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Legislation

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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 425/2001
of 2 March 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 3 March 2001.

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

Done at Brussels, 2 March 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 2 March 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	110,4	
	204	47,4	
	212	94,4	
	624	113,7	
	999	91,5	
0707 00 05	052	120,7	
	999	120,7	
0709 90 70	052	106,6	
	204	86,0	
	999	96,3	
0805 10 10, 0805 10 30, 0805 10 50	052	66,1	
	204	45,4	
	212	48,7	
	624	52,7	
	999	53,2	
0805 30 10	600	58,6	
	999	58,6	
0808 10 20, 0808 10 50, 0808 10 90	388	97,1	
	400	84,7	
	404	81,4	
	508	93,6	
	512	102,3	
	528	92,2	
	720	120,3	
	728	101,4	
	999	96,6	
	0808 20 50	388	79,7
		400	97,8
512		78,4	
528		78,7	
720		54,6	
999		77,8	

(1) Country nomenclature as fixed by Commission Regulation (EC) No 2032/2000 (OJ L 243, 28.9.2000, p. 14). Code '999' stands for 'of other origin'.

**COMMISSION REGULATION (EC) No 426/2001
of 2 March 2001**

**fixing the maximum purchasing price for butter for the 23rd invitation to tender carried out under
the standing invitation to tender governed by Regulation (EC) No 2771/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 13 of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽³⁾, as last amended by Regulation (EC) No 213/2001 ⁽⁴⁾, provides that, in the light of the tenders received for each invitation to tender, a maximum buying-in price is to be fixed in relation to the interven-

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 23rd invitation to tender issued under Regulation (EC) No 2771/1999, for which tenders had to be submitted not later than 27 February 2001, the maximum buying-in price is fixed at 295,38 EUR/100 kg.

Article 2

This Regulation shall enter into force on 3 March 2001.

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

Done at Brussels, 2 March 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 333, 24.12.1999, p. 11.

⁽⁴⁾ OJ L 37, 7.2.2001, p. 1.

**COMMISSION REGULATION (EC) No 427/2001
of 2 March 2001**

fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 70th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices and the maximum aid and processing securities applying for the 70th individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 3 March 2001.

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

Done at Brussels, 2 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁴⁾ OJ L 76, 25.3.2000, p. 9.

ANNEX

to the Commission Regulation of 2 March 2001 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 70th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter \geq 82 %	Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Processing security	Unaltered		—	—	—	—
	Concentrated		—	—	—	—
Maximum aid	Butter \geq 82 %		95	91	—	91
	Butter < 82 %		92	88	—	88
	Concentrated butter		117	113	117	113
	Cream		—	—	40	38
Processing security	Butter		105	—	—	—
	Concentrated butter		129	—	129	—
	Cream		—	—	44	—

**COMMISSION REGULATION (EC) No 428/2001
of 2 March 2001**

**fixing the maximum aid for concentrated butter for the 242nd special invitation to tender opened
under the standing invitation to tender provided for in Regulation (EEC) No 429/90**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

- (2) In the light of the tenders received, the maximum aid should be fixed at the level specified below and the end-use security determined accordingly.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 242nd special invitation to tender under the standing invitation to tender opened by Regulation (EEC) No 429/90, the maximum aid and the amount of the end-use security shall be as follows:

- | | |
|---------------------|-----------------|
| — maximum aid: | EUR 117/100 kg |
| — end-use security: | EUR 129/100 kg. |

Article 2

This Regulation shall enter into force on 3 March 2001.

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

Done at Brussels, 2 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 45, 21.2.1990, p. 8.

⁽⁴⁾ OJ L 16, 21.1.1999, p. 19.

**COMMISSION REGULATION (EC) No 429/2001
of 2 March 2001**

fixing the minimum selling price for skimmed-milk powder for the 26th individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 2799/1999

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Pursuant to Article 26 of Commission Regulation (EC) No 2799/1999 of 17 December 1999 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the grant of aid for skimmed milk and skimmed-milk powder intended for animal feed and the sale of such skimmed-milk powder ⁽³⁾, as last amended by Regulation (EC) No 213/2001 ⁽⁴⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of skimmed-milk powder held by them.
- (2) According to Article 30 of the said Regulation, in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed or a decision shall be taken to make no award. The amount of the processing security shall also be fixed taking account of the difference between the market

price of skimmed-milk powder and the minimum selling price.

- (3) In the light of the tenders received, the minimum selling price should be fixed at the level specified below and the processing security determined accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 26th individual invitation to tender pursuant to Regulation (EC) No 2799/1999, in respect of which the time limit for the submission of tenders expired on 27 February 2001, the minimum selling price and the processing security are fixed as follows:

- | | |
|--------------------------|--------------------|
| — minimum selling price: | EUR 144,03/100 kg, |
| — processing security: | EUR 133,00/100 kg. |

Article 2

This Regulation shall enter into force on 3 March 2001.

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

Done at Brussels, 2 March 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 340, 31.12.1999, p. 3.

⁽⁴⁾ OJ L 37, 7.2.2001, p. 1.

**COMMISSION REGULATION (EC) No 430/2001
of 2 March 2001**

fixing the maximum buying-in price and the quantities of beef to be bought in under the 262nd partial invitation to tender as a general intervention measure pursuant to Regulations (EEC) No 1627/89 and (EC) No 284/2001

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, and in particular Article 17(8) thereof,

Whereas:

(1) Commission Regulation (EC) No 562/2000 of 15 March 2000 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 as regards the buying-in of beef ⁽²⁾, as amended by Regulation (EC) No 2734/2000 ⁽³⁾, lays down buying standards. Pursuant to the above Regulation, an invitation to tender was opened under Article 1(1) of Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying-in of beef by invitation to tender ⁽⁴⁾, as last amended by Regulation (EC) No 376/2001 ⁽⁵⁾, and Article 1 of Commission Regulation (EC) No 284/2001 of 9 February 2001 opening intervention in accordance with Article 47(5) of Regulation (EC) No 1254/1999 ⁽⁶⁾.

(2) Article 13(1) of Regulation (EC) No 562/2000 lays down that a maximum buying-in price is to be fixed for quality R3, where appropriate, under each partial invitation to tender in the light of tenders received. In accordance with Article 36 of that Regulation, only tenders quoting prices not exceeding the maximum buying-in price and not exceeding the average national or regional market price, plus the amount referred to in Article 6(2) of Regulation (EC) No 2734/2000 are to be accepted.

(3) Once tenders submitted in respect of the 262nd partial invitation to tender have been considered pursuant to Article 47(8) of Regulation (EC) No 1254/1999, and taking account of the requirements for reasonable support of the market and the seasonal trend in slaughtering and prices, the maximum buying-in price and the quantities which may be bought in should be fixed.

(4) As the quantities offered at present exceed the quantities which may be bought in, a reducing coefficient should therefore be applied in accordance with Article 13(3) of Regulation (EC) No 562/2000.

(5) Article 7 of Regulation (EC) No 2734/2000 also opens buying-in of carcasses and half-carcasses of store cattle and lays down special rules in addition to those laid down for the buying-in of other products. The differences in prices found within this framework make it necessary to set different maximum buying-in prices in Spain and in the other Member States.

(6) In the light of developments, this Regulation should enter into force immediately.

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

HAS ADOPTED THIS REGULATION:

Article 1

Under the 262nd partial invitation to tender opened pursuant to Regulations (EEC) No 1627/89 and (EC) No 284/2001:

(a) for category A:

(i) in the Member States or regions thereof meeting the conditions laid down in Article 47(2) of Regulation (EC) No 1254/1999:

— the maximum buying-in price shall be EUR 226,00/100 kg of carcasses or half-carcasses of quality R3,

— the maximum quantity of carcasses and half-carcasses accepted shall be 34 057 t,

— the quantities offered at a price of EUR 223 or less shall be multiplied by a coefficient of 75 % in accordance with Article 13(3) of Regulation (EC) No 562/2000,

— the quantities offered at more than EUR 223 shall be multiplied by a coefficient of 40 % in accordance with Article 13(3) of Regulation (EC) No 562/2000;

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 68, 16.3.2000, p. 22.

⁽³⁾ OJ L 316, 15.12.2000, p. 45, Regulation as last amended by Regulation (EC) No 371/2001 (OJ L 55, 26.2.2001, p. 44).

⁽⁴⁾ OJ L 159, 10.6.1989, p. 36.

⁽⁵⁾ OJ L 55, 26.2.2001, p. 49.

⁽⁶⁾ OJ L 41, 10.2.2001, p. 24.

- (ii) in the Member States or regions thereof meeting the conditions laid down in Article 47(5) of Regulation (EC) No 1254/1999:
- the maximum buying-in price shall be EUR 188,6/100 kg of carcasses or half-carcasses of quality R3,
 - the maximum quantity of carcasses and half-carcasses accepted shall be 10 tonnes;
- (b) for category C:
- the maximum buying-in price shall be EUR 220/100 kg of carcasses or half-carcasses of quality R3,
 - the maximum quantity of carcasses and half-carcasses accepted shall be 130 t;
- (c) for carcasses and half-carcasses of store cattle as referred to in Article 7 of Regulation (EC) No 2734/2000:
- the maximum buying-in price shall be EUR 361/100 kg of carcasses or half-carcasses, offered in Spain and EUR 381/100 kg of carcasses or half-carcasses offered in the other Member States,
 - the maximum quantity of carcasses and half-carcasses shall be 415 t.

Article 2

This Regulation shall enter into force on 3 March 2001.

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

Done at Brussels, 2 March 2001.

For the Commission
Franz FISCHLER
Member of the Commission

**COMMISSION REGULATION (EC) No 431/2001
of 2 March 2001**

**fixing the maximum export refund on wholly milled round grain rice in connection with the
invitation to tender issued in Regulation (EC) No 2281/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1667/2000 ⁽²⁾, and in particular Article 13 ⁽³⁾ thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2281/2000 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2281/2000 is hereby fixed on the basis of the tenders submitted from 23 February to 1 March 2001 at 219,00 EUR/t.

Article 2

This Regulation shall enter into force on 3 March 2001.

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

Done at Brussels, 2 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 193, 29.7.2000, p. 3.

⁽³⁾ OJ L 260, 14.10.2000, p. 7.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

**COMMISSION REGULATION (EC) No 432/2001
of 2 March 2001**

**fixing the maximum export refund on wholly milled medium grain and long grain A rice in
connection with the invitation to tender issued in Regulation (EC) No 2282/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1667/2000 ⁽²⁾, and in particular Article 13 ⁽³⁾ thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2282/2000 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain European third countries pursuant to the invitation to tender issued in Regulation (EC) No 2282/2000 is hereby fixed on the basis of the tenders submitted from 23 February to 1 March 2001 at 221,00 EUR/t.

Article 2

This Regulation shall enter into force on 3 March 2001.

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

Done at Brussels, 2 March 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 193, 29.7.2000, p. 3.

⁽³⁾ OJ L 260, 14.10.2000, p. 10.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

**COMMISSION REGULATION (EC) No 433/2001
of 2 March 2001**

**fixing the maximum export refund on wholly milled round grain, medium grain and long grain A
rice in connection with the invitation to tender issued in Regulation (EC) No 2283/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1667/2000 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2283/2000 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled grain, medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2283/2000 is hereby fixed on the basis of the tenders submitted from 23 February to 1 March 2001 at 238,00 EUR/t.

Article 2

This Regulation shall enter into force on 3 March 2001.

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

Done at Brussels, 2 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 193, 29.7.2000, p. 3.

⁽³⁾ OJ L 260, 14.10.2000, p. 13.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

**COMMISSION REGULATION (EC) No 434/2001
of 2 March 2001**

**fixing the maximum export refund on wholly milled long grain rice in connection with the
invitation to tender issued in Regulation (EC) No 2284/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1667/2000 ⁽²⁾, and in particular Article 13 ⁽³⁾ thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2284/2000 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled long grain rice falling within CN code 1006 30 67 to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2284/2000 is hereby fixed on the basis of the tenders submitted from 23 February to 1 March 2001 at 314,00 EUR/t.

Article 2

This Regulation shall enter into force on 3 March 2001.

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

Done at Brussels, 2 March 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 193, 29.7.2000, p. 3.

⁽³⁾ OJ L 260, 14.10.2000, p. 16.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

**COMMISSION DECISION No 435/2001/ECSC
of 2 March 2001**

amending Decision No 2277/96/ECSC on protection against dumped imports from countries not members of the European Coal and Steel Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 74 thereof,

Whereas:

- (1) Commission Decision No 2277/96/ECSC ⁽¹⁾, as amended by Decision No 1000/1999/ECSC ⁽²⁾, sets out common rules for protection against dumped imports from countries not members of the European Coal and Steel Community.
- (2) Article 2(7)(a) of Decision No 2277/96/ECSC provides that, in the case of imports from non-market economy countries and, in particular those listed in a footnote to that paragraph, normal value is, *inter alia*, to be determined on the basis of the price or constructed value in an analogue market economy third country.
- (3) Article 2(7)(b) of Decision No 2277/96/ECSC further provides that, in the case of imports from the Russian Federation and the People's Republic of China normal value is to be determined in accordance with the rules applicable to market economy countries in cases where it can be shown that market economy conditions prevail for one or more producers subject to investigation in respect of the manufacture and sale of the like product concerned.
- (4) The process of reform in Ukraine, Vietnam and Kazakhstan has fundamentally altered their economies and has led to the emergence of firms for which market economy conditions prevail. Those three countries have, as a result, moved away from the economic circumstances which inspired the use of the analogue country method.
- (5) The European Community's anti-dumping practice under Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽³⁾, as last amended by Regulation (EC) No 2238/2000 ⁽⁴⁾ now takes account of the changed economic conditions in Ukraine, Vietnam and Kazakhstan. Regulation (EC) No 384/96 now also provides for similar treatment to be granted to imports from such countries which are members of the World Trade Organisation (WTO) at the date of the initiation of the relevant anti-dumping investigation.
- (6) The relevant provisions of Decision No 2277/96/ECSC should be aligned with those of Regulation (EC) No 384/96 as a matter of urgency, in order to ensure

consistency in the application of the anti-dumping rules provided under the EC Treaty and the ECSC Treaty respectively. Decision No 2277/96/ECSC should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Article 2(7) of Decision No 2277/96/ECSC is amended as follows:

1. The footnote relating to the first subparagraph of subparagraph (a) is replaced by the following:

'(*) Including Albania, Armenia, Azerbaijan, Belarus, Georgia, North Korea, Kyrgyzstan, Moldavia, Mongolia, Tajikistan, Turkmenistan and Uzbekistan.'

2. Subparagraph (b) is replaced by the following:

'(b) In anti-dumping investigations concerning imports from the Russian Federation, the People's Republic of China, Ukraine, Vietnam and Kazakhstan and any other non-market economy country which is a member of the World Trade Organisation (WTO) at the date of the initiation of the investigation, normal value shall be determined in accordance with paragraphs 1 to 6, if it is shown, on the basis of properly substantiated claims by one or more producers subject to the investigation and in accordance with the criteria and procedures set out in subparagraph (c), that market economy conditions prevail for this producer or producers in respect of the manufacture and sale of the like product concerned. When this is not the case, the rules set out in subparagraph (a) shall apply.'

Article 2

This Decision shall apply to all anti-dumping investigations initiated after the date on which it enters into force.

In the case of imports from non-market economy countries which become members of the WTO after the date on which it enters into force, this Decision shall apply to all anti-dumping investigations concerning products originating in those countries which are initiated after the date of their accession to the WTO.

Article 3

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

⁽¹⁾ OJ L 308, 29.11.1996, p. 11.

⁽²⁾ OJ L 122, 12.5.1999, p. 35.

