21	1702 90 79 9000	A00	EUR/t	26,84
				2106 90 55 9000	A00	EUR/t	28,25

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

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

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

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

COMMISSION REGULATION (EC) No 98/2001**of 18 January 2001****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾.
- (3) As far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture. These quantities were fixed in Regulation (EC) No 1501/95.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (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

The export refunds on the products listed in Article 1(a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 January 2001.

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

Done at Brussels, 18 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

ANNEX

to the Commission Regulation of 18 January 2001 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

Product code	Destination	Unit of measurement	Amount of refunds	Product code	Destination	Unit of measurement	Amount of refunds
1001 10 00 9200	—	EUR/t	—	1101 00 11 9000	—	EUR/t	—
1001 10 00 9400	—	EUR/t	—	1101 00 15 9100	A00	EUR/t	10,25
1001 90 91 9000	—	EUR/t	—	1101 00 15 9130	A00	EUR/t	9,50
1001 90 99 9000	A00	EUR/t	0	1101 00 15 9150	A00	EUR/t	8,75
1002 00 00 9000	A00	EUR/t	0	1101 00 15 9170	A00	EUR/t	8,25
1003 00 10 9000	—	EUR/t	—	1101 00 15 9180	A00	EUR/t	7,75
1003 00 90 9000	A00	EUR/t	0	1101 00 15 9190	—	EUR/t	—
1004 00 00 9200	—	EUR/t	—	1101 00 90 9000	—	EUR/t	—
1004 00 00 9400	—	EUR/t	—	1102 10 00 9500	A00	EUR/t	54,75
1005 10 90 9000	—	EUR/t	—	1102 10 00 9700	A00	EUR/t	43,25
1005 90 00 9000	A00	EUR/t	0	1102 10 00 9900	—	EUR/t	—
1007 00 90 9000	—	EUR/t	—	1103 11 10 9200	A00	EUR/t	0 ⁽¹⁾
1008 20 00 9000	—	EUR/t	—	1103 11 10 9400	A00	EUR/t	0 ⁽¹⁾
				1103 11 10 9900	—	EUR/t	—
				1103 11 90 9200	A00	EUR/t	0 ⁽¹⁾
				1103 11 90 9800	—	EUR/t	—

⁽¹⁾ No refund is granted when this product contains compressed meal.

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

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

COMMISSION REGULATION (EC) No 99/2001
of 18 January 2001
fixing the maximum export refund on common wheat in connection with the invitation to tender
issued in Regulation (EC) No 1701/2000

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2513/98⁽⁴⁾, and in particular Article 4 thereof,

Whereas:

- (1) An invitation to tender for the refund on exportation of common wheat to all third countries with the exclusion of certain ACP States was opened pursuant to Commission Regulation (EC) No 1701/2000⁽⁵⁾, as amended by Regulation (EC) No 2019/2000⁽⁶⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in

Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 12 to 18 January 2001, pursuant to the invitation to tender issued in Regulation (EC) No 1701/2000, the maximum refund on exportation of common wheat shall be EUR 7,50/t.

Article 2

This Regulation shall enter into force on 19 January 2001.

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

Done at Brussels, 18 January 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 195, 1.8.2000, p. 18.

⁽⁶⁾ OJ L 241, 26.9.2000, p. 37.

COMMISSION REGULATION (EC) No 100/2001**of 18 January 2001****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 2014/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾, and in particular Article 7 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of common wheat to certain ACP States was opened pursuant to Commission Regulation (EC) No 2014/2000 ⁽⁵⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 12 to 18 January 2001, pursuant to the invitation to tender issued in Regulation (EC) No 2014/2000, the maximum refund on exportation of common wheat shall be EUR 9,00/t.

Article 2

This Regulation shall enter into force on 19 January 2001.

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

Done at Brussels, 18 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 241, 26.9.2000, p. 23.

COMMISSION REGULATION (EC) No 101/2001
of 18 January 2001
fixing the maximum export refund on barley in connection with the invitation to tender issued in
Regulation (EC) No 2317/2000

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾, and in particular Article 4 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of barley to all third countries except for the United States of America and Canada was opened pursuant to Commission Regulation (EC) No 2317/2000 ⁽⁵⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 12 to 18 January 2001, pursuant to the invitation to tender issued in Regulation (EC) No 2317/2000, the maximum refund on exportation of barley shall be EUR 0,00/t.

Article 2

This Regulation shall enter into force on 19 January 2001.

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

Done at Brussels, 18 January 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 267, 20.10.2000, p. 23.

COMMISSION REGULATION (EC) No 102/2001
of 18 January 2001
fixing the maximum export refund on rye in connection with the invitation to tender issued in
Regulation (EC) No 1740/2000

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2513/98⁽⁴⁾, and in particular Article 7 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of rye to all third countries was opened pursuant to Commission Regulation (EC) No 1740/2000⁽⁵⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 12 to 18 January 2001, pursuant to the invitation to tender issued in Regulation (EC) No 1740/2000, the maximum refund on exportation of rye shall be EUR 39,97/t.

Article 2

This Regulation shall enter into force on 19 January 2001.

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

Done at Brussels, 18 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 199, 5.8.2000, p. 3.

COMMISSION REGULATION (EC) No 103/2001
of 18 January 2001
concerning tenders notified in response to the invitation to tender for the export of oats issued in
Regulation (EC) No 2097/2000

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2513/98⁽⁴⁾,

Having regard to Commission Regulation (EC) No 2097/2000 of 3 October 2000 on a special intervention measure for cereals in Finland and Sweden⁽⁵⁾, and in particular Article 8 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland or Sweden to all third countries was opened pursuant to Regulation (EC) No 2097/2000.

(2) Article 8 of Regulation (EC) No 2097/2000 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to make no award.

(3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 a maximum refund should not be fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 12 to 18 January 2001 in response to the invitation to tender for the refund for the export of oats issued in Regulation (EC) No 2097/2000.

Article 2

This Regulation shall enter into force on 19 January 2001.

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

Done at Brussels, 18 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 249, 4.10.2000, p. 15.

**COMMISSION REGULATION (EC) No 104/2001
of 18 January 2001**

**fixing the maximum reduction in the duty on maize imported in connection with the invitation to
tender issued in Regulation (EC) No 2830/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1666/2000⁽²⁾, and in particular Article 12(1) thereof,

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on maize imported into Portugal was opened pursuant to Commission Regulation (EC) No 2830/2000⁽³⁾.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 1839/95⁽⁴⁾, as last amended by Regulation (EC) No 2235/2000⁽⁵⁾, the Commission, acting under the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, may decide to fix maximum reduction in the import duty. In fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account. A contract is

awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty.

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 12 to 18 January 2001, pursuant to the invitation to tender issued in Regulation (EC) No 2830/2000, the maximum reduction in the duty on maize imported shall be 32,45 EUR/t and be valid for a total maximum quantity of 5 000 t.

Article 2

This Regulation shall enter into force on 19 January 2001.

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

Done at Brussels, 18 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 328, 23.12.2000, p. 13.

⁽⁴⁾ OJ L 177, 28.7.1995, p. 4.

⁽⁵⁾ OJ L 256, 10.10.2000, p. 13.

COMMISSION REGULATION (EC) No 105/2001
of 18 January 2001
on issuing A2 export licences for fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 298/2000 ⁽²⁾, and in particular Article 3(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2/2001 ⁽³⁾ set the indicative refund rates and the indicative quantities for A2 export licences, other than those applied for in the context of food aid.
- (2) For oranges, lemons and apples, in view of the economic situation and taking account of information received by operators via their applications for A2 licences, the definitive refund rates should be set at a different rate from the indicative rates. The percentages for the issuing of licences for the quantities applied for should also be set. The definitive rates may not be more than 50 % more than the indicative rates.
- (3) Pursuant to Article 3(5) of Regulation (EC) No 2190/96, applications for rates in excess of the corresponding definitive rates shall be considered null and void,

HAS ADOPTED THIS REGULATION:

Article 1

1. For A2 export licences for which applications have been submitted pursuant to Article 1 of Regulation (EC) No 2/2001 the actual date of application referred to in the second subparagraph of Article 3(1) of Regulation (EC) No 2190/96 is hereby set at 19 January 2001.
2. The licences referred to in the first paragraph shall be issued at the definitive refund rates and at the percentages for the quantities applied for as indicated in the Annex to this Regulation.
3. Pursuant to Article 3(5) of Regulation (EC) No 2190/96, applications referred to in the first paragraph for rates in excess of the corresponding definitive rates set out in the Annex shall be considered null and void.