⁽³⁾ OJ L 56, 6.3.1996, p. 1.

⁽⁴⁾ OJ L 257, 11.10.2000, p. 2.

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

Done at Brussels, 2 March 2001.

For the Commission
Pascal LAMY
Member of the Commission

**COMMISSION REGULATION (EC) No 436/2001
of 2 March 2001**

amending Annex II to Council Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs⁽¹⁾, as last amended by Commission Regulation (EC) 2020/2000⁽²⁾, and in particular Article 13, second indent thereof,

Whereas:

- (1) In accordance with the procedure provided for in Article 7(4) of Regulation (EEC) No 2092/91, certain Member States have since 1997 submitted information in view of amending certain provisions in Annex II.
- (2) Composted household waste and composted mixture of vegetable matter are products which, before the adoption of Regulation (EEC) No 2092/91, were in common use according to the codes of practice on organic farming followed in the Community. These products are currently also available after other fermentations than composting, in particular anaerobic fermentation in view of biogas production. The amendments for these products are urgent in the light of the upcoming agricultural season during which these products could be used, under the restrictive requirements laid down in Annex I, part A, to the Regulation, for fertilising purposes. Anaerobic fermentation in view of biogas production is a process which in principle is in line with the environment protection objectives of organic farming.

- (3) It is necessary to correct in several languages the name of the product 'basic slag' to cover the same product. It also appeared that this product was not edited in the Portuguese version of Commission Regulation (EC) No 2381/94⁽³⁾, which established part A of Annex II. Therefore this omission has to be corrected.
- (4) The experience with the use of industrial lime from sugar production in organic farming has shown that it is appropriate to permit this use to continue after 31 March 2002.
- (5) Many preparations of pyrethrins extracted from *Chrysanthemum cinerariaefolium* contain piperonylbutoxide as synergist. Therefore it is appropriate to strengthen the conditions under which these preparations can be used.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 14 of Regulation (EEC) No 2092/91,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EEC) No 2092/91 shall be amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply forthwith.

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

Done at Brussels, 2 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 198, 22.7.1991, p. 1.

⁽²⁾ OJ L 241, 26.9.2000, p. 39.

⁽³⁾ OJ L 255, 1.10.1994, p. 84.

ANNEX

Annex II to Regulation (EEC) No 2092/91 is amended as follows:

1. The part headed 'A. FERTILISERS AND SOIL CONDITIONERS' is amended as follows:

(a) In the table the provisions concerning the inclusion of composted household waste are replaced by the following:

Name	Description; compositional requirements; conditions for use
'Composted or fermented household waste'	Product obtained from source separated household waste, which has been submitted to composting or to anaerobic fermentation for biogas production Only vegetable and animal household waste Only when produced in a closed and monitored collection system, accepted by the Member State Maximum concentrations in mg/kg of dry matter: cadmium: 0,7; copper: 70; nickel: 25; lead: 45; zinc: 200; mercury: 0,4; chromium (total): 70; chromium (VI): 0 (*) Need recognised by the inspection body or inspection authority Only during a period expiring on 31 March 2002

(*) Limit of determination'

(b) In the table the provisions concerning the inclusion of composted mixture of vegetable matter are replaced by the following:

Name	Description; compositional requirements; conditions for use
'Composted or fermented mixture of vegetable matter'	Product obtained from mixtures of vegetable matter, which have been submitted to composting or to anaerobic fermentation for biogas production Need recognised by the inspection body or inspection authority'

(c) In respectively the Danish, German, Greek, Dutch, Swedish, Finnish version of the table the following names are replaced:

- in Danish: the name 'Thomasslagger' is replaced by 'Jernværksslagger',
- in German: the name 'Thomasphosphat' is replaced by 'Schlacken der Eisen- und Stahlzubereitung',
- in Greek: the name 'Σκωρίες αποφωσφατώσεως (σκωρίες του Θωμά)' is replaced by 'Σκωρίες αποφωσφατώσεως',
- in Dutch: the name 'Thomasslakkenmeel' is replaced by 'Metaalslakken',
- in Finnish: the name 'Tuomaskuona' is replaced by 'Kuona',
- in Swedish: the name 'Basisk slagg (Thomasslag)' is replaced by 'Basisk slagg'.

(d) In the Portuguese version of the table the following product is introduced after the product 'Fosfato de aluminio e calcio':

Name	Description; compositional requirements; conditions for use
'Escorias de desfosforação'	Necessidade reconhecida pelo organismo de controlo ou pela autoridade de controlo'

- (e) In the table the provisions concerning the inclusion of industrial lime from sugar production are replaced by the following:

Name	Description; compositional requirements; conditions for use
'Industrial lime from sugar production	Need recognised by the inspection body or inspection authority'

2. In the part 'B. PESTICIDES', the table headed '1. Substances of crop or animal origin' is amended as follows:
The inclusion of 'Pyrethrins extracted from *Chrysanthemum cinerariaefolium*' is replaced by the following:

Name	Description; compositional requirements; conditions for use
'Pyrethrins extracted from <i>Chrysanthemum cinerariaefolium</i>	Insecticide Need recognised by the inspection body or inspection authority'

**COMMISSION REGULATION (EC) No 437/2001
of 2 March 2001**

fixing, for February 2001, the specific exchange rate for the amount of the reimbursement of storage costs in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 1527/2000 ⁽²⁾,

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽³⁾,

Having regard to Commission Regulation (EEC) No 1713/93 of 30 June 1993 establishing special detailed rules for applying the agricultural conversion rate in the sugar sector ⁽⁴⁾, as last amended by Regulation (EC) No 1642/1999 ⁽⁵⁾, and in particular Article 1(3) thereof,

Whereas:

- (1) Article 1(2) of Regulation (EEC) No 1713/93 provides that the amount of the reimbursement of storage costs referred to in Article 8 of Regulation (EC) No 2038/1999 is to be converted into national currency using a specific agricultural conversion rate equal to the average, calculated *pro rata temporis*, of the agricultural conversion rates applicable during the month of storage. That specific rate must be fixed each month for the previous month. However, in the case of the reimbursable

amounts applying from 1 January 1999, as a result of the introduction of the agrimonetary arrangements for the euro from that date, the fixing of the conversion rate should be limited to the specific exchange rates prevailing between the euro and the national currencies of the Member States that have not adopted the single currency.

- (2) Application of these provisions will lead to the fixing, for February 2001, of the specific exchange rate for the amount of the reimbursement of storage costs in the various national currencies as indicated in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The specific exchange rate to be used for converting the amount of the reimbursement of the storage costs referred to in Article 8 of Regulation (EC) No 2038/1999 into national currency for February 2001 shall be as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 3 March 2001.

It shall apply with effect from 1 February 2001.

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

Done at Brussels, 2 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 349, 24.12.1998, p. 1.

⁽⁴⁾ OJ L 159, 1.7.1993, p. 94.

⁽⁵⁾ OJ L 195, 28.7.1999, p. 3.

ANNEX

to the Commission Regulation of 2 March 2001 fixing, for February 2001, the specific exchange rate for the amount of the reimbursement of storage costs in the sugar sector

Specific exchange rate		
EUR 1 =	7,46289	Danish kroner
	8,96633	Swedish kroner
	0,63346	Pound sterling

**COMMISSION REGULATION (EC) No 438/2001
of 2 March 2001**

laying down detailed rules for the implementation of Council Regulation (EC) No 1260/1999 as regards the management and control systems for assistance granted under the Structural Funds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds ⁽¹⁾, and in particular Article 53(2) thereof,

After consulting the Committee set up pursuant to Article 147 of the Treaty,

After consulting the Committee on Agricultural Structures and Rural Development,

After consulting the Committee on Structures for Fisheries and Aquaculture,

Whereas:

- (1) Article 38 of Regulation (EC) No 1260/1999 requires Member States to take a number of measures to ensure that Community funds are used efficiently and correctly and in accordance with the principles of sound financial management.
- (2) For this purpose, it is necessary for Member States to provide adequate guidance regarding the organisation of the relevant functions of managing and paying authorities laid down by Articles 32 and 34 of Regulation (EC) No 1260/1999.
- (3) Article 38 of Regulation (EC) No 1260/1999 requires the Member States to cooperate with the Commission in ensuring that they have smoothly running management and control systems and to give it all necessary assistance to undertake checks, including sample checks.
- (4) In order to harmonise standards for the certification of expenditure for which payments from the Funds under Article 32(3) and (4) of Regulation (EC) No 1260/1999 are claimed, the content of such certificates should be laid down and the nature and quality of the information on which they rely specified.
- (5) To enable the Commission to carry out the checks referred to in Article 38(2) of Regulation (EC) No 1260/1999, Member States should supply it on request with

data which managing authorities require in order to fulfil the management, monitoring and evaluation requirements of that Regulation. It is necessary to lay down the content of such data and the format and means of transmission of computer files when data is supplied in electronic form in accordance with Article 18(3)(e) of the Regulation. The Commission should ensure that computerised and other data is kept confidential and secure.

- (6) Commission Regulation (EC) No 2064/97 of 15 October 1997 establishing detailed arrangements for the implementation of Council Regulation (EEC) No 4253/88 as regards the financial control by Member States of operations co-financed by the Structural Funds ⁽²⁾, as amended by Regulation (EC) No 2406/98 ⁽³⁾, should be replaced. However, the provisions of Regulation (EC) No 2064/97 should continue to apply to assistance granted for the programme period 1994 to 1999 under Council Regulation (EEC) No 2052/88 ⁽⁴⁾, as last amended by Regulation (EC) No 3193/94 ⁽⁵⁾.
- (7) This Regulation should apply without prejudice to the provisions regarding on-site monitoring in the field of State aid laid down by Article 22 of Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty ⁽⁶⁾.
- (8) This Regulation should apply without prejudice to the provisions of Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities ⁽⁷⁾.
- (9) The provisions of Commission Regulation (EC) No 1681/94 of 11 July 1994 concerning irregularities and the recovery of sums wrongly paid in connection with the financing of the structural policies and the organisation of an information system in this field ⁽⁸⁾ apply to assistance granted under Regulation (EC) No 1260/1999 by virtue of the second paragraph of Article 54 and Article 38(1)(e) of that Regulation.
- (10) This Regulation should apply in accordance with the principle of subsidiarity, as referred to in Article 8(3) of Regulation (EC) No 1260/1999, and without prejudice to the institutional, legal and financial systems of the Member State concerned, as referred to in the last paragraph of Article 34(1) of that Regulation.

⁽²⁾ OJ L 290, 23.10.1997, p. 1.
⁽³⁾ OJ L 298, 7.11.1998, p. 15.
⁽⁴⁾ OJ L 185, 15.7.1988, p. 9.
⁽⁵⁾ OJ L 337, 24.12.1994, p. 11.
⁽⁶⁾ OJ L 83, 27.3.1999, p. 1.
⁽⁷⁾ OJ L 292, 15.11.1996, p. 2.
⁽⁸⁾ OJ L 178, 12.7.1994, p. 43.

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

- (11) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Development and Conversion of Regions,

HAS ADOPTED THIS REGULATION:

CHAPTER I

Scope

Article 1

This Regulation lays down detailed rules for the implementation of Regulation (EC) No 1260/1999 as regards the management and control systems for assistance granted under the Structural Funds that is administered by the Member States.

CHAPTER II

Management and control systems

Article 2

1. Each Member State shall ensure that managing and paying authorities and intermediate bodies receive adequate guidance on the provision of management and control systems necessary to ensure the sound financial management of the Structural Funds in accordance with generally accepted principles and standards, and in particular to provide adequate assurance of the correctness, regularity and eligibility of claims on Community assistance.

2. For the purposes of this Regulation, 'intermediate bodies' shall mean all public or private bodies or services acting under the responsibility of managing or paying authorities or performing tasks on their behalf in relation to final beneficiaries or the bodies or firms carrying out operations.

Article 3

The management and control systems of managing and paying authorities and intermediate bodies shall, subject to proportionality in relation to the volume of assistance administered, provide for:

- (a) a clear definition, a clear allocation and, as necessary to ensure sound financial practice, an adequate separation of functions within the organisation concerned;
- (b) effective systems for ensuring that the functions are performed in a satisfactory manner;
- (c) in the case of intermediate bodies, reporting to the authority responsible on the performance of their tasks and the means employed.

Article 4

Management and control systems shall include procedures to verify the delivery of the products and services co-financed and the reality of expenditure claimed and to ensure compliance

with the terms of the relevant Commission decision under Article 28 of Regulation (EC) No 1260/1999 and with applicable national and Community rules on, in particular, the eligibility of expenditure for support from the Structural Funds under the assistance concerned, public procurement, State aid (including the rules on the cumulations of aid), protection of the environment and equality of opportunity.

The procedures shall require the recording of verifications of individual operations on the spot. The records shall state the work done, the results of the verification and the measures taken in respect of discrepancies. Where any physical or administrative verifications are not exhaustive, but performed on a sample of operations, the records shall identify the operations selected and describe the sampling method.

Article 5

1. Member States shall, for each assistance, inform the Commission, within three months of the approval of the assistance or the entry into force of this Regulation, whichever is the later, of the organisation of the managing and paying authorities and intermediate bodies, of the management and control systems in place in these authorities and bodies and of improvements planned pursuant to the guidance referred to in Article 2(1).

2. The communication shall contain the following information in respect of each managing and paying authority and intermediate body:

- (a) the functions vested in them;
- (b) the allocation of functions between or within their departments, including between the managing and paying authority where they are the same body;
- (c) the procedures by which claims for reimbursement of expenditure are received, verified, and validated, and by which payments to beneficiaries are authorised, executed and accounted for; and
- (d) the provisions for the audit of management and control systems.

3. Where a common system applies in more than one assistance, a description of the common system may be communicated.

Article 6

The Commission shall, in cooperation with the Member State, satisfy itself that the management and control systems presented under Article 5 meet the standards required by Regulation (EC) No 1260/1999 and by this Regulation, and shall make known any obstacles which they present to the transparency of checks on the operation of the Funds and to the Commission's discharge of its responsibilities under Article 274 of the Treaty. Reviews of the operation of the systems shall be undertaken on a regular basis.

Article 7

1. Member States' management and control systems shall provide a sufficient audit trail.
2. An audit trail shall be considered sufficient where it permits:
 - (a) reconciliation of the summary amounts certified to the Commission with the individual expenditure records and supporting documents held at the various administrative levels and by final beneficiaries including, where the latter are not the final recipients of funding, the bodies or firms carrying out operations; and
 - (b) verification of the allocation and the transfers of the available Community and national funds.

An indicative description of the information requirements for a sufficient audit trail is given in Annex I.

3. The managing authority shall satisfy itself on the following points:
 - (a) that there are procedures to ensure that documents that are relevant to specific expenditure incurred and payments made under the assistance and required for a sufficient audit trail are held in accordance with the requirements of Article 38(6) of Regulation (EC) No 1260/1999 and with Annex I to this Regulation;
 - (b) that a record is maintained of the body holding them and its location; and
 - (c) that the documents are made available for inspection by the persons and bodies who would normally have the right to inspect such documents.

These persons and bodies shall be:

- (i) the staff of the managing and paying authority and intermediate bodies who process payment claims;
- (ii) the services undertaking audits of management and control systems;
- (iii) the person or department of the paying authority responsible for certifying interim and final payment requests under Article 32(3) and (4) of Regulation (EC) No 1260/1999 and the person or department which issues the declaration under Article 38(1)(f); and
- (iv) mandated officials of national audit institutions and the European Community.

They may require that extracts or copies of the documents or accounting records referred to in this paragraph be supplied to them.

Article 8

The managing or paying authority shall keep an account of amounts recoverable from payments of Community assistance already made, and ensure that the amounts are recovered

without unjustified delay. After recovery, the paying authority shall repay the irregular payments recovered, together with interest received on account of late payment, by deducting the amounts concerned from its next statement of expenditure and request for payment to the Commission, or, if this is insufficient, by effecting a refund to the Community. The paying authority shall send the Commission once a year, in annex to the fourth quarterly report on recoveries supplied under Regulation (EC) No 1681/94, a statement of the amounts awaiting recovery at that date, classified by the year of initiation of the recovery proceedings.

CHAPTER III

Certification of expenditure*Article 9*

1. The certificates of statements of interim and final expenditure referred to in Article 32(3) and (4) of Regulation (EC) No 1260/1999 shall be drawn up in the form prescribed in Annex II by a person or department within the paying authority that is functionally independent of any services that approve claims.
2. Before certifying a given statement of expenditure, the paying authority shall satisfy itself that the following conditions are fulfilled:
 - (a) the managing authority and intermediate bodies have fulfilled the requirements of Regulation (EC) No 1260/1999, in particular Article 38(1)(c) and (e) and Article 32(3) and (4), and observed the terms of the Commission's decision under Article 28 of the Regulation;
 - (b) the statement of expenditure includes only expenditure:
 - (i) that has been actually effected within the eligibility period laid down in the decision in the form of expenditure by final beneficiaries, within the meaning of paragraphs 1.2, 1.3 and 2 of Rule No 1 of the Annex to Commission Regulation (EC) No 1685/2000 ⁽¹⁾, which can be supported by receipted invoices or accounting documents of equivalent probative value;
 - (ii) that has been incurred in operations that were selected for funding under the particular assistance concerned in accordance with its selection criteria and procedures and have been subject to Community rules throughout the period during which the expenditure was incurred; and
 - (iii) from measures for which all State aid has been formally approved by the Commission, where relevant.

3. So that the sufficiency of the control systems and the audit trail can always be taken into account before a statement of expenditure is presented to the Commission, the managing authority shall ensure that the paying authority is kept informed of the procedures operated by the managing authority and by intermediate bodies to:

⁽¹⁾ OJ L 193, 29.7.2000, p. 39.

- (a) verify the delivery of the products and services cofinanced and the reality of expenditure claimed;
- (b) ensure compliance with the applicable rules; and
- (c) maintain the audit trail.

4. In cases where the managing authority and the paying authority are or belong to the same body, this body shall ensure that procedures offering equivalent standards of control to those stipulated in paragraphs 2 and 3 are applied.

CHAPTER IV

Sample checks on operations

Article 10

1. Member States shall organise checks on operations on an appropriate sampling basis, designed in particular to:

- (a) verify the effectiveness of the management and control systems in place;
- (b) verify selectively, on the basis of risk analysis, expenditure declarations made at the various levels concerned.

2. The checks carried out before the winding-up of each assistance shall cover at least 5 % of the total eligible expenditure and be based on a representative sample of the operations approved, taking account of the requirements of paragraph 3. Member States shall seek to spread the implementation of the checks evenly over the period concerned. They shall ensure an appropriate separation of tasks as between such checks and implementation or payment procedures concerning operations.

3. The selection of the sample of operations to be checked shall take into account:

- (a) the need to check an appropriate mix of types and sizes of operations;
- (b) any risk factors which have been identified by national or Community checks;
- (c) the concentration of operations under certain intermediate bodies or certain final beneficiaries, so that the main intermediate bodies and final beneficiaries are checked at least once before the winding-up of each assistance.

Article 11

Through the checks, the Member States shall endeavour to verify the following:

- (a) the practical application and effectiveness of the management and control systems;
- (b) for an adequate number of accounting records, the correspondence of those records with supporting documents held by intermediate bodies, final beneficiaries, and the bodies or firms carrying out the operations;

- (c) the presence of a sufficient audit trail;
- (d) for an adequate number of expenditure items, that the nature and timing of the relevant expenditure comply with Community provisions and correspond to the approved specifications of the operation and the works actually executed;
- (e) that the use or intended use of the operation is consistent with the use described in the application for Community co-financing;
- (f) that the Community financial contributions are within the limits provided for in Article 29 of Regulation (EC) No 1260/1999 and any other applicable Community provisions and are paid to final beneficiaries without any reductions or unjustified delay;
- (g) that the appropriate national co-financing has in fact been made available; and
- (h) that the co-financed operations have been implemented in accordance with Community rules and policies as required by Article 12 of Regulation (EC) No 1260/1999.

Article 12

The checks shall establish whether any problems encountered are of a systemic character, entailing a risk for other operations carried out by the same final beneficiary or administered by the same intermediate body. They shall also identify the causes of such situations, any further examination which may be required and the necessary corrective and preventive action.

Article 13

Member States shall inform the Commission by 30 June each year, and for the first time by 30 June 2001, of their application of Articles 10 to 12 in the previous calendar year and in addition provide any necessary completion or updating of the description of their management and control systems communicated under Article 5.

Article 14

The provisions of this chapter shall apply, *mutatis mutandis*, to amounts recoverable referred to in Article 8.

CHAPTER V

Declaration at winding-up of the assistance

Article 15

The person or department designated to issue declarations on winding-up of the assistance under Article 38(1)(f) of Regulation (EC) No 1260/1999 shall have a function independent of:

- (a) the designated managing authority;
- (b) the person or department within the paying authority responsible for drawing up the certificates referred to in Article 9(1);
- (c) intermediate bodies.

It shall conduct its examination according to internationally accepted auditing standards. It shall be supplied by the managing and paying authorities and intermediate bodies with all information required and be given access to the records and supporting evidence necessary for drawing up the declaration.

Article 16

Declarations shall be based on an examination of the management and control systems, of the findings of checks already carried out and, when necessary, of a further sample check of transactions. The person or department issuing the declaration shall make all necessary enquiries to obtain reasonable assurance that the certified statement of expenditure is correct and that the underlying transactions are legal and regular.

Declarations shall be drawn up on the basis of the indicative model in Annex III and shall be accompanied by a report which shall include all relevant information to justify the declaration, including a summary of the findings of all checks carried out by national and Community bodies to which the declarant has had access.

Article 17

If the presence of important management or control weaknesses or the high frequency of irregularities encountered does not allow the provision of a positive overall assurance as to the validity of the request for payment of the final balance and the final certificate of expenditure, the declaration shall refer to these circumstances and shall estimate the extent of the problem and its financial impact.

In such a case the Commission may ask that a further check be carried out with a view to the identification and rectification of irregularities within a specified period of time.

CHAPTER VI

Form and content of accounting information to be held and communicated to the Commission on request

Article 18

1. The accounting records on operations referred to in Annex I shall as far as possible be held in computerised form. Such records shall be made available to the Commission on

specific request for the purpose of carrying out documentary and on-the-spot checks, without prejudice to the requirements to communicate updatings of financial plans under Article 18(3)(c) of Regulation (EC) No 1260/1999 and financial information under Article 32 thereof.

2. The Commission shall agree with each Member State the content of computer records to be made available under paragraph 1, the means by which they are communicated, and the length of the period required to develop any necessary computer systems taking account of the agreement referred to in Article 18(3)(e) of Regulation (EC) No 1260/1999. The scope of the information that may be requested, and the preferred technical specifications for the transfer of computer files to the Commission, are indicated in Annexes IV and V.

3. At the written request of the Commission, the Member States shall deliver to the Commission the records referred to in paragraph 1 within 10 working days of receipt of the request. A different period may be agreed between the Commission and the Member State, particularly where the records are not available in computerised form.

4. The Commission shall ensure that the information forwarded by the Member States or collected by it in the course of on-the-spot inspections is kept confidential and secure in accordance with Article 287 of the Treaty and the Commission's rules on the use of and access to information.

5. Subject to the relevant national laws, Commission officials shall have access to all documents prepared either with a view to or following controls carried out under this Regulation and to the data held, including those stored in computer systems.

CHAPTER VII

General and final provisions

Article 19

In the case of forms of assistance where there are beneficiaries in more than one Member State, the Member States concerned shall agree with one another the necessary common arrangements to ensure sound financial management, taking account of national law, and shall inform the Commission of the arrangements agreed. The Commission and the Member States concerned shall provide one another with any necessary administrative assistance.

Article 20

The provisions of this Regulation are without prejudice to the obligation of Member States under Regulation (EC) No 1260/1999 to give the Commission sufficient information to appraise plans, including information on the measures taken to implement Article 34(1) of the Regulation, and to the Commission's right to require further information before adopting its decisions under Article 28 of the Regulation.

Article 21

Nothing in this Regulation shall prevent Member States applying rules more rigorous than those prescribed herein.

Article 22

Regulation (EC) No 2064/97 is hereby repealed.

Its provisions shall, however, continue to apply to assistance granted for the programme period 1994 to 1999 under Regulation (EEC) No 2052/88.

Article 23

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

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

Done at Brussels, 2 March 2001.

For the Commission
Michel BARNIER
Member of the Commission

ANNEX I

INDICATIVE DESCRIPTION OF INFORMATION REQUIREMENTS FOR A SUFFICIENT AUDIT TRAIL
(Article 7)

A sufficient audit trail, as referred to in Article 7(2), is present when, for a given assistance:

1. Accounting records kept at the appropriate management level provide detailed information about expenditure actually incurred in each co-financed operation by final beneficiaries including, where the latter are not the final recipients of funding, the bodies and firms carrying out the operations. The accounting records show the date they were created, the amount of each item of expenditure, the nature of the supporting documents and the date and method of payment. The necessary documentary evidence (e.g. invoices) is attached.
 2. For items of expenditure relating only partly to the co-financed operation, the accuracy of the allocation of the expenditure between the operation co-financed and other operations is demonstrated. The same applies to types of expenditure that are considered eligible only within certain limits or in proportion to other costs.
 3. The technical specifications and financial plan of the operation, progress reports, the documents concerning the grant approval and tendering and contracting procedures, and reports on inspections of the products and services co-financed in the operation are also kept at the appropriate management level.
 4. For declaring expenditure actually incurred in co-financed operations to an intermediate body lying between the final beneficiary or the body or firm carrying out the operation and the paying authority, the information referred to in paragraph 1 is aggregated into a detailed statement of expenditure for each operation covering all individual items of expenditure for the purpose of calculating the total certified amount. The detailed statements of expenditure constitute supporting documents for the accounting records of the intermediate body.
 5. Intermediate bodies keep accounting records for each operation and for the total amounts of expenditure certified by final beneficiaries. Intermediate bodies reporting to the paying authority designated under Article 9(o) of Regulation (EC) No 1260/1999 present to it a list of the operations approved under each assistance, identifying each operation in detail and indicating the final beneficiary, the date of approval of the grant, the amounts committed and paid and the period of the expenditure, and the total expenditure by measure and subprogramme or priority. This information constitutes supporting documentation for the accounting records of the paying authority and is the basis for the preparation of the declarations of expenditure to be presented to the Commission.
 6. In cases of final beneficiaries reporting directly to the paying authority, the detailed statements of expenditure referred to in paragraph 4 constitute supporting documentation for the accounting records of the paying authority, which is responsible for drawing up the list of co-financed operations referred to in paragraph 5.
 7. Where there is more than one intermediate body between the final beneficiary or the body or firm carrying out the operation and the paying authority, each intermediate body for its area of responsibility requires detailed statements of expenditure from the body below it as supporting documentation for its own accounting records, from which it provides at least a summary of the expenditure on each individual operation to the body above it.
 8. In the case of computerised transfer of accounting data, all the authorities and bodies concerned obtain sufficient information from the lower level to justify their accounting records and the sums reported upwards, so as to ensure a sufficient audit trail from the total summary amounts certified to the Commission down to the individual expenditure items and the supporting documents at the level of the final beneficiaries and the bodies and firms carrying out the operations.
-

ANNEX II

CERTIFICATE AND STATEMENT OF EXPENDITURE AND APPLICATION FOR PAYMENT

EUROPEAN COMMISSION

FUND

Certificate and statement of expenditure and application for payment

(to be sent to unit ... of DG through official channels)

Name of assistance:

Commission Decision _____ of _____

Commission reference (CCI) No _____

National reference _____ (if any)

CERTIFICATE

I, the undersigned _____
 representing the paying authority designated by ⁽¹⁾

_____, hereby
 certify that all eligible expenditure included in the attached statement, representing the contributions of the Structural Funds and national public and/or private funding, and paid as the assistance has progressed, was paid

after ⁽²⁾:

		20	—
--	--	----	---

and amounts to:

	EUR
--	-----

(exact amount to two decimal places)

The attached statement of expenditure broken down by measure is based on accounts provisionally closed on

		20	—
--	--	----	---

and is an integral part of this certificate.

I also certify that operations are progressing in accordance with the objectives laid down in the decision and with the provisions of Regulation (EC) No 1260/1999, in particular as regards:

- (1) compliance with the provisions of the Treaty and instruments adopted under it and with Community policies, in particular the rules on competition, the award of public contracts, environmental protection, and elimination of inequalities and the promotion of equality between men and women (Article 12 of the Regulation);
- (2) application of management and control procedures to the assistance, in particular to verify the delivery of the products and services cofinanced and the reality of expenditure claimed and to prevent, detect and correct irregularities, pursue fraud, and recover unduly paid amounts (Articles 38 and 39 of the Regulation).

In accordance with Article 38(6) of the Regulation, the supporting documents are and will continue to be available for a minimum period of three years following payment of the balance by the Commission.

⁽¹⁾ Indicate the administrative instrument of designation in accordance with Article 9 of Regulation (EC) No 1260/1999, with appropriate references and the date.

⁽²⁾ Reference date in accordance with the decision, meeting the requirements of Articles 30(2) and 52(4) of the Regulation.

I certify that:

- (1) the statement of expenditure is accurate and results from accounting systems based on verifiable supporting documents;
- (2) the statement of expenditure and the application for payment take account of any recoveries made, when relevant, revenue accruing to operations financed under the assistance and interest income;
- (3) details of the underlying transactions are recorded, where possible, on computer files and are available on request to the Commission departments responsible.

Date

		20 __
--	--	-------

Name capitals, stamp, position and signature of
competent authority

Statement of expenditure by priority and measure

Commission reference No: _____

Name: _____

Date: ___ / ___ / ___

Priority/Measure	Total actually paid and certified eligible expenditure (euro)															
	2000				...				2008				Total			
	Public		Private	Expenditure	Public		Private	Expenditure	Public		Private	Expenditure	Public		Private	Expenditure
	Community	Other public			Community	Other public			Community	Other public			Community	Other public		
Priority 1 Measure 1.1 Measure 1.2 etc.																
Priority 2 Measure 1.1 Measure 1.2 etc.																
Priority 3 etc.																
Technical assistance Total ERDF related Total ESF related etc.																
Total Total ERDF related Total ESF related Total EAGGF related Total FIG related																
Priority/Transitional support (1)																

Priority/Measure	Total actually paid and certified eligible expenditure (euro)															
	2000				...				2008				Total			
	Public		Private	Expenditure	Public		Private	Expenditure	Public		Private	Expenditure	Public		Private	Expenditure
	Community	Other public			Community	Other public			Community	Other public			Community	Other public		
Priority 1 Regions not receiving transitional support Regions receiving transitional support																
Priority 2 Regions not receiving transitional support Regions receiving transitional support																
Priority 3 etc. Technical assistance Regions not receiving transitional support Regions receiving transitional support																
(1) Only for Objective 1 and 2 and where applicable.																