Article 2

This Regulation shall enter into force on 19 January 2001.

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

Done at Brussels, 18 January 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 292, 15.11.1996, p. 12.

⁽²⁾ OJ L 34, 9.2.2000, p. 16.

⁽³⁾ OJ L 1, 4.1.2001, p. 3.

ANNEX

Product	Definitive refund rates (EUR/t net)	Percentages for the issuing of licences
Tomatoes	18	100 %
Oranges	34	96 %
Lemons	19	40 %
Apples	14	100 %

II

(Acts whose publication is not obligatory)

COUNCIL

**DECISION No 4/2000 OF THE EU-BULGARIA ASSOCIATION COUNCIL
of 23 November 2000**

**adopting the terms and conditions for the participation of Bulgaria in a Community Programme
within the framework of Community audiovisual policy**

(2001/49/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria of the other ⁽¹⁾, and in particular Articles 92 and 98 thereof,

Having regard to the Additional Protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part ⁽²⁾ concerning Bulgaria's participation in Community programmes, and in particular Articles 1 and 2 thereof,

Whereas:

- (1) According to Article 1 of the Additional Protocol, Bulgaria may participate in Community framework programmes, specific programmes, projects or other actions in particular in the fields of the audiovisual sector and culture.
- (2) Pursuant to Article 2 of the said Additional Protocol the terms and conditions for the participation of Bulgaria in the activities referred to in Article 1 are to be decided by the Association Council,

HAS DECIDED AS FOLLOWS:

Article 1

Bulgaria shall participate in the European Community Programme MEDIA II established by Decisions 95/563/EC ⁽³⁾ and 95/564/EC ⁽⁴⁾ in accordance with the terms and conditions set out in Annexes I and II which form an integral part of this Decision.

Article 2

This Decision shall apply until 31 December 2000.

Article 3

This Decision shall enter into force on the first day of the month following its adoption.

Done at Brussels, 23 November 2000.

For the Association Council

The President

N. MIHAILOVA

⁽¹⁾ OJ L 358, 31.12.1994, p. 3.
⁽²⁾ OJ L 317, 30.12.1995, p. 25.

⁽³⁾ Council Decision 95/563/EC of 10 July 1995 on the implementation of a programme encouraging the development and distribution of European audiovisual works (MEDIA II — Development and Distribution (1996-2000)) (OJ L 321, 30.12.1995, p. 25).

⁽⁴⁾ Council Decision 95/564/EC of 22 December 1995 on the implementation of a training programme for professionals in the European audiovisual programme industry (MEDIA II — Training) (OJ L 321, 30.12.1995, p. 33).

ANNEX I

Terms and conditions for the participation of Bulgaria in the MEDIA II Programme

1. Bulgaria shall participate in all actions of the MEDIA II Programme (hereinafter called 'the Programme') subject to the following condition:
 - adoption of a timetable for the complete alignment of Bulgarian legislation with Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities ⁽¹⁾.

Bulgaria's participation in the Programme shall be in conformity, unless otherwise provided in this Decision, with the objectives, criteria, procedures and deadlines as defined in Decision 95/563/EC and Decision 95/564/EC.
2. The terms and conditions for the submission, assessment and selection of applications related to eligible institutions, organisations and individuals of Bulgaria shall be the same as those applicable to eligible institutions, organisations and individuals of the Community.
3. In conformity with the terms of the relevant provisions of the Decisions on MEDIA II, Bulgaria shall provide the appropriate structures and mechanisms at national level and shall take all other necessary steps to ensure national coordination and organisation of the implementation of the Programme. In particular Bulgaria shall undertake to establish a MEDIA Desk in collaboration with the European Commission.
4. Bulgaria shall pay each year a contribution to the budget of the European Communities to cover the costs resulting from its participation in the Programme.

The rules governing the financial contribution of Bulgaria shall be those set out in Annex II, which constitutes an integral part of this Decision. The Association Committee shall be entitled to adapt this contribution whenever necessary.
5. The Member States of the Community shall make every effort to facilitate free movement and residence of all eligible persons to the programmes moving between Bulgaria and the Community for the purpose of participating in activities covered by this Decision.
6. Without prejudice to the responsibilities of the European Commission and the Community's Court of Auditors in relation to the monitoring and evaluation of the programmes pursuant to Article 7 and Article 6 of MEDIA II (Development and Distribution), and MEDIA II (Training), respectively, the participation of Bulgaria in the Programme shall be continuously monitored on a partnership basis involving the Commission and Bulgaria. Bulgaria shall submit to the Commission relevant reports and take part in other specific activities set out by the Community to this end.
7. Without prejudice to the procedures referred to in Article 4 (MEDIA II — Training) Article 5 (MEDIA II — Development and Distribution), Bulgaria shall be invited to coordination meetings on any question concerning the implementation of this Decision prior to the regular meetings of the Programme Committee. The Commission shall inform Bulgaria about the results of such regular meetings.
8. The Commission and Bulgaria shall exchange information on, and continually monitor the progress of legislative alignment in the audiovisual sector, with particular reference to Directive 89/552/EEC. Bulgaria shall be invited, where appropriate, to participate in the work of the Contact Committee set up by Directive 97/36/EC.
9. The language to be used as regards the application process, contracts, reports to be submitted and other administrative arrangements for the Programme, shall be one of the official languages of the Community.

⁽¹⁾ OJ L 298, 17.10.1989, p. 23. Directive amended by Directive 97/36/EC of the European Parliament and of the Council (OJ L 202, 30.7.1997, p. 60).

ANNEX II

Financial contribution of Bulgaria to MEDIA II

1. The financial contribution of Bulgaria will cover:
 - financial support from the Programme to Bulgarian participants;
 - financial support from the Programme to a MEDIA Desk up to 50 % of its overall running costs;
 - supplementary costs of an administrative nature related to the management of the Programme by the Commission stemming from Bulgaria's participation.

The aggregated amount of the financial support received from the Programme by Bulgarian beneficiaries and by the MEDIA Desk of Bulgaria will not exceed the contribution paid by Bulgaria, after deduction of the supplementary costs of an administrative nature.

2. Bulgaria's annual contribution will be of EUR 334 312 for 2000. From this sum, an amount of EUR 23 402 (7 % of the total contribution of EUR 334 312) will cover supplementary costs of an administrative nature related to the management of the Programme by the Commission stemming from Bulgaria's participation.
3. The Financial Regulation applicable to the general budget of the European Communities shall apply, in particular to the management of the contribution of Bulgaria.

After the entry into force of this Decision, the Commission shall send to Bulgaria a call for funds corresponding to its contribution to the costs under the Decision.

This contribution shall be expressed in euro and paid into a euro bank account of the Commission.

Bulgaria shall pay its contribution to the annual costs under this Decision according to the call for funds and at the latest three months after the call for funds is sent. Any delay in the payment of the contribution shall give rise to the payment of interest by Bulgaria on the outstanding amount from the due date. The interest rate corresponds to the rate applied by the European Central Bank, for the month of the due date, for its operations in euro, increased by 1,5 percentage points.

4. Bulgaria shall pay the supplementary costs of an administrative nature referred to in paragraph 2 from its national budget.
5. For the year 2000, Bulgaria shall pay EUR 23 402 from its national budget (corresponding to the 7 % supplementary costs of an administrative nature), and EUR 310 910 from its PHARE annual programme subject to regular PHARE programming procedures.

**DECISION No 2/2000 OF THE ACP-EC COUNCIL OF MINISTERS
of 15 December 2000**

**on granting financial support to an investment financing programme for industrial and business
development in the ACP States**

(2001/50/EC)

THE ACP-EC COUNCIL OF MINISTERS,

Having regard to the Fourth ACP-EC Convention, as amended by the Agreement signed in Mauritius on 4 November 1995, and extended by Decision No 1/2000 of the ACP-EC Council of Ministers, and in particular Article 282(5) thereof,

Whereas:

- (1) The Fourth ACP-EC Convention assigns a key role to the private sector in helping to restructure the ACP economies, especially by creating jobs, boosting earnings and integrating these economies into the global economy.
- (2) A substantial amount of funds has been allocated to investment financing in both public and private sectors, through a provision of EUR 1 825 million as risk capital operations from the European Development Fund (EDF).
- (3) The total volume of risk capital commitments, for the two financial protocols, stands, on 31 July 2000, at EUR 1 312 million. EUR 190 million of approved loans pending signature is to be added to that amount. These two amounts represent EUR 1 502 million, that is to say 82,3 % of the total resources provided for operations of this type by the Convention and managed by the European Investment Bank (EIB).
- (4) The Community, in particular, has adopted a new strategy for private sector development in developing countries, placing emphasis not only on support to macroeconomic reform policies, but also on support to intermediary and microeconomic levels.
- (5) The ACP-EC Council of Ministers considers it essential that the current instruments and initiatives funded by the eighth EDF are not hindered by lack of resources, in particular for investment financing. However, if the current rate of commitment is maintained, the amount of resources allocated for risk capital operations under the Fourth ACP Convention runs the risk of being fully utilised before the entry into force of the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000 and before resources under the new Investment Facility become available.
- (6) The ACP-EC Council of Ministers took, on 27 July 2000, Decision No 1/2000 on the transitional measures applicable from 2 August 2000 until the entry into force of the ACP-EC Cotonou Agreement. That decision was adopted taking into account the need to ensure continuity of development financial cooperation.