Appendix to statement of expenditure: recoveries effected since the last certified statement of expenditure and included in the present statement of expenditure (listed by measure)

Amount ordered to be recovered	
Debtor	
Date of issue of recovery order	
Authority which issued recovery order	
Date of recovery	
Amount recovered	

APPLICATION FOR PAYMENT

Name of assistance: _____

Commission reference (CCI No) _____

Pursuant to Article 32 of Regulation (EC) No 1260/1999, I, the undersigned (name in capitals, stamp, position and signature of competent authority) request payment of the amount of EUR _____ as an interim/final payment ⁽¹⁾. This application meets the admissibility requirements because:

Delete as appropriate

(a) the programme complement in force, adopted on _____	<input type="checkbox"/> <i>has been supplied</i> <input type="checkbox"/> <i>is enclosed</i>
(b) the latest annual report/final report (delete as appropriate) on implementation required under Article 37 of the Regulation	<input type="checkbox"/> <i>has been supplied</i> <input type="checkbox"/> <i>is enclosed</i> <input type="checkbox"/> <i>is not due</i>
(c) the mid-term evaluation referred to in Article 42 of the Regulation	<input type="checkbox"/> <i>has been supplied</i> <input type="checkbox"/> <i>is enclosed</i> <input type="checkbox"/> <i>is not due</i>
(d) the decisions of the managing authority and the monitoring committee are consistent with the total amount of Fund contribution to the priorities concerned	
(e) any recommendations for improving the monitoring and management arrangements made by the Commission under Article 34(2)	<input type="checkbox"/> <i>have been acted upon</i> <input type="checkbox"/> <i>explanations have been given</i> <input type="checkbox"/> <i>no recommendations made</i>
(f) any requests for corrective measures under Article 38(4) of the Regulation	<input type="checkbox"/> <i>have been acted upon</i> <input type="checkbox"/> <i>have been commented on</i> <input type="checkbox"/> <i>no expenditure included</i> <input type="checkbox"/> <i>no requests made</i>
(g) none of the certified expenditure has been suspended pursuant to Article 39(2) of the Regulation	<input type="checkbox"/> <i>no suspension</i> <input type="checkbox"/> <i>no expenditure included</i>
(h) none of the certified expenditure comes under a measure containing state aid that has not yet been approved	

Payment should be made to:

Beneficiary	
Bank	
Account No	
Account holder (if different from beneficiary)	

Date

		20	___
--	--	----	-----

Name in capitals, stamp, position and signature of competent authority

⁽¹⁾ Delete as appropriate.

ANNEX III

INDICATIVE MODEL FOR THE DECLARATION AT THE WINDING-UP OF AN ASSISTANCE (Chapter V)

To the European Commission, Directorate-General

INTRODUCTION

1. I, (state name in capitals, title and department), have examined the final statement of expenditure for (indicate name of assistance, Structural Fund concerned and period covered) and the application to the Commission for payment of the balance of the Community aid.

SCOPE OF THE EXAMINATION

2. I conducted the examination in accordance with the provisions of Chapter V of Regulation (EC) No I planned and performed the examination with a view to obtaining reasonable assurance about whether the final statement of expenditure and the application for payment of the balance of the Community aid are free of material misstatement. The procedure followed and the information used in the examination, including the conclusions of checks carried out in previous years, are summarised in the attached report.

OBSERVATIONS

3. The scope of the examination has been limited by the following:

- (a)
- (b)
- (c), etc.

(Indicate any obstacles encountered in the examination, for example systemic problems, management weaknesses, lack of audit trail, lack of supporting documentation, cases under legal proceedings, etc.; estimate the amounts of expenditure affected by these obstacles and the corresponding Community aid).

4. The examination, together with the conclusions of other national or Community controls to which I have had access, revealed a low/high (indicate as appropriate; if high, explain) frequency of errors/irregularities. The errors/irregularities reported have been satisfactorily dealt with by the management authorities and they do not appear to affect the amount of the Community aid payable, with the following exceptions:

- (a)
- (b)
- (c), etc.

(Indicate the errors/irregularities which have not been satisfactorily dealt with, and for each case, the possible systemic character and extent of the problem and the amounts of Community aid which appear to be affected).

CONCLUSION

Either:

If no obstacles were encountered in the examination, the frequency of errors found is low and all problems have been satisfactorily dealt with:

- 5(a) In the light of the examination and the conclusions of other national or Community checks to which I have had access, it is my opinion that the final statement of expenditure presents fairly, in all material respects, the expenditure incurred in accordance with the regulations and the provisions of the assistance, and the application to the Commission for payment of the balance of the Community aid appears to be valid.

Or:

If certain obstacles were encountered in the examination but the frequency of errors is not high, or if some problems have not been satisfactorily dealt with:

- 5(b) Except for the matters referred to at point 3 and/or the errors/irregularities referred to at point 4 which do not appear to have been satisfactorily dealt with, it is my opinion, based on the examination and the conclusions of other national or Community checks to which I have had access, that the final statement of expenditure presents fairly, in all material respects, the expenditure incurred in accordance with the regulations and the provisions of the assistance, and that the application to the Commission for payment of the balance of the Community aid appears to be valid.

ANNEX IV

1. SCOPE OF INFORMATION ON OPERATIONS TO BE MADE AVAILABLE TO THE COMMISSION ON REQUEST FOR THE PURPOSE OF DOCUMENTARY AND ON-THE-SPOT CHECKS

The data requested may include the following, the precise content being subject to agreement with the Member State for the Fund concerned (Regional, Social, EAGGF Guidance Section, Fisheries). The field numbers represent the record structure preferred when compiling computer files for transfer to the Commission ⁽¹⁾.

A. DATA ON OPERATION (as per grant approval decision)

- Field 1. Operational programme/Single Programming Document CCI code (see 'Code commun d'identification')
- Field 2. Operational programme/Single Programming Document name
- Field 3. Priority (or technical assistance) code
- Field 4. Priority (or technical assistance) name
- Field 5. Programme component (measure, submeasure, action, etc.) code
- Field 6. Programme component (measure, submeasure, action, etc.) name
- Field 7. Structural Fund
- Field 8. Paying authority
- Field 9. Managing authority
- Field 10. Intermediate body or bodies (other than managing authority) to which final beneficiary declares expenditure
- Field 11. Code of operation ⁽²⁾
- Field 12. Name of operation
- Field 13. Name of region or area where operation is located/carried out
- Field 14. Region or area code
- Field 15. Short description of operation
- Field 16. Start of eligibility period for expenditure
- Field 17. End of eligibility period for expenditure
- Field 18. Body issuing grant approval ⁽³⁾
- Field 19. Approval date
- Field 20. Reference number of final beneficiary ⁽⁴⁾
- Field 21. Reference number of body or firm responsible to the final beneficiary for carrying out the operation (if not final beneficiary)
- Field 22. Currency (if not euro)
- Field 23. Total cost of operation ⁽⁵⁾
- Field 24. Total eligible cost of operation ⁽⁶⁾
- Field 25. Expenditure for cofinancing ⁽⁷⁾
- Field 26. Community contribution
- Field 27. Community contribution in % (if recorded in addition to field 26)
- Field 28. National public funding
- Field 29. National central government funding

⁽¹⁾ See instructions on compiling computer files in point 2 of Annex V.

⁽²⁾ An 'operation' is a project or action carried out by the 'final beneficiary' or, where the latter is not the final recipient of funding, by a body or firm acting under its responsibility, which concerns similar activities, and which is usually the subject of a single grant approval decision. Data on individual operations is required, not aggregate data encompassing the activities of 'final beneficiaries' who do not themselves carry out the operations (see also Annex I of this Regulation and paragraphs 1.2, 1.3 and 2 of Rule No 1 of the Annex to Regulation (EC) No 1685/2000 on the eligibility of expenditure. However, in the case of schemes with multiple small beneficiaries, the submission of aggregate data may be agreed.

⁽³⁾ See paragraph 3 of Annex I.

⁽⁴⁾ As designated under the third subparagraph of Article 32(1) of Regulation (EC) No 1260/1999 for the purpose of declaring expenditure.

⁽⁵⁾ Including non-eligible costs excluded from base for calculating public financing.

⁽⁶⁾ Costs included in base for calculating public financing.

⁽⁷⁾ Article 29(2) of Regulation (EC) No 1260/1999.

Field 30.	National regional public funding
Field 31.	National local public funding
Field 32.	Other national public funding
Field 33.	Private financing
Field 34.	EIB financing
Field 35.	Other financing
Field 36.	Intervention by category and subcategory in accordance with section 3 of this Annex
Field 37.	Location in urban/rural areas ⁽¹⁾
Field 38.	Effect on the environment ⁽²⁾
Field 39.	Effect on equality of opportunity ⁽³⁾
Field 40.	Indicator ⁽⁴⁾
Field 41.	Unit of measurement of indicator
Field 42.	Indicator target value for operation

B. EXPENDITURE DECLARED ON OPERATION

The information requested may be limited to the records of expenditure declared per operation by the final beneficiary (section 1). By agreement with the Member State, the information requested may relate to records of individual payments by the final beneficiary or the body or firm carrying out the operation, if not the final beneficiary (section 2).

1. Expenditure declared by final beneficiary for inclusion in expenditure declarations to Commission

Field 43.	Code of operation (= field 11)
Field 44.	Name of operation (= field 12)
Field 45.	Reference number of claim
Field 46.	Expenditure declared as eligible for cofinancing
Field 47.	Community contribution
Field 48.	Community contribution in % (if recorded in addition to field 47)
Field 49.	National public funding
Field 50.	National central government funding
Field 51.	National regional public funding
Field 52.	National local public funding
Field 53.	Other national public funding
Field 54.	Private financing
Field 55.	EIB financing
Field 56.	Other financing
Field 57.	Name of body declaring expenditure if not final beneficiary ⁽⁵⁾
Field 58.	Accounting date (date of creation of record) ⁽⁶⁾
Field 59.	Location of detailed supporting documents for the claim by the final beneficiary ⁽⁷⁾
Field 60.	Start of period over which expenditure incurred
Field 61.	End of period over which expenditure incurred
Field 62.	Revenue deducted from declared expenditure, if any
Field 63.	Financial corrections deducted from claim, if any
Field 64.	Expenditure declared and certified by paying authority (euro)
Field 65.	Date of expenditure declaration by paying authority

⁽¹⁾ Location of operation is (a) urban, (b) rural or (c) not geographically delimited.

⁽²⁾ The operation (a) has the environment as its main focus, (b) is environment-friendly, (c) is environmentally neutral.

⁽³⁾ The operation (a) has equality between the sexes as its main focus, (b) is positive in terms of male-female equality or (c) is neutral in terms of such equality.

⁽⁴⁾ Main monitoring indicators to be indicated (subject to agreement with Member State).

⁽⁵⁾ If the final beneficiary declares expenditure to intermediate bodies or to managing authority which pass on the claim to the paying authority, the Commission may request details of the expenditure declarations at each level in order to follow the audit trail (see paragraph 5 of Annex I).

⁽⁶⁾ Paragraph 1 of Annex I.

⁽⁷⁾ Audit trail: paragraph 8 of Annex I.

Field 66.	Euro rate or rates applied ⁽¹⁾
Field 67.	Date of any on-the-spot verification
Field 68.	Body carrying out on-the-spot verification
Field 69.	Indicator ⁽²⁾ (= 40)
Field 70.	Unit of measurement of indicator (= 41)
Field 71.	Degree of achievement of target for operation at date of declaration (%)
Field 72.	Degree of achievement of target for operation at date of declaration compared with planned progress according to initial plan (%)

2. Data on individual payments by the final beneficiary or the body or firm carrying out the operation (by agreement)

Field 73.	Amount of payment
Field 74.	Reference number of payment
Field 75.	Payment date ⁽³⁾
Field 76.	Accounting date ⁽⁴⁾
Field 77.	Location of detailed supporting documents for the payment by the final beneficiary ⁽⁵⁾
Field 78.	Payee (supplier of goods and services; contractor): name
Field 79.	Payee: reference number

2. CLASSIFICATION OF AREAS OF INTERVENTION

A. Areas of intervention

The list below of areas of Structural Fund intervention is based on Article 36 of Regulation (EC) No 1260/1999 and has been compiled to help the Commission services report on Structural Fund activity.

In addition to its use in the annual reports on the Structural Funds and its contribution to clear communication on the various Community policies, such information by category is necessary to enable the Commission to respond to requests for information from EC institutions, from the Member States and from the public.

This breakdown into categories is part of the management and information activities related to the programmes, and is not meant to replace the breakdown on which the programme priorities, or the specific impacts identified and measures during the evaluation exercises, are based.

In drawing up the measures within the Structural Fund programmes, Member States retain the possibility of using a classification best suited to their own national and regional situation, which may, if they so wish, be based on the Commission's classification. It is important, however, that the Commission be in a position to draw up summaries on the Fund activities by different areas of intervention. Thus, the programming complement should show the link between each measure and the corresponding category in the Commission list. This link could, for example, be shown by applying the appropriate code to each measure or by clarifying the correspondence between national codes and the Commission's categories. The annual implementation reports on programmes should also show the link.

The list is not new but is based on the 14 basic categories used in Objective 1 programmes in the additionality exercise during the previous programming period.

B. Additional information

In the context of the financial management of the operations, the Commission has indicated the type of information which the Member State must make available, namely whether:

1. the location of the project is (a) urban, (b) rural or (c) not geographically delimited;
2. the project (a) has the environment as its main focus, (b) is environment-friendly, (c) is environmentally neutral;
3. the project (a) has equality between the sexes as its main focus, (b) is positive in terms of male-female equality or (c) is neutral in terms of such equality.

The availability of this information in the context of financial management and the requirement to use the following classification will allow the Commission to meet the needs of Europe's citizens.

⁽¹⁾ Indicate rate applied for each amount declared by final beneficiary if several declarations have been made.

⁽²⁾ Main monitoring indicators to be indicated (subject to agreement with Member State).

⁽³⁾ Paragraph 1 of Annex I.

⁽⁴⁾ Paragraph 1 of Annex I.

⁽⁵⁾ Paragraph 8 of Annex I.