- (7) The financial resources available, in particular, for the private sector should be reinforced, in order to prevent exhaustion of resources from interrupting the flow of financing.
- (8) Some EUR 300 million could be absorbed by investment operations in the ACP States over the next three years, in addition to the EUR 1 825 million already programmed by the EIB. These resources should be mobilised to fund an investment financing programme in support of the private sector for all ACP States.
- (9) The risk-capital operations to be financed under this Decision should also be complemented by significant private sector funding and contribute to the enhancement of local management skills. Part of the funds earmarked for risk-capital operations under this Decision should be used to underpin the development of local financial institutions.
- (10) The ACP-EC Council of Ministers will decide at a later stage how to use the funds that would return to the financing programme after investments have been repaid by the borrowers,

HAS DECIDED AS FOLLOWS:

Article 1

The following unallocated programmable resources from the eighth EDF and earlier Funds as well as unused funds for interest subsidies and risk capital operations from the sixth and seventh EDFs may be used, up to a maximum of EUR 300 million, to finance risk capital operations in ACP States, divided up as follows:

- a maximum amount of EUR 183 million from the non-allocated eighth EDF programmable resources for these operations,
- a maximum amount of EUR 55 million from the non-allocated sixth EDF resources for risk capital for these operations, and
- a maximum amount of EUR 62 million from the non-utilised seventh EDF resources for interest subsidies for these operations.

These funds shall be additional to the resources allocated for risk capital operations under the eighth EDF and shall be managed by the EIB.

Article 2

The EIB will be invited by the appropriate bodies to manage this financing programme in accordance with the current procedures and financing criteria laid down in the Convention for the use of risk capital operations.

The ACP-EC Council of Ministers will decide at a later stage how to use the funds that would return to the financing programme after investments will have been repaid by the borrowers.

The financing programme will come to an end three months after the entry into force of the ACP-EC Cotonou Agreement. After this period of three months, no decision may be taken by the EIB.

Article 3

The Commission shall be bound to take the measures necessary to implement this Decision.

Article 4

This Decision shall enter into force on the day on which it is adopted.

Done at Brussels, 15 December 2000.

For the ACP-EC Council of Ministers

The President

D. GILLOT

COUNCIL DECISION
of 20 December 2000
establishing a Programme relating to the Community framework strategy on gender equality
(2001-2005)

(2001/51/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 13 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⁾,

Having regard to the opinion of the Committee of the Regions ⁽⁴⁾,

Whereas:

(1) The principle of equal treatment for women and men is a fundamental principle of Community law and the Directives and other acts adopted in keeping with it have played a major part in improving the situation of women.

(2) Experience of action at Community level has shown that promoting gender equality in practice calls for a combination of measures and, in particular, of legislation and practical action designed to reinforce one another. Experience has also shown that Community work in this area should be continued, combining integration of the gender dimension with specific action. In addition it has shown the importance of the role of men in achieving equality between the sexes.

(3) The persistence of structural, gender-based discrimination, double - and often multiple-discrimination faced by many women and persistent gender inequality justify the continuation and strengthening of Community action in the field and the adoption of new methods and approaches.

(4) The European Parliament, in its Resolution on the interim report of the Commission on the implementation of the medium-term Community action programme on equal opportunities for men and women (1996-2000) ⁽⁵⁾, has called on the Commission to submit a proposal for a fifth action programme.

(5) The Council, in its Conclusions of 22 October 1999 has stressed the importance of a new action programme to promote equality for women and men.

(6) The Fourth World Conference on Women held in Beijing on 15 September 1995 adopted a Declaration and a Platform for Action calling on governments, the international community and civil society to take strategic action to eliminate both discrimination against women and the barriers to gender equality. The final document to emerge from the follow-up meeting and the evaluation made at the UN/General Assembly in New York from 5 to 9 June 2000 (Beijing + 5) confirmed the Declaration and Platform for Action and strengthened the latter in certain areas. They also reaffirmed the need for its speedy and complete implementation.

(7) All Member States and applicant countries have signed and ratified the UN/Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

(8) The European Council, meeting in Lisbon on 23 and 24 March 2000 and at Santa Maria da Feira on 19 and 20 June 2000, called on the Commission and the Member States to further all aspects of equal opportunities in employment policies, for example by reducing occupational segregation and making it easier to reconcile working and family life, in particular by setting a new benchmark for improved childcare provision. It also set quantitative objectives, *inter alia*, with regard to increasing the number of women in employment from an average of 51 % today to more than 60 % by 2010.

(9) In its Resolution of 29 June 2000 ⁽⁶⁾ the Council stressed the importance of a balanced participation by women and men in family and working life.

(10) The new Community framework strategy for gender equality embraces all activities of the Community which in accordance with Article 3(2) of the Treaty aim to eliminate inequalities, and to promote equality, between men and women. This Decision provides the structure for the horizontal and coordinating activities necessary to ensure coherence and to develop synergies with regard to the implementation of the Community framework strategy.

⁽¹⁾ OJ C 337 E, 28.11.2000, p. 196.

⁽²⁾ Opinion delivered on 15 November 2000 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 28 November 2000 (not yet published in the Official Journal).

⁽⁴⁾ Opinion delivered on 23 October 2000 (not yet published in the Official Journal).

⁽⁵⁾ OJ C 279, 1.10.1999, p. 88.

⁽⁶⁾ OJ C 218, 31.7.2000, p. 5.

- (11) In order to reinforce the added value of Community action, the Commission, in cooperation with the Member States, should ensure, at all levels, the coherence and complementarity of actions implemented in the framework of this Decision and other relevant Community policies, instruments and actions, in particular those concerning a coordinated employment strategy, social policy, the European Social Fund, education, vocational training and youth.
- (12) Measures to strengthen the capacity of key players involved in promoting gender equality should include the exchange of information, experience and best practices among networks, including the network of Parliamentary Committees for Equal Opportunities for Women and Men in Member States and in the European Parliament and the Commission's experts' networks. Promotion of synergy among the members of the networks should be a priority issue.
- (13) It is important that the Commission and the Member States make efforts to ensure that all the texts, guidelines and calls for tenders published under this programme are written in clear, simple and accessible language.
- (14) It is necessary for the success of any Community action for the results to be monitored and evaluated against the aims.
- (15) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾.
- (16) The agreement on the European Economic Area (EEA) provides for increased cooperation in the social field between the European Community and its Member States on the one hand and the countries of the European Free Trade Area participating in the European Economic Area (EFTA/EEA) on the other. Furthermore this Programme should be opened up for participation by the applicant countries of Central and Eastern Europe, in accordance with the conditions established in the Europe Agreements, in their additional protocols and in the decisions of the respective Association Councils, to Cyprus, Malta and Turkey. This participation should be funded by additional appropriations in accordance with the procedures to be agreed with those countries.
- (17) In the implementation of this programme, work carried out by other international organisations, in particular the United Nations, the Organisation for Economic Cooperation and Development, the International Labour Organisation and the Council of Europe, will be of particular interest.

- (18) A financial reference amount within the meaning of point 34 of the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure ⁽²⁾ is included in this Decision for the entire duration of the programme, without thereby affecting the powers of the budgetary authority as they are defined by the Treaty.
- (19) Since the objectives of the proposed action by the Community, namely to promote gender equality, cannot be sufficiently achieved by the Member States by reason of, *inter alia*, the need for multilateral partnerships, transnational exchange of information and Community-wide dissemination of good practice, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality laid down in the said Article, this Decision does not go beyond what is necessary to achieve those objectives,

HAS ADOPTED THIS DECISION:

Article 1

Establishment of the Programme

This Decision establishes, for the period from 1 January 2001 to 31 December 2005, a Community Action Programme, hereinafter referred to as the 'Programme'. The Programme shall have as its purpose to promote gender equality, in particular by providing assistance and support for the Community framework strategy.