3. CLASSIFICATION

1. Productive environment

11 Agriculture

- 111 Investments in agricultural holdings
- 112 Setting up of young farmers
- 113 Agriculture-specific vocational training
- 114 Improvement of processing and marketing of agricultural products

12 Forestry

- 121 Investments in forest holdings
- 122 Improving the harvesting, processing and marketing of forestry products
- 123 Promoting new outlets for use and marketing of forestry products
- 124 Establishment of associations of forest holders
- 125 Restoring forestry production potential damaged by natural disasters and introducing prevention instruments
- 126 Planting of non-farm land
- 127 Improving and maintaining ecological stability of protected woodlands
- 128 Forestry-specific vocational training

13 Promoting the adaptation and the development of rural areas

- 1301 Land improvement
- 1302 Reparcelling
- 1303 Setting up of farm relief and farm management services
- 1304 Marketing of quality agricultural products
- 1305 Basic services for the rural economy and population
- 1306 Renovation and development of villages and protection and conservation of the rural heritage
- 1307 Diversification of agricultural activities and activities close to agriculture, to provide multiple activities or alternative incomes
- 1308 Agricultural water resources management
- 1309 Development and improvement of infrastructure connected with the development of agriculture
- 1310 Encouragement for tourist activities
- 1311 Encouragement for craft activities related to farms
- 1312 Protection of the environment in connection with land, forestry and landscape conservation as well as with the improvement of animal welfare
- 1313 Restoring agricultural production potential damaged by natural disasters and introducing appropriate prevention instruments
- 1314 Financial engineering

14 Fisheries

- 141 Adjustment of fishing effort
- 142 Renewal and modernisation of the fishing fleet
- 143 Processing, marketing and promoting of fisheries products
- 144 Aquaculture
- 145 Fishing port facilities and protection and development of aquatic resources
- 146 Socioeconomic measures and aids for temporary cessation of activities and other financial compensation
- 147 Operations by members of the trade, small-scale coastal fishing and inland fishing
- 148 Measures financed by other Structural Funds (ERDF, ESF)

- 15 Support for large firms
 - 151 Investment in physical capital (plant and equipment, co-financing of state aid)
 - 152 Environment-friendly technologies, clean and economical energy technologies
 - 153 Business advisory services (including internationalisation, exporting and environmental management, purchase of technology)
 - 154 Services to stakeholders (health and safety, providing care for dependants)
 - 155 Financial engineering

- 16 Support for SMEs and craft businesses
 - 161 Investment in physical capital (plant and equipment, co-financing of state aid)
 - 162 Environment-friendly technologies, clean and economical energy technologies
 - 163 Business advisory services (information, business planning, consultancy services, marketing, management, design, internationalisation, exporting, environmental management, purchase of technology)
 - 164 Shared business services (business estates, incubator units, stimulation, promotional services, networking, conferences, trade fairs)
 - 165 Financial engineering
 - 166 Services in voluntary/third sector (providing care for dependants, health and safety, cultural activities)
 - 167 SME- and craft-specific vocational training

- 17 Tourism
 - 171 Physical investment (information centres, tourist accommodation, catering, facilities)
 - 172 Non-physical investment (development and provision of tourist services, sporting, cultural and leisure activities, heritage)
 - 173 Shared services for the tourism industry (including promotional activities, networking, conferences and trade fairs)
 - 174 Tourism-specific vocational training

- 18 Research, technological development and innovation (RTDI)
 - 181 Research projects based in universities and research institutes
 - 182 Innovation and technology transfers, establishment of networks and partnerships between businesses and/or research institutes
 - 183 RTDI Infrastructure
 - 184 Training for researchers

- 2. Human resources
 - 21 Labour market policy
 - 22 Social inclusion
 - 23 Developing educational and vocational training not linked to a specific sector (persons, firms)
 - 24 Workforce flexibility, entrepreneurial activity, innovation, information and communication technologies (persons, firms)
 - 25 Positive labour market actions for women

- 3. Basic infrastructure
 - 31 Transport infrastructure
 - 311 Rail
 - 312 Roads

- 3121 National roads
 - 3122 Regional/local roads
 - 3123 Cycle tracks
 - 313 Motorways
 - 314 Airports
 - 315 Ports
 - 316 Waterways
 - 317 Urban transport
 - 318 Multimodal transport
 - 319 Intelligent transport systems
- 32 Telecommunications infrastructure and information society
- 321 Basic infrastructure
 - 322 Information and communication technology (including security and safe transmission measures)
 - 323 Services and applications for the citizen (health, administration, education)
 - 324 Services and applications for SMEs (electronic commerce and transactions, education and training, networking)
- 33 Energy infrastructures (production, delivery)
- 331 Electricity, gas, petroleum products, solid fuel
 - 332 Renewable sources of energy (solar power, wind power, hydroelectricity, biomass)
 - 333 Energy efficiency, cogeneration, energy control
- 34 Environmental infrastructure (including water)
- 341 Air
 - 342 Noise
 - 343 Urban and industrial waste (including hospital and dangerous waste)
 - 344 Drinking water (collection, storage, treatment and distribution)
 - 345 Sewerage and purification
- 35 Spatial planning and rehabilitation
- 351 Upgrading and rehabilitation of industrial and military sites
 - 352 Rehabilitation of urban areas
 - 353 Protection, improvement and regeneration of the natural environment
 - 354 Maintenance and restoration of the cultural heritage
- 36 Social and public health infrastructure
4. Miscellaneous
- 41 Technical assistance and innovative actions (ERDF, ESF, EAGGF, FIG)
- 411 Preparation, implementation, monitoring, publicity
 - 412 Evaluation
 - 413 Studies
 - 414 Innovative actions
 - 415 Information to the public
-

ANNEX V

PREFERRED TECHNICAL SPECIFICATIONS FOR THE TRANSFER OF COMPUTER FILES TO THE COMMISSION**1. Transfer means**

Most means in current use can be employed, subject to prior agreement with the Commission. The following is a non-exhaustive list of the preferred means.

1. Magnetic medium

- floppy disk: 3,5 inch 1,4 Mb (Dos/Windows)
optional compression into ZIP format.
- DAT cartridge
4 mm DDS-1 (90 m)
- CD-ROM (WORM)

2. Electronic file transfer

- direct messaging by E-mail
for files of 5 Mb or less
optional compression into ZIP format
- transfer by FTP
optional compression into ZIP format.

2. Preferred standard for the compilation of an extract from Member States' Computer files

The preferred standard file has the following characteristics:

1. Every record starts with a three character code identifying the information contained in this record. There are two types of records:
 - (a) records on the operation identified by the code 'PRJ' containing general information on the operation. The record attributes (fields 1 to 42) are those described in Point 1.A in annex IV.
 - (b) expenditure records identified by the code 'PAY' containing detailed information on expenditure declared on the operation. The record attributes (fields 43 to 79) are those described in Point 1.B annex IV.
2. 'PRJ' records containing information for an operation are immediately followed by several 'PAY' records containing expenditure information for the operation, or else PRJ and PAY records may be supplied in separate files.
3. The fields will be separated by a semi-colon (;). Two consecutive semi-colons indicate that no data is given for the field ('empty field').
4. Records will vary in length. Each record will end with a code 'CR LF' or 'Carriage return — Line feed' (in hexadecimal: '0D 0A').
5. The file will be in ASCII code.
6. Numeric fields representing amounts:
 - (a) Decimal separator: '.'
 - (b) When necessary, the symbol ('+' or '-') will appear on the far left, followed immediately by the figures.
 - (c) Fixed number of decimals.
 - (d) No spaces between digits; no spaces between thousands.
7. Date field: 'DDMMYYYY' (day in two digits, month in two digits, year in four digits).
8. Data in text format must not be put between quotation marks ("). It goes without saying that the semi-colon separator ';' must not be used in data in text format.
9. All fields: no spaces at the beginning or end of a field.
10. Files satisfying the above rules will look like the following (example):
PRJ;1999FI161D0002;Objective 1 Eastern Finland;2;Business Development;I;Investment Support;...
PAY;1234;Joensuu Business Park;2315;103300;51650;50 %...
11. In the case of files from Greece, either ELOT-928 or ISO 8859-7 coding should be applied.

3. Documentation

Each file must be accompanied by checksums for the following:

1. number of records
2. total amount
3. sum of subtotals for each assistance

For each field expressed by a code, the meanings of the codes used will be attached to the file.

The sum of the records in the computer file by assistance and subprogramme (priority) must correspond to the payment declarations submitted to the Commission for the period specified in the request for information. Any discrepancies are to be justified in a note attached to the file.

**COMMISSION REGULATION (EC) No 439/2001
of 2 March 2001**

**correcting Regulation (EC) No 1174/2000 opening and providing for the administration of an
import tariff quota for frozen beef intended for processing (1 July 2000 to 30 June 2001)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, and in particular Article 32(1) thereof,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations ⁽²⁾, and in particular Article 1(1) thereof,

Whereas:

- (1) The first subparagraph of Article 4(4) of the German, French, Finnish, Swedish and Danish versions of Commission Regulation (EC) No 1174/2000 of 31 May 2000 opening and providing for the administration of an import tariff quota for frozen beef intended for processing (1 July 2000 to 30 June 2001) and amending certain other regulations in the beef sector ⁽³⁾ contains errors. The necessary corrections should therefore be

made to the German, French, Finnish, Swedish und Danish versions of that subparagraph.

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

HAS ADOPTED THIS REGULATION:

Article 1

The first subparagraph of Article 4(4) of Regulation (EC) No 1174/2000 shall read as follows:

(concerns only the German, French, Finnish, Swedish and Danish versions).

Article 2

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

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

Done at Brussels, 2 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 146, 20.6.1996, p. 1.

⁽³⁾ OJ L 131, 1.6.2000, p. 30.

COMMISSION REGULATION (EC) No 440/2001
of 2 March 2001
on the issue of import licences for garlic originating in China

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 2826/2000 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1104/2000 of 25 May 2000 concerning a protective measure applicable to imports of garlic from China ⁽³⁾, and in particular Article 1(3) thereof,

Whereas:

- (1) Pursuant to Commission Regulation (EEC) No 1859/93 ⁽⁴⁾, as amended by Regulation (EC) No 2872/2000 ⁽⁵⁾, the release for free circulation in the Community of garlic imported from third countries is subject to presentation of an import licence.
- (2) Article 1(1) of Regulation (EC) No 1104/2000, restricts the issue of import licences for garlic originating in China to a maximum monthly quantity in the case of applications lodged from 29 May 2000 to 31 May 2001.
- (3) Given the criteria laid down in Article 1(2) of that Regulation and the import licences already issued, the quantity applied for on 26 February 2001 is in excess of

the maximum quantity given in the Annex to that Regulation for the month of March 2001. It is therefore necessary to determine to what extent import licences may be issued in response to these applications. The issue of licences in response to applications lodged after 26 February 2001 and before 26 March 2001 should be refused,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences applied for on 26 February 2001 pursuant to Article 1 of Regulation (EEC) No 1859/93 for garlic falling within CN code 0703 20 00 originating in China shall be issued for 0,43199 % of the quantity applied for, having regard to the information available to the Commission on 28 February 2001.

For the abovementioned products applications for import licences lodged after 26 February 2001 and before 26 March 2001 shall be refused.

Article 2

This Regulation shall enter into force on 3 March 2001.

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

Done at Brussels, 2 March 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 328, 23.12.2000, p. 2.

⁽³⁾ OJ L 125, 26.5.2000, p. 21.

⁽⁴⁾ OJ L 170, 13.7.1993, p. 10.

⁽⁵⁾ OJ L 333, 29.12.2000, p. 49.

COMMISSION REGULATION (EC) No 441/2001
of 2 March 2001
fixing the export refunds on beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, and in particular Article 33(12) thereof,

Whereas:

- (1) Article 33 of Regulation (EC) No 1254/1999 provides that the difference between prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EEC) No 32/82 ⁽²⁾, as last amended by Regulation (EC) No 744/2000 ⁽³⁾, Regulation (EEC) No 1964/82 ⁽⁴⁾, as last amended by Regulation (EC) No 2772/2000 ⁽⁵⁾, and Regulation (EEC) No 2388/84 ⁽⁶⁾, as last amended by Regulation (EEC) No 3661/92 ⁽⁷⁾, lay down the conditions for granting special export refunds on certain cuts of beef and veal and certain preserved beef and veal products.
- (3) It follows from applying those rules and criteria to the foreseeable situation on the market in beef and veal that the refund should be as set out below.
- (4) Given the current market situation in the Community and the possibilities of disposal in certain third countries in particular, export refunds should be granted, on the one hand, on bovine animals intended for slaughter of a live weight greater than 220 kilograms and less than 300 kilograms, and, on the other on adult bovine animals of a live weight of at least 300 kilograms.
- (5) Export refunds should be granted for certain destinations on some fresh or chilled meat listed in the Annex under CN code 0201, on some frozen meat listed in the Annex under CN code 0202, on some meat or offal listed in the Annex under CN code 0206 and on some other prepared or preserved meat or offal listed in the Annex under CN code 1602 50 10.
- (6) In view of the wide differences in products covered by CN codes 0201 20 90 9700 and 0202 20 90 9100 used for refund purposes, refunds should only be granted on cuts in which the weight of bone does not exceed one third.
- (7) In the case of meat of bovine animals, boned or boneless, salted and dried, there are traditional trade flows to Switzerland. To allow this trade to continue, the refund should be set to cover the difference between prices on the Swiss market and export prices in the Member States.
- (8) In the case of certain other cuts and preserves of meat or offal shown in the Annex under CN codes 1602 50 31 to 1602 50 80, the Community share of international trade may be maintained by granting a refund corresponding to that at present available.
- (9) In the case of other beef and veal products, a refund need not be fixed since the Community's share of world trade is not significant.
- (10) Commission Regulation (EEC) No 3846/87 ⁽⁸⁾, as last amended by Regulation (EC) No 2849/2000 ⁽⁹⁾, establishes the agricultural product nomenclature for the purposes of export refunds.
- (11) In order to simplify customs export formalities for operators, the refunds on all frozen cuts should be brought into line with those on fresh or chilled cuts other than those from adult male bovine animals.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 4, 8.1.1982, p. 11.

⁽³⁾ OJ L 89, 11.4.2000, p. 3.

⁽⁴⁾ OJ L 212, 21.7.1982, p. 48.

⁽⁵⁾ OJ L 321, 19.12.2000, p. 35.

⁽⁶⁾ OJ L 221, 18.8.1984, p. 28.

⁽⁷⁾ OJ L 370, 19.12.1992, p. 16.

⁽⁸⁾ OJ L 366, 24.12.1987, p. 1.

⁽⁹⁾ OJ L 335, 30.12.2000, p. 1.

- (12) Checks on products covered by CN code 1602 50 should be stepped up by making the granting of refunds on these products conditional on manufacture under the arrangements provided for in Article 4 of Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products ⁽¹⁾, as amended by Regulation (EEC) No 2026/83 ⁽²⁾.
- (13) Refunds on female animals should vary depending on their age in order to prevent abuses in the export of certain pure-bred breeding animals.
- (14) Opportunities exist for the export to certain third countries of heifers other than those intended for slaughter, but to prevent any abuse control criteria should be laid down to ensure that these animals are not more than 36 months old.
- (15) Under Article 6(2) of Regulation (EEC) No 1964/82, the special refund is to be reduced if the quantity of boned meat to be exported amounts to less than 95 %, but not less than 85 %, of the total weight of cuts produced by boning.
- (16) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

1. The list of products on which export refunds as referred to in Article 33 of Regulation (EC) No 1254/1999 are granted

and the amount thereof and the destinations shall be as set out in the Annex to this Regulation.

2. The products must meet the relevant health marking requirements of:

- Chapter XI of Annex I to Council Directive 64/433/EEC ⁽³⁾,
- Chapter VI of Annex I to Council Directive 94/65/EC ⁽⁴⁾,
- Chapter VI of Annex B to Council Directive 77/99/EEC ⁽⁵⁾.

Article 2

The grant of the refund for product code 0102 90 59 9000 of the nomenclature for export refunds and for exports to the third country 075 listed in the Annex to this Regulation shall be subject to presentation, when the customs formalities for export are completed, of the original and one copy of the veterinary certificate signed by an official veterinarian certifying that these are heifers of an age of not more than 36 months. The original of the certificate shall be returned to the exporter and the copy, certified as being in accordance with the regulations by the customs authorities, shall be attached to the application for payment of the refund.

Article 3

In the case referred to in the third subparagraph of Article 6(2) of Regulation (EEC) No 1964/82 the rate of the refund on products falling within CN code 0201 30 00 9100 shall be reduced by EUR 14,00/100 kg.

Article 4

This Regulation shall enter into force on 6 March 2001.

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

Done at Brussels, 2 March 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 62, 7.3.1980, p. 5.
⁽²⁾ OJ L 199, 22.7.1983, p. 12.

⁽³⁾ OJ L 121, 29.7.1964, p. 2012/64.
⁽⁴⁾ OJ L 368, 31.12.1994, p. 10.
⁽⁵⁾ OJ L 26, 31.1.1977, p. 85.

ANNEX

to the Commission Regulation of 2 March 2001 fixing export refunds on beef

Product code	Destination	Unit of measurement	Refunds (°)
0102 10 10 9120	A00	EUR/100 kg live weight	53,00
0102 10 10 9130	B02	EUR/100 kg live weight	15,50
	B03	EUR/100 kg live weight	9,50
	039	EUR/100 kg live weight	5,00
0102 10 30 9120	A00	EUR/100 kg live weight	53,00
0102 10 30 9130	B02	EUR/100 kg live weight	15,50
	B03	EUR/100 kg live weight	9,50
	039	EUR/100 kg live weight	5,00
0102 10 90 9120	A00	EUR/100 kg live weight	53,00
0102 90 41 9100	B02	EUR/100 kg live weight	41,00
0102 90 51 9000	B02	EUR/100 kg live weight	15,50
	B03	EUR/100 kg live weight	9,50
	039	EUR/100 kg live weight	5,00
0102 90 59 9000	B02	EUR/100 kg live weight	15,50
	B03	EUR/100 kg live weight	9,50
	039	EUR/100 kg live weight	5,00
	075 (°)	EUR/100 kg live weight	53,00
0102 90 61 9000	B02	EUR/100 kg live weight	15,50
	B03	EUR/100 kg live weight	9,50
	039	EUR/100 kg live weight	5,00
0102 90 69 9000	B02	EUR/100 kg live weight	15,50
	B03	EUR/100 kg live weight	9,50
	039	EUR/100 kg live weight	5,00
0102 90 71 9000	B02	EUR/100 kg live weight	41,00
	B03	EUR/100 kg live weight	23,00
	039	EUR/100 kg live weight	14,00
0102 90 79 9000	B02	EUR/100 kg live weight	41,00
	B03	EUR/100 kg live weight	23,00
	039	EUR/100 kg live weight	14,00
0201 10 00 9110 (1)	B02	EUR/100 kg net weight	71,50
	B03	EUR/100 kg net weight	43,00
	039	EUR/100 kg net weight	23,50
0201 10 00 9120	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0201 10 00 9130 (1)	B02	EUR/100 kg net weight	97,00
	B03	EUR/100 kg net weight	56,50
	039	EUR/100 kg net weight	33,50
0201 10 00 9140	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	14,00
	039	EUR/100 kg net weight	16,00
0201 20 20 9110 (1)	B02	EUR/100 kg net weight	97,00
	B03	EUR/100 kg net weight	56,50
	039	EUR/100 kg net weight	33,50

Product code	Destination	Unit of measurement	Refunds (°)
0201 20 20 9120	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	14,00
	039	EUR/100 kg net weight	16,00
0201 20 30 9110 (1)	B02	EUR/100 kg net weight	71,50
	B03	EUR/100 kg net weight	43,00
	039	EUR/100 kg net weight	23,50
0201 20 30 9120	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0201 20 50 9110 (1)	B02	EUR/100 kg net weight	123,00
	B03	EUR/100 kg net weight	71,50
	039	EUR/100 kg net weight	41,00
0201 20 50 9120	B02	EUR/100 kg net weight	58,50
	B03	EUR/100 kg net weight	17,50
	039	EUR/100 kg net weight	19,50
0201 20 50 9130 (1)	B02	EUR/100 kg net weight	71,50
	B03	EUR/100 kg net weight	43,00
	039	EUR/100 kg net weight	23,50
0201 20 50 9140	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0201 20 90 9700	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0201 30 00 9050	400 (3)	EUR/100 kg net weight	23,50
	404 (4)	EUR/100 kg net weight	23,50
0201 30 00 9060 (6)	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	13,00
	039	EUR/100 kg net weight	15,00
	809, 822	EUR/100 kg net weight	37,00
0201 30 00 9100 (2) (6)	B02	EUR/100 kg net weight	172,00
	B03	EUR/100 kg net weight	102,00
	039	EUR/100 kg net weight	60,00
	809, 822	EUR/100 kg net weight	152,50
0201 30 00 9120 (2) (6)	B08	EUR/100 kg net weight	94,50
	B09	EUR/100 kg net weight	88,00
	B03	EUR/100 kg net weight	56,50
	039	EUR/100 kg net weight	33,00
	809, 822	EUR/100 kg net weight	83,50
0202 10 00 9100	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0202 10 00 9900	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	14,00
	039	EUR/100 kg net weight	16,00
0202 20 10 9000	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	14,00
	039	EUR/100 kg net weight	16,00
0202 20 30 9000	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50

Product code	Destination	Unit of measurement	Refunds (°)
0202 20 50 9100	B02	EUR/100 kg net weight	58,50
	B03	EUR/100 kg net weight	17,50
	039	EUR/100 kg net weight	19,50
0202 20 50 9900	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0202 20 90 9100	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0202 30 90 9100	400 ⁽³⁾	EUR/100 kg net weight	23,50
	404 ⁽⁴⁾	EUR/100 kg net weight	23,50
0202 30 90 9200 ⁽⁶⁾	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	13,00
	039	EUR/100 kg net weight	15,00
	809, 822	EUR/100 kg net weight	37,00
0206 10 95 9000	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	13,00
	039	EUR/100 kg net weight	15,00
	809, 822	EUR/100 kg net weight	37,00
0206 29 91 9000	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	13,00
	039	EUR/100 kg net weight	15,00
	809, 822	EUR/100 kg net weight	37,00
0210 20 90 9100	039	EUR/100 kg net weight	23,00
1602 50 10 9170 ⁽⁸⁾	B02	EUR/100 kg net weight	22,50
	B03	EUR/100 kg net weight	15,00
	039	EUR/100 kg net weight	17,50
1602 50 31 9125 ⁽⁵⁾	A00	EUR/100 kg net weight	88,50
1602 50 31 9325 ⁽⁵⁾	A00	EUR/100 kg net weight	79,00
1602 50 39 9125 ⁽⁵⁾	A00	EUR/100 kg net weight	88,50
1602 50 39 9325 ⁽⁵⁾	A00	EUR/100 kg net weight	79,00
1602 50 39 9425 ⁽⁵⁾	A00	EUR/100 kg net weight	30,00
1602 50 39 9525 ⁽⁵⁾	A00	EUR/100 kg net weight	30,00
1602 50 80 9535 ⁽⁸⁾	A00	EUR/100 kg net weight	17,50

⁽¹⁾ Entry under this subheading is subject to the submission of the certificate appearing in the Annex to amended Commission Regulation (EEC) No 32/82.

⁽²⁾ The refund is granted subject to compliance with the conditions laid down in amended Regulation (EEC) No 1964/82.

⁽³⁾ Carried out in accordance with amended Commission Regulation (EEC) No 2973/79 (OJ L 336, 29.12.1979, p. 44).

⁽⁴⁾ Carried out in accordance with amended Commission Regulation (EC) No 2051/96 (OJ L 274, 26.10.1996, p. 18).

⁽⁵⁾ OJ L 221, 18.8.1984, p. 28.

⁽⁶⁾ The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86 (OJ L 210, 1.8.1986, p. 39).

The term 'average content' refers to the sample quantity as defined in Article 2(1) of Regulation (EC) No 2457/97 (OJ L 340, 11.12.1997, p. 29). The sample is to be taken from that part of the consignment presenting the highest risk.

⁽⁷⁾ Article 33(10) of amended Regulation (EC) No 1254/1999 provides that no export refunds shall be granted on products imported from third countries and re-exported to third countries.

⁽⁸⁾ The refund is granted only on products manufactured under the arrangement provided for in Article 4 of amended Council Regulation (EEC) No 565/80.

⁽⁹⁾ The grant of the refund is subject to compliance with the conditions referred to in Article 2 of this Regulation.

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).

The other destinations are defined as follows:

B02: B08 and B09

B03: Ceuta, Melilla, Iceland, Norway, Faroe Islands, Andorra, Gibraltar, Vatican, Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovakia, Hungary, Romania, Bulgaria, Albania, Slovenia, Croatia, Bosnia and Herzegovina, Yugoslavia, Former Yugoslav Republic of Macedonia, the communes of Livigno and Campione d'Italia, Helgoland, Greenland, Cyprus, stores and provisions (destinations referred to in Articles 36 and 45, and if appropriate in Article 44, of Commission Regulation (EC) No 800/1999, as amended)

B08: Malta, Turkey, Ukraine, Belarus, Moldova, Russia, Georgia, Armenia, Azerbaijan, Kazakhstan, Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan, Morocco, Algeria, Tunisia, Libya, Egypt, Lebanon, Syria, Iraq, Iran, Israel, West Bank/Gaza Strip, Jordan, Saudi Arabia, Kuwait, Bahrain, Qatar, United Arab Emirates, Oman, Yemen, Pakistan, Sri Lanka, Myanmar (Burma), Thailand, Vietnam, Indonesia, Philippines, China, North Korea, Hong Kong

B09: Sudan, Mauritania, Mali, Burkina Faso, Niger, Chad, Cape Verde, Senegal, Gambia, Guinea-Bissau, Guinea, Sierra Leone, Liberia, Côte d'Ivoire, Ghana, Togo, Benin, Nigeria, Cameroon, Central African Republic, Equatorial Guinea, São Tomé and Príncipe, Gabon, Congo (Republic), Congo (Democratic Republic), Rwanda, Burundi, Saint Helena and dependencies, Angola, Ethiopia, Eritrea, Djibouti, Somalia, Uganda, Tanzania, Seychelles and dependencies, British Indian Ocean Territory, Mozambique, Mauritius, Comoros, Mayotte, Zambia, Malawi, South Africa, Lesotho.

**COMMISSION REGULATION (EC) No 442/2001
of 2 March 2001**

**opening crisis distillation as provided for in Article 30 of Council Regulation (EC) No 1493/1999
for table wines in Portugal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 2826/2000 ⁽²⁾, and in particular Articles 30 and 33 thereof,

Whereas:

- (1) Article 30 of Regulation (EC) No 1493/1999 provides for the possibility of opening crisis distillation in the event of exceptional market disturbance caused by major surpluses. Such measures may be limited to certain categories of wine and/or certain areas of production and may apply to quality wines psr at the request of the Member State.
- (2) The Portuguese Government has requested that crisis distillation be triggered for table wines produced on its territory.
- (3) Wine production in Portugal was 6,1 million hectolitres in 1997/98 and 3,8 million hectolitres in 1998/99. It stood at 7,8 million hectolitres in 1999/2000 and 5,6 million hectolitres in 2000/01.
- (4) Stocks of table wine at the start of the marketing year were 3,614 million hectolitres in 1998 and 3,437 million hectolitres in 1999, falling to 3,026 million hectolitres in 2000. In 2001, they have risen sharply to 4,039 million hectolitres, an increase of around 33%. This has had a negative impact on prices, which have fallen by around 11% over the current wine year compared with the same period last year.
- (5) Since the conditions laid down in Article 30(5) of Regulation (EC) No 1493/1999 are satisfied, crisis distillation covering a maximum of 450 000 hectolitres of table wine should be triggered. That volume should make it possible to reduce stocks of table wine to an acceptable level. The measure applies for a limited period with a view to maximum effectiveness. No ceiling should be set on the quantity that individual producers can have distilled because stocks may vary substantially from one producer to another and depend on sales to a greater extent than on the individual producer's annual output.
- (6) The mechanism to be introduced is provided for in Commission Regulation (EC) No 1623/2000 of 25 July 2000 laying down detailed rules for implementing Regu-

lation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms ⁽³⁾, as last amended by Regulation (EC) No 2786/2000 ⁽⁴⁾. As well as the Articles of this Regulation which refer to the distillation measures provided for in Article 30 of Regulation (EC) No 1493/1999, other provisions of Regulation (EC) No 1623/2000 apply, in particular those concerning the delivery of alcohol to intervention agencies and the payment of an advance.

- (7) The buying-in price to be paid by the distiller to the producer should provide a solution to the problems while allowing producers to take advantage of the possibility afforded by this measure. That price should not, however, be such that it adversely affects the application of distillation as provided for in Article 29 of Regulation (EC) No 1493/1999.
- (8) The product of crisis distillation must be raw alcohol or neutral alcohol for compulsory delivery to the intervention agency in order to avoid disturbing the market for potable alcohol, which is supplied largely by distillation under Article 29 of Regulation (EC) No 1493/1999.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION:

Article 1

Crisis distillation as provided for in Article 30 of Regulation (EC) No 1493/1999 is opened for a maximum of 450 000 hectolitres of table wines in Portugal.

Article 2

As well as the provisions of Regulation (EC) No 1623/2000 which refer to Article 30 of Regulation (EC) No 1493/1999, the following provisions of Regulation (EC) No 1623/2000 shall also apply to the measure provided for herein:

- Article 62(5) with respect to the payment by the intervention agency of the price referred to in Article 6(2) of this Regulation,
- Articles 66 and 67 with respect to the advance referred to in Article 6(2) of this Regulation.

⁽¹⁾ OJ L 179, 14.7.1999, p. 1.
⁽²⁾ OJ L 328, 23.12.2000, p. 2.

⁽³⁾ OJ L 194, 31.7.2000, p. 45.
⁽⁴⁾ OJ L 323, 20.12.2000, p. 4.

Article 3

Producers may conclude contracts as provided for in Article 65 of Regulation (EC) No 1623/2000 from 5 March 2001 to 12 April 2001. Such contracts shall entail the lodging of a security equal to EUR 5 per hectolitre. Such contracts may not be transferred.

Article 4

1. The Member State shall determine the rate of reduction to be applied to the above contracts where the overall quantity covered by contracts presented exceeds that laid down in Article 1.
2. The Member State shall adopt the administrative provisions needed to approve the above contracts by 27 April 2001, shall specify the rate of reduction applied and the quantity of wine accepted per contract and shall stipulate that the producer can cancel the contract where the quantity to be distilled is reduced. The Member State shall notify the Commission before 4 May 2001 of the quantities of such wine covered by contracts approved.
3. The wine shall be delivered to the distilleries by 30 June 2001 at the latest. The alcohol obtained shall be delivered to the intervention agency by 30 November 2001 at the latest.
4. Securities shall be released in proportion to the quantities delivered where the producer provides proof of delivery to the distillery.

5. The security shall be forfeit where no delivery is made within the time limit laid down.

6. The Member State may limit the number of contracts that individual producers can conclude under the distillation operation in question.

Article 5

The minimum buying-in price for wine delivered for distillation under this Regulation shall be EUR 1,914 per % vol per hectolitre.

Article 6

1. Distillers shall deliver the product obtained from distillation to the intervention agency. That product shall be of an alcoholic strength of at least 92 % vol.
2. The price to be paid to the distiller by the intervention agency for raw alcohol delivered shall be EUR 2,2812 per % vol per hectolitre. The distiller may receive an advance on that amount in the form of aid amounting to EUR 1,1222 per % vol per hectolitre. The aid shall in that case be deducted from the price actually paid.

Article 7

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

It shall apply from 5 March 2001.

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

Done at Brussels, 2 March 2001.

For the Commission
Franz FISCHLER
Member of the Commission

**COMMISSION REGULATION (EC) No 443/2001
of 2 March 2001**

**amending Regulation (EC) No 2728/2000 opening crisis distillation as provided for in Article 30 of
Council Regulation (EC) No 1493/1999 in certain wine-growing regions of Germany**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 2826/2000 ⁽²⁾, and in particular Articles 30 and 33 thereof,

Whereas:

(1) Commission Regulation (EC) No 2728/2000 ⁽³⁾ opened crisis distillation as provided for in Article 30 of Regulation (EC) No 1493/1999 for a maximum of 1 million hectolitres of white table wine and white quality wines psr of all vine varieties grown in certain wine-growing regions in Germany.

(2) According to the information received from the German authorities, no distillation contracts had been signed by 31 January 2001 between producers and distillers. The lack of distilleries in the wine-producing regions, and the ensuing high transport costs, have prevented the distillers, who have relatively small premises, from signing contracts within the margins imposed by the prices laid down in Articles 5 and 6 of Regulation (EC) No 2728/2000.