Article 2

Principles

1. The Programme is one of the instruments necessary for the implementation of the overall Community strategy on gender equality, which embraces all Community policies and action aimed at achieving gender equality, including gender mainstreaming policies and specific actions targeted at women.
2. The Programme shall coordinate, support and finance the implementation of horizontal activities under the fields of intervention of the Community framework strategy on gender equality. These fields of intervention are: economic life, equal participation and representation, social rights, civil life, gender roles and stereotypes. The principle of gender equality in the process of enlargement of the Union as well as the gender dimension both in the Community's external relations and in development cooperation policies must permeate all areas of intervention of the Community framework strategy.

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

⁽²⁾ OJ C 172, 18.6.1999, p. 1.

Article 3

Objectives

Within the framework of the principles referred to in Article 2 and taking into account, where appropriate, future legislative activity, the Programme shall have the following objectives:

- (a) to promote and disseminate the values and practices underlying gender equality;
- (b) to improve the understanding of issues related to gender equality, including direct and indirect gender discrimination and multiple discrimination against women, by evaluating the effectiveness of policies and practice through prior analysis, monitoring their implementation and assessing their effects;
- (c) to develop the capacity of players to promote gender equality effectively, in particular through support for the exchange of information and good practice and networking at Community level.

Article 4

Community actions

1. With a view to achieving the objectives referred to in Article 3, the following Community actions will be implemented within a transnational framework:

- (a) raising awareness, primarily by emphasising the Community dimension of the promotion of gender equality and by publicising the results of the Programme, in particular through publications, campaigns and events;
- (b) analysis of factors and policies relating to gender equality, including the collection of statistics, studies, gender impact assessment, tools and mechanisms, development of indicators and benchmarks and effective dissemination of results. This will also include monitoring of the implementation and application of Community equality law by evaluating legislation and practice in order to assess their impact and effectiveness;
- (c) transnational cooperation between parties through the promotion of networking and exchange of experiences at Community level.

2. Arrangements for the implementation of the actions described in paragraph 1 are set out in the Annex.

Article 5

Implementation of the Programme and cooperation with Member States

1. The Commission shall:

- (a) ensure the implementation of the Community actions covered by this Programme;
- (b) regularly exchange views with the Members of the Committee referred to in Article 7, with representatives of social partners at Community level and non-governmental organisations on the implementation and follow-up of the Programme and on related policy orientations. To that end, the Commission shall make the relevant information available to non-governmental organisations and the social partners. The Commission shall inform the said Committee of these points of view;
- (c) promote active partnership and dialogue between all the partners involved in the Programme, *inter alia* to encourage an integrated and coordinated approach to promote gender equality.

2. The Commission, in cooperation with the Member States, shall take the necessary steps to:

- (a) promote the involvement in the Programme of all the parties concerned;
- (b) ensure the dissemination of the results of the actions undertaken within the Programme;
- (c) provide accessible information and ensure appropriate publicity and follow-up with regard to actions supported by the Programme.

Article 6

Implementing provisions

1. The measures necessary for the implementation of this Decision relating to the matters referred to below shall be adopted in accordance with the management procedure referred to in Article 7(2):

- (a) the general guidelines for the implementation of the programme;
- (b) the annual plan of work for the implementation of the programme's actions;
- (c) the financial support to be supplied by the Community;
- (d) the annual budget and the distribution of funding between the various actions of the programme;
- (e) the procedures for selecting the actions to be supported by the Community and the draft list of actions to receive such support submitted by the Commission;
- (f) the criteria for monitoring and evaluating the programme, in particular its cost-effectiveness, and the arrangements for the dissemination of results.

2. The measures necessary for the implementation of this Decision relating to all other matters shall be adopted in accordance with the advisory procedure referred to in Article 7(3).

*Article 7***Committee**

1. The Commission shall be assisted by a Committee.
2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at two months.

3. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply.
4. The Committee shall adopt its rules of procedure.

*Article 8***Cooperation with other Committees**

In order to ensure the consistency and complementarity of the Programme with other measures referred to in Article 9, the Commission shall keep the Committee regularly informed about other Community actions contributing to the promotion of gender equality. Where appropriate, the Commission shall establish regular and structured cooperation between this Committee and the monitoring committees established for other relevant policies, instruments and actions.

*Article 9***Consistency and complementarity**

1. The Commission shall, in cooperation with the Member States, ensure overall consistency with other Union and Community policies, instruments and actions, in particular by establishing appropriate mechanisms and tools, such as gender impact assessment, monitoring tools and benchmarks, to coordinate the activities of this Programme with activities of particular relevance for the advancement of women, such as research, employment, non-discrimination, action to combat poverty and social exclusion, health, education, training and youth policy, culture, justice and home affairs and in the field of enlargement and of the Community's external relations (including external Community activities in the human rights field).
2. The Commission and the Member States shall ensure consistency and complementarity between action undertaken under this Programme and other relevant Union and Community actions, such as those supported by the DAPHNE, STOP, PHARE and MEDA programmes, the research framework programmes to combat social exclusion, the social agenda and the Community action programme to combat discrimination (2001-2006).

The programme must take account of specific actions supporting equal treatment for women and men in the area of employment and work which may be undertaken by the

Community under the Structural Funds, the EQUAL Community initiative or measures promoting cooperation to reinforce employment strategy.

3. The Member States shall facilitate and make all possible efforts to ensure that activities under this Programme are consistent with and complementary to those carried out at national, regional and local levels.

*Article 10***Participation of EFTA/EEA countries, the associated countries of Central and Eastern Europe, Cyprus, Malta and Turkey**

The Programme shall be open to the participation of:

- (a) the EFTA/EEA countries in accordance with the conditions established in the EEA Agreement;
- (b) the applicant countries of Central and Eastern Europe (CEECs) in accordance with the conditions established in the Europe Agreements, in their additional protocols and in the decisions of the respective Association Councils;
- (c) Cyprus, Malta and Turkey, funded by additional appropriations in accordance with procedures to be agreed with those countries.

*Article 11***Funding**

1. The financial reference amount for the implementation of the Programme for the period 2001-2005 shall be EUR 50 million.
2. The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.

*Article 12***Monitoring and evaluation**

1. The Commission shall regularly monitor the Programme in cooperation with the committee referred to in Article 7.
2. The Programme shall be evaluated by the Commission at its mid-term and at the end of the Programme with the assistance of independent experts. The evaluation will assess the relevance, effectiveness and cost-benefit ratio of actions implemented with regard to the objectives referred to in Article 2. It will also examine the impact of the Programme as a whole.

The evaluation will also examine the complementarity between action under the Programme and that pursued under other relevant Community policies, instruments and actions.

3. The Commission shall submit an interim evaluation report by 31 December 2003 at the latest to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions.

4. The Commission shall submit a final evaluation report on the Framework Strategy and the Programme to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions by 31 December 2006 at the latest.

5. All evaluation reports referred to in paragraphs 3 and 4 shall indicate the extent to which funds have been made available to the Commission, the Member States and public bodies and to NGOs.

Article 13

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 20 December 2000.

For the Council

The President

É. GUIGOU

ANNEX

I. INTERVENTION AREAS

In accordance with the principles referred to in Article 2, the Programme may operate in one or more of the following fields of intervention, within the limits of the powers conferred by the Treaty on the Community:

1. Economic life

This area relates to the remaining gender gaps in the labour market and the ways to tackle them. Action consists in increasing the employment rate of women, reducing unemployment rates among women and to making it easier for women and men to reconcile working with family life.

The issues of gender segregation of the labour market, including vertical segregation (the glass ceiling) and the gender pay gap which are the main subject of the Community programmes referred to in Article 9(2) may fall within the Programme where this will ensure an integrated approach to the different areas covered by it or to types of action not financed by the said programmes.

2. Equal participation and representation

This area covers the lack of women's participation in decision-making bodies. The actions consist in adopting strategies and instruments to promote women political, economic and social decision-making at all levels, including activities in external relations and development cooperation (such as the role and participation of women in international missions).