(3) To make the application of the crisis distillation measure in Germany possible once more, it is proposed that the authorities concerned be allowed to derogate from Article 65(6) of Commission Regulation (EC) No 1623/2000 of 25 July 2000 laying down detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms ⁽⁴⁾, as last amended by Regulation (EC) No 2786/2000 ⁽⁵⁾, which lays down the conditions for paying the minimum purchase price to producers. Instead of applying these prices to bulk merchandise ex producer's premises, a derogation could allow these authorities to provide for its application to merchandise ex-distiller's premises.

(4) The German authorities have also re-evaluated the market situation between the point at which the initial application was made to open crisis distillation for a maximum one million hectolitres and the present. According to their evaluation it would be more appropriate to fix this quantity, at this point of the current marketing year, at 500 000 hectolitres.

(5) Several dates in the Regulation relating to the period for signing contracts, for the approval of contracts, and for notifying the Commission of the quantities of wine covered by contracts should also be amended.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2728/2000 is hereby amended as follows:

1. in Article 1, the figure '1 million hectolitres' is replaced by '500 000 hectolitres';
2. in Article 3, the date '16 December 2000' is replaced by '5 March 2001' and the date '31 January 2001' is replaced by '6 April 2001';
3. in Article 4(2), the date '15 February 2001' is replaced by '20 April 2001' and the date '20 February 2001' is replaced by '27 April 2001';
4. the following sentence is added to Article 5:

'Notwithstanding Article 65(6) of Regulation (EC) No 1623/2000 the German authorities may allow, where needed to ensure application of this measure, the above price to apply to bulk merchandise ex-distiller's premises.'

Article 2

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

It shall apply from 5 March 2001.

⁽¹⁾ OJ L 179, 14.7.1999, p. 1.

⁽²⁾ OJ L 328, 23.12.2000, p. 2.

⁽³⁾ OJ L 316, 15.12.2000, p. 14.

⁽⁴⁾ OJ L 194, 31.7.2000, p. 45.

⁽⁵⁾ OJ L 323, 20.12.2000, p. 4.

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

Done at Brussels, 2 March 2001.

For the Commission
Franz FISCHLER
Member of the Commission

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 26 February 2001

appointing a Dutch member and a Dutch alternate member of the Committee of the Regions

(2001/173/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the Council Decision of 26 January 1998 ⁽¹⁾ appointing the members and alternate members of the Committee of the Regions,

Whereas one seat as member and one seat as alternate member of the Committee of the Regions have become vacant following the resignations of Mr A.G.J.M. ROMBOUTS, member, and Ms Mathilde VAN DEN BRINK, alternate member, notified to the Council on 21 September 2000 and 6 February 2001 respectively;

Having regard to the proposal from the Netherlands Government,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr W. ZWAAN is hereby appointed full member of the Committee of the Regions in place of Mr A.G.J.M. ROMBOUTS and Mr VERKERK is hereby appointed alternate member in place of Ms Mathilde VAN DEN BRINK respectively for the remainder of their current term of office, which runs until 25 January 2002.

Done at Brussels, 26 February 2001.

For the Council

The President

A. LINDH

⁽¹⁾ OJ L 28, 4.2.1998, p. 19.

COUNCIL DECISION
of 26 February 2001
appointing a United Kingdom member of the Economic and Social Committee

(2001/174/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 258 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 166 thereof,

Having regard to the Council Decision of 15 September 1998 appointing the members of the Economic and Social Committee for the period from 21 September 1998 to 20 September 2002 ⁽¹⁾,

Whereas a member's seat on that Committee has fallen vacant following the resignation of Mr Tom JENKINS, of which the Council was informed on 17 December 1999;

Having regard to the nominations submitted by the Government of the United Kingdom,

Having obtained the opinion of the Commission of the European Communities,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr David FEICKERT is hereby appointed a member of the Economic and Social Committee in place of Mr Tom JENKINS for the remainder of the latter's term of office, which runs until 20 September 2002.

Done at Brussels, 26 February 2001.

For the Council

The President

M. WINBERG

⁽¹⁾ OJ L 257, 19.9.1998, p. 37.

COUNCIL DECISION
of 26 February 2001
appointing a Portuguese member of the Economic and Social Committee

(2001/175/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 258 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 166 thereof,

Having regard to the Council Decision of 15 September 1998 appointing the members of the Economic and Social Committee for the period from 21 September 1998 to 20 September 2002 ⁽¹⁾,

Whereas a members seat on that Committee has fallen vacant following the resignation of Mr Manuel António ARAÚJO DOS SANTOS, of which the Council was informed on 14 September 2000,

Having regard to the nominations submitted by the Portuguese Government,

Having obtained the opinion of the Commission of the European Communities,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Alfredo Manuel VIEIRA CORREIA is hereby appointed a member of the Economic and Social Committee in place of Mr Manuel António ARAÚJO DOS SANTOS for the remainder of his term of office, which runs until 20 September 2002.

Done at Brussels, 26 February 2001.

For the Council
The President
A. LINDH

⁽¹⁾ OJ L 257, 19.9.1998, p. 37.

COMMISSION

COMMISSION DECISION

of 21 December 2000

concerning proceedings pursuant to Article 86 of the EC Treaty in relation to the provision of certain new postal services with a guaranteed day- or time-certain delivery in Italy

(notified under document number C(2000) 4067)

(Only the Italian text is authentic)

(Text with EEA relevance)

(2001/176/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 86(3) thereof,

Having given the Italian authorities, by letter of 16 May 2000, and the incumbent operator, Poste Italiane SpA, by letter of 30 May 2000, notice to submit their comments on the Commission's objections in respect of Article 4(4) of Legislative Decree No 261 of 22 July 1999,

Whereas:

I. THE FACTS

A. The national measure in question

- (1) On 6 August 1999 Legislative Decree No 261/99 of 22 July 1999 (the 'Decree') entered into force ⁽¹⁾. Article 4(1) of the Decree defines the area reserved to the incumbent operator, Poste Italiane SpA (PI), as the

'clearance, transport, sorting and delivery of items of domestic and cross-border correspondence, whether by accelerated delivery or not, the price of which is less than five times the public tariff for an item of correspondence in the first weight step of the fastest standard category, provided that the items weigh less than 350 grams.'
- (2) Article 4(4) states:

'with respect to the delivery phase, the items of correspondence provided by paragraph 1 include those generated by telematic technologies.'
- (3) The delivery of items of correspondence generated by telematic technologies is part of the so-called hybrid electronic mail service. The exclusive right granted to PI by virtue of Article 4(4) of the Decree covers all deliveries undertaken for mail items created by telematic means, irrespective of whether they provide added value when compared to the conventional delivery service and irrespective of whether PI provides the added value delivery service itself or not. Private operators are thus precluded from satisfying the special demand for such added-value deliveries.

⁽¹⁾ Legislative Decree No 261 of 22 July 1999, published in Gazzetta ufficiale della Repubblica italiana, serie generale, No 182.

- (4) Before the entry into force of Article 4(4), no State measure granted PI any special or exclusive rights for any phase of the hybrid electronic mail service. Ministerial Decrees No 333 of 24 June 1987 ⁽¹⁾, No 269 of 29 May 1988 ⁽²⁾ and No 260 of 7 August 1990 ⁽³⁾, which provided the legal basis for the establishment of the incumbent's hybrid electronic mail service, did not reserve the delivery phase of this service. By virtue of Article 2(19) of Law No. 662 of 1996 ⁽⁴⁾, all postal services not explicitly reserved to the incumbent by law were open to competition.

B. The relevant services

- (5) PI offers the following universal postal services in Italy:
- a basic letter service. This service provides a non-binding delivery target of J + 3 for 80 % of mail items, J + 4 for 90 % and J + 5 for 99 % of mail items,
 - the hybrid electronic mail service. The delivery target is identical to that governing the basic letter service,
 - a basic registered letter service. This service is governed by the same non-binding delivery target as the basic letter mail service. According to PI, the registered mail service in Italy comprises two delivery attempts, a system of tracking and tracing, the possibility to change the addressee in transit and a system of electronic certification of delivery,
 - a priority letter service ⁽⁵⁾. For urban destinations this service is governed by a non-binding delivery target of J + 1 for 80 %, J + 2 for 90 % and J + 3 for 99 % of mail items. For rural destinations it is governed by a non-binding delivery target of J + 2 for 85 %, J + 3 for 95 % and J + 4 for 99 % of mail items. According to PI, the priority mail service in Italy allows for the possibility to change destination or addressee in transit and offers a service reporting an addressee's change of address or the fact that the new address could not be traced.
- (6) Private operators have begun offering new mail outsourcing service packages to business customers. Such services include the production, preparation, transport and delivery of time-sensitive mail items. In the more advanced outsourcing services, the collection, sorting and transport of data is done electronically, while delivery, after printing, takes place in physical form. The hybrid electronic mail service organises the production process in a way to reduce the necessity for physical transport of the message, before it is printed and delivered. The outsourcing package increases speed and reliability at the delivery phase by providing for two key features:
- guaranteed delivery at a pre-arranged day ('day-certain' delivery), or
 - guaranteed delivery at a pre-arranged time ('time-certain' deliveries).
- (7) Payment for the day- or time-certain delivery service is conditional on the delivery occurring either at the pre-arranged day or the pre-arranged time. The provider undertakes a guarantee that day or time certain delivery is provided across at least the territory of an entire province in Italy.
- (8) Variants of these two key features include the following: 1. a service providing for day or time-certain delivery according to a day or time sequence determined by the customer, 2. day-certain delivery to (one or several) alternative destinations, where delivery at the first chosen location is unsuccessful. The following features are usually associated with the day- or time-certain delivery service: 1. tracking and tracing throughout the electronic and physical delivery phase, 2. electronic reporting on successful delivery at either the pre-arranged day or at the pre-arranged time, 3. electronic records of these delivery reports, 4. electronic reporting on failed deliveries, 5. effort to locate the customer at his new address, and 6. constant updating of customer-specific mailing lists. Sometimes the verification of the addressee's response (e.g. collection of payment upon receipt of a notice of payment for insurance premiums) is also offered.

⁽¹⁾ Gazzetta Ufficiale della Repubblica italiana No 184, 8 August 1987.

⁽²⁾ Gazzetta Ufficiale della Repubblica italiana No 165, 15 July 1988.

⁽³⁾ Gazzetta Ufficiale della Repubblica italiana No 218, 18 September 1990.

⁽⁴⁾ Law No 662 of 23 December 1996, published in Gazzetta Ufficiale della Repubblica italiana No 303.

⁽⁵⁾ The priority letter service was introduced by a Ministerial Decree of 24 May 1999, published in Gazzetta Ufficiale della Repubblica italiana, serie generale No 128, 3 June 1999.

- (9) Banks, insurance companies or other undertakings demand guaranteed day- or time-certain deliveries for a number of time-sensitive mail items. These include documents sent in order to meet a legal deadline, notices for payments due (with respect to a series of financial instruments such as bills of exchange, promissory notes or letters of credit), time-limited offers to subscribe to a series of financial or insurance products and services, last-minute statements of accounts, notices collecting insurance premiums, time-limited promotional offers for product launches. Time-sensitive mail items lose their entire value once the legal deadline to respond has expired, the relevant subscription period has elapsed or the relevant event has taken place. Therefore, customers need to have certainty that the time-sensitive item is delivered exactly at a pre-arranged day or exactly at the pre-arranged time.
- (10) Private operators in Italy have established the infrastructure necessary to provide the hybrid electronic mail outsourcing service across a substantial part of the Italian national territory. At present, their delivery infrastructure covers several provinces and approximately 40 % of the country. Once the critical volume is achieved, it will be extended to cover the entire national territory. Access to the incumbent's delivery network does not maintain the guaranteed day or time certain delivery features. This is because the delivery services as provided for by the incumbent do not reach the requisite quality of service level.

C. The proceedings

- (11) On 16 May 2000, the Commission initiated infringement proceedings against Italy for violation of Articles 86 in conjunction with Article 82 of the EC Treaty and invited the Italian Government to transmit, within a period of two months after receiving the letter of formal notice, either the measures it intends to adopt in order to bring the infringements to an end or its observations on the issues raised in the letter of formal notice. The Italian Government submitted its observations on 26 July 2000. PI, which had been invited to present its observations on 30 May 2000, responded on 14 July 2000. Prior to launching the proceedings, the Commission held several meetings with the Italian Government and PI in order to discuss the concerns raised by Article 4(4) of the Decree. In particular, meetings were held with the Italian Government and PI jointly on 23 February and 28 March 2000 respectively. An additional meeting was held with PI alone on 13 March 2000. The objections raised in the letter of formal notice were discussed in a further meeting with the Italian Government and PI jointly on 11 September 2000. A further meeting was held with the Italian Government on 23 October 2000. A separate meeting was held with representatives of PI on 11 October 2000. At the request of PI, the Commission repeatedly extended the deadline for submitting observations on its letter of formal notice. PI was granted the opportunity to submit further observations, which were received on 28 and 30 October 2000 respectively. On 15 November 2000 PI submitted an additional legal opinion.

II. LEGAL ASSESSMENT

Article 86

- (12) Article 86(1) of the Treaty, provides that, in the case of public undertakings and of undertakings to which Member States grant special or exclusive rights, Member States must neither enact nor maintain in force any measure contrary to the rules contained in the Treaty, in particular those relating to competition. PI is a public undertaking within the meaning of Article 86(1) because it is wholly owned by the Italian State. In addition, by virtue of Article 4 of the Decree, the state has granted PI exclusive rights.
- (13) Under Article 86(1), Member States may not, by laws, Regulations or administrative measures put public undertakings and undertakings to which they grant special or exclusive rights in a position which the said undertaking could not themselves attain by their own conduct without infringing Article 82⁽¹⁾. Accordingly, where the Commission identifies a State measure that is enacted or maintained in violation of Article 86(1) in conjunction with Article 82, Article 86(3) empowers it to 'address appropriate... decisions to Member States.'

⁽¹⁾ See Case C-18/88 Régie des télégraphes et des téléphones v GB-Inno [1991] ECR I-5941, Point 20 and Case C-320/91 Corbeau [1993] ECR I-2533, Point 12.

- (14) It is apparent from the wording of Article 86(3) and from the rationale behind Article 86 as a whole that the Commission may take all action it considers necessary in order to safeguard the competition rules ⁽¹⁾. The Commission enjoys the discretion to determine whether it is expedient to take action against a Member State under Article 226 or Article 86(3) of the Treaty ⁽²⁾. Therefore, if the Commission deems it necessary in order to safeguard the competition rules, it may proceed under Article 86(3) instead of Article 226 ⁽³⁾. The Italian Government cannot, therefore argue that the Commission's action with respect to Article 4(4) should have been based solely on Article 226 and that this procedure is a *lex specialis* in relation to the Article 86(3) proceedings.
- (15) Furthermore, the proceedings launched under Article 86(3) of the Treaty fully safeguard the Member States' rights of defence ⁽⁴⁾. Proceedings are opened by sending a letter of formal notice to the Member State concerned, which is given the opportunity to express its views within a deadline of two months. The Commission is entitled to adopt the decision foreseen in Article 86(3) only, after considering the Member States' observations submitted within this deadline ⁽⁵⁾. In addition, without being under any legal obligation to do so, in the present case the two-month deadline has been extended repeatedly in order to provide both PI and the Italian Government with a series of further opportunities to make their arguments known. Finally, the legality of the Commission's decision is subject to review by the European Courts. Review by the European Courts of all Commission measures taken pursuant to Article 86(3) ensures the balance between the institutions. Contrary to the view of the Italian Government, proceedings under Article 86(3) therefore do not distort the institutional balance between Member States, the Council and the Commission.