3. Social rights

Effective gender mainstreaming needs to be applied to all policy areas which have an impact on women's daily life such as transport, public health and the fight against discrimination on other grounds. The actions are coordinated with those of the Community action programme to combat discrimination and other relevant action programmes. They aim at improving the application of Community legislation, in particular on social protection and in the areas of parental leave, maternity protection and working time, and at finding ways and means of more easily reconciling family and working life, in particular by setting benchmarks for the improved provision of childcare and care for the elderly.

4. Civil life

This area covers the enforcement of the human rights of women. The actions promote the recognition of human rights of women, enforce equal opportunity rights and strengthen the fight against gender related violence and trafficking in women.

5. Gender roles and stereotypes

This area covers the stereotyped images of women and men and the need to change behaviour, attitudes, norms and values to take account of the evolution of the roles of men and women in society. The actions cover gender mainstreaming in particular in education, training, culture, science, media, youth and sports policies.

II. ACCESS TO THE PROGRAMME

Under the conditions and implementing arrangements set out in this Annex, access to the Programme is open to all public and/or private bodies and institutions involved in promoting gender equality, and notably to:

- (a) Member States,
- (b) local and regional authorities,
- (c) bodies promoting gender equality,
- (d) the social partners,
- (e) non-governmental organisations,
- (f) universities and research institutes,
- (g) national statistical offices,
- (h) the media.

III. TYPES OF ACTION

The following actions may be supported by the Programme, in a transnational framework:

Strand 1 — Awareness raising

1. The organisation of conferences, seminars and events at European level;
2. The organisation in the Member States and in the applicant countries in accordance with Article 10, of a large-scale European event on an annual basis on one of the programme's priorities;
3. The organisation of European media campaigns and events to support the transnational exchange of information and the identification and dissemination of good practice, including the award of an annual prize to companies successful in promoting gender equality and with a view to strengthen the visibility of gender issues;
4. The publication of materials to disseminate the results of the Programme, including the construction of an internet site providing examples of good practice, a forum for the exchange of ideas and a database of potential partners for transnational exchange actions as well as e-links to the existing relevant web-sites in the Member States;
5. The implementation of transnational initiatives such as meetings, seminars or campaigns, on particular topics approved annually, after discussion with the Committee referred to in Article 7. The aim of these activities is to support and improve the synergy among national policies on gender equality and to develop a Community added value;
6. Organisation of seminars and the dissemination of information on and in support of the implementation of Community law in the field of gender equality, with particular attention being paid to the needs and requirements of the applicant countries.

Strand 2 — Analysis and evaluation

1. The development and dissemination of comparable statistics, broken down by sex and, if possible, by age, and statistical series on women and men's situation in different policy areas;
2. The development and dissemination of methodologies and indicators for evaluating the effectiveness of gender equality policies and practice (benchmarking);
3. The analysis of women's situation in the labour market, implementation of equality legislation in the Member States, influence and impact of social protection and taxation on women and men and advancement of women in access to decision making levels will be carried out and the results and lessons learned will be disseminated;
4. The collection, evaluation and dissemination of recent information and experience regarding successful initiatives, methods and techniques relating to women and the media, including overcoming gender stereotypes and promoting positive and varied portrayals of women and men in the media;
5. The publication of an Annual Report on Gender Equality in the Union including the progress towards the reaching of the benchmarks and the evaluation of the results achieved;
6. The realisation and dissemination of thematic studies on the target areas comparing and contrasting approaches within and across Member States and applicant countries;
7. A feasibility study will analyse the prior conditions for the establishment of a European institute for gender.

When implementing this strand the Commission will in particular ensure consistency and complementarity with the activities conducted by other Commission services or by European agencies; in particular, the European Foundation for the Improvement of Living and Working Conditions and the Community RTD Framework programme and the European Centre for the Development of Vocational Training (Cedefop).

Strand 3 — Strengthening capacity

The following actions may be supported in order to improve the capacity and effectiveness of key players involved in promoting gender equality.

Transnational exchange actions involving a range of players from at least three Member States, consisting of the transfer of information, lessons learned and good practice. These actions may be undertaken by NGOs or social partners at European level and transnational networks of regional or local authorities and of organisations which aim to promote gender equality.

These actions may include comparison of the effectiveness of processes, methods and tools related to the chosen themes, mutual transfer and application of good practice, exchanges of personnel, joint development of products, processes, strategy and methodology, adaptation to different contexts of methods, tools and processes identified as good practice, and/or dissemination of results, profile-raising materials and events.

IV. METHOD OF PRESENTING APPLICATIONS FOR SUPPORT

- Strand 1 Actions 2, 3 and 4 of this strand will be implemented in response to open calls for tenders. Actions 5 and 6, to be implemented under the authority of the Member States or by equality bodies, may be subsidised in response to restricted calls for tenders addressed to the Member States.
- Strand 2 This strand will be implemented via the Commission, normally in response to calls for tenders. Action 1 will be implemented following the relevant Eurostat procedures.
- Strand 3 Strand 3 will be implemented in response to open calls for tenders organised by the Commission, which will vet the proposals. The actions may be implemented by NGOs or social partners at European level, transnational networks of regional or local authorities or by transnational networks of organisations, which aim to promote gender equality.

V. CARRYING OUT THE ACTIONS

1. The actions to be taken may be funded by service contracts following calls for tender or by subsidies for joint financing with other sources. In the latter case, the level of financial assistance by the Commission may not exceed, as a general rule, 80 % of the expenditure actually incurred by the recipient.
 2. When carrying out the Programme, the Commission may require additional resources, including recourse to experts. These requirements will be decided in the context of the Commission's ongoing assessment of resource allocation.
 3. When carrying out the Programme, the Commission may have recourse to technical and/or administrative assistance, to the mutual benefit of the Commission and of the beneficiaries, related to identification, preparation, management, monitoring, audit and control.
 4. The Commission may also undertake information, publication and dissemination actions. It may also undertake evaluation studies and organise seminars, colloquia or other meetings of experts.
 5. The Commission will prepare annual work plans setting out the priorities and actions to be undertaken. Moreover, it will also specify the arrangements and criteria to be applied in selecting and financing actions under the Programme. In so doing, it will seek the opinion of the Committee referred to in Article 7.
 6. Actions undertaken will fully respect the principles of data protection.
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COMMISSION

COMMISSION DECISION

of 20 September 2000

on the State aid implemented by France in the wine-growing sector

(notified under document number C(2000) 2754)

(Only the French text is authentic)

(2001/52/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having called on interested parties to submit their comments pursuant to those provisions and having regard to those comments,

Whereas:

I

PROCEDURE

- (1) The French authorities notified an aid scheme for adapting the vineyards in Charentes by letter of 3 February 1999, recorded as received on 8 February 1999. Requests for further information were sent on 18 March and 14 July 1999. The French authorities replied by letters of 6 May and 28 July 1999.
- (2) The Commission initiated the procedure provided for in Article 88(2) of the EC Treaty in respect of the above aid measure by letter No SG (99) D/8176 of 15 October 1999. The procedure was initiated in respect of three of the four measures initially notified by the French authorities. The Commission raised no objections to the measure to supplement the grubbing premium.
- (3) The decision to initiate the procedure was published in the *Official Journal of the European Communities* ⁽¹⁾. The Commission called on the other Member States and interested parties to submit their comments on the aid in question. The Commission has received no comments

from interested parties. The French authorities sent their comments by letter of 13 December 1999.

- (4) On 12 March 1999 and 6 April 2000, without informing the Commission or awaiting completion of the investigation procedure, the French authorities adopted two decrees on the conditions for granting the aid for improving the vine population of wine-growing holdings in the Cognac region for the 1998/1999 and 1999/2000 wine years, respectively ⁽²⁾. The Commission again contacted the French authorities, by letter from the deputy Director-General for Agriculture of 31 May 2000, to inquire whether the supplement to national aid for improving the vine population had actually been implemented. It drew attention to Article 88(3) of the Treaty, which prohibits the implementation of State aid. It also mentioned the principle that aid which is not compatible with the common market is to be recovered. The French authorities sent the abovementioned legislative texts by letter of 28 June 2000, implicitly confirming thereby that the measure had been adopted.

II

DESCRIPTION

- (5) The envisaged scheme continues the conversion of the vineyards in Charentes, currently used to produce cognac, to the production of other wines ('local wines'). This scheme is a response to the crisis affecting the sector, which is resulting in a substantial accumulation of stocks.
- (6) The conversion is to be effected through four measures intended to promote the production of wine for which there is consumer demand and reduce the volumes of cognac produced.

⁽¹⁾ OJ C 359, 11.12.1999, p. 7.

⁽²⁾ JORF, 11.4.1999 and JORF, 23.4.2000.

Supplement to national aid for improving the vine population

The purpose of the aid is to improve the quality of the vineyards. The measure encourages cognac producers to switch to 'local wine' production by promoting the use of certain vine varieties ⁽¹⁾. The measure would cover only 1 000 hectares of vineyards.

The estimated budget is FRF 10 000 000 (EUR 1 524 000) and the aid would be granted in the form of an additional payment of FRF 10 000/ha (EUR 1 524) to wine-growers already eligible for national aid for improving the vine population.

The aid would be granted for one year, the French authorities having indicated that the multiannual character of the measure would not be endorsed until an assessment had been made at the end of the first year of operation.

The level of aid would be as follows:

- FRF 24 000/ha for wine-growers delivering their entire production to a producer group acting as a marketing consortium or a wine-growers' cooperative belonging to such a group. The aid supplement would increase the total amount of aid to FRF 34 000/ha,
- FRF 22 000/ha for wine-growers delivering part of their production to a wine-growers' cooperative belonging to a producer group recognised as a marketing consortium or belonging to an association of producer groups or a vineyard-restructuring association. The aid supplement would increase the total amount of aid to FRF 32 000/ha,
- FRF 10 000/ha to other wine-growers. The aid supplement would increase the total amount of aid to FRF 20 000/ha.

Technical support for producers

This measure is designed to accompany the measure described above and consists in helping wine-growers to adapt their production methods by means of a programme of events and training initiatives focusing on the conversion of vineyards. Under this programme, information meetings would be organised, booklets would be distributed and experts would dispense advice on growing and wine-making techniques. The estimated budget amounts to FRF 5 000 000 (EUR 762 000).

Promotion of cognac

These measures are intended to halt the disappearance of outlets for cognac by promoting the product. They include the organisation of fairs and exhibitions, public

relations events and publicity campaigns. They will mainly be held in third countries, particularly in Asia and America. The estimated budget amounts to FRF 5 000 000 (EUR 762 000) for 1999.

Supplements to the grubbing premium

These are structural measures to reduce cognac production capacity in the Charentes region.

- (7) Turning to the supplement to national aid for improving the vine population, when the examination procedure was initiated for the notified measures the Commission took the view that Article 14 of Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organisation of the market in wine ⁽²⁾, as amended by Regulation (EEC) No 2253/88 ⁽³⁾, prohibits the grant of national aid for the planting of wine-growing areas from 1 September 1988, except where such aid contains criteria to ensure, in particular, that the objective of reducing production or improving quality is achieved without leading to increased production. Accordingly, only varieties which bring about an improvement in quality and to not have high productivity in the terrain concerned will be allowed. The varieties communicated to the Commission by the French authorities met these conditions. Moreover, the total amount of aid would not exceed the ceiling laid down in Commission Regulation (EEC) No 2741/89 ⁽⁴⁾, which stipulates that the amount of aid granted per hectare of vineyard planted may not exceed 30 % of the actual cost of grubbing-up and planting, which may be determined on a flat-rate basis in each region, particularly in the light of geomorphological characteristics.

- (8) However, the new Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽⁵⁾ contains provisions on the abandonment of wine-growing areas and the restructuring and conversion of vineyards. Since the programme presented by the French authorities seeks a long-term solution to the problem of wine production in the Charentes region, the measures envisaged must take account of the new rules under this common organisation of the market. This Regulation establishes a system for the restructuring and conversion of vineyards, the objective of which is to adapt production to market demand. In accordance with Article 15(c) of Regulation (EC) No 1493/1999, Commission Regulation (EC) No 1227/2000 of 31 May 2000 laying down detailed rules for the

⁽¹⁾ Arriloba B, Cabernet franc N, Cabernet Sauvignon N, Chardonnay B, Chasan B, Chemin B, Cot N, white-juiced Gamay N, Merlot N and Sauvignon B.

⁽²⁾ OJ L 84, 27.3.1987.

⁽³⁾ OJ L 198, 26.7.1988.

⁽⁴⁾ OJ L 264, 12.9.1989.

⁽⁵⁾ OJ L 179, 14.7.1999.

- application of Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine ⁽¹⁾, contains provisions aimed at preventing increases in production potential resulting from the implementation of conversion measures. The information sent shows that conversion involved producing new quantities of 'local wine', in other words increasing overall production. In addition, Article 2(1) of Regulation (EC) No 1493/1999 prohibits planting with vines classified as wine-grape varieties until 31 July 2010. The Commission was therefore bound to conclude that one of the legislator's aims in establishing the new organisation of the market in wine was to prevent an increase in wine production.
- (9) According to the French authorities, the additional wine production resulting from the varietal conversion (1 to 1,5 million hectolitres) should be absorbed by the 'local wine' market, which they claim has been growing steadily in France since 1988. However, other information from French sources — in particular Report No 65 of 7 July 1999 of the Office national interprofessionnel des vins (Onivins — National Interprofessional wine office) — gives a less optimistic outlook for 'local wine' sales. Thus, although sales of local wines increased by 9 % in the period 1994 to 1998 they have levelled off over the last two years.
- (10) While the Commission agreed that the varietal conversion of the vineyards in the Charentes region has the advantage of reducing the production of wines for which there is no market, it considered that the resulting increase in 'local wine' production in France is incompatible with the principles contained in the new organisation of the market in wine and is likely to distort competition on a wine market which is showing no signs of growth. It had to be borne in mind that the wines resulting from the conversion of these vineyards would enter the ordinary wine market, while current production by definition goes to other destinations outside that market. Consequently, there was a strong risk that the general conversion of these vineyards would shift the problem on to other markets since it would lead to an overall net increase in the quantity of wine placed on the market, which would be incompatible with the objectives of the new common organisation of the market.
- (11) In these circumstances, and in the absence of any action on the part of the French Government to adapt the measure to the new requirements in the sector, for example by ensuring that the conversion of the vineyards in the Charentes region was accompanied by a substantial reduction in wine-growing areas and yields, the Commission doubted whether the measure was in keeping with the new requirements at Community level.
- (12) Turning to the technical support for producers, the Commission concluded that this measure was comparable to training aid aimed at improving farmers' technical skills and could therefore help develop the wine-growing sector without affecting trading conditions to an extent that was contrary to the common interest. However, since this measure was designed to accompany the measure described above, the Commission decided not to state a position on it until the other measure had been approved.
- (13) In the case of the cognac promotion measure, the Commission noted that taken in isolation the planned measure complied with the Community rules, but decided nevertheless to examine it in the light of similar measures authorised in the past. In 1998, for example, it authorised aid to the Bureau national interprofessionnel du cognac (National interprofessional cognac office) for promotional measures planned over a four-year period ⁽²⁾. The Commission wondered therefore whether the new allocation for measures to promote cognac might not result in a cumulative distortion of competition having adverse effects on producers of other spirits in the Community. Accordingly, it could not authorise this aid without first hearing the French authorities' arguments regarding the relationship between the aid already authorised and that notified and the steps which they intended to take to prevent excessive distortions of competition vis-à-vis other Community producers.
- (14) Conversely, when the procedure was initiated, the Commission considered that the supplement to the grubbing premium was in conformity with the Community competition rules, and so the examination procedure did not concern this fourth measure.
- (15) The Commission thus considered that the measures consisting in a supplement to national aid for improving the vine population, technical support for producers and cognac promotion constituted an advantage for wine-growers. These aid measures were therefore not regarded in principle as compatible with the common market, unless they could qualify under one of the derogations provided for in Article 87(2) or (3) of the Treaty. On the basis of the information available, the Commission was unable to conclude that the aid measures were compatible. The Commission therefore deemed it necessary to initiate the procedure provided for in Article 88(2) of the Treaty.

III

COMMENTS FROM FRANCE

- (16) By letter of 13 December 1999, the French authorities presented their comments on the Commission's decision to initiate the procedure provided for in Article 88(2) in respect of the aid measures notified.

⁽¹⁾ OJ L 143, 16.6.2000.

⁽²⁾ State aid N 327/98. Letter to France SG(98) D/6737 of 4 August 1998.