A. The relevant markets

- (16) Two markets are relevant for this decision: 1. Non-conventional deliveries, which comprise the above mentioned guaranteed day- or time-certain deliveries, and 2. Conventional deliveries, which are governed by delivery targets but do not provide for certainty and guarantee as to the exact day or time of delivery.
- (17) Guaranteed-time or day-certain deliveries differ significantly from the conventional deliveries as regards 1. their features, and 2. the needs they satisfy:
1. the conventional delivery service does not offer any guarantee as to the day or time on which the item of correspondence is delivered ⁽⁶⁾. The conventional delivery service is governed by general delivery targets which never specify the exact day or exact time of delivery. The conventional delivery service does not offer a guarantee as to the precise day or time the item is delivered;
 2. the conventional delivery service cannot match the above-described demand for guaranteed day or time certain deliveries. The two services are not interchangeable. As mentioned above, time- or day-certain deliveries meet the special need of business customers which require that a series of

⁽¹⁾ Case T-266/97, *Vlaamse Televisie Maatschappij NV*, Point 75.

⁽²⁾ Conclusions of Advocate General Mischo, presented on 19 October 2000 in Case C-163/99, *Portuguese Republic v. Commission*, Point 46. See also Case C-202/88, *France/Commission*, [1991] ECR I-1223.

⁽³⁾ Joined Cases C-48/90 et C-66/90, *Netherlands./Commission*, [1992] ECR I-627, Points 33-35.

⁽⁴⁾ Joined Cases C-48/90 et C-66/90, *Netherlands./Commission*, [1992] ECR I-627, Points 33-35 and Point 37.

⁽⁵⁾ Joined Cases C-48/90 et C-66/90, *Netherlands./Commission*, [1992] ECR I-627, Points 33-35 and Point 37.

⁽⁶⁾ The conventional delivery service also does not offer the above mentioned variants of these two key guarantees such as: 1. a service providing for day or time-certain delivery according to a day or time sequence determined by the customer; 2. day-certain delivery to (one or several) alternative destinations, in case delivery at the first chosen location is unsuccessful. As these features are variations of the key features, that is day- or time-certain delivery, their presence, in addition to day- or time-certain delivery, is not a prerequisite in order to distinguish conventional from non-conventional delivery services.

time-sensitive items of correspondence are delivered at the precise date or time. The conventional delivery service, on the other hand, meets the general need of the public. For these customers the precise day or time at which the item is delivered is not relevant ⁽¹⁾.

- (18) As they offer different features and satisfy significantly different needs, it is not correct for PI to assert that guaranteed day- or time-certain deliveries are a mere evolution, and adaptation of the conventional delivery service ⁽²⁾. Furthermore, contrary to the Italian Government's assertion, the platform on which the letter mail item was produced was not used for defining the market. The distinction between conventional deliveries and day- or time-certain deliveries is made on the basis of the different features and different needs the two services satisfy and is thus independent of whether the mail item was collected and transported physically or electronically. The Italian Government and PI are thus wrong to argue that the Commission's definition of the relevant market was undertaken on the basis of the mode of production for the mail item.
- (19) PI argues that there is no real demand for a day- or time-certain delivery service ⁽³⁾. However, private operators have undertaken the investment to establish the infrastructure necessary to provide the hybrid electronic mail service with day- or time-certain delivery. This is an indication that these operators have concluded that there is customer demand for the day- or time-certain delivery service. In addition, the fact that banks and insurance companies may be more price-sensitive than time-sensitive with respect to their non time-sensitive standard letter mail items ⁽⁴⁾, does not alter the fact that they are time-sensitive with respect to the particular mail items mentioned above.
- (20) Finally, day- or time certain-delivery is also different from the delivery on appointment feature that PI claims to be part of its 'Postacelere' service ⁽⁵⁾. PI describes this feature as an ad hoc delivery service for individual mail items outside of the postman's regular delivery round ⁽⁶⁾. According to PI, once the item has arrived in the distribution centre, the postman arranges for a prior appointment with the recipient in order to establish a mutually convenient delivery date and time ⁽⁷⁾. It becomes clear that this service differs fundamentally from the guaranteed time or day certain delivery service in several respects:

— the postman only arranges for an appointment when the item has arrived in the distribution centre. The ad hoc delivery does not change the fact that the service, as all other PI services mentioned above, is governed by delivery targets rather than by a guarantee that delivery takes place at a pre-arranged day or time. A system of non-binding delivery targets differs fundamentally from a guarantee that mail items are delivered on a precise pre-arranged day or at a pre-arranged time ⁽⁸⁾,

— payment for the 'Postacelere' service is not conditional on the accomplishment of guaranteed delivery at a precise day or time. No conventional delivery service in Europe, including Italy, makes payment conditional on the successful accomplishment of delivery on a precise pre-arranged day or at a pre-arranged time.

⁽¹⁾ As mentioned above, the following features are usually associated with the day- or time-certain delivery service: 1. tracking and tracing throughout the electronic and physical delivery phase; 2. electronic reporting on successful delivery at either the pre-arranged day or at the pre-arranged time; 3. electronic records of these delivery reports; 4. electronic reporting on failed deliveries; 5. the attempt to locate the customer at his new address; and 6. constant updating of customer-specific mailing lists. Sometimes the verification of the addressees' response (e.g. collection of payment upon receipt of a notice of payment for insurance premiums) is also offered. While these additional service features are usually associated with day- and time-certain deliveries, their presence is not a prerequisite in order to distinguish the conventional from the non-conventional delivery service.

⁽²⁾ See submissions by Poste Italiane of 15 November 2000, p. 7.

⁽³⁾ Annex 2 to Poste Italiane's submission of 11 October 2000, p. 2.

⁽⁴⁾ Annex 2 to Poste Italiane's submission of 11 October 2000, p. 2.

⁽⁵⁾ Annex 3 of Poste Italiane's submission of 11 October 2000 and p. 4, footnote 1, of Poste Italiane's submission of 28 October 2000.

⁽⁶⁾ Annex 3 of Poste Italiane's submission of 11 October 2000, p. 3. Poste Italiane itself states that this service is not universal.

⁽⁷⁾ Annex 1 of Poste Italiane's submission of 28 October 2000, p. 4.

⁽⁸⁾ The Italian Government itself states that postal services are inherently based on delivery targets but not on contractual guarantees. No bank would be interested in a guaranteed time or day-certain delivery service.

- (21) In light of the above, non-conventional delivery services can be distinguished by their day- or time-certain delivery which forms the object of a contractual guarantee. They form a market distinct from the conventional delivery service, which neither provides for day- or time-certain delivery nor offers any guarantee in this respect. In view of this clear distinction between non-conventional and conventional services, PI cannot claim that private operators would advertise day- and time-certain deliveries merely as a screen for providing conventional delivery services ⁽¹⁾.

B. The relevant geographic markets

- (22) The geographic scope of the markets concerned is Italy. The general letter mail monopoly, including the delivery phase of the hybrid electronic mail service reserved by Article 4(4) of the 1999 Decree, covers the entire Italian territory.

C. The dominant position

- (23) Article 4 of the Decree grants the public postal operator an exclusive right covering the entire Italian territory. Therefore, the beneficiary of this right holds a dominant position as regards the service covered by the exclusivity. According to the jurisprudence of the Court, an undertaking vested with a legal monopoly in a particular market may be regarded as occupying a dominant position in that market within the meaning of Article 82 of the Treaty ⁽²⁾. In addition, the territory of a Member State to which that monopoly extends constitutes a substantial part of the common market ⁽³⁾.

D. Abuse of dominant position

- (24) According to the Court, an abuse within the meaning of Article 82 is committed where, without any objective necessity, an undertaking holding a dominant position on a particular market reserves to itself other activities in separate and distinct markets ⁽⁴⁾, although these activities could also be carried out by another undertaking as part of its activities on this neighbouring but separate market ⁽⁵⁾.
- (25) With respect to the combined application of Articles 86 and 82 of the Treaty, the Court has held that the extension, by means of a measure adopted by the State, of a monopoly into a neighbouring and competitive market, without any objective justification, is prohibited as such by Article 86(1) in conjunction with Article 82 ⁽⁶⁾.
- (26) PI has submitted that, at this stage, it does not offer a day- or time-certain delivery service in Italy ⁽⁷⁾. Nevertheless, a State measure reserving a neighbouring but separate market contravenes Article 86(1) in conjunction with Article 82 whether or not the incumbent is already active on the distinct service market itself:
- In so far as the extension of the reserved area to include days- or time-certain deliveries induces PI to offer day- or time-certain deliveries itself, Article 4(4) is liable to extend PI's dominant position with respect to conventional deliveries into the neighbouring but distinct market for day- or time-certain deliveries,
 - In so far as PI does not offer day- or time-certain deliveries, Article 4(4) induces PI, by the simple exercise of its exclusive right, to limit supply of the relevant service, as private operators are precluded from satisfying the demand for guaranteed day- or time-certain deliveries ⁽⁸⁾.

⁽¹⁾ Annex 2 of Poste Italiane's submission of 11 October 2000, p. 1.

⁽²⁾ See Case C-320/91 Corbeau [1993] ECR, Point 9.

⁽³⁾ See Cases C-41/90 Höfner [1991] ECR I-1979, Point 28, and C-260/89 ERT [1991] ECR I-2925, Point 31.

⁽⁴⁾ See Case C-320/91 Corbeau, ECR 1993, I-2533, Point 19.

⁽⁵⁾ See Case 311/84 CBEM [1985] ECR 3261.

⁽⁶⁾ See Case C-18/88 Régie des télégraphes et des téléphones v GB-Inno [1991] ECR I-5941, Point 24.

⁽⁷⁾ In its submission of 11 October 2000, PI questions whether there is demand for day- or time-certain deliveries and consequently whether there is a market for these services. According to PI, banks or insurance companies do not demand time-certain deliveries but cheap deliveries (Annex 2 of the submission of 11 October 2000, p. 1 and 2). Furthermore, in Annex 3 of its submission of 11 October 2000, PI submits a list of all the delivery services (reserved and non-reserved) it provides. Day- and time-certain deliveries are not contained in this list.

⁽⁸⁾ See Case C-41/90 Höfner [1991] ECR I -1979, Point 31.

- (27) It is not relevant whether the delivery phase of the hybrid electronic mail service was or was not open to competition prior to the entry into force of Article 4(4). Even if the delivery of the hybrid electronic mail services was reserved prior to the entry into force of Article 4(4), which is not born out by the relevant Italian legislation cited above, Article 4(4) would still be contrary to Article 86 in conjunction with Article 82, because Article 86(1) also prohibits maintaining State measures contrary to Article 82.
- (28) To the extent that the Italian Government argues that the extension of the reserved area is objectively justified in order to safeguard the financial equilibrium of PI, reference is made to the section on Article 86(2), below.

E. Effect on trade between Member States

- (29) The responsibility of Member States pursuant to Articles 86(1) and 82 of the Treaty only arises where the abuse is capable of affecting trade between Member States. Such an effect exists in this instance because the exclusion of competition in a market distinct from and separate to the reserved area prevents undertakings established in other Member States, who have considerable expertise in providing day- or time-certain deliveries, to extend their activities to Italy.

F. Article 86(2) of the Treaty

- (30) Under Article 86(2) of the Treaty, the rules of the Treaty and, in particular the competition rules, apply to the incumbent postal operator entrusted with a service of general economic interest, unless their application obstructs the performance, in law or in fact, of the particular tasks assigned to it. It is for the Member State to prove that the application of the competition rules would have such an effect. For the following reasons the Italian Government and PI cannot consider either 1. that competition with respect to day- or time-certain deliveries would jeopardise the financial equilibrium of PI ⁽¹⁾, or 2. that opening the time- or day-certain delivery phase to private operators would result in the creaming off of PI's revenues ⁽²⁾.

— firstly, as mentioned above, PI, at this stage, does not offer a guarantee for day- and time-certain delivery as part of any of its postal services ⁽³⁾. Therefore PI would not suffer any loss of revenue, which it would have otherwise gained on this market. In addition, in order to ensure day- or time-certain deliveries, PI would have to undertake a complete reorganisation of its sorting and delivery phases. This makes PI's entry into this market unlikely in the short and medium term. In any event, the additional revenue to be gained by providing highly specialised time-sensitive mailings would remain marginal in relation to PI's deficit,

— secondly, day- and time-certain deliveries satisfy a very special but limited demand with respect only to time-sensitive mailings. Time-sensitive mailings are a new service which creates additional mail volume. Therefore, time-sensitive mailings do not replace or attract away demand from conventional (reserved) deliveries and consequently will not reduce the conventional mail volume and the revenue generated by PI in the reserved area,

— thirdly, the private operators' delivery infrastructure already covers the entire territory of several provinces in Italy. These provinces together amount to a nationwide coverage of 40 %. This service, covering the territory of entire provinces, is not limited to the profitable urban mail routes, leaving the unprofitable rural mail routes to PI.

⁽¹⁾ Submissions by the Italian Government of 26 July 2000, pp. 19-21. Submission of Poste Italiane of 14 July, p. 92 to 99, submission of Poste Italiane of 11 October 2000, p. 1 and 2, and submission of Poste Italiane of 15 November 2000, p. 23.

⁽²⁾ Submissions of the Italian Government of 26 July 2000, p.11. Submission of Poste Italiane of 11 October 2000, point C, p. 3, and point F, p. 4, and submission of Poste Italiane of 14 July, points 95 and 96.

⁽³⁾ See the list of Poste Italiane's (reserved and non-reserved) services as submitted at Annex 3 of its submission of 11 October 2000.

III. CONCLUSION

- (31) In light of the above, the Commission considers that Italy, by excluding competition with respect to the day- or time-certain delivery phase of hybrid electronic mail service, infringes Articles 86(1) and 82 of the Treaty, read in combination. As no other Member State except Italy has adopted a provision like Article 4(4), which specifically reserves the delivery phase of the hybrid electronic mail service irrespective of the special features offered in this phase, the Commission has to adopt a decision with respect to Italy only,

HAS ADOPTED THIS DECISION:

Article 1

The Italian postal legislation, as presently reflected in Article 4(4) of Legislative Decree No 261 of 22 July 1999, contravenes Article 86(1) in conjunction with Article 82 of the Treaty, insofar as it excludes competition with respect to the day- or time-certain delivery phase of hybrid electronic mail services.

Italy shall bring this infringement to an end by eliminating the exclusive rights granted to Poste Italiane SpA with respect to the day- or time-certain delivery phase of hybrid electronic mail services.

Article 2

Italy shall refrain in the future from granting exclusive rights with respect to the day- or time-certain delivery phase of hybrid electronic mail services.

Article 3

Italy shall inform the Commission within three months of notification of this Decision of the measures taken in order to end the infringement referred to in Article 1.

Article 4

This Decision is addressed to the Italian Republic.

Done at Brussels, 21 December 2000.

For the Commission

Mario MONTI

Member of the Commission

CORRIGENDA

Corrigendum to Council Regulation (EC) No 1995/2000 of 18 September 2000 imposing a definitive anti-dumping duty and collecting definitively the provisional duties imposed on imports of urea and ammonium nitrate originating in Algeria, Belarus, Lithuania, Russia and Ukraine and terminating the anti-dumping proceeding in respect of imports originating in the Slovak Republic

(Official Journal of the European Communities L 238 of 22 September 2000)

On page 23 in Article 3, the following sentence shall be added:

'Where the rate of the definitive duty imposed is higher than the rate of the provisional duty, only the amount secured at the level of the provisional duty shall be definitively collected.'

Corrigendum to the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Tunisia concerning reciprocal liberalisation measures and amendment of the Agricultural Protocols to the EC/Tunisia Association Agreement

(Official Journal of the European Communities L 336 of 30 December 2000)

On page 99, in Annex I-A, Protocol 1, under 'CN code':

for: 'ex 0805 10 80 Lemons, fresh',

read: 'ex 0805 30 10 Lemons, fresh'.