- (17) The French authorities point out that the objective of the supplement to national aid for improving the vine population is to reduce production potential in the region by restricting yields. Thus, the average yields currently recorded are around 150 hectolitres per hectare of vines in production. After conversion to local wine the average yield of the converted vineyards should drop to around 90 hectolitres per hectare.
- (18) According to the French authorities, conversion would help the vineyards in Charentes to meet market requirements, while the wines they are currently producing are not of sufficient quality to have guaranteed outlets. In addition, conversion would in the long term reduce the volume to be delivered for compulsory distillation of dual-purpose grapes, thereby also reducing EAGGF expenditure in that connection.
- (19) Since only 1 000 hectares would be converted under this measure, the French authorities think it might even be necessary to continue the conversion effort further, particularly for the purpose of implementing the scheme provided for in Article 11 of Regulation (EC) No 1493/1999. They add that the notified measures comply with the abovementioned Regulation, which prohibits new vine planting and introduces a scheme for conversion of vineyards, because they aim not at extending the vineyards in Charentes, but at helping to adapt to the market, through both abandonment and conversion of existing vines (1 000 ha).
- (20) The French authorities go on to contest the Commission's calculations of the volume of local wines likely to be placed on the market, which it assessed at 1,5 million hectolitres. They claim that the conversion measure will result in a reduction of 150 000 hectolitres in table wines and the production, three years hence, of 80 000 to 90 000 hectolitres of local wines. According to the French authorities, however, the market in local wine is very buoyant and well able to continue expanding on the world market. They argue that the approved volumes have increased appreciably in recent years, from 7 million hectolitres in 1996 to more than 10 million in 1997 and 1998, despite a smaller harvest as a result of poor weather during the last two wine years. The slower growth noted in 1998/1999 to which the Commission referred when it initiated the examination procedure could not mean that demand was levelling off, because the prices of local wines had risen substantially during the wine year: up 14 % for local red wines (and up as

much as 20 % for varietal wines) and up 11 % for local white wines (up as much as 16 % for varietals). The French authorities therefore consider that the measure will not result in a net increase in wine production on the market but, rather, will help adapt to the market a wine-growing region permitted to make wine under the Community rules.

- (21) Regarding the cognac promotion measure, the French authorities have informed the Commission that they had decided not to implement the measure and were thus withdrawing its notification under Article 8 of Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 88 of the EC Treaty ⁽¹⁾.

IV

ASSESSMENT

- (22) Article 7(1) of the Treaty states that, save for the derogations provided for therein, any aid granted by the Member States or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods is incompatible with the common market, in so far as it affects trade between Member States.
- (23) For its part, Article 76 of Regulation (EEC) No 822/87 provides that Articles 87, 88 and 89 of the Treaty are to apply to the production of and trade in wine-growing products, save as otherwise provided in that Regulation.
- (24) The supplement to national aid for improving the vine population and the accompanying technical support measure confer an advantage on the wine-growers concerned that other producers cannot enjoy. As a consequence, the measures distort or threaten to distort competition in the ways already described and therefore fall within the definition of State aid in Article 87(1).
- (25) The aid is likely to affect trade between Member States in so far as it favours national production over that of the other Member States. The wine-growing sector is especially open to competition at Community level, particularly in France, and is consequently very sensitive to any measure favouring production in a particular country.
- (26) The following table shows the level of trade in wine-growing products between France and the other Member States:

Wine — Total

1999/2000	EU-15	France
Usable production	168 076 000 hl	54 271 000 hl
Exports to EU-15	—	15 500 000 hl
Imports from EU-15	—	5 700 000 hl

⁽¹⁾ OJ L 83, 27.3.1999, p. 1.

- (27) However, there are exceptions to the principle concerning the incompatibility of State aid set out in Article 87(1).
- (28) The derogations from this incompatibility provided for in Article 87(2) are obviously not applicable. Nor did the French authorities invoke them.
- (29) The derogations provided for in Article 87(3) of the Treaty must be interpreted strictly when considering regional or sectoral aid programmes or any individual case of application of general aid schemes. In particular, they may be allowed only where the Commission is able to establish that the aid is necessary to achieve one of the aims in question. Allowing such derogations to apply to aid not meeting that condition would be tantamount to allowing trade between Member States to be affected and permitting distortion of competition that has no justification in the light of the Community interest and, by the same token, undue advantages for the operators of certain Member States.
- (30) The Commission considers that the aid measures in question are not intended to encourage economic development in a region where the standard of living is abnormally low or where there is serious underemployment within the meaning of Article 87(3)(a) of the Treaty. Nor are they intended to promote the execution of an important project of common European interest or to remedy a serious disturbance in the economy of a Member State within the meaning of Article 87(3)(b). Nor again are they intended to promote either culture or heritage conservation within the meaning of Article 87(3)(d).
- (31) The only possible derogation in this case is that provided for in Article 87(3)(c), which stipulates that aid to facilitate the development of certain economic activities or of certain economic areas may be considered to be compatible with the common market, where such aid does not adversely affect trading conditions to an extent contrary to the common interest.
- (34) However, the Commission noted that the common organisation of the market in wine introduced by Regulation (EEC) No 822/87 prohibits the grant of national aid for the planting of wine-growing areas from 1 September 1988, except where such aid contains criteria to ensure, in particular, that the objective of reducing production or improving quality is achieved without leading to increased production (recital 8).
- (35) The Commission concludes, moreover, that any increase in the production of local wines in France is incompatible with the principles contained in the new organisation of the market in wine and is likely to distort competition on a wine market which is showing no signs of growth (recital 10).
- (36) In these circumstances, and in the absence of any action on the part of the French Government to adapt the measure to the new requirements in the sector, for example by ensuring that the conversion of the vineyards in the Charentes region is accompanied by a substantial reduction in wine-growing areas and yields, the Commission doubted whether the measure was in keeping with the new requirements at Community level (recital 11).

Reducing production potential: reducing yields

Supplement to national aid for improving the vine population

- (32) When initiating the examination procedure, the Commission concluded that the vine varieties envisaged by the French authorities in theory meet the requirements of Community legislation (see description, recital 7).
- (33) The Commission also concluded that the measure complied with Article 5 of Regulation (EEC) No 2741/89, which stipulates that the amount of aid granted per hectare of vineyard planted may not exceed 30 % of the actual cost of grubbing-up and planting (recital 7).
- (37) The French authorities explain that the measure is aimed precisely at reducing production potential and restricting yields, and should reduce the average yield of the converted vineyards from 150 hl to approximately 90 hl pe hectare. Moreover, such conversion would help bring wine production into line with market demand, and in the long tem reduce the volume to be delivered for compulsory distillation of dual-purpose grapes, thereby also reducing EAGGF expenditure in that connection.
- (38) The Commission endorses the French authorities' conclusion that conversion to other varieties would considerably reduce production potential. However, the problem of reducing yields should not be analysed exclusively in terms of the results of varietal conversion, but also in terms of reducing the yield capacity of vines intended for the production of cognac. In this connection, the figures supplied to the Commission by the French authorities by letter of 30 May 2000, on the scheme in Charentes in the context of the common organisation of the market in wine, show that the yields of vines of the 'ugni-blanc' variety intended for cognac production have increased substantially, from 80 hl per hectare in 1976 to 120 hl per hectare today⁽¹⁾. The Commission takes the view that yield reduction should

⁽¹⁾ The latter figure is different from the figure provided by the French authorities in their letter of 13 December 1999.

also apply to the 'ugni-blanc' variety intended for the production of cognac, which is causing the region's production surpluses. The French authorities' figures show room for manoeuvre in which to bring about such a reduction. The Commission cannot therefore consider reduction resulting from varietal conversion alone sufficient.

Reduction in wine-growing areas

- (39) The French authorities consider that half the reduction in wine-growing areas is being implemented through the permanent abandonment measure and half through the conversion of existing vines. They go on to argue that, since only 1 000 hectares would be converted under this measure, it might even be necessary to continue the conversion effort further in the context of implementing the scheme provided for in Article 11 of Regulation (EC) No 1493/1999. They add that their notified measure would comply with that Regulation, which prohibits new vine planting and introduces a scheme for converting vineyards, since it aims not at extending the vineyards in Charentes, but at helping to adapt them to the market by encouraging permanent abandonment.
- (40) The Commission agrees with the French authorities that permanent abandonment is an effective way of encouraging adaptation of vineyards in Charentes to the market. However, it is bound to point out that, since grubbing is voluntary, there is no a priori guarantee that restructuring 1 000 ha will be accompanied by the grubbing of an equivalent area. Moreover, the French authorities have themselves in the past calculated the percentage by which the total wine-growing area in the region (estimated at around 80 000 ha) should be reduced at 15 % to 20 % (12 000 to 16 000 ha), which proves that merely applying this measure will do little to contribute to a satisfactory solution for the region concerned. The fact that the French authorities are proposing to continue conversion under the new market organisation in wine shows that they are aware of this fact.

Bringing production into line with demand

- (41) Article 11(1) of Regulation (EC) No 1493/1999 does indeed establish a scheme for restructuring and conversion of vineyards. Article 11(2) states that the purpose of the scheme is to adapt production to market demand. The French authorities have tried to demonstrate that their measures comply with this condition.

- (42) Firstly, the French authorities challenge the Commission's estimate of the volume of local wines likely to be placed on the market (1,5 million hectolitres). They claim that the conversion measure will result in a reduction of a 150 000 hectolitres in table wines and the production, three years hence, of 80 000 to 90 000 hectolitres of local wines.
- (43) Moreover, according to the French authorities, contrary to the Commission's argument in recital 9, the market in local wine should be able to continue expanding on the world market (recital 20). According to them, approved volumes have increased appreciably in recent years, despite a smaller harvest due to poor weather in the last two wine years. The slower growth recorded in 1998/1999 could not mean that demand was levelling off, because the prices of local wines had risen substantially during the wine year: up 14 % for local red wines (and up as much as 20 % for varietal wines), and up 11 % for local white wines (up as much as 16 % for varietals).
- (44) Information received after initiation of the examination procedure, again provided by the 'Office national interprofessionnel des vins (Onivins)'⁽¹⁾, confirms that the weighted average price of red and rosé local wines 20 weeks into the 1999/2000 wine year was 5 % down on the previous wine year (7 % for red local wines with mention of the variety and 5 % for rosé local wines with mention of the variety) and 8 % down for white local wines (10 % for white local wines with mention of the variety). This information, which should certainly be treated with caution, does not coincide with the French authorities' position that the market in local wines is constantly expanding.
- (45) In the light of the information it has received and in the absence of any analysis of the real market impact of such a measure, the Commission continues to doubt whether the market has the capacity to absorb the new quantities of local wine which would be produced as a result of varietal conversion in the Charentes region.

Distortions of competition

- (46) Consequently, while reiterating that the measure is concerned with conversion of the sector which will have long-term effects, the Commission confirms the conclusion it drew when it initiated the examination procedure, that the increase in production of local wines in France goes against the principles of the new market organisation in wine and is likely to create distortions of competition on a wine market which does not show sure signs of expansion. The Commission therefore maintains that the fact that the wines resulting from the conversion of these vineyards would go onto the normal

⁽¹⁾ Report No 70, of 2 February 2000.

wine market, while the wine currently produced has, by definition, other destinations outside that market, is highly likely to shift the problem to other markets/areas while causing a net increase in the production of wines placed on the market. This would run counter to the objectives of the new market organisation.

(47) The Commission wishes to stress that this conclusion also applies to the former market organisation for wine, which also contained the principle of zero increase in production.

(48) The Commission takes the view that, by shifting the problems experienced in Charentes to other regions in the Community the measure implemented by the French authorities is likely to create substantial distortions of competition in a sector where increases in production are particularly strictly controlled and considers that only measures adopted in the context of the common agricultural policy, specifically under the common organisation of the market concerned, can ensure that the interests of all those operating on this market are taken into account. In this connection it should be remembered that recourse by a Member State to Articles 87, 88 and 89 of the Treaty cannot take precedence over the regulation governing the organisation of the market in question⁽¹⁾. The application of those Articles continues to be subject to the regulations concerned. The Commission cannot approve aid measures which, by nature, are incompatible with the provisions governing the common organisation of a market or which hamper the proper operation of the market organisation concerned.

(49) The Commission thus finds that the French authorities have not managed to adapt the measure to the new rules in the sector by requiring, in particular, that conversion of the Charentes vineyards be accompanied by a substantial reduction in wine-growing areas and yields. It must therefore conclude that the measure is not compatible with the new Community requirements or, therefore, with the Community competition rules, in particular Article 87(3)(c) of the Treaty.

Technical support

(50) Since the technical support measure accompanies the measure dealt with above, which is incompatible with the common market, there are no longer any grounds for applying it, and the Commission is not in a position to approve it.

Promotion of cognac

(51) There is no need for the Commission to assess this measure, since the French authorities have withdrawn it.

V

CONCLUSION

(52) The measure consisting of a supplement to national aid for improving the vine population and the accompanying measure entailing technical support for producers do not qualify for the derogation provided for in Article 87(3) of the Treaty, since they do not meet the requirements laid down in the common organisation of the market in wine. As a consequence, they are not compatible with the Treaty and may not be implemented.

(53) On 12 March 1999 the French authorities adopted a decree on the conditions for granting the aid for improving the vine population of wine-growing holdings in the Cognac region for the 1998/1999 wine year. On 6 April 2000 they adopted an identical decree for the 1999/2000 wine year. These decrees implement the measure notified to the Commission in contravention of Article 88(3). The measure is therefore unlawful aid within the meaning of Article 1(f) of Regulation (EC) No 659/1999.

(54) The Commission regrets that the French Republic implemented the above aid measure in contravention of Article 88(3) of the Treaty.

(55) It should be remembered that, in the case of aid measures implemented without awaiting the Commission's final decision, given the binding nature of the rules of procedure laid down in Article 88(3) of the Treaty, which the Court of Justice recognised as having direct effect in its judgments of 19 June 1973 in Case 77/72, *Carmine Capolongo v Azienda Agricola Maya* ⁽²⁾; of 11 December 1973 in Case 120/73, *Gebrueder Lorenz GmbH v Federal Republic of Germany* ⁽³⁾ and of 22 March 1977 in Case 78/76, *Steinike & Weinlig v Federal Republic of Germany* ⁽⁴⁾, the illegality of the aid concerned cannot be regularised *ex post facto* (judgment of 21 November 1991 in case C-354/90, *Fédération Nationale du Commerce Extérieur des Produits Alimentaires v French Republic*) ⁽⁵⁾.

⁽¹⁾ Judgment of the Court of 26 June 1979 in Case 177/78 *Pigs and Bacon Commission v McCarren and Company Limited* [1979] ECR 2161.

⁽²⁾ ECR 1973, p. 611.

⁽³⁾ ECR 1973, p. 1471.

⁽⁴⁾ ECR 1977, p. 595.

⁽⁵⁾ ECR 1991, p. I-5505.

- (56) Where an unlawful aid is incompatible with the common market, Article 14(1) of Regulation (EC) No 659/1999 provides that the Commission must decide that the Member State concerned should take all necessary measures to recover the aid from the beneficiary. Such reimbursement is necessary to re-establish the situation applying previously, and involves cancelling all the financial advantages from which beneficiaries of the unlawfully granted aid have unduly benefited since the date the aid was granted.
- (57) Article 14(2) of Regulation (EC) No 659/1999 stipulates that recovery includes interest at an appropriate rate fixed by the Commission. Such interest is payable from the date on which the unlawful aid was made available to the beneficiary.
- (58) The aid must be reimbursed in accordance with the procedures laid down by French law. The amounts include interest from the date on which aid was granted until the date of its effective recovery. It is to be calculated at the Commission's reference rate, laid down by the method for setting the reference and discount rates⁽¹⁾.
- (59) This Decision will not prejudice the conclusions the Commission may draw, if necessary, for the financing of the common agricultural policy by the European Agricultural Guidance and Guarantee Fund (EAGGF).
- (60) The measure entitled 'promotion of cognac' was withdrawn by the French authorities under Article 8 of Regulation (EC) No 659/1999. The Commission therefore concludes that there is no longer any need to rule on that measure,

HAS ADOPTED THIS DECISION:

Article 1

1. The measure implemented by France consisting of a supplement to national aid for improving the vine population of wine-growing holdings in the Cognac region for the 1998/

1999 and 1999/2000 wine years is an unlawful aid incompatible with Articles 87, 88 and 89 of the Treaty and does not qualify for the derogation provided for in Article 87(3) of the Treaty.

2. The accompanying measure providing for technical support to producers is incompatible with Articles 87, 88 and 89 of the Treaty and does not qualify for the derogation provided for in Article 87(3) of the Treaty.

Article 2

France shall be required to cancel the aid schemes referred to in Article 1.

Article 3

France shall take the measures necessary to recover the aid granted to beneficiaries under the schemes referred to in Article 1.

Article 4

France shall inform the Commission, within two months of notification of this Decision, of the measures that it has taken to comply therewith.

Article 5

This Decision is addressed to the French Republic.

Done at Brussels, 20 September 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 273, 9.9.1997.